

**KEI MUA TE RŌPU WHAKAMANA I TE TIRITI**  
**BEFORE THE WAITANGI TRIBUNAL**

**WAI 898**  
**WAI 1823**

**I TE TAKE O**

**IN THE MATTER OF**

**ME**  
**AND**

**I TE TAKE O**  
**IN THE MATTER OF**

**ME**  
**AND**

**I TE TAKE O**

**IN THE MATTER OF**

**TE TURE O TE TIRITI**  
**O WAITANGI 1975**  
**THE TREATY OF**  
**WAITANGI ACT 1975**

**TE ROHE PŌTAE**  
**DISTRICT INQUIRY**

**MICHAELA RANGITAAWA-**  
**SCHOFIELD MONGĀTI**  
**MANIAPOTO HAPŪ, NGĀTI**  
**URUNUMIA RĀTOU KONGĀTI**  
**NGUTU**

**MICHAELA RANGITAAWA-**  
**SCHOFIELD FOR AND ON BEHALF**  
**OF NGĀTI MANIAPOTO HAPŪ OF**  
**NGĀTI URUNUMIA AND NGĀTI**  
**NGUTU**

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**WHAKATAOKOTORANGA TŪWHERA O TE ROIA MO WAI 1823**

**OPENING ADDRESS BY COUNSEL FOR WAI 1823**

**TĒNEI TE RĀ 8 O, WHRINGA-Ā-RANGI, 2013**

**DATED THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2013**

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Ministry of Justice  
WELLINGTON

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**WHAKATAOKOTORANGA TŪWHERA O TE ROIA MO WAI 1823**

**OPENING ADDRESS BY COUNSEL FOR WAI 1823**

**MĒNĀ KA PAI KI TE RŌPU WHAKAMANA**

**MAY IT PLEASE THE TRIBUNAL**

**Mihi**

**Whakatūwhera/Introduction**

1. Wai 1823 is a claim by Michaela Rangitaawa-Schofield, bought on behalf of the Ngāti Maniapoto hapū of Ngāti Urunumia and Ngāti Ngutu and their constituent, numerous whanau.
2. At the core of this claim is Tino Rangatiratanga, the guarantee of which the tīpuna of these fine, noble people secured under Te Tiriti o Waitangi 1840.
3. Regardless of what self-serving Crown politicians of the 21<sup>st</sup>, 20<sup>th</sup> and 19<sup>th</sup> Centuries tout, Te Tiriti o Waitangi was clear in its guarantee of Tino Rangatiratanga to the people of the hapū of Ngāti Maniapoto and all the tribes of Te Rohe Pōtae. Te Tiriti is the Constitution.
4. The evidence in this claim bequeaths another strand to the intricate weaves of the whakapapa and tikanga lines of Te Rohe Pōtae and the expectations of the many ancestors whose mokopuna have brought you, the Waitangi Tribunal, their korero tuku iho these past few years. Much of their hope is reposed in you and they seek recommendations.
5. This claim also concerns the impact that colonisation and the lack of good faith and active Crown protection had on the hapū and iwi

dynamics within the Rohe Pōtae – in particular as they relate to the claimants’ tīpuna – Wahanui Huatere, and the pressure that the Crown exerted on the leaders of Te Rohe Pōtae during the “opening up” of the area.

6. The claim concerns the Crown’s responsibility for undermining the ownership of and Tino Rangatiratanga over their taonga and ancestral lands in Te Rohe Pōtae, in particular their land interests in the Hauturu Waipuna A block and the Kawhia E2B2A block.
7. The histories of these two blocks are prime case-study examples of the prejudice caused by such laws as the 1967 Amendment of the Māori Affairs Act 1953. The imposition of the so-called ‘uneconomic interests’ provisions scars the conscience of the Crown to this day and its continuing prejudice will remain a blight on the people of the land until redressed. Herein lies the challenge to the Crown.

### **Te Wahanui**

8. Wahanui Huatare or Reihana Wahanui - named after his grandfather, Wahanui 1 - was born in the late 1820s in Te Rohe Pōtae, and was raised in the upper Waipa Valley. A giant of a man both in physique and in mana, he was destined to navigate the Maniapoto tribal nation through the reefs, shoals and bombs of contact with the Crown – in trade, dealing, exploring, war, a two-decade stand-off, negotiations, modernisation and was to in his later years, Counsel fears, to have begun to see the nasty side of his worst nightmares about what would happen to his people if they lost their lands and tikanga.
9. Wahanui continues to intrigue and confound politicians, historians and jurists now, just like he did in his heyday. An enigmatic and

energetic leader, he inspired both envy and admiration, fear and attraction, from many of his contemporary folk, of both races and of many persuasions. Inā te mahi, he Rangatira.

10. The evidence of his great-great mokopuna, Michaela Rangitaawa-Schofield outlines a much mis-apprehended and sometimes maligned man, and she attempts to put some more context into the versions of korero tuku iho about Wahanui, which she passes on from her sire, the late, great Richard Tokitahi Rangitaawa.
11. In his youth, Wahanui studied to become a Wesleyan Methodist Minister in Auckland, and on his return home became involved in Māori reactions in response to the Crown's encroaching actions, rife sharp-dealing Crown official land speculators, the Auckland business community led 'War Party' of lawyers/speculators Whittaker, Russell and others in the 1860s and the ensuing war in Waikato and Te Rohe Pōtae. Wahanui's life was lived in a time of tumultuous change and needs to be seen as such. He led a people beset by huge change.
12. Wahanui went on to be a significant leader, whose diplomatic skills were called upon by Māori and Pākehā alike. Throughout his life Wahanui was fervently opposed to relinquishing Tino Rangatiratanga, tikanga, kawa and the ancient ways of dignity and mana. He saw Māori control over their land as the way in which the Maniapoto nation could save themselves from the subjugation of Crown legislations and actions.
13. Furthermore, Wahanui believed in the 1880s Te Ohāki Tapu as a promise that would allow Maniapoto Māori to govern their land and themselves as they saw fit – this was a notion that he would later

become much disillusioned with, when the Crown reneged on the promises that they had given at the opening up of Te Rohe Pōtae.

14. The Wai 1823 claim evidence to be presented in respect of the big issue of Te Ohāki Tapu of 1883-84 includes a letter from Wahanui to the Native Minister about the Harihari Blocks 1 and 2 dated May 16<sup>th</sup>, 1889. Ms Rangitaawa will present both the English and te reo Maori versions of the letter as Exhibit C (page 5 of bundle) and Exhibit F (page 46 of bundle) to her amended Bundle #O9(b).
15. The relevance of Wahanui's letter is that in both letters he refers to **“the promise** which Sir Donald McLean made to us”, and in te reo Māori **“te ohaki** a Te Makarini ki a matou” in 1854 and 1857 concerning the payment of the balance for that land. He was bringing it up 45 years after McLean made that ‘ohaki’ to Maniapoto.
16. Counsel submits it is very significant evidence that Wahanui's use of the term ‘te ohāki’ as ‘promise’ was consistent and this gives us an insight into how he understood this concept. It is tendered as corroboration of the Rohe Pōtae case that the concept of Te Ohāki Tapu was real, significant and that their hundreds of tīpuna who entered it saw it as a ‘Sacred Promise’.
17. Michaela Rangitaawa-Schofield's evidence will address the history of her tīpuna, as it was told to her by her father, Mr Richard Tokitahi Rangitaawa, and will show that Wahanui believed in Māori self-governance throughout his life, and worked to retain the Tino Rangatiratanga of his people.
18. Ms Rangitaawa-Schofield will also talk about the political pressures on Wahanui, and other leaders of his time, and how his actions have

been misinterpreted with the effect of maligning her tīpuna, as well as his being in her view, unfairly vilified by some as dividing the people of Maniapoto. Certainly he did not intend to; the Crown did.

19. What this claim is ultimately stating, is that the cause of land alienation and the decay of traditional social structures lies squarely with the Crown breaching its own duties of good faith and active protection of these iwi, hapū and whanau interests, and *that* is where the finger needs to be pointed, instead of at each other internally. In lay terms used by certain of Ms Rangitaawa-Schofield's elderly relations: 'the whole government land system was a *jack-up*'.
20. What is clear is that the Crown's age-tested 'divide, provide competition over resources, rule and steal land and mana' – techniques, have left an indelible print on Rohe Pōtae tribal nations and yet, despite the vagaries of those Crown machinations, Ms Rangitaawa and her hapū, her whanau, are determined to not enter the politics of envy, nor be drawn into undermining the position of any of their own relations. This claim is not about that. Instead they lay the blame on the Crown and hold the Crown to account for its broken promise, its continuing breaches of Te Tiriti me Te Ohāki Tapu.

### **Land Alienation**

21. The claimant will also talk about the process by which the Crown alienated her tupuna land. She will comment on the general mass of land that was taken of Ngāti Urunumia and Ngāti Ngutu. To demonstrate, she will focus on two land blocks that were alienated under the Māori Affairs Act 1953 as "Uneconomic Interests."

22. The evidence given with regards to the Hauturu Waipuna A block, and the Kawhia E2B2A block centres on the alienation of the land from the claimant's whanau under the auspices of the Māori Trustee.
23. Both lands – once part owned by the claimant's grandmother, a granddaughter of Wahanui – came to be alienated from the whanau in rapid succession from each other, and - as the claimant will show - without consultation with **nor** consent from the owner or the Rangitaawa whanau. The claimant speaks of their traditional usage of the Hauturu Waipuna A block as a place where every year the whanau holidayed together on their whanau land, to suddenly being told that they can no longer be there, and ending up camping out in a roadside rest area at Kinohaku. It is a sad indictment on the land-eating laws of the Crown. Wahanui, dare I say, would be turning in his grave.
24. Ms Rangitaawa will talk about how years later her father, Mr Richard Rangitaawa tried to find out how his mother's land was actually taken from them, and finding out that it was through the so-called Māori Trustee, or as they say in these parts, the Un-Trustee, while the whanau had had no idea of the processes involved; in fact, they still have little knowledge of how the land ended up in its current state – namely Hauturu Waipuna A having been amalgamated into what became the Waipuna C block, and Kawhia E2B2A block, which is now under private ownership. The evidence of the lawyer's letter to them and the Maori Land Court documents is stark. The prejudice is bold, sad.

### **The Impacts**

25. The claimant will also discuss the impacts of the demise of traditional leadership and its structures (as exemplified by Wahanui), together

with the alienation of land on the hapū of Ngāti Urunumia and Ngāti Ngutu.

26. These hapū lost vast tracks of land after the “opening up” of Te Rohe Pōtae, and the effects of this, in a general sense, were trans-generational displacement, socio-economic deprivation and the loss of mana whenua, Tino Rangatiratanga, tikanga and kaitikitanga. The evidence of Ms Rangitaawa-Schofield will testify to this from her own life experiences. The claim for Wai 1823 is a direct outcome of such impacts.

27. The claimants ask for the Tribunal’s findings and the Crown’s acknowledgement and addressing of the issues raised by her evidence – she is asking for the Crown to restore what was once rightfully theirs – restore their whenua to them, to respect their tikanga, to actively assist them to reinstate their reo rangatira and kawa, to actively acknowledge their kaitikitanga of lands and places they belong to, and to actively protect and encourage their Tino Rangatiratanga o o ratou taonga katoa.

*No reira, tēnā koutou, kia ora huihui mai tātou katoa.*

Kei Te Kotahitanga Pā, Ōtorohanga, tēnei te Rā 8 o Whiringa-ā-Nuku, 2013.



**Tu'inukutavake Barron Afeaki**

Counsel for the Claimants, Wai 1823