OFFICIAL

IN THE WAITANGI TRIBUNAL

Wai 898
Wai 1599

UNDER the Treaty of Waitangi Act 1975

IN THE MATTER OF the Rohe Pōtae District Inquiry

OPENING SUBMISSIONS FOR THE NGATI WHAREKOKOWAI (WAI 1599) CLAIM

Dated: 7th November 2013

RECEIVED
Waitangi Tribunal
07 Nov 2013
Ministry of Justice
WELLINGTON

Frankton Law
Barristers and Solicitors
P O Box 5232
Frankton 3242

Solicitor: James Galt

Counsel Instructed:
James Alexander Hope
P O Box 19342
Hamilton
Ph: 07 839 6237
Fax: 07 834 9265
Email: alex@punachambers.co.nz

OPENING SUBMISSIONS FOR
THE NGATI WHAREKOKOWAI (WAI 1599) CLAIM

MAY IT PLEASE THE TRIBUNAL:

1. The Claimant, Pani Sinclair Chamberlin claims for himself and on behalf of Ngati Wharekokowai (and in respect of the lost hapu and iwi of Aotearoa nominally represented by the list of hapu filed (**#O11(b)(iii)**)). He claims that by various actions the Crown has breached the Tiriti o Waitangi. He seeks a hearing of his claim and recommendations of the Tribunal relating to remedies sought by him.

2. There are two limbs to the Ngati Wharekokowai claim:

   2.1 The first is a philosophical argument regarding the inter-relationship of whenua and, whakapapa and identity. The argument is, in very simple terms, that the loss of land has resulted in the loss of connection to that land and the whakapapa and korero associated with it. The end result has been loss of identity as Maori, as a descendant of Wharekokowai, of reo, of tikanga and of korero tuku iho. In respect of this limb of his claim, he claims on behalf of all of the lost Hapu and Iwi and their descendants who live in ignorance of those elements that make up the complete person that is, whenua, whakapapa, tikanga, reo, korero tuku iho which fill all of the spaces in the following exchange "*Ko wai koe? He uri au no Wharekokowai.*"

   2.2 The second limb of the claim relates to loss of land through the operation of the Native Land Court, Public Works legislation and other acts, including the *Native Land Amendment and Native Land Claims Adjustment Act 1930* that have resulted in the almost complete annihilation of Ngati Wharekokowai from conscious

human thought. It has resulted in what the Claimant says is *"cultural genocide".*

3. It is appropriate that this evidence be heard at Te Kotahitanga Marae as it lies within the Orahiri Block. The surveying, defining, re-naming and reallocating of the land and the "granting" of title and ownership severed Maori from their whenua and their identities. This was the beginning of the end of Ngati Wharekokowai.

4. The Claimant's Tupuna **Te Putu Taiki** sought to preserve Ngati Wharekokowai's interests in the Orahiri Block. Unfortunately the interests granted were in or near the Otorohanga Township and were rapidly alienated to the extent that all that remains is an Urupa (Orahiri 8B2), whose exact location has not been exactly identified. It is less than an acre in size and lies somewhere in a farm paddock, unmarked and unfenced, trampled by stock.

5. The Claimant will give evidence (**#O11**) of his journey from ignorance and yearning to the planting of seed of knowledge, to the realisation of what has been lost and what must be done to recover from that loss.

6. The loss has been accentuated by the passing, during the course of this inquiry, of Sir Archie Taiaroa and Piripi Crown, both of whom possessed knowledge about Ngati Wharekokowai and its history.

7. The Claimant's evidence will be supplemented by evidence of Matiu Haitana (**#O10**) who is from the Taiaroa family and is able to give some of the evidence that it had been hoped by the Claimant that Sir Archie Taiaroa would have been able to give.

8. Matiu Haitana's evidence relates to a network of caves referred to in the Otago Witness newspaper article (refer document

bank (**#O11(a), pages 3 -12**).

9. The claimant, his father Robson Chamberlin and Destry Murphy gave evidence at the Nga Korero Tuku Iho hearings at Te Kuiti on 11th June 2010.

Breaches of the Tiriti o Waitangi by the Crown

10. The claimant says that in his view the Crown was dishonest in its dealing with his tūpuna in relation to land. It investigated title and allocated resources for an ulterior motive namely, to acquire land and to europeanise the claimant's tūpuna by europeanising the way they held land and the way they related to land and to themselves.

11. What happened to the people of Ngāti Whārekōkōwai as a result of Crown actions was cultural genocide.

12. The Crown also eroded the Whārekōkōwai land base until it is now non existent except for an urupā at Ōrāhiri 8B2. This was a breach.

13. The cumulative effect of the Crown's breaches of the Tiriti o Waitangi was the loss of the claimant's cultural identity as a descendant of Whārekōkōwai.

Remedies Sought

14. I would like the Tribunal to make the following recommendations in respect of Whārekōkōwai and its claim:

14.1 That the Crown assists the remnants of Whārekōkōwai to relink as a hapū and iwi

14.2 That the Crown assists those many Māori, including those who don't even know they are Māori, to establish their iwi and hapū identities which may include a Whārekōkōwai identity

14.3 That the Crown assist Wharekōkōwai to re-establish its own tikanga and reo. This would probably involve funding research, the writing of books and advertising and funding hui.

14.4 That Crown land held in the Orahiri 8 Block be returned to Wharekōkōwai for it to use to establish a land base

14.5 That the Crown assists Wharekōkōwai to establish a marae

14.6 The the Crown make provision in the Immigration legislation for persons who have lost their Wharekōkōwai identity and who are no longer New Zealand citizens, for their return to New Zealand as citizens if that is their wish.

14.7 That the Crown makes provision in fisheries legislation for Wharekōkōwai to be represented as an iwi

14.8 That the Crown makes provision in river settlement legislation for the recognition of Wharekōkōwai as an iwi having an interest in, for example, the Waipā River.

14.9 That the Crown compensate Wharekōkōwai for its losses.

Dated this 7th day of November 2013

_____

James Alexander Hope

Counsel for Claimant