

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

Wai 2200
Wai 1618

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 Hayden Brinsley Turoa,
Edward Whatanui Devonshire, Kararaina
Hemara Haeana Oldridge, the late Te
Wera Paratene Haeana Hemara and the
late Milton Rakei Te Kura Rauhihi, for and
on behalf of themselves and Ngā Hapū o
Hīmatangi – being Ngāti Tūranga, Ngāti Te
Au and Ngāti Rākau (Wai 1618)

**CLOSING SUBMISSIONS IN THE NGATI RAUKAWA AND AFFILIATED GROUPS
PHASE ON BEHALF OF NGĀ HAPŪ O HĪMATANGI**

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TĒNĀ E TE TARAIPUUNARA
MAY IT PLEASE THE TRIBUNAL

I: INTRODUCTION

1. These claimant specific closing submissions (**Closing Submissions**) are filed on behalf of Wai 1618, a claim by Hayden Brinsley Turoa, Edward Whatanui Devonshire, Kararaina Hemara Haeana Oldridge, the late Te Wera Paratene Haeana Hemara and the late Milton Rakei Te Kura Rauhihi, for and on behalf of themselves and Ngā Hapū o Hīmatangi – being Ngāti Tūranga, Ngāti Te Au and Ngāti Rākau (**Claimants**).
2. The Wai 1618 Claim was filed on 22 August 2008 by the late Milton Rakei Te Kura Rauhihi on behalf of himself and Ngā Hapū o Hīmatangi.¹ Since then, it has been amended to include named claimants who each represent one of the three hapū of Ngā Hapū o Hīmatangi, as well as their claim specific interests.²
3. The Claimants acknowledge those members of Ngā Hapū o Hīmatangi, past and present, who have committed their time and effort to this kaupapa and to Ngā Hapū o Hīmatangi in general.
4. These Closing Submissions are to be read in conjunction with the Wai 1618 Statement of Claim, and Opening Submissions presented at hearing week five of the Ngāti Raukawa and Affiliated Groups Phase of the Inquiry (**Inquiry**) at Te Awahou Nieuwe Stroom, Foxton on 12 April 2021 to 16 April 2021 (**Hearing Five**).³
5. These closing submissions propose to address all eleven topics of the comprehensive Statement of Issues,⁴ as it relates to the issues of Ngā Hapū o Hīmatangi. Where relevant, the Claimants have adopted the Generic Closing Submissions filed by claimant counsel in respect of the eleven topics.

¹ Wai 2200, #1.1.40.

² Wai 2200, #1.1.40(a).

³ Wai 2200, #1.1.40 and Wai 2200, #1.1.40(a); Wai 2200, #3.3.75. Wai 2200, #4.1.28.

⁴ Wai 2200, #1.4.6.

Ngā Hapū o Hīmatangi

6. The Wai 1618 Claim is a claim on behalf of a collective of three interrelated hapū: Ngāti Tūranga, Ngāti Te Au, and Ngāti Rākau (together referred to as **Ngā Hapū o Hīmatangi**). Ngā Hapū o Hīmatangi whakapapa to Ngāti Raukawa ki te Tonga, having migrated south in the early nineteenth century as part of ngā heke, prompted by the upheaval in the north, and at the invitation of Te Rauparaha and Ngāti Toa, and the prospect of opportunities in the south.
7. Ngā Hapū o Hīmatangi have developed a distinct collective identity over time, particularly in response to Crown efforts to acquire their land during the major land block purchases in the Manawatū region. As a collective, they have managed their own affairs within their rohe which have continued to this day.
8. The customary interests of Ngā Hapū o Hīmatangi within the Inquiry district are based on conquest, followed by occupation and use. They exercised mana and rangatiratanga over their land, waterways and other taonga in accordance with their tikanga and customs.
9. The whakapapa of each of the three hapū can be found in the various briefs of evidence filed on behalf of the Claimants, which illustrates the whakapapa connections Ngā Hapū o Hīmatangi have with other hapū and Iwi in the Inquiry District.

Ngā Heke ki te Tonga

10. Members of Ngā Hapū o Hīmatangi journeyed south from the Waikato to Manawatū, Horowhenua, and Kāpiti across multiple heke that are collectively known as Ngā Heke ki te tonga (**Ngā Heke**). Ngā Heke took place during the 1820s. There were a range of reasons for venturing south, which included the invitation and call from Te Rauparaha, loyalty, possible trade with Pākehā, the opportunity to obtain guns, and curiosity about the land and possible opportunities.
11. Parakaia Te Pouepa, one of the leading rangatira of Ngā Hapū o Hīmatangi at

the time, provides the Claimants' perspective of Ngā Heke:⁵

When we of Ngatiraukawa at Maungatautari heard we came here, Whatanui, Hukiki, and Nepia Taratoa, to see what the land was like, and visit Ngatitooa. We saw that it was good, and returned in 1827. When Ngatiraukawa heard it was a good land, that there were Pakehas, another party came down to see the land, and returned in the year 1829. When the second party returned, Rauparaha instructed them to tell Ngatiraukawa to come down and occupy Rangitikei and Manawatu. We left Maungatautari, Patetere, and Taupo, and came to Kapiti, to the place where there were Pakehas: this is why we migrated to this place, that we might obtain guns and powder. We left in the month of May; in July we arrived at Turakina; there we attacked and defeated the Ngatiapas. We came on to Manawatu and defeated the Rangitane. We took possession then and there of the land in the year 1830.

12. Ngā Hapū o Hīmatangi like other Raukawa hapū spent time in Kāpiti, with Ngāti Raukawa rangatira meeting with Te Rauparaha:⁶

When Ngati Raukawa arrived they went to Kapiti to meet Te Rauparaha. Te Rauparaha said that Ngatiraukawa were to locate themselves between Whangaehu and Kukutauaki – the boundary of Ngatiawa, and were to include Turakina Rangitikei and Manawatu.

13. Ngā Hapū o Hīmatangi then travelled to Ōtaki and spent some two years there, including at Katihiku. Te Rauparaha and other rangatira of Ngāti Toa discussed and agreed with Ngāti Raukawa rangatira such as Te Whatanui, Nepia Taratoa and Parakaia Te Pouepa how lands in the new *take* of Raukawa were to be allocated and settled.
14. Distinct hapū were to take up occupation in defined areas while maintaining interdependent relationships across the wider rohe. These allocations reflected both customary tikanga and strategic agreements among Ngāti Raukawa and with Ngāti Toa, embedding enduring hapū presence and authority throughout the region.
15. The battle of Haowhenua took place during this time. It was one of the

⁵ Letter by Parakaia Te Pouepa, 23 October 1866, in T C Williams, Hīmatangi Purchase, 1867, pp. 9-11. Parakaia's letter was composed originally in Māori and translated by T C Williams and printed in 1868.

⁶ Wai 2200 #A215, p. 37, citing 'Petition of Ngati Raukawa, 5 August 1880, MA 13/16 [Petitions of Ngati Raukawa]'.

biggest inter-tribal battles in the southern North Island that took place over almost a year in the 1830s. After a year, with neither side having gained an advantage and with both sides having suffered losses, including the deaths of important rangatira, Nepia Taratoa along with other rangatira led other Ngāti Raukawa away to Ohau and then Rangitikei. Another group made up of Te Patukōhuru, Ngāti Takihiku, Ngāti Rākau, Ngāti Tūranga, and Ngāti Te Au went to the Manawatū.⁷

The Claimants

16. In his closing address during the Native Land Court hearing at Ōtaki in 1868, T.C Williams, representing Ngā Hapū o Hīmatangi at that hearing, states:⁸

It would have been well for the country if all the Māori chiefs had been as desirous to have their disputes with the Government settled in a court of law as Parakaia. It would have been well for the country if all its Governors had acted in the same way. The future historian of New Zealand will place Parakaia's name above those of all the chiefs and Governors, because he has constantly persevered in his endeavours to show that recourse to the courts of law was the proper course to pursue.

17. It is the Claimants' belief that Mr Williams' statement encapsulates not just historical grievances of Ngā Hapū o Hīmatangi, but also the unwavering intention of the hapū to seek lawful redress, to assert their own mana whenua and tino rangatiratanga, rather than resorting to violence to achieve their own rights and purposes, or capitulation to the claims and assertions of others as if they had no legitimate mana.
18. For the Claimants, this powerful statement captures several critical themes that encapsulate the ngākau of the claim before the Waitangi Tribunal for Ngā Hapū o Hīmatangi:
- a. The non-seller identity of Ngā Hapū o Hīmatangi, and their refusal to sell land, despite immense pressure and resulting disadvantage;
 - b. The constitutional faith placed by Parakaia and their tupuna in legal

⁷ Ōtaki NLC Minute Book 1E, pp. 596, 599-600 (evidence of Īhakara Tukumarū).

⁸ Mr Williams Speech on the Manawatū Purchase, Wellington Independent, Volume XXII, Issue 2674, 30 April 1868, p. 4.

and peaceful processes, in contrast to other responses of resistance or capitulation;

- c. The betrayal of justice by the Crown, through broken promises, fraudulent and dishonourable endeavours (to alienate them from their whenua), exclusion from economic opportunities including rental revenues, the stripping of their mana, and the undermining of their rangatiratanga; and
 - d. The enduring intent and expectations of Ngā Hapū o Hīmatangi that the Crown should honour its obligations under Te Tiriti o Waitangi.
19. Since Mr Williams' submissions to the Native Land Court, little has changed. The fundamental aspects of the Ngā Hapū o Hīmatangi claim today echo many of the same arguments and claims that Mr Williams made then, over a century and a half ago. Since then, further evidence of the subsequent and continued breaches of Te Tiriti on the part of the Crown have emerged. The cumulative effect of those breaches has been disastrous for Ngā Hapū o Hīmatangi. Without the benefit of all their lands and their economic, cultural and spiritual estate, the negative impacts of those breaches have been amplified significantly.
20. Ngā Hapū o Hīmatangi have suffered significant prejudice as a result of the alienation of their land, disturbing their possession over much of their land to such a degree that they have lost their tino rangatiratanga, not only over their lands, but also their waterways and taonga. In turn, they have subsequently experienced the loss of tikanga, social and cultural practices, their turangawaewae, and the resources by which they supported themselves and the associated matauranga and tikanga for these resources. Throughout all of this, Ngā Hapū o Hīmatangi were never compensated for the loss of and impact upon their lands and resources.
21. The loss of the physical and tangible has then impacted on the spiritual and emotional, subverting the connections of Ngā Hapū o Hīmatangi to their whenua, their mahinga kai and to each other, as is set out in the various sections of submissions below. These connections and the subverted tikanga, mana Motuhake, mana whenua and tino rangatiratanga of Ngā

Hapū o Hīmatangi have not been acknowledged by the Crown and have consequently also been subverted at great cost to Ngā Hapū o Hīmatangi.

22. Still, the experiences of Ngā Hapū o Hīmatangi since then is a story of powerful resilience, maintaining ahi kā roa over the lands that they have retained, practicing their tikanga and kawa, and exercising their tino rangatiratanga and mana to the present day as much as they are able.
23. Despite these breaches and their detrimental impact on the three hapū, Ngā Hapū o Hīmatangi remain steadfast in their resolve to seek justice and redress. Ngā Hapū o Hīmatangi are still:
 - a. waiting for the Crown to honour its Te Tiriti obligations,
 - b. agitating and pursuing justice and redress through legal channels, including through this claim, WAI 1618.
 - c. working to restore and rebuild the estate of their hapū, for their tupuna, for their kaumatua, for their whanau, for their moko and for their moko to come.
 - d. non-sellers, committed to honouring that legacy.
24. It is the hope and request of the Claimants that the Tribunal will make the appropriate findings and recommendations which identify, acknowledge and address the loss and suffering of Ngā Hapū o Hīmatangi in such a way that restores their tino rangatiratanga and mana over their rohe and to enable them to create a thriving socio-economic and cultural base for the generations to come.

Evidence

25. The Wai 1618 claim was presented at Hearing Week Five by the following witnesses for Ngā Hapū o Hīmatangi:

Ngāti Rākau

- a. Tihirua Putaka;⁹
- b. Ehita Putaka and Valerie Perkins;¹⁰
- c. Te Ariki Tamati Hēmara Te Puni;¹¹

Ngāti Te Au:

- a. Anton Davis;¹²
- b. Reihana Adlam;¹³
- c. Hayley Bell;¹⁴
- d. Ted Devonshire;¹⁵
- e. Maurere Kiriona Devonshire;¹⁶
- f. Philippa Devonshire;¹⁷
- g. Hayden Wall;¹⁸
- h. Rebeca Davis and Toni-Ann Devonshire;¹⁹
- i. Robyn Devonshire and Helen Quirke;²⁰

Ngāti Tūranga:

- a. Hayden Turoa;²¹

⁹ Wai 2200, #K028 and #K028(a).

¹⁰ Co-presenters of Wai 2200, #K024 and #K024(a)-(c).

¹¹ Wai 2200, #K001.

¹² Co-presenter of Wai 2200, #K021 and #K021(a)-(d); Wai 2200, #K026 and #K026(a)-(c); Wai 2200, #K027 and #K027(a)-(b).

¹³ Co-presenter of Wai 2200, #K007 and #K007(a)-(c); Co-presenter of Wai 2200, #K021 and #K021(a)-(d).

¹⁴ Co-presenter of Wai 2200, #K007 and #K007(a)-(c); Co-presenter of Wai 2200, #K021 and #K021(a)-(d); Co-presenter of Wai 2200, #K022 and #K022(a)-(b); Co-presenter of Wai 2200, #K024 and #K024(a)-(c).

¹⁵ Wai 2200, #K006 and #K006(a)-(c).

¹⁶ Wai 2200, #K025 and #K025(a)-(b).

¹⁷ Wai 2200, #K031.

¹⁸ Wai 2200, #K008.

¹⁹ Wai 2200, #K023 and #K023(a)-(c).

²⁰ Co-presenters of Wai 2200, #K022 and #K022(a)-(b).

²¹ Wai 2200, #K005 and #K005(a); Wai 2200, #K030 and #K030(a).

- b. Justin Tamihana and Toha Eparaima;²²
- c. Mic O’Dea;²³
- d. Nicholas Turoa;²⁴
- e. Robert Rophia;²⁵ and
- f. Expert witnesses, Dr Fleur Maseyk and Gregory Carlyon of the Catalyst Group.²⁶

26. Furthermore, the Claimants rely on a number of technical evidence reports heard within this Phase of the Inquiry, which is not covered by the tangata whenua evidence presented.²⁷

II: TIRITI O WAITANGI

Crown’s Duties

27. At all times from 1840, the Crown owed Ngā Hapū o Hīmatangi duties to:
- a. Actively protect Ngā Hapū o Hīmatangi lands to the fullest extent practicable and to ensure that they were:
 - i. Able to have full, exclusive and undisturbed possession of their land; and
 - ii. Left with a sufficient endowment of land for their present and future needs.
 - b. Recognise and protect the culture of Ngā Hapū o Hīmatangi, including their lores, customs, practices and spiritual associations with their ancestral land; and

²² Wai 2200, #K011 and #K011(a)-(b).

²³ Wai 2200, #K009.

²⁴ Wai 2200, #K010 and #K010(a)-(f).

²⁵ Wai 2200, #K029 and #K029(a).

²⁶ Wai 2200, #K002 and K002(a)-(f).

²⁷ For example, Wai 2200, #A193; Wai 2200, #A196; Wai 2200, #A197; Wai 2200, #A198; Wai 2200, #A199; Wai 2200, #A201; Wai 2200, #A211; Wai 2200, #A213; Wai 2200, #A215; Wai 2200, #A217; Wai 2200, #A226; Wai 2200, #A229; Wai 2200, #A231; Wai 2200, #A232; Wai 2200, #A235; Wai 2200, #A236; Wai 2200, #A237; Wai 2200, #A238; Wai 2200, #A239; Wai 2200, #A245; Wai 2200, #A248; Wai 2200, #A251; and Wai 2200, #A253.

- c. Act with the utmost good faith, reasonably and fairly in its dealings with Ngā Hapū o Hīmatangi.

Crown Breaches

28. In breach of its duties, the Crown failed to act in good faith and to protect the land of Ngā Hapū o Hīmatangi to the fullest extent possible by:
- a. Usurping the rangatiratanga, mana and autonomy of Ngā Hapū o Hīmatangi;
 - b. Failing to ensure that Ngā Hapū o Hīmatangi were afforded full, exclusive and undisturbed possession of their lands;
 - c. Failing to ensure that Ngā Hapū o Hīmatangi were left with a sufficient endowment of land, for their present and future needs;
 - d. Failing to recognise and protect the culture of Ngā Hapū o Hīmatangi, including their customs, practices and spiritual and physical associations with their lands;
 - e. Actively pursuing alienation of the land of Ngā Hapū o Hīmatangi against their wishes; and
 - f. Facilitating the erosion of the lore and cultural and spiritual heritage of Ngā Hapū o Hīmatangi.

Relevant Principles of Te Tiriti

Tino rangatiratanga

29. Te Tiriti guaranteed Māori the unqualified exercise of their chieftainship over their lands, villages, and taonga. For Ngā Hapū o Hīmatangi, this meant maintaining authority (mana) and control over their whenua and resources.
30. The Ngā Hapū o Hīmatangi claim asserts that the Crown's actions, including facilitating sales by those without mana whenua, reallocating land through the Native Land Court, and failing to recognise their customary rights, eroded their tino rangatiratanga and disregarded their status as *non-sellers*.

Partnership

31. Te Tiriti established a relationship of mutual respect and good faith. The Crown was obliged to act with honour and consult with Ngā Hapū o Hīmatangi as equal partners.
32. The claim highlights repeated failures to do so, for example, in excluding Ngā hapū o Hīmatangi from key negotiations, decision-making about their coastal areas and reserves, and favouring settled iwi in post-settlement arrangements over the mana whenua hapū.

Active Protection

33. The Crown undertook to actively protect Māori lands, taonga, and rights. Ngā Hapū o Hīmatangi argue the Crown failed to protect their whenua from alienation through coercive purchases, the structuring of titles to promote fragmentation, and public works takings.
34. It also failed to protect their access to traditional resources such as coastal fisheries, Omarupapako (Round Bush), and wāhi tapu.

Redress and Equity

35. Te Tiriti principles require that past breaches be addressed and that Māori are treated fairly in the allocation of resources and opportunities.
36. Ngā Hapū o Hīmatangi point to the lack of equitable treatment compared to neighbouring iwi, the absence of meaningful redress for breaches such as the loss of coastline and reserves, and the long-term socio-economic prejudice caused by Crown actions.

Honour of the Crown

37. The Crown's conduct must be guided by integrity and fairness. Ngā Hapū o Hīmatangi maintain that Crown agents acted dishonourably. For example:
 - a. Failing to honour its obligations under Te Tiriti;
 - b. Negotiating with those who had no authority to sell;

- c. Acting in ways akin to fraud;
- d. Misrepresenting or failing to uphold promises; and
- e. Structuring outcomes that undermined hapū unity and authority.

III: ROHE – CUSTOMARY LAND INTERESTS

- 38. The traditional rohe of Ngā Hapū o Hīmatangi is geographically defined as following the lower reaches of the Manawatū River to the east, extending to the Tasman Sea coastline, including the Hīmatangi sand dunes, in the west.
- 39. The southern boundary bordered what was known as the Te Awahou Block, just north of Foxton and the northern boundary was associated with the Kaikokopu Stream and Whitirea.
- 40. In oral traditions of Ngā Hapū o Hīmatangi, Whitirea was invoked in the saying “*mai Whitirea ki te Wharangi*” – used by rangatira such as Nepia Taratoa, and others to define the extent of the land that was to remain outside Crown purchase.
- 41. The rohe includes settlements and sites associated with Ngā Hapū o Hīmatangi, encompassing lands between Hīmatangi and Foxton, significant wetlands, dune lakes, mahinga kai sites, and coastal resources. The boundaries reflect traditional occupation, food gathering, and kaitiakitanga over forest, swamp, dune, and coastal environments. Much of the rohe today is pastoral farmland following extensive drainage and clearing in the nineteenth century.
- 42. The customary rights and land interests of Ngā Hapū o Hīmatangi are not limited to the area articulated above. Ngā Hapū o Hīmatangi have interests at a range of locations and land blocks including (but not limited to):
 - a. Rangitikei-Manawatū;
 - b. Manawatū-Kukutauaki;
 - c. Te Awahou; and

- d. Te Ahu a Tūranga.
43. Ngā Hapū o Hīmatangi also claim customary interests in blocks derived from the parent blocks identified above, such as, but not limited to:
- a. Hīmatangi block;
 - b. Papangaio J block (both northern and southern portions); and
 - c. Te Paretao block.

Settlement at Hīmatangi

44. Ngā Hapū o Hīmatangi were among those Ngāti Raukawa hapū who settled the Rangitīkei–Manawatū region after the region had been conquered by allied northern iwi (Ngāti Toa, Ngāti Raukawa, Ngāti Awa, and Ngāpuhi). Under the leadership of figures such as Te Whatanui, Nepia Taratoa and Parakaia Te Pouepa, Ngā Hapū o Hīmatangi established themselves along the Manawatū awa and coastline, particularly around Hīmatangi, Foxton (Te Awahou), and Motuiti.
45. Ngā Hapū o Hīmatangi became known as staunch members of the “non-seller” movement, refusing to participate in Crown land purchasing during the mid-19th century, and instead asserting enduring ahi kā and rangatiratanga over their territories.
46. As will be expanded in a further section below, the Hīmatangi Crown Grants Act 1877 was intended to recognise Ngā Hapū o Hīmatangi land rights, promising 22,000 acres, but resulted in the three hapū receiving only about half of that, fragmented into five blocks: Hīmatangi 1 (Ngāti Te Au), 2–3 (Ngāti Tūranga), and 4–5 (Ngāti Rākau), a division that further disrupted hapū unity and land retention.
47. Despite this fragmentation, Ngā Hapū o Hīmatangi have maintained their collective identity through shared grievances, coordinated legal efforts such through this claim, Wai 1618, and an enduring commitment to their whakapapa, whenua, and tikanga. Ngā Hapū o Hīmatangi share deep connections and bonds, forged through whakapapa, intermarriage, common

occupation and cultivation of lands, shared marae affiliations (such as Motuiti and Parau), along with shared history, values and continuing interests.

48. Ngā Hapū o Hīmatangi also share collective experiences of marginalisation from Crown land transactions and infrastructure development as will be expanded on in these closing submissions.
49. The Claimants further say that their connection is best understood as a relationship forged through shared history, cultural bonds, and interdependent survival in the face of colonisation and systemic Crown exclusion.
50. It is not the desire of Ngā Hapū o Hīmatangi to claim exclusive rights in all of the customary areas outlined above but to acknowledge their interests within these areas alongside other hapū of Ngāti Raukawa ki te Tonga, and neighbouring iwi.

IV: ISSUE ONE: TINO RANGATIRATANGA

51. The Claimants support and adopt wholly the Generic Claimant Closing Submissions on Tino Rangatiratanga and Constitutional Claims, in so far as it applies and is relevant to Ngā Hapū o Hīmatangi.²⁸ For Ngā Hapū o Hīmatangi in particular, their rangatira did not cede sovereignty at the signing of te Tiriti, and continued to assert hapū and iwi rangatiratanga within their rohe.
52. The Claimants furthermore endorse the development of the principle of rangatiratanga, whereby, Māori self-autonomy is a fundamental constitutional right embedded in te Tiriti under Article II.²⁹

Te Tiriti Duties

53. The Claimants adopt and support the Tiriti Duties and principles as set out in the Generic Claimant Closing Submissions on Tino Rangatiratanga and

²⁸ Wai 2200, #3.3.095.

²⁹ Wai 2200, #3.3.095 at [5.11]-[5.16].

Constitutional Claims at section 5.³⁰ For Ngā Hapū o Hīmatangi, it is Counsels' submission that the Crown, in breach of te Tiriti:

- a. Failed to act in partnership with Ngā Hapū o Hīmatangi, particularly in respect of engaging in good faith with rangatira who were “non-sellers”;
- b. Failed to recognise the customary rights, rangatiratanga and mana of Ngā Hapū o Hīmatangi within their customary rohe;
- c. Failed to actively protect Ngā Hapū o Hīmatangi and their ability to exercise their tino rangatiratanga over, and protect their lands, waterways and taonga;
- d. Failed to adequately protect Ngā Hapū o Hīmatangi economic, cultural and spiritual foundations through land-takings; thereby usurping their rangatiratanga;
- e. Failed to adequately provide Ngā Hapū o Hīmatangi with options in respect of pursuing development along customary lines, adopting settler society practices, or both.
- f. Failed to provide Ngā Hapū o Hīmatangi with adequate or proper access to opportunities in pursuit of the development pathway/s of their choosing,

Disruption of Hapū Legal Order - Te Kawa Ora

54. The Claimants contend that this is the heart of the issues experienced by Ngā Hapū o Hīmatangi in respect of their ability to exercise rangatiratanga. In this Phase of the Inquiry, we note that the following section is a partial response in relation to issues regarding tikanga. Further submissions may be produced once tikanga evidence, such as *Paul Meredith's The Collision of Two Legal Worlds Te Tikanga me Te Ture Atu i Porirua ki Manawatū* has been presented.³¹ For now, Mr Meredith's written report is relied on to the

³⁰ Wai 2200, #3.3.095, starting at page 24.

³¹ Wai 2200, #A253.

extent that it can be in this Phase of the Inquiry.³²

Context

55. As already noted in the introductory section of these closing submissions, the Claimants rohe is within and around the Hīmatangi area. Within their area, Ngā Hapū o Hīmatangi had the mana to exercise rangatiratanga over their lands and resources. They continue to maintain ahi kā at Hīmatangi.³³

“At Hīmatangi, the descendants of Te Au demonstrated remarkable commitment to maintaining ahi kā despite enormous pressure to sell their lands. These “non-sellers” of the Rangitīkei-Manawatū Block included prominent figures like “Raimapaha Kipa (aka Mautiki Raimapaha) and Pitihira (Pitihera) Te Kuru.” Their resistance to land sales represented not just economic choice but a fundamental commitment to maintaining ahi kā for future generations.

Far then from a simplistic notion of mere physical presence, ahi kā encompasses a rich spectrum of states that reflect varying degrees of connection, responsibility, and the dynamic interplay between people and place. It encompasses physical presence, spiritual connection, active resource management, cultural practice, and political authority. Failure to properly maintain these relationships could result in the diminishment or loss of territorial authority over time. Through maintaining ahi kā, hapū and iwi communities assert not just their historical rights but their ongoing responsibilities within their territorial boundaries.

56. The evidence regarding tikanga and kawa of Ngā Hapū o Hīmatangi is described in further detail in the tangata whenua evidence presented by Mr Hayden Turoa.³⁴
57. Before the arrival of the Crown and the imposition of colonial law, Ngā Hapū o Hīmatangi exercised a coherent, functioning and long-established hapū legal order grounded in tikanga and expressed as Te Kawa Ora. This framework governed relationships with land, waters, whānau, hapū, neighbouring iwi, and with the atua. It ordered the exercise of authority, regulated rights and responsibilities, and provided principles for restoring

³² For example, Mr Hayden Turoa, one of the named claimants of Wai 1618, is quoted a number of times in Mr Meredith’s report.

³³ Wai 2200, #A253, at p. 65.

³⁴ Wai 2200, #K5.

balance when harm occurred.

58. The Crown was obliged under Te Tiriti o Waitangi to recognise, protect and partner with this legal order. Instead, it systematically displaced and undermined it, substituting a rigid colonial legal architecture designed to prioritise Crown interests, particularly the acquisition of Māori land, the assertion of Crown sovereignty, and the marginalisation of hapū authority.
59. This breach is not merely cultural in character. It is a constitutional breach: the Crown unlawfully dismantled the governing system of Ngā Hapū o Hīmatangi and replaced it with its own. The consequences have been profound, continuous and intergenerational.

Te Kawa Ora: Legal Order of Ngā Hapū o Hīmatangi

60. For Ngā Hapū o Hīmatangi, Te Kawa Ora expresses the principles, processes and authority through which hapū:
- a. maintained tino rangatiratanga over lands, waters, and resources;
 - b. regulated use of whenua, repo, awa and coastal areas according to inherited tikanga and seasonal rhythms;
 - c. exercised take whenua through whanaungatanga, ahi kā, occupation, tuku, manaaki and protection;
 - d. resolved disputes and restored balance through processes grounded in whakapapa;
 - e. preserved the mauri of the environment and of the people.
61. Te Kawa Ora was not an abstract philosophy. It was the living constitutional framework of these hapū. It determined how decisions were made, how rights were recognised, and how responsibilities were upheld. This order had legitimacy, continuity and efficacy across generations. Te Kawa Ora was centred on:
- a. collective authority exercised at hapū level;
 - b. interlocking rights in land and waterways, held according to tikanga

not individual title;

- c. obligations of manaaki, kaitiaki and tiaki i te mana o te whenua;
- d. the maintenance of relationships with neighbouring hapū and iwi.

62. In short, it was a comprehensive legal and governance system. It is this system the Crown was obligated to uphold.

The Crown's Imposition of a Competing Legal Order

63. Rather than recognise Te Kawa Ora and the domain of hapū law, the Crown imposed a foreign and rigid legal order centred on:

- a. Crown sovereignty;
- b. Crown-defined individualised property rights;
- c. Crown judicial institutions;
- d. Crown administrative structures such as provincial government, counties and harbour boards;
- e. statutory mechanisms enabling Crown priorities (public works, rating, surveys, compulsory acquisition).

64. This displacement was deliberate and systematic. The Collision of Two Legal Worlds research report documents how the Crown's institutions were expressly designed to override tikanga as a legal order and to compel Māori to operate within an unfamiliar and disadvantageous legal landscape. Laws such as the Native Lands Acts, Public Works Acts, Harbours Acts, and Rating legislation were not neutral: they were instruments of constitutional replacement.

65. As a result, the Crown:

- a. rejected hapū legal authority as the proper foundation for tenure;
- b. denied the legitimacy of collective decision-making;
- c. replaced tikanga-based interests with individualised, survey-

dependent titles;

- d. relocated authority from hapū decision-making bodies to Crown agents, courts and local authorities.

66. In doing so, the Crown violated the core promise of Te Tiriti: that hapū tino rangatiratanga would remain intact and protected.

Direct Impacts on the Hapū Legal Order

67. The imposition of Crown law had immediate and destructive consequences for Te Kawa Ora, which we argue is effectively the submissions for the sections following this one. The impacts on what is the foundation of socio-political structures in te ao Māori, the Hapū Legal Order, has effects across all aspects of te ao Māori, such as, but is not limited to, the following:

- a. land loss and struggles to retain what little land is left;
- b. socio-economic disparities, such as with health;
- c. loss or difficulty to maintain te reo Māori, cultural taonga, mātauranga, tikanga and kawa o Ngā Hapū o Hīmatangi and socio-cultural practices; and
- d. urban migration and the struggle to maintain ahi kā roa on what land they still have left.

Undermining Hapū Authority and Governance

68. Traditional decision-making, based on whakapapa, consensus, and rangatira authority was sidelined in favour of:

- a. Crown purchase agents;
- b. Native Land Court judges;
- c. surveyors;
- d. rating officers;
- e. public works officials;

- f. local government entities that Māori could not meaningfully participate in.

69. These institutions displaced hapū authority at every point of community life.

Fragmentation of the Collective Estate

70. Under Te Kawa Ora, rights in land were held collectively, layered, relational, and governed by tikanga. Under Crown law, they became:

- a. individualised;
- b. alienable;
- c. subject to survey and valuation;
- d. vulnerable to debt, rates, partition and compulsory acquisition.

71. This shift severed land from the legal frameworks through which hapū ordered their relationships. It directly attacked the foundations of hapū autonomy.

Criminalisation and delegitimisation of tikanga

72. Tikanga-based actions, such as exercising manaaki, protecting wāhi tapu, opposing unlawful surveys, or disrupting Crown incursions, were increasingly framed by the Crown as:

- a. “rebellious”;
- b. “obstructive”;
- c. “illegal”.

73. The Crown redefined lawful behaviour through its own statutes and criminalised the exercise of hapū authority.

Environmental and governance authority removed

74. Te Kawa Ora’s kaitiaki responsibilities for awa, repo, kāinga, fisheries and coastal zones were overridden by:

- a. Crown river boards and harbour boards;
 - b. county councils;
 - c. catchment authorities;
 - d. RMA planning bodies;
 - e. public works decisions about bridges, stopbanks, roads and rail.
75. These authorities made decisions over Ngā Hapū o Hīmatangi territory without recognising Ngā Hapū o Hīmatangi authority or tikanga.

Alienation of the spiritual and relational foundations of the hapū

76. The displacement of Te Kawa Ora shrank the space within which hapū could:
- a. maintain relationships grounded in whakapapa;
 - b. practise customary allocation and sharing of mahinga kai;
 - c. sustain reo, tikanga, kawa and hapū identity;
 - d. act collectively to preserve their lands and their people.
77. This was a profound constitutional injury, not merely a cultural inconvenience.

A Breach of Te Tiriti of the Highest Order

78. The Crown's displacement of Te Kawa Ora and the underlying hapū legal order is a direct breach of the principles of:
- a. tino Rangatiratanga as the Crown stripped Ngā Hapū o Hīmatangi of their legal authority to govern their lands, waters and people.
 - b. partnership given the Crown elevated its laws above hapū law instead of working alongside them.
 - c. active Protection because the Crown failed to preserve the integrity of the hapū legal, political and environmental systems.

79. The Crown breached the Treaty principle of reciprocity by failing to uphold the mutual commitments upon which Te Tiriti is founded, and breached the guarantee of equality of treatment by imposing legal, political and institutional structures that entrenched Māori disadvantage.
80. The honour of the Crown required it to recognise and protect the continued authority of the hapū legal order, and to act in good faith when exercising its own kāwanatanga. Instead, the Crown knowingly displaced a functioning Māori legal system and replaced it with institutions designed to assert Crown dominance and facilitate the alienation of Māori land and authority. Such actions constitute a profound breach of the honour of the Crown.
81. Ngā Hapū o Hīmatangi believes that tikanga constitutes a system of law. The Crown was required to respect it. Instead, it replaced it.

Consequences for Ngā Hapū o Hīmatangi

82. The disruption of Te Kawa Ora explains why subsequent Crown actions such as the Native Land Court processes, land purchases, rating systems, public works takings, environmental decisions, and the degradation of the Manawatū awa, were so devastating for Ngā Hapū o Hīmatangi.
83. Each Crown intervention was not an isolated harm. It was part of a coordinated constitutional transformation that:
 - a. displaced the hapū from their position as the lawful authority within their rohe;
 - b. stripped the legal protections inherent in hapū governance;
 - c. disconnected the people from the lands and waters that sustained their identity;
 - d. attacked the institutional foundations of reo, tikanga and ahi kā;
 - e. produced deep intergenerational trauma and systemic socio-economic marginalisation.
84. The breakdown of Te Kawa Ora is therefore central to understanding the full

prejudice suffered by Ngā Hapū o Hīmatangi.

Conclusion

85. The Crown's disruption of the hapū legal order of Ngā Hapū o Hīmatangi, its dismantling of Te Kawa Ora and the imposition of a foreign legal system is one of the most serious breaches in this inquiry.
86. It represents a constitutional violation of tino rangatiratanga, a wholesale replacement of the laws, authorities and structures that governed hapū life, and the foundation upon which all subsequent harms were built.
87. The Crown did not merely take land. It took away the legal system through which the hapū lived, flourished and protected their people. The Claimants are concerned that, where there is no explicit recognition of hapū-based rangatiratanga, the Crown (as it has been) will simply override what is supposed to be the Tiriti-based partnership model, particularly in spaces where there are overlapping interests with hapū and iwi who have already settled with the Crown. This breach must sit at the forefront of the Tribunal's findings.
88. The Crown's strategy:
 - a. Incorporated approaches that were dishonest, deceitful, leveraged threats of violence (both implicit and explicit), financial discrimination and deprivation, inequitable and unjust application of law, and other coercive tactics.
 - b. Was sustained over decades.
 - c. Amounted to a multitude of breaches of Te Tiriti.
 - d. Sought to take from Ngā Hapū o Hīmatangi their economic, cultural and spiritual foundations.
 - e. Sought to intentionally weaken Ngā Hapū o Hīmatangi, and to undermine and remove their resistance to Crown actions including acquisition of their lands.

Prejudice

89. As a result of the Crown's acts and omissions Ngā Hapū o Hīmatangi have been and continue to be prejudiced in the following ways:
- a. Have had their mana, rangatiratanga and kaitiakitanga undermined, particularly in respect of their resistance to Crown acquisition of their customary lands';
 - b. Have been given an insufficient land base and resources upon which to build upon;
 - c. Have been tarnished by the creation of the negative label "non-sellers", which have caused disharmony amongst themselves, with other hapū of Ngāti Raukawa, and with other iwi such as Ngāti Apa and Rangitane;
 - d. Have had their ability to exercise their kaitiakitanga over their lands, waterways and resources severely diminished; and
 - e. Have been prevented from developing, utilising and managing their lands, waterways and resources in accordance with their cultural preferences.

V: ISSUE TWO: CROWN AND PRIVATE PURCHASING

90. The Claimants support and adopt wholly the Generic Claimant Closing Submissions on Crown and Private Purchasing, in so far as it applies and is relevant to Ngā Hapū o Hīmatangi.³⁵
91. It is their submission, and the Claimants' view, that the Crown's efforts to acquire land in which Ngā Hapū o Hīmatangi had interests, should be viewed as a whole, and as a series of interrelated and coordinated initiatives by the Crown, in flagrant breach of te Tiriti and its principles.
92. Through this lens, we submit that a compelling characterisation emerges – the Crown's approach to land alienation of Ngā Hapū o Hīmatangi lands

³⁵ Wai 2200, #3.3.100.

constitutes a sometimes covert, and at other times blatant, systemic programme of dispossession, executed under the guise of legal and administrative process, but designed to achieve outcomes indistinguishable in practice from confiscation (raupatu).

Te Tiriti Duties

93. The Claimants adopt and support the Tiriti Duties and principles as set out in the Generic Claimant Closing Submissions on Crown and Private Purchasing.³⁶
94. Counsel draw the Tribunal's attention in particular to the issues Ngā Hapū o Hīmatangi have raised in respect of the Te Awahou purchase, the Te Ahu a Turanga purchase, and the Rangitikei-Manawatū purchase.³⁷
95. The Crown's actions breached multiple principles of Te Tiriti o Waitangi:
 - a. Tino Rangatiratanga: Denial of hapū authority to determine the use and fate of their lands.
 - b. Partnership: Failure to consult or deal with hapū as equal partners.
 - c. Active Protection: Neglect in safeguarding hapū lands, taonga, and customary systems.
 - d. Equity and Redress: Creation of divisions within and between hapū, depriving non-sellers of any compensatory mechanisms

Crown's strategy of land alienation – Raupatu in disguise

96. The evidence on the record shows that the Crown's strategy of land alienation was concerted, unrelenting and sustained over multiple decades.
97. We submit that this strategy can be characterised as follows:
 - a. Strategically disguised raupatu - Rather than relying on overt military confiscation as in other districts, the Crown in the Rangitikei–Manawatū region employed a layered and disguised

³⁶ Wai 2200, #3.3.100 at [60]-[69].

³⁷ Wai 2200, #1.1.40(a).

strategy, combining political pressure, economic marginalisation, legal manipulation, and tribal destabilisation, to achieve the alienation of land. This amounted to a form of “raupatu by other means”.³⁸

- b. Fragmentation of Ngā Hapū o Hīmatangi collectivism - The Crown deliberately fragmented Ngā Hapū o Hīmatangi’s collective authority through the introduction of individualised land titles via the Native Land Court, exclusion of key rangatira from negotiations, and manipulation of tribal rivalries.
 - c. Delegitimisation of hapū authority – the Crown deliberately discredited leaders like Parakaia Te Pouepa and then targeted their hapū as “Kingites” or “Hauhau” which functioned to delegitimise their rangatiratanga and frame their dissent as sedition rather than lawful protest.
 - d. Crown officials, including Dr Featherston and Donald McLean, consistently framed Ngāti Raukawa leaders and their hapū, including Ngā Hapū o Hīmatangi as politically subversive due to their associations with the Kīngitanga and, later, through unsubstantiated accusations of Hauhau sympathies.
 - e. These labels enabled the Crown to justify surveillance, economic sanctions (such as the impounding of rental income), military intimidation, and ultimately, land acquisition under duress.
98. Tactical use of violence and coercion - The Crown either deployed or tolerated the threat of armed conflict, through Crown allies such as Major Kemp, and permitted the unlawful occupation or intimidation of Ngāti Raukawa communities, including Ngā Hapū o Hīmatangi under the pretext of suppressing rebellion. These actions included:
- a. The Crown leveraged tribal animosities, such as those held by Major Kemp and the threat of violence to silence dissent and avoided

³⁸ See for example, Wai 2200, #L002, which also applies to Ngā Hapū o Hīmatangi.

recognising legitimate ownership claims, such as those of Ngā Hapū o Hīmatangi.

- b. These tactics allowed the Crown to pressure hapū into acquiescence without formally invoking military confiscation statutes.
 - c. In doing so, the Crown circumvented its Treaty obligations to act in partnership, to actively protect hapū interests, and to respect tino rangatiratanga, rendering the cumulative effect of its actions indistinguishable in impact from overt confiscation.
 - d. Ngā Hapū o Hīmatangi regard the Crown's treatment of them as Kingites and Hauhau as a form of raupatu in disguise, a concealed confiscation that, while not declared under statute, achieved the same outcome: the systematic alienation of their land and erosion of their authority.
99. Economic destabilisation and manufactured dependency - By withholding rents, blocking commercial opportunities, and limiting land use through Crown purchasing monopolies, the Crown engineered economic hardship that weakened Ngā Hapū o Hīmatangi capacity to resist. This economic destabilisation made land retention unsustainable and selling appear inevitable.
100. Institutionalised dishonesty and fraudulent land sales - According to both tikanga and the Crown's own contemporaneous knowledge, land was not held by iwi or individuals, but by hapū exercising collective and inherited rights. Despite this, the Crown proceeded with purchases, such as the Rangitīkei–Manawatū Block based on deeds signed by:
- a. Members of other iwi who did not reside on, or use, or have mana over the land;
 - b. Individuals who claimed to speak for "the people" but were not recognised by the hapū in possession;
 - c. Persons incentivised or aligned with Crown interests rather than customary authority.

101. These sales were carried out despite active and repeated opposition from Ngāti Raukawa hapū that held mana over the whenua, that included Ngā Hapū o Hīmatangi. The Crown's own officials were aware that many signatories did not represent the actual landholders.
102. When combined with the Crown's broader strategies, economic destabilisation, political marginalisation, and legal manipulation, the execution of land sales with unqualified sellers demonstrates a pattern of deliberate and institutional dishonesty.
103. The Crown exploited its power imbalance to construct transactions that were fraudulent in substance, if not always in form. These actions further breach the Treaty principles of good faith, active protection, and tino rangatiratanga, and should be properly recognised as fundamentally dishonest and unjust, compounding the prejudice suffered by Ngā Hapū o Hīmatangi.
104. Institutionalised breaches of Te Tiriti - Taken together, these actions demonstrate a systematic and sustained breach of Te Tiriti o Waitangi. The Crown failed to uphold the guarantees of tino rangatiratanga, failed to act as a partner in good faith, and actively undermined the protection of hapū land and autonomy.
105. The Crown's approach should be construed not as a series of administrative mishaps or isolated decisions, but as a deliberate, adaptive strategy of colonisation, operationalised through legal mechanisms, economic tools, political marginalisation, and coercive alliances. Its cumulative effect on Ngā Hapū o Hīmatangi was indistinguishable from outright confiscation. It was raupatu in every sense, except name.

Crown persecution of Ngā Hapū o Hīmatangi as non-sellers

106. Ngā Hapū o Hīmatangi were prominent members of the non-seller movement. The Crown singled Ngā Hapū o Hīmatangi out for exclusion from reserves and benefits offered to other hapū. This was an overt response to their refusal to sell, despite significant pressure.
107. Dr Featherston's tactics, described as "blundering" compared to McLean's

subtler manipulation, included splitting Ngāti Raukawa into categories of sellers and non-sellers. Ngā Hapū o Hīmatangi were categorised as "residential non-sellers" and "deliberately left out of any land reserves" following the sale of the Rangitīkei–Manawatū Block, a decision they protested for over a decade.

108. There is strong and specific evidence that the Crown's strategies and tactics to pressure Ngā Hapū o Hīmatangi to sell their land were directly linked to their stance as non-sellers.³⁹ These strategies included the deliberate undermining of hapū rangatiratanga, the erosion of their economic base (such as the confiscation of rents and the intentional and unreasonable extended delay in repayment of those rents), and actions that breached Te Tiriti o Waitangi.
109. The Crown's actions fragmented landholdings through western titling systems and the Native Land Court, moving land out of collective Ngā Hapū o Hīmatangi ownership and undermining their customary land tenure.
110. Rents were unlawfully withheld from Ngā Hapū o Hīmatangi, while Crown actions meant that their limited economic resources were diverted to legal battles, further eroding their ability to invest or participate in economic life. The Crown's actions thus deprived Ngā Hapū o Hīmatangi of both their traditional economy but also participation in the western economic system.
111. The Crown's treatment of Ngā Hapū o Hīmatangi cannot be viewed as neutral or incidental. their stance as non-sellers led to a targeted and sustained strategy to alienate them from their land. Tactics included deliberate exclusion, economic marginalisation, and targeted undermining of their leadership and institutions. These actions collectively demonstrate a sustained Crown strategy that breached core obligations under Te Tiriti o Waitangi and caused intergenerational harm.

Framing Kingites as 'Rebels'

112. The Crown and its agents exerted political and military pressure on Ngāti Raukawa and Ngā Hapū o Hīmatangi, in response to perceived or actual

³⁹ Wai 2200, #A226, for example.

associations with the Kīngitanga movement. This pressure took various forms:

- a. Framing Ngāti Raukawa as ‘rebels’ due to Kīngitanga support:
 - i. The Crown viewed many Ngāti Raukawa leaders and hapū as rebels under the Suppression of Rebellion Act 1863 because of their support for the Kīngitanga.
 - ii. Provincial Superintendent Isaac Featherston interpreted loyalty to the Kīngitanga as grounds for potential land confiscation if war spread to Manawatū.
- b. Threat of military occupation and condemnation for supporting the Kīngitanga:
 - i. Featherston publicly condemned the Kīngitanga during speeches in Ōtaki and threatened to station military forces in strategic Māori areas like Rangitīkei, Paekākāriki, and Manawatū.
 - ii. While some Ngāti Raukawa leaders (e.g. Wi Hapi) declared their support for the King as a matter of mana, not warfare, Featherston remained hostile, stating: “don’t fancy that I have become a Kingite...” and affirming Crown control over police and military deployments.
- c. The Crown stoked colonial anxiety and agitated for preparations for war through various actions including:
 - i. Crown officials, including Featherston and Fox, promoted the narrative that war was imminent due to increasing Māori support for the Kīngitanga.
 - ii. Reports claimed that “almost the whole Native population” was preparing for war and that Ngāti Raukawa were ready to rise if Waikato was invaded.
- d. Land pressure (to sell) was framed as a test of loyalty:

- i. Featherston justified the massive Rangitīkei–Manawatū purchase as necessary to prevent ‘rebellion’.
 - ii. The implication was clear: loyalty to the Crown required willingness to sell land. Association with the Kīngitanga was used to politically disqualify dissenters and justify questionable purchasing tactics.
 - e. Strategic undermining of Ngāti Raukawa and Ngā Hapū o Hīmatangi mana
 - i. Government officials, including Searancke and Grindell, played on internal tribal rivalries and dismissed Kingite-aligned leaders as uncooperative or disloyal.
 - ii. Leaders like Nepia Taratoa and Wi Hapi were pressured for their affiliations, and threatened with political and economic consequences for non-compliance.
113. Ngāti Raukawa and Ngā Hapū o Hīmatangi support for the Kīngitanga was instrumentalised by the Crown to justify:
- a. Suspicion and surveillance,
 - b. Political marginalisation,
 - c. Military threat or preparation,
 - d. Economic coercion (e.g. rental impoundment),
 - e. And ultimately, land alienation under duress.
114. This aligns directly with Ngā Hapū o Hīmatangi claims that the Crown used military, political, and economic pressure to try and force land sales and undermine their rangatiratanga. The Crown’s actions breached the principles of Tino Rangatiratanga, Partnership, and Active Protection under Te Tiriti o Waitangi.

Alleged Hauhau Associations

115. The Crown and its agents exerted political and military pressure on Ngāti Raukawa and Ngā Hapū o Hīmatangi due to alleged or perceived associations with the Hauhau movement. This pressure is consistent with the broader Crown strategy to suppress dissent and facilitate land acquisition, often by framing resistance as rebellion.
116. The Crown intentionally conflated Ngāti Raukawa and Ngā Hapū o Hīmatangi, with the Hauhau ‘threat’:
- a. In 1868, government agents reported alleged Hauhau activity in areas with significant Ngāti Raukawa populations. Ngāti Apa, acting under Crown direction, moved into contested territory with arms and claimed they were protecting “Queen’s land” because “Hauhau were in the district and mixed up with the Ngatiraukawas”.
 - b. These statements were used to justify aggressive action against Ngāti Raukawa, including destruction of property, armed occupation, and military preparations.
117. The Crown engineered circumstances to deliberately create provocation and military escalation. For instance, Featherston was reported to have instructed Gotty to relocate sheep into a zone contested by Ngāti Raukawa, prompting conflict. Armed Ngāti Apa, reportedly with Crown support, used this conflict to assert control over land and intimidate Raukawa residents.
118. The Crown disingenuously used the Hauhau association as justification for the suppression of Raukawa rights. For example:
- a. The Crown cited supposed Hauhau affiliations as a justification to undermine Ngāti Raukawa claims and mana over lands in the Rangitīkei-Manawatū area, while facilitating purchases from more compliant groups.
 - b. Native Office officials warned Ngāti Apa not to interfere with Ngāti Raukawa, but the damage had already been inflicted, and the narrative of Hauhau danger persisted.

119. Broader Strategic Framing - this Hauhau linkage and justification for these suppressive actions, echoed similar tactics used by the Crown against Kīngitanga supporters. Loyalty to Māori political movements was framed as rebellion or extremism, providing cover for coercive land acquisition and undermining of rangatiratanga.
120. The Crown and its agents:
- a. Framed Ngāti Raukawa as associated with Hauhau elements to justify coercive and militarised interventions.
 - b. Enabled or directed hostile forces (like Ngāti Apa) to act against Ngāti Raukawa.
 - c. Used these incidents to further Crown land acquisition strategies.
121. These actions are inconsistent with the Crown's obligations under Te Tiriti o Waitangi, specifically the duties of active protection, partnership, and recognition of tino rangatiratanga. The misuse of Hauhau allegations served as a political tool to justify land takings and the erosion of hapū sovereignty.

Crown exploitation of historic iwi animosity and grievances

122. The Crown leveraged tribal grievances to its favour and to apply undue and unfair pressure on Ngāti Raukawa and Ngā Hapū o Hīmatangi, through the prospect of armed conflict.
123. Major Kemp (Te Keepa Te Rangihwinui) held a tribal grudge against Ngāti Raukawa. Kemp was directly involved in efforts to exclude Ngāti Raukawa from land title in Horowhenua, despite evidence of their occupation and entitlement.
124. Witnesses noted Kemp was willing to provoke violence if outcomes went against him. Te Aohau Nikitini stated Kemp warned that “blood would flow” and arrived with “500 men and 500 guns” to intimidate the Native Land Court.
125. Judge J A Wilson and others later confirmed that Kemp’s threats caused the Court and government to prioritise peace over justice, making a

determination that appeared influenced by fear rather than facts.

126. The Crown benefited from and leveraged Kemp’s hostility. Wī Tako Ngātata wrote that “an attack by these men, Hunia and Te Keepa, upon Ngatiraukawa is imminent,” noting that Kemp and his allies rejected legal resolution and preferred to “fight instead”.
127. Crown officials including McLean were aware of these threats and allowed tensions to build. McLean even acknowledged that granting a rehearing for Ngāti Raukawa would provoke violence from Kemp.
128. The Crown stood by while Kemp and his allies acted coercively. Although the government later inquired into the dispute, the intimidation had already undermined fair legal process.
129. Parakaia te Pouepa was heavily discredited in public discourse by Crown-aligned voices, including Sir William Fox and rival iwi. He was labelled a “land shark” and accused of perjury, undermining his mana and role in defending Ngāti Raukawa land interests.
130. Parakaia and Nepia were central to disputes over lease arrangements in Hīmatangi, where Ngāti Raukawa interests were systematically eroded by Crown interference and pressure from Ngāti Apa and Rangitāne, including actions encouraged by Kemp and Hunia.
131. The pressure and character attacks reduced the standing of leaders like Parakaia and undermined the political cohesion of Ngā Hapū o Hīmatangi.
132. In conclusion, it is clear that Major Kemp harboured a clear tribal and political grievance against Ngāti Raukawa. The Crown knowingly permitted and arguably exploited that animosity, including threats of armed conflict, to suppress Ngāti Raukawa claims.
133. Leaders of Ngā Hapū o Hīmatangi, particularly Parakaia te Pouepa and Nepia Taratoa, suffered reputational and political harm as a result, and their efforts to continue to assert their mana over the whenua were undermined by both the Crown and its allies.

134. These actions constitute breaches of the Treaty principles of tino rangatiratanga, active protection, and partnership.

Manawatū-Rangitikei: the Fraudulent Land Sale

135. Ngā Hapū o Hīmatangi held mana whenua over large parts of the Hīmatangi division of the Manawatū–Rangitikei Block. Their authority was based on occupation, whakapapa, and customary rights, as set out above.
136. Their leaders, particularly Parakaia Te Pouepa and Nepia Taratoa, consistently opposed the Crown’s land purchasing methods and outcomes. Ngā Hapū o Hīmatangi were part of the broader non-seller movement that resisted Crown attempts to purchase their land interests. Despite this, the Crown:
- a. Ignored their opposition
 - b. Excluded them from reserves established post-sale, and
 - c. Proceeded with the purchase based on the signatures of individuals who often lacked authority or even association with the land-holding hapū
137. The Crown designed and led a flawed and deceptive purchase process that included:
- a. Exemption from Native Land Acts: The Rangitikei-Manawatū block was specifically exempted/excluded from the Native Lands Acts of 1862 and 1865, denying Ngāti Raukawa & Ngā Hapū o Hīmatangi the right to have their customary title investigated and defined by the Native Land Court.
 - b. The Crown’s purchasing agents, particularly Dr Featherston and Walter Buller, implementing a strategy that deliberately undermined Ngā Hapū o Hīmatangi tribal leadership and tikanga. They:
 - i. Collected signatures without verifying rights or authority,

- ii. Allowed anyone claiming an interest to sign,
 - iii. Ignored or sidelined opposition,
 - iv. Split hapū into categories (residential, non-residential, and uncooperative “non-sellers”) to divide and weaken collective resistance.
138. This has been described as “Te Kanga a Petitoni” (“the curse of Featherston”) for its long-lasting negative effects on hapū structures, mana, and unity.
139. Ngā Hapū o Hīmatangi has suffered sustained prejudice, including:
- a. Exclusion from land reserves,
 - b. Loss of customary access and resource use (e.g., river fisheries and kāinga),
 - c. Economic marginalisation, and
 - d. Cultural disruption and erosion of rangatiratanga over generations.

Ngāti Apa and the involvement of other iwi in the sale

140. A crucial set of historical events involves the disputed authority between Ngāti Apa and Ngāti Raukawa (including Ngā Hapū o Hīmatangi):
- a. Ngāti Apa had initially been defeated and displaced by Ngāti Raukawa and their allies during the early heke period.
 - b. Ngāti Raukawa were allocated land between Turakina and Porirua, including the Hīmatangi area.
 - c. Despite their defeat, some Ngāti Apa returned and began collecting rents from Pākehā settlers on land they were permitted to occupy under tikanga.
 - d. When Crown agents began negotiating for the sale of the block, Ngāti Apa (along with some Rangitāne and Muaūpoko) asserted the

right to sell land within the Manawatū–Rangitīkei Block, despite not holding mana over the whenua.

141. The resulting tension is best expressed in the words attributed to Te Rauparaha: “How is it that remnants of a meal, food scraps from my table, can sell my land?”.⁴⁰ This statement highlights the perception that those asserting rights to sell (e.g., Ngāti Apa) were not true owners under tikanga, and were acting without proper mandate.
142. The Crown’s acceptance of sales by these non-resident groups directly undermined Ngā Hapū o Hīmatangi rights and rangatiratanga.

Turakina-Rangitikei Block Land Sales

143. The Turakina–Rangitīkei sale, concluded by the Crown in 1849, involved the purchase of land to the north of the Rangitīkei River from Ngāti Apa. However, even at this early stage, Ngāti Raukawa rangatira, including Nepia Taratoa, were actively involved in the process, not as sellers, but as authoritative voices with overlapping and adjacent interests.
144. Prior to the 1849 Turakina–Rangitīkei sale, Ngāti Raukawa had established occupation and asserted mana over lands in and around Turakina. Hapū under the leadership of Te Whatanui and Nepia Taratoa took possession of the land. Boundary markers were erected by Ngāti Raukawa at Turakina, reinforcing their authority over the area.
145. When the Crown sought to purchase the Turakina–Rangitīkei block from Ngāti Apa in 1849, it was compelled to engage with Ngāti Raukawa rangatira, including Nepia Taratoa, to secure the peace and legitimacy of the transaction. This direct involvement affirms Ngāti Raukawa’s prior interests in the Turakina region and demonstrates Crown recognition of their mana in this and the adjacent areas. The Crown recognised that the presence and endorsement of key Raukawa leaders was essential to securing legitimacy for the sale and avoiding inter-tribal dispute.
146. In these discussions, Nepia Taratoa and other Raukawa leaders made it clear

⁴⁰ Wai 2200, #K9 at [6].

that while they would not obstruct the sale north of the Rangitīkei, that other iwi (Ngāti Apa, Rangitane and Muaupoko) had no rights to land south of the Rangitīkei River. This stance was consistently reinforced through the language used by Raukawa representatives. Taratoa and others declared that the Rangitīkei River was the natural and rightful boundary, and that the lands southward, including the Rangitīkei–Manawatū block, belonged exclusively to Ngāti Raukawa hapū.

147. This boundary-setting was not just geographic, but also political. By consenting to the Turakina–Rangitīkei sale on the condition that the Rangitīkei River formed the southern boundary, Ngāti Raukawa were simultaneously reinforcing their exclusive mana and customary authority over the land to the south, the very lands that would later become the subject of dispute in the Crown’s 1865–66 acquisition efforts. The Crown was fully aware of this. It accepted that Ngāti Apa’s interests ended at the river, and that any further land acquisition in the Manawatū would require engagement with and consent from Ngāti Raukawa.
148. The role played by Ngāti Raukawa in the Turakina–Rangitīkei negotiations therefore serves as an early and critical affirmation of their authority and occupation in the Rangitīkei–Manawatū block. Their participation reflects not only their standing as a power in the region, but also the Crown’s recognition of their mana whenua south of the river, a recognition that the Crown would later contradict when it permitted or facilitated the inclusion of rival iwi in transactions concerning land outside their rohe.
149. The outcome of the 1849 transaction, and the boundary principles affirmed within it, remain a key reference point for understanding the wrongful nature of later Crown dealings. The very fact that Ngāti Raukawa were required to be present, to assert their interests, and to define the southern boundary of the sale underscores the Crown’s knowledge that only Ngāti Raukawa had the right to determine the fate of the Rangitīkei–Manawatū block.

Rangitīkei as a tikanga boundary, not a colonial construct

150. Nepia Taratoa and other Ngāti Raukawa rangatira consistently asserted that

the Rangitīkei River was the customary boundary between Ngāti Raukawa and Ngāti Apa. This was based not merely on conquest or occupancy, but on mutual agreement grounded in tikanga and relationships, including intermarriage and peace settlements:

151. The boundary was reaffirmed through a tatau pounamu (peace settlement) involving Te Rauparaha, Te Rangihaeata, and Ngāti Apa, notably via the marriage of Te Rangihaeata to Te Pikinga of Ngāti Apa.
152. This reaffirmation recognised Ngāti Apa rights north of the river and Ngāti Raukawa sovereignty to the south, thereby embedding the boundary in both tikanga and political relationships.
153. The river represented a clear demarcation of Ngāti Raukawa mana whenua. Lands south of the Rangitīkei, including Hīmatangi and Paretao, were occupied, cultivated, and controlled by Ngāti Raukawa ki te Tonga and their hapū, including Ngā Hapū o Hīmatangi.
154. Senior leaders such as Nepia Taratoa, Parakaia Te Pouepa, and Matene Te Whiwhi consistently affirmed this boundary in tribal hui and engagements with Crown officials, including Donald McLean.⁴¹
155. Nepia Taratoa reinforced this at numerous hui and in communications with Crown agents such as Donald McLean, warning that any attempt to secure land south of the river would breach these understandings and cause conflict.
156. In a crucial 1848 meeting with Crown agent Donald McLean, Nepia Taratoa indicated he did not dispute Ngāti Apa's claim to the land north of the river. However, he stressed that he must be consulted before any sale occurred, so he could remove his people residing in that area, thus affirming ongoing Ngāti Raukawa presence there and asserting a need for proper process.
157. His approach exemplified tikanga-led diplomacy: he acknowledged Ngāti Apa's authority over specific northern lands while simultaneously ensuring

⁴¹ See for example, Wai 2200, #A201 at p. 302.

respect for Ngāti Raukawa’s occupancy rights and tribal integrity.

158. Nepia Taratoa was among the senior leaders who supported a collective decision by Ngāti Raukawa to recognise the Rangitīkei River as the boundary between Ngāti Apa and Ngāti Raukawa territories:
- a. It was agreed at various runanga and tribal meetings (some recorded at Ōtaki and elsewhere) that Ngāti Apa could alienate land north of the Rangitīkei, but that land south of the river remained under the mana of Ngāti Raukawa.
 - b. Nepia Taratoa was reported to have gone directly to McLean, saying he would not permit occupation of the south bank, and this was accepted by both McLean and tribal representatives despite some dissenting voices.
 - c. He also reinforced this stance by warning McLean not to be misled by individuals seeking to sell lands under tribal protection: “Be cautious, lest you stoop over the lands that are being protected by me, and by all the tribe... My heart, and the hearts of all the people will be grieved.”⁴²
159. Crown agents such as McLean and Featherston were well aware of the river’s significance as a boundary, due to repeated statements by Ngāti Raukawa rangatira.
160. Initially, some Crown officials respected the boundary, acknowledging that any sale south of the river would require full consultation with Ngāti Raukawa collective leadership. However, this recognition was later undermined by the Crown’s acceptance of signatures from non-Raukawa individuals, many of whom resided north of the river or had no authority to sell southern lands.

Te Ahu A Turanga Land Block Sale

161. The Crown’s acquisition of the Te Ahu a Tūranga block in 1864–65, situated

⁴² Wai 2200, #A237 at p. 27.

to the east of the Manawatū Gorge, was a transaction undertaken with members of Rangitāne. The block's location, bordering the eastern boundary of Ngāti Raukawa lands, made the sale highly significant for neighbouring hapū. The Gorge itself was widely understood to mark a natural and cultural boundary between Rangitāne and Ngāti Raukawa. While the Crown viewed Rangitāne as the vendor iwi, it was acutely aware that it would need to navigate overlapping and adjacent claims by Ngāti Raukawa to avoid conflict and preserve the legitimacy of the purchase. The Crown's own officials acknowledged that the land to the west of the Manawatū Gorge was under the authority of Ngāti Raukawa, and that negotiations could not proceed without addressing those interests.

162. Throughout the late 1850s and into the early 1860s, the Crown facilitated hui and negotiations aimed at resolving these tensions. A key meeting took place at Puketōtara in 1858, where leading Ngāti Raukawa rangatira, including Nēpia Taratoa, Parakaia Te Pouepa, Āperahama Te Huruhuru, and Īhakara Tukumarū, participated alongside Rangitāne and Crown officials. Nēpia Taratoa was especially influential. He publicly asserted that the land being sold “rested with Ngāti Raukawa”, making clear that no sale could proceed without Raukawa involvement. Taratoa indicated a willingness to allow the sale under his own authority, but was careful to protect the mana of adjacent Raukawa lands and explicitly rejected any implication that the Crown or Rangitāne could define boundaries beyond their rohe.
163. Other Raukawa leaders echoed these positions. One speaker warned Rangitāne that their unilateral efforts to sell land would provoke retaliation: “you build houses for Pākehā, we will burn them and see who gets tired first.” The strength of such statements illustrates not only Raukawa resistance to unauthorised alienation but also their active assertion of rangatiratanga over the western side of the Gorge, including the entirety of the Rangitīkei–Manawatū block. Even Rangitāne sources, such as Hoani Meihana, acknowledged the need for Ngāti Raukawa agreement before the Crown could proceed.
164. Ultimately, while the Crown concluded the Te Ahu a Tūranga purchase with Rangitāne, the negotiation process itself confirms the Crown's recognition of

Ngāti Raukawa mana. Their participation was not symbolic or peripheral. Raukawa rangatira were central to the definition of boundaries, the assertion of political authority, and the maintenance of peace. The Crown's careful attempts to secure their involvement confirm that Ngāti Raukawa exercised exclusive authority over lands west of the Gorge, and that the Rangitīkei–Manawatū block was never within the lawful domain of Rangitāne or any other iwi. This context reinforces the broader position of Ngā Hapū o Hīmatangi: that Crown dealings with other groups in the west, without the consent of the rightful landholders, constituted a fundamental breach of Te Tiriti o Waitangi.

Sharing rents: extending manaaki not ceding mana

165. One of Nepia Taratoa's most diplomatic and strategic acts was the sharing of rents with Ngāti Apa and other iwi who were living under the mana of Ngāti Raukawa:
- a. During the mid-1840s to 1850s, as European settlement expanded, Crown lease payments and private rental arrangements for land became a point of tension.
 - b. Nepia Taratoa, recognising the practical presence of iwi such as Ngāti Apa and Rangitāne in certain areas (especially in the north), agreed to distribute a portion of lease and rental income to these groups as a gesture of unity and to avoid conflict.
 - c. Importantly, he did this without surrendering or conceding mana whenua: instead, it reflected the Raukawa principle of manaakitanga within authority, affirming Ngāti Raukawa's leadership while maintaining peaceful relationships.
166. As summarised in the CFRT-commissioned report, *Crown Action and Māori Response*: Taratoa had, by that stage, decided to allow some rents to be shared with Ngāti Apa, Rangitāne and others, even though they were living under his mana, a diplomatic act intended to maintain good relations

without conceding authority.⁴³

167. This act has multiple implications, that it:
- a. Reduced the risk of conflict over resources,
 - b. Maintained practical cooperation in areas with overlapping interests,
 - c. And created a political precedent later subverted by the Crown's disregard for rangatira-led distributions and mana-based decision-making.

168. In his report, Dr Hearn states:⁴⁴

“At the time of the Rangitikei-Turakina sale, Hadfield went on, Ngati Apa tried to lay claim to the lands south of the river by erecting a hut: that was promptly destroyed by Te Rangihaeata and the claim was crushed in the bud. But further, ‘when Ngati Raukawa, in 1849, consented to forego all claim to the North side of Rangitikei, they distinctly and emphatically, in the presence of the Land Purchase Commissioner and others, re-asserted their title to the South side, and their determination to retain it.’ Hadfield acknowledged that there was one vulnerable aspect of the iwi’s claim, namely, that Ngati Raukawa had allowed some Ngati Apa to return and reside near Nepia Taratoa, the latter also allowing them to receive some of the rents from illegally leased lands. Hadfield claimed that, upon adopting Christianity, Ngati Raukawa released its slaves, some continued to reside with their ‘former masters,’ some intermarried with Ngati Raukawa and were treated as equals ‘but without any thought of their being ... reinstated in their former possessions. There were one or two attempts made about the year 1855 to regain a footing there, but these were instantly stopped.’ Hadfield went on to record that during the Taranaki War, an anxious Nepia Taratoa invited back some of his old slaves (mostly Kingites) and to secure

⁴³ Wai 2200, #A201(c).

⁴⁴ Wai 2200, #A152 at 406.

their services promised to let some of his lands and pay them with the money derived from the rents. That had been a temporary arrangement and one that Nepia Taratoa had reached without the sanction of his tribe. It was also an arrangement that ‘could not possibly be construed into a formal transfer of the land’.”

169. In summary, Nepia Taratoa shared lease proceeds with Ngāti Apa, Rangitāne and others while retaining authority. It was an approach of a consummate diplomat and leader and should not be mistaken or misconstrued as weakness. This action was a proactive peace-building measure rooted in tikanga.

Crown breaches of tikanga

170. The Crown’s 1866 “purchase” of the Manawatū–Rangitīkei Block violated this tikanga boundary by including southern lands (e.g., Hīmatangi) without the consent of the rightful owners.
171. This breach of tikanga constituted a direct breach of Te Tiriti o Waitangi principles:
- a. Tino Rangatiratanga: The Crown failed to uphold Ngā Hapū o Hīmatangi’s authority over their lands.
 - b. Active Protection: The Crown did not protect the boundary agreements and tribal autonomy established under tikanga.
 - c. Partnership: The Crown bypassed meaningful engagement with Ngā Hapū o Hīmatangi in favour of expedient dealings with more cooperative parties.

The Hīmatangi Block

The Hīmatangi claim

172. The Hīmatangi Block case represents sustained Crown Treaty breaches spanning from the original 1866 Rangitīkei-Manawatū purchase through to modern-day impacts. The evidence demonstrates systematic violations of tino rangatiratanga, partnership principles, and active protection

obligations, resulting in the dispossession of approximately 11,000 acres from the original 22,000-acre block, along with ongoing economic marginalisation and cultural severance.

173. The Hīmatangi Block, comprising approximately 22,000 acres bounded by Hīmatangi beach, the western bank of the Manawatū River at its confluence with the Oroua River, and extending south to the Te Awahou block, was alienated as part of the broader 240,000-acre Rangitīkei-Manawatū purchase completed by deed on 13 December 1866.
174. As previously outlined under the Rangitīkei-Manawatū Block sale section of this submission, the Crown's acquisition strategy under Superintendent Isaac Featherston employed coercive and manipulative tactics that violated fundamental Treaty principles. In fact, Ngā Hapū o Hīmatangi believe the sale was fraudulent and perpetrated by Featherston and others knowing that it was.
175. As established above, the Crown's negotiating partners (those who purportedly sold the Manawatū-Rangitīkei Block) lacked the customary authority to do so. In their view (then as now), the Crown did not negotiate with parties holding legitimate customary authority over the Hīmatangi Block. The evidence submitted to the Tribunal establishes that:
- a. Ngā Hapū o Hīmatangi (Ngāti Te Au, Ngāti Turanga, and Ngāti Rakau) were "by Native custom, the owners of the said Hīmatangi Block" based on conquest, occupation, and use.
 - b. Ngā Hapū o Hīmatangi "did not join in the said sale, and did not receive any of the purchase-money therefor" - a fact acknowledged in the preamble to the Hīmatangi Crown Grants Act 1877.
 - c. The Crown was aware that Ngā Hapū o Hīmatangi "occupied and had customary interests in the Hīmatangi block and that they opposed the sale of this land".
176. That Ngāti Raukawa established and held mana over the whenua prior to and at the signing of Te Tiriti is well established. It was acknowledged by

leaders of neighbouring iwi, such as Hoani Meihana:⁴⁵

It is true that when the treaty of Waitangi was signed, Ngatiraukawa had the 'mana' over the land alleged to have been sold to the crown. It is true that Muaupoko had no 'mana' over the land at that time - Ngatiapa - same. Ngati Kahngungu had no 'mana' or title at that time. Whanganui and Nga Rauru tribes had no 'mana' or 'tikanga' over the land in 1840 - Rangitane - same."

177. The acquisition violated both tikanga Māori and Treaty principles:
- a. Under Tikanga the sale lacked consent from the rightful customary owners who held mana whenua through conquest and continuous occupation. Ngā Hapū o Hīmatangi maintained their opposition throughout the process and were consistently labelled as "non-sellers".
 - b. Under Te Tiriti the Crown breached Article II guarantees by failing to protect the "full exclusive and undisturbed possession" of Ngā Hapū o Hīmatangi lands and overriding their tino rangatiratanga.

Parakaia Te Pouepa

*"This may be regarded as a step in the way of the instruction of the Maori people. It will show that no land can be claimed by the Crown unless all the Maoris are satisfied."*⁴⁶

178. This quote reflects both Parakaia's commitment to lawful and collective resolution and his resistance to unilateral Crown acquisition of land without the full and informed consent of all rightful owners. This is a principle foundational to the non-seller movement.
179. Parakaia Te Pouepa, a prominent rangatira of Ngā Hapū o Hīmatangi, consistently opposed land sales and asserted their ongoing customary rights:

⁴⁵ Sworn testimony of Hoani Meihana (Rangitāne), 14 March 1868, Maori Land Court Minutes

⁴⁶ Parakaia Te Pouepa, Opening Day of the Native Land Court at Hīmatangi, 1868, Maori Land Court Minutes

- a. He objected to the Te Paretao Block sale in 1864, marking out boundaries to preserve hapū interests, but was ignored by Crown agents
 - b. Following the Rangitikei-Manawatū purchase, he "pressed to have their interests in the Hīmatangi block recognised and provided for".⁴⁷
180. His eleven-year campaign from 1866-1877 ultimately resulted in the Hīmatangi Crown Grants Act 1877, demonstrating persistent assertion of customary rights.

*"The future historian of New Zealand will place Parakaia's name above those of all the chiefs and Governors, because he has constantly persevered in his endeavours to show that recourse to the courts of law was the proper course to pursue."*⁴⁸

Hīmatangi Crown Grants Act 1877

181. The Act originated from sustained pressure by Parakaia Te Pouepa and Ngā Hapū o Hīmatangi to seek acknowledgment of injustices suffered. The preamble explicitly states that "in equity and good conscience the said Hīmatangi Block ought to be given back to the said hapus".
182. The 1877 Act itself represents a Crown admission of error, acknowledging that the original transaction was unjust.
183. The intent outlined in the Act's preamble acknowledged the injustice and aimed to return the Hīmatangi Block to its customary owners. However, the outcome of the Act was that Ngā Hapū o Hīmatangi rights were only recognised in respect of half the block (11,000 of 22,000 acres), and the Claimants believe this inadequate response represents a fundamental shortfall in remedial justice.
184. The Court adopted a view that the Hīmatangi claim could only respond to the Hīmatangi Block. It excluded the Omarupapako Block and the coastal

⁴⁷ Wai 2200, #A226 at pp. 1072- 1117.

⁴⁸ *Mr T C Williams, Closing Speech, Native Land Court, Hīmatangi.*

lands from the decision. In fact, the Court instructed T C Williams, representing Ngā Hapū o Hīmatangi, to ‘confine himself to Hīmatangi matters alone.’

185. The Court avoided having to make a decision regarding the Omarupapako Block, conveniently using competing expressions of interest in the Omarupapako by Ngāti Apa and Rangitane and the potential complexity added by those claims, as grounds for not considering the Ngā Hapū o Hīmatangi interests in the Block. As already highlighted, this is long after the Rangitikei awa was clearly established as a tikanga boundary, and the mana of Ngāti Raukawa clearly and publicly established south of the Rangitikei.

“For Ngati Apa, Matene Te Matuku claimed full rights over Himatanga from earliest times, although he acknowledged (under cross-examination) that ‘Parakaia’s fire is and has been burning on the bank of the Manawatu,’ and that Raukawa had received the pastoral rents and allocated him a small portion. When asked how Nepia Taratoa could manage leases that he himself claimed, he conceded that Nepia had stood on the boundary at Omarupapako and allocated the Manawatu lands to Raukawa and the Rangitikei lands to Ngati Apa. Nepia Taratoa appeared to possess standing and authority rather greater than had been acknowledged.”⁴⁹

186. Limiting the scope of the hearing to only consider the Hīmatangi Block ignored the customary rights of Ngā Hapū o Hīmatangi which extended to include the coastal block. These ongoing and legitimate customary rights of Ngā Hapū o Hīmatangi to the coastal blocks were never undermined or extinguished or diminished by Nepia Taratoa’s acknowledged mana over the whenua.
187. That is not to suggest that Ngā Hapū o Hīmatangi claimed exclusive customary rights. They recognise the rights of those Raukawa hapū represented by Nepia Taratoa as having interests, including Te Mateawa and Parewahawaha. In fact, it is their view that the boundaries agreed to by

⁴⁹ TJ Hearn, *One past, many histories: tribal land and politics in the nineteenth century*, Wai 2200, #A152 at 416-17.

Parakaia Te Pouepa and Nepia Taratoa reflected tikanga associated with rental income and distribution rights. Taratoa had decided to share rental income from the 1861 Lease with Ngāti Apa. Parakaia Te Pouepa did not agree with this idea and declined requests from Ngāti Apa to share the rental income. In fact, in discussions with Nepia Taratoa, Parakaia agreed how the rental income would be distributed.

“I insisted upon an arrangement to divide the lease, “you have admitted the Ngatiapa to your portion and I therefore wish my portion to be distinct”. Nepia assented to this. I, Paratene, Pitihira, Te Roera Rangihueua, Huai Te Raotea – these are Ngatiraukawa, Ngatirakau, Ngati Turanga and Ngati Te Au. One of these has since died (Paratene). Nepia’s party were Kuruhou (Ngatiraukawa) Matene. Tamihana, Hoani... It was agreed that the rent should be equally divided between Nepia and me each year. I set up a ‘pou’ in 1861 to divide my portion from Nepia’s on the east side of Omarupapaka bush. The boundary now claimed by me is on the east of that boundary. It was with the assent of Nepia that the rent was divided and that he received half for his party and left half for me and those associated with me.”⁵⁰

188. The agreement reached by Nepia and Parakaia was not intended to and did not exclude Ngā Hapū o Hīmatangi customary rights to access the traditional resources within the Ōmarupāpako Block, or to access the coast. Moreover, the tikanga did not extinguish the roles that Ngā Hapū o Hīmatangi played regarding that whenua, both in terms of kaitiakitanga and as maintaining ahi ka for their Ngāti Te Au whānaunga, (which included Nepia Taratoa), and other Ngāti Raukawa hapū (including the interests of Te Mateawa and others).
189. In refusing to hear the claim of Ngā Hapū o Hīmatangi in respect of Omarupapako, the Court ignored not only the customary rights and interests of Ngā Hapū o Hīmatangi, they also ignored tikanga. They ignored the role that Ngā Hapū o Hīmatangi played in respect of ahi ka, both for themselves

⁵⁰ Sworn Testimony of Parakaia Te Pouepa, 18 March 1868, Native Land Court Minutes.

and for Ngāti Raukawa. “When Ngā Hapū o Hīmatangi were on the land, Raukawa were on the land.”

190. Moreover, they ignored the relationship that Ngā Hapū o Hīmatangi had with Nepia Taratoa. Nepia Taratoa is an uri of Te Au. His mother is named after the eponymous ancestor Te Au. “Nepia is of Ngatiparewahawaha, Ngati Mateawa and Ngati Te Au.”⁵¹This whakapapa is as follows:

Te Au, the eponymous ancestor of Ngāti Te Au, had three children – Ranginui, Parekahurangi and Weruweru.

Parekahurangi married Te Hiwi (Ngāti Tūkorehe) and had Te Au. Te Au married Te Teke (Ngāti Parewahawaha) and had Nepia Taratoa.

191. The interests that Nepia represented were Ngāti Parewahawaha, Te Mateawa and Ngāti Te Au. They were non-sellers and as such held views consistent with those of Ngā Hapū o Hīmatangi.
192. While the Claimants say that Rangitikei-Manawatū sale was completely fraudulent, the Hīmatangi claim, and subsequent Hīmatangi Crown Grants Act should have pertained to the full 22,000 acres. Hence, while the 1877 Act represents a Crown admission of error, the remedy was fundamentally inadequate, returning only half the land and failing to adequately address economic losses from rent seizure.
193. As a result, the breaches of Te Tiriti committed by the Crown during the Rangitikei-Manawatū purchase are then compounded by a new series of breaches through the enactment of the 1877 Act despite the intent of the Act. These breaches include:
- a. Failing to return economically valuable land without proper justification
 - b. Prioritising Crown interests over remedial justice for acknowledged wrongs

⁵¹ *Sworn testimony of Hare Hemi Tarape, 28 March 1868, Native Land Court Minutes.*

- c. Denying access to traditional mahinga kai resources along the coast
 - d. The Crown seized and administered rents without proper accounting or timely repayment
194. These breaches relate to the following principles:
- a. Tino Rangatiratanga - When land was eventually returned under the 1877 Act, it was granted to "named individuals in specified shares" rather than recognising collective hapū ownership. This represents the usurpation of Ngā Hapū o Hīmatangi authority and fragmentation of their collective title.
 - b. The Native Land Court partitioned the returned block into five subdivisions running east to west, with Ngāti Te Au receiving one subdivision and Ngāti Turanga and Ngāti Rakau each receiving two. This subdivision:
 - i. Created artificial boundaries that didn't reflect traditional use
 - ii. Made blocks more susceptible to individual alienation
 - iii. Reduced economies of scale for collective land use
 - c. Active Protection - the Crown failed to actively protect approximately Ngā Hapū o Hīmatangi customary rights and interests in 11,000 acres of the original 22,000-acre block, which was never returned.

The Omarupapako Block

Cultural significance

195. Omarupapako is a site of deep cultural, historical, and environmental value to Ngā Hapū o Hīmatangi:
- a. Ancestral Whenua – Omarupapako is part of the whakapapa landscape, linking the hapū to their tūpuna and to historical occupation patterns.

- b. Mahinga Kai and Resources – The area historically provided essential resources, including rongoā, timber, weaving materials, and a range of kai sourced from surrounding ecosystems.
 - c. Tikanga and Identity – As a place tied to hapū narratives and traditional use, Omarupapako has been a focal point for the exercise of kaitiakitanga and for the passing down of mātauranga Māori. As one witness stated, “These lands were not surplus to their needs – they were central to their way of life, their food, their stories, and their responsibilities as kaitiaki”.⁵²
196. Ngā Hapū o Hīmatangi’s claim is for the 22,000 acres, including the coastal lands contained in the Ōmarupāpako Block. As with the Hīmatangi Block their claim is based on conquest, occupation and continuous ahi ka.
197. As with the Hīmatangi Block, Ngā Hapū o Hīmatangi did not consent to sell. Those with customary rights, including Ngā Hapū o Hīmatangi, were staunch non-sellers. Particularly, Nepia Taratoa asserted his customary rights over Ōmarupāpako and the surrounding area in both general and specific terms.

Mana Whenua

198. In the Hīmatangi case, the Court adopted a position that Hare Hemi Tarape (representing the interests of Nepia Taratoa) and the parties he represented were non-resident owners and as such were deemed to be, somehow of less significance and therefore not owed the same protections as resident landowners (landowners who lived on their whenua). Accordingly, their claim was not able to be heard, nor was that of Ngā Hapū o Hīmatangi in respect of that Block. This logic is flawed and a further breach of the Crown’s obligations under Te Tiriti.
199. Ngā Hapū o Hīmatangi were resident on the land and have maintained continuous ahi kaa for themselves and for Ngāti Raukawa since the 1830s through to the current day.
200. Nepia Taratoa exercised customary rights and authority over the

⁵² Wai 2200, #K27.

Ōmarupāpako Block. These were rights established and held prior to 1840. They were rights that were exclusive to Ngāti Raukawa. The exclusive nature of those rights was reinforced in 1849, when in exchange for his agreement to permit Ngāti Apa and Rangitane to sell land north of the Rangitikei, the Rangitikei awa became an acknowledged and recognised tikanga boundary.

201. This meant that mana of the whenua south of the Rangitikei became the exclusive domain of Ngāti Raukawa hapū:⁵³

“According to McLean’s notes of the hui (which took place at Te Awahou pā on the Rangitīkei River on 15 March 1849) Nēpia Taratoa warned the Crown’s land purchaser to remain on the northern, Turakina side of the Rangitīkei. Referring to the southern, Manawatū side, Taratoa declared that ‘this side is mine, I will hold this side and never give it up.’ Pointing to the northern side of the river, Taratoa told McLean that ‘the other side is for you . . . do not come to this side if you wish to have peace . . . if you attempt to take it, it will not be given up by us.”

202. Nepia Taratoa continued to exercise his mana over the whenua:

“In August 1857 he warned the colonial government against any further efforts to acquire the land between the Rangitīkei and Manawatū Rivers. Addressing himself to Donald McLean, who was both native secretary and chief land purchase commissioner, Taratoa warned the government to be cautious, lest you stoop over the lands that are being protected by me, and by all the tribe.”⁵⁴

203. While he was opposed to the Te Awahou block sale, Taratoa eventually relented but first exercised his mana to alter the boundary “to ensure that Ōmarupāpako was not included in the Crown’s purchase. The revised northern boundary of the Te Awahou purchase was set at the southern extremity of Ōmarupāpako bush. From there, the boundary extended west to the sea and east to the Manawatū River. According to Parakaia Te

⁵³ Wai 2200, #A237 at 26.

⁵⁴ Wai 2200, #A237 at 27.

Pouepa, Taratoa ‘arranged’ personally the laying of the boundary from Ōmarupāpako to the sea.”⁵⁵

204. During the Hīmatangi hearings, after Nepia Taratoa passed, the sharing of rents from the leasing of Ōmarupāpako with Ngāti Apa and Rangitane was suggested to convey their ongoing customary interests in that land. This was not the case. In his evidence at the Hīmatangi hearing, Hoani Meihana Te Rangiotū told the Court that he and Mātene Te Matuku had been included in the Ōmarupāpako part of the lease as ‘matter of favour for us on the part of Nepia.’⁵⁶

Breach of Te Tiriti o Waitangi Principles

205. The Crown’s actions in withholding Omarupapako constitute breaches of several core Te Tiriti principles:
- a. Tino Rangatiratanga – By unilaterally removing Omarupapako from the allocated lands, the Crown directly undermined Ngā Hapū o Hīmatangi’s right to manage, use, and control their own taonga.
 - b. Active Protection – The Crown failed to safeguard Omarupapako for the hapū, instead alienating it for its own purposes, despite knowing its cultural and economic importance.
 - c. Partnership – No genuine consultation occurred, and decisions were made without the informed consent of the hapū.
 - d. Equity and Redress – No compensation was offered for the taking, further compounding the prejudice suffered.

Impact

206. The alienation of Omarupapako had interlinked economic, environmental, and cultural consequences:
- a. Loss of economic potential – The site was among the most valuable land in the reduced allocation, removing opportunities for

⁵⁵ Wai 2200, #A237 at 28.

⁵⁶ Wai 2200, #A237 at 31.

sustainable development or resource-based enterprise.

- b. Environmental disconnection – The hapū were cut off from the taonga species and ecosystems tied to the site, eroding their ability to maintain traditional environmental management practices.
- c. Cultural rupture – The loss weakened the physical link to tūpuna and disrupted the exercise of tikanga, diminishing intergenerational cultural transmission.

Part of a Wider Pattern

207. The taking of Omarupapako reflects a broader Crown pattern of:
- a. Alienating culturally significant sites for Crown or settler purposes;
 - b. Prioritising other interests (for example settler/pastoralists; interests) over the rights of Ngā Hapū o Hīmatangi as mana whenua; and
 - c. Eroding the resource base necessary for hapū self-determination and cultural vitality.

Tūwhakatupua, Opiki, Huritini

Ngā Hapū o Hīmatangi Customary Interests

208. Tūwhakatupua, Ōpiki and Huritini lie at the heart of *Ngā Hapū o Hīmatangi's* historical estate on the southern bank of the Manawatū River. their evidence confirmed long-established kāinga, cultivations, wetlands, eel weirs, transport routes and pā within and adjoining these blocks, particularly around Tūwhakatupua and Ōpiki, which were closely associated with Ngā Hapū o Hīmatangi. These areas formed part of a wider network of mahinga kai stretching from Papangaio to Te Karaka, sustaining abundant tuna, inanga, waterfowl, shellfish and forest resources essential to hapū identity, economy and wellbeing.
209. Tūwhakatupua in particular was a significant pā, mahinga kai and tuku whenua location, demonstrating both ancestral occupation and the exercise of mana and kaitiakitanga by Ngā Hapū o Hīmatangi. Ōpiki likewise

functioned as a major settlement, trading point and food-gathering centre situated on strategic river channels. Huritini, formed part of the same interconnected wetland and river landscape relied upon by Ngā Hapū o Hīmatangi for sustenance, ceremony and travel. Together, these sites illustrate a coherent and continuous occupation pattern across the lower Manawatū.

Crown Purchasing and Actions

210. Despite the depth of Ngā Hapū o Hīmatangi interests, the Crown proceeded to treat Tūwhakatupua, Ōpiki and Huritini as though they were available for alienation under its wider Manawatū purchasing strategies. Crown officials included these areas within the ambit of the Rangitīkei–Manawatū Purchase and subsequent acts of taking, despite explicit opposition from Ngā Hapū o Hīmatangi leaders and despite the fact that as non-sellers Ngā Hapū o Hīmatangi had not extinguished their rights. In practice, the Crown relied on fragmented signatures, constructed seller lists, and the dismissal of dissent to claim that these lands had been “ceded”. Ngā Hapū o Hīmatangi were neither properly consulted nor involved in any genuine negotiation relating specifically to these blocks.
211. The subsequent creation of Native Land Court titles over the wider district further entrenched Crown assumptions of ownership. The Court’s processes ignored the collective and interwoven nature of customary rights, required Ngā Hapū o Hīmatangi to prove occupation to an 1840 threshold inconsistent with tikanga, and facilitated later Crown acquisition and private settlement. In doing so, the Crown pre-determined outcomes in favour of settlement schemes, agricultural expansion, drainage works and transport infrastructure that disrupted or destroyed Ngā Hapū o Hīmatangi resource systems and wāhi tapu.

Ngā Hapū o Hīmatangi Responses

212. Ngā Hapū o Hīmatangi leaders consistently resisted Crown attempts to include these areas within Crown purchases. The evidence records repeated objections to the Crown’s sweeping claims, including participation in non-seller cases, petitions, and challenges to surveys and boundary

encroachments. Hapū continued to assert customary use and occupation at Tūwhakatupua, Ōpiki and Huritini, maintained kāinga and cultivations for as long as Crown pressure allowed, and protested the erosion of Ngā Hapū o Hīmatangi mana and authority over their whenua and waters. Such efforts, however, were systematically overridden by Crown purchasing priorities and the Native Land Court's legal frameworks.

Breaches of Te Tiriti o Waitangi

213. The Crown's conduct in relation to these blocks constituted serious breaches of Article 2 obligations to guarantee tino rangatiratanga, Article 3 obligations of equity, and the overarching principles of partnership, active protection and good faith. In particular, the Crown:

- a. Failed to recognise or protect Ngā Hapū o Hīmatangi tino rangatiratanga over Tūwhakatupua, Ōpiki and Huritini, despite clear evidence of occupation, use and authority.
- b. Failed to actively protect the economic and cultural base of Ngā Hapū o Hīmatangi, instead facilitating the rapid transfer of these areas into Crown and private hands.
- c. Imposed the Native Land Court as the determinative mechanism for title, a legal system hostile to tikanga, collective ownership and customary relationships with the land.
- d. Excluded Ngā Hapū o Hīmatangi from meaningful decision-making, instead privileging Crown objectives for settlement, land development, drainage and infrastructure.
- e. Treated resistance as a technical impediment, rather than evidence of unextinguished customary rights requiring protection.

Impacts and Prejudice

214. The consequences for Ngā Hapū o Hīmatangi have been severe and enduring and include:

- a. Loss of land and economic base: Alienation of fertile river flats and

key food-producing wetlands stripped the hapū of the resources that sustained generations.

- b. Environmental degradation: Crown-driven drainage, agricultural schemes, and river modifications (such as the Whirokino works) undermined traditional resource systems and damaged mahinga kai relied upon by Ngā Hapū o Hīmatangi.
- c. Disruption of tikanga and kaitiakitanga: The inability to exercise authority over sacred places, waterways and cultivations fractured relationships central to cultural identity.
- d. Social and demographic displacement: Removal from ancestral kāinga at Tūwhakatupua, Ōpiki and Huritini contributed to population dispersal, loss of wāhi tapu, and weakening of intergenerational transmission of knowledge.
- e. Cumulative marginalisation: These losses compounded the already prejudicial impacts of wider Crown conduct in the region, leaving Ngā Hapū o Hīmatangi with only small remnants of their original estate, and significantly diminishing their collective wellbeing and development opportunities.

Awahou Block

- 215. The sale of the Te Awahou block in 1858–59 unfolded during a period of growing Crown pressure to secure large tracts of lower Manawatū land and increasing Pākehā commercial activity at the river mouth. Te Awahou had long been a densely occupied and economically important hub for Ngāti Raukawa hapū including Ngā Hapū o Hīmatangi, who maintained kāinga, cultivations, fisheries, and trading relationships across the lower river. By the late 1850s, Crown agents, seeking to consolidate earlier New Zealand Company ambitions and to open the district for settlement, focused their attention on acquiring Te Awahou as a strategically valuable acquisition.
- 216. Led by Īhakara Tukumarū, some hapū saw advantage in encouraging further Pākehā presence and trading opportunities, while others, notably Nēpia Taratoa and the non-seller hapū, opposed alienation and sought to protect

their rangatiratanga and resource base. This division, coupled with the Crown's haste and failure to follow its own policies on reserves and boundary definition, set the stage for a contentious and ultimately damaging transaction that became the first major Crown purchase affecting Ngā Hapū o Hīmatangi and other Ngāti Raukawa hapū in the lower Manawatū.

Crown Breaches of Te Tiriti

217. The Crown's actions in the acquisition of Te Awahou constituted clear breaches of its Te Tiriti obligations to act honourably, to actively protect hapū rangatiratanga, and to engage with Māori as equal partners in decision-making.
- a. The evidence shows that the Crown proceeded with the purchase despite explicit and sustained opposition from key Ngā Hapū o Hīmatangi rangatira, including Parakaia Te Pouepa, who repeatedly asserted that his people did not consent to the alienation and Nēpia Taratoa, a leading non-seller whose authority and stance were well known to Crown officials. Their objections were not peripheral; they represented the position of significant resident communities, including Ngā Hapū o Hīmatangi, whose mana and interests the Crown was obliged to protect.
 - b. Rather than working with the full body of affected hapū, the Crown chose to negotiate selectively with willing sellers, most notably Īhakara Tukumarū, despite knowing that the hapū were divided and that many with recognised rights, including Ngāti Tūranga, Ngāti Rākau, and Ngāti Te Au, did not support the transaction. This approach fragmented hapū decision-making, undermined customary processes, and was fundamentally inconsistent with the Crown's duty to deal with Māori collectively and in good faith.
 - c. The Crown further breached its obligations by failing to ensure the provision of adequate reserves and by departing from its own land purchase policies. District Land Purchase Commissioner Searancke accepted payment and proceeded toward conclusion of the deed

without first identifying and protecting the lands necessary for the ongoing occupation, mahinga kai, and cultural survival of the resident hapū. The small area temporarily “cut out” for a handful of non-sellers was neither guaranteed nor made inalienable, and the Crown soon acquired it, leaving Ngā Hapū o Hīmatangi with no meaningful land base within an area they had long occupied and relied upon.

- d. These failures were compounded by the Crown’s decision to proceed in the face of unresolved disputes, including those raised by Parakaia and other non-sellers who sought to protect the mana of the hapū and the interests of the wider community. By advancing the purchase under these circumstances, the Crown privileged the ambitions of a few over the rights of the many, and in doing so actively contributed to the erosion of Ngā Hapū o Hīmatangi rangatiratanga, their resource base, and their authority over the lower Manawatū River.

218. Taken together, these actions show that the Crown not only failed to protect the interests and authority of Ngā Hapū o Hīmatangi, but directly facilitated the erosion of their land base, their ability to readily sustain ourselves, and their shared control over the lower Manawatū River environment. Accordingly, the Te Awahou sale represents an early and significant breach of the Crown’s Te Tiriti duties toward Ngā Hapū o Hīmatangi: a breach that set in motion enduring prejudice through the loss of land, the weakening of hapū authority, and the disruption of their relationship with the river, its surrounding lands, and the tikanga that governed them.

Prejudice

219. The Crown’s breaches in the negotiation and completion of the Te Awahou sale resulted in profound and enduring prejudice for Ngā Hapū o Hīmatangi. The alienation of this strategically and culturally significant block, encompassing kāinga, cultivations, wetlands, mahinga kai, wāhi tapu, and critical access points to the lower Manawatū River, immediately undermined the ability of Ngā Hapū o Hīmatangi to sustain themselves according to

tikanga and to exercise their customary authority over their lands and waterways. The Crown's failure to secure adequate reserves, coupled with its rapid acquisition even of the small areas cut out for non-sellers, left their hapū without the necessary land base to continue their economic, cultural, and social practices. This loss fundamentally weakened the physical and spiritual connections of the hapū to Te Awahou, an area long central to their identity, wellbeing, and intergenerational responsibilities.

220. The sale also created deep political and social dislocation. By advancing the purchase in the face of clear opposition from leaders such as Parakaia Te Pouepa and Nēpia Taratoa, the Crown fractured the unity of the Ngāti Raukawa hapū, diminished the standing of their rangatira, and eroded the collective capacity of Ngā Hapū o Hīmatangi to determine their own affairs. This facilitated the subsequent marginalisation of hapū voices in later transactions and processes, including the Native Land Court, where the loss of Te Awahou was compounded by further alienation and Crown purchasing strategies that relied on division rather than consensus. The prejudice therefore cannot be confined to the loss of land in 1858–59; it reverberated through the entire Crown–hapū relationship across the nineteenth and twentieth centuries.
221. The erosion of hapū rangatiratanga directly affected environmental and economic wellbeing. Removal from the lands of Te Awahou severed access to critical food sources and seasonal harvesting grounds, disrupted long-standing trade networks, and curtailed the ability of whānau to sustain themselves independent of Crown-controlled systems. As later environmental degradation, pollution, drainage, flood control works, and the Whirokino Cut, further damaged the river and surrounding wetlands, Ngā Hapū o Hīmatangi were left without the land rights or legal authority to intervene effectively. This compounded the original prejudice arising from the Te Awahou sale: the hapū were denied not only their whenua, but the ongoing ability to protect and restore the taiao according to tikanga.
222. Collectively, these impacts demonstrate the significant and lasting prejudice suffered by Ngā Hapū o Hīmatangi. Through the Te Awahou sale, the Crown deprived the hapū of their land, their economic base, their cultural integrity,

and their political authority, setting in motion generations of disadvantage that continue to be felt today.

Te Whārangī 10 Year Lease

223. Te Whārangī, situated at the mouth of the Manawatū awa, was a long-established kāinga and strategic crossing place occupied by several Ngāti Raukawa hapū, including Ngā Hapū o Hīmatangi and also including rangatira such as Īhakara Tukumarū, Nēpia Taratoa and Te Whatanui. Its importance derived from the rich mahinga kai of the adjacent wetlands and its central role in river and coastal transport. Before the Crown's purchase of Te Awahou in 1858, Te Whārangī was already the site of a ferry, accommodation house and associated buildings operated by local hapū. In 1856, the Crown entered into a formal ten-year lease over the ferry site, buildings and a piece of land at Te Whārangī, with clear terms that the property would revert to Māori at the end of the lease. For Ngāti Raukawa, including Ngā Hapū o Hīmatangi, this arrangement affirmed their ownership and ongoing authority over the site. It was therefore a profound shock when, after the lease expired, the Crown claimed Te Whārangī had been absorbed into the Te Awahou purchase, despite the deed making no mention of it and despite earlier assurances that it would be excluded.
224. Following the Crown's assertion that Te Whārangī had been absorbed into the Te Awahou purchase, a succession of Ngā Hapū o Hīmatangi and wider Ngāti Raukawa rangatira undertook sustained efforts to protest the loss of the site. Nēpia Taratoa first challenged the Crown's position, and after his passing, Nēpia Taratoa (junior) continued the campaign alongside leaders such as Īhakara Tukumarū (Tahurangi), Paora Taikapurua, Weretā Kimata, Hāre Rēweti, Winiata Taratoa, and members of Ngāti Parewahawaha. Their actions included written petitions to the Premier and Native Minister (1878–1883), requests for the return of the ferry site and for unpaid rent covering the years after the lease expired, and formal objections to Crown officials' claims that Te Whārangī was part of the purchase. In 1881, after years of being ignored, Nēpia Taratoa, Hāre Rēweti and 83 others issued notice to the Foxton port pilot to vacate the signal station at Te Whārangī, asserting hapū authority and occupation. Further petitions were submitted

throughout the 1880s and as late as 1896 by leaders such as Tūturu Paerata and Karaitiana Te Ahu Taikapuru, all rejecting the Crown's unilateral appropriation and demanding justice for the wrongful inclusion of Te Whārangī.

225. Despite Te Whārangī being subject to a distinct 10-year lease and never mentioned in the 1858 Te Awahou purchase deed, the Crown later unilaterally asserted that the ferry site had been included in that sale. When lease payments ceased in 1866, Crown officials informed Ngāti Raukawa that their title had been extinguished and that Te Whārangī formed part of the wider Awahou block, contradicting both the lease terms and earlier assurances given to rangatira that the site would be excluded. The Crown preferred the retrospective claims of its surveyor over the clear evidence and testimony of the Māori parties who had negotiated both the lease and the sale. Repeated petitions from Nēpia Taratoa and others seeking the site's return or back rents were dismissed, and the Crown proceeded to vest Te Whārangī for public and harbour purposes. In doing so, the Crown appropriated a strategically significant kāinga and resource site without lawful purchase or proper consent, replacing a temporary leasehold arrangement with permanent alienation.

Breaches of Te Tiriti

226. The Crown's actions in treating Te Whārangī as part of the Te Awahou sale constituted clear breaches of Te Tiriti o Waitangi.
227. First, by unilaterally overriding the terms of the 1856 lease, an agreement negotiated with named rangatira including Īhakara Tukumarū and Nēpia Taratoa, the Crown failed to uphold tino rangatiratanga, disregarding hapū authority over a strategically important kāinga and ferry site. Its refusal to recognise Māori ownership after lease expiry, and its retrospective claim that Te Whārangī had been sold despite the deed's silence, was a breach of the Crown's duty of honesty and good faith.
228. Second, the Crown failed in its obligation of active protection by allowing the permanent alienation of a key economic, cultural and transport hub, contrary to earlier assurances that it would be excluded from the sale.

229. Third, the Crown's dismissive handling of repeated petitions, from Nēpia Taratoa (junior), Winiata Taratoa, Hāre Rēweti, and later petitioners in the 1880s and 1890s, demonstrated a failure of partnership, where the Crown neither listened nor responded substantively to Māori concerns.
230. Finally, by vesting Te Whārangī for public and harbour purposes without lawful purchase or proper consent, the Crown caused significant and ongoing prejudice, depriving hapū of a vital kāinga, mahinga kai and economic platform central to their wellbeing.

Impacts

231. The Crown's wrongful treatment of Te Whārangī as part of the Te Awahou sale caused deep and enduring prejudice to Ngā Hapū o Hīmatangi. By extinguishing hapū ownership and authority over a strategic kāinga, ferry site, and mahinga kai hub, the Crown caused Ngāti Raukawa hapū, including Ngā Hapū o Hīmatangi, consider loss damage.
- a. The unilateral termination of the 10-year lease arrangement, and the Crown's subsequent refusal to continue rental payments or honour back-rent claims, deprived the hapū of a reliable income stream that had supported their economic stability and participation in the regional economy.
 - b. The loss of Te Whārangī meant the loss of control over river-mouth access routes, fishing grounds, and trade pathways essential to the hapū's wellbeing and autonomy.
 - c. It displaced whānau from a place of residence, gathering, and seasonal harvest, weakening inter-hapū networks and diminishing the resource base needed to support their communities.
 - d. The Crown's refusal to recognise or remedy the wrongful alienation, despite decades of petitions, further undermined the mana of hapū leaders and eroded trust in the Crown as a Treaty partner.
232. These breaches contributed to a long-term pattern of economic marginalisation, cultural disruption, and erosion of rangatiratanga across the

Foxton and coastal rohe, impacts that remain visible in the lived realities of Ngāti Te Au, Ngāti Tūranga and Ngāti Rākau today.

Te Paretao Block

Background and Context

233. Te Paretao was a significant kāinga, reserve, and landing place situated on Matararapa at Te Awahou, forming part of the Ngā Hapū o Hīmatangi estate along the lower Manawatū River. The 440-acre block (including the present Foxton water tower site) was long occupied and used by Ngā Hapū o Hīmatangi (and other hapū of Ngāti Raukawa), and served as a vital waka landing site on the riverside. The evidence shows continuous occupation and use from at least the 1840s by Ngā Hapū o Hīmatangi, initially through Wairaka, followed by Parakaia Te Pouepa, Rangiheuia, and others who lived at kāinga on the block, maintained whare puni, and continued to return even after some whānau shifted to Hīmatangi. Te Paretao's importance lay in its location, its mahinga kai, its role in river transport, and its function as one of the principal pēke of Ngā Hapū o Hīmatangi at Te Awahou.
234. When the wider Te Awahou block (c. 37,000 acres) was under negotiation, Ngā Hapū o Hīmatangi exercised deliberate rangatiratanga by reserving Te Paretao from the sale. Parakaia Te Pouepa and other Ngā Hapū o Hīmatangi leaders objected to the Te Awahou transaction, and specifically requested that Te Paretao be excluded to preserve this central kāinga and landing place. This reserve was understood by the hapū to protect their ongoing occupation, use, and authority at Te Awahou despite Crown pressures to purchase surrounding lands.

Crown Purchase of Te Paretao, 1864

235. Despite its protected status, the Crown moved to acquire Te Paretao in 1864. On 5 December 1864 it purported to purchase the entire block for £500 from a small group of individuals. This occurred in direct conflict with the earlier hapū decision to reserve the land, and against the explicit opposition of a co-owner and leading Ngā Hapū o Hīmatangi rangatira, Parakaia Te Pouepa. Evidence before the Tribunal shows that Weretā Te Waha had earlier played a role in securing the reserve but later offered the

land to the Crown's agent, Walter Buller, despite the objections of Parakaia.

236. The 1864 deed was part of a wider Crown strategy to extinguish the remaining Māori-held parts of Te Awahou by targeting the last reserves that protected the non-sellers' interests. The purchase was not based on collective hapū consent, nor did it recognise the authority of Ngā Hapū o Hīmatangi over their own reserve. Instead, it relied on the signatures of a minority and exploited internal divisions created by the Crown's own purchasing practices.

The Native Land Court Claim, 1869

237. In 1869, Parakaia brought a claim before the Native Land Court to have his rights in Te Paretao recognised. The Court heard extensive evidence demonstrating that:
- a. Te Paretao was originally the land of Wairaka (Parakaia's father), who established the landing place.
 - b. Houses, cultivations, and whare puni existed on the block.
 - c. Ngāti Tūranga and other Ngā Hapū o Hīmatangi ancestors had lived at Te Paretao from at least 1840–45 and continued to return to it regularly.
 - d. The kāinga was a major stopping point between Hīmatangi, Awahou, and the wider Manawatū area, and disputes over eel ponds demonstrated its economic significance.
238. The Crown opposed the claim and relied on the 1864 deed. Despite this, the Court recognised that Parakaia was one of five co-owners with equal rights, awarding him one-fifth of the block (88 acres). This portion was declared a Native Reserve, which under the Native Lands Act 1867 was intended to be inalienable except with the Governor's consent.
239. However, the protective potential of this limited reserve was quickly undermined. Parakaia died in 1872 without leaving a will, and the land was not vested in the hapū collectively. As a result, Te Paretao did not become a

secured communal estate for Ngāti Tūranga and was instead left vulnerable to fragmentation and later alienation.

Treaty Breaches

240. The Crown failed to actively protect hapū land and taonga. Te Paretao was a recognised kāinga, mahinga kai, and strategic landing place, precisely the type of land the Crown was obligated to protect under Article 2. By purchasing Te Paretao despite knowing it was deliberately reserved, and by disregarding the objections of key rangatira and co-owners, the Crown breached its duty to actively protect Ngā Hapū o Hīmatangi's land and taonga.
241. The Crown undermined hapū decision-making and rangatiratanga. The hapū had collectively determined that Te Paretao would not be sold. The Crown ignored this exercise of rangatiratanga and instead relied on a subset of sellers, some of whom were themselves Crown-influenced and marginalised by Crown purchasing practice. This directly contravened the principles of partnership and autonomy guaranteed under Te Tiriti.
242. The Crown's purchasing practices were inconsistent with good faith. The Crown's acquisition was opportunistic and deliberately timed to extinguish the last reserves protecting the non-seller position. It exploited internal tensions, disregarded the known opposition of Parakaia and others, and failed to ensure informed and collective consent. This was inconsistent with the standards of fairness and good faith required under Te Tiriti.
243. The Crown failed to implement effective reserve protection. Even once the Court recognised an 88-acre Native Reserve, the Crown did not take steps to secure it for Ngā Hapū o Hīmatangi as a collective. Instead, its individualised vesting and later fragmentation reflect systemic failure to provide meaningful protection for Māori land retained after Crown purchasing.

Prejudice to Ngā Hapū o Hīmatangi

244. Ngā Hapū o Hīmatangi lost a core kāinga and strategic river site. The Crown's actions deprived Ngā Hapū o Hīmatangi of a central settlement node, landing place, and economic base at Te Awahou. The block's loss removed

one of the principal points from which the hapū engaged with the river, conducted trade, exercised authority, and maintained presence in the emerging township.

245. Ngā Hapū o Hīmatangi suffered economic loss and marginalisation. Te Paretao supported cultivations, fisheries, and transport activity. Its alienation denied the hapū access to these economic resources and later opportunities associated with the growth of Foxton. The small reserve belatedly awarded to Parakaia did not compensate for the loss of the larger estate, and ultimately did not remain as a hapū asset.
246. Ngā Hapū o Hīmatangi suffered cultural and political dislocation. The Crown's purchase severed the physical and cultural continuity between Ngā Hapū o Hīmatangi and one of their most important sites at Te Awahou. It also entrenched political marginalisation by disregarding their collective authority and reinforcing individualised land tenure that fractured hapū control.
247. Because the reserve was vested in an individual rather than the hapū, and because the Crown failed to ensure protective mechanisms were effective, the land did not remain in Ngā Hapū o Hīmatangi hands. This fragmentation caused long-term harm to the hapū's land base, economic security, and ability to sustain ahi kā at Te Awahou.
248. The history of Te Paretao reveals a clear and serious breach of the Crown's obligations under Te Tiriti o Waitangi. Despite being a protected kāinga and reserve, held and used by Ngā Hapū o Hīmatangi for generations, the Crown knowingly undermined the hapū's decision to retain the block and purchased it from a minority of individuals acting contrary to hapū authority. The Crown then failed to preserve even the limited rights later recognised by the Native Land Court. The resulting prejudice, economic, cultural, political, and enduring, was significant. Te Paretao stands as a stark example of Crown disregard for Ngā Hapū o Hīmatangi autonomy, the erosion of the Ngā Hapū o Hīmatangi land base, and the Crown's failure to uphold the guarantees of tino rangatiratanga.

Manawatū-Kukutauaki Land Blocks

Background and Context

249. The Manawatū–Kukutauaki district was a vast region extending from the Manawatū River in the north to the Kukutauaki Stream near Waikanae in the south, and inland to the Tararua Pae Maunga. By the mid-nineteenth century this area formed a core part of the territorial estate of Ngāti Raukawa, within which Ngā Hapū o Hīmatangi were closely connected through shared whakapapa, occupation, and active use of the Manawatū River corridor.
250. From the 1830s, the movements of Ngāti Raukawa into the district, created a dense network of kāinga, cultivations, mahinga kai and wāhi tapu along the coastline and inland waterways, including Hīmatangi, Papakiri, Tapuai Moana, Ōtawhiwhi and Haumiaroa.
251. In 1872–73, the Native Land Court conducted an investigation into the Manawatū–Kukutauaki district, hearing competing claims from Ngāti Raukawa and an alliance of other iwi (Ngāti Apa, Muaūpoko, Rangitāne, Whanganui and Ngāti Kahungunu). The Court ultimately held that, with the exception of Horowhenua and Tūwhakatupua, Ngāti Raukawa hapū and kin groups were in undisputed occupation of the region by 1840. The judgment recognised occupation, acknowledging long-established Raukawa mana across the district.
252. However, this legal recognition became the very mechanism by which the Crown then moved rapidly to acquire most of the land. Through the Native Land Court system, Crown purchase proclamations, advances, and aggressive land acquisition strategies, nearly the entire Manawatū–Kukutauaki district was alienated within a generation.
253. For Ngā Hapū o Hīmatangi, the loss of these lands, especially Manawatū–Kukutauaki 1, 2 and 3, had direct and lasting impacts. These blocks formed the inland counterparts to their coastal and lower river kāinga, enabling access to forests, wetlands, birding grounds, and key mahinga kai. Their alienation fractured the ecological and cultural systems that sustained Ngā

Hapū o Hīmatangi and disrupted the wider Ngāti Raukawa estate to which Ngā Hapū o Hīmatangi are integral contributors.

Manawatū–Kukutauaki No. 1 (2,000 acres)

254. In March 1873, the Court awarded the entire block to Īhakara Tukumarū and his brothers. The block included key cultivations used by related hapū connected to Ngā Hapū o Hīmatangi.
255. By 1878, the block was sold to Sir Patrick Buckley, who had been present in the Court during the title hearings.
256. Key factors leading to sale included:
- a. debts incurred during the Court process,
 - b. the Crown’s monopoly purchasing environment, and
 - c. the conversion of communal estate into an individualised title held by only three men.
257. The transaction extinguished hapū rights to a strategically important inland-coastal corridor integral to the Ngā Hapū o Hīmatangi network.

Manawatū–Kukutauaki No. 3 (11,400 acres)

258. The Court awarded No. 3 to ten named individuals including Īhakara, Kereopa Tukumarū, and Hohepa Te Hana. The block included:
- a. kāinga at Kōputoroa and Īhakara,
 - b. access pathways used by Ngā Hapū o Hīmatangi to inland resources,
 - c. wetlands, forested foothills and seasonal mahinga kai.
259. In December 1875, the Crown purchased approximately 7,400 acres (two-thirds of the block) for £876 17s 6d. The Crown’s actions were characterised by:
- a. purchase within a monopoly environment created by Crown proclamations,

- b. advances used to induce sale,
 - c. the leveraging of individualised title to bypass hapū decision-making,
 - d. the reservation of Crown rights over roads and railways, foreshadowing later takings.
260. Approximately 4,000 acres remained in Māori ownership. However:
- a. the title contained only the original ten names, despite over 90 individuals holding recognised interests;
 - b. objections by Ārona Te Hana that this was a “serious error” were dismissed;
 - c. the Court advised that a broader owner list could be achieved only if the entire block was first transferred to the Crown, demonstrating coercive use of Crown authority and legal structures.
261. By the late 1880s, the block was partitioned into dozens of small parcels transforming a hapū-managed reserve into highly atomised titles, eroding the ability to manage the block as a collective resource, and making further alienation inevitable.

Manawatū–Kukutauaki No. 2 and No. 7

262. Both No. 2 and No. 7 experienced rapid Crown purchase:
- a. By 1885, over 60% of No. 2 (Kaihinu) had passed to the Crown;
 - b. No. 7 was acquired through purchases completed in 1876, with further fragmentation following.
263. Large areas from these blocks were later transferred to the Wellington–Manawatu Railway Company, embedding the economic value of the land into settler infrastructure without corresponding benefit to Ngāti Raukawa hapū.
264. Total land losses for Ngāti Raukawa across Manawatū–Kukutauaki blocks 1,

2, 3 and 7 was over 83,000 acres. By 1900, fewer than 7,800 acres remained in Ngāti Raukawa hands. The district was effectively removed from the control of Ngāti Raukawa hapū including Ngā Hapū o Hīmatangi. The loss of these lands resulted from pene raupatu, lands lost through Crown-controlled processes rather than free and informed sale.

Papangaio J (North, South and Accretions)

265. While Manawatū–Kukutauaki reflects inland alienation, Papangaio J demonstrates Crown encroachment on the Hīmatangi coastal estate, the heartland of Ngā Hapū o Hīmatangi occupation.
266. Papangaio J lands were fragmented through the Native Land Court into individual titles, ignoring the collective ownership of Ngā Hapū o Hīmatangi, the integrated nature of the coastal dunes, lakes and wetlands; and customary rights to accretion.
267. The Court’s treatment made the blocks vulnerable to Crown purchase, rating arrears, forced sales and public works intrusions.

VI: ISSUE THREE: NATIVE LAND COURT

Displacement of Tikanga as the Governing Legal Order

268. As explained in *The Collision of Two Legal Worlds* report, the Native Land Court was designed to replace tikanga Māori with a foreign legal regime, transforming a collective and relational land tenure system into a system of individualised rights easily alienated to the Crown and settlers. Tikanga built on whanaungatanga, ahi kā, take tūpuna, and hapū autonomy, was treated as irrelevant or inferior. Māori decision-making structures, such as rūnanga and hapū-level authority, were sidelined entirely, breaching guaranteed tino rangatiratanga.
269. The Court’s adversarial procedures forced hapū into unnatural contests over land, pitting traditionally aligned groups against one another and eroding the interwoven relationships that sustained Ngā Hapū o Hīmatangi occupation of Hīmatangi, Te Awahou, Manawatū-Kukutauaki and surrounding lands. This structural incompatibility between tikanga and the

Court's processes ensured the Crown would benefit from the resulting fragmentation.

270. The Native Land Court's handling of Ōmarupāpako starkly illustrates its failure to recognise tikanga and the collective nature of customary rights. When Ngā Hapū o Hīmatangi sought to have Ōmarupāpako included within the Hīmatangi Crown Grants Act case, they pursued the return of 22,000 acres on the basis of long-standing, shared Raukawa customary interests. Under tikanga, Ngā Hapū o Hīmatangi have always acknowledged that Ōmarupāpako was held through overlapping, complementary rights exercised by multiple Raukawa hapū. The Court's refusal to consider Ngā Hapū o Hīmatangi's claim in respect of that land highlights both the lack of motivation to engage in the more nuanced intricacies of tīkanga and customary tenure and rights. That refusal to consider the Ngā Hapū o Hīmatangi claim contributed to the Block being alienated from all Ngāti Raukawa hapū that held legitimate customary rights.

The "1840 Rule" and its Discriminatory Application

271. In the Hīmatangi investigation of 1868, the Court adopted the so-called "1840 rule", requiring claimants to prove occupation at 1840, despite the well-documented Raukawa heke and settlement patterns, the interwoven occupation of Hīmatangi, and the disruption caused by earlier conflict and movement. This rule disregarded:
- a. the long-established ahi kā of Ngā Hapū o Hīmatangi across Papakiri, Paranui, Kōputaroa, Ōtūroa and Matararapa;
 - b. the acknowledged rights of hapū whose settlement occurred after key battles but before 1840; and
 - c. the fluid, adaptive nature of hapū occupation under tikanga.
 - d. The Court's strict chronological test ignored lived reality, discounted credible evidence, and structurally favoured Crown narratives over hapū testimony.

Court Processes that Favoured Crown Purchases

272. The Court's procedures operated in tandem with Crown purchasing strategies. By converting customary interests into individual titles, the Crown was able to target individuals rather than hapū. In the Manawatū-Kukutauaki hearings, this approach directly enabled the Crown to purchase shares from individuals who had no authority to alienate land on behalf of the hapū, thereby undermining collective ownership.
273. Evidence from the Ngā Hapū o Hīmatangi briefs of evidence records that:
- a. Crown agents actively encouraged sales before the Court hearings were concluded.
 - b. Individuals who sold were often those under economic stress, while holders of ahi kā, including principal Ngā Hapū o Hīmatangi rangatira, opposed sales.
 - c. The Crown used the Court's determinations to legitimise its earlier, contested purchasing practices. The result was that Crown agents were able to bypass Ngā Hapū o Hīmatangi leadership and subvert rangatiratanga, producing what contemporaries described as pene raupatu, or confiscation by the pen.

Excessive Survey and Court Costs that Forced Alienation

274. The survey fees, legal costs, and administrative charges imposed by the Court were unaffordable for hapū, and often exceeded the actual value of the land under investigation. This system:
- a. drove Māori including Ngā Hapū o Hīmatangi into debt,
 - b. created pressure to sell land simply to clear Court-imposed obligations, and
 - c. entrenched Crown leverage in subsequent purchasing rounds.
 - d. As Anthony Patete records, survey liens accumulated rapidly, particularly on the Hīmatangi block, resulting in alienations that

were neither voluntary nor informed.⁵⁷

Inadequate Recognition of Hapū Rights and Ahi Kā

275. The Court repeatedly disregarded Ngā Hapū o Hīmatangi evidence of continuous occupation and use, including for instance:

- a. Ngāti Te Au's long presence at Papakiri, Paranui Pā, and Motuiti;
- b. Ngāti Tūranga and Ngāti Rākau's settlements and cultivations across Hīmatangi, Kōputaroa and along the lower Manawatū;
- c. extensive mahinga kai systems, urupā, wetlands, pā tuna, and spiritual and cultural sites across the district.

276. Even where the Court acknowledged occupation, awards were frequently made to only a fraction of the actual owners, or to individuals selected without proper hapū mandate. This had immediate and intergenerational consequences, including the loss of access to fisheries, cultivations, and wāhi tapu documented extensively in Ngāti Raukawa and the Manawatū River reports.

Facilitation of Crown Prejudice Through Fragmentation and Individualisation

277. The Court was central to the process by which Ngā Hapū o Hīmatangi land became fragmented into small, uneconomic titles that passed through succession or were acquired by settlers. Individualisation (of title):

- a. dissolved hapū control over land decisions;
- b. undermined collective kaitiakitanga obligations;
- c. stripped rangatira of recognised authority; and
- d. left lands vulnerable to rates arrears, compulsory acquisition, or sale under economic duress.

278. Essentially the Court manufactured the conditions in which dispossession

⁵⁷ Wai 2200, #A226 at p. 236.

became inevitable.

Failure to Protect Māori Interests as Required by Te Tiriti

279. Across all hearings affecting Ngā Hapū o Hīmatangi, the Court failed to uphold the Crown's obligations of:
- a. Active protection by enabling and endorsing processes that directly eroded hapū landholdings;
 - b. Partnership by prioritising Crown purchasing goals over equitable, good-faith investigation of rights;
 - c. Tino rangatiratanga by stripping hapū of authority over land and decision-making structures; and
 - d. Equity by subjecting Māori to a legal system engineered to create disadvantage.
280. The wider environmental consequences, outlined in the Environmental and Natural Resource Issues Report, show how the loss of land and waterways, engineered through the Court, directly impaired Ngā Hapū o Hīmatangi's ability to maintain kaitiakitanga and the health of their lands and awa.

Conclusion

281. For Ngā Hapū o Hīmatangi, the Native Land Court was not a neutral arbiter of rights. It was a central instrument of legal colonisation that supplanted tikanga, dismantled hapū structures, facilitated Crown purchasing, imposed debilitating costs, and enabled the systematic alienation of Hīmatangi, Te Awahou, Manawatū-Kukutauaki and related lands. Its processes and outcomes were inconsistent with Te Tiriti o Waitangi, incompatible with the exercise of rangatiratanga, and remain the root of persistent prejudice experienced today.

VII: ISSUE FOUR: LOCAL GOVERNMENT AND RATING

Introduction

282. From the 1870s onward, local government structures, rating laws, drainage

and river-control boards, harbour boards, road boards, and later county councils and regional councils were progressively imposed across the Manawatū without meaningful involvement of Ngā Hapū o Hīmatangi. These systems fundamentally reconfigured authority over land, waterways, and local decision-making. Despite Te Tiriti guarantees of tino rangatiratanga, the Crown sanctioned local institutions that exercised powers over hapū lands, levied rates, and carried out works without securing hapū consent or protecting their rights and interests.

283. The resulting pattern was consistent and compounding: local government institutions were created to serve settler settlement and economic development, while Māori were marginalised, over-charged, dispossessed, and excluded from decision-making processes that directly affected their whenua, kāinga, repo, and awa.

Breaches of Te Tiriti

284. The imposition of Local Government without Ngā Hapū o Hīmatangi consent was a breach of Tino Rangatiratanga. Local authorities and rating systems were introduced without consulting, engaging, or obtaining the consent of Ngā Hapū o Hīmatangi, despite the direct impact on their whenua, taonga, and governance. The establishment of river boards, drainage boards, harbour boards, road boards, and counties displaced their hapū authority over land and waterways and placed decision-making in Pākehā-majority institutions whose objectives were often directly adverse to their interests.
285. These systems asserted unilateral authority to:
- a. levy rates on Māori land regardless of ability to pay;
 - b. undertake compulsory works (e.g., roading, bridges, flood works);
 - c. compel surveys and impose charges;
 - d. seize Māori land arrears through court processes;
 - e. define and regulate environmental use (e.g., drainage, river control) with no regard to kaitiakitanga.

286. This was inconsistent with Article 2 guarantees of self-determination and management of lands, villages, and taonga.
287. The systemic exclusion of Ngā Hapū o Hīmatangi from decision-making by Local Government was a breach of partnership. Councils and boards rarely included Ngā Hapū o Hīmatangi representatives and operated without mechanisms to recognise hapū authority or mātauranga. Decisions were made about drainage, flood control, river diversions (including the devastating Whirokino Cut) and the management of wetlands and dune systems with no partnership processes, despite the profound cultural, economic, and spiritual impacts on the hapū. The Environmental Report documents repeated instances of infrastructure and land-use decisions that significantly altered the lower Manawatū landscape without engaging Ngā Hapū o Hīmatangi or considering their rights. The exclusion from participatory governance represents a clear breach of the Crown's duty of partnership and mutual decision-making.
288. Breach of Active Protection: Rating and Public Works that Accelerated Alienation The rating regime was one of the most damaging tools of Crown-sanctioned dispossession and was a breach of active protection obligations. As Ngā Hapū o Hīmatangi land became fragmented through the Native Land Court, it also became rateable, even when undeveloped, inaccessible, or denied economic opportunity because of Crown failures. Local authorities then pursued arrears, resulting in:
- a. forced leasing of Māori land under government-controlled terms;
 - b. forced sales and compulsory acquisition;
 - c. deepening debt cycles as boards charged Māori for survey, drainage and engineering works they had not agreed to.
289. Hapū land at Matarapa, Papangaio, the Hīmatangi block, and other places along the river suffered flooding, erosion, and degradation as a result of council works, then was subject to rating penalties when it became unproductive. *Te Hīnaki* details how local government infrastructure, including roads, drains, and stopbanks, damaged wetlands and mahinga kai,

degrading the Manawatū and undermining hapū economic capacity.⁵⁸ The Crown failed to actively protect Māori from these destructive consequences.

290. Discriminatory burdens imposed on Ngā Hapū o Hīmatangi land constitute a breach of equity (Ōritetanga). For instance, the rating system was designed around settler landholding models and assumed:
- a. individual ownership;
 - b. productive use;
 - c. capital improvements;
 - d. access to finance and markets.
291. Ngā Hapū o Hīmatangi were penalised for maintaining communal land, for refusing to alienate whenua, or for continuing cultural practices rather than converting land to settler agricultural use. Despite generating minimal or no income from many blocks (due to Crown and council actions), Ngā Hapū o Hīmatangi were rated on the same basis as Pākehā farmers.
292. In many instances, councils refused to provide services (e.g., roads, drainage, flood protection) to Māori lands even while charging them rates, creating a system of unequal treatment and discriminatory disadvantage. For instance, while flood banks were installed on neighbouring blocks, Ngā Hapū o Hīmatangi lands on the banks of the Manawatū awa at Hīmatangi were not. Instead Hīmatangi land was used as a catchment for flood waters in order to reduce flood damage to properties downstream.

Breach of the Duty to Remedy and Prevent Harm

293. Councils repeatedly authorised or permitted harmful environmental practices, such as industrial discharges, wetland drainage, gravel extraction, flood control schemes, that directly damaged hapū lands, awa, fisheries, and kāinga. Hapū objections were ignored and their capacity to exercise kaitiakitanga was diminished. Despite long-standing protests, local authorities failed to prevent contamination and ecological decline, and the

⁵⁸ Wai 2200, #A238(a).

Crown failed to intervene to protect hapū interests, contrary to Te Tiriti.

294. The cumulative impacts documented in the Environmental Report demonstrate the scale of environmental damage in the lower Manawatū, particularly from the early 20th century onwards.

Local Government and Maori Land Blocks

Crown and Local Authority Encroachment

295. Crown agencies and county councils viewed Papangaio J dunes and wetlands as “waste lands” requiring reclamation and stabilisation. This designation justified:
- a. Crown acquisition for forestry and sand control schemes,
 - b. the imposition of rates on lands whose use the Crown had itself restricted,
 - c. public works (roads, drains, plantings) carried out without hapū consent.
296. Despite clear tikanga and legal principles, accretion to Papangaio J North and South was not recognised as Māori-owned. Councils and Crown officers assumed control over newly formed land and Ngā Hapū o Hīmatangi were denied both ownership and use rights to land physically created adjacent to their own blocks. This constitutes an ongoing taking of Ngā Hapū o Hīmatangi land without compensation or process.

Rating Pressures and Forced Alienation

297. The Crown and county authorities imposed rates on Ngā Hapū o Hīmatangi coastal lands that had been rendered economically marginal through Crown policy. The combination of high rates, low productive potential (due to Crown restrictions), and administrative inflexibility resulted in compulsory sales, further diminishing the Papangaio J estate.

Sales, Leases and Erosion of the Hapū Estate

298. Across Papangaio J significant areas were lost through Crown purchases and

county-driven sales. The remaining areas were leased long-term for dune reclamation or forestry, diminishing Ngā Hapū o Hīmatangi control. The landscape was reshaped for state and settler purposes, erasing traditional land uses. The result mirrored the Manawatū–Kukutauaki experience: a once-cohesive estate fractured beyond functional use.

Te Tiriti Breaches

299. The Crown’s dealings with both Papangaio J and Manawatū–Kukutauaki display clear and compound breaches of Article 2 and the overarching principles of tino rangatiratanga, partnership, active protection, equity and good faith. Through the Native Land Court, the Crown dismantled collective hapū titles, imposed artificial ownership lists, and individualised vast estates in ways that directly undermined the authority of Ngā Hapū o Hīmatangi. It then used this fragmented legal landscape to pursue coercive land purchasing, relying on monopoly powers, advances, and rating pressures to secure lands that had been rendered vulnerable by Crown design.
300. In Papangaio J, the Crown further breached Te Tiriti by failing to recognise or protect Ngā Hapū o Hīmatangi ownership of accretion, appropriating newly formed foreshore and dune lands, and allowing public works and reclamation schemes to override hapū rights.
301. In Manawatū–Kukutauaki, the Crown’s actions, premature purchasing, the creation of uneconomic reserves, fragmentation through partition, and the transfer of lands for railway and settlement purposes, demonstrated a systematic failure to actively protect the hapū estate and instead channelled its benefits to settlers and Crown agencies. Across both landscapes the Crown denied Ngā Hapū o Hīmatangi the ability to retain a viable land base, failed to safeguard their cultural and economic systems, and violated the promise that their lands, kāinga and taonga would be secure under their authority.

Impact on Ngā Hapū o Hīmatangi

302. Across both landscapes, the inland Manawatū–Kukutauaki and the coastal Papangaio J blocks, the Crown’s dealings produced a common outcome: the

loss of a functional hapū estate. Ngā Hapū o Hīmatangi relied on a coast–inland system for food, materials, movement and cultural continuity. Alienation at both ends severed the ecological and cultural interdependence.

303. Individualisation of title and Crown purchasing strategies bypassed collective hapū authority and were inconsistent with the Treaty guarantee of tino rangatiratanga.
304. Ngā Hapū o Hīmatangi suffered economic marginalisation. While the Crown and settlers utilised the lands for railways, reclamation, forestry and infrastructure, Ngā Hapū o Hīmatangi were left with fragmented holdings, insufficient land for development, and diminished economic opportunities.
305. Ngā Hapū o Hīmatangi suffered cultural damage while their estate suffered environmental damage. The loss of wetlands, dunes, river access points, cultivations and accretion lands eroded mahinga kai systems, kaitiakitanga roles, ancestral connections and the integrity of the Hīmatangi cultural landscape.

Intergenerational Prejudice

306. The Crown’s actions have had long-term impacts on:
- a. land retention,
 - b. economic wellbeing,
 - c. the ability to maintain kāinga and marae,
 - d. and the exercise of mana over the Manawatū awa and its coastal interface.

Conclusion

307. The particulars of dealings and land sales in the Manawatū–Kukutauaki and Papangaio J blocks reveal parallel and reinforcing patterns of Crown conduct:
- a. the use of the Native Land Court to break up tribal title,

- b. coercive purchasing within a Crown-controlled market,
 - c. administrative mechanisms (rates, reclamation, public works) to force alienation,
 - d. and the appropriation of accretion and coastal lands without recognition or compensation.
308. For Ngā Hapū o Hīmatangi, these processes dismantled both the inland and coastal pillars of their territorial estate. The resulting loss of land, authority, economic security and cultural integrity constitutes profound and enduring prejudice arising from multiple breaches of Te Tiriti o Waitangi. The introduction of the Native Land Court into the Porirua ki Manawatū district marked a decisive shift in authority over land, transforming collective hapū tenure governed by tikanga into individualised, Crown-recognised titles. For Ngā Hapū o Hīmatangi the Court became both the mechanism and the justification for large-scale dispossession, social fragmentation, and the erosion of rangatiratanga. The documentary record is unequivocal: the Court operated in ways that materially disadvantaged Ngā Hapū o Hīmatangi, frequently contrary to tikanga, contrary to the facts of occupation, and contrary to the protections promised under Te Tiriti o Waitangi.

Impacts and Prejudice Experienced by Ngā Hapū o Hīmatangi

309. The rating system, coupled with local government powers to levy charges for roads, drainage and floodworks, directly contributed to the erosion of Ngā Hapū o Hīmatangi land interests. Hapū were often charged for works they did not request, could not afford, and which in many cases damaged their land rather than improved it. Arrears, forced leasing, and compulsory takings further reduced the already diminished remnants of Hīmatangi, Papangaio J and accretion areas, Matararapa, and other kāinga. These losses occurred in circumstances where Te Tiriti guaranteed the protection of hapū tino rangatiratanga and land security.
310. Local government and rating regimes extracted revenue from hapū lands while providing little or no benefit or infrastructure to Ngā Hapū o

Hīmatangi. Rates were imposed on undeveloped or environmentally degraded land, often degraded through Crown and council actions, leaving hapū with no viable economic base. This entrenched long-term disadvantage, constrained development, and diverted resources away from whānau wellbeing.

311. Council policies on drainage, river control, the Whirokino Cut, pollution discharge, and gravel extraction transformed the lower Manawatū and destroyed critical Ngā Hapū o Hīmatangi mahinga kai. Wetlands, lagoons, tuna habitats, and wāhi tapu were degraded or lost, undermining the hapū's ability to exercise kaitiakitanga and severing deep spiritual and cultural relationships with the awa and surrounding landscapes.
312. As land and food sources declined, so too did the stability of Ngā Hapū o Hīmatangi kāinga. Local government decisions, taken without hapū consent, accelerated displacement, weakened communal structures, and contributed to the erosion of tikanga, intergenerational knowledge, and language connected to the whenua and awa.
313. The cumulative impact of these regimes has shaped the contemporary reality of Ngā Hapū o Hīmatangi. Land loss, economic exclusion, degraded environments, and exclusion from decision-making have produced ongoing social, cultural, and economic harm. These present-day inequities are a direct legacy of the Crown's failure to uphold tino rangatiratanga, partnership, and active protection in its development and oversight of local government and rating systems.

The Whirokino Cut

Introduction

314. The construction of the Whirokino Cut in the 1940s represents one of the most severe local government interventions affecting Ngā Hapū o Hīmatangi. Implemented without adequate consultation, consent, or regard for hapū rights and interests, the cut drastically and permanently altered the lower Manawatū River system. It accelerated environmental degradation, destroyed significant cultural landscapes, and caused irreversible harm to

hapū economic, cultural, and spiritual connections to the river. It stands as a clear breach of the Crown's Te Tiriti obligations of tino rangatiratanga, partnership, and active protection.

Lack of Consent and Breach of Tino Rangatiratanga

315. The Whirokino Cut was planned and executed by the Manawatū Catchment Board and Crown agencies without meaningful engagement with Ngā Hapū o Hīmatangi, despite directly affecting core hapū lands and taonga. The unilateral decision-making ignored long-standing Ngā Hapū o Hīmatangi interests and responsibilities as kaitiaki, breaching Article 2 rights to manage and protect their waterways, wetlands, fisheries, and riverine kāinga.

Breach of Partnership

316. No partnership processes were established. Hapū were excluded from technical assessments, proposed designs, mitigation planning, or governance structures. Decisions were driven by settler farming, flood control, and transport priorities, with Māori treated as bystanders on their own ancestral river. This exclusion was inconsistent with Te Tiriti obligations to maintain shared decision-making and ensure that Crown actions do not override Māori authority.

Failure of Active Protection

317. The Crown failed to protect Ngā Hapū o Hīmatangi lands, taonga species, mahinga kai, wāhi tapu, and ecological systems, despite being fully aware of the radical hydrological impacts the cut would cause. The diversion intensified river flows, scoured banks, submerged land, altered sedimentation patterns, eliminated wetland habitats, and destroyed long-established eel and fish pathways. The Crown neither prevented these impacts nor provided mitigation or redress, another breach of Article 2 and the duty of active protection.

Breach of Equity / Ōritetanga

318. Although the Whirokino Cut overwhelmingly benefitted settler farms and transport routes, hapū bore the environmental, cultural, and economic costs. Hapū lands were made unproductive by flooding, waterlogging, and

erosion, yet remained rateable. Local authorities imposed rating obligations on these damaged lands while providing no benefit and no support for restoration, a clear breach of Article 3 guarantees of fair and equal treatment.

Destruction of Matararapa and Other Hapū Lands

319. The cut devastated Matararapa, a significant Ngā Hapū o Hīmatangi papakāinga and cultural landscape. Once a thriving centre of habitation, mahinga kai, and wāhi tapu, it became an island, then increasingly eroded, waterlogged, and in parts submerged. Hapū were effectively alienated from their own lands by state-engineered environmental change, not by choice.

Collapse of Mahinga Kai and Ecological Systems

320. The Whirokino Cut obliterated or severely damaged:

- a. tuna migration and habitat systems,
- b. wetland ecosystems essential for food gathering,
- c. lagoons and swamp forests associated with the lower Manawatū,
- d. the stability of wāhi mahinga kai such as Papangaio and the surrounding repo.

321. These losses struck at the heart of hapū identity and wellbeing, undermining food security, cultural practices, and intergenerational knowledge associated with the river.

Cultural and Spiritual Harm

322. The destruction of wāhi tapu, ancestral sites, and taniwha domains (including the areas associated with Papangaio) severed spiritual and genealogical relationships that anchor hapū identity. The transformation of the river into a straight, engineered channel stripped it of its wairua, character, and cultural meaning from an Ngā Hapū o Hīmatangi perspective.

Economic Loss and Ongoing Disadvantage

323. The cut rendered large areas of Ngā Hapū o Hīmatangi land unusable for

farming, cultivation, or sustainable economic activity. Yet councils continued to levy rates, creating further financial hardship. The destruction of mahinga kai also removed a crucial supplementary food and trade resource, amplifying the economic marginalisation imposed by the rating system and earlier Crown acts.

Intergenerational Consequences

324. The Whirokino Cut has left permanent scars, ecological, cultural, and economic. Its impacts continue to shape the living conditions of Ngā Hapū o Hīmatangi today, contributing to:

- a. ongoing environmental decline;
- b. reduced access to riverine resources;
- c. loss of hapū land-use options;
- d. deepening economic disparity;
- e. erosion of cultural continuity.

The prejudice is not only historical, it is lived and ongoing.

Conclusion

325. The Whirokino Cut is a stark example of Crown and local government actions that ignored Te Tiriti, prioritised settler interests, and inflicted enduring harm upon Ngā Hapū o Hīmatangi. Its impacts continue to undermine hapū rangatiratanga, kaitiakitanga, and cultural survival. The Crown must acknowledge these breaches, recognise the scale of the harm, and provide meaningful redress and restoration measures that enable the hapū to reassert their relationship with the Manawatū River and surrounding lands.

VIII: ISSUE FIVE: LAND ADMINISTRATION AND DEVELOPMENT FROM 1900

Introduction

326. By 1900 the Crown had already alienated or destabilised large areas of Ngā Hapū o Hīmatangi land through the Native Land Court, Crown purchasing

practices, and the imposition of local government structures. The 20th century did not correct these injustices. Instead, a further suite of Crown-driven land administration, development, and planning regimes deepened the dispossession and environmental decline experienced by Ngā Hapū o Hīmatangi. These processes occurred without genuine recognition of tino rangatiratanga, without the involvement of hapū in decision-making, and in breach of the Crown's obligations of partnership and active protection under Te Tiriti.

327. Across the century, legislative and administrative programmes, including land development schemes, drainage and flood control works, Crown leasing and rating policies, compulsory takings for public works and infrastructure, and permissive environmental regulation, enabled ongoing alienation of whenua and destruction of taiao essential to Ngā Hapū o Hīmatangi identity, economy and wellbeing.

Crown Actions and Omissions in Land Administration and Development

328. Crown land development policies of the 1930s–1950s directly affected Ngā Hapū o Hīmatangi whenua, including Matararapa, Papangaio J and surrounding wetlands. Evidence shows that these schemes were planned and executed with minimal or no involvement of Ngā Hapū o Hīmatangi owners, and ultimately resulted in permanent exclusion from lands that had sustained the hapū.
329. Matararapa, a key kāinga and food basket of Hīmatangi and Kererū hapū, was absorbed into wider Crown development programmes and became inaccessible to its owners. Later engineering works associated with the Whirokino Cut in the 1940s devastated the block, turning it into an island, destroying cultivations and mahinga kai, and inundating ancestral sites.
330. The transformation of wetlands and coastal ecosystems for agricultural expansion occurred despite clear Crown knowledge that such actions would cause irreversible loss to Māori communities. The Environmental and Natural Resources Issues Report records that swamp drainage across the Manawatū catchment, especially Taonui and Makerua, was heavily driven by Crown agencies and dramatically reduced the availability of customary

resources.

331. Drainage, flood control and river engineering without Ngā Hapū o Hīmatangi consent meant that Crown-led environmental engineering significantly impacted their landholdings and their traditional relationship with the Manawatū River.
332. Large-scale drainage under the Public Works Act and Catchment Board powers destroyed wetlands such as Tapuaiwaru, Ōhotuiti, Moutoa and other swamp forests relied on by Ngā Hapū o Hīmatangi for tuna, waterfowl, rongoā and building materials.
333. Flood control schemes, including stopbanks, diversions, gravel extraction and clearing, were designed primarily to protect settler farmlands and infrastructure. The cumulative effect was to increase flooding risk to Māori lands, accelerate erosion, and degrade water quality. This is still experienced by Ngā Hapū o Hīmatangi at Hīmatangi today.
334. The Whirokino Cut (1940s) was one of the most damaging 20th-century Crown works. It caused catastrophic inundation of Ngā Hapū o Hīmatangi lands, destroyed mahinga kai, destabilised cultivations at Papangaio, and permanently altered the hydrology of the lower river. Hapū evidence identifies this as a direct assault on their mana, economy and physical occupation.
335. Despite these impacts, there is no evidence of meaningful consultation with Ngā Hapū o Hīmatangi or any attempt to uphold hapū kaitiakitanga.
336. Throughout the century, Crown legislation and local authority practices repeatedly privileged settler development at the expense of hapū rights. These legislative and administrative frameworks excluded Māori.
337. The Water and Soil Conservation Act 1967, river board regulations, rating laws, land drainage statutes and planning regimes all allocated rights to land and water to local authorities or private users, not to hapū with existing customary interests.
338. The Resource Management Act regime (post-1991) continued this pattern

when regional planning instruments failed to protect hapū values, leading to intensification of agriculture, discharge consents and further deterioration of the river system. The Manawatū River Reports document repeated failures in consultation obligations and a pattern of Crown agencies ignoring or minimising Māori perspectives.

339. Although addressed elsewhere in this submission, it is important to note that 20th-century land administration continued alienation of hapū land through public works, leasing and local government. This included through:
- a. Compulsory takings for roads, railways and utilities, including land surrounding the Foxton–Longburn railway and access routes at Hīmatangi.
 - b. Rating arrears enforcement, which saw Māori land burdened with heavy rates despite reduced economic viability due to Crown environmental changes.
 - c. Crown and council leasing practices, which locked hapū out of development opportunities and reduced control over ancestral lands.
340. These actions systematically prevented Ngā Hapū o Hīmatangi from maintaining economic autonomy and exercising rangatiratanga.

Impacts and Prejudice Suffered by Ngā Hapū o Hīmatangi

341. The transformation of wetlands, river channels and dune systems resulted in the loss of whenua, kāinga and mahinga kai. Ngā Hapū o Hīmatangi suffered from:
- a. permanent loss of papakāinga such as Matararapa, Papakiri, Te Rerenga o Hau and other kāinga identified in their oral histories.
 - b. The collapse of eel, fish, bird and plant resources due to drainage, flooding, pollution and habitat destruction.
 - c. Erosion of intergenerational knowledge systems tied to place, kaitiakitanga, taniwha narratives, waiora practices and ritual

obligations.

342. The 20th century saw a dramatic decline in river health of the Manawatū awa due to severe environmental degradation. Industrial and municipal pollution, including untreated and partially treated sewage discharges from Palmerston North, Feilding, Shannon and other towns, caused major ecological harm. The 1957 water quality survey recorded the river as one of the most polluted in the country.
343. Gravel extraction, authorised for decades by law, destabilised riverbeds and accelerated flooding of adjacent Māori lands. For Ngā Hapū o Hīmatangi, this meant a loss not just of food sources but of cultural identity, the river became an increasingly toxic and damaged environment.
344. The combined effect of land loss, environmental degradation and exclusion from development decision-making amplified Ngā Hapū o Hīmatangi economic marginalisation. Hapū were denied opportunities to farm, develop or lease their remaining lands on an equal footing with settler neighbours. The destruction of wetlands and river access removed the economic base for traditional trade and contemporary ventures. Rating and regulatory burdens were applied without protection or recognition of hapū disadvantage.
345. Across the century, Crown actions eroded caused cultural and social harm. Hapū authority over land and waters, undermining rangatiratanga and community leadership structures. Access to wāhi tapu, burial grounds, tūpuna sites and spiritual landscapes altered or destroyed by development schemes and river works. The transmission of reo, tikanga and cultural practices connected to whenua and wai, further weakening the hapū fabric.

Breaches of Te Tiriti o Waitangi

346. Collectively, Crown conduct amounted to sustained breaches of:
- a. Tino rangatiratanga (Article 2) – by denying Ngā Hapū o Hīmatangi control over their lands, waters and resources.
 - b. Partnership – through systemic exclusion from planning, engineering

and environmental decisions.

- c. Active protection – by failing to safeguard Ngā Hapū o Hīmatangi lands, taonga, economic base and cultural survival.
- d. Equity (Ōritetanga) – by permitting pollution, degradation and harmful land development that disproportionately affected Māori communities.

Conclusion

- 347. The 20th century should have been a period in which the Crown rectified its earlier breaches and supported Ngā Hapū o Hīmatangi to sustain, develop and prosper on their remaining lands. Instead, Crown land administration and development policies deepened dispossession, destroyed vital ecosystems, and eroded the social, cultural and economic foundations of Ngā Hapū o Hīmatangi.
- 348. These actions and omissions must be recognised as serious and ongoing Treaty breaches. The prejudice continues today in degraded waterways, fragmented landholdings, the loss of key kāinga, and the diminished ability of hapū to exercise mana and rangatiratanga across their rohe.

IX: ISSUE SIX: PUBLIC WORKS TAKINGS AND GIFTING

- 349. Ngā Hapū o Hīmatangi have endured a sustained pattern of Crown takings and appropriations of their remaining whenua under the guise of “public works”, “improvements”, or “public good” purposes. These takings occurred in a context where the hapū had already lost the majority of their lands through earlier Crown purchasing, Native Land Court processes and associated Crown interventions. Public works takings and Crown-sanctioned “giftings” further eroded the land base of the hapū, undermined their tino rangatiratanga, severed their relationship with key kāinga, wetlands, cultivations and waterways, and contributed to long-term economic, environmental, cultural and social deprivation.
- 350. These actions consistently breached the Crown’s obligations under Te Tiriti o Waitangi, including the guarantees of tino rangatiratanga, active protection,

equity, and good governance.

Crown Actions and Omissions

351. Across the Manawatū, including the Hīmatangi region, the Crown repeatedly used public works legislation to acquire Māori land for roads, railways, flood control, stopbanks, drainage, gravel extraction and other infrastructure. These takings were frequently undertaken without genuine consultation, without the free, informed consent of affected hapū, and often without compensation. There has been a pattern of consistent and ongoing Crown taking. For example, substantial areas were subsequently taken for roading under the Māori Affairs Act 1953.⁵⁹
- a. 1956: 12 acres taken for roads without adequate consultation or compensation
 - b. 1958: 24 acres taken for roads without consultation or compensation
 - c. 1959: 2 acres taken with disputed compensation arrangements
 - d. 1970: 8 acres taken despite hapū objections
352. These takings demonstrate continued Treaty breaches through compulsory acquisition without proper consultation.
353. The environmental and historical reports record that large portions of Māori wetlands, dune systems and river margins were seized or altered for public works from the late nineteenth century onward, fundamentally reshaping the environment and depriving hapū of key sources of sustenance and identity:
354. Significant drainage schemes at Oroua Downs, Makerua and throughout the lower Manawatū catchment occurred under Public Works Act powers and authorisation, despite the dependence of local hapū on these wetlands for kai, rongoā and cultural practice.

⁵⁹ Wai 2200, #A211.

355. The construction of the Whirokino Cut, authorised and executed as a public work, permanently destroyed pā sites, wāhi tapu, mahinga kai and large sections of Matararapa, Papangaio and surrounding lands, all of which held central importance to Ngā Hapū o Hīmatangi identity and occupation.
356. Railway takings in the Hīmatangi block alienated further Māori land, and even when small residual sections remained, the Crown later sold or leased these without regard to the interests of the original Māori owners.
357. These public works processes were coercive, opaque, and often imposed without recourse, reflecting a pattern of Crown behaviour inconsistent with Te Tiriti partnership.

Crown-sanctioned “giftings” of Māori land for public purposes

358. In several instances the Crown encouraged, solicited or accepted “giftings” of Māori land for schools, churches, ferries, roads and other institutions. These “giftings” were representation of Crown pressure and asymmetrical power, not free and informed tuku whenua consistent with tikanga.
359. Raukawa hapū provided land at Te Whārangi, Te Awahou and Moutoa under strong Crown and missionary influence, expecting reciprocal relationships and continued recognition of mana whenua. Instead, these lands were later absorbed into Crown titles or local government ownership, with the hapū’s rights extinguished.
360. Gifted reserves were later taken, diminished, or re-purposed, contrary to the purposes for which they were originally provided, demonstrating a breach of the Crown’s fiduciary duties.
361. In many cases, the Crown failed to protect small gifted Māori reserves from encroachment by local authorities, settlers and infrastructure projects, an omission that directly contravened its obligations of active protection.
362. These “giftings” were used to legitimise Crown control and undermine the authority of hapū who believed they were engaging in reciprocal tuku rangatira.

Failure to actively protect hapū interests in river and environmental public works

363. The Crown undertook major engineering interventions, including stopbanks, diversions, flood protection, gravel extraction and wetland drainage, without recognition of Ngā Hapū o Hīmatangi rights to exercise kaitiakitanga and rangatiratanga over their waterways.
364. Flood control interventions, based on European engineering priorities, significantly narrowed, straightened or diverted the Manawatū River, intensifying erosion and destroying ancestral sites. These were implemented despite repeated Māori concerns and protests.
365. Gravel extraction authorised under public works and local body bylaws depleted riverbeds and destabilised riverbanks, impacting tuna migration, fishing sites, and the ecological health of the river relied upon by hapū.
366. Wetland drainage schemes caused the loss of thousands of acres of rich peatlands and repo that sustained hapū livelihoods for generations.
367. Through these omissions and actions, the Crown deprived Ngā Hapū o Hīmatangi of their role as environmental decision-makers and guardians.

Impacts and Prejudice on Ngā Hapū o Hīmatangi

368. Public works takings accelerated the depletion of the already limited Māori landholdings in Hīmatangi. Lands central to occupation, including Matarapa, Papangaio, Te Karaka, Ōpiki, and Tūwhakatupua, were fragmented, submerged, or rendered unusable.
369. Whānau were displaced from ancestral kāinga and left without adequate land to sustain economic or social wellbeing. Hapū identity, spatial organisation and intergenerational transmission of knowledge were irreparably damaged. Matarapa and adjacent lands became an island and later submerged as a direct consequence of state river works. Papangaio J and accretion areas were significantly affected by Crown engineering decisions and sand drifts worsened by land clearance.
370. Public works takings removed high-quality land, cut off access to river resources, and undermined the economic foundations of hapū communities.

The Crown's actions entrenched long-term socio-economic hardship that continues intergenerationally. Key impacts include:

- a. Loss of rental income from previously leased land, including the Te Whārangī lease lands that were wrongly treated as part of Crown purchases.
- b. Destruction of wetlands and river systems that had sustained tuna, īnanga, birds, and other kai species essential not only for subsistence but for trade.
- c. Flooding and erosion caused by Crown engineering reduced productive land and undermined farming viability.

371. Public works interventions devastated ecosystems integral to Ngā Hapū o Hīmatangi identity and customary practice. This environmental decline is directly linked to the Crown's refusal to recognise Māori authority and environmental knowledge systems, as further outlined in the Tikanga and Law Report. The evidence is unequivocal that Crown actions:

- a. Polluted waterways, destroyed wetlands, and eradicated habitats relied upon for mahinga kai.
- b. Severed the cultural relationships with taniwha such as Papangaio, whose protective roles were bound to particular water forms that were destroyed.
- c. Disrupted customary rituals, practices, and teaching connected with water, forest, and land systems.

372. By using unilateral statutory power and neglecting its duty to engage with hapū, the Crown actively undermined the authority of Ngā Hapū o Hīmatangi. The Collision of Legal Worlds report makes clear that public works takings were part of a wider legal system designed to erase Māori law and authority, replacing it with Crown prerogative. This has left a legacy of mistrust and trauma that continues to affect the hapū today. Public works takings:

- a. Disregarded hapū leadership decisions.
- b. Disabled hapū ability to manage natural resources.
- c. Asserted Crown dominance over land and waterways, contradicting the guarantees of Te Tiriti.

Prejudice

373. The Crown’s use of public works takings and Crown-sanctioned giftings forms a critical component of the wider pattern of Te Tiriti breaches affecting Ngā Hapū o Hīmatangi. These actions resulted in the permanent loss of essential lands, economic deprivation, environmental destruction, and cultural harm, as well as a sustained and unlawful erosion of hapū mana and rangatiratanga.
374. The prejudice experienced by Ngā Hapū o Hīmatangi has been profound, intergenerational, and remains unresolved.

Crown Breaches of Te Tiriti o Waitangi

375. Ngā Hapū o Hīmatangi assert that the Crown has repeatedly breached its Te Tiriti o Waitangi obligations through its acts and omissions that have caused the degradation and alienation of Te Taiao across their rohe. These breaches centre on failures to recognise and protect tino rangatiratanga, failures to act in partnership, and the systematic undermining of hapū authority over the natural environment and its resources.
376. The Manawatū Awa and surrounding ecosystems were once abundant sources of food, rongoā, materials, and spiritual sustenance. Ngā Hapū o Hīmatangi exercised their kaitiakitanga through collective management, seasonal restrictions, and tikanga-based practices that sustained both people and the environment. These rights were affirmed under Te Tiriti and guaranteed protection under Article 2, yet the Crown’s introduction of foreign legal systems, land alienation, drainage, and industrialisation dismantled those mechanisms.
377. As documented in *The Collision of Two Legal Worlds* report by Paul Meredith, the imposition of Pākehā law “displaced extant Māori law and

facilitated dispossession,” extinguishing tikanga-based environmental governance and kaitiakitanga systems.⁶⁰ The Native Land Court’s conversion of communal titles into individualised ownership further fragmented collective authority and responsibility, contributing directly to environmental decline.

Specific Crown Acts and Omissions

378. **Drainage and Flood Works:** The Crown-directed drainage and flood control schemes, particularly the Whirokino Cut and associated river engineering, radically altered the hydrology of the lower Manawatū, destroying wetlands and mahinga kai, and severing the relationship between Ngā Hapū o Hīmatangi and ancestral water systems. These interventions proceeded without consultation or compensation.
379. **Pollution and Resource Exploitation:** Industrial and agricultural pollution from Palmerston North, Shannon, and Foxton, along with flax milling and later pastoral expansion, rendered large sections of the river unsafe for kai gathering and ritual use. Despite repeated protest, the Crown permitted discharges through weak or permissive legislation, including under the Water Pollution Act 1953 and Water and Soil Conservation Act 1967, demonstrating a breach of the Crown’s duty of active protection.
380. **Alienation of Coastal and Dune Ecosystems:** The Crown takings and local body development destroyed dune wetlands and coastal lakes integral to Ngā Hapū o Hīmatangi identity. Sites such as Matarapa and Papangaio were lost to flooding, sand encroachment, and engineering projects, compounding cultural and environmental deprivation.
381. **Failure of Partnership under the RMA Regime:** Under the Resource Management Act 1991, regional and local councils perpetuated exclusion by limiting hapū participation in decision-making. Consultation remained tokenistic, and consenting regimes privileged intensive agriculture and industrial interests at the expense of water quality, further eroding hapū rangatiratanga.

⁶⁰ Wai 2200, #A253 at p. 1.

Impacts and Prejudice

382. The consequences of these breaches have been severe and intergenerational:
- a. Cultural Disconnection: The destruction and pollution of waterways, forests, and wetlands have disrupted the transmission of tikanga, karakia, and mātauranga associated with Te Taiao. Hapū witnesses described that “when the Crown took their river, it took the songs, the practices, and the life that went with it.”
 - b. Loss of Kai and Economic Base: The contamination of tuna, piharau, and whitebait fisheries removed a critical subsistence and trade resource. The inability to exercise kaitiakitanga or to sustain traditional food gathering has deepened dependency and economic marginalisation.
 - c. Environmental and Spiritual Harm: The degradation of mauri across waterways and coastal areas has caused deep spiritual grief. As one witness stated, “Ko te awa te toto o te whenua, i maroke te awa, i maroke te tangata.” (“The river is the blood of the land; when the river dries, so do the people.”).
 - d. Socio-economic Consequences: Environmental loss directly contributed to the social and economic deprivation of Ngā Hapū o Hīmatangi, limiting access to clean water, land for development, and sustainable livelihoods. The health, wellbeing, and mana of the hapū have been undermined by these cumulative effects.

Conclusion

383. The Crown’s cumulative acts, dispossession, environmental degradation, regulatory exclusion, and failure to protect hapū relationships with Te Taiao, constitute systematic breaches of Te Tiriti o Waitangi. They have denied Ngā Hapū o Hīmatangi the exercise of tino rangatiratanga and kaitiakitanga over their lands and waters, causing enduring environmental, cultural, and economic prejudice.

384. Ngā Hapū o Hīmatangi seek findings that recognise these breaches and recommend measures for redress, including restoration of kaitiakitanga authority, co-governance over waterways and wetlands, environmental remediation, and Crown acknowledgment of the harm inflicted upon Te Taiao and their people.

X: ISSUE SEVEN: TE TAI AO

The Manawatū Awa and Its Tributaries

385. The Manawatū awa is central to the identity, wellbeing, and rangatiratanga of Ngā Hapū o Hīmatangi. It has sustained their people for generations as a source of kai, transport, trade, rongoā and weaving materials, and as a place where mātauranga, tikanga and whakapapa are lived and renewed. The awa shaped their settlement patterns, anchored their relationships with neighbouring hapū and iwi, and remains integral to their cultural practices and spiritual connections. The Manawatū awa is more than a geographical feature, it is a living ancestor, a taonga whose health and mauri are inseparable from the health and mauri of Ngāti Te Au, Ngāti Tūranga and Ngāti Rākau.
386. Across the Manawatū awa, Ngā Hapū o Hīmatangi lived in a network of thriving kāinga and mahinga kai that reflected their deep reliance on, and intimate knowledge of, the river and its ecosystems. their tūpuna maintained settlements at Papakiri, Atiki and Paiaka, where the awa provided transport, trade routes, food, water, weaving materials and rongoā, sustaining daily life and collective wellbeing. Further upriver, places such as Tapuiwaru (Tapuai Moana), Ōtawhiwhi, and Haumearoa were rich mahinga kai sites, home to tuna, pātiki, pipi, kōura, birds, and diverse plant resources essential for kai, clothing and ceremony. These locations formed an interconnected landscape of kāinga, cultivations, pā tuna, wetlands, lagoons and bush margins, where whānau moved seasonally to harvest, trade and uphold customary responsibilities. The presence of hapū across these places demonstrates a vibrant, sustainable river-based lifestyle that was grounded in abundance, reciprocity, and kaitiakitanga, long before Crown actions degraded the awa, severed access to key sites, and

undermined the foundations of this way of life.

387. Under Te Tiriti o Waitangi, Ngā Hapū o Hīmatangi hold enduring rights and interests in the Manawatū Awa that are both guaranteed and actively protected. These rights derive from their role as mana whenua and tangata tiaki for the river and its tributaries within their rohe.

388. Ngā Hapū o Hīmatangi rights and interests under Te Tiriti:

- a. Tino rangatiratanga – the unqualified exercise of chieftainship over the awa, its resources, and associated taonga, including decision-making authority over its use, management, and protection.
- b. Kaitiakitanga – the ability and responsibility to act as guardians of the awa in accordance with tikanga, ensuring the health of the river and the sustainability of its mahinga kai for present and future generations.
- c. Undisturbed possession – Article 2 guarantees continued and unimpeded access to the awa for customary activities, such as fishing, gathering kai, transport, ritual, and spiritual practices.
- d. Partnership – a relationship with the Crown that requires good faith, active engagement, and shared decision-making in matters affecting the river.
- e. Active protection – an obligation on the Crown to safeguard the awa’s physical health, the availability of its resources, and the spiritual and cultural values bound to it.

The Crown’s Breaches

389. Evidence from the historical record and Tribunal research shows that the Crown repeatedly undermined these rights in respect of the Manawatū Awa:

- a. Loss of access and control;
- b. Crown takings under public works legislation and land alienations

cut Ngā Hapū o Hīmatangi off from key reaches and landing places along the awa; and

- c. “Accretion” rules under Pākehā law after the Whirikino Cut (1943) removed their rights to fish and gather kai in stretches of the river they had always used.

Exclusion from decision-making

- 390. Failure to consult over the building of flood banks, protecting the land and interests of others over those of Ngā Hapū o Hīmatangi.

Environmental degradation

- 391. Crown-sanctioned works such as the Whirikino Cut, extensive river straightening, and drainage of wetlands degraded habitats, reduced biodiversity, and damaged mahinga kai sources
- 392. Pollution from farming, industry, and later urban discharges further compromised the awa’s health, undermining the hapū’s ability to fulfil kaitiakitanga.

Failure of active protection

- 393. The Crown did not protect the awa from these degradations, nor did it take steps to preserve customary fisheries, water quality, or the ecological integrity of the river system.
- 394. By enabling or permitting the alienation and environmental harm, the Crown diminished both the resource base and the cultural-spiritual relationship of Ngā Hapū o Hīmatangi with the Manawatū Awa.
- 395. In summary, Te Tiriti required the Crown to maintain Ngā Hapū o Hīmatangi’s authority and access to the Manawatū Awa, to protect it from harm, and to work in partnership with them. Instead, successive Crown actions and policies eroded these rights, excluded the hapū from control, and degraded the river’s mauri.
- 396. Crown acts and omissions over generations have profoundly damaged the Manawatū awa and, in doing so, have caused deep and enduring prejudice

to Ngā Hapū o Hīmatangi. Through aggressive land purchasing, the Native Land Court, and river-engineering projects such as the Whirokino Cut, the Crown severed their hapū from key riverbank sites, disrupted the natural flow of the awa, inundated and destroyed wetlands, and extinguished access to mahinga kai. Subsequent decades of poorly regulated sewage discharges, industrial pollution, agricultural run-off, gravel extraction, and inadequate environmental oversight further degraded water quality, depleted tuna, pātiki, pipi and other taonga species, and eroded the cultural practices, identity and manaakitanga that depend on them. At every stage, from land alienation to modern Resource Management Act processes, the Crown failed to actively protect the awa or uphold hapū rangatiratanga and kaitiakitanga, marginalising their voices in decision-making and permitting the ongoing deterioration of a taonga central to their survival, wellbeing, and identity as Ngāti Te Au, Ngāti Tūranga and Ngāti Rākau.

Ngā Pae Maunga o Tararua

“Ko Tararua ngā pae maunga.”

397. Tararua Pae Maunga stands as a foundational ancestor and enduring source of identity, wellbeing, and authority for Ngā Hapū o Hīmatangi. The Maunga forms the spiritual and ecological backbone of their rohe, shaping the waterways, wetlands, forests, and food systems that sustained their tūpuna from the ranges to the Manawatū coast. Its peaks, trails, and stories are woven through their whakapapa and customary rights, anchoring their ahi kā and kaitiakitanga across generations. Tararua is not distant from Hīmatangi; it is the living horizon that binds their hapū to the wider Raukawa world, a pou whenua that affirms their mana, their responsibilities, and their unbroken connection to place.
398. Ngā Hapū o Hīmatangi claim long-standing and interwoven rights in respect of Tararua Pae Maunga grounded in whakapapa, ahi kā, raupatu, and continuous use. As part of the wider Ngāti Raukawa collective, their tūpuna exercised and inherited mana whenua and kaitiakitanga over the Tararua ranges, its trails, forests, and the river systems that flow from it to their coastal settlements. These rights arise from ancestral connection,

occupation, resource use, and the shared political authority established during and after Ngā Heke ki te Tonga. Accordingly, Ngā Hapū o Hīmatangi asserts enduring rights to access, protect, manage, and maintain relationships with Tararua Pae Maunga, reflecting their status as a people whose identity, wellbeing, and authority are inseparable from this ancestral mountain.

399. The Crown’s failings in respect of Ngā Hapū o Hīmatangi and Tararua Pae Maunga were extensive and enduring. The Crown failed to recognise or protect the deep cultural, spiritual, and environmental relationship their hapū hold with Tararua, and it undermined their authority and kaitiakitanga through large-scale land alienation, state appropriation of the ranges, and exclusion from governance of the maunga and its waterways. Timber milling, environmental modification, and later conservation regimes were imposed without hapū consent, severing historic access routes, mahinga kai systems, and ancestral connections. In doing so, the Crown breached its obligations to uphold tino rangatiratanga, partnership, and active protection, causing long-term prejudice as Ngā Hapū o Hīmatangi were displaced from meaningful involvement with their ancestral mountain and the ecological systems flowing from it.

XI: ISSUE NINE AND ELEVEN: ECONOMIC DEVELOPMENT AND SOCIO-ECONOMIC ISSUES

Land alienation contributes to economic exclusion

400. Crown acts and omissions over more than 150 years have systematically undermined the economic foundations of Ngā Hapū o Hīmatangi, stripping the hapū of their capacity to develop and sustain an independent, prosperous economy or even maintain a prosperous hapū economy.
401. The economic impacts of the Crown’s land alienation strategy of the 1850-1880s are far reaching and continue to be felt to this day. The strategy effectively alienated Ngā Hapū o Hīmatangi from their economic estate. In other words, the Crown’s sustained strategy of land alienation through fraudulent purchases, sustained and unreasonable pressure (including economic pressure) to sell, and public works takings removed the principal

means by which the hapū could generate wealth.

402. The seizure of rents was an intentional tactic utilised by the Crown with the aim of undermining Ngā Hapū o Hīmatangi’s economic base and financial resources and thereby reducing resistance to the Crown’s land acquisition strategy.
403. The land alienation strategy combined with other Crown acts and omissions meant that much of what remained was sand dune country or drained wetland, marginal, fragmented, and even landlocked, making profitable farming or development near impossible.
404. The exclusion of the coastline severed access to lucrative marine resources and coastal trade. As Mic O’Dea observed, “the worst part about the Crown cutting half of the block out... was that the part we didn’t get was their coastline... we were... robbed of the whenua and marine/coastal area which was ours, and also the kai and other resources associated with their coastline”.⁶¹

Undermining hapū collectivism

405. The Crown intentionally undermined Ngā Hapū o Hīmatangi tino rangatiratanga, including the traditional governance structures and the authority of various rangatira that upheld collective ownership.
406. The Crown’s imposition of the Native Land Court’s individualised title system fractured collective ownership and eroded their ability to plan and invest strategically.
407. This fragmentation, combined with the economic pressures of low-quality land, forced many owners into long-term “peppercorn” leases that returned negligible income for decades. As O’Dea recounted, “we have been forced to lease the land to others under peppercorn leases at a really low rate... It has only been in the last 10 years that we’ve been getting some reasonable value from leases.”⁶²

⁶¹ Wai 2200, #K9 at [13].

⁶² Wai 2200, #K9 at [19].

Entrenched socioeconomic hardship

408. Crown-driven drainage schemes and environmental degradation further diminished the productive capacity of the remaining whenua and damaged customary food sources.
409. The economic consequences have been severe and enduring. Ngā Hapū o Hīmatangi have been denied the ability to establish sustainable farming enterprises, diversify their economic base, or invest in commercial ventures that could support intergenerational prosperity.
410. Ngā Hapū o Hīmatangi have also been excluded from economic opportunities and resource management roles granted to neighbouring iwi through Treaty settlements, reinforcing a cycle of marginalisation.
411. These economic losses have had profound socio-economic impacts. Deprived of viable livelihoods in their rohe, many whānau were forced to leave in search of work, leading to population decline and weakening the social and cultural fabric of the hapū.
412. As O’Dea explained, “most of the whānau now live outside the rohe, which has had a hugely negative effect on the Marae... Te Au (the whare tupuna) no longer exists... Paranui is in a serious state of disrepair... their whare tupuna now feels the cold as we don’t come home enough to mahana te whare”.
413. The loss of an economic base has directly contributed to poverty, housing insecurity, and under-investment in marae infrastructure. The inability to host and manaaki whānau and manuhiri at a level befitting tikanga is both a symptom and a cause of continuing socio-economic disadvantage.
414. In sum, the Crown’s breaches of Te Tiriti have not only dismantled the economic potential of Ngā Hapū o Hīmatangi but have entrenched socio-economic hardship across generations, depriving the hapū of the resources, opportunities, and infrastructure needed to thrive as a self-determining community.

Impact Snapshot – Economic & Socio-Economic Effects

- a. Loss of economic base – Land alienation strategy of the Crown results in fraudulent and pressurised land sales, the return of only half the land sought / as promised under the Hīmatangi Crown Grants Act; exclusion of productive coastline and key resource areas.
- b. Poor land quality – Remaining lands are largely sand dunes or drained wetlands, and are unfit for sustained profitable farming.
- c. Fragmentation & alienation – Native Land Court’s individual title system fractured hapū holdings, enabling sales under financial pressure.
- d. Peppercorn leases – Long-term, low-rent leases to outsiders provided negligible income for decades.
- e. Loss of resource rights – Removal of access to marine, river, and wetland taonga.
- f. Environmental degradation – Crown drainage schemes and works reduced productivity and destroyed habitats.
- g. Traditional economies – undermining of traditional hapū economies involving self-sufficiency and manaakitanga.
- h. Exclusion from opportunities – Denied roles and benefits in commercial/resource management arrangements granted to neighbouring iwi.
- i. Urbanisation and outward migration – Lack of local employment forced whānau to leave, weakening cultural infrastructure and marae vitality.
- j. Intergenerational hardship – Persistent poverty, housing insecurity, and loss of self-sufficiency embedded across generations.

XII: ISSUE TEN: CULTURAL ISSUES**Te Tiriti Duties**

415. Under Te Tiriti o Waitangi the Crown assumed clear, substantive responsibilities to actively protect the culture, identity, and tikanga of Ngā Hapū o Hīmatangi (Ngā Hapū o Hīmatangi). These responsibilities were neither symbolic nor discretionary: they were binding obligations that required the Crown to ensure the ongoing vitality of hapū cultural life, the protection of taonga tuku iho, and the preservation of the relationships that underpin identity including whakapapa, whenua, wai, reo, tikanga and mātauranga. The record before this Inquiry demonstrates that the Crown repeatedly failed to uphold these responsibilities.
416. Instead, Crown actions and omissions fractured the cultural foundations of Ngā Hapū o Hīmatangi, undermining their ability to transmit their culture intergenerationally. The Crown's breaches of Te Tiriti o Waitangi have caused profound and ongoing cultural harm to Ngā Hapū o Hīmatangi, eroding their ability to live as a self-sustaining, culturally vibrant community within their rohe.

Crown's obligations regarding culture

417. Article 2 of Te Tiriti guaranteed Ngā Hapū o Hīmatangi the continued exercise of tino rangatiratanga over all that is valued—lands, waters, tikanga, identity, and cultural institutions. This includes obligations to:
- a. Protect the integrity of hapū cultural authority and tikanga-based governance.
 - b. Safeguard wāhi tapu, māhinga kai, and cultural landscapes.
 - c. Protect the exercise of rituals, spiritual relationships, and cultural practices linked to awa, repo, ngahere and takutai.
 - d. Ensure the survival and transmission of te reo and mātauranga.
418. As a partner, the Crown must engage with hapū in a manner that respects their status as autonomous political and cultural entities. This includes early

and informed involvement in decisions affecting cultural life, recognition of hapū authority, and protection against unilateral Crown interference in tikanga, lands, and cultural resources.

419. Active protection is particularly important where Crown-created structures (such as the Native Land Court, public works regimes, local government systems, and environmental regulation) carry foreseeable cultural risk. Active protection requires the Crown to:
- a. Prevent harm to cultural taonga and relationships.
 - b. Intervene to mitigate or reverse harm when it arises.
 - c. Adapt its laws, institutions, and practices to ensure the ongoing survival of Māori cultural systems.

Disruption and Suppression of Tikanga and Māori Legal Order

420. The evidence shows that the imposition of Crown law, including the Native Land Court, individualised title regimes, and Crown purchasing strategies, fundamentally undermined the cultural and legal systems of Ngā Hapū o Hīmatangi. The Collision of Two Legal Worlds report describes this as a deliberate process of legal colonisation aimed at displacing tikanga as the governing framework of hapū life. The report records that tikanga once provided the foundations for land tenure, dispute resolution, spiritual relationships, guardianship, and social order, all of which were eroded as Crown structures displaced hapū authority. For Ngā Hapū o Hīmatangi, this resulted in:
- a. The disruption of tikanga-based decision-making.
 - b. The marginalisation of hapū authority over wāhi tapu, mahinga kai, and cultural landscapes.
 - c. The fragmentation of cultural relationships to whenua and awa.

Destruction of Cultural Landscapes and Wāhi Tapu

421. The Environmental and Natural Resources Issues Report (A196) documents

extensive Crown-sanctioned environmental interventions that destroyed or degraded places of deep cultural significance to Ngā Hapū o Hīmatangi such as forests, wetlands, dune systems, lagoons, river meanders, pā sites, and urupā. Examples include:

- a. Large-scale drainage of the Manawatū wetlands and repo, eroding the cultural and economic base of Ngā Hapū o Hīmatangi, severing links with ancestral food systems and ritual practices.
- b. Deforestation and habitat loss, which undermined birding traditions, resource harvesting, and associated tikanga.
- c. The Whirokino Cut, which caused irrevocable damage to Matarapa and Papangaio, a place of taniwha, pātaka kai and ancestral occupation for Ngā Hapū o Hīmatangi.
- d. Pollution and degradation of the Manawatū River, which Ngā Hapū o Hīmatangi describe as a direct assault on their identity: “ko tātou te awa, ko te awa ko tātou.”

422. These actions demonstrate the Crown’s failure to actively protect environments fundamental to hapū cultural life.

Loss of Mana Whenua and Kaitiakitanga

423. Through large-scale alienation of whenua, exclusion from promised allocations, and the confiscation or reallocation of significant sites, the Crown has undermined the hapū’s mana whenua and capacity to exercise kaitiakitanga.
424. Various acts and failures, including failure to protect their taonga, usurping of their rangatiratanga, alienation from their whenua, and failure to actively protect their customary rights severed key cultural and spiritual connections to places central to identity and tikanga.

Disruption of Cultural Practices and Knowledge Transmission

425. Customary activities such as gathering kai moana, harvesting native plants, fishing in the Manawatū Awa, and using traditional resource sites have been

heavily restricted or lost entirely.

426. Without consistent access to these taonga, opportunities for intergenerational teaching of mātauranga, tikanga, and environmental stewardship have diminished, weakening the cultural continuity of the hapū.

Impact on Marae and Cultural Infrastructure

427. Economic deprivation caused by Crown breaches has directly affected the maintenance and use of marae. The Te Au whare tūpuna has been lost, Paranui has been in serious disrepair, and the ability to host manuhiri to the standard dictated by tikanga has been compromised. The many different ways these problems and their effects have impacted the hapu are discussed throughout most of their witnesses' briefs of evidence.
428. This has reduced opportunities for hapū members to gather, reaffirm identity, and maintain whanaungatanga. As Mic O'Dea observed, "*our whare tupuna now feels the cold as we don't come home enough to mahana te whare*".⁶³ Further, when they do gather, or try to act with common purpose, the knowledge and ability to practise the various aspects of their tikanga is greatly harmed, through lack of knowledge, lack of connection with people and places, lack of understanding of what is in fact tika, lack of understanding of shared history, and a general and widespread depletion of their ability to live and operate as members of their hapu and even whanau.

Erosion of Hau Kāinga Presence

429. With limited economic opportunities in the rohe, many whānau have been forced to live elsewhere. This out-migration has thinned the hau kāinga population, reduced the pool of active kaitiaki, and further weakened the hapū ability to participate in local decision-making, cultural events, and daily exercise of tikanga. Again, this is explained in most of their witnesses' briefs.

Marginalisation in Decision-Making

430. Despite being the hau kāinga, Ngā Hapū o Hīmatangi are often excluded or contacted only belatedly in decisions involving their own lands, waterways,

⁶³ Wai 2200, #K9.

and taonga. Crown agencies and local authorities have instead prioritised settled neighbouring iwi in matters such as whale strandings, reserve management, and resource consents, undermining the hapū cultural authority and standing. *“That coastline is Ngā Hapū o Hīmatangi coastline, and we get left out of a lot of the decision-making processes, or we are contacted only as an afterthought... The Crown’s actions... have subverted their iwi identity, ignored tikanga, and stripped Ngā Hapū o Hīmatangi of mana whenua and resources.”*⁶⁴

Loss of Te Reo Māori

431. Te reo Māori is a taonga guaranteed under Te Tiriti o Waitangi, integral to identity, tikanga, and the transmission of cultural knowledge. The alienation of whenua, the breakdown of marae life, and the dispersal of whānau from the rohe have all contributed to a decline in the everyday use of te reo among Ngā Hapū o Hīmatangi. The connection to urbanisation processes and the loss of the centrality of the marae was explained to the Tribunal, for example: *“Motuiti Marae was a thriving community of homes, whānau, hapū, iwi and, therefore, te Reo. However, this all changed when families started moving off the land and into town, like we did, for employment opportunities and better housing... their marae was left vulnerable, and te reo Māori was heard less.”*⁶⁵
432. As whānau were drawn away from home for work or schooling, opportunities to learn and practise te reo within a culturally rich environment diminished.
433. Crown education policies that promoted English to the exclusion of te reo further accelerated language loss. Valerie Perkins told the Tribunal: *“When my mother went to school, children were strapped for speaking Māori.”* And: *“In my generation, their parents were told not to teach their children Māori, and that the Pākehā way was the way to go, so they we were not taught Māori.”*⁶⁶

⁶⁴ Evidence of Ngā Hapū o Hīmatangi presented to the Tribunal - 2021

⁶⁵ Evidence of Ehita Putaka, April 2021

⁶⁶ Evidence of Valerie Perkins, April 2021

434. This language erosion has weakened the ability to fully engage with tikanga, oral histories, and karakia, and represents a direct breach of the Crown's duty of active protection for taonga.⁶⁷

Intergenerational Cultural Harm

435. The cumulative effect of these breaches is a cycle where diminished access to whenua, taonga, and te reo limits the ability to practise tikanga, which in turn weakens identity, language use, and cultural knowledge. This has had a corrosive impact on the confidence, cohesion, and cultural vitality of the hapū, particularly for younger generations growing up disconnected from their ancestral lands.
436. Manurere Kiriona explained to the Tribunal the cultural significance of te reo, and its connection to tikanga and mātauranga Māori:⁶⁸

“Before the 1840s, our chiefly language, the Māori language, was spoken widely by all Māori. The Māori language and its wholeness, its beauty and its flow was like the current of the Manawatu River. The Māori language and tikanga Māori are also intertwined. The Māori language carries tikanga Māori and with tikanga Māori we come to know the Māori worldview. With the Māori language, we can gain a true and deeper understanding of the Māori culture. Traditional Māori knowledge, cultural property/heritage from our ancestors, traditional lore that guides us through this world and the Māori worldview all sit true within oneself.”

437. The combined evidence demonstrates that the cultural prejudice suffered by Ngā Hapū o Hīmatangi has been severe, cumulative and intergenerational. Key impacts include:
- a. Loss of access to mahinga kai, undermining tikanga-based food systems, social cohesion and health.
 - b. Disconnection from ancestral landscapes, including significant sites

⁶⁷ Wai 2200, #K025.

⁶⁸ Wai 2200, #K025.

at Hīmatangi, Papakiri, Tapuai Moana, Otawhiwhi, Haumiaroa and Atiki.

- c. Erosion of spiritual relationships with taniwha, awa, repo and ngahere central to identity and ritual life.
 - d. Fragmentation of hapū structures, interrupting intergenerational transmission of knowledge, reo, and values.
 - e. Diminished capacity to exercise kaitiakitanga, due to Crown regulatory regimes that excluded hapū decision-making and facilitated environmental harm.
 - f. Cultural trauma, reflected in contemporary Ngā Hapū o Hīmatangi testimony describing grief, dislocation, and the ongoing struggle to reclaim cultural authority.
438. These impacts are not incidental. They arise directly from the Crown's failure to meet its Tiriti obligations of tino rangatiratanga, partnership, and active protection.

Conclusion

439. The evidence before this Tribunal shows that the Crown's obligations to protect the culture of Ngā Hapū o Hīmatangi were profound and unambiguous. Yet across land law, environmental management, local government systems, public works, Crown purchasing, and river control, the Crown repeatedly acted in ways that dismantled the cultural foundations of Ngā Hapū o Hīmatangi. The resulting prejudice is enduring: cultural landscapes altered beyond recognition, tikanga disrupted, language diminished, and the spiritual and physical relationships that define hapū identity profoundly harmed.
440. The Crown must now accept responsibility for these breaches and support the restoration of Ngā Hapū o Hīmatangi cultural authority, identity, and connection to their ancestral lands and waters.

XIII: PREJUDICE

441. The cumulative effect of the Crown’s breaches has caused profound and enduring prejudice to Ngā Hapū o Hīmatangi. That prejudice has been material, cultural, spiritual, economic, environmental, intergenerational, and systemic. It has diminished the hapū estate; disrupted and suppressed tūpuna knowledge systems; eroded collective structures of authority; caused environmental degradation across the rohe; and undermined the ability of the hapū to sustain themselves as distinct communities with secure ties to whenua, awa, ngahere, and their cultural identity.

Loss of Land, Resources, and the Material Base of Hapū Life

442. Across the Rangitikei-Manawatū, Hīmatangi, Manawatū–Kukutauaki, Tūwhakatupua, Ōmarupāpako, Papangaio J, Kaihinu, and Awahou landscapes, the Crown’s purchasing tactics (including fraud), the discriminatory operation of the Native Land Court, and aggressive rating, roading, and public works regimes resulted in the systematic erosion of the hapū land base.
443. Land that was essential to economic independence, cultural survival, mahinga kai, and kāinga was taken, alienated, fragmented, or rendered unusable. These hapū who had exercised mana and ahi kā across vast and fertile estates were left with only small, scattered remnants of their whenua, many themselves later exposed to forced alienation through survey liens, rating arrears, and compulsory “Europeanisation” of titles.
444. The scale and reach of the Crown’s land-taking machinery in this region was extreme. Through public works takings, flood control schemes, drainage works, roading, scenic reserves, and the Whirokino Cut, the Crown repeatedly acquired or damaged land critical to Ngā Hapū o Hīmatangi use and identity. These takings almost always diminished their landholdings and rarely were any benefits returned to their hapū.
445. The loss of land led directly to material poverty, diminished income streams, barriers to economic development, and longstanding inequities in housing, employment, and access to essential services.

Environmental Degradation and Loss of Te Taiao

446. The destruction of the natural environment, including wetlands, dune systems, lagoons, ngahere, and the awa, struck at the heart of Ngā Hapū o Hīmatangi identity. Crown-enabled deforestation, wetland drainage, flax boom extraction, farming intensification, river engineering, gravel extraction, and urban and industrial pollution of the Manawatū River fundamentally transformed the ecological systems upon which the hapū relied for sustenance, ceremony, identity, and tikanga. For example:
447. The Manawatū River and its tributaries became increasingly polluted throughout the twentieth century due to poorly regulated municipal, industrial, and agricultural discharges.
448. The Whirokino Cut destroyed ancestral river configurations and mahinga kai systems, directly impacting Ngā Hapū o Hīmatangi customary practices, fisheries, and the integrity of wāhi tapu.
449. Wetland systems and dune lakes, essential to Ngā Hapū o Hīmatangi tikanga, kai gathering, and ecological management, were deliberately drained without regard for hapū rights or environmental consequences.
450. Crown agencies consistently ignored, minimised, or dismissed Ngā Hapū o Hīmatangi objections to environmental harm.
451. The loss of ecological abundance has been a profound source of cumulative prejudice, affecting food security, health, cultural practice, and the continued transmission of knowledge of the taiao.

Cultural Erosion and the Disruption of Tikanga and Kaitiakitanga

452. The Crown's actions undermined the ability of Ngā Hapū o Hīmatangi to exercise mana whenua, mana whakahaere, and kaitiakitanga. Environmental destruction, loss of control over waterways, the imposition of foreign legal frameworks, and the displacement of tikanga created deep cultural wounds.
453. Ngā Hapū o Hīmatangi were prevented from maintaining relationships with ancestral places, pā, kāinga, urupā, awa, and forest sites due to alienation of land or environmental degradation. Pollution of the Manawatū Awa made

traditional practices unsafe or impossible. The RMA and local government systems repeatedly failed to protect wāhi tapu, customary fishing, or the cultural values of the hapū, breeding deep distrust and intergenerational hurt.

454. The loss of access to the taiao directly impaired intergenerational transmission of knowledge, including rongoā, weaving materials, fishing practices, and seasonal rituals. This has been compounded by the broader impacts of land loss and social disruption on te reo, whakapapa connections, and cultural identity.

Undermining of Hapū Authority, Structures and Autonomy

455. The Crown's insistence on individualised titles, the sidelining of collective hapū authority, and the imposition of courts, councils, and administrative regimes that refused to recognise hapū rangatiratanga caused systemic and long-term harm.
456. The Native Land Court's failure to recognise collective authority fractured hapū structures and created internal stresses that persist today. Crown officials routinely dismissed and belittled hapū leadership, challenging the legitimacy of Ngā Hapū o Hīmatangi claims to land, resources, and identity.
457. Local government rating regimes placed heavy burdens on Māori landowners while failing to deliver the corresponding services or infrastructure. Rates arrears led to further alienation of land and ongoing financial stress for whānau.

Socio-Economic Marginalisation

458. The cumulative impacts of Crown breaches including land loss, fragmentation, environmental degradation, broken reserves, inequitable rating, and economic exclusion, produced significant socio-economic disadvantage for Ngā Hapū o Hīmatangi. Ngā Hapū o Hīmatangi whānau experienced:
- a. chronic poverty linked to loss of land-based income
 - b. severely constrained housing options

- c. limited economic development opportunities
 - d. reduced access to education and health services
 - e. persistent barriers to participation in local planning and decision-making.
459. The evidence shows that the Crown failed to mitigate the effects of its own policies, and that hapū were often excluded from, or actively undermined in, policy, regulatory, and development decisions that materially affected their well-being.

Intergenerational Trauma and Disruption of Hapū Futures

460. The prejudice suffered by Ngā Hapū o Hīmatangi has been intergenerational. The losses experienced in the nineteenth and twentieth centuries, whenua, taiao, authority, language, and identity continue to shape the lived experiences of hapū members today.
461. Intergenerational trauma manifests in fragmented whānau structures, loss of connection to place, reduced cultural confidence, and the ongoing struggle to reclaim or rehabilitate lands and waterways damaged by Crown policies. The impacts continue to restrict the ability of Ngā Hapū o Hīmatangi to plan for their future, restore their environment, or pursue sustainable economic opportunities.

A Cumulative, Systemic Pattern of Prejudice

462. The prejudice experienced by Ngā Hapū o Hīmatangi did not arise from isolated events. It was the result of a long-standing, systemic pattern in which the Crown consistently prioritised settler interests, economic development, and infrastructure over the rights, welfare, and tino rangatiratanga of the hapū.
463. From raupatu-style purchasing and discriminatory court processes, to environmental mismanagement and local government exploitation, the Crown has repeatedly failed to uphold its Treaty obligations. The prejudice is therefore cumulative, compounding, and deeply embedded in the structures and systems that continue to govern Ngā Hapū o Hīmatangi lives today.

XIV: FINDINGS AND RECOMMENDATIONS SOUGHT

Findings

Finding 1: The Crown systematically disrupted, displaced and replaced the existing hapū legal order (Te Kawa Ora)

464. The evidence establishes beyond doubt that Ngā Hapū o Hīmatangi maintained, prior to Crown intervention, a coherent legal, governance, and regulatory system grounded in tikanga, intergenerational obligations, collective landholding, and environmental authority. As Meredith records, tikanga constituted the “first law of Aotearoa...a complete and functioning legal order” governing land tenure, resource management, dispute resolution, and socio-political relationships.⁶⁹
465. From 1840 onwards, the Crown imposed a competing legal system designed to marginalise, delegitimise, and ultimately extinguish tikanga authority. Mechanisms included:
- a. the Native Land Court’s individualised title system, described by claimants as “te ngarara kai whenua – the monster that devours land”
 - b. statutes that criminalised customary practice and denied hapū regulatory authority
 - c. Crown decisions that replaced hapū environmental governance with settler-centric land, drainage, river, and resource regimes
 - d. legal doctrines that treated Māori law as inferior, or as non-law.
466. This resulted in a collapse of hapū governance structures, fragmentation of the collective estate, undermining of mana and rangatiratanga, and the loss of the capacity to uphold kaitiakitanga.
467. The evidence of Ngā Hapū o Hīmatangi emphasises that Crown actions “takahī i ā mātou tikanga”, (trampled tikanga) and undermined the integrity

⁶⁹ Wai 2200, #A253 at [61].

of the hapū as political and cultural communities.

Finding 2: Crown purchasing practices were predatory, deceptive and fundamentally inconsistent with Te Tiriti

468. Research reports demonstrate that Crown purchasing strategies across the Manawatū were:⁷⁰
- a. deliberately targeted at non-sellers, including Ngā Hapū o Hīmatangi, who were framed as obstructive, rebellious or “Kingite” for refusing to alienate land;
 - b. conducted under duress, including threats of war, declarations of “rebellion”, and arrests of leaders; and
 - c. supported by subsequent manipulations of the Native Land Court, which became the Crown’s primary instrument for completing alienation.
469. The fraudulent nature of the Rangitīkei–Manawatū “purchase” is supported by extensive evidence that:
- a. multiple hapū, including Ngā Hapū o Hīmatangi, did not consent to sale
 - b. the Crown relied on a small group of sellers with limited rights
 - c. deeds were presented as consensual when they were contested, incomplete, and contrary to tikanga.

Finding 3: Land loss in the Hīmatangi, Papangaio, Awahou, Paretao, Manawatū-Kukutaauaki and adjacent blocks occurred through Crown breaches at every stage

470. Across all blocks, the pattern is the same:
- a. premature or coerced Crown acquisition
 - b. failure to ensure adequate, inalienable reserves (contrary to the Crown’s own 1840s–1860s policy)

⁷⁰ Wai 2200, A201; Wai 2200, A213; Wai 2200, A215

- c. Crown validation of private encroachment and illegal occupation
- d. rating pressures and compulsory sales
- e. public works takings without proper consultation, compensation or return
- f. Native Land Court processes that ignored tikanga, excluded rightful owners, or deliberately restricted the ability of Ngā Hapū o Hīmatangi to defend their interests.

Finding 4: The Crown caused extensive environmental damage to the Manawatū awa and its tributaries, directly harming Ngā Hapū o Hīmatangi identity, wellbeing and economy

471. The Manawatū River reports document profound environmental decline caused by:
- a. pollution from urban sewage, industry and agriculture
 - b. gravel extraction that destabilised riverbeds
 - c. drainage and flood control schemes, including the Whirokino Cut, which destroyed wetlands, mahinga kai and wāhi tapu
 - d. RMA regimes that failed to provide meaningful Treaty protection for hapū kaitiakitanga.
472. Ngā Hapū o Hīmatangi hapū consistently raised objections that were recorded from the 1860s onwards, but were ignored. The Crown’s failure to actively protect waterways extinguished vital sources of identity, sustenance, transport, economic development, and spiritual wellbeing.

Finding 5: The Crown failed to provide adequate, inalienable reserves and later actively facilitated their loss

473. The technical evidence in this inquiry, especially Reports A213 and A199, shows that the Crown:
- a. promised “adequate and permanent” reserves but delivered insufficient, poorly surveyed, or inappropriate lands

- b. imposed legal structures (e.g., compulsory “Europeanisation”, restrictions manipulation, Native Land Court processes) that led to fragmentation and sale
 - c. enabled third-party exploitation and failed to prevent illegal occupation
 - d. later took remaining Māori lands under public works and rating enforcement.
474. For Ngā Hapū o Hīmatangi, the consequences were severe, including but not limited to:
- a. loss of virtually the entire coastal and riverine estate
 - b. loss of sites essential to spiritual and cultural identity
 - c. forced dispersal and economic marginalisation.

Finding 6: The Crown’s breaches caused severe and ongoing prejudice to Ngā Hapū o Hīmatangi

475. Prejudice has been enduring, intergenerational, and multidimensional:
- a. Cultural prejudice
 - i. loss of Te Kawa Ora (the hapū legal order)
 - ii. diminished ability to transmit tikanga, reo, and mahinga kai practices
 - iii. destruction of wāhi tapu and environmental ecosystems.
 - b. Social prejudice
 - i. fragmentation of communities
 - ii. erosion of leadership structures
 - iii. intergenerational trauma associated with dispossession.
 - c. Economic prejudice

- i. massive loss of the land base needed for livelihoods
- ii. exclusion from the economic development associated with river transport, farming and resource utilisation
- iii. inability to leverage land for housing, marae development or investment.

Recommendations Sought

Recognition of Crown breaches

476. Ngā Hapū o Hīmatangi seek that the Tribunal recommend that the Crown acknowledge that it breached:

- a. the guarantee of tino rangatiratanga (Article 2)
- b. the obligation of active protection
- c. the principle of partnership
- d. the requirement to act in good faith and honourably
- e. the guarantee of equity and redress.

Formal recognition and restoration of Te Kawa Ora

477. Ngā Hapū o Hīmatangi seek recommendations that:

- a. Te Kawa Ora constitutes a distinct, coherent legal order
- b. the Crown unlawfully displaced it, and therefore
- c. restoration of hapū legal authority is required, including co-governance, decision-making rights, and tikanga-based environmental management.

Land redress and return

478. Ngā Hapū o Hīmatangi seek recommendations for:

- a. return of all feasible Crown-held lands within the traditional rohe, including river margins, reserves, and public works lands no longer

required

- b. mechanisms for returning privately held lands where appropriate (e.g., land-banking, purchase assistance, land exchanges)
- c. compensation where return is not possible.

Environmental redress and co-governance of the Manawatū awa

479. Consistent with evidence from Vols 1 & 2 of the Manawatū River research, Ngā Hapū o Hīmatangi seek recommendations that:

- a. a co-governance or co-management authority for the lower Manawatū
- b. legal recognition of hapū kaitiakitanga
- c. restoration programmes for wetlands, mahinga kai, and water quality
- d. replacement of RMA-based regimes with frameworks that embed hapū decision-making
- e. adequate compensation or redress to enable the restoration of the awa back to health.

Redress for specific block-level breaches

480. For Hīmatangi, Awahou, Papangaio J, Paretao, Manawatū-Kukutauaki (Nos 1–3, 7), Tūwhakatupua, Ōpiki, Huritini and others, Ngā Hapū o Hīmatangi seek redress that includes:

- a. land return where practicable
- b. compensation for unlawful alienation
- c. rectification of inadequate or lost reserves
- d. remediation of rating and public works injustices.

Cultural revitalisation and restoration programmes

481. Ngā Hapū o Hīmatangi seeks recommendations from the Tribunal for Crown support for:
- a. revitalisation of Te Kawa Ora
 - b. restoration of hapū cultural infrastructure (marae, language, tikanga)
 - c. recording and repatriation of kōrero tuku iho, maps and archival materials about Ngā Hapū o Hīmatangi.

Crown apology

482. Ngā Hapū o Hīmatangi seeks recommendations from the Tribunal that the Crown makes a formal apology to Ngā Hapū o Hīmatangi, which must recognise:
- a. the deliberate dismantling of the hapū legal order
 - b. the Crown's role in environmental destruction
 - c. the fraudulent nature of key land acquisitions
 - d. the intergenerational harm to hapū identity, wellbeing and development.

XV: CONCLUSIONS

483. Ngā Hapū o Hīmatangi – Ngāti Te Au, Ngāti Tūranga and Ngāti Rākau – have come before this Tribunal to reaffirm what their tūpuna asserted consistently across generations: that they have never relinquished their mana or their relationship to their whenua, their awa, their takutai, or their kāinga. The evidence across the inquiry record, supported by Crown-commissioned research and the extensive documentation before this Tribunal, demonstrates a clear and enduring pattern of Crown conduct that was inconsistent with Te Tiriti o Waitangi, its guarantees, and its principles. That conduct caused profound and ongoing prejudice to Ngā Hapū o

Hīmatangi.

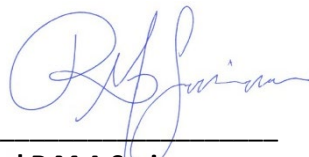
484. Prior to 1840, Ngā Hapū o Hīmatangi lived according to a sophisticated and coherent legal order, Te Kawa Ora which regulated relationships to whenua, resources, kin, and neighbouring hapū. Their rights, responsibilities, and authority were grounded in tikanga; they exercised tino rangatiratanga, practised effective environmental governance, and maintained thriving kāinga, mahinga kai and cultivated landscapes from Papakiri and Tapuai Moana through to Kererū, Haumearoa, Otawhiwhi, and the wider Manawatū. The evidence makes clear that they maintained a relational and intergenerational approach to care for the Manawatū awa, recognising it as an ancestor, a pathway, a provider, and a source of identity.
485. The Crown’s actions from 1840 onward systematically dismantled this legal, political, cultural, and environmental order. Through aggressive purchasing practices, the imposition of the Native Land Court, punitive rating and public works regimes, discriminatory environmental management, and exclusion from decision-making, the Crown subordinated hapū authority to colonial structures that were designed to dispossess. These actions were not the product of misunderstanding or administrative error; they formed a coordinated system of legal and political instruments that replaced tikanga with Crown law in what scholars have described as the “collision of two legal worlds” and what was, for Ngā Hapū o Hīmatangi, the forced displacement of their first law.
486. Across all of the major blocks in which Ngā Hapū o Hīmatangi held customary interests, Hīmatangi, Ōmarupāpako, Papangaio, the Manawatū–Kukutauaki series, Te Awahou, Te Whārangi, Te Paretao, Turakina–Rangitīkei, Tūwhakatupua, Ōpiki and Huritini, the record shows repeated breaches: coercion, misrepresentation, failure to respect non-seller rights, disregard for tikanga boundaries, and direct contravention of the guarantees of tino rangatiratanga. Even where the hapū prevailed, as in the 1868 Hīmatangi case, the Crown actively nullified their success through the Hīmatangi Crown Grants Act 1877 and through later legal and administrative manoeuvres that fragmented their collective estate and enabled further alienation.

487. Environmental harm compounded these losses. Hapū evidence and technical reports demonstrate that the draining of wetlands, clearance of forests, pollution of waterways, flooding interventions, gravel extraction, and permissive regional planning regimes directly undermined hapū mana whakahaere and their ability to act as kaitiaki. At the Manawatū awa in particular, Crown and local authority actions caused catastrophic and ongoing degradation, severing cultural relationships and disrupting access to mahinga kai integral to hapū identity and wellbeing.
488. These breaches resulted in deep and cumulative prejudice. Ngā Hapū o Hīmatangi suffered the erosion of their land base, the undermining of their governance structures, exclusion from economic development, loss of cultural authority, environmental distress, and social and intergenerational harm. The Crown failed to actively protect their tino rangatiratanga, to uphold a relationship of partnership, to act honourably, or to provide redress when its own laws generated injustice.
489. Yet, despite these sustained attacks, Ngā Hapū o Hīmatangi have maintained their identity, their tikanga, their ahi kā and their aspirations. Their survival is evidence of the strength of their tūpuna and their present commitment to honour their legacy. This Tribunal now has the responsibility to recognise that resilience, to acknowledge the full extent of the Crown's wrongdoing, and to recommend the measures necessary to restore what has been lost.
490. Accordingly, as set out above in greater detail, Ngā Hapū o Hīmatangi respectfully seek findings that, inter alia:
- a. the Crown repeatedly and systematically breached Te Tiriti o Waitangi and its principles in its dealings with the hapū across the nineteenth and twentieth centuries;
 - b. these breaches caused serious, enduring and intergenerational prejudice; and
 - 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 heal the relationship between Ngā Hapū o Hīmatangi and the Crown.

491. This inquiry is an opportunity to correct long-standing injustice. Ngā Hapū o Hīmatangi ask the Tribunal to uphold the promises of Te Tiriti and to affirm a future in which their tikanga-based legal order, their whenua, their awa, their kaumatua, and their moko may flourish once more.
492. The Crown's breaches have had devastating and enduring consequences for Ngā Hapū o Hīmatangi. The prejudice suffered encompasses far more than the loss of land. It includes the erosion of cultural identity, environmental decline, socio-economic marginalisation, and the undermining of hapū autonomy and wellbeing. These impacts continue to reverberate across generations.
493. A full and durable settlement must therefore recognise the scale, depth, and persistence of this prejudice and provide meaningful pathways for restoration of land, of water, of culture, of authority, and of hope for future generations of Ngāti Tūranga, Ngāti Rākau, and Ngāti Te Au.

Dated at Te-Whanganui-a-Tara this 12th day of January 2026



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