

IN THE WAITANGI TRIBUNAL

**Wai 2180, Wai 1705, Wai 647, Wai 588,
Wai 385, Wai 581, Wai 1888**

IN THE MATTER OF

the Treaty of Waitangi Act 1975 and the
Taihape: Rangitikei ki Rangipo Inquiry
(Wai 2180)

IN THE MATTER OF

a claim by Isaac Hunter, Utiku Potaka,
Maria Taiuru, Hari Benevides, Moira
Raukawa-Haskell, Te Rangiangoa
Hawira, Kelly Thompson, Barbara Ball and
Richard Steedman on behalf of themselves,
the Iwi organisations who have authorised
them to make this claim and the Mōkai
Pātea Waitangi Claims Trust (**Wai 1705**)

AND

a claim by Maria Taiuru and others for and
on behalf of Wai 647 Claimants (**Wai 647**)

AND

a claim by Isaac Hunter and Maria Taiuru
and others for and on behalf of the Wai 588
Claimants (**Wai 588**)

AND

a claim by Neville Franze Te Ngahoa
Lomax and others for and behalf of the
Potaka Whānau Trust and Nga Hapū o
Ngāti Hauiti (**Wai 385**)

AND

a claim by Neville Franze Te Ngahoa
Lomax and others for and behalf of Te
Runanga o Ngāti Hauiti (**Wai 581**)

AND

a claim by Iria Te Rangi Halbert and others
for and behalf of the Wai 1888 Claimants
(**Wai 1888**)

**Statement of Evidence of Utiku Potaka
20 February 2017**

Solicitor

Leo Watson
Barrister and Solicitor
342 Gloucester Street, Taradale
Napier 4112

Telephone: 06-650 7119
Mobile: 027 274 9068
Email: leowatson@paradise.net.nz

Counsel Acting: L H Watson

Tuia te Rangi e tū iho nei
Tuia te Papa e takoto ake nei
Tuia te herenga tāngata
Tīhei mauri ora!

Ka rongō au ki te tangi o te Ruru
Pō pō peo peo moko pō keo keo
He tohu tēnā o ngā tini aitua kua wehe

Te pō uriuri te pō tangotango
Aue te pō ka roa te pō
Hahae Matariki hahae Puanga hahae Taurou
Tēnei te ao tēnei te ao

E tautoko ana ngā mihi kia mihi i runga i te marae
Nō reira nei rā te tuku mihi ki ngā mana ki ngā reo ki ngā mataawaka
Tēna koutou tēnā koutou, tēnā koutou

Tēnā hoki koutou te Taraipiunara i runga i te ahuatanga o te rangi nei
Whakatau mai rā kei waenganui o Ngā Iwi Nui Tonu o Mōkai Pātea

1. Once again I find myself in the privileged position of addressing you, the members of the Waitangi Tribunal. In doing so, I endorse the sentiments of our kaumatua on our Marae in welcoming you back to Rātā, the operational and cultural hub of Ngāti Hauiti. Our hau kāinga are excited to host you over five days, as they are well aware of the importance and significance of the substantive hearings.
2. My evidence is given in my capacity as Chairperson of the Mōkai Pātea Waitangi Claims Trust. The Trust is representative of Ngā Iwi Nui Tonu o Mōkai Pātea, being the whānau, hapū and Iwi of Ngāi Te Ohuake, Ngāti Hauiti, Ngāti Whitikaupeka and Ngāti Tamakōpiri.
3. My evidence will start by reflecting on our kōrero tuku iho hearing and reiterate the key themes that came from the presentations then take the opportunity summarise the key themes of the Mōkai Pātea claim. I will also cover the formation of the Claims Trust and the eventual move to the Treaty Negotiations process.
4. I am Utiku Keepa Potaka and was born in Hunterville to Tauaiti Epiha Potaka and Erena Doris Mete-Kingi. I was raised at Rātā

principally by my maternal grandparents Whakaari Te Rangitakuku (Rangi) and Wikitoria Keepa Mete-Kingi who ran the family farm along the ‘Rātā Straights’ on State Highway 1. After completing my secondary schooling at Christ’s College and my university studies at Massey in Palmerston North, I returned to Rātā to raise my own whānau and immerse myself in tribal history and affairs.

Ngā Kōrero Tuku Iho Hearings

5. At the conclusion of our ngā kōrero tuku iho hearings at Moawhango, I ended my summation with an emotional and poignant plea from Winiata Te Whaaro who wrote in 1897, around the period that he was evicted from Pokopoko :

Ko te kōrero kia haere ahau, ko tāku kia noho tonu.

Koia ahau ka kī, ka eke rawa atu āku toto mō tēnei poraka.

I am being asked to leave but my aim is to remain here always.

There will be bloodshed for the sovereignty of my land.

6. Te Whaaro’s sentiments have reverberated throughout the rohe of Mōkai Pātea and has become one of many symbols of resistance to the destructive nature of colonisation. He was, in essence, verbalising his Tino Rangatiratanga over the whenua.
7. And so the Ngā Kōrero Tuku Iho process was an opportunity to recount tribal histories that reinforce our mana. Ko te mana whenua me te mana tangata o Ngā Iwi Nui Tonu o Mōkai Pātea.
8. For the Claims Trust, the outcome of the hearings was to place on record our tribal histories from our own perspectives and to provide the Waitangi Tribunal with a summary snap-shot of who we are. We used a mixture of oral evidence, photographic imagery, drone video footage and taonga tuku iho to tell our story. We received positive feedback.

9. The approach that we took to present our history started with describing our combined collective kōrero o Ngā Iwi Nui Tonu o Mōkai Pātea. It was made clear that the kōrero of our tupuna may differ from other tribes but ultimately this was our story.
10. We started with our principal tupuna, Tamatea Pōkai Whenua. Tamatea was of the Te Hono i Wairua people of Hawaiki and came aboard the Takitimu waka to Aotearoa. His father was Rongokako, who's father was Tato. Tamatea had three wives and from each wife descends one of the four principal iwi of Mōkai Pātea. From his first wife, Iwi Pupū descends Te Ohuake, from his second wife Kahukare, descends both Hauiti and Whitikaupeka and from his third wife Tānewhare, comes their son Tamakōpiri.
11. It is through the common ancestry from Tamatea that the respective iwi of Mōkai Pātea are able to unite under a confederation referred to as Ngā Iwi Nui Tonu o Mōkai Pātea. Each of the iwi maintains and enjoys its own distinctive independence and autonomy from each other which has been upheld by successive Rangatira. These leaders have exercised **Mana Tangata** over their whānau, hapū and iwi for generations.
12. Tamatea's journey into the rohe of Mōkai Pātea is marked in detail by his naming of places and by his propensity of leaving mōkai along the way. The most significant mōkai was Pohokura who escaped from his master at Te Upoko o Kahungunu. He has become an icon to our people as a kaitiaki and guide for the future. The placement of these mōkai were referred to as "Mana's" by our old people, and this began to lay the foundation of **Mana Whenua** of Mōkai Pātea. The Mana Whenua o Ngā Iwi Nui Tonu is strengthened further when considering the intermarriages with other early peoples residing in the rohe including Ngāti Tūmokai and Ngāti Whatumamoa.
13. Mātangi also made an early incursion into the district after following flocks of kōkō he observed as he crossed the Tararua Ranges from

the Wairarapa. He too named many places in the Manawatū and Rangitīkei districts and left kaitiaki at lake Oporoa. His descendants occupied the northern Manawatū as Ngāti Tūmokai and married into Ngāti Hauiti lines. These marriages served to strengthen the mana whenua rights of Ngāti Hauiti to the southern part of the rohe.

14. Ngāti Whatumamoā are acknowledged as another early people and descend from the distant tupuna Mahu Tapoanui down to Orotu and Whatumamoā. Their descendants played a significant leadership roles within Mōkai Pātea, with their descendant Tupakihi being acknowledged as the principal man of Mōkai Pātea. Many of their descendants intermarried with the Tamatea grouping which served to enhance their mana whenua rights.
15. Coupled with Mana Whenua and Mana Tangata, is the exercise of **Rangatiratanga** (Chieftainship/leadership). Throughout the hearing in September last year, we provided a number of examples of the exercise of our Rangatiratanga.

Reforming the Confederation – Ngā Iwi Nui Tōnu o Mōkai Pātea

16. For centuries the individual hapū and iwi from Mōkai Pātea have lived independently and autonomously and at times rallied together to address common issues. Often this was in times of warfare but by the late 1800s, the collective might of the confederation was focusing on opposing and managing land alienation. Such was the case in the subdivision of the Awarua block when an out of Court agreement had been reached by all the tribes of Mōkai Pātea in the allocation and division of the block.
17. However through the loss of most the tribal lands in the late 1800's coupled with the government's assimilation policies, the tribal structures of Mōkai Pātea disintegrated and alliances with influential neighbouring iwi such as Ngāti Tūwharetoa, Ngāti Kahungunu and Ngāti Apa were developed. The result of this process was the in-

advertent assimilation of our tikanga and kawa by our neighbouring relatives throughout most of the 20th century.

18. Ngāti Hauiti didn't see tribal affiliation to a larger tribe as an issue until the Rātā Marae was renovated and re-opened in 1983. When asked what the kawa of the marae was, no one really knew. The advice given to Huhana Rangi at the time was to look to the origins of Ngāti Hauiti and so a Tākitimu kawa was set in place.
19. Over time I came to realise that the tribal affiliation issue was not isolated to Ngāti Hauiti and that it was in fact widespread throughout the rohe. However it didn't really come to the fore until the Labour Government's policy on devolution came into effect in the late 1980's. Some tribal members saw this as an opportunity to advance tribal and marae development however a sticking point arose when the government would only resource recognised iwi and there wasn't one in the Mōkai Pātea rohe that it recognised.
20. This sparked a series of discussions that would prove to be a pivotal turning point for us as we considered tribal affiliations in order to access these resources. Eventually this would lead to the cultural revitalisation for all the hapū and iwi of Mōkai Pātea.
21. Ngāti Hauiti (operating under the Rātā Marae and Hauiti Trust) decided to join forces with Ngāti Apa accessing programmes MANA Enterprises, Māori ACCESS and Mātua Whāngai. Unfortunately this had the effect of placing Ngāti Hauiti as a hapū of Ngāti Apa.
22. Members of the Winiata Marae took an alternative approach and believed that their interests in the Taihape rohe would best be served by Ngāti Kahungunu and sought a mandate in 1989 for this to occur. A number of options were being considered including Tai Whenua status of Ngāti Kahungunu which would have the effect of the Ngāti Kahungunu iwi authority being responsible for administering and delivering programmes and services in Taihape. This did not happen.

23. In the early 1990's I met up with Ike Hunter and Richard Steedman in Marton and discussed what the future might look like for us, Mōkai Pātea. We realised at the time that each of our hapū and iwi needed to re-establish traditional Rūnanga that would represent the rights and interests of our people and drive development. We didn't realise it at the time, but we were using a model that had been used by Ngāti Whiti and Ngāti Tama in the late 1860s when they operated Rūnanga in order to protect their whenua. We then committed ourselves to promoting the model amongst our people and to establish Rūnanga throughout the rohe to provide political, cultural, social and economic governance for our hapū and iwi.
24. In 1993 concern had been expressed at a combined Māori Committee meeting over the future of our people and the necessity to establish Mōkai Pātea as a collective confederation of our independent iwi and a need to set in place strategies to see to this through to fruition.
25. Consequently, in January 1994, a working party encompassing members of the major hapū of the rohe i.e. Ngāti Tama, Ngāti Whiti, Ngāti Hinemanu, Ngāti Paki and Ngāti Hauiti were invited to a hui at Opaea Marae from which a draft strategic plan was compiled for discussion at a later date. Those people in who participated included: Bubs Hibbard, Peter Steedman, Tama Wipaki, Bommy Williams, Utiku Potaka, Liz Stretch, Barbara Ball, Moira Raukawa, Kerry Whale, Ike Hunter, Terry Steedman, Jim Cunningham, Olive Hawira, Waina Hoet, Bubby Kingi and Dorrie Webster. This was the first time in decades that representatives from all the hapū and iwi from Mōkai Pātea had been called together to advance matters relating to Mōkai Pātea.
26. However before there could be any real development of Mōkai Pātea, hapū and iwi needed strengthening and representative bodies needed to be set up. So in 1995, the various whānau of Ngāti Hauiti moved to establish a non-legal governance entity, Te Rūnanga o Ngāti Hauiti. A year later, they registered their operational arm, Te Maru o

Ruahine Trust as a charitable trust. This process and structure was followed by Ngāti Whitikaupeka in 2000 and Ngāti Tamakōpiri in 2001 who both established their own representative Rūnanga and operational arms.

27. As these significant discussions were occurring, it became clear to us all that we needed to address the fact that there were whakapapa groups/hapū in the Mōkai Pātea rohe which were not adequately covered by the Iwi groupings which had been re-established. One example was Ngāi Te Upokoiri, another was Ngāti Honomōkai, who in modern times had been both regarded as solely Heretaunga-based hapū and not part of the Mōkai Pātea community. Furthermore, there were hapū within the Iwi of Mōkai Pātea (such as Ngāi Te Ngaruru and Ngāti Tamakorako) who did not descend from the Iwi groupings of Ngāti Whitikaupeka, Ngāti Tamakōpiri or Ngāti Hauti. This was also the case for Ngāti Paki.
28. Significant research illustrated to us that all of these hapū were in fact part of an Iwi who was once well-known in our rohe, being Ngāi Te Ohuake. This research reinforced our knowledge that Hinemanu (as she descends from Tutemohuta and Punakiao) is correctly described within the whakapapa, as being of Ngāi Te Ohuake.
29. Descendants of Te Ohuake attended a hui-a-iwi at Winiata Marae on 22 November 2008. From this hui, an interim Rūnanga was formed to undertake scoping work towards formalising a permanent Rūnanga for Ngāi Te Ohuake. Our whānaunga from Winiata Marae were in total agreement. The Rūnanga for Ngai Te Ohuake was set up in 2010.
30. However, when the time came to form the permanent Rūnanga in 2010, a split had occurred. This was most unfortunate. Perhaps there was a sense in those who split away that the Pokopoko grievance would be diluted within the wider confederation. But this was never the intention, and we remain determined that justice for

Pokopoko is delivered to those who suffered. We remain hopeful for a unification within our whānau.

31. Discussions continued about the re-establishment of the confederation of Mōkai Pātea to address common issues between the affiliated hapū and iwi and provide a collective view at a regional and national level. It could also co-ordinate strategic planning and direction while giving political support to individual hapū and iwi.
32. Over the coming years the Mōkai Pātea Claims Committee developed a Charter, met with Waitangi Tribunal officials, and discussed funding with the Crown Forestry Rental Trust. Eventually it became clear that the timing was right to advance Treaty Settlements. A decade of wānanga on whakapapa, whenua and kōrero tuku iho had given clarity to our mana whenua, mana tangata and rangatiratanga. Tribal structures had been re-established and were represented by Rūnanga and tribal leaders were anxious to start the process of Waitangi Settlements.
33. This led to the registration of the Mōkai Pātea Waitangi Claims Trust in February 2011 by the confederated iwi of Mōkai Pātea with the sole purpose of settling historical claims under the Treaty of Waitangi. The Trust was mandated to develop and implement a claims strategy, seek funding, commission research, seek a formal mandate and negotiate settlement of all historical Mōkai Pātea Confederation claims with the Crown. A month later the first hui-ā-rohe was convened to discuss Treaty Settlements. This was a significant milestone for the Confederation given it was the first time since that late 1800s that such an event had taken place.

Claims and Settlement processes

34. We have spent the past three decades undergoing a cultural renaissance, looking back to our past and consolidating our present. The Waitangi Tribunal process is a part of this phase in our development. It is a vehicle by which we have been able to tell our

stories of identity, un-earth volumes of research material and present our grievances to a panel of independent experts.

35. Today, as we move into the substantive hearings stage, our Trust has reflected on the Treaty of Waitangi claims settlement process and how best we can progress the aspirations of our people.
36. The Waitangi Tribunal hearings to date have provided benefits to us. These include:
 - 36.1 The completion of a substantive body of research work which shows our tribal histories and given clarity and understanding to the nature of our claim and grievances;
 - 36.2 The telling of our histories through oral accounts, visual aids and video footage giving a snapshot into our tribal histories and traditions;
 - 36.3 Establishing a uniqueness to our claims that include documented confiscations (Pokopoko) and the failure of the Crown to protect our tribal lands;
 - 36.4 Receiving some concessions from the Crown;
 - 36.5 Building the administrative capacity of our Trust to actively participate in the Tribunal process, and establishing a registration database of members.
37. In this regard, I thank the Waitangi Tribunal and its members and staff for the support shown to all of us who are participating in the Taihape inquiry.
38. The purpose of the Mōkai Patea Waitangi Claims Trust is ‘to settle historical claims under the Treaty of Waitangi’. The Waitangi Tribunal process is a ‘stepping stone’ to this end and therefore it will be of no surprise that we have initiated pre-mandating discussions with the Office of Treaty Settlements.

39. In this regard, I am pleased to advise that the Office of Treaty Settlements have acknowledged Mōkai Pātea as a “Large Natural Grouping” for the purpose of Waitangi negotiations. This is a significant step forward for our people given that previously our status as a distinctive confederation of whānau, hapū and Iwi has not been given due recognition. We acknowledge that this does not confer on our Trust a mandate to settle the claims, but rather that will depend on a mandating process. We continue to reach out to the Ngāti Hinemanu me Ngāti Paki Heritage Trust to find opportunities for mutually beneficial outcomes.
40. On 10 February 2017, we received written confirmation that the Minister for Treaty of Waitangi Negotiations has agreed that Mōkai Pātea can enter Treaty settlement negotiations alongside the Waitangi Tribunal’s Taihape District Inquiry should a Crown recognised mandate be achieved. Therefore, our Trust has moved officially into a ‘parallel’ process which means that while we continue through the Waitangi Tribunal process we are able to enter the Treaty Settlement process and to that end, we have commenced the mandating phase.
41. This type of process will have its challenges. I am mindful of the mixed views among some of our people regarding the timing of the Direct Negotiations process and we must carry with us the support of our constituent Iwi Rūnanga.
42. Nevertheless, it is appropriate and courteous for our Trust to take this opportunity to formally advise the Waitangi Tribunal that it is our intention to seek a mandate to settle all of the historical claims of the whānau, hapū and Iwi of Mōkai Pātea. If a mandate is successful, then there will obviously be an impact on the Waitangi Tribunal’s hearing process. We will continue to keep the Tribunal apprised of key milestones as this develops.

43. Finally as I reflect upon the importance of this process and what the future may hold for us, Ngā Iwi Nui Tonu o Mōkai Pātea, I refer to the whakatauki of my tupuna Utiku Potaka:

*Kia mau ki te oha o koutou tupuna
Te Tiriti o Waitangi, te ture tangata, te ture atua
I puta ai tana ki te whaiao ki te ao marama*

*Heed the revelations of your ancestors
The Treaty of Waitangi, the law of man, the law of god
From whom this saying comes “seek the world of light and
understanding”*

Utiku Potaka
20 February 2017