

# OFFICIAL

Wai1040, #C26

IN THE WAITANGI TRIBUNAL

WAI 1701

WAI 1699

IN THE MATTER

of the Treaty of Waitangi Act 1975

AND

claims in Te Paparahi o Te Raki Inquiry

AND

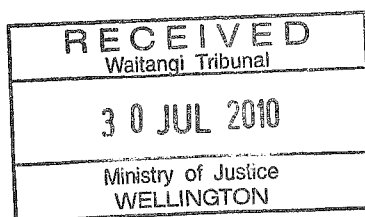
Claims by HAAMI PIRIPI on behalf of himself  
and TE RARAWA

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**Brief of Evidence of WAYNE TE TAI**

30<sup>th</sup> July 2010

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**Tena koutou katoa**  
**Ko Te Rarawa te iwi**  
**Ko Ngati Te Reinga, Ngati Manawa, Te Kai Tutae nga hapu**  
**Ko Te Reinga te maunga**  
**Ko Te Reinga te tangata**

**Ko Waihou te kainga**  
**Ko Waihou te Marae**  
**Ko Waihou te awa**

**Ko Hokianga te moana**  
**Ko Nukutawhiti te rangatira**  
**Ko Ngatokimatawhaorua te waka**  
**Ko Ruanui te rangatira**  
**Ko Mamari te waka**

**Hokianga whakapau karakia, Hokianga a Kupe**  
**Ko Araiteuru raua ko Niniwa nga taniwha**

**Ka moe a Tarutaru i a Te Ruapounamu**  
**Ka puta ko Kahi,**  
**ka moe a Kahi i a Kaimanu**  
**Ka puta ko Ngakahuwhero**  
**Ka moe a Ngakahuwhero i a Muriwhenua**  
**Ka puta ko Nganiho Te Tai**  
**Ka moe a Te Tai i a Meriwhenua**  
**Ka puta ko Re Te Tai**  
**Ka moe a Re i a Hana Te Raa**  
**Ka puta ko Penetana Te Atua Wera Te Tai**  
**Ka moe a Penetana i a Parani Te Whiu**  
**Ka puta ko Kereti Te Tai**  
**Ka moe a Kereti i a Huhana Dunn**  
**Ka puta ko Waata Te Tai**  
**Ka moe a Waata i a Meri Hukawai Pepere**  
**Ka puta i te kaikorero nei, Ko Wayne Hone Te Tai ahau**

**Tena koutou, katoa**

## **1. Tuku Tamoko**

- 1.1. This is a very important journey for Māori, of truth and justice, that began some 175 years ago. This began with the signing of Te Whakaputanga in 1835 and, ultimately ended with the signing of Te Tiriti o Waitangi, being the Māori version, (“Te Tiriti”) in 1840.
- 1.2. It is of importance to me, as it was to my Tupuna: Papahia, Te Tai, and Te Hira who signed Te Tiriti on the 6<sup>th</sup> of February, 1840. It was also of importance to my tupuna, Te Huhu, who signed Te Whakaputanga in 1835.
- 1.3. With this foundation alone, I am compelled to give voice to their truth, in search for justice, for it is the untruths and injustice that we, as descendants and custodians of the founding documents of our country, must address and hold the British Crown accountable to. We continue to reaffirm our self-determination or tino rangatiratanga.
- 1.4. While I cannot speak, first hand, of the events that unfolded after Te Whakaputanga and Te Tiriti, it is the first hand accounts from Re Te Tai of his father, Te Tai, which I will rely upon. His upbringing, the continual practice of mana whenua and, on his passing, mana tuku as manifested by Re Te Tai, will be examined.
- 1.5. As is our tradition, such knowledge of historical events has been passed down to me through the generations and down to me orally.

## **2. Karanga Hokianga**

- 2.1. As well as knowledge passed down to me as part of our oral traditions, I also rely on sources from the book, “Karanga Hokianga”.<sup>1</sup> This book recites the minutes taken at a hearing of the Native Land Court at Te Karaka in 1903. While I refer to some of the statements made at the hearing of the Native Land Court, I would like to make clear that this does not in any way mean that I condone the establishment and operation of that Court.
- 2.2. The task of the Land Court was to address the question of land claims of the Motuti, Panguru and Waihou area. “Karanga Hokianga” documents the evidence submitted by 13 rangatira at that time. They were:
  - (a) Heremia Te Wake;

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<sup>1</sup> Teresa Paparoa and Pa Henare Tate, *Karanga Hokianga*, Motuti Community Trust, Hokianga, 1986.

- (b) Herewini Te Toko;
- (c) Taniere Rangipaoa;
- (d) Te Hira Mataika;
- (e) Pauro Te Rangaihi;
- (f) Wiripo Ngapera;
- (g) Wiremu Rikihana;
- (h) Hotene Karaka;
- (i) Herepete Rapihana;
- (j) Amuketi Himiona;
- (k) Koroweo Puhirere;
- (l) Pire Teira; and
- (m) Re Te Tai.

### **3. Background**

- 3.1. To understand the status and position of Te Tai as signatory to Te Tiriti, one must be cognisant of his upbringing and livelihood before and after Te Tiriti. With this information, Te Tai did not and could not have ceded his tino rangatiratanga to the British Crown, as purported in the English version of the Treaty of Waitangi.
- 3.2. It was Te Tai who held the mana whenua of Waihou, Whakarapa, Motuti and Whangapatiki. Te Tai knew the boundaries of Ngati Te Reinga and reiterated these boundaries to Re Te Tai.

### **4. Mana Tuku**

- 4.1. The following excerpt, translated from Te Reo Māori by me, recalls an event as told by Re Te Tai:

Just before Te Tai was born, his mother, Ngakahuwhero, left Whirinaki and returned to Whangape, to give birth to Te Tai at Rangiputa.

It was at hui at Whangape that Poroa said to Ngakahuwhero, return Te Tai to below the maunga (Panguru, Papata, Te Reinga), to Waihou, Whakarapa, and Motuti.

It was also Kahi, Te Tai's grandfather, who stated that Te Tai go, as those lands await him and that he, Kahi, will never leave Whangape. Kahi also mentioned the proverb of Whangape and Herekino, "Ko Herekino Tapokorau, he iwi maakutu" (Herekino of a hundred valleys and a tribe skilled in witchcraft). Because of this, he wished that his mokopuna not stay on there.

Kahi gave those lands to Te Tai with the blessing of Poroa, Te Tungutu and Pakurakura, as these lands came under Ngati Te Reinga.

It was also agreed by Muriwhenua and Te Whitu to give over Te Hiahia or Whangapatiki, to Te Tai.

In terms of whakapapa and the transfer of mana whenua, this begins with Matauturangi, to Te Reinga, to Te Kuri, to Niwa, to Te Ruapounamu, to Kahi, to Papahia, to Ngakahuwhero, to Te Tai and Te Hira (the younger brother of Te Tai), right down to Re Te Tai.<sup>2</sup>

## **5. Whirinaki**

- 5.1. Ngakahuwero, Muriwhenua and Te Tai returned to Whirinaki to raise Te Tai. As Te Tai grew, they would korero to him and told him that his roots were here but that his place of mana was across the waters ki te Raki, or the Northern side of Hokianga.

## **6. Ngati Te Reinga**

- 6.1. The boundaries of Ngati Te Reinga are precise and are based on land features and waterways. This was recited by Re Te Tai, as translated from Te Reo Māori by me:

From the river of Motukaraka, this separates out to Pukekohe and Tapuwae. Where the river of Pukekohe leads on to Kohatuhapai, and then crosses over to Manganuiowae. This water continues on behind Hoehoea and Otangaroa. It then goes to Otangaroa river, on the other side of Panguru maunga, then across to Waihou river, to Wharerimu, then over to Maungapohatu Kohatu maunga, to Te Puaorei, Tarawa, Kukupa, Te Pare and over Tauwhare maunga. Then down to Te Rau o Te Aute, towards Rangionoono, then across the river of Waiheke, climbs over Raukawa, to Te Koropiha, to Omonoa, then into Omonoa river, towards Okaraua. Then to the rock Whanganamu. Around the side of Matariki, to Wekoweko and across again the Waihou river to Kohatuhapai, to Toungarangara, then to the mouth of Te Marangai, across the river of Motuti, towards Motukauri and Otongatonga, to Te Kurukuru and then across the river of Whangapatiki. To Pongipongi, Puhikaiata, Kaitara, Waiohooa, Te Pani o Haiti, to Te Hoanga, Oruangongoro, Purakau, Te Kahikatoa, right to Matawera.<sup>3</sup>

- 6.2. This is the domain of Ngati Te Reinga.

## **7. Mana Whenua**

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<sup>2</sup> Ibid, p 79.

<sup>3</sup> Ibid, p 64.

7.1. The following excerpt, as translated from Te Reo Māori by me, recalls an event as told by Re Te Tai:

When Te Hira died, both Te Tai and his father Muriwhenua maintained the leadership roles at that time. Te Tai was the arbitrator of land issues and I, Re Te Tai, was the time-keeper and law enforcer. Te Tai was not embracing of western values around selling land. The idea of surveying land came from Timoti Puhipi, Te Waaka and Morenga. Timoti Puhipi sent a letter to Te Tai to attend a land hui at Manganuiowae.

Thirty of them arrived, including Te Tai and Wiremu Tana. Wiremu attended, so as to agree on surveying. We were there as representatives of Te Rarawa. Once the mihi was finished, Timoti stated that he was here to survey all the lands. If the land was surveyed, then there would be caretakers of those parcels of lands.

Te Tai forwarded his decision to choose the caretakers of those lands and its people. Te Tai also stated, “this is not good. I alone have the right over this land.”

After the hui, Wi Tana was not finished. In speaking with Te Tai, Te Tai agreed to vest Wi Tana, Wiremu Tana, Ngawaka, Tamaho, and Herewini as kaitiaki of those lands spoken about.<sup>4</sup>

7.2. This excerpt provides an insight into the exercise of the mana whenua of my Tupuna, Te Tai. The notion that Te Tai could have forfeited his tino rangatiratanga and ceded anything could not possibly be said to be demonstrated by his actions. His actions, however, do show his love of the people and his clear understanding that whenua should not be parted with.

## **8. Mana Whenua – Example Two**

8.1. The following is another excerpt, as translated from Te Reo Māori by me, from “Karanga Hokianga”:

Arama Karaka Pii of Waima had built a whare there named Te Mapi. Te Tai had given his intention to go there. On arriving, there were many people. It was a hui concerning land, specifically Taheke and Waima.

Mohi Tawhai stated to Arama Karaka Pii, “return the land to Te Tai, this is his whenua.”

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<sup>4</sup> Ibid, p 102.

Arama agreed. Rangatira Moetara also stood and requested the return of that land. Both Mohi and Arama had not finished as they had already agreed to return the land to Te Tai. Te Tai interjected and stated that land be returned to Arama Karaka Pii. With that, Te Tai turned to Ngati Hurihanga, Te Haupokia, Pehikuru, Te Hotete and the elders of Waipapa and Raniera.

Te Tai stated, “return to me the lands of Otukehu and Hoakotiti.” Te Haupokia agreed to this. The reason for Te Tai’s request for that land was that Rakeiti lived there. She then passed the land to Te Aokarere, and then to Maruwhenua and Tarutaru. Ngati Kairewa is the very reason for this claim. From Kairewa came Tamatea, who carried the mana of Ngati Kairewa.

Now there is issue between each other. From the time when my father died I saw the younger brother of Te Haupokia in Waima. Therefore I return the land right up until judgment is made of this land in the courts.

My wish is to place a caveat on Taheke and Waima. Regardless, I wish not to belittle the words of my parents. Heremia has placed a caveat on this land as well. It is not right, as he descends from Tamatea. The courts have ruled and not in his favour. Akinihi and I would have to agree...Today is different. Leave that in the past.<sup>5</sup>

8.2. Both Taheke and Waima were given, without dispute, to Te Tai. Again, Te Tai has shown wisdom and returned whenua to whom he thought to be the right person. This demonstrates his clear exercise of mana whenua.

8.3. It would be unreasonable to imply that Te Tai would cede mana whenua whilst still practicing mana whenua. It is rational to propose that his participation in the courts was merely a tool for which to establish his continued exercise of mana whenua over our lands. In addition, he questioned the actions of those who wished to use the courts for their own gain, as, in his practice of mana whenua, whakapapa should be the final decider in land matters.

## **9. Te Tai And His Legacy**

9.1. According to Re Te Tai, in 1872, Te Tai became sick. The following is an excerpt as translated from Te Reo Māori by me:

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<sup>5</sup> Ibid, p 102.

We were living in Ohapehape at that time. That night Te Tai called me, and said, “koro, there is one objective to my words. After my time, look after my dearly loved people. Take care of those who have devoted themselves, give contemplation to your chiefly qualities. That quality is your greatest asset. A trait that is your parents’, your older brother and sisters’, your younger siblings’ who carry on this mantel, but you must take care of these qualities of which your elders gave to you.

For this is there home, Whirinaki. This is my yearning, to be here, Ngakahuwhero and I. The land, to which you and I reside, I am that land. This land, which was passed down by my parents to me, I say to you, take care of your elders, those who reap from the land and the sea.

If I cannot give strength to those things that are dearest and uplift me, then I could not say the words that land is to land, as people are to people, they both belong. This land, the land which was given by Moetara.

These are my words to you; take care of my dearly loved people. Also look towards your great elders, who reside here. Remember your elders of Whakarapa. That place, where they, your elders and ancestors, have come together.

Although this land is in our grasp, remember your elders in Whakarapa. I lay bare my words to you, never forget the intense love of my people in Whakarapa, lest you forget.

The domain of Waihou, Whakarapa towards Waipapa and extending to Herepahore. Te Hiahia. This is yours, and your older and younger siblings’, and your elders’ too. Remind your sisters of this land as well. To the descendants of Whatitia, these words are for him, do not forget your Pakeha brothers, both Tauī and Hori.<sup>6</sup>

9.2. The following is a further excerpt, as translated from Te Reo Māori by me, from “Karanga Hokianga”:

On the last occasion, Te Tai beckoned his children to gather in this presence. He has words for us and Tawio as well.

His words are, “young ones, take care, I plead, of our people. An issue has broken in Manganuiowae, your elders, your older brothers who are seated below, the waters of Manganuiowae are becoming dirty. The end is near for the fires that burn, be steadfast in maintaining the home fires, lest a person extinguish it. Be steadfast for your place of standing.”

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<sup>6</sup> Ibid, p 105.

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Te Tai gave significance to Te Tiriti, “from here, hold to Te Tiriti as a father”.<sup>7</sup>

- 9.3. An explanation is given in “Karanga Hokianga”, as translated from Te Reo Māori by me, as to why the waters of Manganuiowae were being dirtied – “arrogant is the person who surveys the lands of Manganuiowae”, that is, the young people, by failing to maintain the home fires, were not taking care of their people and as a result their ancestors were turning in their graves and muddying the waters of Manganuiowae.<sup>8</sup>
- 9.4. At the signing of Te Tiriti and upon his death bed, Te Tai believed Te Tiriti to be as important as the role of a father. His practices were in fact reflective of that role in his demonstration of authority over the lands conferred to him by his tupuna.
- 9.5. He never questioned this authority and in turn that authority was never questioned by his people. In other words, Te Tai considered and understood that the signing of Te Tiriti in no way interfered with the exercise of his tino rangatiratanga.
- 9.6. I conclude that Te Tai saw that Te Tiriti clearly gave him license to exercise his rangatiratanga through whakapapa, and to equally reinforce that role through the exercise of his mana and authority.
- 9.7. I believe that the Maori version of Articles I and II of Te Tiriti must have been understood by him and many other rangatira in this way.
- 9.8. Te Tiriti was an agreement that saw Te Tai practising his inherited rights, up until he died. From the examples given of land hui he attended, Te Tai was astute and did not need to force, by draconian rule, his assertion of ownership. Whakapapa was the only source of authority required.
- 9.9. This source of authority gained approval from those rangatira who were present.

## **10. He Mana Te Kupu**

- 10.1. The approval by the Papatupu Committee of Te Tai’s authority over his lands by way of his whakapapa was also evident in Re Te Tai’s claim, as recorded in the “Karanga Hokianga”. On Thursday 20<sup>th</sup> August 1903, at 10.00 am, Hoori Riwhi, of the Papatupu Committee stated that, if there were no objections to Re Te Tai

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<sup>7</sup> Ibid p 109.

<sup>8</sup> Ibid, p 110.

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and his claims, then it would seem pointless for them to inspect the boundary and markers that were described by Re Te Tai.

10.2. In summing up before the Papatupu Committee in 1903, Re Te Tai clarified the boundary that Te Tai had set out. This included Waihou, parts of Whakarapa, Motuti and Whangapatiki. This area belonged to Ngati Te Reinga. Te Reinga, the tupuna, was the source of his claim. The recent descendants with authority over the land were Te Tai, Te Hira and their sister, Wharo.

10.3. Hori Riiwhi, committee member, stated, there was difference between Waihou and the case for Whakarapa for which was being claimed by Heremia Te Wake at the time. In the case for Waihou, there were no objections to the claim made by Re Te Tai.

10.4. According to Re Te Tai, this is a matter of ancestry, of acquisition, decided upon before Te Tiriti – this was not abrogated in any way by the signing of Te Tiriti

## **11. Conclusion**

11.1. The korero I give here emphasises that the status of mana whenua is clearly founded on the premise of one's whakapapa. Whakapapa and mana whenua are one and the same. In both Re Te Tai and his father Te Tai's case, they derived their mana from tupuna.

11.2. Te Tiriti was the vehicle that ensured the survival of this mana and authority.

11.3. Nether of these Tupuna bowed to the British Crown but accepted, and demonstrated through their actions, that Te Tiriti guaranteed their tino rangatiratanga.

Wayne Te Tai

30<sup>th</sup> July 2010