

IN THE WAITANGI TRIBUNAL**WAI 2357****WAI 2358****WAI 1699****WAI 1701****IN THE MATTER OF** the Treaty of Waitangi Act 1975**AND****IN THE MATTER OF** An application for an urgent hearing by Sir Graham Latimer, Tom Murray, Taipari Munroe, Kereama Pene, Rangimahuta Easthope, Peter Clarke, Jocelyn Rameka, Eugene Henare, Nuki Aldrige, Ani Martin, Ron Wihongi, Eric Hodge, Walter Rika, Emily Rameka, Maanu Paul, Charles White and Whatarangi Winiata.

MEMORANDUM OF COUNSEL
9 May 2012

RECEIVED

Waitangi Tribunal

9 May 2012Ministry of Justice
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MAY IT PLEASE THE TRIBUNAL

- 1.** This Memorandum is filed on behalf of Haami Piripi, Chairperson of Te Runanga o Te Rarawa ("Te Runanga"), and the Iwi of Te Rarawa ("Te Rarawa"). Mr Piripi is also the claimant for Wai 1699 and Wai 1701.
- 2.** Te Rarawa supports the urgent application made by the New Zealand Maori Council and others in relation to the Sale of Power Generating State-Owned Enterprises Claim and the National Fresh Water and Geothermal Resources Claim ("the Wai 2357 and Wai 2358 Claims").
- 3.** This Memorandum responds to Memorandum-Directions of the Presiding Officer dated 27th April 2012¹ directing that the following information be filed by midday today:
 - (a)** submissions on stage 2 primary issues and any sub-issue matters from all inquiry parties;
 - (b)** list of case examples from claimants and other parties.

SUBMISSIONS ON STAGE TWO PRIMARY ISSUES AND ANY SUB-ISSUE MATTERS

- 4.** Te Rarawa has no substantive submissions to make on the stage two primary issues, nor any sub-issue matters, except for a minor amendment to paragraph 17(c). Counsel recommends the following additions, in bold and underlined below:

17 (c) If not, why not? In particular, is the current situation a consequence of past Treaty breaches that have already been identified in Waitangi Tribunal findings, **for instance**, in relation to water resources, geothermal resources, and natural resources more generally?

¹ Wai 2357, #2.5.19 and Wai 2358, #2.5.19.

5. These amendments broaden the issue question as there may well be relevant findings of the Waitangi Tribunal identified in relation to other matters that should be considered in the Tribunal's current inquiry. Counsel respectfully submits that this issue question should not be limited to Tribunal findings solely in relation to water, geothermal and other natural resources.

SPECIFIC CASE EXAMPLES OF TE RARAWA

6. Te Rarawa wishes to include two of their waterways as case examples in these proceedings. Counsel has liaised with Counsel for the Claimants regarding these case examples.
7. The two case examples that Te Rarawa wish to include are:
 - (a) Warawara Whenua Ngāhere I Te Taiao ("the Warawara"); and
 - (b) Lake Tangonge.

The Warawara Case Example

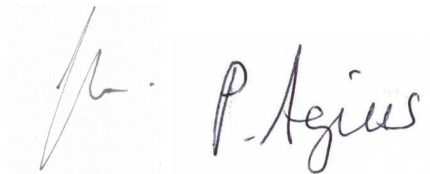
8. The Te Rarawa and Maori World View of water is theologically and spiritually complex. Water is an essential element of this universe, and it is inclusive of Te Rarawa's cultural chronology and the birth of the universe itself.
9. The Te Rarawa rohe includes the Warawara, which, is of paramount importance to Te Rarawa and the Warawara mana whenua hapū. The Warawara contains a number of ancestral maunga of Te Rarawa, including Papata, Moumoukai, Weka, Te Reinga, Te Rau-o-te-Aute, Tauwhare, Paparata, Poare, Tarakeha, Umawera, Ototope and Opango.
10. These ancestral maunga contain the springs and catchments of awa including Moetangi, Taikarawa, Waikare, Waitaha, Hauturu, Puapua, Wharerimu, Whakarapa, Kawaka, Otangaroa, Waihou and Paharakeke. The freshwaterways within the Warawara are, and have always been the waiora, or source of life giving water that has sustained Te Rarawa communities since they were established by Kupe and others millenia ago.

Lake Tangonge Case Example

- 11.** Lake Tangonge has rested within the lower reaches of the Hiku o Te Ika a Maui since time immemorial. Its shallow and expansive spread was supplied by the numerous tributaries flowing from the mountains surrounding it and its natural outflow leads into the pristine Rangaunu Harbour environs. Since the arrival of Kupe and the first Polynesian voyagers, the lake has been a focal point for human activity. The lake and its associated wetlands have historically provided an array of natural resources all derived from the undisturbed flow of water into a catchpool of hundreds of acres that totally dominated its surrounding environment. These resources range from building and cultural materials like medicines to the gathering and preserving of aquatic/bird life unique to the Tangonge ecosystem.

- 12.** The lake has historically been bordered by a number of Te Rarawa communities and key ancestral Paa. The last of these was still occupied by Te Rarawa ancestors well after the arrival of the Pakeha and who continued to hunt, fish and gather resources to sustain their Whanau until more recent times when the lake was drained of water.

Dated at Wellington this 9th day of May 2012

A handwritten signature in black ink, appearing to read 'Janet Mason' followed by a flourish and 'Priscilla Agius'.

Janet Mason/Priscilla Agius
Counsel for the Claimant