

IN THE WAITANGI TRIBUNAL

**Wai 2700
Wai 1940**

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Mana Wāhine Kaupapa Inquiry

AND

IN THE MATTER OF a claim by Jane Mihingarangi Ruka Te Korako, on behalf of the Grandmother Council of the Waitaha Nation, including the three hapū of Ngāti Kurawaka, Ngāti Rakaiwaka and Ngāti Pakauwaka

BRIEF OF EVIDENCE OF PAIHERE CLARKE

15 August 2022

Phoenix Law Limited
Barristers and Solicitors
200 Willis Street
PO Box 27400
Marion Square
Wellington 6141

Phone: (04) 384 1304

Email: mason@phoenixlaw.expert

Counsel Acting: Janet Mason

RECEIVED

Waitangi Tribunal

17 Aug 22

Ministry of Justice
WELLINGTON

I, **Paihere Clarke**, Kaimahi, of Waikato, state:

Introduction

1. I present this Brief of Evidence in support of the claim by Jane Ruka, on behalf of the Waitaha Grandmother Council of Aotearoa New Zealand. I am a Māori wāhine and a descendant of Potatau and Tuheitia whakapapa.
2. I am currently employed by Pae Aronui, the Māori Business arm of Vertical Horizons. I am a Kaimahi for Te Puni Kokiri, the Ministry of Social Development, and other agencies which re-engage Māori and Pacific Islanders into education and employment. These programs are delivered from a Maori world view and are held on different Marae throughout the country. My mahi includes Katiakitanga, Kotahitanga, Manaakitanga, Pukengatanga, Rangatiratanga, Te Reo, Whanaungatanga, Wairuatanga, Ukaipotanga and Whakapapa. I also work alongside Māori whanau in dealing with ACC, Corrections and Oranga Tamariki. This is my way of sharing or giving back the mana to whānau Māori. You could call this the footprints, blueprints from mai ra ano.

Atua Whaea

3. My whakapapa informs me I come from a line of matriarchal Atua Whaea. To name a few, Kahikatea (Moko Book), Herepo Hounuku (Moko Book and Archive tapes by Michael King), Eva Rickard nee Kereopa, Princess Te Puea Herangi, and Princess Ataarangi Kahu.
4. They were matriarchs, kaitiaki, nurturers, and carriers of the ancient knowledge, traditions and practices. Wāhine are the Waka Kawe Uri. Through the dedication of their roles, this would ultimately determine or enhance their mana.
5. Māori beliefs, personalities, attitudes and values originate back to the beginning of time. Our creation story, as an example, can be likened to the Haputanga o te Wāhine. The separation of Ranginui and Papatuanuku informs us of the everlasting love for each other. The rain is symbolic of the tears of Ranginui yearning for Papatūānuku, and the mist represents Hinepūkohurangi's longing to join her husband.
6. The Māori belief through the Pūrākau are statements about the nature of our world, and these are repeated through the creation stories. For example, every time

whakapapa and pūrākau are recounted, the world is ritually created.

7. Atua Whaea had a big role to play. They were the bosses, because as wāhine, with our connection to the whenua, we held the mana of continuing our whakapapa. Our rights were respected, honoured, and equal to the rights of tāne. I know that because my Nan was the leader in her whole family. She looked after the whānau, hapū and iwi.
8. Our pūrākau inform us of our world past. The designs of moko form our history, so we can view our culture. I know that the narratives have come right from the beginning, through the oral traditions of our Atua Whaea, whakapapa and whanau. That is the only way it happened. We did not have pen or paper. There was nothing else. Mātauranga was orally passed down, part of that was through the oral traditions, and our waiata and our karanga – especially for wāhine.
9. The tapuwae of our mana wāhine is what we still follow today. Throughout the 1800's, wāhine were clear about what they had to do in their time. They had a clear idea of equal gender roles.
10. The strength of wāhine's tapuwae for me, is reflected in the fact that I can still look back on my tupuna. This is all because of what they have left behind for me and my whānau, such as mātauranga and tikanga. Although colonisation did not make this easy, this tapuwae is still here. I'm still singing my Nan's songs. That blueprint was set when the Atua first came here. We have lived through colonisation, but we are still trying to maintain that mana today.

Te Ira Wāhine & Te Ira Tāne

11. All things are deemed Tapu in Te Ao Māori because they all originate from Io. Because of these origins Nga Mana Tuku Iho is passed down to te ira tangata/te ira tāne. *Ehara taku Mana i te Mana hou, he Mana no Tuawhakarere.* My mana does not originate from yester-year. It is mana originating from the ancient times of the creation of the world. Mana is a manifestation of one's voluntary dedication, commitment, and sacrifice for the betterment of one's peoples with no expectations of being compensated, but rather a deed of good faith and goodwill.
12. Both wāhine and tāne knew their roles and responsibilities and that those roles had to be carried out unconditionally. They supported each other as a means of survival.

13. Tāne were the hunters, gatherers, protectors, mouthpiece, and katiaki of the seed Te Kākanō o Rangiatea. Wāhine, were the Ahi Kaa, meaning they kept the village fires burning. Nuturing tamariki, Kairaranga, Kai Karanga, Kai Whatu Korowai, Katiaki o te Whare Tangata.
14. The man and the woman were of equal status. In Waikato, no man is ever bigger than me just because he is tāne. Wāhine and tāne had equal roles. Wāhine were landowners, had political roles, and had roles to do with our culture. Both tāne and wāhine knew what their roles and responsibilities were. This knowledge of positionality established balance, and there was no swaying of it.
15. For example, look at te tomo/arranged marriage. In Waikato, when your marriage was arranged, you would stay with your husband for the mana of the whenua and whānau. This was because tikanga emphasised the importance of these roles, which helped maintain balance in the greater hapū. Although the women would stay with the men, it remains on our marae, that we (wāhine) run the show. Wāhine and tāne knew their place. There was no whawhai between the wāhine and the tāne. It was tika that the wāhine sat down during the seasonal months and discussed the future of the hapū and iwi – not the tāne. Eventually, the tāne would join.
16. It is about the balancing of the mana of the wāhine, and the mana of the tāne. Without the balance of wāhine and tāne, you shall not reproduce. That is the ira seed, and the ira wāhine seed. That korero of how we came into the world, was passed down to me. That is how the balance came to be, from the separation of Rangi and Papa. It is also where our tikanga comes from, Papatūānuku. Because we are the in-between.
17. Our wāhine were matriarchs, and they had an equivalent role to tāne. This only changed on the marae. On the marae, the tāne had their roles to get up and korero, and the wāhine waiata.
18. We are the nurturers. We are the waka carriers. We have the whare tangata. We do the nurturing of whanau, hapū and iwi. Not just your own whanau, everybody is cared for, that is how it was.
19. There were gendered roles, and the women could cross into the men's roles, in terms of protecting our land and people. For example, when the tāne went out hunting, the

wāhine were left to protect the pā. But I do not know if the men could cross into the women's roles.

Mātauranga Māori

20. Mātauranga is to attain knowledge and enlightenment of the traditions, philosophies, tikanga and kawa. When we come to the place of understanding, this creates the balance of tāne and wāhine and the way we conduct ourselves.
21. Mātauranga Māori is key for survival. If we could not maintain our mātauranga, how would we know about tikanga, or even kawa? If we did not have that from the 1800s, how would we survive? Mātauranga clearly involves tikanga, which is in balance. For if it were not, Māoridom would not have come this far.
22. We have retained mātauranga and tikanga, and are still using them on the marae. However, I believe there have been mutations. An example of this is when they are on the marae, they will say something like, "E! E noho! You have [wāhine] been talking too long". That is not balance. I do not see that on my marae though.

Mana Wāhine

23. I know that mana is about prestige. I know that. For me, as a Wāhine, it is my job to instil and make sure that my children, my mokopuna, my whole whānau, and now my hapū, know who they are, and what their roles are. I have always worked on the level of the iwi, because of how I was raised in the kingitanga. Mana o te wāhine is about doing the hard yards, doing the hard work, and carrying on, and fighting for what is right. Working hard, and being tika, because adhering to tikanga is really important for me. It is really important to ensure that I am doing the right thing by my people.
24. My Nan's name was Nanny Ngakahikiatia Whiriana. She was 135 years old. She was the eldest Waikato person living. Our area is named Kahikiatia, and I know that it is named after Nan. She was from way before that. She is our relative from the Goldie painting. She had a chiselled moko. That is how you know how old she was, because they had no needles, she was chiselled.
25. There were two notable rangatira wāhine who signed Te Tiriti for the Waikato Region. They were Hoana Riutoto from Ngati Mahuta, and Te Wairaakau from Ngati Te Ata.

Only wāhine with mana were permitted to sign. Since wāhine were illiterate at this time some signed by a particular form of their Kauae.

26. In pre-1840 times in Waikato, tāne and wāhine were equal. I was told that they did not let the women sign, out of protection. This was so that if anything was to happen in the future, it would not be our woman that took the blame. It would be our men. It was about kaitiakitangi and making sure the women are protected. However, on reflection, the influence of Christianity prevented wāhine from signing, even though they held chiefly positions. Christianity made it difficult for settlers to perceive wāhine holding autonomous leadership roles. Some iwi were against wāhine signing because the negotiation process was the Tāne's role.
27. Elaborating further, the kaitiakitanga of the wāhine, in regards to Te Tiriti signing was because wāhine held the mana of te whare tangata. What would happen if you killed all women? There would be no more babies, no more whānau, no more hapū, no more iwi. That is our whole Māori society broken down.
28. Wāhine bring the gift of life. The Sacred Waka carrying and nurturing the seed descended from Rangiatea, from the time of conception to birthing. It is her obligation to nurture, sustain and balance the wharetangata to ensure the well-being of the tamaiti.
29. The significance of te whare tangata for the mana of wāhine was everything. It is about coming into the world, it goes right back to then.

Wāhine Rangatira Over Whenua, Whakapapa, Whairawa, Matauranga

30. Papatuanuku gives birth to all things, and provides the physical and spiritual basis for life. She provides unity and identity to the people, and sustains them. The Māori world view likens these teachings to the way wāhine conduct themselves.
31. Wāhine roles pre-1840 were to ensure that the Paa was protected when the men were away. It was about protection of the community. Just like my kuia was, I was raised within my whānau, Hapū and Iwi to know that it was the wāhine's job to ensure that everybody was in good health, and that everything was running smoothly. Our job was to ensure the maintenance and the protection of the mana of our community. It was to ensure that the people behaved accordingly. That was of the utmost importance. Traditionally, the first-born female from a chiefly lineage was reserved for a sacred

purpose. They were called Puhi. They were reserved for the purpose of creating peace in times of war. They would be married to enemy tribes to help cease the fighting. They were also married to other tribes to strengthen alliances, for the betterment of the iwi.

- 32.** The whare tangata is the house of humanity. Metaphorically speaking, the whare tangata is likened to the creation of Māori, from the time the Atua Māori were held in a warm embrace, and darkness, of their parents, Ranginui and Papatuanuku. This continued until their parents were separated, bringing the world into lightness, Te Ao Marama. This creation story is symbolic of the dark, warm embrace of the whare tangata (womb), where the baby is nurtured, until the baby is born into Te Ao Marama.
- 33.** Māori have an intricate, holistic, and interconnected relationship with the natural world. Our resources, and our eco-systems govern how we see and understand the natural world. There is no simple Māori word that defines our eco-system, but Matauranga Māori, te reo Māori and whakapapa are used together to unlock the indigenous perspective and understand what it is, its components, and functional units. Kaitiakitanga, Manaakitanga, Tino Rangatiratanga, Wairuatanga, and Whanaungatanga are all part of an all-encompassing tikanga.
- 34.** Traditionally, knowledge was passed down orally, by way of the utilisation of Moteatea, Puurakau, Whakapapa, and Haka. Significant historical events were then passed down from generation to generation. Hapū knowledge was entrusted and intertwined into each generation, directly passing that knowledge onto the next generation. The tāne would go to the whare wananga. Wāhine learnt from the natural environment and being around resources.
- 35.** There were whanau members who were caretakers of heirlooms. They maintained them by providing opportunities for owners to utilise undeveloped land for hunting, fishing, and building papakainga. The land was there for our people to exercise kaitiakitanga and manaakitanga over. For example, by way of rahui which is a practice to ensure the sustainability of food resources, by allowing that food source to flourish and rejuvenate.
- 36.** Knowledge and access to resources enhanced the mana of the wāhine as it provided a practice of sustainability, preservation, and protection for the whanau, hapū, and iwi.

The land that was developed also brought about opportunities to grow bigger gardens and to build papakainga closer to food sources, forest and moana, thereby uplifting the iwi and their ability to manaaki.

- 37.** Wāhine Māori were believed to bring balance to some of the rituals and practices. One in particular, was the process of whakanoa, which occurred after wars. This was the process of cleansing, or uplifting the sacredness of that realm, being Tumatauenga, the God of War, to ensure the men would return home from war, and not have to carry the heaviness and burdens of that war. This role came with a lot of mana and responsibility, and was a very tapu ritual, only to be carried out by these carefully selected wāhine rangatira, hence restoring and protecting the wellbeing of the whānau, hapū, and iwi.
- 38.** The job of wāhine is to bring the spiritual and physical domain together. This is in every aspect of tikanga, whether that be bringing a baby into the world, or bringing people onto a Marae at a powhiri. It has always been the wāhine.
- 39.** When I cut my baby's whenua, it is always buried in my Tupuna's grave. That is because we are always reconnecting to the land, and to the wairua, because that is our connection to the whenua.
- 40.** Wāhine roles pre-1840 were to ensure that the Pā was protected when the men were away. It was about protection. It was about protection of the community. Just like my Kuia taught us, and how I was raised within my whānau, hapū, and iwi. It was the wāhine's job to ensure that everybody was in good health, and that everything was running smoothly. Their job was to ensure the maintenance, and the protection of the mana of their community. It was to ensure that the people behaved accordingly. That was very, very important.
- 41.** You cannot have whānau without where tangata. Not only that. It informs us about who is coming into the world. It is basically about the creation of a child, and when they are born, it is about the Tikanga practices that go with it.
- 42.** Nothing was ever done without karakia. That is because we are all connected through whakapapa, connected to the plants, to land, to whatever! It is all evident through our stories. Therefore, it is our job to ensure that all those things are cared for. That is what

our job is as mana wāhine. It is about protecting those things like the wai, because the wai is us. I know that karakia, which was done by wāhine, and was really, important, pre-1840. It was about maintaining those resources so that the generations to come will be hauora tongi. Hauora is health or wellness.

43. We did not have pen and paper, so karanga, waiata, and whakapapa were how we transferred our mātauranga and tikanga. Mātauranga and tikanga were tapu to us because they come from another realm. From my understanding, they retained this mātauranga and tikanga not just through oral traditions, but also through physical practice. So, a lot of it had to do with the physical practice of our Mātauranga and Tikanga.
44. When something was tapu, sometimes you had to have the men to go and uplift the tapu (whakanoa), before the women touched it. For example, when you open a whare, from way before, the women had to do all sorts of things because they were tapu. But because of the tapu of the whare, only the tāne could open the whare. This was because they had to protect the women, and the women could only come in at a certain time. The tapu for me was about protecting the whenua and whakapapa, and that was only enabled by the wāhine. Therefore, they had to be protected at all costs.

Whenua and Te Whare Tangata

45. Resources were managed in the pre-1840's by tomo, arranged marriage.
46. Looking back, the whenua and the resources, were all they really had. In the Waikato, the wāhine had mana over the resources. They had a big responsibility. From the days of Princess Ataarangi Kahu, when we have the Koroneihana, even from before the 1840's, the Wāhine has the mana to say this is my farm and we are giving beef to this whānau. The next farm, giving all the vegetables, and so on. So those resources can be managed by the mana wāhine, to feed our people. She is got the mana to say, "The dairy company to come in here and give us \$5000? That is a Pakeha dairy company. That is not Māori".
47. Wāhine have a focus on relationships. Wāhine see the relationships she has been able to build within the whole community, not just our Māori community. When we go back to 1840s, that is exactly what our women did. Those resources were viewed as a thing

called the whare tangata, the whenua. With wāhine in control of the resources, they were landowners.

48. Wāhine were the kaitiakitanga. The big role of the kaitiakitanga is to care for, is to nurture. I guess you could relate that to women in pakeha society. But for us, it was much bigger. We are about the collective. We cannot just deal with the individual. We have got to deal with the whanau, hapū and the iwi.
49. It was not just the Kaitiakitanga and the mana. It was also about our pito, our connection again, to the whenua. We believe that we return to the whenua. That is where we go when we pass away. We come from Papatūānuku, and we return to Papatūānuku.
50. The other way of asserting mana was naming the land. Wāhine were allowed to name the land and the land was theirs. In precolonial Māori society, the dominant whakapapa individuals took was from their mother's lineage. That was the reason why I was whangai'ed. Whangai was huge. It did not matter whose whānau you came from. It was also about the Mana of the whenua, those who might not be able to have a baby. If you whangai'ed a sister's baby, then the whakapapa line continues.
51. When you mate, when you die, we all take on the same roles. My niece is my daughter now because my sister passed away. We still do that today in my family.
52. We always had karakia before the birthing of a baby. To karanga them into the world. There was no other way for the baby to come. When the baby's head surfaced, the karanga then welcomed that baby into the world, into Te Ao Marama. That was based around the wairua and the physical side of the Tamaiti, because they come out of the World of Darkness. So, they get karanga'ed into Te Ao Marama, the World of Light.
53. Pre-colonisation, our wāhine Māori rested during ikura. From the onset of ikura there would sometimes be celebration kai, or taonga giving celebration to the moment. The resources of the forest, for instance, soft moss was used for ikura so it could be returned to Papatuanuku. Traditionally, wāhine Māori returned to their papakainga to be surrounded by waiata and karakia. The tamaiti was then karanga'ed into the physical world. The umbilical cord was tied with muka. The whenua (placenta) was returned to the whenua, where hence you came, hence you return.
54. Traditionally, all children were raised by the village. It was the obligation for all adults

and elders to watch over all children of the village. However, the main caretakers of the children were the elders, as they were the holders of knowledge and wisdom. Young parents were deemed more suitable for laborious work that would contribute to the survival and development of the tribe. This was the way of life, until the children were deemed old enough to join their parents, or, until the elder felt that they had taught them the true values and fundamentals of life.

55. Whangai is not a pakeha legal process. Whangai allows the tikanga of a particular whanau, hapū or iwi to be applied and expanded. For example, the eldest child was whangai'ed by the grandparents to ensure that they would receive the roles and responsibilities that came with being the tuakana of the whanau. This was to ensure they would acquire the leadership skills required to lead the whanau. I was whangai'ed as the oldest to my grandparents. The foundation of my life is the tapuwae set in place before they died.
56. Wāhine Māori have a key role in nurturing their whanau and the environment to uphold their culture. The wāhine were the matriarchs of the village, especially during times that the men would go to war. The mana and responsibility she carried was taken seriously, ensuring that the village was well organised, and that the tamariki were well nurtured. This practice was well known to society in those times (Mahi ohu). Collaborative work was paramount for the benefit of the whanau, hapū, and iwi.
57. It is the responsibility of the whanau, hapū, and iwi to take care, of every child that is born into that hapū and whanau.
58. The practice of whāngai from pre-1840, was about retaining mana within your whānau. I'll give you the example of Princess Te Puea Hērangi. She took whanui to Tahuna, where my grandfather, Potatau, was. What she did was te whāngai tamariki. Say they were of ariki status, they got taken to certain areas around the tiny district to start up the hapū.
59. Whangai is how I was raised, because as the eldest, I am responsible for passing that knowledge down. That practice has pertained since the 1800's right up until today. However, that practice is broken now, because it is all about "we got the baby, and the mum is too drugged up". Before colonisation, it was about knowledge and mātauranga.

60. Wāhine had all the say in how those kids were going to be nurtured - everything. The only time men took over, was when they became a certain age and took them out hunting. It was absolutely the role of our wāhine to nurture them. Tamariki did not have one Mum. They had the whole hapū and iwi as their Mum and Dad. People did not get angry when you would tell off someone's kid. Today, if parents saw you grab their child, because you were worried about them getting hurt, the parents get very upset. Our culture has become lost. Really lost.

Dated 15 August 2022

PAIHERE CLARKE