

I TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI  
IN THE WAITANGI TRIBUNAL

Wai 2200  
Wai 113A (part)  
Wai 113F  
Wai 113H  
Wai 113I  
Wai 113J  
Wai 757

**In the Matter** of the Treaty of Waitangi Act 1975

**And**

**In the Matter** of the Porirua ki Manawatū District  
Inquiry (Wai 2200)

**And**

**In the Matter** of a claim by Korey Gibson on behalf of  
Ngāti Hapahapai ki Mangāmāunu o Ngāti  
Huia ki Poroutāwhao (Wai 113A)

**And**

**In the Matter** of a claim by Wayne Kiriona on behalf of  
Ngāti Huia ki Matau (Wai 113F)

(Continued overleaf...)

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**JOINT CLOSING SUBMISSIONS IN THE NGATI RAUKAWA AND AFFILIATED  
GROUPS PHASE ON BEHALF OF FIVE HAPU OF NGĀTI HUIA KI HOROWHENUA**

**DATED 12 JANUARY 2026**

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Waitangi Tribunal

**12 Jan 2026**

Ministry of Justice  
WELLINGTON

**And**

**In the Matter**

of a claim by Hiramā Tamihana on behalf of Ngāti Huia ki to Poroutāwhao (Wai 113H)

**And**

**In the Matter**

of a claim by Shane Royal on behalf of Ngāti Kikopiri (Wai 113i)

**And**

**In the Matter**

of a claim by Larry Parr on behalf of Ngāti Hikitunga (Wai 113J)

**And**

**In the Matter**

of a claim by Wayne Kiriona on behalf of himself and Ngāti Raukawa te Au ki te Tonga (Wai 757)

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**TĒNĀ E TE TARAIPUUNARA  
MAY IT PLEASE THE TRIBUNAL**

**I: INTRODUCTION**

1. These Claimant Specific Closing Submissions are filed on behalf of the following hapū of Ngāti Huia ki Horowhenua:
  - a. Wai 113H, Ngāti Huia ki Poroutawhao;
  - b. Wai 113A (part), Ngāti Hapahapai (sometimes referred to as Ngāti Hapahapae);
  - c. Wai 113F and Wai 757, Ngāti Huia ki Matau;
  - d. Wai 113J, Ngāti Hikitunga; and
  - e. Wai 113i, Ngāti Kikopiri.

(together referred to in these submissions as **Ngāti Huia ki Horowhenua Claims or Claimants**)
2. These closing submissions are to be read alongside the original Statement of Claim for Wai 113, the supplementary Statements of Claim for the respective hapū on which they rely on,<sup>1</sup> as well as the Joint Opening Submissions for the Ngāti Huia ki Horowhenua Claims.<sup>2</sup>

**The Ngāti Huia ki Horowhenua Claims**

3. The history of the Ngāti Huia ki Horowhenua Claimant hapū and their arrival into the Horowhenua district in the early nineteenth century is detailed in technical evidence, and particularly also in the tangata whenua evidence of Hiramā Tamihana, and Charles Royal.<sup>3</sup>
4. This includes the various whakapapa of the Ngāti Huia ki Horowhenua Claims. Peter McBurney in his *Tūmatanui Oral and Traditional History*

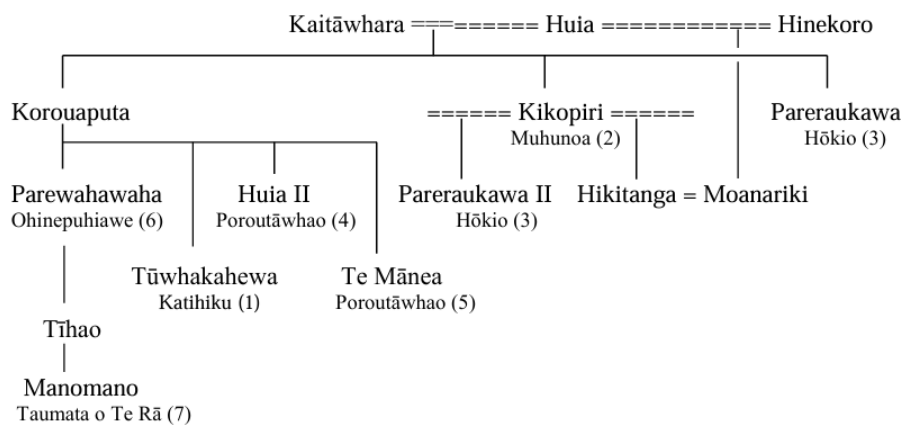
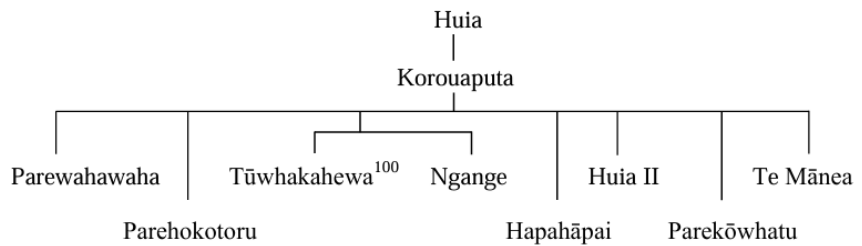
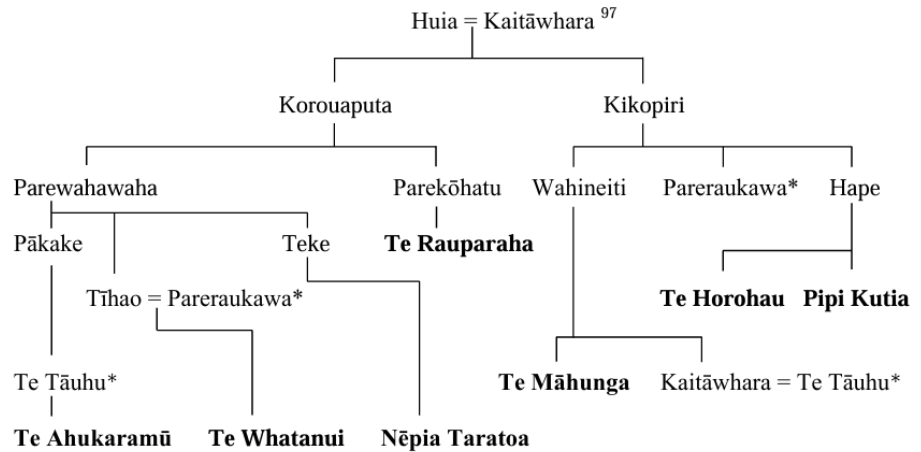
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<sup>1</sup> Wai 22000, #1.1.31(h) for Ngāti Hapahapai; Wai 2200, #1.1.31(i) for Ngāti Hikitunga; Wai 2200, #1.1.31(k) for Ngāti Huia ki Poroutawhao; Wai 2200, #1.1.70(c); other claimants are reliant on the Lead Statement of Claim, Wai 2200, #1.1.106.

<sup>2</sup> Wai 2200, #3.3.84.

<sup>3</sup> Wai 2200, #N35.

Report records the whakapapa connections of Ngāti Huia ki Horowhenua, and key rangatira, which are included below,<sup>4</sup> although it is noted that this is merely an overview of whakapapa connections, and it is within claimant evidence from where whakapapa evidence should take precedence.



5. Unlike other hapū in this Inquiry District, Ngāti Huia did not partake in the tangata heke ki te tonga because of Te Rauparaha, but rather on the

<sup>4</sup> Wai 2200, #A204 at Figures 10-12.

invitation of his sister, Waitohi.<sup>5</sup> She demanded utu for the deaths of her nieces, nephews and whanaunga at Lake Waiwiri.<sup>6</sup> Ngāti Huia, including the Ngāti Huia ki Horowhenua Claimants, answered her invitation in accordance with tikanga and the requirements that placed on them to respect their whanaunga and the mana of Waitohi.<sup>7</sup> Ngāti Huia rangatira Horohau journeyed south with Te Rauparaha and the Ngāti Toa heke, Te Heke Tahutahuahi and Te Heke Tataramoa. Te Rauparaha was a Ngāti Huia rangatira through his mother, Parekohatu, and therefore took on the mana of leading Ngāti Raukawa on the death of Hape. Rangihaeta was also a Ngāti Huia rangatira through his mother Waitohi and grandmother Parekohatu.<sup>8</sup> It is through achieving the utu sought by Waitohi that Ngāti Huia secured take raupatu to the lands that they subsequently resided on.<sup>9</sup>

### Evidence

6. The Ngāti Huia ki Horowhenua Claims were presented at Ngatokowaru Marae in early December 2022 at hearing week eleven of the Ngāti Raukawa and Affiliated Groups Phase (**Phase**) of the Wai 2200: Porirua ki Manawatu Inquiry (**Inquiry**). The Tribunal heard from the following witnesses from the Ngāti Huia ki Horowhenua Claims over the course of the week:

#### Ngāti Huia ki Poroutawhao:

7. Hirama Tamihana;<sup>10</sup>
8. Angela Hayden;<sup>11</sup>

<sup>5</sup> Wai 2200, #N35 at [5].

<sup>6</sup> Wai 2200, #N35 at

<sup>7</sup> Wai 2200, #N35 at [5]-[8].

<sup>8</sup> The Claimants note that in summary that: Ngāti Raukawa ki te tonga historically, pre-1840, was a “new iwi”, made up of hapū who migrated to Rangitikei, Manawatū and Horowhenua from vastly different locations around the Waikato. They did not move a whole iwi south from Maungatautari. Individual hapū tell the stories of where they have migrated from. They were all strangers but bonded by whakapapa, most hapū bought with the whanaunga hapū. Te Rauparaha inherited Hape Ki Tuarangi’s place as the paramount chief of Ngāti Raukawa ki te tonga. His father’s iwi, Ngāti Toa, were escaping annihilation and were not able to help him as much as he needed. He wanted allies through his mother’s people, who responded when many of his family were killed at Lake Waiwiri. The bulk of Ngāti Huia immediately responded to the deaths of Te Rauparaha’s family and migrated south. Te Ahu Karamu also burnt his whanaunga homes in Wharepuhunga which resulted in their migration. Te Rauparaha had mana over Ngāti Raukawa ki te tonga, but it was *not* through Ngāti Toa from which this mana was derived from. When Te Rauparaha died, it was at the time when many other Ngāti Raukawa chiefs passed away. The chieftain line in his new iwi was not properly established. Te Rangihaeata found protection at Poroutawhao with Ngāti Huia, because Ngāti Toa could not protect him.

<sup>9</sup> Wai 2200, #N19 at [54].

<sup>10</sup> Wai 2200, #N35; Wai 2200, #N37 and #N37(a); Wai 2200, #N34 and #N34(a); Wai 2200, #N36 and #N36(a).

<sup>11</sup> Wai 2200, #N28 and #N28(a); Wai 2200, #N29 and #N29(a); Wai 2200, #N30 jointly with Tiaki Tamihana.

9. Joel De Boer;<sup>12</sup>

10. Tiaki Tamihana;<sup>13</sup>

11. Bob Tamihana;<sup>14</sup>

**Ngāti Huia ki Matau:**

12. Wayne Kiriona;<sup>15</sup>

13. Hayden Turoa;<sup>16</sup>

14. Greg Carlyon;<sup>17</sup>

**Ngāti Hapahapai:**

15. Korey Gibson;<sup>18</sup>

**Ngāti Hikitanga:**

16. Larry Parr;<sup>19</sup>

17. Quentin Parr;<sup>20</sup>

18. Waikura (Rusty) Perawiti;<sup>21</sup>

**Ngāti Kikopiri:**

19. Charles Royal;<sup>22</sup>

20. Xavier Forde;<sup>23</sup>

21. Lou Donnell;<sup>24</sup>and

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<sup>12</sup> 4 Wai 2200, #N6 and #N6(a).

<sup>13</sup> Wai 2200, #N32; Wai 2200, #N33 and #N33(a), Wai 2200, #N30 jointly with Angela Hayden.

<sup>14</sup> Wai 2200, #N31.

<sup>15</sup> Wai 2200, #N23.

<sup>16</sup> Wai 2200, #N24.

<sup>17</sup> Wai 2200, #N15 and #N15(a) (this was presented at Hearing Week 15).

<sup>18</sup> Wai 2200, #N27.

<sup>19</sup> Wai 2200, #N20.

<sup>20</sup> Wai 2200, #N21.

<sup>21</sup> Wai 2200, #N22, #N22(a)(i).

<sup>22</sup> Wai 2200, #N19 and #N19(a).

<sup>23</sup> Wai 2200, #N18.

<sup>24</sup> Wai 2200, #N9, #N9(a), and #N9(b).

22. Hēni Collins.<sup>25</sup>
23. The Claimants also rely on a wide range of technical evidence reports that are on the record of inquiry in respect of historical aspects of their claims not covered by their tangata whenua evidence.
24. These are too numerous to list here in full, but inter alia, include many of the reports entered on the Record of Inquiry in this phase of the Wai 2200 Inquiry.

## **II: TIRITI O WAITANGI PRINCIPLES**

25. The Claimants rely on the articulation of te Tiriti o Waitangi (**te Tiriti**) and its principles as set out in the various generic claimant closing submissions for this Phase of the Inquiry and as they apply to the different issues raised in these submissions. In general terms, the Claimants rely on the following principles:
  - a. Article II of Te Tiriti and the principle of tino rangatiratanga;
  - b. Article III of Te Tiriti;
  - c. The principle of partnership;
  - d. The principle of active protection;
  - e. The principles of equality and of equity;
  - f. The right to development and the principle of options.
26. As the articulation of these principles has been well traversed in previous Waitangi Tribunal reports, and in the generic closing submissions filed for this Phase of the Inquiry, these are not repeated in these submissions.
27. However, the Claimants stress how vital it is for the Crown to truly place Māori on an equal footing when it comes to partnership and co-governance arrangements. Without the restoration of tino rangatiratanga in a manner decided by the whānau and hapū, Ngāti Huia ki Horowhenua and other hapū

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<sup>25</sup> Wai 2200, #H1(n); Wai 2200, #N7, #N7(a) and #N7(b).

of Ngāti Raukawa ki te Tonga will continue to experience grievances and prejudice in breach of te Tiriti and its principles in the future.

### III: ROHE – CUSTOMARY LAND INTERESTS

28. The customary land interests of Ngāti Huia ki Horowhenua are referred to throughout the claimant evidence. Centred in, and around the Horowhenua district, the Ngāti Huia ki Horowhenua Claimants were strategically located in this region, with other Ngāti Huia whānau and hapū centred elsewhere. The extent of their rohe and the story of their arrival and establishment of mana whenua in Horowhenua is particularly detailed in the evidence of Hiramā Tamihana which recounts the history of Ngāti Huia and the arrival in Horowhenua.<sup>26</sup> It is this account that the Ngāti Huia ki Horowhenua Claimants rely on in respect of their assertion of mana whenua status in accordance with tikanga.
29. In addition to the Horowhenua area, the Ngāti Huia ki Horowhenua Claimants, as part of Ngāti Raukawa ki te Tonga, also have interests across the region, from the Rangitīkei in the north, down to Ōtaki in the south, from the ridge lines of the Tararua ranges to the coast. As is part of traditional practices, Ngāti Huia whānau travelled and moved amongst each other and their kāinga regularly. Much of the Ngāti Huia ki Horowhenua Claimants' interests in the areas outside of where they are domiciled are recounted in the technical evidence in this Inquiry.<sup>27</sup>
30. This is not to say that the Ngāti Huia ki Horowhenua Claimants claim exclusivity to these interests, but that, through whanaungatanga, they also share these interests with other hapū and claimants in this Inquiry district.

#### Ngāti Huia ki Poroutawhao

31. Ngāti Huia ki Poroutawhao are the descendants of Te Riu, Te Hoia, Oriwa te Anuki, Paraotawa, Kiriona, Hutana Weriti Te Riu Hohua Te Riunui, Epiha Te Riu, Henare Korouaputa, Te Rauangaanga, Kataraina Te Humu, and Enoka Te

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<sup>26</sup> Wai 2200, #N35.

<sup>27</sup> See for example, Wai 2200, #A235 and Wai 2200, #A243 regarding the Tararua ranges and Ōtaki respectfully.

Puehu.<sup>28</sup> They are the direct descendants of Huia II and Te Manea, who are children of Korouauputa, and grandchildren of Huia I. They are the siblings of Te Rauparaha's mother, Parekohatu, and like the other hapū of the Ngāti Huia ki Horowhenua claimants, have strong connections with Te Rauparaha, Waitohi and their whanau.

32. Ngāti Huia ki Poroutawhao were at the forefront of seeking utu for the death of Te Rauparaha's children, as called for by Waitohi. Their tupuna, Manahu Te Humu, had said that "we came because Waitohi called, if it had been Te Rauparaha who had called, we would have abstained". It is on this basis of conquest that they assert their right to their customary interests. Ngāti Huia ki Poroutawhao rangatira supported Te Rauparaha and Te Rangihaeta as members of their war parties, going as far south as the South Island.<sup>29</sup> Ngāti Huia provided shelter and safety to Te Rangihaeta after the Hutt Valley wars until his death. A whare was built in Paeroa for Te Rangihaeta, he also had a whare in Ngawakahiamoe.
33. Huia II was one of their most prominent rangatira whose rangatiratanga and mana foreshadowed all dealing within their rohe.<sup>30</sup> The customary interests of Ngāti Huia ki Poroutawhao in this Inquiry district include but are not limited to:
- a. The northern part of the Horowhenua Block;
  - b. Poroutawhao lands;
  - c. Manawatu-Kukutauaki 7D;
  - d. Manawatu / Rangitikei;
  - e. Tararua Ranges Ridge;
  - f. Waitarere Forestry blocks;
  - g. Kahukura Blocks 1 & 2;

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<sup>28</sup> Wai 2200, #1.1.31(k) at [12].

<sup>29</sup> Wai 2200, #1.1.31(k) at [14].

<sup>30</sup> Wai 2200, #1.1.31(k) at [15].

- h. Manawatu-Kukutauaki 7H;
  - i. Katihiku; and
  - j. Ngakaroro.
34. These include the awa, roto and repo and other waterbodies that are within their waterways, which include but are not limited to the following:
- a. Lake Horowhenua tributaries;
  - b. Lake Waiwiri, Waiwiri Stream and its tributaries;
  - c. Waitarere stream;
  - d. Lake Tangimate;
  - e. Ngawakahiamoe;
  - f. Manawatu River; and
  - g. Lake Wawa.
35. The evidence of Hirama Tamihana on the oral history of Ngāti Huia ki Poroutawhao, compiled by him and the Ngāti Huia ki Poroutawhao research team, records a detailed account of not only the korero tuku iho of Ngāti Huia ki Poroutawhao, but their proud Huiatanga and culture which preserves to the present day.<sup>31</sup>

#### **Ngāti Huia ki Matau**

36. The oral and traditional history of Ngāti Huia ki Matau is recounted in the Tūmatanui Oral and Traditional History Report by Peter McBurney, provided to him by Mr Wayne Kiriona.<sup>32</sup> Ngāti Huia ki Matau, sometimes referred to as Ngāti Matau, is located close to their whanaunga of Ngāti Huia ki Poroutawhao and share similar land and water way interests.
37. Their eponymous ancestor, Matau, is the brother of Huia I, who are both

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<sup>31</sup> Wai 2200, #N37.

<sup>32</sup> Wai 2200, #A204 at 2.2. and at 10.4.2, for example.

sons of Ngātokowaru. Despite being descendants of the brother of the eponymous ancestor for Ngāti Huia, Ngāti Huia ki Matau regard themselves as a Ngāti Huia hapū.

38. As is described in later sections, Matau Marae, the principal marae of Ngāti Huia ki Matau used to be located closer to their Poroutawhao whanaunga, but is now located across from them, on the other side of State Highway 1, on land donated by the Hirini whanau, who continue to support the marae, alongside the other descendants of the six children of Te Pahau (Hohaia, Pahu, Hirini, Rauti, Wharerata and Rangitatau).<sup>33</sup>

### **Ngāti Hapahapai**

39. Ngāti Hapahapai ki Mangāmāunu o Ngāti Huia ki Poroutāwhao is a hapū based at Mangāmāunu, of Kaikōura. Originally descended from Ngāti Tou, the hapū, after arriving in the Manawatū-Horowhenua district, changed their name to Ngāti Hapahapai, their tupuna wahine, and sister of Parekōwhatu (who was the mother of Te Rauparaha and Waitohi).<sup>34</sup> This was done to show their close ties to Te Rauparaha and his whanau, as well as to Ngāti Huia and Ngāti Raukawa ki te Tonga.
40. Though the principal location of Ngāti Hapahapai is within the Te Waipounamu district, they remain closely connected to their Ngāti Huia ki Poroutawhao whanaunga, residing with their whaunanga at Poroutawhao at times, as well as within the Te Waipounamu district. In this Inquiry district, Ngāti Hapahapai, like their Ngāti Huia whanaunga, claim land interests within:<sup>35</sup>
- a. The Horowhenua lands;
  - b. The Poroutāwhao lands (north of Levin);
  - c. The southern Taumānuka Block lands; and

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<sup>33</sup> Wai 2200, #A204 at p. 74.

<sup>34</sup> Wai 2200, #1.1.31(h) and Wai 2200, #N27.

<sup>35</sup> Wai 2200, #1.1.31(h) at [8].

- d. The lands on the southern banks of the Ōtaki River.
41. One prominent rangatira of Ngāti Hapahapai is Karanama Te Kapukai o Tū, who was a Ngāti Huia foot soldier, a leading figure among the non-sellers and Kingītanga supporters. Mr Gibson recounts the history and stories of about Karana Te Kapukai o Tū in his brief of evidence.<sup>36</sup>

### **Ngāti Hikitanga**

42. Ngāti Hikitanga take their name from the eponymous ancestor, Hikitanga, a descendant of Kikopiri, who was himself a son of Huia I. The Ngāti Hikitanga claimants descend from Te Puke Te Paea, specifically the descendants of Rangiuira Te Paea and Te Puke Kairaiipi.<sup>37</sup>
43. Ngāti Hikitanga acknowledges and deeply appreciates the support of Ngāti Pareraukawa, whose rangatira Whatarangi Winiata, facilitated Ngāti Hikitanga's participation in this Inquiry.<sup>38</sup> It is with a deep sense of duty to both their tupuna and for future generations that the Ngāti Hikitanga claimants seek the Tribunal's assistance in the revival of Ngāti Hikitanga as a hapū of Ngāti Huia and Ngāti Raukawa ki te Tonga.
44. Ngāti Hikitanga is a Ngāti Huia affiliated hapū that, like other Ngāti Huia hapū, are closely associated with their whanaunga Te Rauparaha. Ngāti Hikitanga were amongst those who sought utu for the death of Te Rauparaha's children as called for by Waitohi.
45. Like other Ngāti Huia ki Horowhenua hapū, they claim rights to their rohe through conquest.<sup>39</sup> The particularised Statement of Claim for Ngāti Hikitanga details their customary interests, which are the lands at Horowhenua, Poroutawhao, Mahoenui, Muhunoa and Ohau, including the water bodies in these areas.<sup>40</sup> The whānau of Te Paea and his children, identified themselves as Ngāti Hikitanga, and they resided primarily in and around Māhoenui, prior to 1840, They shared their northern boundary with

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<sup>36</sup> Wai 2200, #N27.

<sup>37</sup> Wai 2200, #1.1.31(i) at [6].

<sup>38</sup> Wai 2200, #4.1.39 at p. 285.

<sup>39</sup> Wai 2200, #1.1.31(j) at [9].

<sup>40</sup> Wai 2200, #1.1.31(a) at [10]-[14].

the boundary agreed upon for the sanctuary of Te Whatanui, and shared their southern boundary with their whanaunga, Ngāti Kikopiri.<sup>41</sup>

46. Ngāti Hikitunga resided in this area during the signing of te Tiriti in 1840, and were still there until 1873, at which point they were dispossessed of their lands.<sup>42</sup>

### Ngāti Kikopiri

47. Ngāti Kikopiri take their name from the eponymous ancestor Kikopiri, the brother of Korouaputa, who were both sons of Huia I. Kikopiri was also the father of Hapekituarangi, whom Te Rauparaha (grandson of Korouaputa) came under the tutelage of. It is through this whakapapa connection that Ngāti Kikopiri are Ngāti Raukawa ki te Tonga.<sup>43</sup> The whakapapa of Ngāti Kikopiri is also described in Dr Forde's evidence.<sup>44</sup>
48. Dr Forde describes the area broadly referred to as Muhunua (which includes Waiwiri and the Horowhenua blocks north of present day Muhunua), which is associated with Ngāti Kikopiri, as:<sup>45</sup>

*Te Raina o Te Whatanui (or the Mahoenui boundary) in the north to Pukemoremore and Arete (Hanga-o hia-tangata) peaks in the Tararua to the east, and across to the mouth of the Ōhau river in the south.*

49. Ngāti Kikopiri whānau had kāinga at Rotokare, Muhunua, Matāpounamu, and Kaingapipi.<sup>46</sup> Key water bodies for Ngāti Kikopiri included the Waiwiri Stream and the Waiwiri Lake (also known as Lake Papaitonga), as well as the aforementioned Ōhau River.<sup>47</sup> The northern boundary of their rohe (Mahoenui) is shared with whanaunga, such as the hapū Ngāti Pareraukawa, and Ngāti Hikitunga.
50. It was the Ngāti Kikopiri rangatira, Te Ahukaramū, who responded to

<sup>41</sup> Wai 2200, #N20 at [51].

<sup>42</sup> Wai 2200, #N20 at [51].

<sup>43</sup> Wai 2200, #N19 at [24]-[35].

<sup>44</sup> Wai 2200, #N18 at [9]-[20].

<sup>45</sup> Wai 2200, #N18 at [25].

<sup>46</sup> Wai 2200, #N19 at [18]; See also Wai 2200, #N19(a) at pp. 2-3; Wai 2200, #N18 at 27-[28].

<sup>47</sup> Wai 2200, #N19 at [18]; See also Wai 2200, #N19(a) at pp. 2-3. See also Wai 2200, #1.1.67(a) a claim by Ngawini Kuiti in relation to Lake Waiwiri.

Waitohi's call for utu for the deaths of Te Rauparaha's children, encouraging 'Te Tuarānui-o-Pakake' ('the broad back of Pakake' refers to the descendants of Pakake, who was a great-grandson of Huia I) to seek revenge as per Waitohi's request.<sup>48</sup> Utu was paid in the form of baskets of flesh of Muaūpoko to Te Rauparaha and Waitohi.<sup>49</sup>

51. The emergence of the Ngāti Kikopiri identity in the late 19<sup>th</sup> century was in part to recognise those who descended from Kikopiri as well as those who have a relationship to the events that connect Ngāti Huia and Ngāti Raukawa together.<sup>50</sup>
52. A more detailed account of the hapū oral history is in the Ngāti Kikopiri chapter of Volume 1 of He Iti Nā Mōtai.<sup>51</sup>

#### **IV: ISSUE ONE: TINO RANGATIRATANGA**

##### **OVERALL COMMENTS - HĀPU RANGATIRATANGA IGNORED AND TRAMPLED ON**

53. The Claimants say that the Crown's acts and omissions have greatly limited the ability of Ngāti Huia ki Horowhenua Claims to exercise tino rangatiratanga over their whenua and papakainga. This will be further expanded upon in subsequent sections.
54. The generic claimant closing submissions on tino rangatiratanga and constitutional claims are supported and adopted to the extent that they are relevant to the issues raised by the Claimants.<sup>52</sup>
55. The Claimants adopt and support the Tiriti Duties and principles as set out in the Generic Claimant Closing Submissions on Tino Rangatiratanga and Constitutional Claims at section 5.<sup>53</sup>
56. In particular, Counsel submit that the Crown, in breach of te Tiriti and its principles, has failed to:

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<sup>48</sup> Wai 2200, #N19 at [47]-[54].

<sup>49</sup> Wai 2200, #N18.

<sup>50</sup> Wai 2200, #N19 at [56]-[57].

<sup>51</sup> Wai 2200, #H001; the summary presentation presented by Ms Hēni Collins is recorded as Wai 2200, #H1(n).

<sup>52</sup> *Tukau Law Generic Closing Submissions on Tino Rangatiratanga and Constitutional Claims (Issue 1)* dated 31 October 2025, Wai 2200, #3.3.95.

<sup>53</sup> Wai 2200, #3.3.095, starting at page 24.

- a. enable Ngāti Huia ki Horowhenua hapū to exercise their rangatiratanga in ways they see fit, including both customary and non-customary ways; and
57. actively protect the mechanisms through which Ngāti Huia ki Horowhenua hapū have exercised, and continue to exercise, their tino rangatiratanga.

#### **Assertion of Tino Rangatiratanga in Signing te Tiriti and Since Then**

58. A number of tupuna of the Ngāti Huia ki Horowhenua Claimants signed te Tiriti o Waitangi, including key rangatira such as Te Rauparaha, Te Rangihaeata, Te Rangī Topeora, but also rangatira, Āperahama Te Ruru and Mātene Te Whiwhi.<sup>54</sup>
59. Dr Royal argues that Ngāti Huia tupuna, in signing te Tiriti, sought to protect the land interests they acquired through take raupatu in the previous two decades.<sup>55</sup> The Claimants assert that on this basis, it is difficult to accept that their tupuna would surrender the fundamental control of their hard won whenua to the Crown.<sup>56</sup>
60. Furthermore, the Ngāti Huia ki Horowhenua Claimants note that their tupuna continued to exercise their tino rangatiratanga since the signing of te Tiriti. For example, their tupuna Mātene Te Whiwhi was centrally involved with the Kingitanga.

#### **Tino Rangatiratanga and Mana Motuhake in the Present Day**

61. Another key concern for Ngāti Huia ki Horowhenua Claimants is their consistent exclusion from any decision-making processes as mana whenua within the Horowhenua region and across the Inquiry district where they have interests. The Crown and its agents have ignored and continue to ignore Ngāti Huia ki Horowhenua Claimants in respect of any decision-making framework which affect their rohe.
62. For example, the evidence of Justin Tamihana, although for a different claim

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<sup>54</sup> Wai 2200, #N19 at [59].

<sup>55</sup> Wai 2200, #N19 at [62]-[63].

<sup>56</sup> Wai 2200, #N19 at [63]-[65].

but also within his capacity as a representative of Ngāti Huia interests, describes the tensions between iwi and hapū in respect of kaitiaki obligations generally, but also when engaging with the Crown and its agents.<sup>57</sup>

63. At this stage we note that further submissions may be made in respect of issues relating to tikanga between different hapū and iwi who have settled in the Horowhenua district, as matters to be dealt with within the Wider Inquiry Phase after all the evidence has been heard. However, for the purpose of these submissions, Ngāti Huia ki Horowhenua Claimants continue to assert their claims to their whenua by conquest.<sup>58</sup>

## HAPŪ SPECIFIC EXPERIENCES

### Ngāti Huia ki Poroutawhao

64. Mr Hirama Tamihana describes in his evidence the tupuna Ngāti Huia ki Poroutawhao who exercised their mana and tino rangatiratanga within the Horowhenua area over their rohe.<sup>59</sup>
65. As will be expanded on in the Native Land Court section, the tino rangatiratanga and mana of Ngāti Huia ki Poroutawhao was severely diminished on the basis that the Crown and its agents failed to recognise that they had mana whenua status, through conquest in accordance with tikanga, over their lands (particularly in relation to what would become the Horowhenua block). We submit, a clear and direct breach of te Tiriti, its terms and its principles.
66. This has had flow on effects on how Crown agencies have treated them in the present day. Mr Tiaki Tamihana, and his son, Mr Justin Tamihana, in their evidence, describes the conflicts and barriers they face in trying to exercise kaitiaki obligations and in engaging with local authorities in any “partnership-like” agreements, like the local and regional council, and with the Department of Conservation, as a result of the mana whenua of Ngāti

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<sup>57</sup> Wai 2200, #K11 at p. 11 onwards.

<sup>58</sup> Wai 2200, #N35.

<sup>59</sup> Wai 2200, #N37.

Huia ki Poroutawhao (and Ngāti Huia in general) being unrecognised for many, many years.<sup>60</sup> This is, again, in breach of te Tiriti, its terms and its principles.

### **Ngāti Huia ki Matau**

67. Ngāti Huia ki Matau similarly experienced the same issues as their whanaunga of Ngāti Huia ki Poroutawhao and make the same submissions on this basis. Ngāti Huia ki Matau evidence on their inability to exercise tino rangatiratanga in their rohe is found within technical evidence put forward by Mr Wayne Kiriona to the various researchers.<sup>61</sup>

### **Ngāti Hapahapai**

68. Mr Gibson describes what tino rangatiratanga, rangatiratanga and rangatira mean for Ngāti Hapahapai as well as the complex reciprocal responsibilities that came with asserting mana in his evidence.<sup>62</sup> These complex social hierarchies and structures, of whānau and hapū, of rangatiratanga and rangatira, according to Mr Gibson, have been severely and negatively impacted through the loss of lands, resources, knowledge, language and customary practices.<sup>63</sup> These compounding losses, as will be expanded on in later sections is, we submit, a failure of the Crown, its agents and its systems, to protect the mana motuhake and tino rangatiratanga of Ngāti Hapahapai, in breach of te Tiriti and its terms and principles.

### **Ngāti Hikitanga**

69. It is our submission, through Crown action and inaction, that Ngāti Hikitanga suffered the extreme prejudice of the loss of their mana and tino rangatiratanga, as well as the dismantling of their customary sociopolitical and communal structures. As will be expanded upon in the section regarding the Native Land Court, Ngāti Hikitanga were rendered landless, and as a result were unable to operate as a hapū and to exercise hapū

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<sup>60</sup> Wai 2200, #N...

<sup>61</sup> See for example, Wai 2200, #A204.

<sup>62</sup> Wai 2200, #N27 at [20] onwards.

<sup>63</sup> Wai 2200, #N27 at [20] onwards.

rangatiratanga. The total and absolute negation of their tino rangatiratanga and mana for over one hundred years is, we submit, a clear and direct breach of te Tiriti, its terms and its principles.

### **Ngāti Kikopiri**

70. Dr Royal notes that Ngāti Kikopiri tupuna, Te Ahukaramū, was involved with Kingitanga alongside Mātene Te Whiwhi.
71. Furthermore, as described in Dr Royal and Dr Forde’s evidence, Ngāti Kikopiri tupuna asserted their own mana motuhake and rangatiratanga in ways that, while it did not necessarily align with the views of Ngāti Raukawa rangatira, was for the betterment of their people. For example, Dr Forde describes in his evidence the leasing of the lands at Muhunoa by Te Ahukaramū in the early 1840s to Pākehā as an assertion of mana motuhake.<sup>64</sup> Alongside leases, informal marriage arrangements between early settlers and rangatira, in line with their tikanga, was also another form of mana motuhake and rangatiratanga as it enabled lands to be utilised by settlers, at the behest of rangatira. However, such leases were impeded by 1846 colonial legislation, preventing Ngāti Kikopiri from deriving further income.<sup>65</sup> Dr Royal describes Te Ahukaramū seeking to negotiate with the Crown and the ‘Pākehā world’ during the Kohimarama Conference in Auckland in 1860s as an assertion of his rangatiratanga.<sup>66</sup>

### **PREJUDICE**

72. The Claimants support and endorse the enduring prejudice outlined in the Generic Closing Submissions for tino rangatiratanga and constitutional claims.<sup>67</sup>
73. Of particular significance to Ngāti Huia ki Horowhenua is the displacement of hapū autonomy and rangatiratanga since 1840, in breach of te Tiriti and its principles. The Claimants rely, in particular, on the technical evidence in this Inquiry district which illustrates the ways in which the mana motuhake

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<sup>64</sup> Wai 2200, #N18 at [32]-[35].

<sup>65</sup> Wai 2200, #N18 at [36]-[40].

<sup>66</sup> Wai 2200, #N19 at [82]-[90].

<sup>67</sup> Wai 2200, #3.3.395 at [16.0]-[16.11]

and rangatiratanga of Ngāti Huia ki Horowhenua rangatira (under the banner of Ngāti Huia and Ngāti Raukawa ki te Tonga) were repeatedly trampled on in favour of other iwi and hapū who were more willing to negotiate with the Crown.<sup>68</sup>

74. This has had profound flow on effects for the Ngāti Huia ki Horowhenua Claimants across other Crown and Crown-affiliated systems such as with local government, the environment, economic development, socio-economic issues, and cultural issues, which are expanded upon in later sections.

**V: ISSUE TWO: CROWN AND PRIVATE PURCHASING**

75. Mr Hirama Tamihana summarises the issue experienced by the Ngāti Huia ki Horowhenua Claimants, and Ngāti Raukawa ki te Tonga, in his evidence as follows:<sup>69</sup>

*The Crown failed to recognise the tino rangatiratanga of Ngāti Raukawa ki te Tonga over our whenua. The Government chose to pursue a determined policy of purchase (such determination being indicated by section 82 of the Native Lands Act 1865) and to actively encourage disputes as to ownership, when in Māori law and according to the Treaty there were none, thereby bringing unfair pressure to bear upon the rightful owners, i.e. Ngāti Raukawa ki te Tonga.*

**OVERALL COMMENTS – SELL UP, OR FIGHT THE BRITISH ARMY**

76. The Ngāti Huia ki Horowhenua Claimants rely on and adopt the generic closing submissions on the Crown and Private Purchasing, including the response to the Crown position and concessions, and the applicable principles and duties of te Tiriti o Waitangi.<sup>70</sup>
77. The Claimants state that the Crown, in breach of its duties under te Tiriti o Waitangi, both created systems such as the Native Land Court and

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<sup>68</sup> For example, see Wai 2200, #A215

<sup>69</sup> Wai 2200, #N36.

<sup>70</sup> Wai 2200, #3.3.100.

established practices and policies that were aimed at separating the Ngāti Huia ki Horowhenua Claimants from their lands and resources for the benefit of the Crown itself and ultimately for Pakeha settlers. Furthermore, the Claimants say that this was in breach of Te Tiriti o Waitangi and its terms and principles.

78. From around 1860, land dealings were often couched in a climate of fear and insecurity. As described by Dr Ford in his Brief of Evidence, Māori were divided into two categories – seller and non-sellers. This categorisation in the view of the Crown (and therefore its consequent policies and behaviours) often conflated with ‘Queenites’ and ‘Kingites’ respectively – loyal and rebel subjects.<sup>71</sup>
79. The Claimants state that the land purchasers of the Colonial Government attempted to use the willingness of some rangatira to push through land sales without giving proper consideration to others who may have an interest in the whenua.<sup>72</sup> Sometimes this apparent willingness was due to ignorance of the Crown’s purposes, other times due to internal conflicts within hapū and more of the nature of what **Dr Parsonson** has called “the pursuit of mana”, and sometimes for other personal reasons. Land purchase commissioners would provide up-front cash to as an inducement to sell the whenua.<sup>73</sup>
80. Nevertheless, the Crown as Tiriti partner to all of Ngāti Huia ki Horowhenua and the iwi surrounding them was obliged to respect its obligations to them all.

#### **THE EXCLUSION OF THE MANAWATŪ BLOCK FROM THE JURISDICTION OF THE NATIVE LAND COURT**

81. Counsel adopt the position relating to the “Manawatū block” as set out in the Generic Claimant Closing Submissions for the Native Land Court.<sup>74</sup> In short, section 82 of the Native Lands Act 1865 excluded the Manawatū block from the jurisdiction of the Native Land Court, and the Crown right of pre-

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<sup>71</sup> Wai 2200, #N18 at [44].

<sup>72</sup> Wai 2200, #N18 at [47]-[56].

<sup>73</sup> Wai 2200, #N18 at [56].

<sup>74</sup> Wai 2200, #3.3.97 at [74] – [78].

emption still applied. As the southern boundary of the ‘block’ is the Ōhau river, all of the lands of the Ngāti Huia ki Horowhenua Claimants fell within this block. The five hapū were therefore unable to sell their lands, should it become available for sale, to anyone else but the Crown.<sup>75</sup>

82. The Claimants state that the effect of section 82 of Native Land Act 1865 was solely for the purpose of protecting the Crown’s interests,<sup>76</sup> the facilitation of the Crown purchasers’ efforts, and that its exclusion was without the knowledge or consent of any rangatira of the Ngāti Huia ki Horowhenua Claims.

## **HAPŪ SPECIFIC EXPERIENCES**

### **Ngāti Huia ki Poroutawhao**

83. As above, the lands of Ngāti Huia ki Poroutawhao were included as part of the “Manawatu block”, the flow on consequences of which are detailed within the Native Land Court section of these closing submissions.
84. It is following the investigation of various land block titles in the Native Land Court that Ngāti Huia ki Poroutawhao experienced rapid land alienation, and therefore, for the avoidance of repetition, is detailed in that section of these submissions.

### **Ngāti Hikitunga**

85. Similar to Ngāti Kikopiri, because Ngāti Hikitunga resided at Mahoenui and at Muhunua, and therefore their lands were included in the Manawatū block. Consequently, the experiences of Ngāti Hikitunga in respect of Crown purchases are similar to that of their whanaunga of the other Ngāti Huia ki Horowhenua Claimants.

### **Ngāti Kikopiri**

86. The Ngāti Kikopiri witnesses noted that, because they resided on the northern side of the Ōhau River, their lands were included in the Manawatū

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<sup>75</sup> Wai 2200, #N19 at [72] citing Native Lands Act 1862, Schedule 1.

<sup>76</sup> Wai 2200, #N19 at [74].

block. The Ngāti Kikopiri claimants state that this provision demonstrates how the Crown intended for the block, including their lands, to be shortly thereafter sold to itself.<sup>77</sup>

87. Dr Royal notes that Ngāti Kikopiri tupuna, Te Ahukaramū, was involved in the Manawatū sale, which brought him into conflict with Te Rauparaha and Te Rangihaeata.<sup>78</sup> In the view of the Ngāti Kikopiri Claimants, the conflict shows that Te Ahukaramū felt that he had claim to the lands, and therefore could sell the Manawatū.<sup>79</sup> This was also an assertion of his mana and rangatiratanga, which they say the Crown took advantage of.<sup>80</sup>

***Muhunoa No. 4.***

88. In 1875, the Muhunoa No. 4 Block purchased by the Crown from several vendors, including from the tūpuna of Ms Louisa Ruth Donnell, Paranihia Whawha and her brother Kipa Te Whatanui. Of the 3,600 acres purchased by the Crown, only a 100-acre reserve was set aside for Paranihia Whawha and Kipa Te Whatanui.<sup>81</sup>
89. In 1891, the reserve was then subdivided into Part A and Part B, amounting to 50 acres each. Only a year later in 1892, the land was then sold to John Kebell. As noted by Ms Louisa Ruth Donnell, Ngāti Kikopiri have not been able to find out the reasons or the circumstances surrounding the purchase of the reserve.<sup>82</sup>

**PREJUDICE**

90. Accordingly, and in summary, Ngāti Huia ki Horowhenua say that the Crown land purchasing programme, begun in the district in Turakina in 1849 but continuing throughout the nineteenth century, was for the benefit of the Crown's operations and policies, and of Pākehā settlers.
91. It was not for the benefit of the Crown's Tiriti partners, such as the Ngāti

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<sup>77</sup> Wai 2200, #N19 at [73] – [74].

<sup>78</sup> Wai 2200, #N19 at [78].

<sup>79</sup> Wai 2200, #N19 at [79].

<sup>80</sup> Wai 2200, #N19 at [80].

<sup>81</sup> Wai 2200, #N9 at pp. 14 to 15.

<sup>82</sup> Wai 2200, #N9 at pp. 14 to 15.

Huia ki Horowhenua Claimants, who were supposedly protected by the Tiriti guarantees the Crown had given. Instead, they lost successive and extensive quantities of land as the Crown purchases extended throughout their rohe.

92. Ultimately, Ngāti Huia ki Horowhenua would be left virtually with very little of their land and resources, the all-encompassing effects of which are outlined below.

## **VI: ISSUE THREE: NATIVE LAND COURT**

### **OVERALL COMMENTS – NGĀTI HUIA KI HOROWHENUA INTERESTS WERE NOT APPROPRIATELY RECOGNISED**

93. The Ngāti Huia ki Horowhenua Claimants rely on and adopt the generic closing submissions on the Native Land Court, including the applicable principles of te Tiriti, and the submissions in response to the Crown's position and concessions.<sup>83</sup>
94. The Claimants state that the Crown, in breach of its duties under te Tiriti o Waitangi, established the Native Land Court in order to investigate and extinguish Māori customary title and convert traditional modes of ownership into individual titles derived from the Crown.
95. The Crown failed to provide a mechanism that adequately investigated, determined, and recognised the interests of the Ngāti Huia ki Horowhenua Claimants.
96. The Claimants also state that decisions made by the Native Land Court were made contrary to the historical accounts of the Ngāti Huia ki Horowhenua Claimants, resulting in enduring prejudice to Ngāti Huia ki Horowhenua and their customary interests in the Inquiry district. This was done through the Court's procedures that encouraged the presentation of exclusive land rights and interests, rather than considering shared histories, overlapping interests, and kinship.<sup>84</sup>
97. As a further general point, Ngāti Huia ki Horowhenua state that the Native

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<sup>83</sup> Generic Closing Submissions on the Native Land Court (Wai 2200, #3.3.97).

<sup>84</sup> Wai 2200, #A253 at p. 124.

Land Court did not even adhere to the flimsy standards set for it by the Crown and in its crucial and foundational hearings and determinations throughout the region ignored and / or misconstrued the “Native custom” upon which it was supposed to have been basing its decisions. As a result, Ngāti Huia ki Horowhenua were denied their position as holding mana whenua under tikanga (or “Native custom”) and were relegated to an inferior status and had much of their lands given to others.

98. The situation varied between blocks but resulted in some hapū of Ngāti Huia being dispossessed entirely, in a travesty of what should have been the outcome even under the Court’s colonial-based outlook. This has had huge impacts on the Ngāti Huia ki Horowhenua Claimants to the present day, resulting in many of the issues discussed in greater detail below.

***Manawatu-Kukutauaki 7D***

99. The basis for the mana of Ngāti Huia ki Horowhenua Claimants over the Manawatu-Kukutauaki 7D Block is set out in detail in technical evidence.<sup>85</sup>
100. The hearing for Manawatu-Kukutauaki commenced before Judge Rogan and Judge Smith on 5 November 1872 in Foxton. The claimants in this proceeding were Ngāti Raukawa, with their co-claimants being Ngāti Toa and Te Atiawa. The counterclaimants for the investigation of the Kukutauaki block were Ngāti Apa, Muaūpoko, Rangitāne, and those from Whanganui and Ngāti Kahungunu, known as the five iwi.<sup>86</sup>
101. On 4 March 1843, the judgment for the Kukutauaki block was given by the Native Land Court in Foxton. Judge Rogan and Judge Smith found that the Ngāti Raukawa title for Kukutauaki was founded on the basis of occupation, not of conquest.<sup>87</sup> Professor Richard Boast notes that Ngāti Raukawa as only partially successful, but that, their inability to assert a title by conquest left them vulnerable to other groups who claim on the grounds of occupation.<sup>88</sup>
102. The Claimants state that the Court erred in its judgment by not accepting

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<sup>85</sup> Wai 2200, #A201 and Wai 2200, #A215.

<sup>86</sup> Wai 2200, #A201 at p. 417

<sup>87</sup> Wai 2200, #A215 at p. 431.

<sup>88</sup> Wai 2200, #A215 at p. 433.

the proposition that Ngāti Raukawa’s rights were derived not from conquest but rather insisting in the face of the Raukawa evidence that they were derived from the “occupation with acquiescence of the original owners”. The Native Land Court then found that Ngāti Raukawa had established the better claim to most, although not all, of the land at issue.<sup>89</sup>

103. With the delivery of the judgment, an adjournment was requested for Keepa Te Rangihiwini (also known as Major Kemp) and his people, which was granted. A request for a rehearing was then turned down and an order to grant title for Kukutauaki to Ngāti Raukawa was made. However, the order did not include the Horowhenua Block, the ownership of which the Native Land Court considered was yet to be determined.<sup>90</sup> The investigation into the Horowhenua Block will be discussed in the following section.
104. It is the Claimants’ position that the Native Land Court’s finding that the Ngāti Raukawa rights to Manawatū-Kukutauaki were derived from acquiescence undermined the mana whenua of Ngāti Raukawa and ignored the facts of the history of the iwi heke to the region. As recorded in the Ōtaki Māori Minute Books 26 to 29 January 1880, lands were acquired by conquest, although the claimants have asked for an apology and proper correction.

### ***The Horowhenua Block***

105. According to claimant evidence, Te Rauparaha awarded the Horowhenua Block to Ngāti Huia hapū who had paid utu at the massacre of Te Roto o Waiwiri. Those hapū were then located through and around Lake Horowhenua and Lake Waiwiri to ensure peace and security.<sup>91</sup>
106. Counsel note that the Native Land Court's dealings with the Horowhenua block are set out and analysed in the closing submissions on behalf of Ngāti Pareraukawa. The Claimants wish to affirm their support for the account and analysis offered therein, although note that it is through their own rangatira, rather than Te Whatanui, on which the Ngāti Huia ki Horowhenua Claimants

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<sup>89</sup> Wai 2200, #A201 at p. 653.

<sup>90</sup> Wai 2200, #A201 at p. 653.

<sup>91</sup> Wai 2200, #N36 at [6].

assert their own rights to the Horowhenua block. However, the submissions made here are intended to supplement and affirm those Pareraukawa submissions from the Ngāti Huia ki Horowhenua Claimant perspective, rather than to contradict or subvert them.

107. On 4 March 1873, the Native Land Court granted title for Kukutauaki to Ngāti Raukawa but considered the ownership of the Horowhenua Block to still be undetermined. In April 1873, the Horowhenua Block was before the Native Land Court. During the hearing, Karanama Te Kapukai, Tāmihana Te Rauparaha, Ihakara Tukumarū, and Wātene Te Waewae attested to Ngāti Raukawa’s mana over the Horowhenua block.
108. Two weeks after the hearing commenced, the Native Land Court declared that Ngāti Raukawa had *prima facie* established a case for the Horowhenua Block and that Muaūpoko would be in the position of being counterclaimants.<sup>92</sup>
109. When presenting the evidence for the counterclaimants, Te Keepa informed the Native Land Court that he “*intended to take matters into his own hands if the judgment went against him.*”<sup>93</sup>
110. Muaūpoko and Te Keepa (Kemp) were key Crown allies who assisted with fighting Te Kooti. Meanwhile, Ngāti Huia were regarded as being Kingites and were subject to political pressures in respect of their lands.
111. On 5 April 1873, the Native Land Court delivered its judgment. Despite the Native Land Court previously making the finding that Ngāti Raukawa had established a *prima facie* claim to the Horowhenua Block, the Court declared:<sup>94</sup>

*We are unanimously of the opinion that the claimants have failed to make out their case and the judgment of the Court is accordingly in favor [sic] of the counter claimants.”*

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<sup>92</sup> Wai 2200, #A201 at p. 653.

<sup>93</sup> Wai 2200, #A204 at p. 610.

<sup>94</sup> Wai 2200, #N23 at [149] citing Crown Action and Māori response, Land and Politics, 1840-1900 by Robyn Anderson, Terence Green and Louis Chase, CFRT Commissioned Report – 2018, pp. 654-655

112. In delivering the judgment, the Native Land Court effectively awarded the entire Horowhenua block to Muaūpoko, specifically to Te Keepa, on the ground that the tribe had always retained occupancy of the whenua.
113. As outlined by Anderson et al., the Horowhenua block (as originally agreed upon by Te Whatanui and Muaūpoko) was a strip of land running from the seaboard to the Tararua Range. This block originally contained 20,000 acres. At the instigation of Te Keepa, the Native Land Court increased the size of the block, both to the north and to the south.<sup>95</sup> Ngāti Huia lost 2,696 hectares in the north of the block, and other Ngāti Raukawa hapū, such as Ngāti Hikitanga and Ngāti Pareraukawa, lost a further 7,690 hectares in the south of the block. For Ngāti Hikitanga and Ngāti Pareraukawa, this included Waiwiri and Māhoenui.<sup>96</sup> In the words of Dr Robyn Anderson, this “effectively dispossessed them and made them landless.”<sup>97</sup>
114. The Claimants state that the decisions made by the Native Land Court was at odds with the history of Ngāti Huia ki Horowhenua and the nature and extent of their customary rights and interests in the Inquiry district.
115. Now the Court was effectively saying that the Ngāti Huia ki Horowhenua Claimants were being punished for not exterminating Muaūpoko – for Te Whatanui having shown kindness towards Muaūpoko and allocated them the so-called sanctuary area for them to live on safely under his protection.
116. Te Rauparaha wanted to exterminate Muaūpoko because of his hatred for them following their killing his children. But Te Whatanui stood against him and would not acquiesce. The Native Land Court then turned the act of kindness against Te Whatanui’s people and operated under its own principle that Te Whatanui should either have driven Muaūpoko out entirely or exterminated them entirely. According to the Court, subjugating them, enslaving some of them, and exercising the attributes of mana whenua (including mercy) was not enough to give Ngāti Huia ki Horowhenua rights to Horowhenua, according to the Court.

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<sup>95</sup> Wai 2200, #A201(g) at pp. 73 to 74.

<sup>96</sup> Wai 2200, #A201(g) at pp. 73 to 75.

<sup>97</sup> Wai 2200, #A201 at p. 655.

117. The Court greatly expanded the sanctuary block that Te Whatanui had allowed Muaūpoko, such that several entire hapū of Ngāti Huia ki Horowhenua were dispossessed completely, especially Ngāti Hikitunga, south of Lake Horowhenua, and Ngāti Pareraukawa, west of Lake Horowhenua. Anderson et al. notes that Court's actions, especially in this case, were guided by political expediency "acting outside the law so as to get the country settled".<sup>98</sup>

***Protest and Opposition to the Native Land Court's Decision***

118. In 1873, following the Native Land Court's decision, the Ngāti Huia ki Horowhenua Claimants made two applications seeking a rehearing of the Horowhenua hearing (given that for several decades there was no mechanism for appealing and therefore no option other than petitioning Parliament). In response to the first application, Judge Rogan and Judge Smith informed the applicants there was no valid reason for the application to be granted. The second application was made at the end of 1873. Here the applicants were told they were out of time.<sup>99</sup>
119. The Crown, in breach of te Tiriti o Waitangi, failed to ensure an alternative mechanism for remedying the error made by the Native Land Court. It was only in 1894 that the Native Appellate Court was established.<sup>100</sup> Therefore, at the time of the judgment being issued, the Claimants could only seek a rehearing, which was at the discretion of the Chief Judge, who relied on the opinions of the judges who had made the initial decision. As a result, the Crown failed to provide any alternative and formal process for rectifying the Native Land Court's judgment. Section 81 of the Native Lands Act 1865 provided that appeals were by way of rehearing, meaning the entire case was reheard, whilst an appeal required the approval of the Governor in Council.
120. In 1874, McLean made a deal with rangatira from Ngāti Kikopiri, Ngāti Hikitunga and Ngāti Pareraukawa, by agreeing to compensate them £1,050 and ensure reserves for them within the area north of Waiwiri between the

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<sup>98</sup> Wai 2200, #A201 at Chapter 10.3.1.

<sup>99</sup> Wai 2200, #A201 at pp. 657 to 658.

<sup>100</sup> Find

lake and sea.<sup>101</sup>

121. As explained by Dr Forde, the promised reserves were not properly allocated:<sup>102</sup>

*The reserves promised “between Lake Papaitonga and the sea” and for Ngāti Huia at the northern boundary of the block had still not been surveyed in 1886, when the land was subdivided. This grievance would not be heard until 1896, before the Horowhenua Commission. While the reserves above were for Ngāti Pareraukawa, there were three other hapū of Ngāti Raukawa who had been promised reserves in the area north of Waiwiri, including Ngāti Hikitanga (also of Kikopiri), Ngāti Pare, and Ngāti Kahoro. In 1896, representatives of the four hapū went to the Native Appellate Court and argued that sufficient reserves had not been made. Descendants of Matene Te Whiwhi, Te Rauparaha, Te Puke and Te Paea, and Aperehama Te Ruru were amongst those named.*

122. The awarded allocations as a result of the appeal are discussed in more detail in the hapū-specific sections.

### **Concluding Comments on the Native Land Court**

123. Mr HIRAMA Tamihana states that:<sup>103</sup>

*We regard the confiscation of our lands as an investment lost, depriving our people, hereditarily, customarily, and legally what belonged to them. Worst, it was a sense of rape, physical and mental torture, because the conquered iwi had been reinstated with the blessing of the Crown. The treatment we endured was a sense of ostracism, made to feel helpless and worthless, we strongly believe our people endured this with resilience, but it certainly does not excuse the Crown purposely ignoring us as conquerors and not*

<sup>101</sup> Wai 2200, #A201 at p. 691.

<sup>102</sup> Wai 2200, #N18 at [71] citing Dr Robyn Anderson and Keith Pickens, “Wellington District: Port Nicholson, Hutt Valley, Porirua, Rangitikei, and Manawatu” Rangataua Whānui series no.12. Working Paper: First Release. Waitangi Tribunal. 1996, pp.241 to 242.

<sup>103</sup> Wai 2200, #N36 at [37].

*acknowledging our mana whenua, tino rangatiratanga.*

124. The Claimants state that the range of evidence led in this phase of the Inquiry shows that the Crown, in breach of its duties under te Tiriti o Waitangi, allowed processes to emerge associated with the Native Land Court that misinterpreted and misapplied tikanga.
125. The Claimants also assert that the same range of evidence shows that the Native Land Court caved into political pressures by awarding the Horowhenua Block to Crown allies, specifically Te Keepa and Muaūpoko.
126. The Crown failed to preserve its obligations under te Tiriti o Waitangi by failing to take steps to protect the lands of the Ngāti Huia ki Horowhenua Claimants who were and remain its Tiriti partners.

#### **THE FAILURE TO ENSURE INALIENABLE PROTECTION FOR NGĀTI HUIA KI HOROWHENUA LANDS**

127. The Claimants state that the Native Land Court processes converted Māori customary land, held and used under tikanga, into land that had a legally recognisable freehold title which enabled Ngāti Huia ki Horowhenua lands to be readily alienated. Accordingly, Counsel support and adopt the generic submissions regarding this issue.<sup>104</sup>
128. As described by Paul Meredith, the Native Land Court had a contradictory purpose. It was established in 1862 and 1865 in order to “ascertain Māori land ownership according to ‘ancient custom and usage’ while simultaneously converting the communal, relational basis of that ownership into individualised, alienable Crown titles.”<sup>105</sup> Here, the true purpose of the Native Land Court was to continue and facilitate the land acquisition process.<sup>106</sup>

#### **HAPŪ SPECIFIC EXPERIENCES**

##### **Ngāti Huia ki Poroutawhao**

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<sup>104</sup> Wai 2200, #3.3.97 at [49] - [50].

<sup>105</sup> Wai 2200, #A253 at p. 123.

<sup>106</sup> Wai 2200, #A253 at p. 123.

129. The Ngāti Huia ki Poroutawhao Claimants, being the at the northern boundary of the Horowhenua block, state that, in accepting the proposal, they experienced the prejudice of having the long-standing boundaries altered, with the dispossession of 2,696 hectares.<sup>107</sup>

***Manawatu-Kukutauaki 7 D1***

130. The Ngāti Huia ki Poroutawhao Claimants argue that the Crown has denied the history of Ngāti Raukawa. Mr Hirama Tamihana, in his Brief of Evidence, states that:<sup>108</sup>

*We believe that the courts ignored the historical background that the lands were not just only in the possession of Ngāti Raukawa, hapū Ngāti Huia II, it was accepted seven years later in the OMB in 26 to 29 January 1880 as being acquired by conquest at the battle of Haowhenua. To ignore this legal document is to deny us our Mana Whenua.*

131. Similarly, Dr Robyn Anderson noted that:<sup>109</sup>

*... to suggest that Raukawa's occupation had only been with the 'acquiescence of the original owners' was, quite simply, a denial of the historical facts.*

132. Today, Ngāti Huia ki Poroutawhao are seeking the legal recognition of their conquest, rather than their occupation by acquiescence. Mr Hirama Tamihana states that:<sup>110</sup>

*To imply that our occupation was by the acquiescence of the Muaūpoko is nonsense. To pretend that there was mana whenua no tino rangatiratanga over all these lands held by all our Ngāti Huia iwi and our iwi Ngāti Raukawa ki te tonga, is derogative and insulting, we strongly believe that this lie should be rectified by the Crown. We believe that the Tribunal is in a position where they can*

<sup>107</sup> Wai 2200, #A201(g) at p. 75; Wai 2200, #N23 at [153].

<sup>108</sup> Wai 2200, #N34 at [33].

<sup>109</sup> Wai 2200, #A201 at p. 562.

<sup>110</sup> Wai 2200, #N36 at [45].

*help in that recognise that our presence in the area was not because of acquiescence by Muaūpoko, but through conquest.*

***Subdivision of the Kukutauaki Block Following the Native Land Court Investigation***

133. In February 1880, three years after the title investigation for the Kukutauaki Block, an application was lodged with the Native Land Court to subdivide the Manawatu Kukutauaki 7D block into six divisions.
134. Shortly after the subdivision of Manawatu Kukutauaki 7D, parts were quickly sold off, with Manawatu Kukutauaki 7D No.12 being an example.<sup>111</sup>
135. Mr Justin Tamihana, in his Brief of Evidence, outlines the journey of Manawatū-Kukutauaki No 7D1 through the Native Land Court, with it being subdivided in 1892 into 12 blocks, with Lake Tangimate being located in Manawatū-Kukutauaki No 7D1 No.12. In 1898, a right of way for Lake Tangimate was registered against the title of Manawatū-Kukutauaki No 7D1 No.5. This was done to ensure their tūpuna and whānau would have access to our taonga. However, parts of the Manawatū-Kukutauaki No 7D1 No.5 were sold over time, although the right of way remained on the certificate of title.<sup>112</sup>
136. In 1969, Neville Turnbull purchased part Manawatū-Kukutauaki No 7D1 No.5 which encircled Lake Tangimate. The certificate of title for this transaction also omitted the right of way which was previously on the certificate of title. Mr Turnbull then had the parcels of land that comprised Manawatū-Kukutauaki No 7D1 No. 5 amalgamated into one title, with the Turnbull's being the registered owners. The land was then subdivided, and a new certificate of title was then issued on 29 October 1975, with the Turnbull's land now encircling Lake Tangimate.<sup>113</sup>
137. The Ngāti Huia ki Poroutawhao Claimants state that they have not been provided with a reason for why the right of way to Lake Tangimate has suddenly been omitted from the title. As a result, the land Claimants no

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<sup>111</sup> Wai 2200, #N39 at p. 10.

<sup>112</sup> Wai 2200, #N39 at p. 8.

<sup>113</sup> Wai 2200, #N39 [29].

longer benefit from the right of way and can no longer freely access their taonga. This has resulted in generations of Ngāti Huia being unable to access to Tangimate, despite being both customary and legally owners.<sup>114</sup>

138. Today, the Ngāti Huia ki Poroutawhao Claimants, and Ngāti Huia generally, are only able to access Tangimate due to fostering a relationship with the surrounding landowners. However, this access remains limited because whānau are uncomfortable with having to seek permission to access their taonga. There has been no assistance from the Crown in assisting us in seeking access to their taonga.<sup>115</sup>
139. The Tribunal will recall having visited Lake Tangimate during the site visit on the last hearing day of their hearing week, whereby the Tribunal experienced firsthand, the difficulty Ngāti Huia ki Poroutawhao have in accessing Lake Tangimate. The kōrero tuku iho was presented by the Ngāti Huia ki Horowhenua Claimants and their whanaunga, highlighting its incredible significance to, not only Ngāti Huia but to Ngāti Raukawa ki te Tonga as a whole.
140. The Claimants further note that, Mr Dean Whiting, who provided evidence for the Crown regarding Lake Tangimate, when questioned by Counsel regarding the lake, noted the gaps in record keeping, as well as failing to protect Lake Tangimate as a physical site.<sup>116</sup>

### ***The Kahukura Blocks***

141. The Kahukura blocks were two coastal blocks that stretched along the Waitarere Beach. The blocks totalled 545 acres and 2 roods and formed part of the Manawatū Kukutauaki 7D block. As described by Mr Tiaki Tamihana, the Kahukura blocks are a site of significance to Ngāti Huia ki Poroutawhao, due to it being a place to gather kaimoana.

### ***The Native Land Court Investigation***

142. On 26 September 1900, Judge MacKay of the Native Land Court awarded

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<sup>114</sup> Wai 2200, #N39 at pp. 9 to 10.

<sup>115</sup> Wai 2200, #N39 at pp. 9 to 10.

<sup>116</sup> Wai 2200, #4.1.52 at p. 199.

two titles to the Kahukura block - Kahukura No.1 and Kahukura No.2.<sup>117</sup>

143. Kahukura No. 1 was comprised of 272 acres and 3 roods and was awarded to Areta Mihaka, who was the niece of Tamihana Te Hoia (a rangatira of Ngāti Huia and Ngāti Raukawa).<sup>118</sup>
144. Kahukura No. 2 was also comprised of 272 acres and 3 roods. The Native Land Court awarded the block to six people - Tamihana Te Hoia (Chief of NHKP), Pirihiira Tamihana nee Pohotiraha (Tamihana Te Hoia's wife), and the children of Hirama Tamihana Te Hoia II, Te Wera Hirama, Eterarewa Hirama, Paora Hirama, and Hetenarewa Hirama.<sup>119</sup>

***Alienation of the Kahukura Blocks following the Native Land Court Investigation***

145. A mere five years after the Native Land Court title investigation, Kahukura No.1 was sold to Frederick Davies on 3 February 1905.<sup>120</sup>
146. In 1907, Kahukura No.2 was then partitioned into two blocks – Kahukura No.2A (181 acres and 3 roods) and Kahukura No.2B (91 acres). Upon the passing of Tamihana Te Hoia, the entirety of Kahukura No.2A was transferred to Pirihiira Tamihana, with title being issued on 17 December 1908. On 6 December 1908, Pirihiira Tamihana transferred Kahukura No.2A to Florence McDonald in order to settle a grocery debt of £136.6.3. As discussed in Mr Tiaki Tamihana's evidence, Flora McDonald took possession of all 181 acres of Kahukura No.2A, meaning Ms McDonald took the block for £1.3 per acre.<sup>121</sup>
147. On 4 May 1920, Kahukura No. 2B was sold to Frances Harry Best, leaving Ngāti Huia ki Poroutawhao dispossessed of the Kahukura Blocks. Throughout Mr Tiaki Tamihana's evidence, it is stated that Ngāti Huia ki Poroutawhao were unaware of the circumstances surrounding the alienation and how the hapū lost their whenua.<sup>122</sup>

<sup>117</sup> Wai 2200, #N32 at [7]. See also Wai 2200, #A212(a) at pp. 210-211.

<sup>118</sup> Wai 2200, #A212(a) at pp. 210-211.

<sup>119</sup> Wai 2200, #N32 at [3] – [7].

<sup>120</sup> Wai 2200, #N32 at [8] to [9].

<sup>121</sup> Wai 2200, #N32 at [10] to [16].

<sup>122</sup> Wai 2200, #N32 at [10] to [22].

148. The Claimants note that the total amount of hectares they lost at Waitarere, including the forest lands, is 2376 hectares, with none of Ngāti Huia ki Poroutawhao residing at Waitarere any longer.

***The Consequence of Losing Kahukura***

149. The Ngāti Huia ki Pouratawhao Claimants state that as a result of the loss of the Kahukura Block:<sup>123</sup>

- a. our mana has been trampled on, resulting in our disempowerment;*
- b. whānau and hapū have moved away from the rohe and into the cities, disengaging our people from their tūrangawaewae;*
- c. we have lost knowledge about our own history and our whenua, which undermines our very identity and our ability to even function as whānau and hapū within our own rohe;*
- d. NHKP has lost the capacity to provide for our whanau, hapū, iwi, and manuhiri due to the lost investment opportunities Kahukura could have provided;*
- e. and there is a gaping hole in our waka. “Ka tākerehaia te waka.*

150. Some of the tangible losses felt by Ngāti Huia ki Poroutawhao include:

- a. The loss of opportunities to invest in the real estate to build papakainga in the Waitarere Village.
- b. The loss of the opportunity for partnership in the Waitarere State Forestry in terms of investment, work opportunities, mentoring, training in silviculture, forestry management cadetships and senior management roles in operations, governance; health & safety positions;
- c. The loss of investment opportunities in business such as café’s, dairy

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<sup>123</sup> Wai 2200, #N32 at [23].

shops or motor camps within the Waitarere Township;

- d. The loss of a thriving tohemanga ecosystem; and
151. The loss of career opportunities, despite the blood and sweat of Ngāti Huia ki Poroutawhao whānau such as Mark Kiriona and Pāora Tatana in developing the forestry.
152. The Ngāti Huia ki Poroutawhao Claimants state that the loss of their whenua at Kahukura by private alienation is a result of the individualisation of Māori Land tenure through the Native Land Court and the accompanying Native Land Laws. It is the Claimants position that the Crown’s regime resulted in the Kahukura Block being more susceptible to fragmentation, alienation, and sale. The Crown breached its duty of active protection by failing to provide legislative protections that would have enabled the Claimants land to remain in Māori ownership, once title had been awarded by the Native Land Court.

### **Ngāti Huia ki Matau**

#### ***Matau Marae***

153. Matau Marae was located on Manawatu Kukurauaki 7D2D Section 57B. In May 1939, the Native Land Court considered an application under section 31 of the Native lands Act 1931 to vest the wharenui and wharekai (not including the land) in trustees for the benefit Ngāti Matau.<sup>124</sup>
154. In 1945, the Native Land Court then made the order, vesting the buildings in trustees “for the use and enjoyment of the Ngāti Matau Tribe, the owner and lessee of the said land the Māori community at and near Poroutawhao”. The order also included a right of way to the buildings.<sup>125</sup>
155. In 1958, Rawiri Tatana wrote the Minister of Māori Affairs regarding his sister’s intention to alienate the land on which the buildings for Matau Marae were sat. Rawiri Tatana requested funding from the Minister to assist

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<sup>124</sup> Wai 2200, #N23 at pp. 62.

<sup>125</sup> Wai 2200, #A199 at p. 66 citing Otaki Native Land Court Minute Book 62, 30 May 1945, fols 370-371.

him in acquiring the land to safeguard it.

156. The Minister for Māori Affairs responded to Rawiri Tatana's concerns by referring to an urgent report prepared by a district officer. The district officer noted that under section 31 of the Native Land Act 1931, the buildings were vested in trustees and also appeared to suggest that the land was subject to an order under section 31 of the Native Land Act 1931, meaning it was inalienable.

157. The Minister for Native Affairs, in response to Rawiri Tatana, noted that:<sup>126</sup>

*In terms of this Order, the buildings are absolutely inalienable except with the consent of the Governor General and Council. It therefore appears that even if the land is disposed of by your sister the people entitled to the use of the buildings will still have the right of access and enjoyment.*

158. The Minister for Native Affairs then observed that this safeguard may render it unnecessary for Rawiri Tatana to take on a loan to purchase the land. On 17 February 1949, Rawiri Tatana obtained a new lease for the land at an annual rent of £20. This lease was then confirmed by Judge Whitehead on 16 November 1949. The lease referred to the section 31 order and was due to expire in February 1960.

159. On 8 November 1963, the Māori Land Court received an application for confirmation of alienation of the block. Mr Wayne Kiriona recounts an application for title, where there was no mention of the section 31 order, and the land was described as 'vacant', with the purchaser having already owned the surrounding land. The hearing was brief and did not refer to the buildings on the block either.<sup>127</sup>

160. Ms Paeroa Wineera (nee Tatana) had agreed to sell the property on the condition that one-acre was to be excluded for the marae site and to ensure the right-of-way access, to which the purchaser agreed. Ms Paeroa Wineera did not have legal representation and signed the documents with the

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<sup>126</sup> Wai 2200, #A199 at p. 67 citing Skinner to Tatana, 20 November 1958, 3/9184 Manawatu Kukutauaki 7D2D Section 57B1, Māori Land Court, Whanganui.

<sup>127</sup> Wai 2200, #N23 at [187].

understanding that the land occupied by the marae would remain in her name. However, the deed of sale did not exclude the site for Matau Marae.

161. The Claimants for Ngāti Huia ki Matau state that the loss of Matau Marae was devastating, with the particulars of this loss explored in more detail in the *Tūmatanui Oral and Traditional History Report*.<sup>128</sup>

### **Ngāti Hapahapai**

162. The Ngāti Hapahapai Claimants, principally associated with their whanaunga at Ngāti Huia ki Poroutawhao, make the same submissions as their whanaunga in respect of the loss of lands through the Native Land Court system.

### **Ngāti Hikitanga**

163. As discussed in the overall comments above regarding the Horowhenua block, the primary mechanism that disposed Ngāti Hikitanga of its lands was the 1873 Horowhenua judgement and the socio-political context which surrounded this judgement. The Native Land Court approach of ‘conquest’ and ‘occupation’, also described above, failed to appropriately and adequately recognise Ngāti Hikitanga mana and tino rangatiratanga over their rohe, going against tikanga, and ultimately, in breach of te Tiriti and its principles.
164. Ngāti Hikitanga (along with Ngāti Pare, Ngāti Kahoro and Ngāti Pareraukawa) were promised reserves between ‘Papaitonga Lake and the sea’, which were signed by key Ngāti Hikitanga representatives, including Karaipi Te Puke (Te Paea), Nerehana Te Paea, and Rākera Kipihana (Te Paea).<sup>129</sup> These reserves were not properly awarded to the four hapū for nearly a quarter of a century, as detailed in Chapter 10 of the report by Anderson et al.<sup>130</sup>
165. Eventually, the Native Appellate Court awarded a 200-acre part of

<sup>128</sup> Wai 2200, #A204 at pp. 713- 714.

<sup>129</sup> Wai 2200, #A201 at Chapter 10.4.

<sup>130</sup> Wai 2200, #A201 at Chapter 10.1, 10.3, 10.4 and 10.5.

Horowhenua block 11 (No 1) to be vested in the members of the four hapū, split into smaller blocks under individual names.<sup>131</sup> Ngāti Hikitanga were promised 75 acres near the coast, however, Professor Boast noted that these were either undefined, insufficient, or met with strong resistance,<sup>132</sup> the latter being the event referred to as the burning of Māhoenui.

### ***The Burning of Māhoenui***

166. The legal dispossession of Ngāti Hikitanga lands were tragically compounded by physical violence by the Crown and its agents. Professor Boast’s report details the “highly charged and politicised scene” where Kawana Huinia, aided by Ngāti Apa, armed with rifles and weapons, burned down Watene Te Waewae’s house at Horowhenua, effectively driving him and his family off of the land.<sup>133</sup>
167. The Crown’s role in this event is succinctly summarised by Mr Larry Parr, when he said, “the Crown stood by and allowed Ngāti Hikitanga crops to be ripped out and their houses to be destroyed by fire”.<sup>134</sup> The Claimants point directly to the arson, the violence, and ultimately the sacking of Māhoenui as the day that Ngāti Hikitanga dispersed and became dormant. The Crown not only failed to protect Ngāti Hikitanga, in breach of te Tiriti, but effectively usurped Ngāti Hikitanga from their lands by utilising hapū-iwi tensions for its own benefit, and deliberately turning a blind eye to acts where the outcome would be in its favour.
168. The tragic prejudice experienced by Ngāti Hikitanga, which, as highlighted by kaumatua Hiramā Tamihana, resulted in the total dispossession of their land base, “they lost everything”.

### ***Promises Erased, Lands Unusable***

169. The Ngāti Hikitanga Claimants note that their tupuna continued to try and recover the reserves promised to them, which is covered in further sections

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<sup>131</sup> Wai 2200, #N18.

<sup>132</sup> Wai 2200, #A215 at 13.1.

<sup>133</sup> Wai 2200, #A215 at 13.2

<sup>134</sup> Wai 2200, #4.1.39 at p. 291; Wai 2200, #N20 at [53]-[54] and [58].

of Chapter 10 in Anderson et al.'s report.<sup>135</sup> For example, the authors note that:

- a. The promise of reserves to Ngāti Hikitunga and their whanaunga hapū were absent from the discussion of subdivision, erasing the promise from official records;
- b. Evidence presented by various witnesses at the Royal Commission corroborated Ngāti Hikitunga's rightful claim to lands in and around Waiwiri, but dismissed these claims on the basis that they are "small in area and non-contiguous";
- c. The Horowhenua Block Act 1896, and against the Commission's findings, resurrected Ngāti Hikitunga claims, which acknowledged the existence of the 1874 agreement, enabling the hapū to lodge a claim; and

170. Despite Ngāti Hikitunga tupuna lodging a claim under section 8(d) of the Horowhenua Block Act 1986, the Appellate Court determined that they could only be awarded 210 acres. These were further subdivided to such a point that Ngāti Hikitunga, for all practical purposes, did not have an actual land base. Furthermore, the 1912 Appellate decision found that the previous courts had made a decision that was based "upon a mistaken view of facts".<sup>136</sup>

### **Ngāti Kikopiri**

171. Dr Forde notes in his evidence, following the conclusion of the Native Appellate Court hearing regarding Horowhenua Block 11 (No 1) that:<sup>137</sup>

*The court agreed that the area of land south of the Mahoenui boundary had never been part of Horowhenua and had been wrongfully taken but had awarded only 200 acres of the thousands of acres taken.*

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<sup>135</sup> Wai 2200, #A201 at Chapter 10.6 – 10.8.

<sup>136</sup> Wai 2200, #A201 at pp. 718.

<sup>137</sup> Wai 2200, #N18 at [71].

172. As described above regarding the experiences of Ngāti Hikitunga, Ngāti Kikopiri whānau similarly experienced the erosion and destruction of their northern boundary.

### **PREJUDICE**

173. As a result of the Crown's acts and omissions, the Ngāti Huia ki Horowhenua Claimants have been and continues to be prejudiced. In particular, the Claimants:
- a. Have been forced into a system which imposed individualised titles for land, against the communal nature of Ngāti Huia ki Horowhenua communities and against Ngāti Huia tikanga;
  - b. Have been left without sufficient lands and resources on which to sustain themselves, particularly because of the 1873 Horowhenua judgement, which simplified the issue to one of 'conquest' and 'occupation', ignoring the complex tikanga involved with mana whenua status;
  - c. Continued to be at the behest of Crown and private purchasing, through the Native Land Court system, particularly with the lack of alternative remedies available for the Horowhenua decision, depriving the Claimants of due process and a fair and proper hearing;
  - d. Have lost the ability to exercise kaitiakitanga over their environmental taonga and environmental resources – for Ngāti Huia ki Poroutawhao, this is clearly evident in their inability to maintain their connection to the Kahukura block and the Waitarere forest, for Ngāti Kikopiri, this is clearly evident in their inability to maintain their connection and kaitiaki obligations to Lake Waiwiri; and
  - e. In the case of Ngāti Hikitunga, who have effectively been deprived of any lands, leaving them effectively landless and without a tūrangawaewae.

### **VII: ISSUE FOUR: LOCAL GOVERNMENT AND RATING**

## OVERALL COMMENTS – FURTHER REMOVAL OF INTERESTS OF NGĀTI HUĪA

174. The Ngāti Huia ki Horowhenua Claimants rely on and adopt the generic closing submissions on the Local Government and Rating.<sup>138</sup> This includes the submissions in response to the Crown position and the applicable principles of te Tiriti.<sup>139</sup>

### RATING ISSUES

175. As described by Mrs Louisa Ruth Donnell in her Brief of Evidence, English Settlers imported the system of rates into to Aotearoa. For the Claimants, the value that Māori have for their whenua is different from that of Europeans, with the concept of ‘productive land’ differing between Māori and Europeans. Rather, if Māori were to pay rates, Ms Louise Ruth Donnell states that the values of Māori should be considered.<sup>140</sup>

176. In the Inquiry District, the Horowhenua County Council pushed for all Māori customary lands to go through the Native Land Court process, in order for the land to receive title and therefore be rateable.<sup>141</sup> The Claimants’ position is that rates were linked with the voting, whereby the more land you owned, the more votes you had. As an example, the Claimants had to put their whenua through the Native Land Court process and be given a title in order to vote in local body elections, at the expense of then having to pay rates. Or, if the Claimants did not put their whenua through the Native Land Court, without that title they then had no way to participate in the local body elections.<sup>142</sup>

177. Between 1894 and 1898, the Horowhenua County Council requested the government to allow Māori land to be rated as European land. In 1901, the Council then proposed for the government to amend the current Rating Act so that Māori were liable for full rates.

178. It is Counsels’ submission that this rating system, as created by the Crown, is

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<sup>138</sup> Wai 2200, #3.3.94 at [8] to [47].

<sup>139</sup> Wai 2200, #3.3.94 at

<sup>140</sup> Wai 2200, #N9 at [6] to [7].

<sup>141</sup> Wai 2200, #N9 at [9].

<sup>142</sup> Wai 2200, #N9 at [20].

in breach of te Tiriti. It further disenfranchised the Ngāti Huia ki Horowhenua Claimants by dispossessing them of their lands.

#### **REPRESENTATION IN LOCAL GOVERNMENT**

179. The Claimants state that the Crown, through its acts and omissions, failed to actively protect Ngāti Huia ki Horowhenua to participate in local government, resulting in a lack of Māori representation in local government.
180. During Ms Louisa Ruth Donnell's research, she came across no indication that there were any Māori elected to local government in that district.
181. The Horowhenua County Council was established in 1884, following its separation from the Manawatu County Council. The Horowhenua County Council had jurisdiction over the land south of the Manawatu River, stretching to the Waikanae River.<sup>143</sup>
182. Referring to Suzanne Woodley's Report, Mrs Donnell notes the following:<sup>144</sup>
- a. The Horowhenua County Council was established in 1884. It broke away from the Manawatu County Council which was originally in charge of the area between the Rangitikei and Waikanae rivers and was established in 1876.
  - b. Possibly no Māori at all were elected to Manawatu County Council between 1877 and 1977 (there were no Māori names). Also there continued to be no Māori names amongst those elected between 1989 and today.
  - c. Horowhenua County Council had only non-Māori councillors up until 1980 (there were no Māori recorded and no Māori names). The one known Māori councillor was Te Aputa Kauri who was elected to represent Waikanae Riding between 1980 and 1983.
  - d. The population of Māori in 1878 is recorded as 676 in the Horowhenua district. In 1901, 25% of the population were Māori. In

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<sup>143</sup> Wai 2200, #A193 at p. 217.

<sup>144</sup> Wai 2200, #A193, and Wai 2200, #N9.

1926, 18.5% were Māori. Ngāti Huia ki Horowhenua constituted a sizeable chunk of the population and yet they did not have a single Māori representative on their local body.

183. Counsel therefore submit that, Ngāti Huia ki Horowhenua Claimants, through Crown local government legislation, were excluded from local government spaces despite being a sizable chunk of the Horowhenua population. This is in breach of the te Tiriti and its terms and principles, particularly with regard to the ability to self-govern, and the article III guarantee of having equal rights to that of British subjects.

### **Hapū Specific Experiences**

#### **Ngāti Kikopiri**

##### ***Muhunoa Blocks Lost through the Rating System***

184. For Ngāti Kikopiri, there was no equivalent concept of rates in traditional Māori society in the 19<sup>th</sup> century. In her Brief of Evidence, Mrs Donnell describes the effect of rates on the Muhunoa Blocks. Her evidence outlines in detail Muhunoa block subsections which were in the ownership of her whānau and tupuna, that were acquired by the Ikaroa Māori Land Board, as well as Muhunoa block subsections that were sold to pay rates.<sup>145</sup>

### **PREJUDICE**

185. Counsel support and adopt the prejudice outlined in the generic closing submissions for Local Government and Rating in so far as they apply to Ngāti Huia ki Horowhenua Claims.<sup>146</sup>
186. We particularly note that the lack of ability of Ngāti Huia ki Horowhenua to exercise their rangatiratanga as mana whenua within the Horowhenua district is, again, a key reason for the prejudice they have experienced.

### **VIII: ISSUE SIX: PUBLIC WORKS TAKINGS AND GIFTING**

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<sup>145</sup> Wai 2200, #N9, at [25], [48]-[52].

<sup>146</sup> Wai 2200, #3.3.94 at p. 114.

## THE ROAD BETWEEN FOXTON AND ŌTAKI

187. In March 1879, the Manawatu County Council began organising with Māori the felling and clearing of land for an inland road between Ōtaki and Foxton. At the time, the Resident Magistrate considered this arrangement to be favoured by Māori in the area.<sup>147</sup>
188. As noted by Heather Bassett, this arrangement was in fact not favoured by Māori. Rather, Māori were not prepared to donate their whenua for employment opportunities and instead requested compensation for their whenua.<sup>148</sup>
189. On 7 August 1880, a public notice regarding the acquisition of the Foxton-Ōtaki Road was published in the Manawatu Herald. The notice failed to name the blocks that were to be affected, and instead only advised that a plan of the road line was available for viewing, and that objections were to be received within 40 days in writing.<sup>149</sup>
190. On 6 July 1880, the Manawatu Herald stated:<sup>150</sup>

### *The Horowhenua Road*

*A letter was read from several natives at Poroutawhao, informing the council of their claim to the land through which the Foxton-Ōtaki road would pass.*

*The Chairman explained that the course proposed to be undertaken in regard to the matter was to do the same as they had done in regard to the road from Foxton to the beach and take the land under section 2 of the Public Works Act, and let the natives claim compensation. He had informed Mr Knowles of the action proposed to be taken.*

*Proposed by Mr Rockstrow, "that the chairman be requested to take*

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<sup>147</sup> Wai 2200, #A211 at p. 82.

<sup>148</sup> Wai 2200, #A211 at p. 82.

<sup>149</sup> Wai 2200, #A211 at pp. 83 to 84.

<sup>150</sup> Wai 2200, #N23 at [162]; [Papers Past | Newspapers | Manawatu Herald | 6 July 1880 | MANAWATU COUNTY COUNCIL](#)

*such steps as required by the Public Works Act, 1876, to secure the title for the land necessary for the road from Foxton to Ōtaki, and for the land required from Foxton to the Beach”.*

191. In July 1881, the route for the inland road between Foxton and Ōtaki was proclaimed under the powers of the Native Land Act 1873, the Native Land Amendment Act 1878, and the Public Works Act 1880. As the order was proclaimed under the Native Land Act, compensation for the taking of the land from the Ngāti Huia owners was not required.
192. The evidence of Ms Louisa Ruth Donnell outlines how she believes the Horowhenua County Council relied on the Native Land Act in order to obtain the whenua, without the consent of their tūpuna.<sup>151</sup> Ms Donnell goes on to state that:<sup>152</sup>

*The point I want to make here isn't whether our tūpuna were for or against roads, but that this is an example of a situation where we were forced to be set against each other. Our tupuna had to navigate the complexities of whether to be in the good books or in the bad books of the Crown in a rapidly changing society where their tino rangatiratanga was constantly being eroded, and which they were desperately trying to hold on to.*

193. It is our submission that the Crown, in breach of te Tiriti and its principles, did not seek to find alternative mechanisms to achieve public works goals, and instead opted to develop a legislative framework which enabled it and its agents to take Māori land without compensation. This is in addition to the fact that, for Ngāti Huia ki Horowhenua, they were either landless or had insufficient land left to sustain themselves.

## **PREJUDICE**

194. Counsel support and endorse the prejudice as articulated in the generic closing submissions for public works takings and giftings.<sup>153</sup>

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<sup>151</sup> Wai 2200, #N9 at [16].

<sup>152</sup> Wai 2200, #N9 at [17].

<sup>153</sup> Wai 2200, #3.3.96 at p. 64.

**IX: ISSUE SEVEN: TE TAI AO (ENVIRONMENT)****GENERAL COMMENTS**

195. Counsel rely and adopt the generic claimant submissions in respect of te Taiao, including the response to the Crown concessions and the applicable principles of te Tiriti.<sup>154</sup>
196. For the Ngāti Huia ki Horowhenua Claimants, the natural environment within their rohe is not only significant to them for its resources, but also for the cultural and social practices that naturally come from the practice of gathering resources. Their rohe provided them with many of their needs, as evidenced by the kāinga and cultivations referred to by the Claimants in their various briefs of evidence.
197. However, the Ngāti Huia ki Horowhenua Claimants, also demonstrate in their evidence, their inability to gather resources from te taiao, and how the Crown's resource management systems prevent the hapū from exercising their kaitiaki obligations to the natural environmental, especially to their environmental taonga.
198. In addition from their inability to exercise their tino rangatiratanga over their rohe and their environment, the Claimants state that they have suffered from a lack of 'voice', have been and excluded from participating in decisions concerning local and national policies on te taiao, resulting in significant prejudice on their land and water scapes. The Claimant evidence demonstrates that their inability to influence practices, policy and decisions has rendered Ngāti Huia ki Horowhenua largely unable to be protect their environment or exercise their kaitiakitanga obligations. For many it is disempowering, with the trauma of being excluded intergenerational.<sup>155</sup>
199. It is submitted that the barriers created by the Crown and its systems are in breach of te Tiriti, and its principles, in particular:
- a. the article I guarantee to be able to exercise tino rangatiratanga

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<sup>154</sup> Wai 2200, #3.3.101.

<sup>155</sup> Wai 2200, #N33 at p. 36.

over their lands and their taonga;

- b. the failure of the Crown to appropriately partner with the Ngāti Huia ki Horowhenua hapū, who are mana whenua of their rohe, which includes their environmental taonga; and
- c. the failure to actively protect the environmental taonga of the hapū, especially, the water bodies which were of significance to the hapū landscape.

## **TE MANU HUIA**

200. One of the most acute environmental impacts felt by the Claimants is the extinction of the huia bird, which is a native bird of deep significance for all of Ngāti Huia people, including the Ngāti Huia ki Horowhenua Claimants.<sup>156</sup> Its deep significance to Ngāti Huia, representing the mana and tapu of their people, is evident in the fact that high born rangatira were adorned with the feathers of the huia bird.<sup>157</sup>
201. The Claimants assert that Ngāti Huia have and continue to be the kaitiaki of the te manu huia, even now following its extinction, particularly for manu huia artefacts such as the taxidermy manu huia, two of which were displayed during the Ngāti Huia ki Horowhenua Claimant hearing week.

### ***The Extinction of Te Manu Huia***

202. In the early twentieth century, the manu huia was lost forever. A major factor in the decline of the manu huia was due to forest clearance to make way for farming and pasture, a practice that was supported by the Crown for early settlements. With the introduction of harmful predators and the pursuit of the bird hunting by Pākehā settlers, the population the of manu huia rapidly declined. The last sure sighting of te manu Huia was in 1907, with the bird considered lost in 1920.<sup>158</sup>

### ***Kaitiakitanga of Te Manu Huia***

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<sup>156</sup> Wai 2200, #N19 at [93]-[94]

<sup>157</sup> Wai 2200, #N19 at [94]-[95].

<sup>158</sup> Wai 2200, #N28 at [38].

203. Whilst Ngāti Huia are at times recognised as the kaitiaki of te manu Huia,<sup>159</sup> there continues to be instances where the status of Ngāti Huia is disregarded.

## HAPŪ-SPECIFIC EXPERIENCES

### Ngāti Huia ki Poroutawhao

204. Despite its extinction, te manu Huia continues to be central to the identity of all Ngāti Huia hapū. As described by Angela Hayden for Wai 113H, te manu Huia is present in the Claimants' hapū name, whakapapa, and all other matters associated with mana, rangatiratanga and wairuatanga.
205. Distressed by the decline in population, Ngāti Huia appealed to the government for protection. By the 1860s, Ngāti Huia had imposed a rahui on hunting and Ngāti Huia kaumatua, Henare Roera Ahukaramu had written a letter to the government seeking a ban on Pākehā shooting the bird. Despite the pleas, nothing was done by the Crown to protect te manu Huia until 1892 when the species was added to the list covered by the Wild Birds Protection Act. Despite this action, no meaningful action was taken by the Crown to ensure the bird was protected and its population growth ensured. The birds were not transferred to the sanctuary islands, Kapiti and Little Barrier, nor was hunting for European fashion and science actively constrained.<sup>160</sup>

### *Mahinga Kai*

206. As noted in the evidence of Mr Tiaki Tamihana, a lot of trauma has been experienced Ngāti Huia ki Poroutawhao as a result of the environmental damage that has been inflicted on their rohe. This damage has had a consequential impact on kai and other resources, as well as cultural practices and mana.<sup>161</sup>
207. The Ngāti Huia ki Poroutawhao Claimants state that kai used to be gathered

<sup>159</sup> Please refer to Wai 2200, #N28 at [40]-[41], where Ms Angela Hayden discusses Kapiti Police contacting Ngāti Huia kaumatua, Tiaki Tamihana, regarding a stolen manu Huia that had been recovered; advice being sought on the repatriation of te manu huia; and Ōtaki School seeking the blessing for naming a block after te manu Huia.

<sup>160</sup> Wai 2200, #N28 at pp. 11 to 14.

<sup>161</sup> Wai 200, #N33 at pp. 33 to 37

fresh and either eaten on the same day or occasionally preserved in preparation for when kai was scarce. Prior to the arrival of colonial settlers, te taiao was their natural food pantry:<sup>162</sup>

- a. Te Rahu o Haumie: Wild plants, berries, seeds, leaves, puha, water cress, dandelion, selected salad leaves, roots, shoots and fern fronds were the bounty of Haumie;
  - b. Te Rourou o Tane: Included, fruits, nuts, leaves, flowers, honey, bird life, eggs, bats, snails, etc;
  - c. Wai-Māori: Fresh water kai; and
  - d. Wai Tai: Ocean bounty.
208. The lack of access to their whenua as a result of Crown acts and omissions have had a significant impact on their ability to exercise their kaitiaki obligations to their environmental taonga, including the gathering of kai from the environment. Their connection to their natural environment is severed in many ways – lack of access to land, Crown resource management legislation and policies, degrading natural environment – which affects not only their health and wellbeing as individuals, but their health and wellbeing as hapū.
209. The claimant evidence describes customary practices of Ngāti Huia ki Poroutawhao, where, in preparation for hui and tangi, sent people to collect food from their mahinga kai. Many of the tohunga kaihakari were also local historians, providing korero tuku iho for those who were still learning the practices, especially rangatahi.
210. The availability of mahinga kai depended on the ability of the rohe to provide sustenance to a hui on our marae. Resources were normally from local sources, although kina, mussels were obtained further away in other area. Claimant evidence and oral interviews in technical reports have described these as plentiful in the days of the mid twentieth century, where

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<sup>162</sup> Wai 2200, #N33 at 37.

the abundance of mahinga kai overfilled kete of the gatherers.

211. Today, such events are difficult to believe, given the state the of the lands and water bodies, mahinga kai being reduced, severely impacted by the disruption caused by European farming practices, water management systems that do not accord with the natural flow and cycles of the water bodies, as well as the inability to of properly monitor the gathering of kai moana. The Claimants in their evidence lament their sorrows of not being able to teach their tamariki or mokopuna these mahinga kai practices, nor would they allow them to, as the kai would be contaminated.
212. Again, the Crown has failed the Ngāti Huia ki Poroutawhao Claimants, in breach of te Tiriti and its principles, in failing to protect their environmental taonga. The Claimants say that the Crown and its agents remain complicit in the death and destruction of their tupuna Papatuānuku.

***Te Roto o Tangimate***

213. Te Roto o Tangimate is a significant taonga for Ngāti Huia ki Poroutawhao, as demonstrated by the fact that the Claimants submitted a significant amount of evidence and paperwork relating to its history and their experiences.<sup>163</sup> It forms part of a wider eco-system. It stems from Te Moana o Raukawa, through to Wairarawa Stream. It links between many lakes, wetlands, and tributaries. As noted by Justin Tamihana, George Adkin described Tangimate as the site of “the most remarkable group of whakamate or artificial eel-trapping channels in Horowhenua” and that it had been subject to drainage to the point where it “almost completely disappeared insofar as open water is concerned”.<sup>164</sup>
214. As outline by Juston Tamihana, the Ngāti Huia ki Horowhenua have had to watch their taonga, Tangimate, be drained and destroyed by those who are looking to exploit their whenua. In order to drain Tangimate, approval was needed from the Historic Places Trust. Despite an archaeologist of the Historic Places Trust not recommending Tangimate being drained, the

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<sup>163</sup> Wai 2200...

<sup>164</sup> Wai 2200, #N39 at [36]; citing George Adkin Horowhenua (Department of Internal Affairs, Wellington, 1948) at 357.

Historic Places Trust nonetheless gave final approval on 24 August 1981.<sup>165</sup>

215. It is the understanding of Ngāti Huia ki Horowhenua that there have been multiple consents approved for damning and draining Tangimate since 1981. Each time, the Claimants have not been approached for input on the consent, despite being the owners of the Block. When the resource consent was up for renewal in 2001, the trustees of te roto o Tangimate wrote a letter objecting to the resource consent. Despite the opposition to the resource consent, it was again approved.<sup>166</sup>

216. In the present day:<sup>167</sup>

*This draining has caused detrimental damage to Lake Tangimate, whakamate, surrounding swamps/wetlands, native and wetland species, and eel stocks in Tangimate. In 2000, the lake had reduced to around 2.7 hectares with the portions of Tangimate that had been drained being turned into farmland.*

217. The Claimants say that the Crown entities failed to police and rectify the draining of lake and further note that entities such as Historical Places Trust, the Manawatū Catchment Board, as entities who operate under the Crown's policies and practices, failed to:

a. protect Lake Tangimate from being drained or manage the lake water levels appropriately;

218. recognise and include the mana and input of the Lake Trustees, instead addressing the concerns of the adjacent farmers;

219. keep the Lake Trustees informed of water resource consents; and

220. Assist the lake trustees in insuring that the lake water table meets 10 hectares as has been promised to them the former owners

### ***Aspirations for Te Roto o Tangimate***

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<sup>165</sup> Wai 2200, #N39 at pp. 11 to 12.

<sup>166</sup> Wai 2200, #N39 at pp. 11 to 12.

<sup>167</sup> Wai 2200, #N39 at [42].

221. Mr Hirama Tamihana, in his Brief of Evidence, outlines the Ngāti Huia ki Poroutawhao aspirations for Te Roto o Tangimate in comprehensive detail.
222. In addition to the submissions made in the Native Land Court section regarding Lake Tangimate, to have access to such precious environmental taonga without fear or worry that it will once again fall out of their hands, and to have the ability to sustain tuna in the lake, would have a significant impact on Ngāti Huia ki Poroutawhao.
223. Lastly, we submit that it is open to the Tribunal to make a finding that the Crown has breached te Tiriti and its principles in respect of what happened to Lake Tangimate in the 1980s. When asked by Dr Grant Phillipson, Mr Whiting conceded that monitoring did not happen, and damage was done at that time.<sup>168</sup>

#### **Ngāti Kikopiri**

224. As noted in the evidence by Ngāti Kikopiri witnesses, there were plenty of tuna (eel), with many pā tuna on the Waiwiri stream, each belonging to different rangatira and their whanau. There were also whitebait, inanga, kōkopu, ducks, and many other kai available in the lakes, lagoons, and streams. There was kai moana on the coast (toheroa), with a fishing kāinga at Rākauhamama on the Mahoenui boundary. The native forest stretching to the Tararua range offered kereru, kaka, huia, kiore, berries, and timber.<sup>169</sup>
225. In short, their rohe was filled with an abundance of natural resources, from the Tararua ranges, to their water bodies (Waiwiri), to the coast, which Ngāti Kikopiri whānau utilised.
226. Of significance to both Ngāti Kikopiri and Ngāti Hikitunga (as well as Ngāti Pareraukawa), are the Waiwiri Lake, Stream and local environment. The significance of Lake Waiwiri is detailed within Ms Collins' cultural impact assessment report regarding the lake, stream and its environs.<sup>170</sup> Ms Collins also included in her report, the impacts of the local wastewater system on

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<sup>168</sup> Wai 2200, #4.1.52 at p. 208.

<sup>169</sup> Wai 2200, #N18 at [26].

<sup>170</sup> Wai 2200, #N7; Wai 2200, #N7(a); Wai 2200, #N7(b); Wai 2200, #N7(c).

this water body's ecosystem, particularly from "the Pot" – where wastewater and residential sewage were pumped to. The leachates from these waters have significantly affected Ngāti Kikopiri and Ngāti Hikitunga, as it means that their ability to gather kai has seriously declined. As part of her presentation of the report, she had included photos of the lake and the stream, lamenting the devastating state of the environment of their rohe.<sup>171</sup>

227. As Ms Collins says in her report:<sup>172</sup>

*It is dispiriting that our waterways and lands are being used and abused by council for waste disposal, with so little consideration for our hapū. If the declining health of the stream is not reversed soon, it will become lost to us forever.*

### **Prejudice**

228. The tangata whenua evidence illustrates the heart-breaking disconnection experienced by Ngāti Huia ki Horowhenua hapū from their pataka kai, environmental taonga, and the resources within as described throughout this section.

### **X: ISSUE TEN: CULTURAL ISSUES**

#### **GENERAL COMMENTS**

229. The Ngāti Huia ki Horowhenua Claimants rely on and adopt the generic closing submissions on cultural issues, including in respect of the Crown's concessions and their relevance to mātauranga Māori, to the extent that they are relevant to the claims of Ngāti Huia ki Horowhenua.<sup>173</sup>

230. The Claimants' evidence shows a deep and rich knowledge of culture, tikanga, mātauranga and te reo that was developed and protected by Ngāti Raukawa and affiliated groups prior to the signing of te Tiriti o Waitangi.

### **Te Manu Huia**

<sup>171</sup> Wai 2200, #N7(c). See also Wai 2200, #4.1.39 starting at p. 234.

<sup>172</sup> Wai 2200, #N7 at p. 25.

<sup>173</sup> Wai 2200, #3.3.106 in general; Wai 2200, #3.3.106 at [29]-[48].

231. In particular, as already noted above in relation to te manu huia, the Claimants note that the extinction of the huia bird is a cultural loss that is keenly felt by all Ngāti Huia ki Horowhenua Claimants.

## **HAPŪ SPECIFIC EXPERIENCES**

### **Ngāti Huia ki Poroutawhao**

#### ***Ngāti Huia ki Poroutawhao Contribution to the War Effort***

232. Ms Hayden's evidence describes how Ngāti Huia ki Poroutawhao had contributed to the War Effort, presenting a powerful brief of evidence to the Tribunal during the hearing at Ngatokowaru Marae. Inside the Poroutawhao Community Hall, there is a Roll of Honours Board. There are six names that appear on the Roll of Honour; WT Tatana, TM Paurini, T Kerehoma, VJ Hapeta, M Kiriona and MN Tatana who all whakapapa back to Ngāti Huia ki Poroutawhao.<sup>174</sup>
233. Te Rauangaanga Robert Tuhera Kiriona was the only soldier from Poroutawhao who served in the first World War. He was posthumously awarded the Memorial Scroll & Plaque, Victory Medal and British War Medal in August 1923.<sup>175</sup>
234. Of the 26 soldiers who served in the second world war, Tama M Paurini, T Kerehoma and WT Tatana were local Poroutawhao men.
235. Both Te Rauangaanga Robert Tuhera Kiriona and Tama M Paurini died whilst deployed but T (Thomas) Kerehoma and WT (Tata) Tatana returned and settled locally. Ms Hayden noted that although land in Poroutawhao and Waitarere was made available to soldiers as part of the soldier resettlement programme neither Thomas Kerehoma or Tata Tatana were beneficiaries of the scheme and that in fact Pākehā soldiers who were not local to the area benefitted from the scheme.

#### ***Cultural Practices Have Declined***

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<sup>174</sup> Wai 2200, #N29 at [18].

<sup>175</sup> Wai 2200, #N29 at [20].

236. The Ngāti Huia ki Poroutawhāo evidence points to how the colonisation process had led to a marked decline in the overall cultural knowledge, history and practices that were once the norm for the hapū. The Claimants note the overwhelming evidence suggests that once the tribal norms, practices and way of life are intentionally deconstructed by the application of oppression, whilst continuing to implement systemic racism in terms of the legislation and ongoing policy settings for long enough, then it is only a matter of time before (the dominant culture) succeeds.<sup>176</sup>
237. For example, as noted above, mahinga kai traditions and customs are slowly falling out of practice due to the environmental degradation of their local environment, and the inability of kuia and kaumatua to pass on this (and the historical knowledge that went with it) to the next generation. Many people have had to move away from their tūrangawaewae, with few left to look after their marae, and maintain those cultural practices.

### **Ngāti Huia ki Matau**

#### ***Loss of Matau Marae***

238. Mr Kiriona talks about the loss of Matau Marae and how difficult it was for Ngāti Huia ki Matau. Along with the loss of the marae, there was a huge loss of knowledge, tikanga, kōrero, waiata, whanaungatanga, and everything that is associated with the Marae was lost. At a time of urban drift, and with no marae to come home to, it would be a generation would pass before Matau would stand again. By the time Matau was rebuilt on a new site, all the koroua and a number of kuia had passed.<sup>177</sup>
239. The tragedy of the loss of Matau Marae is captured by the kōrero of Mr Rawiri Tatana whom Mr Kiriona refers to in his evidence:<sup>178</sup>

*For many years Mr Tatana would have to drive past the dilapidated  
whare tupuna every day on his way to work; the whare kai was*

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<sup>176</sup> Wai 2200, #N33 at [23].

<sup>177</sup> Wai 2200, #N23 at [187].

<sup>178</sup> Tumatānui Incorporated Society Oral and Traditional History Report, Peter McBurney, Auckland, 22 January 2018, A Report Commissioned by The Crown Forestry Rental Trust in association with Tumatānui Incorporated Society. Pg. 713-714.

*gone, pulled down by the farmer; the old house where the kuia used to live was gone. There was just a house sitting there in the paddock with the sheep, which would go inside to escape the weather, so the house was full of sheep droppings. All the while, the pictures of the tupuna remained hanging on the wall inside”.*

240. In terms of rebuilding Matau Marae, Mr Kiriona recalls that the decision to do so did not come without challenges. Some whānau wished to pursue the old site and rebuild where it was, others wanted to move on. This caused much division amongst the whanau, some never returned. There was no land or money and a diminishing local support base due to urbanisation.<sup>179</sup>
241. It is only fortunate that local whānau donated land for the new marae, and in 1978 the rebuild of Matau Marae began. Before this could happen the old whare had to be demolished, the tapu lifted, and replaced at the new site.<sup>180</sup> The whānau of Ngāti Huia ki Matau finally were left with no option but to demolish and burn the old whare, and what remained was buried onsite in April 1978.<sup>181</sup>

### ***Rebuilding Matau Marae***

242. Mr Kiriona recalls that from 1978, the whānau worked tirelessly to rebuild Matau Marae. During this era there was no funding available to assist with the rebuild. As well as the physical construction of the Marae, the whānau were continuously engaged in fundraising. Socials, dances, disco’s raffles, cake stalls, jumble and garage sales, kai stalls and donations, in fact any idea
243. Mr Kiriona says that the whānau were often supporting their own fundraising from their own pockets. Materials were salvaged or purchased as ‘seconds’ such as gib cover sheets which were slightly damaged. Weekends were spent felling standing timber which was donated, transporting logs to the local mill and then weekends at the mill processing the logs. Local contractors provided machinery and many local businesses

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<sup>179</sup> Wai 2200, #N23 at [189].

<sup>180</sup> Wai 2200, #N23 at [192].

<sup>181</sup> Wai 2200, #N23 at [195].

supported with labour.<sup>182</sup>

244. Mr Kiriona says that personal and community connections were crucial, that often these businesses were employers or friends and associates of the whanau. In the latter years, whilst the wharenuī and wharekai were still completely unfinished, the whānau would spend nights after work inside, completing the carvings.<sup>183</sup>

***The Loss of Matau Marae Should Have Not Occurred***

245. Prior to the rebuild of Matau Marae, the hapū found itself near the point of ‘extinction’, similar to the Huia Bird. Hapū members were still living in the area yet the identity of Matau as a hapū was becoming lost without a tūrangawaewae where it could physically manifest itself.
246. Mr Kiriona describes this as a sad day for the hapū of Ngāti Huia ki Matau, when the old Matau Marae was dismantled, burnt and the site relinquished forever.<sup>184</sup> We submit that, had it not been for Crown land administration systems, Ngāti Huia ki Matau would not have had to experience such loss and tragedy.

***“War of Position” and its Effects on Tohunga***

247. Another aspect of the cultural impacts of colonialism on Ngāti Huia ki Horowhenua is described by Mr Hayden Turoa in his evidence.<sup>185</sup> Mr Turoa talks about how the “war of position” waged by the colonial Crown institutions against Māori began deliberately collapsing the mana of tohunga and their expert class within their iwi.<sup>186</sup>
248. By the time the Tohunga Suppression Act 1907 was enacted, this was a new era of Māori academic thought in that leadership had come through a new colonial education system. Some of these academics introduced this Act to expose “second-class tohunga”, who did not possess traditional knowledge

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<sup>182</sup> Wai 2200, #N23 at [196].

<sup>183</sup> Wai 2200, #N23 at [196].

<sup>184</sup> Wai 2200, #N23 at [193]-[194].

<sup>185</sup> Wai 2200, #N24.

<sup>186</sup> Wai 2200, #N24 at [61].

or authority and just preyed on the superstition of local people.<sup>187</sup>

249. This Act was just the next step in the state-led initiative to contain them within a system to ensure a revolt could never take place. The new narrative would come to dictate a new cultural norm (which the new era of academia was already forming) to the point that a revolution to retrieve the economic and political systems the non-sellers were defending, could never take place.<sup>188</sup>
250. Mr Turoa states that different methods of cultural control were used that further fragmented his hapū population and the opposition of his hapū to land sale. He continues saying that this was done through the Act or deliberate assaults on Ngāti Huia customary roles in the leadership of their iwi estate to prevent the revival of Te Kawa Ora, of their traditional practices and economic systems.<sup>189</sup>
251. Further, he states that the imposition from European imperialism of order across all levels of their culture (political, sociocultural, legal economic, and philosophical) has often seen issues narrowed such that they are almost unrecognisable in Māori terms. As the natural landscape was replaced by a colonial land preference of agricultural production and decorative gardens, the colonial systems of administration de-configured hapū and iwi legal and economic systems to suit its colonial reflection.<sup>190</sup>
252. It is therefore submitted that the combination of land acquisition and cultural assimilation, imposed by the Crown, its agents and its system, had led to such decline of matauranga Māori and tohunga, in breach of te Tiriti and its principles.

### **Ngāti Hapahapai**

253. Mr Gibson discusses cultural issues relating to himself and Ngāti Hapahapai, that:<sup>191</sup>

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<sup>187</sup> Wai 2200, #N24 at [68].

<sup>188</sup> Wai 2200, #N24 at [69].

<sup>189</sup> Wai 2200, #N24 at [76].

<sup>190</sup> Wai 2200, #N24 at [77].

<sup>191</sup> Wai 2200, #N27.

- a. in similar evidence to Mr Turoa, the passing down of mātauranga Māori was lost through various means, but particular through the Tohunga Suppression Act 1907;
  - b. as a result of landlessness, poor socioeconomic conditions and urban drift, that the uri of Ngāti Hapahapai did not grow up with any knowledge of te ao Māori, or cultural identity, whakapapa, particularly of their Ngāti Hapahapai and Ngāti Huia side;
  - c. the uri of Ngāti Hapahapai did not grow speaking te reo Māori, and in reclaiming their own language, they have had to sacrifice their own resources to do so; and
254. as a result of having to migrate away from their tūrangawaewae and rohe, Ngāti Hapahapai uri were not able to engage in whanaungatanga with their extended whānau groups, nor attend gatherings at marae.

#### **Ngāti Hikitunga**

255. None more so than Ngāti Hikitunga can say that they have experienced complete and utter cultural decimation at the hands of historical Crown actions and inactions. Ngāti Hikitunga were left completely and utterly landless, stripped of their tūrangawaewae and their identity. Ngāti Hikitunga uri were forced to assimilate with Pākehā culture, or seek refuge with their whanaunga of other hapū.<sup>192</sup> The Ngāti Hikitunga claimants say that their dormancy is attributable to the Native Land Court decisions (as outlined in the earlier section), and to Crown systems which did not recognise the mana and rangatiratanga of Ngāti Hikitunga.<sup>193</sup> It is only of recent years that Ngāti Hikitunga, with the assistance of Ngāti Raukawa ki te Tonga, have been able to re-establish themselves as a hapū.
256. This deep sense of loss is felt keenly by the Ngāti Hikitunga witnesses who describe how the historical injustices suffered by their tupuna shaped their own journeys to reclaim te reo me ona tikanga for themselves and for Ngāti

<sup>192</sup> Wai 2200, #N20; Wai 2200, #N21; Wai 2200, #N22.

<sup>193</sup> Wai 2200, #1.1.31(i) at [22].

Hikitanga, guided by the elders of Ngāti Huia and Ngāti Raukawa.<sup>194</sup> The Tribunal heard, saw, and felt the deep struggles experienced by Ngāti Hikitanga witnesses, father and son, Larry Parr and Quentin Parr, as a result of these historical injustices.

257. Mr Larry Parr, for example, said to the Tribunal that:<sup>195</sup>

*if the Crown had honoured its obligation, I would have not had to take this journey to establish who I was. The day I was born, it would have been totally apparent to all who I was in Māori terms.*

258. Mr Larry Parr's evidence describes:<sup>196</sup>

- a. his disconnection from his whakapapa, his iwi, his hapū;
- b. his desire to learn te reo Māori as a result of his father's regret for being unable to mihi at post-match functions;
- c. his laments that his brothers missed out on the opportunity to learn te reo Māori that he was fortunate to receive at St Stephen's School; and
- d. the heartbreak of missed opportunities to purchase lands at Māhoenui and re-establish themselves where they rightfully belong.

259. Mr Quentin Parr echoes the same sentiment as his father, who, despite not being a keeper of tribal lore, undertook the responsibility "*because there is no else beside my father to speak on behalf of the descendants of Rangiuira Te Paea, of Ngāti Hikitanga*"<sup>197</sup> His presentation to the Tribunal, though a little unconventional, was a deliberate attempt to mirror the deep sense of hostility that his tupuna must have felt when faced with a system that purports to judge indigenous knowledge through a narrow Eurocentric lens, and the deep sense of violence that struck their tupuna when their homes at Māhoenui were sacked. His oral presentation reflects the raw and enduring mamae and unhealed trauma experienced by his tupuna at the hands of

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<sup>194</sup> Wai 2200, #4.1.39 at p. 289.

<sup>195</sup> Wai 2200, #4.1.39 at p. 289.

<sup>196</sup> Wai 2200, #N20.

<sup>197</sup> Wai 2200, #N21 at [6].

Crown agents, which have been passed down through the generations.<sup>198</sup>

260. The Tribunal further heard from Mr Quentin Parr about how disconnection from cultural foundations and a land base have created a system that has disempowered Ngāti Hikitanga, Ngāti Huia and Ngāti Raukawa ki te Tonga. For example, Mr Quentin Parr describes the “deprivation of the basic human right to our cultural heritage” as taking an emotional and spiritual toll, having spent many years trying de-colonise his whole life.<sup>199</sup>
261. It is our further submission that there is an inherent connection between landlessness, an inequitable justice system, and the rise of gangs that is most evident in the Horowhenua region. Hapū landlessness, such as that experienced by Ngāti Hikitanga, have resulted in the emergence of many prominent gang members, many of whom have whakapapa to the Horowhenua region.
262. Another tangible marker of the prejudice experienced by Ngāti Hikitanga is the absence of a Hikitanga marae, which inhibits the matauranga and kōrero tuku iho that is exchanged in these settings from generation to generation.<sup>200</sup> The lack of a physical and spiritual homeland, in our submission, underscores the complete and utter devastation of te reo me ona tikanga of Ngāti Hikitanga.
263. Ngāti Hikitanga continues to be on a journey of reclaiming their hapū identity, but without their former land base as a site of their cultural foundation, it is submitted that full revival cannot be achieved, and it is the Crown’s duty, in righting the historical injustice, to aid Ngāti Hikitanga in achieving their aspirations.

### **Ngāti Kikopiri**

264. As a result of much of their lands being lost through various Crown actions and systems, Ngāti Kikopiri experienced a cultural decline where many whānau moved away from the marae and their communities.

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<sup>198</sup> Wai 2200, #4.1.39 at p. 299 onwards.

<sup>199</sup> Wai 2200, #4.1.39 at p. 299.

<sup>200</sup> Wai 2200, #4.1.39 at 302.

265. Mrs Donnell recounts in her evidence the rich history of her tupuna, their cultural practices and norms, much of which was lost with the intervention of an education system created by the Crown which prioritised assimilation, and which devalued matauranga Māori and tikanga Māori. She describes the heartbreaking decision her tupuna had to choose assimilation over their Māoritanga, which has had consequences on her grandfather, her mother and down to her and her brother.<sup>201</sup> Mrs Donnell describes how each generation were disconnected from their reo, their tikanga, and marae, and much of this disconnection is attributed to the fact there was little land left to anchor Ngāti Kikopiri uri to their cultural practices.<sup>202</sup>
266. Mrs Donnell also recounts the efforts of her tupuna to maintain what little matauranga Māori they had, such as waiata, and kupu Māori, as well as to relearn te reo me ona tikanga Ngāti Kikopiri. She too, on the shoulders of the efforts of her whanau, started to reconnect to her Māoritanga, and her Kikopiritanga.<sup>203</sup>
267. The loss of much of te reo me ona tikanga of Ngāti Kikopiri, in our submission, is because of the Crown's systems which, not only dispossessed Ngāti Kikopiri of their lands, but also of their cultural practices.

## **XI: ISSUE ELEVEN: SOCIOECONOMIC ISSUES**

### **GENERAL COMMENTS**

268. The Claimants support and adopt the generic closing submissions in respect of socio-economic issues, including the submissions on applicable Tiriti principles, and the response to the Crown concessions.<sup>204</sup> The Ngāti Huia ki Horowhenua Claimants in particular, make a few comments regarding their experiences with regard to health, education and employment.
269. The technical evidence illustrates the socioeconomic context in which the Ngāti Huia ki Horowhenua Claimants find their whānau and hapū over the course of the twentieth century. It is our submission that the land loss

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<sup>201</sup> Wai 2200, #N9 at [112].

<sup>202</sup> Wai 2200, #N9 at [113].

<sup>203</sup> Wai 2200, #N9 at [103]-[146].

<sup>204</sup> Wai 2200, #3.3.99.

experienced by the Claimants have had a significant effect on their health and wellbeing, education pathways and employment opportunities.

## HAPŪ SPECIFIC EXPERIENCES

### Ngāti Huia ki Poroutawhao

#### *Hauora*

270. Ngāti Huia ki Poroutawhao have had adverse effects on their diet, mental health, urban migration, Pākehā health practices, the deprioritisation of Māori within the health system, as a result of Crown acts and omissions.<sup>205</sup>
271. Their claimant evidence illustrated that kuia and kaumatua had during the 1960s and 1970s had a more steady access to healthcare than kuia and kaumatua in the present day. Many kaumatua rely heavily on their whānau to be able to access healthcare that are not local to their area – for example, having to travel to clinics in Foxton or Levin, or further to Palmerston North hospital if needed.
272. The damage to the mental and spiritual wellbeing of the uri of Ngāti Huia ki Poroutawhao, as a result of landlessness and having little connection to their whenua, has had a significant impact on the hapū as a whole, with very little support of resources from the Crown to assist those whānau who have members afflicted with mental illness.
273. The Claimants further note that such resources or support includes rōngoa Māori and access to culturally professional help such as tohunga (which as discussed above by Mr Turoa and Mr Gibson have been suppressed to a significant degree) to enable whānau to be cleansed of negative elements, and provide a physiological and spiritual support to those whānau members.
274. We therefore submit, that the evidence illustrates the failure of the Crown and its agents to adequately support Ngāti Huia ki Poroutawhao in being able to access adequate healthcare of their own choosing.

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<sup>205</sup> Wai 2200, #N31.

**Education**

275. The Ngāti Huia ki Pouroutawhao Claimants also provided evidence regarding the educational experiences of their hapū, as presented by Ms Hayden and Mr Tiaki Tamihana.<sup>206</sup>
276. In their evidence, Mr Tiaki Tamihana goes into great detail about the colonial impacts on mātauranga Māori, the effects of colonial education on Ngāti Huia ki Pouroutawhao and future generations, barriers to Māori success in education, and the lack of kaupapa Māori solutions.
277. In particular, he spoke about:
- a. How the children of Ngāti Huia ki Poroutawhao were punished for speaking te reo Māori, who would later in life choose to assimilate parts of themselves to Pākehā practices to avoid punishment (such as giving their children Pākehā names), some would not grow up to speak te reo Māori and would later have to reclaim it for themselves;
  - b. intergenerational harm caused by such assimilative education practices, from the kuia and kaumatua of one generation to the rangatahi of the next, and how this gap in knowledge impacts the tikanga and kawa practiced at marae and cultural settings;
  - c. Poroutawhao School which opened in 1924 never involved Ngāti Huia ki Poroutawhao, being the local hapū, in discussions regarding where the school should be located nor were they involved in the development of the curriculum;
  - d. Because the Education Board nor the school administrators did not think to engage with Ngāti Huia ki Poroutawhao, the uri of Ngāti Huia who attended Poroutawhao School (including Mr Tiaki Tamihana) were subject to the horrific display of two shrunken heads as part of their history cabinet, which is not only culturally

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<sup>206</sup> Wai 2200, #N30.

insensitive but also a reminder of the trampling of their mana; and

- e. How the current education system, well-intentioned or not, continues to be a punitive-focused system which does not serve tamariki Māori well and compounds on Māori trauma, which he observed himself as someone who experienced that trauma within the education system as a child, and then growing up to become an educator himself.

278. Ms Hayden's evidence focused on her time as a parent and Board member of her children's schools in Tauranga. Her experiences illustrates the pitfalls of the governance practices established by the Crown, the involvement of local iwi, and the lack of application of te Tiriti and its principles in these spaces. She notes how invaluable iwi and hapū voices are in these governance spaces for tamariki Māori (and school children in general).

279. Both Mr Tiaki Tamihana and Ms Hayden speak about the practice of 'exclusion' that occurs frequently for tamariki Māori within education spaces, and its impacts on the whānau, the community, and the next generation, and that this practice should not continue. They advocate for wrap around support with positive whānau engagement, and engagement with local hapū and community at the outset - not only to build relationships, but to facilitate the aforementioned wrap around support.

### **Ngāti Hapahapai**

280. Mr Gibson discusses health, education and employment issues relating to himself and Ngāti Hapahapai, that: <sup>207</sup>
- a. the poor socioeconomic conditions that caused urban drift was a result of the landlessness experienced by Ngāti Hapahapai and Ngāti Huia and the fact that employment opportunities within their own rohe were scarce and hard to come by; and
  - b. education opportunities for the uri of Ngāti Hapahapai is low to average with no real success within the curriculum, leading to

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<sup>207</sup> Wai 2200, #N27.

limited employment opportunities.

281. Because of his wealth of experience and knowledge in health and wellbeing of whānau Māori, Mr Gibson, notes how the experiences of their tupuna and kaumatua arising from landlessness and cultural assimilation has had a significant impact on his whanau, for example:
- a. Poor socioeconomic conditions and the inability to gather kai by traditional means within their own rohe, awa, and moana meant food was scarce and empty cupboards were a frequent occurrence, affecting the mental and physical health of whanau;
282. Stress and tension was always high in his whanau, domestic violence an occurrence within some households, many whānau members become afflicted with mental illnesses, including suicide;
283. Health conditions such as obesity, diabetes and cancer, which he attributes to poor and unnatural food practices brought over by early settlers, compounded by the stress experienced by whānau due to poor socioeconomic health conditions; and
284. Alcoholism, drugs and smoking as forms of self-medication against stress, which have significant impact on their whānau when unmanaged.
285. Lastly, Mr Gibson says that many of his whānau (approximately 23 per cent) have grown up in gang life all their lives. In most cases, it starts from searching for belonging and mateship or aroha, or put more simply – food and shelter.<sup>208</sup> Associated with this, they have experienced incarceration as a whanau, yet another product of a system that oppresses Māori.

### **Ngāti Hikitanga**

286. Ngāti Kikopiri and Ngāti Hikitanga, as a result of landlessness have had to migrate away from their whenua, and thereby impacting on their physical, mental and spiritual health and wellbeing because of their disconnection

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<sup>208</sup> Wai 2200, #N27 at [113].

from their whenua;<sup>209</sup>

287. The inability to live on the whenua as a result of economic disadvantage experienced by Ngāti Kikopiri and Ngāti Hikitanga also has compounds on the effects on their health and wellbeing as a result of Crown acts and omissions;<sup>210</sup> and
288. Ngāti Hikitanga, as a direct result of landlessness, have had their ability to practice traditional healthcare practices and rōngoa removed from them, having to rely on whakapapa connections to continue these practices.<sup>211</sup>

### **PREJUDICE**

289. As noted above, the evidence of the Ngāti Huia ki Horowhenua Claims expresses the prejudice experienced by Ngāti Huia ki Horowhenua as a result of the Crown acts and omissions that have affected their health and wellbeing, and their education.

### **XII: FINDINGS AND RECOMMENDATIONS**

290. The Claimants have set out their hopes and aspirations for their respective hapū of the Ngāti Huia ki Horowhenua Claims within their briefs of evidence and as discussed with the Tribunal during their hearing week.
291. In general terms, the findings and recommendations sought by the Ngāti Huia ki Horowhenua Claimants are that:
- a. The Crown repeatedly and systematically breached te Tiriti o Waitangi and its principles in the way it dealt with the hapū of the Ngāti Huia ki Horowhenua Claims throughout the nineteenth and twentieth century, in particular, the Crown continually ignored the exercise of mana motuhake and hapū rangatiratanga exercised by the Claimants;
  - b. these breaches caused serious, enduring and intergenerational prejudice for Ngāti Huia ki Horowhenua that has been felt over

<sup>209</sup> Wai 2200, #N9 at [78]-[93]; Wai 2200, #N20.

<sup>210</sup> Wai 2200, #N9; Wai 2200, #N20.

<sup>211</sup> Wai 2200, #N22 at [57]-[82].

many generations and persists to this day;

- c. substantial, meaningful and durable redress is required that includes cultural, environmental, legal, political, and economic measures to restore the mana of the hapū, re-establish pathways for exercising tino rangatiratanga, and for the Crown to finally enable Ngāti Huia ki Horowhenua Claims hapū to exercise the rangatiratanga they have always had in their rohe, and
- d. such redress should also include a process that identifies and repeals harmful provisions and legislation that have affected Ngāti Huia ki Horowhenua.

292. For ease of convenience, Counsel have compiled a list of recommendations sought by the Ngāti Huia ki Horowhenua Claimants, attached as a separate document, as **Annex A**.

### **XIII: CONCLUSION**

293. The Crown's breaches have had devastating and enduring consequences for Ngāti Huia ki Horowhenua hapū – Ngāti Huia ki Poroutawhao, Ngāti Hapahapai, Ngāti Huia ki Matau, Ngāti Hikitanga and Ngāti Kikopiri.

294. The prejudice suffered encompasses far more than the loss of land. For them, it includes the following impacts that have been felt across many generations:

- a. the decimation of cultural identity,
- b. the devastation of environmental decline within the rohe;
- c. ongoing socio-economic marginalisation; and
- d. the ever-present undermining of hapū autonomy and wellbeing.

295. It is the Claimants' hope that that the Tribunal make recommendations that will enable Ngāti Huia ki Horowhenua Claims to re-establish themselves and thrive as a community, with their whanaunga, within the Horowhenua district and within the rest of their iwi rohe.

**Dated** at Te-Whanganui-a-Tara this 12<sup>th</sup> day of January 2026

Three handwritten signatures in blue ink are positioned above a horizontal line. The signatures are stylized and cursive, representing the legal counsel mentioned in the text below.

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**Dr B D Gilling, R M A Soriano, C B Fellowes and S E U Toleafoa**  
**Counsel for Five Hapū of Ngāti Huia ki Horowhenua**