

Kahukore Baker: Notes for hearing*Mihi, pepeha**[He uri o Kahuki, kāore au i whakapapa ki Repenga].***Issues in front of us at this Hearing**

One of the issues in front of Upokorehe in this Hearing is the need to de-construct and de-colonise the histories and reports written about us without us, by commissioned researchers historians, cross-claimants and the Crown. At this hearing we have been clearing some of the ground upon which our korero is landing. We have had to pull back the layers of weeds put over the top of us, and attempt to find the odd footprint of Upokorehe through time, throughout these colonised histories; before laying our own pathway down.

It is most unfortunate that none of the historians I refer to in this paper **ever** met with Upokorehe prior to going into print. I believe that if Judith Binney, who was contracted to research Tūhoe, had met with us, some of her conclusions would have been quite different.

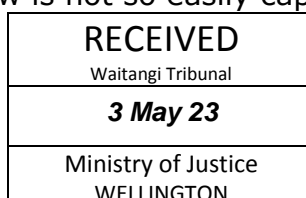
However I cannot sit through these 2 days without talking about the elephant in the room which is the Crown. After hearing the beautiful kōrero from our people, I do not want this Tribunal to leave with the impression that the grievances are historical.

In our experience the Crown have cherry picked our korero, and taken it out of context to use against us, to suit their ongoing settlement agenda, while undermining our history, whakapapa and identity. If the Crown did value evidence, then they should have waited until after these Hearings; after Upokorehe have put their stories into the historical accounts of this country, before so-called settlement.

Upokorehe research process

At this Hearing, we set out to decolonise the accounts that have dominated mainstream history for over a century and a half. This task is being carried out by Te Upokorehe knowledge holders, experts, claimants and whānau. In this we are most fortunate. Our Te Upokorehe experts, knowledge holders and whānau have their world at their fingertips. For example, when we had to gather customary evidence for the Takutai Moana our experts visited all 100+ of the waahi tapu, taking a boat out to visit the underwater fishing grounds. They did not download these from an online Archaeological list of sites, nor did they put coordinates into an app to find them.

Our stories lie in our lived realities within our world – in the whenua, moana, awa, in what you see out there and in this whare, from the past to those yet unborn. Despite the best of intentions, and the fact we have waited so long to tell our stories, our world view is not so easily captured through this process.



You have heard from all our speakers that Upokorehe are Hapū Oneone, the earth-born peoples. We have dwelt within this rohe from time immemorial, and so our research process is unique to our lived reality. Not only has precious korero been handed down for generations, but the whenua, moana, awa, and the kaitiaki that dwell within them, know us of old. The atua, tipuna and kaitiaki have carried us throughout the claims process. They have come to us in dreams, in prayer, and in our daily lives. They tell us when and where to look for certain evidence; where to go to find certain insights about the whenua, our whakapapa, and history. They teach us how to interact with them in our world.

All this happens because Upokorehe are Hapū Oneone, an ancient people whose ahi kaa roa has never been broken. For Te Upokorehe, our whakapapa and our whenua are in a timeless union – we are one and the same.

Existing historical narratives submitted for the Urewera and Ngāti Awa Hearings, and the various reports written for Whakatōhea are yet to be informed by Te Upokorehe kōrero. Nevertheless, the one thing they all share is that claims to Upokorehe lands by neighbouring hapū and iwi often included identifying whakapapa links to Upokorehe, or claiming that Te Upokorehe is a hapū of Whakatōhea or Tūhoe, because the story of our rohe cannot be told without Te Upokorehe.

Upokorehe was taken by surprise when the Urewera Tribunal determined to include our rohe. The Urewera Hearing opened on the day the claim Wai 1092 was registered. Consequently our rohe was on the table but our claims were not.

Early Upokorehe claims

A lack of clarity occurred in both Tribunals as to who were the claimants for the Wai 339 claim

In 1992, Wai 339 was initially filed **'on behalf of** the Upokorehe hapū of the Whakatohea tribe'.

At the 1995 Ngāti Awa hearing, Mokomoko's counsel stated: "Wai 339 is **by** Upokorehe hapū of Whakatōhea". However this was not actually the case.

At the 2002 Urewera hearing Mokomoko's legal counsel stated that Wai 339 was brought by Manny Mokomoko 'as **an individual on behalf of the Mokomoko whanau with interests in Hiwarau C'** (ie not on behalf of Te Upokorehe hapū). This distinction does not appear to have been adequately understood or represented in the 2002 report.

The Upokorehe footprint is embedded in our lands but not in research about us.

In the Introduction to the *Ōhiwa Report* prepared for the Ūrewera Tribunal Inquiry, Johnson states that archaeologists identified 91 pā sites around the Ōhiwa Harbour, with the most historically significant being the Tokitoki midden¹.

In 1996, archaeologist Rick McGovern-Wilson excavated the site. Te Upokorehe kaumātua informed McGovern-Wilson that the site was called Tokitoki². McGovern-Wilson said Tokitoki is considered significant as it is the 'only extensive living area found to date' immediately after the Kaharoa eruption of 1314 A.D.³

Owing to the significance of the site to Te Upokorehe, kaumātua and whānau members 'participated in a major project at the time of the excavation to film the excavations and record interviews'. In his 2012 report McGovern-Wilson commented that:

*'This degree of traditional knowledge has not been collated for any other site and landform in the Bay of Plenty.'*⁴

*'The Mātaatua iwi have traditions of people called Te Hapūoneone who were living in the district prior to the arrival of the Mātaatua waka (ca. 1400 AD), and Tokitoki provides the physical evidence for people living beside the Ōhiwa Harbour at least 700 years ago. It is also the only site yet recorded in the coastal Bay of Plenty with moa remains in primary context with the archaeological site, ...).'*⁵

*'On a national level it is significant not only for its age but also for the evidence it provides for the development of long-distance trade networks early in the settlement phase. The archaic layer contains stone flakes and complete artefacts which are sourced from a wide range of sources. The stone types used to make tools at Tokitoki provide evidence of the use of long-distance trade networks including: obsidian quarries on Mayor and Great Barrier Islands, greywacke from Mōtutapu (Auckland), basalt from the Tahanga Quarry (Opito, Coromandel), and, most surprisingly, argillite from the Ohana Quarry on D'Urville Island, (Marlborough Sounds).'*⁶

However in returning to existing narratives, there are a number of claims made and arguments developed about our people that are clearly developed to portray Upokorehe as part of other hapū and iwi.

A good way to understand our relationships with neighbouring iwi was provided by the late Tawhai Te Rupe at the Whakatōhea Urgency Hearing in 2017. Tawhai, Kaumātua of Ngāi Tamatea hapū, Maromahue marae and trustee of Te

¹ Ewan Johnson. *Ōhiwa Harbour*, March 2003, p.21.

² Rick McGovern-Wilson. *Heritage assessment: Tokitoki Reserve Ōhiwa Harbour* 4 July 2012, p.2.

³ *ibid*, p.8

⁴ *Ibid*, p.9

⁵ *Ibid*, p. 8.

⁶ *Ibid*, p.9.

Upokorehe Treaty Claims, described the unique position of Te Upokorehe that sets it apart from all its neighbours:⁷

Upokorehe, you've got to realise we're a border tribe, because there's iwi in front of us, iwi behind us, iwi to the left of us, to the right of us, we're in the middle. Now you've got to realise that we've got to walk with all those tribes around us because we're a tribal – we're on the edge of all hapū. So, we've got to work with Whakatōhea. We've got to look behind us and we've also got to work with our Waimana Kaaku, we look at Ngāti Awa, we've got a relationship with them. So we can't just go and sit over there with Whakatōhea and make all the decisions on behalf of us, we can't sit over here and make decisions on behalf of all of us over there, of Ngāti Awa. We can't go to Tūhoe and make a decision with them without consulting with our other whanau. So I'm just saying again now, we are a border tribe. We're in the middle of everyone, we're in the guts of everything and everyone is taking a piece of this arm, this one is going to take an arm, that one, that way, take a leg that way, and we're the guts in the middle, with no legs and arms..

Despite this position, a striking and repeated feature of existing narratives is that each of the iwi on our boundaries consistently describe Upokorehe solely in relation to themselves. Reflecting on Tawhai Te Rupe's words about 'each iwi taking a limb' it is evident that each iwi only sees that 'one limb' they endeavour to take from Te Upokorehe. By contrast, as Tangata Whenua Tuuturu, Te Upokorehe, as the entire tipuna, manages all of its relationships with all three of its neighbours.

The "outside in" claims made about us can be summarised below. Te Upokorehe:

- is a people who were totally displaced by Ngāti Maru, Ngā Puhi and Ngāti Awa
- is classified as 'refugees' while living on our own lands at Ōhiwa⁸
- is portrayed as two 'communities' divided by loyalist and surrendered rebel lines,
- had no chiefs of our own so chiefs from other iwi took over; and we were absorbed into Whakatōhea
- did not hold mana whenua at Ōhiwa as it is impossible to say that any one tribal peoples predominates at Ōhiwa.

A people who were totally displaced by Ngāti Maru, Ngā Puhi and Ngāti Awa

Upokorehe before the raids

In approximately 1823, a battle between Tūhoe, Upokorehe and Whakatōhea took place at the Upokorehe western boundary of the Maraetōtara stream in Ōhope.

⁷ Transcript of Wai 2662 Whakatōhea Urgency Hearing Week 1 held at Whakatane 6 November 2017 Wai 2662 doc #4.1.1 at 70. Attached as "A". I note that the speakers are reversed—it should read Tawhai Te Rupe to Judge Doogan.

⁸ Lutein, J. (2021) Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands Draft report (p. 22)

The battle was won under the command of Te Rupe⁹ a prominent War Chief of Te Upokorehe descent. This battle reinforced the Upokorehe boundary at Maraetotara as it is currently know today.

As you heard yesterday, our mighty warrior ancestor Kahuki led his warriors to vanquish his foes and destroy pa, all the way from Haeora's Pa in White Pine Bush to the harbour, in his pursuit of a blood debt, finally catching up with and killing Tuamutu out by Whakaari.

As the great grandson of Tairongo, grandson of the Hapū Oneone Chief Panekaha and stepson of Haeora, he was not opposed in this.

Through Kahuki's mana, a special relationship exists between Waimana Kaaku and Upokorehe.

This understanding was reinforced as late as 2015 when following the Tūhoe settlement, Waimana Kaaku kaumatua wanted to meet with Upokorehe as they were concerned the Tūhoe settlement could impact our special understanding, and that Upokorehe might "close the gate" on the access Waimana Kaaku had to the sea, [on the grounds they returned afterwards to Waimana]. Both parties agreed that nothing had changed between us and the understanding continues to this day.

Over the centuries many battles took place, many of which were taua-a-toto. However the musket wars inflicted heavy losses on Upokorehe. In the Nga Puhi, and then the Ngāti Maru raids (also supported by Ngati Awa) many Upokorehe were killed, while others were taken prisoner or fled into our rugged hinterland.

Te Upokorehe kaumātua Lance Reha previously stated that 'while some members of Te Upokorehe were taken prisoner by the Ngāti Maru, others managed to escape by hiding in the Waiōtahe Valley, Waimana Valley and with Te Whakatōhea. Te Upokorehe were very skilled in survival and in the evasion of hostile forces. Once the danger had passed, the people would re-occupy their pā and mahinga kai. It is significant that neither Te Upokorehe whakapapa, nor Te Upokorehe ahi kā roa has ever been extinguished.' [Personal communication from Lance Reha, 24 January 2020. Lance Reha is the great-great-great grandson of Wi Akeake].

How was this period at Ōhiwa reflected in research commissioned by the Crown for the MACA?

Mark Derby on behalf of the Crown gave evidence that around 1840 as a consequence of the raids, Upokorehe were virtually absent from Ōhiwa, and that it was Ngāti Awa who may have been the dominant iwi at Ōhiwa¹⁰.

¹⁰ Exhibit MD-02 Mark Derby Report on Customary Interests and Third-Party Use and Occupation p. 79

under cross cross-examination, Mr Derby said that conclusion was based solely on Battersby's mention of another source from 1843, called Travels in New Zealand¹¹.

Mr Derby said he didn't know that same book also stated "the traveller in the interior will find many small tribes, of which he hears nothing on the coast, and which are scarcely known even to the missionaries", and that the author himself had stuck to the coasts.

Furthermore, Battersby's own conclusion was that the people of Ōhiwa in this period lived inland from the coast and were likely Upokorehe¹².

As Ngāti Awa made up a small part of the Ngāti Maru and other forces, they did not defeat Upokorehe but were a small part of the invading forces. It is also important to note that the invading forces did not occupy but returned home afterwards.

The Ōhiwa report also privileges the Ngāti Awa account, by quoting a speaker, who, at the Ngāti Awa hearing, stated that following the Ngāti Maru raids, Te Upokorehe "settled at Waiotahe rather than Ōhiwa."¹³

What this statement does not take into account is that from the days of Hapū Oneone, Upokorehe moved around our pā and mahinga kai on a regular basis within our rohe. As we moved around our food sources with the seasons, to find us at Waiotahe does not conflate to deserting Ōhiwa.

Evidence of this customary practice was unearthed in the Tokitoki excavation:

*'The archaeological evidence suggests that Tokitoki was occupied on a regular seasonal basis for several hundred years.'*¹⁴

And this is what happens when an account by one iwi about another iwi is taken as gospel and re-told time and again. This is why this hearing and the stage 2 hearing to come is so important. Unfortunately, most research about Upokorehe repeats these assumptions.

The pre-Treaty theft of Upokorehe lands

By 1840, Upokorehe were clearly in full control of their rohe from Ōhiwa to Kaharoa in the South and from Maraetotara to Pakihikura in the west and east, under their Chief Wi Akeake.

Our kaumātua have said that prior to signing Te Tiriti o Waitangi Wi Akeake determined to hikoi throughout the motu to speak with Upokorehe, wherever they were living, about signing Te Tiriti. He returned with the blessings of his people to sign the Treaty.

¹¹ Final Closing Submissions for Te Upokorehe 7 December 2020. p.15

¹² ibid

¹³ Ngāti Awa cross claims report, p. 60; cited in Ewan Johnson, *Ōhiwa Harbour*, March 2003, p. 38.

¹⁴ Rick Mc.Govern-Wilson *Heritage assessment: Tokitoki Reserve Ōhiwa Harbour*, 4 July 2012, p.9.

On his return prior to the signing of Te Tiriti in Ōpōtiki, Wi Akeake was astounded to discover that in his absence, some members of Whakatōhea had sold Wi Akeake's lands to Wilson, Brown and Stack for the CMS.

This was a significant takahi towards Te Upokorehe.

The Lutein report notes that in 1844 Wi Akeake accompanied Wilson and Rangimatouri to testify to the Lands Commission about the sale. Lutein notes that 'Ake' and Te Rangimatouri 'who had signed the deed and seemed to corroborate the essentials of Wilson's story, stated:

*'We and the other natives whose names are affixed to the deed just read & shewn to us, sold the land described therein to Mr Wilson. The payment received is correctly mentioned. The boundaries are described in it as they were pointed out to Mr Wilson'*¹⁵

As an interpreter was required it is unknown just how much of the entire meeting was understood, especially the statement that 'Te Ake' had been present and agreed with the sale, as according to Upokorehe oral history Wi Akeake was not even at home at this time as he was travelling round the motu meeting with Upokorehe about this thing called "Te Tiriti o Waitangi" and to discuss the signing of it.

Nevertheless, it appears that Wilson's statement to the Commission was to put a different light on the fact the sale of Wi Akeake's lands was done without his consent by those with no authority to sell. Wilson says: ¹⁶

Certain Natives who had been driven from this land many years ago and since permitted to return by the Chiefs who sold it to me, have disputed the sale of the portion belonging to them, not considering that they had received a sufficient portion of the payment, and there is also a wood disputed. We would satisfy these demands if the land be awarded to us.

Wi Akeake and Rangimatouri, through an interpreter are said to have also added:

*But two places included have not been sold to him by all the rightful owners viz. a small wood called Tapuaiti, of which a family named Te Upoko Rehe are the rightful proprietors – And – a place called Taumata o te Tamahewa, of which Ngatingahere are the rightful owners. We gave a small payment to the owners of these places, with which they were not satisfied*¹⁷.

It was not a 'small wood' –Te Upokorehe were not 'driven off years ago' but had their land wrongfully sold by those without a mandate to do so, when their Chief was away seeking support to sign Te Tiriti.

¹⁵ Claim 360, 25 July 1844 in ACFC 16153 OLC1 Box 43 OLC 866 in Lutein, J. [2021] Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands, p. 47

¹⁶ Lutein, J. [2021] Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands p. 39.

¹⁷ *ibid*

It is more likely that, with the lands sold to the CMS while Wi Akeake was away, he had come to the Court in 1844 to try and claim a small portion of what was left.

Te Upokorehe did not receive payment Even if the 'deed' of sale somehow managed to portray that Wi Akeake had 'signed' it, he signed documents with a cross – easy for others to do on his behalf.

In 1865, unknown to Te Upokorehe,¹⁸ Volkner was hung at Hiona by Kereopa and the Hauhau. Following this, Upokorehe went to Waimana to live.

The following account is provided by, Mihirangi Kotu in the 1939 MLC Hearing into the Hiwarau petition Mihirangi was an Upokorehe elder and granddaughter of Wi Akeake, Te Upokorehe Chief and Upokorehe signatory to Te Tiriti o Waitangi. She said:

The Upokorehe lived at Ohiwa and Waiotahi. At the time when Volkner was killed... the Upokorehe were living at Hiwarau and knew nothing of the trouble...The Government of the day confiscated all the Upokorehe land. They were not left with even half an acre. Then the Upokorehe people having no land to live on went to Waimana to live¹⁹.

As Upokorehe had an ancient relationship to Te Whakatāne, through Kahuki this is not surprising.

'Waewae Tarewa': Te Upokorehe and the Ōpāpe 4 and 7 Blocks

In **1866** a decision was made by the Crown to relocate all the tribes in the Ōpotiki district on to Ngāti Rua lands, as the Ōpāpe Reserve.

Our oral history has it that while some of our whanau from Waiotaha were included in the original 'herding' of people to Ōpāpe, they soon made their way back. Further, the lack of Upokorehe as an entity in the Ōpāpe Reserves is further evident in the **1871** inaugural report on the Reserve. Lutein notes:

As such, Ōpāpe Reserve features in Commissioner of Native Reserves Charles Heaphy's inaugural report of 1871, listed as reserved for 390 men, women and children of Ngai Tamahaua, Ngāti Ira, Ngāti Patu, Ngāti Ngahere, and Ngāti Rua²⁰

¹⁸ Extract From Ōpōtiki Minute Book No. 30, Folios 11-18. 19 July 1939. Hiwarau Block – Petition of Henare Rako and Others, Praying for re-opening of the title. Hiwarau Block (R19525130); Record No. 5/13/73. Archives NZ, p.22300.

¹⁹Lutein, J. [2021] Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands. [see footnote 190, p. 82]

²⁰ Lutein, J. [2021] Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands. [see footnote 190, p.P72]

It was the Whakatōhea Chief Wiremu Rangihaerepo who gave the name for the Ōpāpe Reserves. And Rangihaerepo was one of those who sold Wi Akeake's lands to the CMS in the first place. Significantly Rangihaerepo stated:

I went round looking for people for the Upokorehe list...That is why there are so few names in this list. Most of those in the list are my family²¹.

By now, with most of Upokorehe living in Waimana, it is very likely that those few Upokorehe individuals who were put into the Ōpāpe Reserve along with Whakatōhea, were those who had inter-married with Whakatōhea, or who may have been visiting at the time. It was most certainly not the "Upokorehe" Those who were temporarily displaced there from Waiotahe soon made their way back.

It is likely, that the original sale, along with intermarriage, enabled Wilson to designate Upokorehe in the 1866 Census of Upokorehe as a 'hapū of Whakatōhea. This is the first mention of Upokorehe as a hapū of Whakatōhea.

And now we come to Wilson Jnr's 1866 Census stating Upokorehe is a hapū of Whakatōhea.

The 1840 sale and the creation of Waewae Tarewa lands at Ōpāpe

The unauthorised sale of Wi Akeake's Waiotahe lands in 1840 is a significant backdrop to the definition of Upokorehe by Wilson and the Crown, as hapū of either Whakatōhea or Tūhoe.

By 1840, Wilson Snr had purchased a large part of our lands in the middle of the Upokorehe rohe. By 1865, Wilson Jnr wanted to keep Upokorehe under surveillance following the raupatu, and for obvious reasons, didn't want us occupying our own lands at Waiotahe.

Wilson Jnr could solve this problem by putting the remnants of those living at Waiotahe under surveillance at Ōpāpe, while making arrangements with Rakuraku to set up a reserve for the bulk of Upokorehe living at Waimama.

Wilson didn't get all he wanted in that Xmas Day arrangement in 1866, as Rakuraku did not want to stay at Hiwarau and be the 'Upokorehe Chief' Wilson wanted him to be, as he said he was not Upokorehe. Wilson no doubt hoped he would do so for a range of reasons. With this not happening he hedged his bets with Kakitu.

The atrocity of Te Arakotipu

And now we come to the atrocity of Te Arakotipu. If that was unearthed today, a forensic team could have been sent in to date and study what is effectively a crime scene.

²¹ *ibid.*, p.90

We heard from Mātua Wallace Aramoana how the soldiers lit fires in the entrance to the whare to prevent the people from escaping, and then pushed the roof in on them to kill them. We heard how Upokorehe occupied the site for months when this was unearthed. We heard how a mother and baby curled up together were discovered.

This is the background to the theft of our lands, and the attempted definition of Upokorehe as a hapū of Whakatōhea in the Ōpāpe Reserve, by trying to herd those living at Waiotahe to Ōpāpe.

We know that was a false narrative as Upokorehe people simply weren't there to put in the list for the Ōpāpe Reserve.

This is also the background to the placing of Upokorehe at Hiwarau on Upokorehe lands but also supposedly under Kakitu, which, again, is Wilson's narrative. Wilson and/or his allies, did not want us at Waiotahe and that appears to be at any cost.

Regardless, Wilson Jnr was no objective bystander merely recording hapū and iwi names. It was to his advantage to erode Upokorehe from their rightful lands in anyway possible.

There is no battle whereby Whakatōhea [or Tūhoe] can claim they seized mana whenua in the Upokorehe rohe. Merely living there for a time either through intermarriage, or through purchasing land, or through Crown settlement, does not, in Upokorehe's view, constitute mana whenua.

Finally, Upokorehe are very clear on what constitutes our mana whenua and rohe. This is why Upokorehe did NOT claim beyond our own whenua in the MACA, unlike other MACA claimants, despite fishing beyond our tribal boundaries. In fact one of our grounds for appeal, is that we were given customary title where we did not claim it nor want it.

In **1870**, one year prior to the first report on the Ōpāpe Reserves, and following Wilson's **1866** census, the document 'Return giving the Names etc of the Tribes of the North Island²²', was provided to the House of Representatives. Upokorehe is listed in that doc as a Tribe.

Unfortunately, the **1870** list of principal tribes acknowledges us as a tribe but then lists us as under Hemi Kakitu, which, as the out-of-Court deal with him on Christmas Day **1866** had already been done – was merely repeating the hara.

Establishment of the Upokorehe reserves

²² AJHR 1870, A-11. *Return Giving the Names etc of the Tribes of the North Island.*

At the end of **1866**, Wilson agreed with Rakuraku that the govt should give back Upokorehe some of their land, so they didn't have to remain in Waimana. As Mihirangi Kotu said, following the raupatu Upokorehe had no land and went to Waimana to live²³.

Our kaumātua tell us that Upokorehe lived in and around the Upokorehe-Waimana Kaaku border. This is not surprising, given the ancient relationship between Kahuki and Haeora, as well as with other Tūhoe, such as whanaungatanga ties to Tamaikoha.

The Reserves in question for Upokorehe were at Hiwarau for the Upokorehe Tribe, and at Hokianga for the Upokorehe Hapū.

Wilson reported that on 24 December 1866, he settled the 'rebellious' Upokorehe hapū on a 1500-acre reserve known as the Hiwarau block, and the small Island of Hokianga of about 30 acres. This was largely an out-of-Court settlement with Kakitu.

The awarding of the Reserves to Te Upokorehe can be seen from the perspectives of three different people: J.A. Wilson who was the Crown Agent for Confiscated Lands; Warena Mokomoko who in 1898 sought definition of relative interests in Hiwarau following Wilson's arrangement; and Mihirangi Kotu, in the 1939 Native Land Court Hearing into the petition brought by Henare Rako and others to re-open the title for the Hiwarau block.

J. A. Wilson

Ewan Johnson (2002) and (2003) focuses on Wilson's 'out-of-Court' arrangements to settle the 'surrendered rebels and loyal natives' of Upokorehe at Ōhiwa. Wilson reported that on 24 December 1866, he settled the 'rebellious' Upokorehe hapū on a 1500-acre reserve known as the Hiwarau block, and the small Island of Hokianga of about 30 acres.²⁴

On 29 March 1872, Wilson wrote to the Native Minister McLean that:
'I have settled the Ōhiwa Natives, who reverted to rebellion and again surrendered, on the land previously given to them at Hiwarau and Hokianga. Hemi Kakitu and followers have been included in this arrangement'.²⁵

The specific wording in the 1872 Reports on Settlement of Confiscated Lands was:

Hokianga Reserve

to be granted under the 4th and 6th clauses of "The Confiscated Lands Act, 1867." The Lot herein specified is to be inalienably assured by a Grant

²³ Extract From Ōpōtiki Minute Book No. 30, Folios 11-18. 19 July 1939. Hiwarau Block – Petition of Henare Rako and Others, Praying for re-opening of the title. Hiwarau Block (R19525130); Record No. 5/13/73. Archives NZ, p.22300.

²⁴ Ewan Johnson. *Ōhiwa Harbour*, March 2003, p. 176

²⁵ AJHR, 1872, C 4 *Reports on Settlements of Confiscated Lands*, p.6.

in trust to the Members of the Upokorehe Hapū whose names are included in the Schedule attached.

Description: Hokianga Island at Ohiwa.

Hiwarau Reserve

to be granted under the 4th and 6th clauses of "The Confiscated Lands Act, 1867." The Lot herein specified is to be inalienably assured by a Grant in trust to the Members of the Upokorehe Tribe whose names are included in the Schedule attached. The right to take lines of road is reserved.

Description: Hiwarau Block:—Bounded on the North by high water-mark in Ōhiwa Harbour from the mouth of Nukuhou River to Punawai; on the East by a road surveyed from Punawai to the point where it first strikes Nukuhou River; on the South and West by Nukuhou River.²⁶

Warena Mokomoko

On 7 March 1898, Warena Mokomoko sought a definition of relative interests in Hiwarau as he contested that people were put in as both owners and trustees who were not 'true Upokorehe'.

'The land was given in Whakatāne by Sir D. McLean and Mr. Wilson. Some of the persons had only just come in from Te Ūrewera – from Tauwharemānuka and other places. They were put in without right [take] – they were all put in together and called Upokorehe whether they were really true Upokorehe or not. It was Hemi Kakitu who told Sir D. McLean and Mr Wilson that they were all Upokorehe...²⁷

'I was present and saw Sir D. McLean and Mr Wilson at Whakatāne. It was there that the arrangement was made about this land, and list of names handed in...It was Hemi Kakitu who gave the names in reply to McLean'.²⁸

And what does history tell us about Donald MacLean? A cursory look through Te Ara notes the following:

*'By 1853 McLean had become chief land purchase commissioner on a salary of £600. He set about his task vigorously. As the resistance of the Rangatira to land sales grew, McLean developed the practice of making payments to some hapū leaders, **promising them Crown grants as individuals if the purchase was completed**, and hoping that they would persuade a majority of the rightholders to sell. The practice provoked mounting tension and finally physical conflict between sellers and non-sellers.*

²⁶ AJHR, 1872, C 4 Reports on Settlements of Confiscated Lands, p.13-14

²⁷ 07 March 1898, MLC Minutes, Ōpōtiki, MB 16, pps 241-242

²⁸ Ibid p.244

*But he could not stop the incursions of Hauhau in 1865 and his response was again a hard one: to **demand submission and giving up of rights to land**. The adamant pursuit of this policy in Poverty Bay and the detention of Hauhau prisoners on the Chatham Islands led to their subsequent escape under Te Kooti and his onslaughts on the East Coast settlements²⁹*

And so, on Christmas Day 1866, the day that Wilson agreed to give some confiscated Upokorehe lands back to Upokorehe, we have not only Wilson, but now also McLean, on hand—and it appears this could well be to serve a number of agendas.

We know that McLean was promising payments and Crown grants to individual hapū leaders to persuade them to sell; we know they had the Tūhoe Chiefs in their sights, and we know they considered Upokorehe rebels, and were looking for a 'loyal' Chief, ie Kakitu, to put in our rohe over the top of us to act as a spy.

Further, Kakitu appears to come prepared for this arrangement in advance! It certainly worked in the Crown's favour to include Kakitu in Hiwarau and Hokianga as a 'carrot' to gain his support in the hunt for Kereopa and Te Kooti, and is clearly rewarded for doing so in these awards.

Mihirangi Kotu, 1939 Native Land Court.

Mihirangi is the granddaughter of Wī Akeake. Her statement to the Native Land Court is similar to Warena Mokomoko's in that it was Kakitu who gave the list of names for the Hiwarau Reserve, at Whakatāne. She notes that following the raupatu and the land confiscations Upokorehe went to live at Waimana. Rakuraku was a Tūhoe Chief at Waimana with whom Upokorehe were living. When Wilson was at Waimana he discussed Upokorehe with Rakuraku who asked that Wilson give Upokorehe back some of their lands at Ōhiwa:

"Wilson told Rakuraku he would do that but that Rakuraku should meet him at Ōhiwa on Xmas day. On that Xmas day Rakuraku met Wilson at Ōhiwa and then Wilson kept to his promise and gave back Hiwarau. And Wilson told Rakuraku that he could stay at Hiwarau and be the leader of Upokorehe. I was at this Xmas day meeting as a small child with my mother. Then Rakuraku informed Wilson that he could not stay as he was not of Upokorehe, but he pointed round and said to Wilson "These are the Upokorehe people"...Hemi Kakitu was a Hauhau. When Hemi returned from his wanderings with the Hauhau people he went to Whakatane and submitted his list which was adopted for the Hiwarau block."³⁰

²⁹ <https://teara.govt.nz/en/biographies/1m38/mclean-donald>

³⁰ Extract From Ōpōtiki Minute Book No. 30, Folios 11-18. 19 July 1939. Hiwarau Block – Petition of Henare Rako and Others, Praying for re-opening of the title. Hiwarau Block (R19525130); Record No. 5/13/73. Archives NZ, p.22300.

Unfortunately, not even Mihirangi Kotu escapes the 'outside in' lens put on Upokorehe speakers by historians who do not engage with Upokorehe. As late as 2020 during the MACA, Bruce Stirling who had been commissioned by Whakatōhea hapū, took it upon himself to include Te Upokorehe within his report, without any reference to us.

In the Upokorehe closing submissions, Bryce Lyall noted that the position of Mihirangi Kotu in the 1939 MLC hearing on the Hiwarau petition was put to Bruce Stirling by the Crown. In his response Bruce Stirling referred to her as 'an individual with an axe to grind'.

Mhirangi Kotu was the granddaughter of the Te Upokorehe Chief and Tiriti signatory Wi Akeake who was appearing at the Court on behalf of her people. She was not "an individual with an axe to grind"³¹.

In 1874, the Hiwarau and Hokianga Island Reserves were finally gazetted. By then the pursuit of Te Kooti was well underway, and Kakitu was seen as a potential ally in pursuit of Te Kooti, and with shares in Hiwarau and Hokianga were given to Kakitu, Upokorehe lands were clearly on the table as a reward. Wilson also tried to get Rakuraku to be part of Hiwarau and stay there but he declined **as he was not of Upokorehe.**

We know that through an out-of-Court deal between Wilson and Kakitu that non-Upokorehe people were put into the reserves that were meant to be for Upokorehe. The lists of names of the Trustees and the individual names of owners included people who were not of Upokorehe, setting in place major opposition as seen in the Native Land Court and through two petitions in the 1930s.

The 1898 Court case had many players. In that hearing the misrepresentation of Upokorehe continues, with our close inter-marriages with neighbouring iwi being portrayed as "Upokorehe branches" of those iwi. These are whanau inter-marriages and being referred to as 'branches' of either is not particularly helpful.

It is simply Upokorehe tikanga that any Upokorehe individual who marries and lives with another tribe does not take the mana of Upokorehe and the whenua of Upokorehe with them away to their in-laws as a consequence.

Similarly, if an individual of Upokorehe, and Whakatōhea or Tūhoe whakapapa chose to succeed to shares in Upokorehe lands, then that action must be through their Upokorehe whakapapa, not by stating their Whakatōhea or Tūhoe whakapapa.

³¹ Te Upokorehe closing submissions, 7 Dec 2020 (pps.16-17)

It is noticeable that many of the same players also submitted similar claims in the NLC Hearings for Waimana, Tahora and Oamaru, and also in the Compensation Court Hearings. It appears that in most instances they were mainly speaking as individuals, pursuing their own claims. As these individuals often belonged to another iwi their korero cannot be seen as the authority on Upokorehe identity or whakapapa. This advocacy was based on attempting to show an individual's whakapapa to the group that held the mana of the lands in question– in this case Upokorehe. Individuals from neighbouring iwi presented this type of advocacy.

Upokorehe as 2 separate groups or communities of either loyal or surrendered rebels

In the draft report for these Hearings on Nineteenth-century Land Alienation Luiten presents Te Upokorehe as 'two communities' separated along loyalist and rebel lines:³²

...the second Te Upokorehe community included in Wilson's Hiwarau-Hokianga reserve. This was the 'surrendered rebel' faction perhaps, who identified more closely with Te Whakatōhea.

Upokorehe at Ohiwa was not one of two 'communities', presumably of individuals, but a tribe with a specific principal whakapapa, distinct from the principal whakapapa of Whakatōhea.

Our kaumatua tell us that Te Upokorehe, who had no part in the murder of Volkner, did not take up arms against the Crown, but were seen as rebels owing to their relationship with Tūhoe Chiefs, and later with Te Kooti, and as followers of the Ringatū faith. It was in this regard that Upokorehe were often seen through the lens of their relationships with Te Kooti and their Tūhoe whanaunga such as Tamaikoha, by very worried Government officials.

Our kaumatua told us that individuals from neighbouring tribes later came to the Upokorehe rohe to follow Te Kooti. Additionally, Te Waru Tamatea, who was placed on confiscated Upokorehe lands at Waiotahe around **1874**³³, was allied with Te Kooti. This alliance heightened the fears that Te Upokorehe were also allied against the Crown and in rebellion.

Context for the establishment of the Reserves

The years following the raupatu were extremely turbulent years for Te Upokorehe. This was the time of Te Arakotipu. It was the time of surveillance of Upokorehe, which was a pressing concern, especially as neither Kereopa, nor later Te Kooti, had been captured and both men were relying on support from those directly or indirectly opposed to the Crown.

³² Luiten, J. [June 2021] **Draft report** Nineteenth-century Land Alienation and Administration within the North-Eastern Bay of Plenty Part One: Raupatu lands. P.140.

³³ Binney, J. (2010), *Encircled Lands Te Ūrewera 1820 – 1921*. Auckland University Press with Bridget William Books, p. 182

There were 3 Tūhoe Chiefs the Crown tried to do deals with, and to persuade them to help the military capture Te Kooti, who escaped from the Chathams in 1868. Those they attempted to persuade with both carrot and stick over some years, with varying degrees of success, were **Kakitu, Tamaikoha and Rakuraku.**

It cannot be over-stated that the Crown and local military saw both Kereopa and Te Kooti as an enormous threat to colonisation. While Te Kooti appears in research for Whakatōhea, it is with a rather light touch.

It was feared Te Kooti was inciting Māori to rebel against the Crown. In particular some feared Te Kooti's prophecy that the confiscated lands would be returned, would be achieved by driving the Pākehā out of the country.³⁴

And now we come to other allegations that Upokorehe had no chiefs and that was why other Chiefs took over

There appears to be little written about Wī Akeake in reports prepared for the Ngāti Awa and Tūhoe Waitangi Tribunal Hearings, nor in the Whakatōhea research. In fact he is not referred to by his correct name, nor even as a Chief, by the authors of most of the reports.

At the same time Chiefs from other Tribes – the Whakatōhea Chief Mokomoko,³⁵ and the Tūhoe Chiefs Rakuraku³⁶ and Kakitu³⁷ are recognised by these sources. This tends to over-play their role in our rohe and underplay Upokorehe, while implying that Te Upokorehe had no Chiefs of their own and were therefore under the mana of other Chiefs. However, it was the Crown that created this imbalance in the first place.

Firstly by encouraging the pre-Treaty "sale" of Upokorehe lands by Whakatōhea to the CMS when our Chief was away at meetings; secondly, by privileging statements about Upokorehe history and whakapapa made by individuals who did not have the mana or knowledge to do so; third, by misconstruing our close relationships with Tūhoe and Whakatōhea to erroneously state we are a hapū of either depending on whatever suits the political narrative at the time; fourth by encouraging and placing Tūhoe and other Chiefs on confiscated Upokorehe lands, and fifth, by further supporting land purchases in our rohe by those whose support they wanted in two areas: to pursue Kereopa and Te Kooti; and to pursue their land acquisition agenda.

The Upokorehe Chief Wī Akeake maintained the Mana of the people from the signing of the Treaty of Waitangi until the late 1800s. The same point was made by Mihirangi Kotu in the Native Land Court in 1939 in support of the 1937 Hiwarau Petition:

³⁴ Binney, J. *Redemption Songs: A life of Te Kooti Arikirangi Te Turuki*, 1995, Auckland, p. 384

³⁵ Johnson, E. *Ōhiwa Harbour*, March 2003, p. 53.

³⁶ *Ibid* p.155.

³⁷ *Ibid* p.160.

She said “*Hemi Kakitu was not a Rangatira of Upokorehe. Mr Te Akeake was a Rangatira of Upokorehe.*”³⁸

Further surveillance of Upokorehe continues

The confiscation of Te Upokorehe lands certainly did strengthen the Crown’s position. In June **1868** authorisation was given for about 60 Te Arawa troops to be stationed at Ōhiwa. At the completion of 16 months, each man would be granted 25 acres for their services. ‘All surplus lands at Ōhiwa were to be made available for this purpose.’³⁹ They built a garrison on one of Te Upokorehe’s most significant ancestral pa sites – Onekawa-Te Māwhai.⁴⁰ A key focus was surveillance of Upokorehe who were classified as rebels by the Crown, and again, the pursuit of Kereopa who was not captured at this stage and remained at large until **1871**.

The opportunity to settle Chiefs from other iwi viewed as helpful or potentially helpful to the Crown’s cause to hunt Te Kooti on lands around Ōhiwa, continued. In **1868**, **Rakuraku** was encouraged by the Crown to move to Owhakarāe on the Nukuhou River near Hiwarau. This was granted to him in 1874⁴¹. William Gilbert Mair later stated that the purpose was so **Rakuraku** could “protect the beach road to Ōpōtiki and Ferry.”⁴²

In **1870**, McLean wrote to Mair:

*Highly important that the Urewera tribes should be got out of their mountain fastnesses, land for cultivation will be assigned to them on the coast, in positions where they can in a great measure support themselves by fishing and cutting flax for sale to Europeans. The reserves at Putere near Matata will be devoted for this purpose*⁴³.

Binney suggests that the reason why Rakuraku, who originally fought **for** Te Kooti in March 1870 actively co-operated with the Crown from July **against** Te Kooti is to gain the freedom of his wife and sister-in-law’ and likely that this was the reason why Rakuraku surrendered. **Rakuraku** was put under surveillance of **Wiremu Kingi** a govt allied chief living at Torere⁴⁴

The following year, the Peace Compact with Tūhoe Chiefs was signed in **1871**. Binney notes that ‘the compact of regional autonomy rested on the “disappearance of Te Kooti in the Urewera.”’⁴⁵.

³⁸ Extract From Opotiki Minute Book No. 30, Folios 11-18. 19 July 1939. Hiwarau Block – Petition of Henare Rako and Others, Praying for re-opening of the title. Hiwarau Block (R19525130), Record No. 5/13/73, Archives NZ, p.22300.

³⁹ AJHR 1868, A.-No. 8 A. Copy of a Letter from the Hon. J. C. Richmond to Mr. T. Clarke, 29 June 1868, in *Papers Relative to the Defence and Occupation of the Ōpōtiki District*. NO. 41, p. 20.

⁴⁰ 08 March 1898, NLC Minutes, Ōpōtiki, MB 16, p. 256 [identifies Onekawa as the place the Te Arawa troops were living].

⁴¹ Binney, J. (2009) Encircled Lands.(p. 243)

⁴² Ibid p 156

⁴³ Binney, J. (2009) Encircled Lands. (p. 163). [NB Putere was not the only coastal land used for this purpose. Upokorehe lands were too. For example, Te Waru had been previously located at Maketu before being settled on confiscated Upokorehe lands at Waiotahe].

⁴⁴ Ibid, (pps 166-7)

⁴⁵ Binney, J. (2009) Encircled Lands. (p. 203)

It is likely the Compact further influenced how the Crown treated with the Tūhoe Chiefs in and around our rohe. For example, awarding the contracts to build the road from Ōhiwa to Waimana went to Rakuraku, Tamaikoha and Kakitu⁴⁶.

All these events are occurring at the same time the Crown is trying to drive Tūhoe Chiefs who supported Te Kooti out of the Ureweras. The coastal lands around Ōhiwa and Waiōtahe were to assist in re-settling those Tūhoe the Crown had moved away from the interior. Around **1871** Te Waru Tamatea and his hapū were pressured into selling his lands at Waikaremoana and also in Wairoa.

The Crown finally settled him on confiscated Upokorehe lands at Maromahue. The place named after the actions of Kahuki's mother Rangiparoro. Te Waru and his people were given lands and bullocks, and by 1877 had 50 acres cultivated at Maromahue. Over time, the people inter-married and settled with Upokorehe, on Upokorehe lands⁴⁷.

Upokorehe oral history identifies that part of the deal was Wilson asked Te Waru to carry out surveillance on Te Upokorehe. As Te Waru had been sympathetic to Te Kooti, it is not clear whether that Te Waru would actually do so.

It was as followers of Te Kooti that many Tūhoe individuals went to live with Te Kooti at Hokianga. This does not equate to Tūhoe holding Mana in our rohe. Further context to Tūhoe being pushed to the Coastal lands following the Land Wars, is the famine and crop failures for those in the Urewera in **1898**⁴⁸. This is the same year as the NLC case for Hiwarau.

All these Crown impacts, both for Upokorehe and for Tūhoe, trampled on the old understanding cemented from early times that Tūhoe could come to the harbour for kai but go home afterwards as they did not hold mana whenua there.

Despite this, despite all the Crown's efforts to displace us in our own rohe – the impacts did not last, as this ancient understanding remains in place and is still honoured today.

This shows the timelessness and resilience of Upokorehe mana whenua and customary practices exercised within our rohe from ancient times, against overwhelming odds. The tides of misfortune may ebb and flow across us, but the people, the land, kaitiaki, and our mana whenua, underpins all and remains enduring. Even the once proud garrison at Onekawa is now little more than remnants in pastureland, where an MOU between Upokorehe and BOPRC identifies that 'Onekawa and Te Māwhai are significant waahi tapu for Upokorehe and were the centre of occupation of their tīpuna'.

⁴⁶ Binney, J. (2009) Encircled Lands. (p. 237, 245)

⁴⁷ Ibid p. (182)

⁴⁸ Ibid (p. 461)

The MOU also `agrees that the manawhenua status of Upokorehe provides them with kaitiakitanga over the park.⁴⁹ All else is once more as dust on the wind.

⁴⁹ Memorandum of Understanding Between Upokorehe and Bay of Plenty Regional Council for Onekawa Te Māwhai Lands. September 2012.

⁵⁰ Extract From Opotiki Minute Book No. 30, Folios 11-18. 19 July 1939. Hiwarau Block – Petition of Henare Rako and Others, Praying for re-opening of the title. Hiwarau Block (R19525130), Record No. 5/13/73, Archives NZ, p.22294

⁵¹ Ibid p22300

⁵² Binney, J. (2009) Encircled Lands. (p. 237).

And What is the origin of the view that Upokorehe is a "general name" given to all those living at Ohiwa?

In the 1898 NLC case, much weight is placed on the word of Tapui Te Kaka, who said that *'the name Upokorehe was a general name applied to peoples of various hapū living in the Ōhiwa/Waiotaha District'*.

in his Judgement of the case, Johnson says

A good deal of conflicting evidence has been given but the Court is of the opinion that Tapui Te Kaka's evidence is reliable and that the name Upokorehe was a general name applied to peoples of various hapū living in the Ōhiwa/Waiotaha District⁵⁰.

Who was Tapui Te Kaka?

It is Mhirangi Kotu who addressed the same issue in 1939. Mhirangi said that:

Tapui Te Kaka married Major Swinley, she was not an Upokorehe. She was a Ngāti Kareti and Ngāti Ira. She lived at Ōhiwa for a short while. It was the practice in those days for people to visit each other⁵¹.

Tapui Te Kaka is one of **Kakitu's** people and her knowledge of Upokorehe is through this lens. Furthermore she and her husband Major Swinley were living in Waimana at the time, and Swinley was part of the push to get Tūhoe Chiefs onside in land leases, in particular Tamaikoha.⁵² They also focused on Tamaikoha to enlist his support in pursuing Te Kooti.

So, one statement by a non-Upokorehe person about Upokorehe origins was weighted above that of Upokorehe speakers –this person just happened to be married to a local military commander. Unfortunately this comment has been privileged and repeated many times by historians and researchers recently for the Wai 1750 hearing.

This statement is another of the echo chamber type of evidence about Upokorehe that has prevailed in all accounts for over 100 years and repeated in the Tribunal reports without exploration.

And before we leave the 1898 Hearing, it appears to grow even murkier.

We suddenly have the retired Military Captain, John Rushton appearing to support **Kakitu** against Upokorehe, even though Kakitu by this stage had passed on. Why did Rushton a retired captain, feel the necessity to attend a NLC hearing on relative interests of the Upokorehe Reserve, and to speak against Upokorehe?

Rushton spent many many years hunting Te Kooti around our rohe and the Ureweras. Kakitu was one of those who helped the military in the pursuit of Te Kooti. Kakitu was rewarded; not only by being supported to purchase lands in

our rohe at Waiotaha, but was put into the Hiwarau and Hokianga Reserves, while not even being Upokorehe.

Te Upokorehe strongly dispute the supposition put forward by Ngāti Awa that 'no one iwi is dominant at Ōhiwa'⁵³

It is important to view the concept of mana whenua through the timespan and lens of Upokorehe. As Hapū Oneone, Upokorehe have always held mana whenua in our rohe since time immemorial.

Our history, our MACA evidence, and indeed speakers from both Tūhoe and Whakatōhea told the 1867 Opotiki Compensation Court and the different Native Land Court cases, that Upokorehe held the mana and were occupying all the lands at Ōhiwa and Waiotaha, and this was often repeated.

For example, the Opotiki Compensation Court minutes reflect that a number of individuals claiming into te rohe o Te Upokorehe, also stated that:

Tiwai Piahana: *'when the government came, Te Upokorehe were in possession of Ōhiwa'*.⁵⁴

Ihaia stated *'No other hapū had any claim to any of the land. All the land between Waiotaha and Ōhiwa belonged to the Upokorehe'*⁵⁵

Rewiti Rangimatanuku: *'Upokorehe own all the land.'*

Wi Tiria: *'all this land belonged to Upokorehe'*⁵⁶.

Tiwai *'it was Upokorehe who were living at Ohiwa when the Pākehā came not Kepa of Ngāti Awa or Taipari from Ngāti Maru and Ngāti Awa'*.⁵⁷

And what is the impact on the whanau and hapū of Upokorehe, to have their identity, whakapapa, mana whenua, history and whanaungatanga continually undermined by the Crown, by historians employed by cross-claimants and the Crown, to suit whatever political agenda is being promoted at the time? This Tribunal has heard first-hand over the past 2 days what that has been.

There have been times when our mana whenua and identity has been, and is, put under enormous and sustained pressure by the Crown and other external forces, causing significant hara. Yet, despite the enormity of the hara, Upokorehe mana whenua over our rohe has never been broken.

Since the days of the Compensation Court and the Hiwarau and Waimana Native Land Court Hearings, a range of claims [often conflicting] emerged by a number of individuals about Te Upokorehe origins, whakapapa, tīpuna, identity and

⁵³ Johnson, E. *Ōhiwa Harbour*, March 2003, p. 24

⁵⁴ Ibid. p. 190

⁵⁵ Ibid. P. 189

⁵⁶ xx

⁵⁷ Ewan Johnson, *Ōhiwa Harbour*, 2003. P. 191

lands. The terms 'hapū' and 'tribe' are also used interchangeably. The following examples are not exhaustive, they are provided for context.

The *Ōhiwa Report* identifies that at the **1867** Compensation Court, the Tūhoe Chief Rakuraku stated that: " 'Ngāi Tūhoe and the Upokorehe are the tribes living on the land in question [that is, Ōhiwa] now'. The two groups, he explained, 'are connected with each other. Neither of them are connected with the Whakatōhea.' "⁵⁸ At the same time, Johnson quotes Hirini as stating that " 'Upokorehe and Ngāi Tūhoe are distinct hapūs' and that 'once they fought against each other.' "⁵⁹

Warena Mokomoko **1898** Native Land Court Hearing: 'other hapū at Hiwarau occupied the land "under the mana of Upokorehe - they had no other mana".⁶⁰ Another claim was that Ngāti Ruamoko and Ngāti Patu were branches of Upokorehe.⁶¹ This hardly supports a claim that Upokorehe was assimilated into Whakatōhea, but the opposite.

In the 1874⁶² and 1878⁶³ Census of the Māori population Upokorehe was named as a Hapū of Whakatōhea.

In **1880**, the Native Land Court met for a re-Hearing of the **1878** Waimana case. the judgement, stated, "Nothing however in the evidence supports the idea that Upokorehe occupied a servile position to the Tūhoe [as stated by Kereru] or indeed any other Tribe."⁶⁴

In the **1881** Census, following the 1880 Waimana NLC re-hearing, Te Upokorehe is named as a Principal Tribe of the Ōpōtiki District.⁶⁵ In **1929**, Apirana Ngāta authorised that the Upokorehe Tribe be issued with a Red Ensign for their wharenuī, Kahuki at Ōhiwa.⁶⁶ In **1955**, the Māori Trust Boards' Act 'declares the beneficiaries [in this case Upokorehe Hapū and Roimata Marae] to be members of the Whakatōhea tribe and their descendants.'⁶⁷

In 2017, Statistics New Zealand listed "Te Upokorehe" as an Iwi in its updated lists of Iwi Classifications,⁶⁸ and in the same year Waiāriki MP Tamati Coffey named Upokorehe as one of the Iwi in Waiāriki in his maiden speech to the House.⁶⁹

In light of what may appear to be so many conflicting and potentially confusing claims, the following observation by Judith Binney provides the most likely explanation:

⁵⁸ *ibid*, p. 184

⁵⁹ *Ibid* p. 186

⁶⁰ 07 March 1898, NLC Minutes, Ōpōtiki, MB 16, p. 241

⁶¹ *Ibid* 15 March 1898 pps 316-317

⁶² AJHR 1874, G-07. Approximate Census of the Māori Population. p.9.

⁶³ AJHR, 1878, G-02. Census of the Māori Population. p. 21.

⁶⁴ 18 March 1880, NLC Minutes, Ōpōtiki, MB 1, p. 401

⁶⁵ AJHR 1881, G-3. Census of the Māori Population. p.21

⁶⁶ Office of the Minister of Native Affairs, Balneavis, Private Secretary, 7 December 1929.

⁶⁷ Māori Trust Boards Act 1955, (1955 No 37) "Whakatōhea Maori Trust Board" s.12[2], p.247.

⁶⁸ Statistics NZ, Letter to Kahukore Baker confirming Iwi Classification, 12 October 2017

⁶⁹ <https://www.parliament.nz/en/mps-and-electoralates/members-of-parliament/coffey-tamati/>

*" 'Due to their close ties, in the early nineteenth century Pākehā may well have identified some of Tūhoe's neighbours, including Upokorehe, as being Tūhoe. At the same time, she continues, Pākehā also identified Upokorehe as being of Whakatōhea. 'In actuality', ... 'Te Upokorehe was [...] a small tribe. It was closely intermarried with both its neighbouring iwi, but it perceived itself as an entity, however few its numbers.' "*⁷⁰

And it is as a tribe we remain today.

Te Upokorehe at the beginning of the Twentieth Century

In **1876**, the Upokorehe population suffered from typhoid, in addition to respiratory and other diseases.⁷¹ In **1905** the potato blight further impacted the people. Binney notes that owing to famine in the Ūrewera which was caused by frost and potato blight, the Tūhoe tribes requested camping grounds near the sea [presumably for fishing], but this did not happen. Instead the following communities were given seed potatoes: Rūātoki, Waimana, Te Whaiti, Galatea, Te Houhi, Ruatāhuna and Maungapōhatu.

Te Upokorehe, living at Ōhiwa, did not receive any seed.⁷² That Te Upokorehe had ready access to their Takutai Moana and the inland Tūhoe tribes did not, may have accounted for this difference in treatment by the Crown. For Te Upokorehe, Te Kete Kai a Tairongo and their entire Takutai Moana was, and remains, an essential food and rongoa [healing] source through desperate times and continues to be a stable food source throughout economic hardship.

The 1918 Influenza epidemic further impacted Te Upokorehe. Leo Ducker the first Pākehā born at Hokianga, noted that the impact of the **1918** Influenza epidemic:

*'the Māori had whares everywhere around the sprawling harbour. Its population was, I would say, over the 1,000 mark. But in 1918 a Flu epidemic wiped them out almost completely. I can remember coffins filled up with dead with no-one to bury them.'*⁷³

As a consequence Hokianga was declared Tapu. However as time passed, a number of Te Upokorehe whānau moved back to Hokianga. Today, Kaumātua Wallace Aramoana, brother of the late Charles Aramoana and great-great-grandson of Wī Akeake, was one of the children born on the island in the first half of the 20th century.

Despite typhoid, famine and the epidemic, Upokorehe continued to assert their mana at Ōhiwa. In **1929**, Te Upokorehe were presented with a Red Ensign on behalf of the Minister of Native Affairs, the Hon Apirana Ngāta. The

⁷⁰ Judith Binney, *Encircled Lands*, Part One, Draft Version, August 2001, ch 1, P 11; cited in Ewan Johnson, *Wai 203 and 339 Report*, 2002 18.4, p. 17

⁷¹ AJHR 1878 G-2, *Census of the Maori Population* p.5

⁷² Judith Binney, *Encircled Lands Te Ūrewera, 1820-1921*, p458

⁷³ Leo Ducker, *Early Days of Ōhiwa*, 1994. MS 153, p.14

memorandum from Balneavis, the Minister's Private Secretary to the Under Secretary of the Native Department, 7 December 1929, stated:

*'I am instructed by the Hon. the Native Minister to ask that a flag be sent to Mr George Shalfoon of Ōpōtiki, for presentation to Wī Kotu of Kutarere, to hold on behalf of the Upokorehe Tribe and for use on occasions of meetings at their meeting-house Te Kahuki near Ōhiwa.'*⁷⁴

1930s petitions: Upokorehe continue to fight for our lands

In the 1930s Te Upokorehe twice sought to re-open the 1898 Native Land Court decision on Hiwarau. The first petition was from Rahi Erana and others in 1935.⁷⁵ The second petition was by Henare Rako and others in 1937.⁷⁶

On both occasions, the **1898** Judgement prevailed and the petitions denied. That Judgement, based on an earlier 1895 judgement, was that as the lands were confiscated lands, the Court did not have to recognise whakapapa connections to the land and could therefore place whoever they wanted on it⁷⁷. The 1898 Judgement, as well as the denial of the two petitions, may well have had a bearing on Te Upokorehe's decision to align themselves with Te Whakatōhea in order to collectively seek redress for the confiscation of their lands.

Whānau at Ōhiwa petition for fishing rights

As early as 1944, whānau living at Ōhiwa mounted a petition to the Government to preserve their fishing rights. While 'Te Upokorehe' may not have been identified in the petition, in our view it is highly likely many of the submitters were Te Upokorehe as many Te Upokorehe whānau were living around Kutarere and Waiōtahe at that time, harvesting from the Takutai Moana as a key food source.

The petition to the Government by Te Whakawae Rimaha 'and 114 Others of Ōhiwa', was 'praying for legislation preserving the fishing rights at Ōhiwa Harbour for members of the Māori race', to preserve and reserve 'unto ourselves and our progeny and future generations of our Race to come, all fishing rights and Pipi, Tuangi, Mussel beds rights (marked plan hereto) within the boundary of the proposed reservation in the Ōhiwa Harbour' and to preserve the 'fishing and shellfish grounds and native rights' that the House prohibit and further taking of fish and shellfish by unauthorised persons, and that the Reserve is vested in a Committee of Trustees, appointed by the Māori Land Court. [Te Whakawae Rimaha and 114 Others, of Ōhiwa, praying for legislation preserving the fishing rights at Ōhiwa Harbour for members of the Māori race.]⁷⁸

⁷⁴ Office of the Minister of Native Affairs, Balneavis, Private Secretary, 7 December 1929.

⁷⁵ Raupatu Project: Petition No 32/1935 - Rahi Erana and others - re Hiwarau Block Bay of Plenty. File No Le 1/1935/14, Archives NZ pps 1590 - 1605.

⁷⁶ Petition 32/1935 - Rahi Erana and 9 others - Hiwarau Block (R19525130); Record No. 5/13/73. Archives NZ, pps 22291 - 22332.

⁷⁷ *ibid*, pps 22291 - 22332

David Alexander also identified this petition. In his 2017 report he notes that:

*'the whole exercise appears to have been shelved without achieving any result and without making any final decision on the plea of the Māori petitioners. The consequence of the lack of any action was that the status quo remained.'*⁷⁹

While Demographer Ian Pool referred to the 1840s-1901 as 'Decades of Despair', he identified the decades from 1901-1940s for most Māori as 'Recuperation in Isolation' which occurred gradually, outside mainstream Pākehā New Zealand. Pool stated that such regeneration had its foundations in the spontaneous regaining of immunity.⁸⁰

By the 1940s, the Upokorehe population warranted the building/re-building of two new whareniui during WW II. In 1942 Rongopopoia in the upper Waiōtahe Valley opened a new whareniui "Rongopopoia"; and in 1943 a new whareniui named "Tamaterangi" was opened at Kutarere.

Rongopopoia and the Rongopopoia claim

As you heard yesterday, Rongopopoia, son of Rongowhakaata and Uetupuke married the daughters of the Hapū Oneone Chief Panekaha, they are the grand daughters of Tairongo. And as you have heard, the previous whare that stood at here at Roimata, was named Kahuki.

Rangiparoro and Rongopopoia were living at Onekawa. When Rongopopoia was killed by Tuamutu, Rangiparoro was hapū. Tuamutu told her if the baby was a boy he would be killed, and this is what led to the naming of Uretara Island, Waiōtahe River and Maromahue Marae, as she fled from Tuamutu up the valley with her new born son.

Filing our claim

The deadline for filing historic claims was 31 August 2008— Rongopopoia managed to get our claim in by 28 August. This was the very first Waitangi Tribunal claim Rongopopoia had filed and the first time we had been involved with the Tribunal and its filing process.

The claimants are Akurangatira Richard Wikotu Chair [d], Polly Leef [d] Rocky Ihe d] myself and Aroha Wikotu, Richie's daughter.

Hinehou Polly Leef, co-claimant [now deceased], maintained Upokorehe was her tribe, and provided her birth certificate as proof of her Upokorehe whakapapa. Her whānau then provided this document to Rongopopoia in support of her korero for the MACA.

⁷⁸ Petition no 36/1944, 'Te Whakawae Rimaha and 114 Others, of Ōhiwa, praying for legislation preserving the fishing rights at Ōhiwa Harbour for members of the Māori race', cited in Ewan Johnson, *Ōhiwa Harbour*, 2003, p. 243.

⁷⁹ David Alexander, *Whakatōhea Ngā Take Taiao Full Report*, 2017, p.103

⁸⁰ Ian Pool, *Te Iwi Māori, A New Zealand Population Past, Present and Projected*, 1991, p.128

A copy of Hinehou Polly Leef's birth certificate shows that she was born in 1935 at Kahikatea, Waiotaha. This is where Rongopopoia is situated. The certificate names her father as Ko Kere Wi Kotu, who is the great grandson of Wi Akeake. Ko Kere Wi Kotu is listed on her birth certificate as residing at Kahikatea, with Te Ūpokorehe as his Tribe⁸¹.

We, as named claimants, discussed that it was our preference to file as a hapū of Upokorehe, but as we were running out of time to file, we had no time left for meaningful discussions with Whakatōhea to inform them that we saw ourselves as a hapū of Upokorehe and Upokorehe as our tribe.

In our ignorance of the Tribunal process, we believed that if Whakatōhea opposed our claim to the Tribunal then we would not be heard. We felt like this because the Crown had put Upokorehe under the Trust Board in 1955 and we thought the Tribunal would think the same and not hear us. We later amended this and filed the claims as a hapū of the Upokorehe Tribe.

Towards the end of 2009 Ned Wikotu, Rongopopoia kaumatua and great great grandson of Te Upokorehe Chief and Tiriti signatory Wi Akeake, received a Christmas message from TKAT⁸², thanking him for his support of the Tūhoe claim, enclosing a map of the entire Upokorehe rohe claimed as 'Tūhoe dominant'.

Richie and Rocky phoned me to let me know that Koro Ned's decision was that we claimants oppose the TKAT settlement as it is a takahi of Rongopopoia and Upokorehe.

Rocky Ihe was a very powerful matekite. Rocky told me that while he was at work, he was suddenly transported to Rongopopoia Marae. As he stood outside the whare, he was joined by Rongopopoia and Kahuki. Rongopopoia turned to Rocky and said "You must never let my people be buried under the net again".

And so we carried on, and we have certainly been supported in that hikoi, despite the fact that the Crown and Whakatohea do not know and/or do not acknowledge we exist.

In 2009, with the Whakatōhea direct negotiations process setting up again, I arranged a visit to Rongopopoia by Ranginui Walker as he did not know of Rongopopoia marae. Ranginui was delighted to meet the whanau and was impressed at the large numbers of young whānau and tamariki present, at the top of a dirt road where on first appearances there do not seem to be many people living there.

I did this as it was very important to me that Whakatōhea understood who Upokorehe really are; and realise Rongopopoia is very real, far from recent, and is a hapū of the Upokorehe Tribe.

⁸¹ Birth Certificate Hinehou Polly Leef

⁸² Nga mihi na TKAT

Not long after this, the Crown stepped up their actions to put Upokorehe in the Tūhoe settlement as a hapū and marae of Tūhoe. Offers of \$100k were made to marae in the Upokorehe rohe, but that was conditional on signing the marae was a Tūhoe marae. You can well imagine how this offer caused splits and conflict amongst some of our whanau. Maromahue turned it down.

To discuss this with Rocky and Richie, I drove 20ks to leave a note for them to contact me, as they were in the camp and there was no landline or cell phone or internet at the time.

I attached the note to a totara tree with a hunting knife. The point being, that despite the fact our whare was derelict, we still did not take the payment. Rongopopoia had told us not to let our people be buried under the net again so we fight on.

With this occurring, all 5 hapū and marae in the Upokorehe rohe held a hui and voted to establish a Upokorehe Strategy Team to protect our lands and our tino rangatiratanga.

The minute all 5 Upokorehe hapū and marae agreed to work together, the sky turned purple, the sun streamed through, thunder and lightning rolled across the harbour, and two 6ft elongated diamonds shimmered out on the marae atea. What a beautiful tohu!

And this is the point of the story. Upokorehe are Hapū Oneone and only Upokorehe has the mana and the mauri to speak for our lands, our moana, our kaitiaki and our whanau. Only Upokorehe are known by our kaitiaki.

We later set up the TUTCT to protect Upokorehe lands. We gave Whakatōhea a plan for Upokorehe and Te Whakatōhea to work together. The pre-settlement trust and the Crown refused to engage with it and us, and various individuals pulled away to support either Tūhoe or Whakatōhea to try to claim Upokorehe lands.

And now we come full circle, back to the Crown and the cross-claimants each with their own agendas, denying us our very identity as they attempt to seize our lands once again. For Te Upokorehe there is no such thing as an historical claim as that implies its in the past – for our people it is one long and continuing grievance, from 1840 where Wi Akeake's lands were sold by some Whakatōhea chiefs, to the raupatu and the confiscation of all our lands, to the establishment of Reserves in our name yet including others – to the NLC judgements that our whakapapa ties to the land can be ignored as the Crown seeks to curry favour with Tūhoe Chiefs to pursue Te Kooti, using our lands as the carrot, to the placement of others on our confiscated lands, to the denial of our petitions to the defining us as a hapū of Whakatōhea in the establishment of the Ōpāpe Reserve

and the Whakatōhea Māori Trust Board, to the Tūhoe settlement and now the direct negotiations for this settlement.

To the Crown I say this:

Yes, you might politically undermine us, you can use your legislation to change our identity on paper, you can try and tell us we don't know our own whakapapa, and that you know our whakapapa better than we do, you can try to deny our very existence, you can continue taking our lands for your own purposes, and to further impoverish us politically and economically – but no matter what- and in this I am reminded of a saying given to me many years ago by Nikorima Pirikahu of Taranaki, and that is 'Clay will not cling to iron'. The false identities and layers which you heap upon us continually through policy and legislation, just crumble and fall away when exposed to the sunlight.

In our world, in this world, despite the overwhelming odds, you simply cannot and will never colonise our whakapapa, our mātauranga, our mauri, our wairua

As Hapū Oneone, we will remain here holding the rangatiratanga, the mana and the mauri of our rohe, until this world turns to dust, when together Hapū Oneone and all our kaitiaki return to the stars, to Rangi and Papa, from whence we came.

Tihe mauri ora