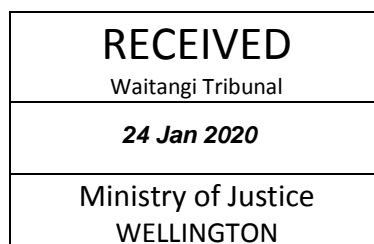


Customary interests in the Kāweka and Gwavas CFL lands

PRESENTATION SUMMARY



Te Maire Tau and Martin Fisher

January 2020

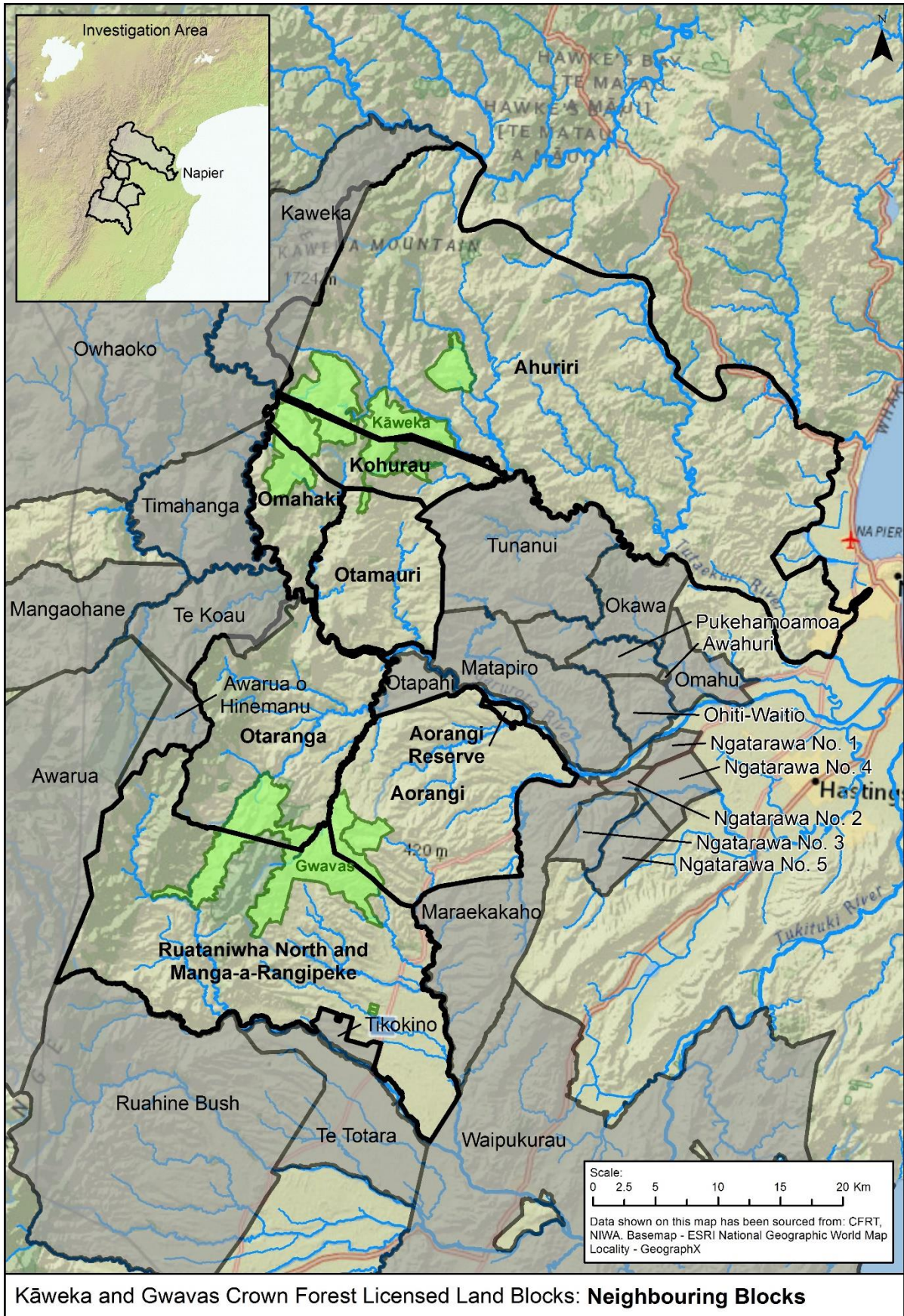
Authors

Te Maire Tau is an expert in Māori customary traditions, and has written extensively on Ngāi Tahu oral traditions and history. He has a Ph.D (History) from the University of Canterbury and is currently Director of the Ngāi Tahu Research Centre. Te Maire Tau has written research reports for the Waitangi Tribunal, Te Runanga o Ngāi Tahu and the Christchurch City Council.

Martin Fisher is an expert in colonial and modern histories of Māori-Crown relations and the interrelated Waitangi Tribunal and Treaty settlement process. He has a Ph.D (History) from Victoria University of Wellington and was formerly employed by the Waitangi Tribunal as a research analyst/inquiry facilitator. Martin Fisher is a lecturer at the Ngāi Tahu Research Centre. He has completed research reports for the Tribunal, CFRT and OTS, including one very relevant report for the Taihape Inquiry on the Northern Land blocks.

The Kāweka and Gwavas Crown Forest Licensed (CFL) lands in the Kāweka, Ruahine and Whakarara ranges are located in mountainous and largely land-locked areas. The three major claimant groups that claim customary interests in the CFL lands are the Heretaunga-Tamatea Settlement Trust, Mana Ahuriri Settlement Trust and Ngāti Hinemanu Ngāti Paki Tribal Heritage Trust. The customary interests of Heretaunga-Tamatea and Mana Ahuriri in the forests are recognised by all parties, it is largely the Ngāti Hinemanu Ngāti Paki Tribal Heritage Trust who have been left out of previous assessments of customary interests. The key question facing us and the Tribunal is whether Ngāti Hinemanu me Ngāti Paki derive their interests from a different tupuna, Punakiao, than Ngāti Hinemanu ki Heretaunga, who derive their interest from Punakiao's husband Taraia II, who are part of the Heretaunga-Tamatea Settlement Trust mandate. The shared whakapapa is undeniable, but the derivation of the interests from a specific tupuna is one that is certainly open to debate. Ngāti Hinemanu me Ngāti Paki stress that a key difference is their focus on descent flowing from a female tupuna on a different ancestral line than that of Ngāti Hinemanu ki Heretaunga. The Kāweka and Gwavas CFL lands, unfortunately like many CFL lands across the country, are located in mountainous areas that lay on the borders of interests between different hapu and different sections of the same hapu.

The Kāweka and Gwavas CFL lands contain eight original Māori land blocks, five of which were early Crown purchases and three of which were Native Land Court (NLC) title investigations. The Kāweka CFL lands consist of the southwestern corner of the 1851 Ahuriri Crown purchase, nearly all of the Kohurau block investigated by the NLC in 1870, most of the northern section of the Omahaki block investigated by the NLC in 1886 and 1896, and a small section of the northwestern end of the Otamauri block investigated by the NLC in 1866. All of the Gwavas CFL lands were originally acquired through early Crown purchases. They consist of the southern section of the Otaranga block purchased from 1856-1857, the northern section of the Manga-a-Rangipeke block purchased in 1857, the western corner of the Aorangi block purchased from 1856-1859, and most of the eastern section of the Ruataniwha North blocked purchased in the second half of the 1850s, all were purchased in a series of payments and deeds. Using the neighbouring land blocks that include evidence from Ngāti Hinemanu me Ngāti Paki and other tupuna in Awarua, Mangaohane, Owahaoko, Te Koau, Timahanga and Awarua o Hinemanu some further evidence has been collected on the Kaweka and Gwavas CFL lands.



Map 1: Neighbouring Blocks

From the material that is available, it was difficult to find direct evidence of a specifically Punakiao-derived Ngāti Hinemanu right or a separate Ngāti Paki occupation of the area that is now known as the Kāweka and Gwavas CFL lands. One of the major questions in this report lies in an understanding of whether the Ruahine range, the western boundary of the Otaranga and Ruataniwha North blocks was the boundary between Heretaunga and Patea interests. Most evidence points to the Ruahine as the boundary, but there was still some evidence that emerged that could challenge this position. Ngāti Hinemanu me Ngāti Paki claims to the area are strongest through their Ngāti Pouwharekura whakapapa, which is not covered in the list of hapu in the Heretaunga-Tamatea Deed of Settlement.

Ngāti Whatumamoa/Ngāti Hotu are recognised as the first people to have occupied the area around the CFL lands. The descendants of Ngāti Whatumamoa are spread across Heretaunga and Patea with multiple lines of descent although only the Nukuteaio line was Patea based. The first attacks on Ngāti Whatumamoa were led by Taraia I with the conquest of Otatara pa, which was followed by peace-making marriages that led to Ngāti Whatumamoa and Taraia I's people living together. Ngāti Hinemanu me Ngāti Paki are descendants of both the Whatumamoa and Taraia lines of descent. According to Ngāti Hinemanu me Ngāti Paki the eponymous ancestor of Ngāti Paki was Te Ao Pakiaka. The Mokai Patea Claims Trust believe that Ngāti Paki derives its name from the tupuna Rangitepakia. Ngāti Hinemanu me Ngāti Paki claim that Te Ao Mahanga married the siblings Hutu and Huripapa while Mokai Patea contend that Te Ao Mahanga only married Hutu. Both agree that Huripapa's son was Te Ao Pakiaka and that Nukuteaio's son Rangiwahakamatuku was a key ancestor for Ngāti Paki.

The great great granddaughter of Te Ao Pakiaka was Punakiao who married Taraia I's grandson, Taraia II. Punakiao and Taraia II produced seven children—Hinemanu was the eldest and Honomokai and Mahuika were the two other most notable children. Hinemanu was born in Heretaunga but returned to her mother's lands in Patea and married Tautahi, the son of Haumoetahanga and Whitikaupeka. Honomokai and Mahuika remained in Heretaunga but Honomokai married Te Aopupururangi who was from Patea. Previously it has been accepted that a key difference between Ngāti Hinemanu in the two regions is in Patea the descent flows from Punakiao (as a descendant of Nukuteaio and Tutemohuta), Hinemanu's mother and the female tupuna on a different ancestral line, while their rights in Heretaunga come from Hinemanu's father, Taraia II. This view has generally been embedded by evidence presented and decisions made in the NLC in the late nineteenth century. Ngāti Hinemanu me Ngāti Paki currently emphasise that the marriage of Punakiao and Taraia II signified a merging of interests rather than their separation symbolised by the Ruahine range. Hinemanu and Tautahi had four children: Te Ngāhoa, Tukokoki, Pākake and Tarahē. Tarahē lived most of his life in Heretaunga and many Ngāti Hinemanu from the eastern side of the range trace their whakapapa to him. Te Ngāhoa's descendants were

particularly spread across the range.

The Ngāti Hinemanu me Ngāti Paki claim is epitomised in large part by Winiata Te Whaaro who was a descendant of Te Ngāhoa in his Hinemanu whakapapa and Te Ihungaru and Taurukaramu in his Paki whakapapa through his mother Kinokino. Te Whaaro's father was Wiremu Turitakoto of Ngāti Pouwharekura and Ngāti Marau. Ngāti Hinemanu me Ngāti Paki emphasise today that their descendants are spread across Patea and Heretaunga due to their Ngāti Pouwharekura whakapapa through Te Whaaro's father Turitakoto and his Ngāti Hinemanu and Ngāti Paki whakapapa through his mother Kinokino. In the Native Land Court Te Whaaro claimed through a number of different hapu and iwi including: Ngāti Hinemanu, Ngāti Hauti, Ngāti Whiti, Ngāi Te Ohuake, Ngāti Paki, Ngāi Te Ngāhoa, Ngāi Te Ngaruru, Ngāti Haukaha, Ngāti Kautere, Ngāti Hau and Ngāi Te Rangī. Ngāti Hinemanu, Ngāi Te Ohuake, Ngāi Te Ngāhoa and Ngāti Paki were the most commonly used iwi and hapu affiliations.

The situation in the CFL lands region in the decades leading up to 1840 was incredibly fluid and marked by migrations and battles that influenced whanau, hapu and iwi across Heretaunga and Patea. Of particular importance were the battles at Potaka, Mangatoetoe, Otaparoto, Whiti-o-Tū and Roto-a-Tara I and II that included figures from both sides of the Ruahine range, and which were followed by significant migrations. These were reflected in the experiences of Winiata Te Whaaro, his tupuna and wider whanau. The migrations between Heretaunga and Patea by Ngāti Hinemanu and Ngāi Te Upokoiri during those turbulent years produced a range of new interests that were fought out in the NLC during the late nineteenth and very early twentieth century. Te Whaaro's father only migrated to Patea as a result of the battle at Mangatoetoe and in some ways Te Whaaro is one of the products of those turbulent decades prior to 1840.

The Ahuriri purchase was completed in 1851 with the knowledge of far more rights-holders than most other early Crown purchases, but there were still a number of issues. There was no ancestral right established as in most early Crown purchases other than the noting of Ngāti Kahungunu in the Deed. Some of the interests claimed in the block were Ngāi Tawhao, Ngāti Hinepare, Ngāti Mahu, Ngāti Parau, Ngāti Tu, Ngāti Matepu and Ngāti Hineuru. There were three areas of land reserved to the sellers, two of which were in the harbour region—Wharerangi and the island of Te Roro o Kuri. The third was the Puketitiri bush of 500 acres inland lying roughly equally between the Mohaka and Tutaekuri rivers and closest to the CFL lands out of all three reserves. Puketitiri was not awarded to the customary owners until over 70 years later in 1922. Claims were made through Tawhao and Ruatekuri, Hikateko and Huakirangi, Hineuru as well as Taraia and Turauwha. Paekakariki and Arawhenua were two mahinga kai areas noted during the Puketitiri hearing and there are three archaeological sites nearby outside of the reserve near the CFL lands.

The Aorangi block was sold in two purchases from 1856-1857. The first purchase was from Te Hapuku and his allies and the second was from Moananui, Renata Kawepo and others. The second payment also covered interests in the Otaranga, Maraekakaho and Otakua blocks. There was no ancestral right established in the two purchases that covered the Aorangi block. Each purchase did not necessarily reflect one set of related iwi and hapu. Instead there were a number of individuals that affiliated to a diverse set of iwi and hapu. This diffusion of tribal members across both groups reflects the realpolitik with which these groups of vendors approached possible inclusion in a sale rather than any strict tribal affiliation. Both purchases included Ngāti Te Whatuiapiti, Ngāti Hawea, Ngāti Honomokai, Ngāi Te Upokoiri and Ngāti Hinemanu. A reserve was eventually marked out in the north-eastern section of the block that was investigated in 1899 and claims were made through Whatuiapiti, Honomokai, Te Upokoiri, Mahuika and Rangituouru (Honomokai's son). The south-western section of the Aorangi block contains a pa site that could be either Te Pa o Tamahika or Ponapona. Just outside the Aorangi reserve is the famous Taumataohe pa as well as two mahinga kai sites—Tauhekenui and Otapahi.

The Otaranga block was sold in two purchases in 1857 with a similar set of sellers as the Aorangi block. There was no ancestral right established and like the Aorangi block there was a diverse set of iwi and hapu reflected in each purchase that reflected realpolitik rather than any strict tribal affiliation. Both purchases included Ngāti Te Whatuiapiti, Ngāti Honomokai, Ngāi Te Upokoiri, Ngāti Hinemanu, Ngāti Honomokai, Ngāi Te Rangikoianake, Ngāti Rangihakaaewa, Ngāti Hinepare and Ngāti Mahu. The disputed Whakarara/Poutaki and Te Pa o Tamahika or Ponapona pa sites are located in the southeast corner of the block and the Tauwharepokoru mahinga kai site is located in the northeast corner. Te Whaaro noted Tauwharepokoru as a birding site during the Te Koau investigation. The 1890 Otaranga and Ruataniwha North Commission of Inquiry (also known as the Awarua Commission) was held to determine the western boundary of both blocks. Te Whaaro was a key witness at the Inquiry and provided extensive evidence on the Ruahine range area but neglected to make an explicit claim to the Otaranga block. This must be understood in the context of his concurrent claims to lands in Patea at Awarua and elsewhere at which others tried to label him as holding rights to lands in Heretaunga.

The Ruataniwha North block was one of the more convoluted early Crown purchases in the region having been purchased piece-meal from 1855-1859. It was often tied up in the Manga-a-Rangipeke block to the east. The Ruataniwha North block had a similarly diverse set of interests to the Otaranga block: Ngāi Te Upokoiri and related hapu such as Ngāti Haumoetahanga, Ngāti Marau, Ngāi Te Ao and Ngāti Honomokai as well as Ngāti Pouwharekura and Ngāti Te Whatuiapiti. During the Awarua partition hearing in 1890 Te Whaaro claimed that he had no claims to any lands in Heretaunga by occupation, only whakapapa, but in 1909 he submitted a petition to Parliament regarding the Ruataniwha North block. He did not indicate under which descent lines he claimed the land but it may have been

through his Ngāti Pouwharekura line from his father as noted earlier. Te Whaaro's father, Turitakoto, had whakapapa links with Ngāti Pouwharekura and Ngāti Marau both of which had strong claims to the Ruataniwha North block. It is not clear if he was claiming through his father's whakapapa because of the lack of detail in the petition but it is certainly the most likely.

Due to a lack of surveying information the Ruataniwha North and Manga-a-Rangipeke blocks are often portrayed together as in the map provided in our report. There were far fewer purchases made for Manga-a-Rangipeke and it has generally been accepted that Ngāi Takaha were the true rights holders to the block although a similarly diverse set of Ngāti Hawea, Ngāi Te Upokoiri, Ngāti Te Whatuiapiti and general Ngāti Kahungunu were paid in the two purchases for the block in 1857. As the surveying data is uncertain the block location of the numerous pa sites is not clear but Kihiao, Hakiuru and Mangataiorea pa are all located in one or both of the Ruataniwha North and Manga-a-Rangipeke blocks. The Kereru bush is located in the north section of the blocks in a triangular area between the Otaranga and Aorangi blocks.

The Otamauri block was investigated by the NLC in 1866 and very limited evidence was presented to the Court. A claim was filed to the block by Renata Kawepo who sent his whanaunga Temuera Te Mateaitu to the NLC investigation. He claimed the land through Te Mumuhu, the grandson of Honomokai and Te Aopupururangi, the son of Te Upokoiri and Rangituouru, the father of Te Uamairangi and the great-grandfather of Renata Kawepo. Te Mateaitu also claimed the land through Tuanewa and Taraia I. The six grantees for the block were all descendants of Taraia II. Whanawhana pa is located in the northern section of the Otapahi block just outside of the southern limit of the Otamauri block and appears in evidence from a range of witnesses in the NLC as the primary pa of Te Uamairangi. Pou were placed to protest land sales at Whanawhana in the 1850s to prevent any further alienations to the west of the pa. Winiata Te Whaaro stated at the Mangaohane partition hearing in 1890 that the pou at Kuripapango and Whanawhana were set up so "that no sale of land should take place on the Patea side of the posts". Whanawhana though was quite to the east of the Ruahine range. Rangatira based on both sides of the Ruahine range helped erect the pou.

The Kohurau block was investigated by the NLC in 1870 with marginally more evidence presented than the Otamauri block. Paora Kaiwhata claimed the block through Ngāi Taita and a counter claim was made by Paora Torotoro from Tamatea through Kahungunu and Hineiao to himself. Both Ballara and Walzl note the connections between Ngāi Taita, Ngāti Ruapirau and Ngāti Mahu. The tupuna Tama Taita was descended from the Mahu and further Whatumamoā line through Ruapirau and Turauwha. Most of the grantees to the Kohurau 1 and 2 blocks were descendants of Taita except for two Ngāti Hinepare descendants and Renata Kawepo who was descended from Honomokai, Upokoiri and

Hinemanu. Most evidence in the NLC recognised the Taita claim to the Kohurau block. Although there was no evidence presented in the NLC regarding pa or mahinga kai sites, Te Waipohue pa and Makeo pa, are both noted elsewhere as located in the Kohurau block but it is not clear precisely where.

The Omahaki block was investigated by the NLC in 1886, 1895 and 1896 and had the most extensive discussion of customary interests of all the CFL blocks. Claims were made to the block originally in 1886 through Ngāi Te Upokoiri, Ngāti Honomokai and Ngāti Kahungunu. An appeal was heard of the Court's decision in 1895 and 1896. The more lengthy 1896 investigation heard claims through Honomokai, Mahuika and Hinemanu. The Court awarded interests in the block to descendants of Honomokai and Mahuika who also claimed through Honomokai. The claim through Hinemanu was rejected by the Court. A number of mahinga kai were mentioned during the NLC investigation including Purarauiki, Te Uawhaitara, Turorowhiu and Purarauhe; as well as pa such as Te Teko, Waipokohu and Mangarakau.

Evidence of specific discussions of the name Punakiao were not present in the Kāweka and Gwavas CFL lands in terms of claims to the land, but her children and their descendants were a key part of most blocks involving Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomokai and Ngāti Mahuika particularly. Ngāti Hinemanu me Ngāti Paki maintain that a lack of early Crown purchasing or NLC evidence does not equate to a lack of interests. Winiata Te Whaaro's knowledge of the Ruahine range area was evident in his evidence to the Awarua Commission, the Awarua NLC investigations and the Te Koau NLC investigation. The Ngāti Hinemanu, Ngāti Paki and Ngāti Hauiti bird-snaring site Tauwharepokoru was located in the north-western corner of the Otaranga block. Almost a decade after his last participation in a NLC investigation at Te Koau, Te Whaaro submitted a petition laying claim to the Ruataniwha North block. Although he did not make outright claims to the Otaranga and Ruataniwha North blocks prior to his petition there was evidence from the Awarua Commission of he and his elders' claims to land on the range and certainly his father's rights to land in the Ruataniwha North block as Ngāti Pouwharekura. In 1890 Winiata Te Whaaro denied any occupation rights in Heretaunga, but in 1909 he made a claim to the Ruataniwha North block. These kinds of contradictions feature throughout the evidence gathered for this report and reflect our uncertain conclusion.