

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 Whanau Trust and Nga Hapu o Ngati Hauiti (**Wai 385**)

AND a claim by Neville Franze Te Ngahoa Lomax and others for and behalf of Te Runanga o Ngati 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 Keepa Potaka
12 February 2018**

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Ka whakarongo ake au ki te Ruru e karanga ana
Pō pō peo peo moko pō keo keo

He tohu tēnei o te pō, te pō uriuri te pō tangotango aue te pō ka roa te pō
Hahae Matariki, hahae Puanga hahae Tautoru, tēnei te ao, tēnei te ao

Ki ngā tumu herenga waka ki ngā te rākau whakaruruhau
Haere ki te maninihau te huinga o te kahurangi e
Tēnei mātou e tangi nei i roto i a Hauiti heoi anō

Tēna koutou ki ngā mema o te Taraiparunara, hoki mai ki te marae matua o Ngāti
Hauiti kei Rātā, tēnā koutou, tēnā koutou, tēnā koutou

1. My name is Utiku Keepa Potaka and I reside at Rātā. This is the fifth time I have provided evidence before this Tribunal. My principal iwi within the rohe of Mōkai Pātea is Ngāti Hauiti and I am also an active member of Ngāti Whitikaupeka and Ngāi Te Ohuake.
2. My Ngāti Hauiti tupuna and hapū are:
 - Utiku Potaka of Ngāti Tamatereka
 - Rora Te Oiroa of Ngāti Ruaanga and Ngāti Hinemanu
 - Ruta Kau of Ngāi Te Upokoiri
 - Irihapeti of Ngāti Tumokai
 - Hone Waitere descended from Pakoria of Ngāti Hauiti

Treaty Settlements Process

3. As Chairperson of the Mōkai Pātea Waitangi Claims Trust (Wai 1705) I have been updating the Waitangi Tribunal of the progress being made with the direct negotiations strategy being pursued by the Trust.
4. In December 2017, the Office of Treaty Settlements advertised the Trust's draft mandate strategy. This is the formal start of a lengthy process which, it is hoped, will lead to the Trust being mandated to negotiate and settle the historical claims of Mōkai Pātea Nui Tonu inclusive of Ngāi Te Ohuake, Ngāti Hauiti, Ngāti Whitikaupeka and Ngāti Tamakōpiri.
5. While there are some amongst our people that disagree with this approach, the Crown has made it clear that it will only recognise one large natural grouping within Mōkai Pātea for the purposes of Treaty settlements.
6. Sadly, opposition to evidence presented to this Tribunal and the draft mandate strategy has consisted of personal attacks on some of our kai kōrero, particularly through social media. While I find this approach to be disgusting, it is also the case that such attacks divert us all from the fact that it is the Crown that failed to

honour the Treaty of Waitangi. It must be remembered that the grievances we have are with the Crown and not against each other. When the hearings are concluded and settlement has been reached, I hope that we will all be able to enter a new phase of development, with the virtues of our tupuna and the values of our culture at the forefront.

Central Hearings Week

7. The focus of our evidence for the fifth week of substantive hearings are the grievances of Ngāti Hauiti. Ngāti Hauiti are included in both the both the central (Awarua Block) and southern hearing districts and form an integral part of Mōkai Pātea Nui Tonu.
8. The evidence which is presented by Ngāti Hauiti is given by a cross section of members representing the majority of our hapū including Ngāti Tamatereka, Ngāti Whiti Hauiti, Ngāti Ruaanga, Ngāti Hinemanu, Ngāti Te Upokoiri, Ngāti Haukaha and Ngāi Te Ngahoa. The evidence includes:
 - a. Hapū representatives giving personal perspectives and narratives of our kaumātua and pākeke;
 - b. Evidence focusing on addiction issues within our community and the broader social impacts that colonization has had on Ngāti Hauiti whānui.

Ngāti Hauiti

9. In previous evidence, particularly that provided to this Tribunal during the Ngā Kōrero Tuku Iho hearings, we provided a detailed description about Ngāti Hauiti history and traditions. While I do not wish to repeat that evidence, I would like to touch on aspects of it that gives context to Ngāti Hauiti's grievances as presented this week.
10. The origins of Ngāti Hauiti stem from our eponymous tupuna Hauiti who through his whakapapa, exploits and political astuteness, was able to consolidate the traditional rights and interests of Ngāti Hauiti as we know them today.
11. Through his mother, Paratuae, he descended from the earliest migration or ancient peoples of this land, to Whatumamoā and Orotu. Indeed, Hauiti's grand uncle, Tupakihi was acknowledge as 'big man' of Mōkai Pātea in his time. Hauiti's father was Whakaruruhau, who descended from Tamatea Pōkai Whenua and thus binds the waka tradition of Tākitimu waka with the ancient people. Through Tamatea, the peoples of Mōkai Pātea are bound together as a confederation or Mōkai Pātea Nui Tonu.
12. Hauiti's descendants were prosperous and numerous, so much so that they formed smaller social units of hapū. Today we have identified eleven hapū who affiliate to Ngāti Hauiti namely:

- Ngāti Tamatereka
 - Ngāti Whiti Hauiti
 - Ngāti Hora
 - Ngāti Ruaanga
 - Ngāti Hinemanu
 - Ngāi Te Ngāhoa
 - Ngāti Haukaha
 - Ngāi Te Upokoiri II
 - Ngāti Hinetiu
 - Ngāti Rangiwahiaio
 - Ngāti Tumōkai
13. The tribal estate of Ngāti Hauiti broadly extends from the Moawhango River in the north to the Waitapu Stream in the South and from the Turakina River in the West to the Ruahine Ranges in the East.

Te Tiriti o Waitangi and Rangatiratanga

14. Ngati Upokoiri (including Ngāti Hinemanu) were resident in the lower Manawatū when the Treaty of Waitangi was signed in 1840. Two of their Rangatira, Wiremu Te Ota and Rawiri Paturoa (who were brothers) were signatories to the Treaty on 26 May 1840. They were also descendants of Ngāti Hauiti through their descent from the Tarahe line.
15. Te Ota's brother in-law, Pirimona Te Urukahika (Ngāti Ruaanga and Ngāti Tūmokai) along with Herewini Tawera (Ngāi Te Upokoiri II) travelled from the Manawatū to Otara in the 1840's with the express intent of forcing Ngāti Pīkiahū and Ngāti Waewae from Otara. After at least two attempts and at the protest of Tapui Potaka, who had previously consented to their occupation at Otara, Ngāti Pīkiahū and Ngāti Waewae migrated to Te Reureu.
16. These events occurred directly in the wake of the signing of the Treaty and no doubt caused much debate amongst the tribes at the time. However what is clear is that the decisions and actions of Ngāti Hauiti Rangatira at that time were examples of the continuation of their Rangatiratanga (Chieftainship). We are fortunate to still retain symbols of Rangatiratanga including mere pounamu and rau huia.
17. Ngāti Hauiti maintained and exercised Tino Rangatiratanga (right of self-determination) after settling permanently Te Hou Hou about 1849. However this was to be the last significant politically-based decision that Ngāti Hauiti would make without any interference by the Crown.
18. The 1860's was to usher in a series of changes which would profoundly impact on Ngāti Hauiti. Tribal members joined colonial forces in Heretaunga to stem the growing threat of Hauhau forces. Concurrently many signed an oath of allegiance to the Queen. One can only speculate as to their motives for doing this but perhaps they were seeking to reinforce their claims of protection from Crown as provided for in the Treaty.

19. Te Ota's son, Wi Wheko (Ngāti Hinemanu, Ngāti Ruaanga, Ngāti Tumōkai) was a contemporary of Utiku Potaka (Ngāti Tamatereka) and Pirimona and a renowned expert on tribal traditions and whakapapa of Ngāti Hauiti, Ngāti Hinemanu and Ngāti Tumokai. Such tribal leaders would have discussed and debated the Treaty which is evident from the following whakataukī:

Kia mau ki te oha o koutou tupuna
Te Tiriti o Waitangi Te Ture Tāngata Te Tura Atua
I puta ai tana ki te whaio ki te ao marama

20. Utiku's legacy was enshrined in the pātere composed by his son-in-law, Wirihana Winiata.
21. Another resident of Rātā who served in the Pioneer Māori Battalion in the first World War, Rangipouri Marumaru (Ngāi Te Upokoiri II) wrote of the Treaty in 1922 when addressing the Māori Population of Aotearoa and Te Waipounamu (translation of an appeal being made by R Marumaru, Rata, May 15th 1922):

“Right down the long line of Native Politics in the history of this Dominion, many laws have been placed upon the statuted book without much thought given as to the effect such measures would have upon the Natives and the terms of the Treaty of Waitangi. Generally in most cases the welfare of the State and those of the Paheka communities were the first and only consideration.

To my mind the native have been too content to leave the building of their future entirely in the hands of the representation of our good Queen Mother, Victoria who stated in the Treaty of Waitangi she would extend to the natives of N.Z. her Royal protection.”

22. The Treaty of Waitangi was incorporated in Ngāti Hauiti whakataukī, waiata and kōrero in the first half of the 20th century. As we learn more about our history and the impacts of the Crown's failure to protect our taonga, Ngāti Hauiti speakers will provide tāngata whenua evidence that describes the impact on our tribal landscape and our wellbeing.

Te Whenua – The Land

23. The impact of land alienation became evident to Ngāti Hauiti as early as 1849 with the sale of the Rangitūkei Turakina Block by Ngāti Apa. Indeed, one of the motives behind the migration to, and permanent settlement at, Te Hou Hou was to fix inter-tribal boundaries.
24. By 1866 Ngāti Hauiti and others from Mōkai Pātea had signed the deed of sale to the Rangitūkei Manawatū Block of which they shared an undivided interest with many other iwi.

25. Ngāti Hauiti moved quickly to ensure that its rights at Te Hou Hou were cemented and in 1877, the Native Land Court awarded the Taraketī Block to Ngāti Hauiti affiliates thus creating the first 'reserve' for the tribe.
26. Customary land lore gave way to a new system of laws which were designed to individualise and ultimately alienate land for settlement. There were numerous attempts to try and retain ownership for future generations and to ensure that the title holders, who were hapū Rangatira were able to include members of their hapū.
27. One such situation relates to Retimana Te Rango in the Pouwhakarua No1 Block containing 1200 acres in 1885 where he stated (Otairi Block Order files, Memorandum of Transfer):

“I Retimana Te Rango of Te Hou Hou on the Rangitīkei River...Do hereby transfer to the said persons whose names are set forth in the second schedule hereto being members of the Ngāti Haukaha family or hapū of the Ngāti Hauiti tribe my estate and interest in the said piece of land Provided always and it is hereby expressly declared and agreed that the said piece of land hereby transferred shall be inalienable by gift sale mortgage or lease except with the previous consent in writing of the said Retimana Te Rango or his appointee.”
28. This was not an isolated situation, as the same response was given by Wi Wheko and Pirimona Te Urukahika in the Omuia Block containing 1,860 acres in 1885 (Otairi Block Order files, Memorandum of Transfer):

“In consideration of the natural love and affection for the persons whose names are set forth in the Schedule hereto and for good cause and consideration Do hereby transfer to ourselves the said Wi Wheko and Pirimona te Urukahika and to the said persons whose names are set forth in the schedule hereto being aboriginal natives of Ngāti Ruaanga family or hapū of the Ngāti Hauiti tribe all our estate and interest in the said piece of land Provided always and it is hereby declared and agreed that the said land shall be inalienable by gift sale mortgage or lease except with the previous consent in writing of the said Wi Wheko and Pirimona Te Urukahika.”
29. However in time, the views towards land changed for many tribal members. Some began to see it more as a commodity with monetary value. Others who had become absentee land owners had lost their connection to the land while others saw benefits in consolidating their land interests elsewhere.
30. As with more and more lands being investigated and alienated, Ngāti Hauiti Rangatira along with others of Mōkai Pātea rallied to stem the land sales and develop the remaining tribal estate. To this end a formal approach was made to the Crown in 1892 petitioning the Crown to limit its purchase programme to 100,000 acres in the Awarua and Motukawa Blocks and to provide loan finance for land development for the remaining lands. The Rangatira sought to be able to set up Land Companies with any sales to go through the committee of management.

31. I can only imagine the helplessness that our Rangatira felt when the Crown failed them and ignored their plea. There would be no help in consolidating, retaining or developing the tribal lands. It must have been doubly painful given the military support given to the Crown during the land wars in the 1860's and their oath of allegiance to the Queen.
32. The struggle to hold onto the land that remained was highlighted in 1954 by Tumihau (Jack) Potaka [Re: Otamakapua/112 Whanganui MB 1954] who gave his sentiments to the Māori Land Court as follows:

“...the Crown made strenuous efforts to purchase the freehold from the Māori owners. We have all refused to sell and have preserved this very valuable asset up to the present day.

I have no intention of ever selling this land. It will go on to my successors as I have secured it myself. I want to advise all the owners to hold fast to this land as it is good land and will always be a means of livelihood. Some of them may not be farmers but the land will always be there to shelter them and provide a livelihood if they require it at any time. Owing to its great value to the owners and the fact that all the others are members of the same family I would like to see a restriction put upon the titles prohibiting sales. But I realise now this is not possible. Therefore the only safeguard the Māori owners have is the fact that the Māori Land Court will have to confirm any sales before the same are valid. I therefore request the Māori Land Court to do its best to make sure that this valuable piece of land is preserved for the successors of the various owners. I say that we present owners, like all Māori's inheriting Māori freehold land, receive this land as a sacred trust, to use it for our maintenance during our lifetime and to then pass it on intact to our children or successors. If we fail to do this and sell, we break the trust given to us and leave our children and successors poorer than ourselves.”

33. I note that years earlier the Crown purchased the Māori leasehold title from McGregor with the express intent of purchasing freehold title from the Māori land owners in Otamakapua No 1 which would then be balloted out for returned servicemen. It is well known within the Tumihau Potaka whānau that he had to fight the Crown and succeeded in retaining the land for future generations who still hold most of it today.
34. Success generations have fought hard to retain and protect what remains of our lands which is a story itself however the impact on the health and well-being of tribal members from the loss of land has in many cases been devastating. Other Ngāti Hauiti witnesses will provide contemporary stories on the direct impact that such land alienation has had on our whānau.

Te Au Hurihuri – The Changing Currents

35. The effects of colonisation and Crown assimilation policies were to have a heavy impact on Ngāti Hauiti. This initially centred on the alienation of land and this was to have a marked effect on individuals wellbeing. Attitudes were to change.

Iwi Recognition

36. Ngāti Hauiti has spent over three decades on a journey of cultural restoration commencing marked by the rededication of the Rātā Marae in 1983 as the Marae matua for Ngāti Hauiti. I recall it was the role of my cousin Raina Potaka and myself to unveil the whakairo and to enter the restored buildings which were blessed by Bishop Hui Vercoe and Reverend Hapai Winiata. In December 1994 Te Rūnanga o Ngāti Hauiti was established as a traditional decision making structure.
37. The Rūnanga faced many challenges in the early years including recognition as an independent autonomous iwi. The test of identity and recognition came when Ngāti Hauiti sought to be included in the fisheries settlement through Te Ohu Kai Moana. We were required to meet certain criteria before recognition could be given and while we filled most of the criteria such as evidence of Marae and hapū, we were also required to be recognised by neighbouring iwi. After gaining support from Ngāti Apa, Rangitāne and Ngāti Tūwharetoa (which was largely due to historical kinship ties), Te Ohu Kaimoana recognised Ngāti Hauiti as an iwi for the fisheries settlement.
38. Realising that benefits and potential opportunities of establishing Rūnanga as well as the need to strengthen traditional relationships with Mōkai Pātea Nui Tonu, hui were held with whānau from Ngāti Whitikaupeka and Ngāti Tamakōpiri at the time, particularly to face environmental challenges. The history of the development of those rūnanga, along with the whakapapa wānanga that were convened, has been covered in previous evidence to this Tribunal. These initiatives also led to the re-establishment of the traditional rūnanga for Ngāi Te Ohuake as a crucial aspect to the recognition of our descent lines and connections in this rohe.

Social Organisation

39. Engaging with whānau and hapū prior, during and after the establishment of the Rūnanga was crucial to the future of Ngāti Hauiti. Several whānau and hapū wānanga were held over this period with the express aim of strengthening the whānau base of Ngāti Hauiti and affiliation to the Rūnanga. At the core of affiliation were three principles:
 - Whakapapa
 - Whenua
 - Whai Paanga (Ahi Kā)
40. With three Marae located within the rohe of Ngāti Hauiti it was important to ensure that the whānau and hapū were included. Tāhūhū Marae was the home base of the Taiuru whānau who were of Ngāti Haukaha. The Winiata Marae was Ngāti Hinemanu and Ngāti Paki. Winiata Marae was the principal home of the Winiata whānau who were inter-linked with the Potaka whānau.
41. I refer to the evidence previously given of the significant impact that the events at Pokopoko were to have on our people. The dislocation of a whānau and hapū

meant being relocated elsewhere. Fortunately for Winiata Te Whaaro and his people, he had whakapapa, whenua and whai paanga interests elsewhere in the rohe of Mōkai Pātea and these were ultimately upheld by Utiku Potaka in the Ngāti Hauiti case for Awarua No 4.

42. While Winiata Te Whaaro gives a number of detailed whakapapa lines linking him to the Awarua block as a whole, it is his whakapapa from Hauiti down to Te Ngāhoa and then to himself that cements his rights to the Ngāti Hauiti lands. It is because of this that the hapū of Ngāi Te Ngahoa is acknowledged and included within the social organisation of Ngāti Hauiti.

Land Alienation

43. Views have are mixed within our whānau regarding land inheritance. There have been some who believe that the land should be held by male descendants. This view has meant that some of my female relatives have been dis-inherited from their ancestral land and yet they often have been the ones who have lived on the land. This is reinforced by social norms such as surnames which are based on a patriarchal system. This was then extended to marriages and women taking on the surname of their husbands. Women not only lost their own identity but became subservient to their husbands. Noticeably this was often the case in Christian Māori whānau where ‘the husband was the head of the household’.
44. I feel fortunate to have been raised within two families with strong values to the land. If I was to be judgmental of my relatives, I find it absurd that some can still sell what little remains of our tribal estate especially in this age of cultural revitalisation. But I am realistic and understand that many do not share the same connection to the land and indeed were never brought up or worked on it. I have seen land sold over the past thirty or so years to:
 - Put a deposit onto a house
 - Consolidate interests in other lands
 - Pay out matrimonial settlement
 - Buy new things such as cars and caravans
45. As I turn to my own Māori land interests at Rātā and Ohingaiti, I find there still remains no mechanism for the retention of land in perpetuity. I raised this matter with then Minister Christopher Finlayson as he undertook preliminary consultation on Māori land reforms. My appeal to him and his officials was to include a means by which the wishes of myself and previous generations to hold land inalienable in perpetuity, could be realised. The fact is a mechanism like a Maori Reservation is limited and constraining, and does not adequately cater for farmlands and land being used generally for economic development.

Redress

46. Ultimately the Waitangi Tribal process is a means to air our grievances and tell our story. It is a small but significant part of a much larger inter-generational strategy of enhancing and protecting Ngāti Hauititanga. The issues that I and others have and will raise can be considered in four broad redress categories:
- Acknowledge our traditional tribal structures in legislation and Treaty settlements inclusive of the Ngāti Hauiti Rangatiratanga;
 - Support cultural and social affirmation programmes designed to strengthen Hauititanga;
 - Restore the Ngāti Hauiti tribal economic base that enables the building of economic wealth and autonomy;
 - Provide for customary Māori land tenure principles as a means for future management and protection of Māori land.

Guiding Stars

47. So what does the future hold for Ngāti Hauiti? In my biased and optimistic opinion, I believe Ngāti Hauiti is well placed to take advantage of any opportunity that may arise. However while we have vision, clarity of purpose, and organisational structures, we have yet to attain any significant form of economic autonomy – but we have started. We have yet to obtain decision making authority where it really counts in relation to our people and our taonga.
48. During this hearing you will hear evidence from Anthony Thompson, a graduate of our Ngāti Hauiti leadership programme ‘He Whetū Arataki’. Anthony and others from the programme are our future and one day, they will lead our people forward. This is perhaps what our tupuna Hauiti was referring to in his ōhākī:

E kore e mau i a koe te hape a Paratuae.

Utiku Potaka

12 February 2018