OFFICIAL

Wai 898, #1.1.63(d)
Wai 1044, # 1.1(f)

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 Ema Te Toroa Tanglarlkl Pohatu, Carmen Kura Kapea-Sutcliffe, James Raumanuka Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Te Maloro Konui and Maxine Ketu for and on behalf of themselves, Ngati Pouroto, Ngati Te Ika of Ngati Hikairo Iwi.

NGATI HIKAIRO AMENDED STATEMENT OF CLAIM

Dated: 1 June 2011

RECEIVED
Waitangi Tribunal
22 Jun 2011
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL

1.0 Introduction

1.1 This Amended Statement of Claim is filed by Ema Te Toroa Tanglariki Pohatu, Carmen Kura Kapea-Sutcliffe, James Raumanuka Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Te Maioro Konui and Maxine Ketu for and on behalf of themselves, Ngati Pouroto, Ngati Te Ika of Ngati Hikairo Iwi. .

1.2 Maxine Ketu claimant for Wai 1605 and Ema Te Toroa Tanglariki Pohatu, Carmen Kura Kapea-Sutcliffe, James Raumanuka Pakau, Lyndon Karl Pakau Bowring, Daryn Roy Pakau, Te Maioro Konui the Wai 833/ 965/ 1044 Ngati Hikairo claimants have agreed that the Wai 1605 Ketu Whanau claim be consolidated into the Wai 833/ 965/ 1044 Ngati Hikairo Consolidated Statement of Claim.

1.3 Accordingly, the ASOC as outlined below aggregates the two claimants together under the umbrella of one ASOC for Ngati Hikairo.

2.0 Ngati Hikairo 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 the Whagaipeke block then moves 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 on to Waitetoko then down to Korohe.

3.0 The Claim

Political Suppression

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 say that they have been, are or are likely to be prejudicially affected by the ordinances, Acts, regulations, order, proclamations, notices or other statutory instruments, policies, practices, acts or omissions of the Crown that suppressed their political arrangements with hapu and iwi within Te Rohe Potae District Inquiry.

The Rohe Potae Compact

3.3 The implementation of the Rohe Potae Compact ("Compact") undermined the tino rangatiratanga and political strength of Ngati Hikairo. The Compact had a detrimental effect on Ngati Hikaito's status as a sovereign iwi to the point that Ngati Hikairo has been relegated to being a hapu of Tuwharetoa.

3.4 Ngati Hikairo as an independent sovereign iwi with their own tikanga, mana and tino rangatiratanga was reduced to being a "buffer iwi"[1] largely due to the compact. Ngati Hikairo became the buffer iwi between Ngati Haua, Ngati Patutokotoko, Ngati Tuwharetoa, Ngati Maniapoto, Ngati Maru and Ngati Raukawa. This caused Ngati Hikairo's relationships between hapu and iwi to be complicated and intricately intertwined.

3.5 In breach of the principles of the Treaty of Waitangi, 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.

Returned Service Men

3.6 The Crown's removal of whanau, hapu and consequent iwi lands for the purpose of balloting farm lots to Pakeha Returned Service men was implemented at the expense of the Ketu Whanau from Ngati Hikairo. This policy resulted in significant loss to the Claimants.

North Island Main Trunk way

3.7 The government in the early 1880's implemented its public works project to complete the middle section of the North Island Main Trunk Railway between Auckland and Wellington. This and other Crown policies resulted in the government and its representatives making numerous promises to Maori. We submit that through this Crown Policy promises were made to the claimants which resulted in losses.

Crown breaches to Ngati Hikairo

3.8 The Crown breached its Treaty duties and obligations to Ngati Hikairo in the following ways:

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

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

b. The relationship between Ngati Hikairo and Ngati 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; and

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

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 exercise 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 are provided with the means to develop, exploit and manage their resources in a manner consistent with their own cultural and traditional preferences; and

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; and

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 Wai 833, 965, 1044 and 1605 Ngati Hikairo claims as amended be aggregated within the Te Rohe Potae Inquiry as outlined in this ASOC.

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

6.3 The Crown to 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 to assist in restoring 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.

Hemi Te Nahu

Counsel for Wai 833, 965, 1044, and 1605