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Wai 1040, #B36

IN THE WAITANGI TRIBUNAL

IN THE MATTER OF	The Treaty of Waitangi Act 1975 (as amended)
AND	
IN THE MATTER OF	Te Paparahi o Te Raki Inquiry
AND	
IN THE MATTER OF	claims by **TE RUNANGA O NGATI WHATUA** (WAI 303)

BRIEF OF EVIDENCE OF TAME TE RANGI

Dated 01 April 2010

RECEIVED
Waitangi Tribunal
08 JUN 2010
Ministry of Justice
WELLINGTON

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BRIEF OF EVIDENCE OF TAME TE RANGI

Introduction

1. My name is Tame Te Rangi.

2. I am Ngati Whatua. I present this evidence on behalf of Wai 303, a claim by Te Runanga o Ngati Whatua on behalf of Ngati Whatua whanui.

Overview

3. Ngati Whatua is in a unique position in this proceeding on the basis that:

   3.1. It has been involved in three regional Waitangi Tribunal inquiries already:

   - Orakei;
   - Te Roroa; and
   - Kaipara.

   3.2. Certain of our hapu have achieved settlements with the Crown (Te Roroa, Te Uri o Hau); and

   3.3. Our Kaipara and Orakei hapu have Agreements in Principle with the Crown.

4. The previous Waitangi Tribunal inquiries are significant because Ngati Whatua has put its views to the Tribunal on the understandings of He Whakaputanga and Te Tiriti in those previous inquiries. We adhere to the evidence presented in those inquiries and do not intend to regurgitate all of the evidence presented. To an extent my evidence is a summary of the positions taken.

5. The findings of those previous Tribunals are relevant to this Tribunal's inquiry and the statement of issues listing the seven questions for consideration.

Pre Whakaputanga background

6. To understand the Ngati Whatua intentions in entering into the Whakaputanga and Tiriti it is necessary to review the historical events just prior to contact and 1840.

7. The first decade of the nineteenth century was important for the following events:

   7.1. The Whakaminenga was created as discussed by others; and

   7.2. Battles occurred between Ngati Whatua and Ngapuhi. The significant battle for Ngati Whatua was at Moremonui in 1808 where Ngapuhi were defeated and lost several of their leaders. Hongi Hika, who fought at Moremonui, lost two brothers but he was able to escape.

8. Moremonui would start a series of battles that culminated in 1825 at Te Ika ā Ranganui where Ngapuhi avenged Moremonui and Ngati Whatua suffered profound losses. As a result, Ngati Whatua were reduced in numbers and leaders just before the period of increasing contact and the Whakaputanga and Tiriti.

9. That did have an impact on the decisions made by Ngati Whatua in relation to the Whakaputanga and Tiriti. What s significant is the need for Ngati Whatua to create alliances to move forward and to recover their ancestral lands. It is the creation of

alliances that informs the intentions of Ngati Whatua at 1835 and 1840. It also results in our hapu taking different approaches. That said, we maintain that consistent throughout was:

9.1. The desire to retain their mana and rangatiratanga. At times this was expressed as the ability to be involved in political decision-making;

9.2. There was no cession of "sovereignty" or mana by any of our rangatira only alliances created for mutual benefit.

10. The rangatira in the northern part of our rohe created an alliance with Kawiti which resulted from Kawiti's desire for peace following Te Ika a Ranganui. Kawiti, who was a relation to Ngati Whatua, provided refuge. Later he escorted Ngati Whatua back to the Kaipara and he sent Mate Kairangatira of Ngati Hine to live with them as a figure to hold that peace. This relationship was sealed when Mate married a woman from Ngati Whatua. Some Ngati Whatua also took up residence at Mangakaahia. This is where Mate Kairangatira came from.

11. On the other hand, the rangatira in the southern part of our rohe aligned with Waikato. Although, I note that Apihai Te Kawau and his people did not participate in Te Ika a Ranganui so were in a different position. In any event, through these alliances Ngati Whatua were able to recover from Te Ika a Ranganui and secure their position in and around the Kaipara, Waitemata and Manukau Harbours.

He Whakaputanga

12. I endorse the korero of Tepania Kingi and the pou korero from week one. I do not need to provide any further information on this other than to say our rangatira's involvement in the Whakaputanga was the result of the alliance I discussed above.

Te Tiriti

13. The Ngati Whatua rangatira were involved in three separate signings of the Tiriti:

13.1. Some Ngati Whatua such as Te Ahu signed at Waitangi on 6 February 1840;

13.2. Te Pana Ruka, Mate and others signed at Mangungu in the Hokianga on 12 February 1840;

13.3. Apihai Te Kawau, Te Rewiti and Tinana signed at Karangahape (Cornwallis) on the Manukau Harbour on 20 March 1840; and

13.4. The Kaipara rangatira are reported to have signed at Kororareka on 15 April 1840;

13.5. Tirarau is reported to have signed in May 1840 in the Bay of Islands.[1]

14. The first significant point to make is that while they signed at different times, they only ever signed Te Tiriti not the Treaty. To us the Treaty is irrelevant.

15. The second point is that those signing at the different times had different intentions in terms of the nature and extent of the relationship being created.

16. Thirdly, one of our principal rangatira, Parore Te Awha, did not sign Te Tiriti. However, his son Te Ahu signed at Waitangi.

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[1] Kawharu, Te Tiriti and its Northern Context, page 129

17. In the north, Parore and others were aligned with Kawiti. While we have no record of their korero at Mangungu, we do know that they were involved in the battle at Ruapekapeka. We understand that their involvement arose out of the concerns at the breaches of Te Tiriti. The alliance with Kawiti was also an important factor for their participation in those battles.

18. In the south, rangatira such as Apihai Te Kawau saw benefit in engaging with the Crown and settlers. They had a period of contact with whalers, sealers, traders. There was a trading post in the area known today as Britomart in Tamaki. They were also concerned about ongoing conflict with Ngapuhi, more so than their northern whanaunga. Therefore, an alliance with the Crown appeared attractive to those rangatira. The Waitangi Tribunal considered that:

"*Some tribes had secured Europeans to live with them and their patronage was considered a good thing in raising tribal status and securing trade. The missionaries prophesied that government arrivals would end the lawless ness of traders and the devastations of Maori musket warfare. It would have been consistent with his experience if Te Kawau had sought to add Hobson and his people, the his depleted tribe, gaining protection from enemies and the material advantages that those of the white tribes seemed able to give.*"[2]

19. The alliance was also consistent with a kupu whakaari of Titahi in the eighteenth century which predicted the coming of the pakeha. This is explained in the Tribunal's Orakei report:[3]

"*Years earlier tribal tohunga Titahi had foretold of hope in the winds of change, prophesying*

He aha te hau e wawa ra, e wawa ra

He tiu, he raki, he tiu, he raki,

Nana I a mai te puputara ki uta

E tikina atu e au to kotiu

Koia te pou whakairo e tu ki Waitemata

Ka tu ki Waitemata i oku wairangitanga

E tu nei, e tu nei!

Professor Kawharu updated the translation for us as follows

What was the wind that was roaring yonder

It was the north wind, the wind from the north

It was indeed the north wind I was perceiving driving the puputara ashore

And then to my amazement there was the carved post standing by (the shores of)

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[2] Waitangi Tribunal, Report of the Waitangi Tribunal on the Orakei Claim, 4.1
[3] Ibid

Waitemata, standing, standing thus

Reed considers

It was a prophecy in 1780 and long remembered by the Maori people for, they said, the nautilus (puputara) represented the white man's ships, and the carved post was the flag of England (1955:15).

It would be consistent with tribal experience had Ngati Whatua interpreted vision of a seer to determine upon an arrangement with new arrivals from a distant place."

20. The Ngati Whatua tradition is that the terms of the alliance with the Crown extend beyond the Tiriti. My understanding of what occurred is:

    20.1. A few days after the signing at Karangahape, seven rangatira from Orakei ventured north to ask Hobson to take up residence among them. Paraone Ngaweke stated in 1860 that "Ngati Whatua is the ancestor of the European. We brought the Governor on shore"[4];

    20.2. On 16 and 17 September 1840 a preliminary "agreement" was reached providing land for a new town and capital;

    20.3. On 18 September 1840, Tamaki was proclaimed as the new capital;

    20.4. On 20 October 1840, a deed was signed by Te Kawau and others to tuku to the Crown 3,000 acres which is now central Auckland.

21. These events are important because they created the compact between Ngati Whatua and the Crown in the south. The terms of the alliance were more than just the three articles of Te Tiriti. The gifting of land for the capital is also key to the terms of the alliance. You could say the agreements in September and October were just as important as the Tiriti because they cemented the relationship with Ngati Whatua. When Hobson formally arrived in Tamaki to take up residence, Apihai Te Kawau and 1,000 Ngati Whatua greeted him at Okahu bay. Apihai is reported to have said:

    "*Governor, Governor, welcome, welcome as a father to me! There is my land before you. Governor, go and pick the best part of the land and place your people, at least our people upon it*"

22. In recognition that this is an english translation of what Te Kawau actually said, it provides a concise outline of what his intentions were. Firstly, I do not consider that he was referring to Hobson as a parent but rather was using "matua" as a term of respect taking into account the knowledge and benefits Hobson would bring to Ngati Whatua. In addition, this korero is really an act of rangatiratanga as Te Kawau refers to his land and that Hobson's people are "our people". Overall, it suggests a relationship of reciprocity and mutuality which underpins the alliance with the Crown.

23. This alliance was then further enhanced by Ngati Whatua through the gifting of further lands including:

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[4] Wyatt, Ngati Whatua o Kaipara and the Crown, 1840-1869, 1998, page 32

23.1. Orakei church and school site;

23.2. Takaparawha Point for defence purposes;

23.3. The Tamaki to Kaipara road;

23.4. Woodhill school;

23.5. Wharepapa Church; and

23.6. Te Awaroa church and town cemetery.

24. In return, Ngati Whatua had access to new trading opportunities and capital. Ngati Whatua also considered that the alliance required that they would have access to other benefits including education and medical services.

25. For the Crown the benefits were obvious. Without the consent of Ngati Whatua they could not have established their capital in Tamaki. Therefore, the need for an alliance was not only limited to Ngati Whatua. The Crown required it as well.

26. Paraone Ngaweke would later describe the nature of the relationship as akin to a marriage which provides a range of connotations about status, equality and treatment in the relationship.

27. We say that this alliance was breached in the end but the evidence but the detail of that has already been dealt with in previous Tribunal reports and I do not need to deal with it here. Suffice to say that the evidence I have presented is intended to assist the Tribunal with understanding the intentions of the Ngati Whatua rangatira in 1835 and 1840.

28. As I mentioned earlier, while the approaches were different, I do not believe that the intentions were different. The alliances, whether with Kawiti or the Crown, were for the benefit of our people. However, they were a means to maintain our mana. So even though our Orakei hapu aligned more closely with the Crown, I do not consider that in signing the Tiriti that they were in any way relinquishing their mana. They were merely dealing with a new iwi based on the mutual benefits the relationship could provide.

29. Whatever the approach taken by our rangatira, the Crown was in breach of the alliance in Tamaki and the Tiriti. Therefore, ultimately the different approaches did not matter as the Crown did not adhere to the terms of any arrangement.

Tame Te Rangi