OFFICIAL

IN THE WAITANGI TRIBUNAL

WAI 898

WAI 1450

Under	**The Treaty of Waitangi Act 1975**
In the Matter of	**Claims in the Te Rohe Pōtae Inquiry District**

OPENING SUBMISSIONS FOR WAI 1450
DATED THIS 7th DAY OF MAY 2014

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INTRODUCTION

1. This brief opening statement is prepared for the named claimant of the Wai 1450 claim, Mr John Kaati.

THE CLAIM

2. This claim is about influential Maniapoto role models and leaders within the region. Against this backdrop the claim relates to actions and inactions of the Crown within the Maniapoto rohe that have stunted the economic development of Maori and caused them loss. It highlights the flagrant disregard that the Crown has traditionally displayed to Manaipoto Maori and their aspirations as they relentlessly sought to acquire the lands of Maori and assert control over the rohe with little regard for the repercussions of their actions.

CROWN OBLIGATIONS

3. By virtue of Te Tiriti o Waitangi the Crown guaranteed to Maori;

    a. Rights of self-determination including the right to manage their own affairs; and

    b. That Maori would be an equal partner to the settler peoples

4. Te Tiriti also posed upon the Crown a number of obligations towards Maori. Among the obligations relevant to this claim are;

    a. That Maori would be guaranteed the full and undisturbed possession of their lands and resources for as long as they wished to retain them;

    b. That the Crown would consult with Maori about matters that affect their rights and interests, and

    c. That the Crown would act in good faith in dealings with Maori.

5. It is the claimants' contention that instead of honouring these Treaty obligations the Crown chose to ignore the wishes of Maniapoto Maori and pursue their own agenda to the detriment of Maori.

ASPIRATIONS OF MANIAPOTO LEADERS

6. A major source of grievance for this claimant is the Crowns persistent failure to recognise the Tino Rangatiratanga and rights of self-management of Maniapoto Maori and the harm that has occurred as a result.

7. Throughout the course of his evidence Mr Kaati will highlight these failings as he speaks of the aspirations of Maniapoto leaders of yesteryears who were highly resistant to the opening up of Maniapoto lands for sale and alienation.

8. The evidence will be that these leaders were acutely aware of the potential that their lands and resources held and of the capabilities of their people. The evidence will further be that these leaders had a vision for their people. A vision whereby the lands would be owned and managed by the people for the benefit of Maniapoto Maori.

9. However as the evidence will show Maniapoto Maori have encountered immense problems as they have sought to realise these aspirations in the wake of a settler government that failed to acknowledge the input of Maori and marginalised the vision of these leaders – seeking instead through the acquisition of land and resources to assert their control within the rohe. It is in this context that Mr Kaati will present korero on the successive land laws and local body actions that Maori have been subjected to which facilitated the alienation of their lands to the detriment of their people.

LANDLOSS

10. In particular Mr Kaati will discuss the widespread confiscation and alienation of land that Maori have suffered within the Kawhia and Maniapoto regions. His evidence will highlight the struggles of Maori to retain their lands and the measures that people including himself, have had to take in order to prevent

these valuable resources from being taken and sold. His evidence will further highlight the costs that Maori have had to incur in the bid to retain and develop their lands.

11. He contrasts this with his view of what would have happened in the event that Maori were allowed to retain and use their lands and resources as they had desired to do so.

12. The claimants contend that had the Crown acted differently and Maniapoto Maori retained at least one third of their farmable lands to develop, the economic health and wellbeing of the iwi would be in a far better position than it is now and that the Maniapoto peoples would be successful. However as the evidence will show the Crown failed to expedite this vision of Maniapoto and the people were instead left with landloss and economic deprivation.

LANDLOCKED LAND

13. Though out the course of his evidence Mr Kaati will also speak of an issue affecting so many Maori within the Te Rohe Potae Inquiry District – land locked land. Through his discussion Mr Kaati will highlight what he knows of the struggles that Maori have encountered in accessing these lands and their consequent inability to develop or incur any benefit from these resources.

14. Here Mr Kaati's evidence will highlight the plight of Maori who must humbly forego their mana in order to request access to their lands from the private owners of lands that encase their holdings.

15. Against this backdrop Mr Kaati will present evidence on his involvement with the Patahi block. Here the evidence here will be that this block became landlocked through a series of Crown purchases of the surrounding lands. Through this example we will also see the lengths to which Maori have had to go in order to retain the lands of their people as Mr Kaati although not an owner in the block himself paid the fee to prevent it from facing sale.

OLD LAND CLAIMS

16. Evidence will also be presented in relation to the Puketutu subdivision. Here the evidence will highlight the systemic failures of the Crown to properly investigate old land claims to the detriment of the claimant and other Kawhia Maori in relation to this subdivision.

LOCAL BODY ACTIONS AND RATING EFFECTS

17. Throughout the course of his evidence Mr Kaati will also speak from his unique perspective as a former member of the Waitomo District Council. Through the course of this discussion he will highlight the struggles of Maniapoto Maori to cope with the effects of ratings and the actions of local body council.

WAHI TAPU AND PA SITES

18. Throughout his evidence Mr Kaati will also speak of various wahi tapu and Pa within the Kawhia region. He will speak of the desecration and destruction of these sites and the ways in which Maori have attempted to safeguard them from interference.

19. Evidence will be presented about how the remains of the ancestor Tapuhau were removed from his resting place and placed within an Austrian museum – where he remains to this day. The evidence will then go further to demonstrate the lengths that Maniapoto Maori have had to go to in order to prevent these things from reoccurring and the loss of oral history that eventuated as a result.

20. Through discussion of the Crowns flagrant disregard for such significant sites and the remedial actions that Maori have had to take in response the evidence of Mr Kaati will demonstrate the gravity and extent of interference that Maniapoto Maori have encountered over the years in relation to their lands, resources and taonga as they have been forced to modify their practices.

CONCLUSION

21. The Wai 1450 claim highlights the struggles of a people to maintain their tino rangatiratanga, lands and resources in the face of a Crown who sought to assimilate and impose control upon Maori through encroachments on their territory, successive laws and purchasing techniques that failed to account for the mana of Maniapoto leadership.

22. The claimant asserts that the Crowns continued failure to recognise the tino rangatiratanga of Maniapoto Maori leadership and the aspirations of the people for the self-management of their lands is a breach of Te Tiriti o Waitangi which has had long term adverse consequences for the people. They contend that this breach has suffocated the development of their people and prevented them from reaching their full economic potential.

23. The claimant now seek that the people now be restored and afforded their place as equal treaty partner so that they can move forward and develop as a people.

DATED THIS 7TH DAY OF MAY 2014

Yashveen Singh

Claimant Counsel