

NGĀITERANGI TREATY NEGOTIATIONS: A PERSONAL PERSPECTIVE

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Treaty settlements pursuant to the principles of the Treaty of Waitangi can never result in a fair deal for Māori who seek justice against the Crown for the wrongs committed against them. As noble the intention to settle grievances might be, at least from the Crown's point of view, my experience as an Iwi negotiator is that we will never receive what we are entitled to using the present process. Negotiations require an equal and honest contribution by each party but the current Treaty settlements process is flawed in that the Crown calls the shots.

To our credit, our pragmatic nature means that we accept this and move on. At the end of long and sometimes acrimonious settlement negotiations, most settlements are offered with the caveat that as far as the Crown is concerned, these cash and land compensations are all that the Crown can afford so their attitude is "take it or leave it". If Māori do not accept what is on offer, then they have to go to the back of the queue. The process is also highly politicised so that successive Governments are not above using the contentious nature of settlements for their political gain, particularly around election time. To this end, Governments have indicated that settlements are to be concluded in haste, they should be full and final and that funds for settlements are capped. These are hardly indicators of equal bargaining power and good faith, which are the basic principles of negotiation.

As mentioned, the 'negotiations' are not what one might consider a normal process in that, normally, parties are equals in the discussions. The Crown sets the timeline for the negotiations and decides with whom they will negotiate. Where there is a disagreement within the tribe as to who has a mandate to negotiate and thus settle, the Crown policy is normally not to proceed in the negotiations until that matter has been dealt with. This approach causes long delays and dissent among tribal members.² This is the old divide and rule mentality that the Crown pursues.

¹ Ngāi Te Rangī, Te Whakatōhea. Former Senior Lecturer, Te Piringa. Matiu Dickson was appointed a negotiator for Ngaiterangi tribe in February, 2010 together with Mita Rinui (Lead Negotiator) and Spencer Webster (Negotiator). The tribe is now awaiting the legislation that will conclude the Settlement, likely later in 2016. Matiu passed away during the editing process of this edition of Te Tai Haruru.

² The situation in the Ngapuhi treaty claim where mandate is being contested by Tuhoronuku and Nga Hapu o Ngapuhi is a case in point.

The Crown's requirement is that they negotiate with only one mandated entity of the tribe approved by them. This is contrary to Māori dispute resolution processes which accommodate different groups and are geared to finding a resolution which is fair to all parties and supported by them as well. The participants in Māori dispute resolution processes always strive for the collective good even though initially the parties to the negotiation might be competitors.

Māori favour the approach of seeking positive aspects of what the other party has to offer, recalling times when relationships and obligations between the two parties were established. Elders with tribal knowledge are essential to this process. A favour carried out in the past is never forgotten or, if it is, it is often revisited as part of the negotiations. The same is true for a wrong deed carried out in the past. Māori also appreciate the admission by the other party of any wrong-doing by them and their apology for it happening. This approach of *whakapahā* (apology) restores the *mana* of the offended party and therefore makes the negotiations more meaningful and binding. Once the *utu* is made, that is the end of the matter and the parties are ready to move forward. Good faith has been restored. The talking has been taken to another higher level of *te kōrero o te rangtira* (discussions of and by chiefly people). Leadership is important and those in the group who are able to facilitate this process are respected and their word is given authority.

The *whakatauki* related to this process is: *he mana tō te kupu* (the word of a chief has authority) is still relevant in Māori negotiation processes and dispute resolution. Another *whakatauki* which guides this process is: *he iti te kupu he nui te kōrero* (the word may be small but it has a lot to say or many meanings). The wisdom of the elders is called upon when the discussions are taking place, the best speakers dwelling on the positive aspects of the opposing side and recalling historical events that support their *whaikōrero*. *Whaikōrero* literally means "to follow on from the speaker before", thus a person should not speak unless there is something that can be added to whatever has been said. This eliminates frivolous talk on serious matters. A person cannot be interrupted while speaking and this allows the discussions to be focussed on the matter at hand. However, this process can be altered to allow a *tōhunga* to raise topics that on the face of it may seem remote to the issue at hand but are in fact a holistic way of dealing with the *kaupapa*. Story-telling containing wise and pertinent messages is encouraged.

For my tribe Ngāiterangi, this process of engagement has a particular significance. One of our ancestors is Rauru-ki-tahi (Rauru who speaks but once). He is an ancestor

of the Ngāti Kuku and Ngāitukairangi hapū and his name is immortalised as the name of the meeting house at Whareroa marae at Mt Maunganui. His wife Kuraimōnoa is the name given to the dining hall of the marae. Rauru was often referred to during the submissions made on behalf of tribe to the Waitangi Tribunal held at that marae. He is the ultimate negotiator in the history of the tribe. He is well-known as a great listener, who having heard all of the kōrero of the tribal members, summarised the arguments and sought a solution that benefitted all tribal members. Importantly, once he had delivered his kōrero, it was supported by the people, such was his wisdom and mana. He needed only to speak once. As a consequence, even now members of that hapū are often called upon to mediate disputes.

So the Treaty negotiations are generally a one-sided affair in which Māori soon come to the realisation that they will only make progress if they look after their own interests and they treat their kin, who may be co-claimants, as adversaries rather than as potential partners or kinsmen in the collective. This again is contrary to tikanga Māori practice. The desire by Māori for a collective approach is exemplified in the whakatauki of the second Māori King, Tāwhiao, *Ki te kotahi te kākaho ka whati, ki te kāpuia e kore e whati* (one strand of the reed will break but a bundle tied together will not break).

As a result of these deficiencies in the Treaty settlements process, it is therefore not possible to achieve just compensation, which Waikato/Tainui, for example, advocated for during their negotiations for the settlement of their Treaty claim.³ Their desire for a just deal was expressed in this way, *Kua riro whenua atu, me hoki whenua mai* (land was taken and so it must be returned). The negotiators knew that this wasn't going to happen but wanted it stated anyway to emphasise the enormity of their loss and the inadequacy of the settlement process.⁴ Settlements represent but a small percentage of the value of the land taken either by confiscation or by the machinations of the colonial governments.

This approach of 'land for land' was also similar for Ngāiterangi during our negotiations for settlement of our Treaty claim. However this goal is frustrated by the fact that the Crown holds little land in the rohe that can be used for settlement. On this point, the tribal leaders considered that the Tauranga harbour itself might be used

³ Settlement signed by the late Te Arikiniui Dame Te Atairangikaahu on behalf of Waikato Tainui and Prime Minister Bolger at Turangawaewae Marae, Ngaruawāhia on 22 May, 1995 See "Waikato-Tainui sign Deed of Settlement with the Crown" 22 May 1995, New Zealand History <www.nzhistory.net.nz>.

⁴ This fact is sometimes lost on the general New Zealand public and is not helped by sensational reporting by some provincial newspapers that allege favouritism to Māori.

to compensate the claim. They made the suggestion to the Crown negotiators and, no doubt, had they considered this an option it may have come about. However the Crown rejected the idea out of hand. Thus, other means like monetary compensation are needed to reach a settlement. There is also the problem of having to match this settlement to completed settlements of other tribes in similar circumstances. This is the approach of the Crown for the settlements in the Mataatua region beginning with Ngāti Awa's settlement but as the Tribunal findings have shown in each case, the circumstances are different not similar. Making comparisons is unfair and leads to more injustice.

The Crown considers that the pursuit of comparatively equal settlements is a fair approach. However, this idea of theirs is highly controversial because the colonial experience of each tribe is different. Some tribes, called kupa (Crown loyalists), collaborated with the Crown to gain advantage for themselves but also to seek revenge for past wrongs by the errant tribes, evoking the practice of the old tikanga Māori of utu. The relationship between Ngāiterangi and the Ngāti Whakaue of Te Arawa is a good example of this approach. Their conflict goes back to the time before European settlement and concerns the mana whenua over Maketu, a coastal pā site. Ngāiterangi maintained that despite Ngāti Whakaue claiming the land after the engagement with Ngāiterangi at Te Tumu in the 1820s, the settler Hans Tapsell's request to Tupaea the Ngāiterangi chief to allow him to settle was evidence of Ngāiterangi's prior claim. During the years leading to the Tauranga land wars at Pukehinahina and Te Ranga in 1864, Ngāiterangi and Ngāti Whakaue continued their squabbles, even supporting Ngāpuhi raiding parties against each other. Peace was settled at Te Ariki pa near Maungatapu.

The settlement for Ngāti Awa is a case in point as to the problems associated with the Crown policy to pursue comparatively equal settlements. The Ngāti Awa settlement was accepted by Ngāiterangi negotiators as a starting point. Ngāti Awa are kin of Ngāiterangi and some of their experts gave evidence in the Ngāiterangi claim to illustrate the whakapapa links of the tribes.⁵ However, the policy to secure comparatively equal settlements is also a means for the Crown to control the way settlements are 'negotiated' and to limit the negotiating power of iwi.

Like Ngāti Awa, Ngāiterangi's claim was recognised as a claim of a so-called 'raupatu iwi' in that the tribe suffered land confiscations as a result of what the Crown referred

⁵ Evidence given by Sir Hirini Mead at Whareroa marae to establish whakapapa links between the two tribes.

to as ‘acts of rebellion’ as per the Tauranga District Lands Act 1867 and 1868. According to research 50,000 acres were confiscated by the Crown after the two land battles that Ngāiterangi engaged in. This land was the most productive land of the tribe and eventually formed the land basis of the township of Tauranga. To complicate matters the confiscated land was under the mana of two of the main tribes of the rohe, Ngāiterangi and Ngāti Ranginui. Thus, since that time the two tribes agree to disagree about the extent of their respective own muru raupatu by the Crown claims (confiscation not according to tikanga Māori) to enable the settlement process to progress.⁶

These confiscations were retrospectively legitimised by the passing of legislation basically to give the Crown a clear conscience in its nefarious dealings with Māori and their land and any other illegal activity.⁷ I addressed the assumption on the part of the Crown that Māori were rebellious when I gave evidence at the hearing of Ngāiterangi’s claim. I asserted that the tribes were in fact defending their homelands during the two land wars from the aggressive acts of the Crown.⁸ The tribes were not rebelling and therefore their lands were taken illegally.

Ngāiterangi’s individual claim started 20 years ago and culminated with the Tauranga Moana Report of the Waitangi Tribunal.⁹ The Report was presented to the tribes in 2011 at Hairini marae. It covers the claims of the three claimant tribes (Ngāiterangi, Ngāti Ranginui and Ngāti Pukenga included) since the updated claims process led by the Crown required the three tribes to form a ‘cluster’ to better facilitate the Crown’s dealing with them.

From the point of view of time saved there might be an advantage in clustering tribes but invariably this process disadvantages the separate tribes whose claims of prejudice are immediately compared to the claims of the other co-claimant tribe. The seriousness of the prejudicial behaviour of the Crown is somewhat lost in the disagreements that tribes have with each other. And in all of this, the Crown can step back and say they are not to blame for the procrastination and delay in the settlement

⁶ This phrase was first coined in Taranaki. It refers to the confiscation of land by the Crown but not according to the tikanga Māori of raupatu where imposing the mana of the victorious tribe over the land was accepted. Hirini Moko Mead *Tikanga Māori: Living by Māori Values* (Huia Publishers, Wellington, 2003) at 21.

⁷ For example, the New Zealand Settlements Act 1863 which legitimised the raupatu of Māori land.

⁸ Refer to Evidence of Matiu Dickson to the Waitangi Tribunal at Whareroa marae in support of the Ngāiterangi claim. See Waitangi Tribunal *Te Raupatu o Tauranga Moana* (Wai 215, 2004).

⁹ Waitangi: Tribunal *Te Raupatu o Tauranga Moana*, above n 8.

process. This aspect of the negotiations was frustrating for me as I had been raised to accept the other tribal members as whānau members and not opposing sides.

One of the positives of the Treaty process, if it can be called so, is that the history of the tribe is researched and written about and therefore available for all to see and hear. The passing on of traditional history is often confined to discussion by elders, both men and women, on the marae. Traditional history was initially recorded in book form by mostly Pākehā ethnographers like Elsdon Best,¹⁰ and later by Māori academics.¹¹ Knowing the authors of Māori historical accounts is important because the early ethnographers invariably interpreted what they saw in the light of their own world view, which is also true of present day ethnographers. In doing so they often made negative conclusions of early Māori custom and behaviour. Early references to cannibalism is a good recent example of where a tikanga Māori was criticised as barbaric without a full understanding or explanation by the ethnographer of its purpose.¹²

Even the records of the Native Land Courts are not always reliable because the Native Land Court judges, mostly Pākehā, tended to put their own take on matters and issues before them. Some of them had their own land dealings with Māori, which were often of a dubious nature.¹³

The value of the passing of oral traditions and history on the marae is that those talking about the history are usually the descendants of the makers of the history. So there is an immediate relevance to the speakers and the listeners about what is being said and an admiration for their ancestors' exploits and victories. The lessons are often mixed with humorous anecdotes suitable to the occasion. The telling is a collective activity which all enjoy and look forward to especially after the formalities of whaikōrero has ended. If visitors were present, the speakers relish the opportunity to retell stories and to quote whakapapa that connects those visitors to the people of the marae. Then it is the visitors' turn and they usually try and outdo the marae speakers with stories of their own. It is an informal game of one-upmanship. All of this is conducted in te reo Māori using the colloquial and classical forms of the language.

¹⁰ Elsdon Best *Tuhoe, Children of the Mist* (Reed, Wellington 1972).

¹¹ Pei te Hurinui Jones *Nga Iwi o Tainui* (Auckland University Press, Auckland 1995).

¹² Paul Moon *This Horrid Practice* (Penguin, Auckland, 2008) – The books title hints at the negative view of the author.

¹³ Refer to Judge Fenton, Dictionary of New Zealand Biography, William Renwick.

Waiata is also sung to emphasise a point or sometimes merely to entertain. An example of a waiata used to tell history happened at a wānanga or study session held at Whareroa marae in 1980 where the elders explained to our hapū members the reasons why a waiata was taken by the hapū Ngāitukairangi to our relatives of Te Whānau-a-Apanui tribe on the East Coast.¹⁴ It was during the time of an accidental drowning there in 1900. Eighteen people, sixteen of them school children, drowned crossing the Motu river by boat. It was a calamity for the tribe.

The waiata *E Tama Waha Kore* (for a young person unable to speak) has references to the accidental and premature death of a young member of the tribe so it was very appropriate to the occasion. Ngāitukairangi hapū in paying their respect to those who had drowned sang this waiata at the conclusion of the speeches. Te Whānau-a-Apanui kept the waiata for this reason and after changing some parts of it, they still sing it today. They celebrated the waiata nationally by performing it at the Te Matatini Festival held in Tauranga over 100 years later thus cementing the bond between the tribes. The history of this waiata was shared with us by Turirangi Te Kani an elder of the hapū whose mother Tangiwai was from the Delamere whānau of Te Whānau-a-Apanui.¹⁵ Knowledgeable and entertaining speakers like this kaumatua were admired and well-listened to. He was also an expert singer of tribal songs.

During the hearing of the Ngāiterangi Treaty claim at Whareroa marae, I was given the task of collating the tribal waiata and teaching the tribal members how to sing these waiata. The waiata were chosen to support the particular speakers of the tribe and their hapū. For example the opening speaker for the tribe was Kihī Ngatai the acknowledged main elder of Ngāiterangi whose marae is Whareroa. His hapū is Ngāitukairangi, the same as mine, so the waiata chosen to conclude his evidence was *E Tama Waha Kore*. On that occasion an exception was made by the elders because the tikanga of the waiata is that it is only sung when there is a deceased such as at a tangihanga. The first part of the waiata starts this way, *E tama waha kore maranga mai ki runga whītiki to kahu ka tu taua e* (young man rise up and fasten your cloak so that we may journey together). Here the deceased is spoken to directly as in most waiata tangi. The words of the waiata takes the young person on a spiritual journey of the tribal lands. It makes reference to Waipu Bay, Whareroa marae and Mauāo Mountain, the tribal icon. In choosing this waiata the elders considered that the importance of the occasion

¹⁴ Ngāitukairangi is a hapu of Ngāiterangi. They are settled at Matapihi and Mt Maunganui. Tukairangi was the son of Taapuiti and grandson of Te Rangihōuhiri.

¹⁵ At the Te Matatini held in Tauranga in 2009, the kapa haka of Te Whanau-a-Apanui sang the Ngāiterangi version of the song to acknowledge the waiata's origin.

warranted such a waiata and that the dead of the land wars represented the presence of a deceased person required by the tikanga of waiata. It was a moving experience.

I was also present at the hearing for the the Ngāti Hangarau hapū claim held on their marae at Bethlehem in 2008.¹⁶ I have a whakapapa connection to that hapū through my great grandmother, Tangiwai Parata. At the conclusion of their hearing the people of the marae sang the song *Takiri ko te Ata* (At the break of Dawn). The meeting house was filled to the brim and members of the hapū had been prepared to sing this important song for their tribal speakers.¹⁷ This waiata was composed by Turupa for her husband Kereti who was killed in the land battle of Te Ranga in 1964. The first lines of the waiata are *Takiri ko te ata he tūnga no te makau, taku tiroiro noa i waenga i te hono ka ngaro koutou...* (At daybreak I can see the vision of you my beloved husband among the spirits of those who have been killed...). Turupa was not aware that her husband had been slain so she walked to the battle ground, a three hour journey, looking for him. As she passed those returning she asked them if Kereti was alive but no-one had the heart to tell her of his death. The lament expresses how she felt, comparing her husband's death to the collapse of the ancestral house on the marae. All members of the tribe were aware of this history and hearing them sing the waiata at the end of a long hearing was a very poignant.

The Tauranga Moana Tribunal Report is similar to others in that it gives a detailed record of Ngāiterangi history leading up to and during colonisation and it sets out the negative effects on the tribal people and the tribal estate.¹⁸ It is not good reading from the Crown's point of view. It is plain to see in the Report that evidence supports the view that the Crown acted prejudicially in its dealings with the Tauranga tribes. Thus, the Crown's attempts to minimise their role and then play down the negative impact on the tribe during the hearing process is hard to accept and understand for some Māori. Worse still, some Tribunal members showed their prejudice. I recall a Tribunal member asking a question during a part of the hearing concerning the effect of poverty on the tribe when the lands were lost. That Tribunal member was known for his cynicism and asked pointedly: "Well, your people weren't really *that* poor, were they? Surely!" This query was met with guffaws and incredulous looks by the assembled claimants and highlighted the up-hill struggle they had to change attitudes and seek empathy with Tribunal members.

¹⁶ Ngāti Hangarau is a hapu of Ngātiranginui. Their territory surrounds their marae at Bethlehem and reaches up into the Kaimai Ranges to Poripori.

¹⁷ The waiata was led by Kaumatua Kihī Ngatai.

¹⁸ Waitangi Tribunal *Te Raupatu o Tauranga Moana*, above n 8, at 3 – 108.

The Treaty process is alien to the Māori way of thinking. Māori seek a way of resolving disputes which benefits everyone, even with those who may be regarded as adversaries. In the end Māori quickly understand that all must live in harmony for the survival and wellbeing of the whole tribe. Māori showed this in their dealings with vanquished tribes. Mostly the defeated tribes were reincorporated into the victorious tribe by marriage or by giving the vanquished tribe an opportunity to move away.¹⁹ This rule was upset in some cases though where tribes, because the wrong they believed they had suffered, completely annihilated the unfortunate people. The starting point of seeking a resolution is the question proffered to the other side: 'What is the aroha you have for me?'

Greed is not a chiefly trait.²⁰ Humility and generosity are the traits of the chief. The mana gained in negotiations is the refusal to impose too many demands on the other side because for Māori, you are punishing yourself in the long run. The connection is always found through whakapapa. This applies in inter-tribal negotiations more so than with the Crown although the principles still applies for Māori participants.

Haere e tama, mōu taiahihi mōku tai awatea (Farewell my son, you go out with the evening tide and I will go with the morning tide). This saying signals a turning point in the history of the Ngāi Te Rangihōuhiri people. It was said by the chief Te Rangihōuhiri when he was told that his eldest son Tutengaehe had been killed in the battle at Herekaki between Te Arawa tribes and Ngāi Te Rangihōuhiri. The battle took place near Maketu, a place which for a long time caused continuous warfare between the two tribes concerning the mana whenua. Tutengaehe was killed during the early evening at the turning of the tide. Te Rangihōuhiri predicted his own death would occur during the early morning skirmishes when the tide again was on the ebb. Māori history often makes reference to chiefs who predicted their own death. Possibly it was to show their not being afraid of death, a sign of a real rangatira, or that they accepted the inevitability of their demise considering the circumstances they were in. Te Rangihōuhiri did die at Poporohuamea and in memory of his death, the tribe adopted the name Ngāiterangi and thus begun their Tauranga Moana history. It is also the beginning of the history of the tribe as a separate entity from the rest of their Mataatua relatives but not entirely. Those whānauangata ties are still warm and vital to the tribe's identity.

¹⁹ Te Waho o Te Rangi did this with Te Rangihōuhiri and his people, allowing them to travel back to their ancient settlements in the Mataatua region.

²⁰ Shown by Kahungunu to Whaene. Kahungunu took the biggest fish from the catch before asking his older brother Whaene and he was struck in the face with it for his troubles. He left the area in disgrace and called the place he arrived at Tutamure (Hit by a Snapper).

It is important therefore to know the whakapapa ties that the tribe has with the rest of the Mataatua region. Ngāiterangi are the descendants of Toroa, the acknowledged leader of the Mataatua waka that brought Māori to New Zealand. The whakapapa that shows the relationship to Te Rangihōuhiri is the following:

Toroa
/
Ruāihona
/
Tahīngaotera
/
Te Awanuiārangi
/
Rongotangiawa
/
Rōmainohorangi
//
Te Rangihōuhiri Tamapahore
//
Taapuiti Uruhina
/
Tukairangi

This whakapapa illustrates that the connections between the descendants of Toroa are very close and over the time of the Mataatua settlement of the Bay of Plenty region by these tribes, the tikanga of whakawhaungatanga has been continually reinforced. According to the Mataatua tradition, Puhi the brother of Toroa took his immediate relatives and the waka to the north and settled there, the canoe being laid to rest in the river at Tākou. Their saying is *Me tāwharautia te waka o Mataatua* (shelter under the mana and unity of the Mataatua waka). This saying has been referred to only several times in Mataatua history. The first was during the time of the coming of the Pākehā and the destructive nature of colonisation they brought with them. The second time was during the building of the historic Tīpuna Whare, Mataatua. As to the first instance, the tribes of Mataatua recognised that the Pākehā colonisers were here to stay and that eventually they would cause trouble for the tribes. The leaders of the time were particularly alarmed at the Pākehā hunger for land and devised a plan that they would try to stop the advance of Pākehā settlement into their territory by taking part in the warfare outside of the *rohe* (tribal areas), particularly in the

Tainui rohe. That is, to support the Kingitanga whose genesis was to hold on to Māori land and to unite the Māori tribe under one leadership. Ngāiterangi took part in the land war at Rangiriri in 1864 and returned to Tauranga almost immediately to defend their own territory from incursions by the Crown. The Crown wanted to teach Ngāiterangi a lesson for assisting Waikato/Tainui and allowing supplies to be brought to them through their territory. However as shown later it did not go exactly as they had planned.

Unfortunately warfare did arrive in Mataatua on the pretext by the Crown that various tribes of Mataatua committed treacherous acts against the Crown. For Ngāti Awa it was the killing of James Fulloon, and for Te Whakatohea it was the killing of Reverend Carl Volkner, the missionary spy. For Ngaitūhoe the invasion and land confiscations came later with the Crown's pursuit of the Māori prophets, like Rua Kēnana and Te Kooti Arikirangi. As a consequence of these deaths the Crown invaded the tribal territory and confiscated lands to punish the tribes. They also imprisoned those who they thought responsible and after very unfair trials had those people hanged and buried in the prison yards at Mt Eden Prison. The body of the chief Mokomoko of Te Whakatōhea was later exhumed after it was accepted by the Government that he had been wrongly convicted and he was subsequently pardoned. But the injustice to his descendants was already done.

A further study of the Mataatua tribal whakapapa shows that whakawhānaungatanga with Ngāiterangi has been maintained by marriage. Irapeke was Romainohorangi's brother and his son Hikakino married Tamapahore's daughter Uruhina. His two daughters Kahurua and Whariki married Te Rangihōuhiri's grandson Tukairangi.

Te Rangihōuhiri's people have had a knack in their history of finding themselves suddenly in a dangerous situation and then having to extricate themselves as necessary and as soon as possible. Because of a dispute with the Ngāti Ha in Whakatane they vacated that area and travelled to Whangarā on the East Coast where they were given shelter by the Aitanga-a-Hauti chief, Te Waho-o-te-rangi. Their existence there was as bondsmen and before too long Te Waho realised that these people might overcome his own people so he allowed them to leave and they travelled along the coast back to the Mataatua area where they arrived at Tōrere. They were given haven there at a place called Hakuranui.²¹ It wasn't too long before

²¹ This migration is referred to as Te Heke o Te Rangihouhiri, the travels of Te Rangihouhiri. The land at Hakuranui was recently re-vested in to the name of the Ngaiterangi tribe and is a reserve for the tribe's use.

they upset the local people and decided to move on to a pa site at Tawhitirahi near present Opotiki. Again for the same reasons, they moved from there to Matata to avoid their relatives at Whakatane.

From Matata they considered the possibility of moving to Maketu which at that time was occupied by Te Arawa people. Tamapahore was sent to scope the land and investigate the chances of a successful incursion. While there he and his party happened upon Punoho, the daughter of one of the Tapuika chiefs. They killed the unfortunate woman and hid her in a pit and then returned to Matata to await the message from Te Arawa that they were seeking revenge for the killing. This gave the Te Ranghōuhiri people an excuse to make a pre-emptive attack on the Maketu people. This is what they did and it was at the battle of Pōporohuamea in which Te Rangihōuhiri and Tutengaehe died.

Ngāiterangi lived at Maketu for a time and then looked toward Tauranga Moana as a possible place to settle. They received the opportunity to do this when one of Te Rangihōuhiri's grandsons Tauāiti was captured by the resident tribe there, Ngāti Ranginui, while on a food gathering trip. Tauāiti was tortured by having his body cut with maram grass and while this happened Tauāiti predicted that his death would be avenged by his younger brother Kotorerua. He uttered the words, *E papaku ana te moana o Tauranga i te riri o taku teina a Kotorerua* (the waters at Tauranga are shallow compared to the anger of my brother Kotorerua when he avenges my death). Tauaiti's head was severed and placed on a waka and floated toward the Ngāiterangi settlement no doubt as a warning to those people to stay away from the Tauranga rohe.

However, Te Rangihōuhiri's younger male kin had devised a plan to take over the Tauranga rohe and extract revenge. They used a ruse that was common among Māori war strategists. They pretended to make peace with the Ngāti Ranginui and arrived at their major pa at Mauāo carrying what they purported to be baskets of kōkōwai, an important red clay used to decorate carvings. However the kōkōwai was spread over the top of earth that filled the baskets. Thus the name of the battle of the Kōkōwai. The group, which included Te Rangihōuhiri's grandson Tukairangi, were invited into the pa and took their places in the meeting house of Kinonui, the main chief of the pa. During the entertainment in the meeting house the Ngāiterangi warriors left separately pretending to be overcome by the heat inside. Kinonui was on guard but not sure what to expect. On a signal from their leader all of the rest of Ngāiterangi ran out of the house as it was set alight.

The battle ensued with Ngāiterangi reinforcements having landed at the most inaccessible side of Mauāo near Tirikawa rock.²² It was a Ngāiterangi victory with some of the Mauāo inhabitants taking flight by swimming across the channel to Matakana island. It is said that the sight of the heads bobbing in the sea gave the name to that part of Matakana being Panepane (many heads bobbing in the water) which is now an important wāhi tapu of the tribe.

Thereafter Ngāiterangi occupied those parts of Tauranga which are recognised as their rohe today. The Ngāti Ranginui tribe repositioned themselves in the rohe and with intermarriage the two tribes lived peacefully together and cooperated until the land wars with the Crown ensued.

It can be said that the occupation of Tauranga by Ngāiterangi was a raupatu by them of the land and therefore a recognised consequence of warfare according to tikanga Māori where the victor occupies land forcefully. This matter was important later in discussion about the manawhenua of Tauranga and the status of the tribal people of the Tauranga Moana rohe.

Some commentators refer to Ngāti Ranginui and Waitaha having occupied the rohe after defeating the original settlers the Ngā Marama. Ngāiterangi were joined at a later stage by Ngāti Pukenga who were invited to assist Ngāiterangi in seeing off attacks by Te Arawa people.²³ Ngāiterangi's settlement of Tauranga was affected greatly by the musket wars of the 1820s and the later land wars with the Crown in the 1860s. The wars with Te Arawa over the mana whenua of Maketu intensified with the musket and were not resolved until 1845 at a peacemaking ceremony held at Te Ariki Pa at Maungatapu.

An incident that occurred after that time illustrates the tribal collaborations that took place in the rohe and outside of it. Te Hunga, a relative of Te Waharoa of Ngāti Haua, was killed instantly with a patu by Haerehuka of Ngāti Whakaue. Haerehuka's reason for killing this visitor to Ohinemutu was obtuse. He had taken a dislike to some of the actions of his own Ngāti Whakaue kin believing that he had been left out of a distribution of payments for flax fibre. He sought to teach them a lesson by killing Te Hunga knowing that news of the death would prompt his powerful relative Te

²² Since the assault on the Pa was at night the Ngāiterangi warriors tied the wide whau leaf to their forehead so they could be identified by touch before the fatal blow of the mere.

²³ They were rewarded for their efforts by Ngāti He who gave them land to settle at Ngapeke. Richard Boast in Waitangi Tribunal *Te Raupatu o Tauranga Moana*, above n 8, at 35.

Waharoa to seek utu. This is what Waharoa prepared to do and to do this he travelled to Tauranga to seek the support of Ngāiterangi which they gave. Ngāiterangi did not need much persuasion to enter battle with their old enemy. Te Waharoa did not succeed in his invasion into the heart of the Te Arawa rohe but this skirmish signalled an end to the quarrels between the Te Arawa and Ngāiterangi.

The political situation at the time was also very unsettled because Ngapuhi also entered the fray and attacked Ngāiterangi as utu for a killing earlier of one of their kin. Ngāti Maru also took an opportunity to attack Ngāiterangi at Te Papa and this assault was the last time that cannibalism was witnessed by the missionaries who were caught in the cross fire.

This was to become more unsettled when Ngāiterangi became involved in two major land wars with the colonial troops at Tauranga. The first of the land wars was fought on 29 April 1864 at Gate Pa or Pukehinahina as the site is known to Māori.²⁴ The lead up to the conflict is unusual in that it started from rumours that Māori were gathering to travel to Waikato to help their kin there. The Governor of the time Sir George Grey determined to blockade this move and gathered in forces which assembled at Te Papa.

Rawiri Puhirake of Ngāitukairangi was acknowledged as the leader of the Ngāiterangi force and more unusually for the time he issued a challenge to the Crown forces to take part in a battle to settle matters once and for all. He also issued some 'rules of engagement' written up by Henare Taratoa, an educated Christian. The rules required humane treatment of injured and unarmed combatants. Women and children were to be given safe shelter and if a person sought refuge in a church their safety was guaranteed. The rules referred to the Christian rules of showing mercy to your enemies. The saying *mehemea e mate inu wai to hoa riri, me inumia* (if your enemy thirsts, give him water) was followed by the Māori warrior in the battle.²⁵

However the Crown officers ignored the challenge and prepared themselves expecting to overcome the Māori warriors. A fortified Pa was built by Ngāiterangi incorporating new techniques of construction to contend with musket warfare. The Pa included trenches, parapets and importantly chambers underground that protected the warriors from the heavy artillery and allowed them to move about the Pa undetected. Sir Duncan Cameron amassed 1700 soldiers while Ngāiterangi had only 200 warriors

²⁴ Gilbert Mair *The Story of Gate Pa* (Bay Times Printer, Tauranga, 1937).

²⁵ This motto was adopted by the Tauranga Moana Trust Board established to administer an earlier settlement to the tribes.

to fight. At the beginning of the fighting Rawiri Puhirake taunted the soldiers by standing in the line of fire and yelling to them, "*tēna, tēna e mahi i to mahi!* (There you go, do your worst if you can!)".

Puhirake also instructed his warriors "*ko te manawarere kia u!* (Be patient, hold your fire!)". The warriors waited in the underground chambers until the soldiers charged and then fired volley after volley of musket fire without their being detected. One hundred soldiers were killed in the mayhem and confusion and the soldiers retreated. Ngāiterangi warriors had won the engagement. Cameron as the commander was much criticised for his inept leadership especially that the assault took place in bad weather and near night-fall.

The victory for Māori was short-lived because, on 21 June 1864 at Te Ranga, the reinforced Crown soldiers overwhelmed the Ngāiterangi and Ngāti Ranginui warriors and broke their resistance to Crown rule.²⁶

Immediately after these engagements, the tribes of Tauranga Moana gathered with the Crown to discuss a peace agreement on 6 August 1864. It was at this peace meeting that the confiscation of land was discussed and decided upon by the Crown. Initially 290,000 acres was required by the Crown. This area was later reduced to 50,000 acres but included the most productive land of the tribes at the time.²⁷

This was the historical background to the Ngāiterangi claim when in May 2010 Te Rūnanga Iwi o Ngāiterangi sought application for Treaty negotiators for the tribe. I applied for one of the positions and was accepted.

Each applicant was required to give a presentation to a committee of elders and tribal management. I began mine by showing a picture of a kapa haka group made up of women mainly from Ngāitukairangi hapū. The photo was taken in 1932 at Memorial Park and celebrated the group's success at the Coronation celebrations held at Turangawaewae marae that year. The group was tutored by Tatau Ngatai and placed first in the competitions. Significantly for me, my grandmother, Waimihi, and her mother, my great grandmother Tangiwai, along with other grand aunts feature in the photo. At the time of my presentation all of the group members had passed

²⁶ Other tribes joined this skirmish and lost warriors. In 2012, Ngāti Ranginui signed their Deed of Settlement at the Te Ranga site. The land had already been returned to them and the signing on the site was highly significant for the Tauranga Moana tribes.

²⁷ Waitangi Tribunal *Te Raupatu o Tauranga Moana*, above n 8, at 149.

away signalling for me the passing also of the Ngāiterangi knowledge and reo base. For example many of the kuia were the expert weavers of the tribe. For me, the Treaty settlement was urgently required to begin the task of restoring to the tribe its tikanga and reo knowledge.

These were the factors I raised as important to me if I were a negotiator:

- *Te tino rangatiratanga o Ngāiterangi (Ngāiterangi sovereignty)* – that the person of the negotiator should be someone who strongly identifies as a Ngāiterangi person and who has a background that reinforces that person’s tribal knowledge and commitment to the tribe.
- *He whakaaro rangatira (chiefly principles)* – settlement should be fair and equitable particularly from the tribe’s point of view. The tribe ought to have non-negotiable issues which are very important to them.
- *Te nohongātahi a ngā iwi o Tauranga Moana (the well-being of the tribes)* – because of the Treaty settlements process, the tribes of Tauranga Moana must compete with each other on some issues therefore the settlement negotiations require leaders who do not forget the whakapapa connections of each tribe. These connections will sustain the tribes in the future.
- *Te whaioranga mo te iwi (tribal revival)* – settlement should give the tribe a renewed sense of economic and cultural growth. The benefits must trickle down to every member of the tribe.
- *Me haere whakamua (the way forward)* – any settlement will allow the tribe to move forward and plan its future. This should benefit tribal members and the whole of the community in the long term.²⁸

I was chosen as one of three negotiators, the other two being Mita Ririnui (lead negotiator and retired politician from Ngāti Hē hapū) and Spencer Webster (a lawyer from Ngā Potiki hapū).

Ngāiterangi tribe operates politically as clusters of hapū more so than at the iwi level. Thus, we have the hapū of Matakana Island and Katikati, the hapū of Matapihi, the hapū of Papamoa and the hapū of Maungatapu and Rangataua. These collectives give the tribe its strength and they must be maintained at both the hapū and marae level filtering down to each whānau. These are the hapū and marae of the tribe:

²⁸ Taken from my presentation slides shown at the interview.

- Te Whānau a Tauwhāo – Rangiwaea and Otāwhiwhi;
- Te Ngare (ki Raukawa) – Opōnuī and Rangiwaea;
- Ngāi Tamawhariua – Oruarahi at Matakana Island and Rereatukāhia at Katikati;
- Ngāti Tauaiti – Kutaroa at Matakana Island;
- Ngāi Tūwhiwhia – Opureora at Matakana Island;
- Ngāi Tūkairangi – Hungahungatoroa at Matapihi and Whareroa at Mt Maunganui;
- Ngāti Tapu – Waikari at Matapihi;
- Ngāti Kuku – Whareroa at Mt Maunganui;
- Ngā Pōtiki – Tamapahore and Tahuwhakatiki at Kairua; and
- Ngāti He - Maungatapu.

The role of the tribe is still important at a national and regional level and recently Ngāiaterangi have asserted themselves at national hui but in my view we have a number of issues in our own rohe to resolve. The main one for me is the retention of our Ngāiaterangi reo because knowledge of reo allows us to enjoy the stories of our ancestors and to participate fully in our own tribal ceremonies. Reo is essential to retain and practice our tribal tikanga. Each hapū has put in place its own strategies for reo revival and retention and it will become a success tribally only if it is applied and embraced at hapū and whānau level. As with other iwi our efforts are our own because other iwi have their own issues to deal with. We will prosper culturally by our own efforts but we need to deal with the Crown and the Treaty settlement process first.

As mentioned at the beginning of this article, the Treaty process is a flawed one in that the Crown controls process and it is not mandatory for Tribunal findings to be taken into account by the Crown. Even where land for settlement is scarce, the Crown pre-empted the purchase of private land by an amendment to the Treaty of Waitangi Act 1993 preventing the Tribunal from making recommendations to purchase private land. This occurred as a result of the Te Roroa Report 1992 and its recommendations.²⁹

For our tribe the evidence given at the Tribunal hearings and the process of the hearings themselves awakened for tribal members a strong identity and connection to the tribe. Recently this has shown itself in the commemorations held for the land battles at Pukehinahina and Te Ranga attended by Crown representatives and several thousand iwi members of the Tauranga Moana iwi. The tribes are keen to move on in their plans for revitalisation of tribal reo, history, tikanga practice and marae protocol.

²⁹ Waitangi Tribunal *Te Roroa Claim* (Wai 38, 1992).

Again it should be reiterated that the process has in some cases put up barriers between the Tauranga Moana tribes which were not obvious previously; more work in rebuilding those relationships is needed. I believe that generally iwi are positive about the tribal future and it is achievable with the support of all stakeholders in the region.