OFFICIAL

Wai 898, #1.1.41(c)
Wai 833, # 1.1(h)

IN THE WAITANGI TRIBUNAL

IN THE MATTER	of the Treaty of Waitangi Act 1975
AND	
IN THE MATTER	of the Te Rohe Potae Inquiry
AND	
IN THE MATTER	of claims by Carmen Kura Kapea-Sutcliffe, James Raumanuka Pakau, Whetumarama Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Leonard Hiraka Rongo Hikairo Erickson, Te Maioro Konui for and on behalf of themselves, Ngati Pouroto and Ngati Te Ika of Ngati Hikairo iwi

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NGATI HIKAIRO AMENDED STATEMENT OF CLAIM

Dated: 2 May 2008

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WELLINGTON

MAY IT PLEASE THE TRIBUNAL

1.0 The Claimants:

1.1 This Amended Statement of Claim is filed on behalf of Carmen Kura Kapea-Sutcliffe, James Raumanuka Pakau, Whetumarama Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Leonard Hiraka Rongo Hikairo Erickson and Te Maioro Konui for and on behalf of themselves, Ngati Pouroto and Ngati Te Ika of the Ngati Hikairo Iwi (the claimants).

1.2 This Amended Statement of Claim consolidates the Wai 833/965/1044 Ngati Hikairo claims as they apply to the Wai 898 Te Rohe Potae District Inquiry.

2.0 The Claimant Rohe:

2.1 The Waimarino stream is the southern boundary for Ngati Hikairo. The Western boundary is the Makaretu stream situated at the back of National Park Township which runs into the Piopiotia stream and into the Whakapapa River. From there the boundary then follows over to the Whangaipeke Block then moving on to the maunga Waituhi, then to Kakaramea and down towards the Waihi Village. Finally crossing over to Motu Taiko Island (on Lake Taupo) then onto Waitetoko then down to Korohe.

3.0 The ASOC Particulars in relation to Te Rohe Potae District Inquiry:

3.1 The claimants say the Crown in breach of the principles of the Treaty of Waitangi undermined the tino rangatiratanga of Ngati Hikairo in relation to their political strength and position within Te Rohe Potae to the point of being suppressed as an iwi.

3.2 The Claimants further say that they have been prejudicially affected by the ordinances, acts, regulations, orders, policies, practices and actions taken, omitted or adopted by or on behalf of the Crown that suppressed their political arrangements with hapu and iwi within Te Rohe Potae District Inquiry.

3.3 That in breach of the principles of the Treaty of Waitangi, from 1840 Crown policies have negatively impacted upon the relationships that traditionally existed between

Ngati Hikairo and other hapu and Iwi within the Central North Island, Whanganui National Park and Te Rohe Potae Inquiries.

3.4 A clear example of the Crown breaches against Ngati Hikairo tino rangatiratanga and political strength is The Rohe Potae Compact. Ngati Hikairo believed that there would be more recognition of Ngati Hikairo sovereign authority. The government of the time made many promises that claimed to be committed to protecting Ngati Hikairo interests. This was not to be. Ngati Hikairo was unaware that the Rohe Potae Compact would have such a detrimental affect on their future status as a sovereign iwi to the point that Ngati Hikairo are minimised and relegated to being a hapu of Tuwharetoa.

3.5 Ngati Hikairo as an independent sovereign Iwi with their own tikanga, mana and tino rangatiratanga was also a 'buffer Iwi'[1] They were the buffers between Iwi and hapu such as Ngati Haua, Ngati Patutokotoko, Ngati Tuwharetoa, Ngati Maniapoto, Ngati Maru and Ngati Raukawa. The relationships therefore were complicated and intricately intertwined.

3.6 The Crown breached its Treaty duties and obligations to Ngati Hikairo as;

a. The political power and mana of Ngati Hikairo within the Te Rohe Potae District has deteriorated to the point of non existant

b. The relationship between Ngati Hikairo and Tuwharetoa within the Rohe Potae District has become distorted.

c. The alliances of closely related hapu and Iwi within the Rohe Potae District have been damaged and lost.

d. Ngati Hikairo as an independent sovereign Iwi has become fragmented and conflicted.

[1] Marr, C *The Waimarino Purchase Report* Wai 903, A60 pg 22.

4.0 Relevant Treaty Principles

4.1 The Crown had and continues to have duties to recognise and actively protect Ngati Hikairo rights and interests under the Treaty and its principles.

4.2 As a consequence of the Crown's duties, the Crown was and is generally required to:

(a) Ensure Ngati Hikairo retain their resources and taonga so long as it is Ngati Hikairo's desire to retain their resources and taonga:

(b) Recognise and protect the laws, customs, cultural and spiritual heritage of Ngati Hikairo;

(c) Ensure Ngati Hikairo exercised their tino rangatiratanga, including the right to manage and control their social and political structures in accordance with their own laws, cultural preferences and customs;

(d) Ensure Ngati Hikairo were provided with the means to develop, exploit and manage their resources in a manner consistent with their own cultural and traditional preferences:

(e) Ensure that the impacts felt by Ngati Hikairo of Crown action and regulation is consistent with the Treaty and its principles and to actively protect Ngati Hikairo tino rangatiratanga, customs, laws and properties.

5.0 TREATY BREACHES

5.1 The Crown has consistently and repeatedly;

(a) Failed to recognise and protect the rangatiratanga of Ngati Hikairo, their laws, customs and properties in terms of the Treaty and its principles;

(b) Failed to comprehend and recognise the nature and extent of Ngati Hikairo customs, laws, social and political structures within Te Rohe Potae District.

(c) Failed to preserve the continued tino rangatiratanga of Ngati Hikairo when it introduced the Te Rohe Potae Compact.

6.0 Recommendation Sought

6.1 A direction that the Ngati Hikairo Wai 833/965/1044 claims as amended be aggregated within the Te Rohe Potae Inquiry.

6.2 Compensate Ngati Hikairo for the prejudicial effects suffered as a result of Crown legislation, acts, omissions, policies and practices as identified that affected the tino rangatira of Ngati Hikairo within Te Rohe Potae District Inquiry.

6.3 The Crown restore the mana and mauri of the whanau, hapu and iwi of Ngati Hikairo through Crown acknowledgment of Ngati Hikairo status within Te Rohe Potae District Inquiry.

6.4 The Crown assist to restore the traditional relationships that Ngati Hikairo had with hapu and iwi within Te Rohe Potae, National Park, Central North Island and Whanganui District Inquiries.

7.0 Amendment

7.1 The claimants reserve the right to amend or add to the Amended Statement of Claim as required or as research comes to hand.

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