BEFORE THE WAITANGI TRIBUNAL

WAI 1040
Wai 1477

IN THE MATTER OF THE TREATY OF WAITANGI ACT 1975

AND

IN THE MATTER OF EMMA GIBBS SMITH FOR AND ON BEHALF OF DESCENDANTS OF NGĀTI KAWA, NGĀTI RAHIRI AND NGARE RAUMATI

BRIEF OF EVIDENCE OF

EMMA GIBBS-SMITH

28 MAY 2010

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Brief of Evidence of Emma Gibbs-Smith

[1] The following kōrero was given by my grand-aunty, Kiritapu Tenana (Clendon) to G Kelly when he interviewed our grannies for information concerning Māori history and rangatira in the Bay of Islands. This grand-aunty was the granddaughter of Kai Te Kemara. She was the last living member of the lineage privy to that knowledge.

HE WHAKAORIORI NA KAITEKE MO TANA TAMAITI

Tama rangi huanga kore he kahawai kotiti,

A puhia koe nga hau o te rae,

A werohia koe e tea anu o Hikurangi,

E kai ki to kiri tohia iho koe ki te tohi kuare.....Na.

Nei koa taua te kiia mai nei,

Mo Whiorau ranei, mo Tapeka hoki,

E tika ana Tapeka he utu tangata hoki

Ina ia te kore ko to tūpuna ko Takaroa,

Takoto mai i roto o te Wharau

Ehara ko Mataiwhetu ka ea nga mate.....Na

Me maka atu koe ki a Mataa ma ra,

Ki a Maanu ma ra mo te whenua nei,

Mo te waka uta katoa e ki roto o Waipapa

E tae ra koe nga rake maanawa

I roto te Ihupuku, kit e iwi e.....I-i

Rukuhia e tama, te au ki Kororipo,

Ko te uto tena o tūpuna e tama e,

Kiia mai nei ka ngaro Nga-Puhi

Waiho kia takoto he tukoki waka nui,

He tuturu whare nui ko Puhi-taniwha-rau

Tu ke mai ana nga puke it e uru

Kauria e tama te awa ki Hokianga

Kia whakahi koe ki Niua, ki Araiteuru

Tahuri o mata ki Panguru, ki Papata,

Tomokia e tama, te whare i a Te Tai

E tae ra koe e uia mai hoki,

Mau e ki atu ko te uri tena o Hiwhero e pepehatia iho

I mua ra e tama i a Takiri koi ora ana

Whakamau e tama nga kohu e tatao

I raro o Whaaro ki te iwi.....e-e

Whakarewa ina ra te kauri i te wao

Hoki mai whakamuri na runga mai koe

I Ngati-Tupoto i to matua hoki

Ia Whatiia e kia whakamaua mai koe ki te rakau

Kia riri ait e tama nei kia nguha ai ki te karo patu e tama e.

A MOMOEĀ BY KAITEKE FOR HIS TAMAITI

[2] The story that I was told by my Mum was that Kai Te Kemara had a kaitiaki in the form of a kawau (shag) which he found lame and nursed back to health. Kai Te Kemara would communicate with the kawau. The kawau would be sent to oversee the places that Kai Te Kemara had concerns about. On its return, it would sit side by side with Kai Te Kemara, looking him in the eye, telling of all that he had seen. This is a story about Kai Te Kemara talking to his kawau.

Chiefly son, friendless, a straying kahawai fish,

You shall be blown by the winds of the ridge

And pierced by the cold of Hikurangi

Which shall eat into your skin

Relegating you to the unknown ones.

Permits [sic] us then, this mentioning of

Tis for Whiorau possibly and Tapeka also

Tis correct that Tapeka is indeed a payment for men.

Behold here your ancestor 'Takaroa'

Lying hither within Te Wharau

Twill not be Mataiwhetu which shall avenge the wrongs.

You must cast yourself to Mataa

And to Maanu for this land

For the whole inland tribe within Waipapa

When you arrive at the mangrove clumps

Inside of Ihupuku to the people.

Dive oh son, into the whirlpool at Kororipo

That was the revenge of your ancestor oh son.

Tis said that Nga-Puhi has faded away

Left to lie like a large unstable canoe.

A great house is Puhi of many chiefs

Standing differently to other hills in the west.

Swim oh son, the river at Hokianga

That you may catch Niua and Araiteuru

Turn your eyes to Panguru to Papata

Enter oh son, the house belongs to Te Tai

And there enquire

It shall be for you to say

That is the descendent of Hiwhero

Whose sayings shall be remembered.

Before oh son, the low lying clouds

Spread out beneath Whaaro, to the people

Elevate yourself like the kauri of the forest.

Return back, you the [sic] from above,

From Ngati-Tupoto from your parent

From Whatia that you may grasp the weapon,

That this son may rise to anger, his fury to arise

To Parry off the enemy blows oh son.

Introduction

[3] My name is Emma Gibbs-Smith. I am a part time employee of the Waitangi National Trust and I currently reside at 10

Matauwhi Road, Russell, Bay of Islands. I have been a resident in the Bay of Island for all of my natural life.

[4] I am also a cultural advisor to the Geological and Nuclear Science Research Organisation and a part time radio host on Radio Tautoko. I am 58 years of age. I was born in 1952 at Kaipatiki, Waitangi.

[5] I am claimant in the Wai 1477 claim which is for and on behalf of Ngā Whānau o Waitangi Horotutu me Taputaputa o Pahi, Ngare Raumati, Te Uri o Ngongo, Ngāti Kawa, Ngāti Rahiri, Ngāti Hine and Ngāti Toki. My two marae are located at Waitangi (mana moana) and Oromāhoe (mana whenua).

[6] I wish to address the issues being heard by the Waitangi Tribunal surrounding 'How I as Māori understand the Whakaputanga, but more specifically my understanding as handed down orally by my tūpuna, including the nature of the relationship and the mutual commitments that he was assenting to in signing the Whakaputanga.'

[7] My tūpuna was the last chief on the pa site at Poerua. He was a Rangatira and a Tohunga. His name was Te Kemara ('Kai Te Kemara'). He is my great-great-grandfather.

Background – Childhood at Waitangi

[8] There are no more than six of us in my age group who are alive and were born in Waitangi. I grew up as a whāngai with whānau inland from Waitangi and only years later became familiar with my two marae at Waitangi and Oromāhoe.

[9] My whāngai parents were Arthur Ashby ('Dad') and Bella Taituha ('Mum'). I was brought up amongst the old people at Waitangi and Oromāhoe. While Dad spoke English we only spoke Māori at home. Mum's English was very poor and limited.

[10] As a young person I went to Oromāhoe Māori School. We were not allowed to speak Māori at school. Schooling was very different for Māori compared to pākeha in those days. We were given a book which set out expected standards of hygiene and cleanliness. Pākeha students were not given this book.

[11] Our necks and fingernails were inspected by the teacher every morning before we started school to make sure we were clean. We would line up and hold our hands together with our fingers extended for inspection. Clutched between our thumbs we all had to hold a clean handkerchief for the day to keep our noses clean. If you had a dirty handkerchief you would get your hands strapped with a leather strop. Despite the poverty experienced by many Māori in those days, Mum made sure we were always very clean.

[12] Our diet was good even though times were tough. The food was always well cooked and people did not get as sick as they do today. I remember if I got sick at school the nurse would tell Mum it was because I was filthy. The teachers and the school nurse were pākeha and came from outside the community as did the policeman and milking shed inspector.

[13] Dad used to plough the gardens at the Waitangi marae. They grew lots of kumara, peru, corn and other vegetables. He followed the maramataka (Māori calendar) for everything,

whether that was fishing, hunting, gathering rongoa or planting of crops. As far as the gardens were concerned, I am one of a few people left who can say they worked and help tend to the gardens at Waitangi marae.

[14] Everyone in the village helped. When the men killed a pig, the women would clean it and make black puddings and process teroteros or whekau. My Mum was the backbone of the marae community. She had been brought up at the Waitangi marae along with my birth mother. Both were like sisters to one another. Mum and other kaumātua or kuia would always be working at either Oromāhoe or Waitangi marae.

[15] Everybody in the village would go from house to house with their kit of rewai or a piece of meat. If Dad went hunting and killed a steer or caught a big fish he would always share it with the other members of the village. There were many occasions when Dad would share the milk from our cows and other vegetables all grown from our home garden. In those days extra was always planted in the gardens to share at hui.

[16] There were a lot of pākeha in those days who preferred to mix more with Māori than they did with pākeha. They came to many of our hui and were able to speak Māori well.

[17] The Waitangi marae was much smaller in those days. There was only a tin hall and the toilets were long drops. The mud floor of the hall was covered in sawdust. There was a kuia named Ngawai Timoko living in a little house on the northwest side of where our current wharenui is located. She was the kaitiaki of the marae.

[18] The marae was a big part of our everyday life. There were always a lot of people and children there. In those days no one sat back, even the children did mahi. The only thing the children were not allowed to do was talk on the paepae.

[19] When we worked in the gardens on the marae we only took one break during the whole day. The only other break would occur if there were matters relating to the marae to attend to. We worked very hard.

Whānau background

[20] I first became aware of the pākeha world when I was taught my whakapapa for both my pākeha and Māori sides. I spoke te reo initially because many of our medicines and recipes were in Māori. I began learning whakapapa at nine years old. My Mum and Dad took me and my sister everywhere with them. This was mostly to church and Waitangi or Oromāhoe marae. They were stalwarts. If any other marae needed help, they would answer the call. We sat and listened to them all talking and debating current issues and comparing notes on how things used to be.

[21] I was one of those children who did not go out and play very often. As a child these were my listening years. The old people said that they noticed that I preferred to sit and listen to them rather than play. They referred to me as one of Kai Teke's uri (Kai Te Kemara's) and that I always held an interest in who was who around me. Sometimes my questions must have been embarrassing because there was no answer from them.

[22] At nine years old my parents, kaumātua and kuia decided that it was time for me to have more of a hands-on experience by working on the marae and also to learn marae traditions and protocols. I was taught about tangihanga, the maramataka, women's role in karakia, weaving and other crafts, cultural performance, rongoa, right down to the do's and don'ts around men. I remember being told never to step over the men's legs or their tools of trade. My mother was very strict about these traditions and did not stand in the way of my uncles or aunties when they corrected me. I was never hit as a child by anyone but I certainly received my share of growlings.

[23] My Dad was from the Peripii and Tangiwai line. He served in the 28th Māori Battalion during the Second World War. Dad taught me how to read and respect the sea, land and rivers. He was a great hunter. He had been taught the old ways of hunting.

[24] My Mum was from the Marupo and Keremeneta Peia line. Peia is Hongi Heke's brother. She was only four generations from Marupo and Peia. Mum was an orphan at the age of 4 years after her parents died as a consequence of Tuberculosis. She was brought up by her grandmother Enehaukotuku Keremenata Peia and her second husband, Henare Te Rangi Cross.

[25] I need to talk briefly about Henare Te Rangi Cross. He was born in 1840. His first wife was Ngapire Te Hinu, the daughter of Kai Te Kemara. From the time of Henare's birth he was under the care of Kai Te Kemara. He lived with and cared for Kai Te Kemara up to the time of Kai Te Kemara's death in 1866.

[26] Henare was of mixed blood and in those days the children born with Māori and pākeha blood were usually killed at birth. Kai Te Kemara protected him because his mother, Mere Ngamarara (Ngati Taura) was Kai Te Kemara's favourite servant and, as a tohunga, he had that right to do so.

[27] Mum lived with them at Te Haumi until the age 12 years. After the passing of her grandfather she went to live with aunties and uncles at Oromāhoe. A lot of what I know came from her. She had a keen interest in whakapapa and an immaculate memory. Mum would tell me about her life and the stories from grandpa Henare.

[28] She would say, while I was in her care as her whāngai, I deserved to know about my real whānau and I had responsibilities to uphold because of my tūpuna. Mum repeated the kōrero to me until she was satisfied that I had understood. I am very grateful for her persistence.

[29] My natural birth mother is Ringatangohia Gibbs. She was the great granddaughter of Kai Te Kemara. Years before I was born she had spoken to Arthur Ashby, she having promised to give him her next child. On my birth, Ringatangohia contacted Dad and told him to come to Kaipatiki to pick up their new baby daughter. My natural birth father (Claude) had no a say in the matter. This is our way, the tradition of whāngai. I was fourteen days old when my new parents came. I was handed over in a flax kit under a tree at Kaipatiki and taken away to start a new life at Oromāhoe. I did not speak to my birth mother until I was twenty years old. I remember Mum insisting that it was time that I spoke to her. Dad had passed on by this time so she felt it was the right thing to do.

[30] Ringatangohia taught me more of my whakapapa connections with Waitangi.

[31] Aunty Taka (Ngati Tautahi) was in charge of the protocols at Oromāhoe and Waitangi marae. Aunty told me that I could never be a kaikaranga because of who I was and that I had to take care of the whakapapa after they had passed on.

[32] Te Aira Maioha was from the Kai Te Kemara and Hakuene line. She was one of my closest relatives in later life. I met her when I had grown up. I remember calling her Nanna, she promptly corrected me saying I was her niece. She to, recited whakapapa to me. I was grateful for this, because it matched what I had been taught at Oromāhoe.

Whakapapa - General

[33] Our whakapapa was guaranteed under the Whakaputanga. Whakapapa became even more important after the arrival of the missionaries. They saw us as untamed savages who needed to be tamed and assimilated into a pākeha mentality. This was the beginning of the end.

[34] The old people talked about how whakapapa ensured our survival. It affirmed who were and who we are and identified the relationships, understanding and responsibilities it contained for us. It is a starting point when seeking leadership or guidance and it records historical events as a series of codes within it.

[35] They described whakapapa as being about the relationships between us and the environment. We have deities. Papatuanuku is our mother earth. Tangaroa is the sea. We

asked Tangaroa for his protection and safety when travelling on the sea and to provide sustenance from his food basket. Tāne is of the forest, we ask for his bounty to provide that which was needed to provide shelter or build a waka or kai from the ngahere.

[36] These principles were easily understood by my tupuna because the deities were intrinsically part of his (Kai Te Kemara) belief system as they are mine. They were physically identifiable, tangible and ingrained in his psyche long before the arrival of the pākeha.

[37] Our belief system was guaranteed by the Whakaputanga. In my lifetime my grannies, aunties and uncles trusted in their whakapapa and in their beliefs.

Kai Te Kemara – Leading up to the signing of the Whakaputanga

[38] In 1830 the Ngāti Rahiri hapū sold Waitangi to Henry Williams.

[39] It was on their return to Oromāhoe that they met Kai Te Kemara going back to his kāinga at Waitangi from Puketona. The rangatira at the front of the procession all walked past Kai Te Kemara with their heads bowed. Kai Te kemara said nothing and showed them respect. Coming to the end of the procession, Kai Te Kemara asked the last person where had they come from and why were they carrying gifts. The man replied, that they had just left the mission station at Paihia they having just sold Waitangi to Henry Williams. Kai Te Kemara uttered to him, you all are under the spell of the

Mihingare, but I am not, and he continues on to the mission station at Paihia.

[40] At the mission station he demanded that Henry Williams return his land at Waitangi. Kai Te Kemara never left the whenua at Waitangi again until his death in 1866.

[41] In 1834, four years after the purported sale of Waitangi to Henry Williams, James Busby became involved when he witnessed Henry Williams chasing Māori off the pipi beds on the Waitangi estuary.

[42] Henry Williams exclaimed that they were not entitled to collect pipis there and that he was the owner of the land and the pipis. The pipis were to be used for lime for his gardens and to use in mortar.

[43] Henry Williams incinerated the pipis, shell and all. It was an abuse of the relationship between Māori and pākeha. There was no awhi by the pākeha. There was no taking of only what was needed to sustain the pākeha. There was no thought by the pākeha for the ecology (other kaitiaki). There was no thought by the pākeha for the reproductive cycle of the pipi (kaitiaki). There was no thought by the pākeha for Māori and their ways. It was all about Henry Williams and it was all about the pākeha.

[44] Kai Te Kemara's distain for the mihingare was well known as was his dislike for Henry Williams. He refused to give up being a tohunga for Christianity. He could see his Rangatiratanga of his people, of his land, of the resources and of his traditions being eroded away by Christianity.

[45] In defiance, Kai Te Kemara ignored Henry Williams claim to ownership. Regardless of Henry Williams protests, Kai Te Kemara remained on the land.

[46] In 1839 Henry Williams gave the land he purportedly purchased at Waitangi in 1830 to both Kai Te Kemara and Ngāti Rahiri. In the last years of his life Kai Te Kemara had the pipi beds at Waitangi surveyed by William Fairburn; that was about 1860. He wanted to protect the resource and ensure that his people were never to be deprived of their kai again or to ever go hungry. This was important also because it was part of his right to manaakitanga to his manuhiri, but most importantly these experiences with Henry Williams made him adamant of the need to ensure, before he died, that the land never left his control again. It was all this experience that was and remains reflected in the wording of the Whakaputanga. He wanted to ensure his chiefly authority was not subject to the authority of any other person.

[47] My mātua all said to me, if I was to take more than I needed, eventually there would be nothing for tomorrow. I know this is why my tupuna, Kai Te Kemara was so supportive of the Whakaputanga in 1835. He experienced and could see exploitation by the pākeha. He understood the importance of retaining his Rangatiratanga so that his people survived. Kai Te Kemara was a clever and astute man. He could foresee all.

Te Taurangatira

[48] The original structures at Waitangi marae were two raupo long houses that belonged to Kai Te Kemara.

[49] When the Whakaputanga was signed by Kai Te Kemara, he expressed his confidence and acceptance of it, by gifting a long house for the Whakaputanga as the taurangatira. This was an expression of tautoko and whakamana of what he had heard and discussed leading up to his signing of the Whakaputanga.

[50] The long house was sited on approximately half an acre of land, known today as 'Te Taurangatira'.

[51] The Taurangatira enabled other rangatira of the motu and their hapū to erect a pāremata. This was done to enable all to meet on a regular basis and discuss issues concerning their Rangatiratanga and the exercise of rights in accordance with the terms of the Whakaputanga.

[52] The kōrero and the Whakaputanga itself were of great importance to him because it acknowledged and recognised his Rangatiratanga. Many of our tūpuna would have seen their roles as rangatira under threat and their mana to uphold ancient traditions of lore, lost to a new and foreign regime.

[53] He kept the other raupo long house for his whānau and all of his descendents. This was important because it ensured that the haukāinga could powhiri the manuhiri before they entered Te Taurangatira.

[54] My aunties and uncles spoke about the Taurangatira and its importance. During a tea break from working in the gardens they explained why things were located where they were at Waitangi. Te Taurangatira was an area that was considered sacred.

[55] My father was very mindful never to go near to the Taurangatira with the plough. I asked Dad why and he replied that the area was regarded as very tapu and I should always be very careful to respect the site when I went there.

[56] My Aunties and Uncles told me of the sacred stone markers that were placed around the Taurangatira with ancient karakia signifying a specific area that the taumata would camp. There were a number of stones laid down with mauri. Each stone marked the spot for each individual manuhiri from around the motu to locate themselves. This position never changed. Manuhiri aligned their taumata with the same area every time a hui was called. The placing of the stone confirmed the kaupapa was set. The kaupapa being, the Whakaputanga.

[57] The Taurangatira was easily recognised because of the raised stony platform that it was sited on.

[58] Over the years the stones have been moved and lost by those with little or no understanding. Today there are pou pou's that signify the whare location. It saddens me because the poupous are not quite in the right place.

[59] In recognition of Te Taurangatira a stone seat and lectern were built by the hapū. This area is formally known as Te Tii block A1. The seat and lectern are located about three (3) hundred metres to the south side of where Te Tiriti O Waitangi marae is standing today. The raised stone platform of the Taurangatira is now covered by grass but is still visible today. The mokopuna of today do not know why it is there or what it stands for.

[60] The seat and lectern were erected by my uncles and cousins. The stones used were collected from 'Te One I Waho Te

Kuaha Ote Ana Maikuku' to mark the 100th anniversary of the signing of the Whakaputanga. I remember this because it was at that time Lord Bledisloe gifted the treaty grounds and its surroundings to the people of New Zealand.

Oral Traditions / Te Reo

[61] The way I was taught about traditions and all the storytelling practices are only quaint memories for most these days. I think the minds of most Māori and pākeha these days are focused on insular pursuits in the world, in other words 'profit' or 'self gain'.

[62] Māori history and knowledge of bloodlines has struggled to survive as common knowledge. As a consequence, many Māori have lost perspective of who they are, where they come from and most certainly of how to find that, which they have lost. I know this because I help a lot of young people reconnecting with their whakapapa and their connections with the whenua. Remember the 'pito o te whenua' always goes back to Papatuanuku our earth mother, not the incinerator in public hospital. These children are then able to focus on the value of their own needs to learn their whakapapa.

[63] Much of our history in the Bay of Islands has been recorded, interpreted and portrayed by pākeha historians, archaeologists and others. I disagree with this strongly because of a lack of connection, the Eurocentric interpretations, the loss of meaning when translating from Māori to English, the misuse of information, the use of information without permission of the rightful kaitiaki and simply not following Tikanga before

embarking on collecting or disseminating information for all to share. I believe the portrayal of Māori should be undertaken by Māori. It is a beautiful language that inherently contains immeasurable meaning and interpretations by those who live it, far greater and more advanced than the English language could ever portray.

[64] The Whakaputanga guarantees a true understanding of a Māori world view in a code. That is because the Whakaputanga was to preserve the independence and integrity of things Māori in a Māori Nation State. This is a code which is explained through the Māori language and in our oral traditions. The use and survival of our language and storytelling was and still is central to the survival of Māori.

[65] Te reo identified us as having our own Rangatiratanga as an indigenous race. We were recognised globally for what we had to offer manuhiri or tauiwi in trade and commerce. All my grannies, aunties and uncles, too numerous to mention, all contributed to my understanding and knowing. They knew that I was a great-great-granddaughter of a tohunga and rangatira.

[66] It is foreign for me to think of Māori not knowing or practicing these things. Just taking the time to sit and talk with the old people. To listen to the stories. To speak in your natural tongue. It is something that is basic to us as a people and it completes us as a whole. My grannies, parents, aunties and uncles passed on their knowledge to me to ensure I had full rights of access to physical resources, to my historical ancestry and a perspective of where I sit as an individual and as part of the hapū and iwi. It also allows me ultimately to be in a position to hand on this knowledge to

future generations in its purest form. This is my responsibility.

[67] I speak Māori as my natural language and English as my adopted language. The old people told me their stories through their eyes and their natural language.

[68] Oral traditions, history and knowledge given to me through whakapapa provide me with an understanding from a Māori perspective. It tells me where I come from, who I am as a person, my lineage, and the communities from which I descend and the responsibilities I hold.

Tohunga – Kai Te Kemara

[69] When I was quite young my Mum, uncles and aunties told me stories about my tupuna and the power to communicate with the elements.

[70] He could turn a calm sea into a turbulent wash to protect the hapū from enemy toa or calm the sea to enable the hapū to go fishing.

[71] He knew that when the people went to fish, what species of kaimoana were to be brought back.

[72] The exercising of ancient karakia, was a duty reserved for tohunga, therefore reserved for Kai Te Kemara. He was trusted and his word was never questioned. He had the right and power to communicate with deities depending on the need of the circumstance.

[73] As a tohunga, if Kai Te Kemara placed a rāhui on the sea, no one ever defied that ruling. When that happened focus was

on land based activities. Even in my childhood my Mum made us respect this practice and to a large extent I still do today.

[74] The practice of rāhui was strictly adhered to, in order to avoid depletion of the food source, essential to our survival and the food chain. This was our most fundamental principle, core to our relationship with the environment and its resources.

Trade

[75] Regardless of restrictions placed on us by modern regulations, governments have used this asset to offset the national debt rather than look after our resources as a sustainable asset for the people of this country

[76] Tikanga has always meant for us that you must first sustain your hapū and surplus assets are preserved and set aside for trade. Starving and unhealthy people are indicative of poor conservation management of sustainable resources.

[77] Our Rangatiratanga ensured by the Whakaputanga recognised the bounty of our resources and the quality of whenua. This was a consequence of traditional management practices.

[78] A thriving nation is undermined when there is inappropriate experimentation with resources and cultural changes are made which have no accountability. The Treaty seemed to usher in that sort of era. The Whakaputanga by contrast ensured accountability and responsibility by providing the right balance between old and the modern such that the future from 1835 and in terms of Māori could be both accountable and responsible for Māori and its leadership.

Out of that spirit of wise and good intention, commerce could flourish between Māori and pākeha.

[79] Te Tiriti of 1840 allowed the introduction of a new culture which sought to impose itself without consultation upon Māori under the guise of government. It quickly became a document which gave a few settlers a disproportionate chance to profit from a government they control for their benefit and often to the disadvantage of Māori.

[80] At this point, I would like it to be noted, that the Church Missionary Society under the pretence of peace and goodwill to all man, was through the missionaries present at both occasions, the signing of the Whakaputanga and Te Tiriti. I am sure they contributed to circumstances favourable mainly to the settlers by taking advantage of the aroha our tūpuna customarily engaged in.

Oral History of Tuna

[81] Tuna was one of our most plentiful resources. In Waitangi I would get involved in the tuna heke which occurred once a year. The tuna would leave the upper reaches of Waitangi river and head towards the sea to breed. They were very fat and delicious eating.

[82] The tuna heke signalled the beginning of the breeding season for many other species and rāhui were usually put in place to allow them to breed. I remember being told not to catch tamure (schnapper) during breeding season because the sharp spines of the tamure were very painful if you got pricked and the wounds went very septic.

[83] Mikaera Aperahama always visited Mum to bring her three or four tuna. He was an expert when it came to catching tuna. He said there were twenty five different types of tuna that he

knew of that filled our hapu rivers. The tuna I remember are kuwharu, kirirua, tunaheke, piharu and oke. I remember the kuwharu. The dog eel. It had a big head, it was black and hideous. I remember Mum cleaning one over the fire to remove the slime. After cleaning the slime off she would pawhara it for eating or smoking. The kawharu was so fat laiden, it would wobbled in your plate.

[84] The old people used to construct hiringi's to store live tuna. I remember a hiringi in a ti kouka (Cabbage tree). The heart of the ti kouka had rotted out leaving a small opening at the base of the tree. The cavity would eventually fill with water creating a small pond that could be used to keep the tuna. The key to keeping the tuna from escaping from the tree cavity was to place them in the middle or to retrieve them from the middle. That meant the tuna kept circling seemingly mesmerised but if you put the tuna in or retrieved the tuna from the edge of the cavity the tuna (all of them) escaped. I don't know why it worked. It just did.

[85] The other hiringi I remember was a hole dug in the side of the river bank at water level. Manuka and Kanuka were placed over the entrance to the hole to keep the tuna in.

Oral History of Fish

[86] There used to be a lot of patiki (flounder) in the Waitangi estuary when I was young. We would used a spear or net to catch them. If we didn't have either of those, we stood on them in our bare feet. I remember, they were so plentiful, we used to eat alot of patiki.

[87] I remember Mum telling me about the 'kahawai' and the role it played. The kahawai was a kaitiaki to us. It would feed on the smaller fish and those fish not eaten were herded inshore or up the estuary.

[88] These stories gave me a better understanding and respect for the natural environment and the order that we have in it. Our place in Māori society was often indicated by our name or nickname. Mum told me about Te Tii Puatea who was one of Kai Te Kemara's wives. Te Tii Puatea had the nick name 'kahawai kotiti'. She was of high rank and did not work like all the other women of the village. She would visit and mingle with members of other hapu. Her place was to know what was being said within the other hapu and to keep all informed.

[89] We were always preserving food when it was in abundance or when we knew that the season for the food source was about to end.

[90] Storing food during the summer months in preparation for winter was common for our hapu. It provided sustenance during the winter months, provided food for any of our hapu functions and was most certainly been used to trade or barter with whanaunga inland in the earlier days.

Oral History of the Pipi

[91] The pipi is a kaitiaki. It guaranteed that there was always a bounty of other kai moana for Kai Te Kemara and his hapu to draw on. The pipi was plentiful and available all year round. The spat of the pipi drew numerous types of fish into the estuary to feeding. The fish were in turn caught to feed the hapu.

[92] I remember a story my birth mother told me about the water in the estuary being a pink glow from the frenzy of tamure feeding on the spat (baby pipi). She told me that when they were collecting the pipi's they enjoyed having a play and swim

in water after[1]. When they were in the water they could hear the tamure crunching on the baby pipi's. It was the ancestor of the humble pipi of today that once that fed the gathering of the Whakaputanga and all those predating the Whakaputanga.

[93] Kaimoana is the natural food of Māori; Māori are genetically designed to eat seafood. Most of the quadrupeds were introduced after the arrival of pākeha and did not form a large part of our dietary sustenance.

[94] The pipi is an indicator of water quality. It tells you what is happening in the ecology further up stream or inland. Ecology depends on harmony of one part working with another part in balance. If you exhaust or delete one part of the ecology, it impacts on other parts of the ecology. The Māori way of life relied on this mutual respect for the environment and all in it. Māori were part of the environment, not masters of it.

Food – preserving

[95] Drying the kaimoana under the sun was our most common form of preserving it.

[96] Most of our food was preserved usually by salting and hanging with wiwi reeds in the sun to dry. This was especially so for fish. As a child I remember eating alot of dried food. We ate dried mango (shark), takake (piper), herrings, kahawai, tamure (schnapper), maomao and mullet. We would dry the heads of the fish. These were very delicious when made into a soup.

[97] We used to hangi alot of pipi, paua, and kutai. Once they were cooked and out of the hangi we would shelled and

[1] My birth mother laughed about this because she said they always got a whack for going swimming because they were always late home when others were waiting to have a feed.

threaded them onto wiwi reeds and hung them in the sun to dry.

[98] Once the food had dried it was stored in a number of ways and would keep for many months. I remember food being stored in natural or man-made caves, rua in the ground or in the earlier days whare pataka's that were especially built for storing food.

[99] I enjoyed eating dried pipi's especially. They tasted like beef jerky, very salty and you could chew on them for a long time. We used to call it our Māori chewing gum. It was good for warding off hunger. The old people took it with them when they had to travel to Land Court hearings[2].

[100] When we lived at Oromahoe Mum put cockles or pipi's into a flax kit and left it the fresh water creek for up to one month. We would eat them uncooked whenever we wanted. They were very smelly but I enjoyed them and still remember the taste today.

[101] The river was used to preserve food such as kanga ko piro (fermented corn) or karaka berries. I remember kanga ko piro we did not have alot of this. It really smelt bad but it tasted beautiful and sweet.

[102] Native oysters were another favourite of mine. Mum or Dad would dig a hole and bury the oysters in a sack. The oysters would preserve for up to a month and got fat while in storage. When we dug them up they tasted just as fresh.

[103] I remember crayfish being covered with dock leaves until we were ready to cook and eat them. They were kept for up to three week before being cooked sometimes.

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[2] They would often take their children with them to the Land Court hearings in Whangarei because there was no guarantee of how long it would take to conclude matters. The hearings sometimes required the participants to remain there for lengthy periods. When food ran out, they gave the children a smoke of tobacco to suppress hunger pain and stop them crying.

[104] Kao which is the small kumara was usually put in a hangi along with karamu leaves and then placed out in the sun to dry in readiness for storage in a dry rua for winter supplies.

[105] We use to dry and smoke fish, tuna and wild pig by hanging it high above the fire at home in the chimney area. I also saw the cold smoking of fish done in dug outs in the clay banks. A small fire was used to smoke the fish over a long period.

[106] The nets used for fishing were made from flax by a very old man. I was too young to remember his name I remember a net that was made with tight weave. It was used to herd the tuna into the pungas (tuna traps). Hami Apiata, his wife Meremere and daughter use to make pungas from supplejack (bush cane). I knew him as Uncle Sam and Aunty Meremere. They taught me many of these things for which I am very grateful today and which I am now able to pass on to my mokopuna.

[107] Our relationship with the water both spiritually and physically is held in the highest regard as is the whenua, even more so than in regard to money and gold. Money and gold withered away the responsibility of caring for essential elements which ensured the provision of good food and quality fresh water.

[108] The use of the word kaitiaki is now reduced in law to an inadequate consultation process between people who want to exploit the land, water and tangata whenua. It really means that what Māori have to say is not bound to be taken into account. Compliance within the terms of the Resource Management Act 1991 does not really honour a true commitment to the future such that the environment will truly be well cared for.

[109] I was brought up to believe that the water and the land, by looking after it meant that in turn it looked after you. In the

modern world, man can only properly exist through respecting the elements of the environment.

Kaitiaki

[110] The true kaitiaki is the ecosystem; the flora and fauna of the land and water requires the ecosystem to survive within it. They (kaitiaki; flora and fauna) are the spiritual communicators to man.

[111] My tūpuna always paid his respect to Papatuanuku and those kaitiaki I have spoken about. This kept him focused on why they were on the land and the need to adhere to traditions that promoted good management practices of the land, the waterways, and wetlands. The wetlands operate as the kidneys of Papatuanuku, a natural filtration system. They are a crucial element, necessary for the kaitiaki and for the survival of man.

[112] I say this again; this is why my tūpuna Kai Te Kemara was so supportive of the Whakaputanga and all it stood for. With his experiences of pākeha exploitation, he could foresee what was coming. He wanted to ensure the longevity of his people's identity within a new world. Rangatiratanga would guarantee his people remained strong in their tinana, hinengaro and wairua. His aspirations were a footprint for Māori to remain self sustaining rather than becoming dependent on imported lifestyles.

[113] A kaitiaki or taniwha is a spiritual communicator. They are a protector of the ecology. They are there to warn man when humanity acts in an inappropriate manner. It is a reminder that humans must live in harmony with nature and not exploit it detrimentally.

[114] Over-exploitation of a single resource (especially for money or profit) affects mother nature's ability to recover and this is especially so with resources from the sea. It disrupts the reproductive process of all living organism and ultimately, therefore, all of the food chain.

Waterways

[115] Under my tūpuna our responsibilities for our water and waterways began at Pouerua, at Lake Owhareiti.

[116] I remember Mums stories of a tuna called Kirirua who lived at the lake. You could only take a three tuna, no more. If you were greedy the taniwha and kaitiaki of the lake would punish you. I was too scared to ask her what.

[117] She told me of a kaitiaki called Patutuna. A spiritual messenger. If you were in the wrong place or not meant to be catching tuna at that time, Patutuna would give you a sign to leave. Mum said if you see or hear something that mimics[3] your own actions, you need to leave. There was normally a message waiting for you at home[4].

[118] There are two main tributaries from Lake Owhareiti at Pouerua. One went from Ngati Hine to the Taumarere river, through Ngati Manu to Opua and finally into Te Peiwhairangi.

[119] The other tributary went underground from Ngati Kawa and Ngati Rahiri starting from the Puketotara stream, Orangi, Te

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[3] Mum gave me an example of what she meant. She said if you throw your fishing line into the water and someone else along from you throws their line into the water at the same time or you hear or see the splash of the bate occur at the same time or if you lit a smoke and someone else along from you did the same thing in the same moment it was time to leave. Mum experienced this herself. Mum was deaf, she could see a shadow (not hers) doing the same as she was doing but there was not anyone there, it was a still night and she remembered the old people telling her she should always leave in those circumstances.

[4] It usually was a message that someone had pass on.

manga, Te poti , Waiaruhe, Tirohanga, Kuparu, Puketona and finally the Waitangi River.

[120] The freshwater waterways provided an abundant source of food including kewai (freshwater crayfish), freshwater mussels, watercress, tarohoia and tawhara.

[121] The waterways were also an important source of materials used for building whares, rope, nets, mats and baskets. There was a plentiful supply of raupo, flax, kiakia and kuta to use.

[122] Birdlife on the river formed part of our sustenance. I remember Dad telling me when he was young and out hunting instead of going to school, they went shooting for duck or pigeon. They wrapped clay around the bird and tossed it on the fire. When the clay surround was cracked open the feathers stuck to the clay. The bird was ready to eat with it innards intact. The innards were as delicious as much as the flesh of the bird.

[123] Were the Whakaputanga officially part of our law I strongly believe that we would not have so much pollution in our water today and that we could eat our fish guts today as in the past.

Rongoa and Health

[124] The affinity with our environment extended to the knowledge of natural medicines derived from various plants, trees, fish and other wildlife, and the use of soil and clays as fixing agents.

[125] Mum and Aunty Mere Ututaonga used to talk to me about rongoa. Korari, kumara hou, kawakawa, matipou, tipou, kopa kopa, and tupakihi were the most common resources used when I was growing up.

[126] They believe alot of the ailments suffered by Māori were as a result of spiritual imbalances and thus the healing process had

to be spiritually based. They strongly believed in spiritual healing by immersion in water.

[127] As pastoral farming became more prevalent, Mum used to say that the fertilisers, sprays and other chemicals used in farming were having an impact on herbal cures. Mum said she thinks we as a Māori had weaker constitutions than our tūpuna's. Eventually she decided that it was time for us to go to the pākeha doctor. Maybe he had a stronger medicine.

Decline

[128] It is sad to see the decline in the practice of our oral traditions, but not unexpected when you consider all of the social factors that have lead to its decline.

[129] The displacement of our people to other areas of New Zealand for employment opportunities, the lack of growth in the commercial and industrial sectors in the North, the distance of our region from the hubs of commerce and industry in Auckland and Wellington, the lack of governmental financing into the infrastructure such as education and health, the imposition of development on tikanga and the lack of recognition and acknowledgment in a meaningful manner of our tikanga in today's law.

Koha

[130] We did not look at the Whakaputanga as a tool or as a means of ensuring that there was a profit at the end of day. It was my Rangatira who was best placed to decide what it was that we needed. It was my Rangatira who allocated to tribal members resources guaranteed under the Whakaputanga.

[131] We were excellent traders and succeeded in providing for our hapu through trade, both nationally and internationally, but

we did not like the European style of using a middleman for trade. We preferred direct trading. We traded in a variety of products as a means to modernise ourselves while maintaining our cultural values.

[132] Profit was not the focus for Māori. We operated on a system of koha. The benefits of trade were shared within the hapu and any surplus from the trading was reserved to give to manuhiri or as part of whanaungatanga. This practice was a means of maintaining intertribal peace. We never consider these thing as the pākeha did.

[133] I mean we did not go an put it in the bank to make more profit. I remember my Mum teaching me about the meaning and significance of koha. These were the types of things she had had impressed on her as a whangai within the Cross whanau.

[134] When I was a child we used to visit our relatives in Whakatane and it was customary to take with us preserved Māori kai as a gesture of goodwill and a sign that we came in peace.

[135] Koha was one of the most fundamental principles that my tūpuna (Kai Te Kemara) would have practiced at the time of signing the Whakaputanga. I know this because my Mum was the whangai child to my great grandfather Henare Te Rangi Cross a son in-law of Kai Te Kemara. I only mention this because it was my mother who retold all she knew from the time I was nine years old.

Tikanga

[136] Most of the people living at Waitangi now were brought up in other places. Their parents were forced to find work elsewhere than where they came from. As a result of moving to Waitangi they have brought their mannerism from the

places they came from. There is only one other woman, besides myself, who knows of the old tikanga, but she is not from Waitangi.

[137] Pre-European relationships were very important and great care and thought was given when choosing which wahine would bear children and to which tane. This was about securing its rights of way to kai rather than romance. It also mattered enormously when moving from region to region. Securing rights of way through or across lands, sea or inland waterways ensured safe and secure travel.

[138] When the Europeans came they began fencing off the land, and removing access to some of the ancient tracks used by Māori when travelling inland from the coast or vica versa. Māori said to a girl, 'go and marry the pākeha, he has plenty of money', and the pākeha would say, 'Go marry the Māori girl and get some land'.

[139] When the pākeha arrived it was a challenge for Rangatira especially for those who found it difficult to adapt to this new world. In many cases the newly arrived ways of the pākeha were directly in conflict with our ancient tikanga. It goes without saying our tikanga has been in existence for many generations. There was no explanation of how it should work. Rangatira had to work it out for themselves through their own experiences. My great-great-grandfather was an example of this. He was a signatory to the Whakaputanga and was led to believe in the retention of his rangatiratanga as that was part of his original intention upon signing. For him it was meant being in charge of the Pakeha.

[140] He once said, 'you can live over there and when you are finished, off you go and leave the whenua behind'. His perception of the Whakaputanga (in terms of the relationship it created with pākeha and the whenua) was as if to tenant the

land not for its ownership to pass to the pākeha. That is why the pākeha wanted our wahine; so they could obtain access to land without having bother with the implications and terms implied in the Whakaputanga.

[141] Māori were glad when the pākeha came with all their gadgets, tools and farming equipment like the plough. By wanting to stay permanently those from Europe and elsewhere thought it necessary to be in occupation of the land which had to be depopulated by Māori. That gave them then a better chance for longer tenure or at least on extended occupation.

He Whakaputanga / The Declaration

[142] The signing of the Declaration was essentially a continuation of Rangatiratanga. I never saw the flag of 1835 flying until recently in my adulthood.

[143] I came to know that the 1835 flag was always kept out of sight and stored away from the prying eyes of authorities. My aunt and uncles believed it was a crime to fly the 1835 flag because of the imposition of the Union Jack after the signing of the Treaty. They feared that if they offended the governing authorities that they would have there a penehana (benefit) taken away.

[144] A flying flag symbolised success. There was no success in this case. My great grand uncle Hongi Heke decided he had had enough of the Union Jack and that which it stood for. He chopped the flag staff down to demonstrate his dissatisfaction of pākeha not keeping their word.

[145] An acknowledgement for success of a hapū was usually indicated by the placing of a cloak on individual(s) who had contributed to hapū success.

[146] An analogy to that (the cloaking of an individual) is in the signing of the Whakaputanga and its acknowledgement by Māori through choosing the 1835 flag to symbolise the Whakaputanga.

[147] Choosing the design of a 1835 flag, right down to the black fimbriation (narrow border) in the blue field in the upper quarter next to the staff, is an acknowledgement of the success of Māori in establishing a mutual relationship with pākeha, while also ensuring Rangatiratanga for Māori. Every generation right down to my Mum's has discussed this issue of the flag especially at anniversary celebrations. They remembered the flag and what it was meant to symbolise and do for us. I remember the old people saying:

'Te haki, i aha te haki tika mo tātou aue aue aue.'

[148] Pākeha made light of the flag and its symbolic nature. In the case of Māori there was a flag signalling the beginning of an infant stage of Rangatiratanga. Pākeha have portrayed the flag as being motionless and as stiff as a board, an illusion, of little significance. To Māori it is a symbol of all that is contained in the Whakaputanga. It is a symbol of Māori independence and self determination.

[149] While the Whakaputanga was overshadowed by the signing of the Treaty, I do believe that Māori had retained principles from the Whakaputanga to ensure the independence of Māori and to ensure Māori self-determination. I also see the Whakaputanga as confirming Māori entitlement to a

collective self determination but, in that, also taking on responsibility for governing their own affairs.

[150] As a result of the sidelining of the Whakaputanga, some Māori have had and still do have an identity crisis. No matter what, you must never forget that you are always going to be Māori and Māori first. You are the foundation stone for the manuhiri to walk over. You must ensure that the foundation stone is strong and can withstand the weight. That stone will still be there in all Māori today as it was in the past. Pākeha don't understand these types of principles but we understand our stones.

[151] One of the most important principles that comes from the Whakaputanga is the responsibility that exists for Māori and pākeha within the natural environment, specifically the food chain which Māori managed. That is why in June and July Māori never fished for tamure because they were breeding then. There are times of the year when you can be poisoned by them. Pākeha do not think about or see this. They believe in their science and scientists and have no regard for our traditional knowledge and practice of rāhui.

[152] The Whakaputanga was a genuine commitment by Māori to self-sustainability. It had nothing to do with being more clever, smarter or richer than the pākeha. If you compare the Whakaputanga with the Treaty, the Treaty is definitely not about sustainability for Māori.

[153] My Mum told me stories about Māori hopes, aspirations and betrayal. She remembered being told by Henare Te Rangi Cross that when Kai Te Kemara was alive he was very

dissatisfied about how pākeha did not keep their word, even when affirmed by written signature.

[154] Kai Te Kemara prophesised that one day, someone in his line would put things right.

Treaty

[155] The Treaty brought with it, fence lines. When fences were built, it was the end of the Whakaputanga. Fences are barriers to the trust between Māori and Pākeha. Prior to the fences both Māori and pākeha exhibited good business sense, amicability and a lot of give and take as well as forgiveness. When the surveyors came, the barriers soon followed. We were forbidden access to places that we once frequented. Today the term that follows forbidden access is 'trespassing'.

[156] Some of the ancient tracks and paths are still present today but they exist as part of paper roads. The tracks acted as signposts for our tūpuna. Each track demarcated negotiated rights for various groups. Those rights, the Tikanga surrounding those rights and the principles held in the Whakaputanga disappeared with the building of fences and the individualising and fragmenting of land into titles.

[157] The Treaty was created to keep our people in limbo. The mixing of blood in terms of Māori and Pākeha has left us stuck on the fence. My tūpuna sent his children to learn at the mission stations and out on the whaling boats, gathering information but when too much money came along so did the problems. Money is a pākeha thing that was accompanied by acceptance of pākeha law.

[158] The Whakaputanga was the most successful thing for Māori. The Treaty, on the other hand created and induced separation of Māori from their Rangatiratanga.

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