

Mohaka River Report 1992

02 Mohaka te Awa Ngati Pahauwera te Iwi

2.1 Te Whakaeke

MOHAKA TE AWA
NGATI PAHAUWERA TE IWI

2.1. Te Whakaeke

The tribunal travelled to Mohaka in May 1992 to hear the claimants present their evidence on their marae and to see the river. The hearing gave us the opportunity to listen to Ngati Pahauwera tell of their own relationship with the river, and allowed the claimants to hear the professional evidence and argument presented by their witnesses and counsel, and by the Crown. The ope, which included the tribunal and the Crown, was solemnly welcomed onto the marae, where gathered to the right of their whare tipuna, Te Kahu-o-te-Rangi, were the descendants of Kahungunu and Pahauwera. Present on the paepae, and in support of kaupapa and tono, were rangatira from other iwi with a similar attachment for their awa (see above page 4). Formal speeches on the marae atea followed the kawa of Ngati Pahauwera, with kaumatua Tom Spooner opening the proceedings. Each whaikorero was accompanied by waiata which related to Ngati Pahauwera, to their whakapapa, to their whenua or to their awa.

Following the powhiri the tribunal moved into the whare porotiti, the round meeting house, named after Rongomaiwahine, a renowned tipuna of Ngati Kahungunu. Here more speeches were made in a more relaxed fashion, as is customary when moving from the marae atea into the peaceful and tranquil arena of the whare. Speakers from Ngati Pahauwera drew on the traditions of their people to outline the history of their tipuna and their relationship with their lands and their waters.

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2.2 The Oral Traditions

2.2. The Oral Traditions

The people identified themselves to us by whakapapa, whakatauki and waiata. These contain the histories of the tribe, the stories of their origins and the relationship their ancestors formed with the lands and waters of Ngati Pahauwera:

Mai ra ano, i te wa o kui ma, o koro ma, ko nga korero tuku iho me whangai ki a ratou i ata tohia hei kawe i nga ahuatanga e hangai ana. Ko nga karakia, ko nga whakatauki, ko nga whakapapa, ko nga tohutohu, ko nga tauparapara, ko nga pepeha, ko nga ruri, ko nga apakura, ko nga pao ara, nga waiata o te ao Maori, me tuku ki tena, ki tena o ratou me ata tohi mo tenei mahi tapu.

From time immemorial the oral traditions have been passed on to those specially selected and who were appropriate to be the transmitters of karakia, of proverbs, genealogy, and songs

Central to their identity as a tribe and their relationship with the river and with the land was the following whakatauki:

Ko Tawhirirangi te maunga
Ko Mohaka te awa
Ko Kahu-o-te-Rangi te tangata
Ko Ngati Pahauwera te iwi

Tawhirirangi is the mountain
Mohaka is the river
Kahu-o-te-Rangi is the chief
Ngati Pahauwera are the people

While Ngati Pahauwera have in the past been divided into a number of hapu and whanau, each with slightly different rights and each with their distinct territories, this whakatauki sums up the special features of tribal identity which they all share. As members of Ngati Pahauwera, their mountain is Tawhirirangi, their ancestor is Kahu-o-te-Rangi and their river is the Mohaka.

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2.3 Te Iwi o Ngati Pahauwera (The Ngati Pahauwera People)

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According to the genealogical tables produced by witnesses, Ngati Pahauwera are the descendants of Tamatea-Arikinui-mai-Tawhiti, of the Takitimu waka, and their genealogy descends through the generations to Tureia, Te Huki, Puruaute and Te Kahu-o-te-Rangi. Traditionally the origin of Ngati Pahauwera has been traced to Te Kahu-o-te-Rangi: "When the head of Te Kahu was being cured, the fire blazed up and burned the beard, hence the name Pahauwera [burnt beard]" (A25(a):14).

Nga hapu o Ngati Pahauwera

2.3.1 While the main hapu of the Mohaka people is Ngati Pahauwera, there are, and were, other hapu populating the locality, living under the mana of Ngati Pahauwera. The hapu who make up Ngati Pahauwera were described by a claimant witness, Charlie King:

There were perhaps eleven or twelve hapu here. The main ones were Ngati Kura, Ngati Kurahikakawa, and Ngati Kapekape. They were the majority. Then comes Ngati Paikea, Ngaiterau, and other hapu in their midst. Now, when we go anywhere, there is only one hapu, Ngati Pahauwera. (B27:6)

Claimant researcher Cordry Huata explained:

It should be noted at this point that the hapu of the name Ngati Pahauwera could aptly be known as Ngati Kahuterangi, leaving the umbrella group to be known as Ngati Pahauwera. Hapu under the umbrella include Ngati Purua, Ngati Paikea, Ngati Tuhemata, Ngati Huki, Ngati Rauiri, Ngati Kaihaere, Ngati Tangopu, Ngati Kapekape, Ngai Taane, Ngati Kura, Ngati Paroa, Ngati Hineku and others. (A14:5)

Written evidence prepared by the late Canon Wiremu Te Tau Huata for submission to the Planning Tribunal, and presented to us by his daughter Ngatai, indicated that:

Some of the sub-tribes of our tribe are Ngai Te Rau, Ngati Paikea, Ngati Pahauwera, Ngati Kapekape, Mawete and Popoia. (B12:3)

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2.4 Te Rohe (The Place)

2.4. Te Rohe (The Place)

While these hapu may have had different rights to resources within the Ngati Pahauwera rohe, together they formed the tribe and together they shared a territory which was familiar to them all. The following proverb delineates this territory, where Ngati Pahauwera settled and over which they exercise their rangatiratanga:

Maungaharuru ki uta, Tangitu ki te moana
From Maungaharuru inland to Tangitu to seaward

Cordry Huata described the boundaries of their ancestor Te Kahu-o-te-Rangi as extending:

from the sea at Pukekaraka to Puketitoti down to the Waiau river. It is here that he met Te Kapua ... a chief from the Urewera who said, "This is as far as you go" (this is our boundary).

Te Kahu o te Rangi took up his axe and began to make his mark on the bark of the tawai (birch) trees and up onto Te Haroto, and down into Puketitiri and down through the Te Wai o Hingaanga stream to the sea. There is a rock here a taniwha (a water monster) its name is Moremore and it belongs to the chiefs from Heretaunga the Tareha, the Karaitiana, the Tomoana and others.

From the sea to the east the boundary then continues until it meets again at Pukekaraka. Out in the sea is a rock (a demon rock) its name is Tangitu, it is a fishing ground. From there he looked shoreward to Maungaharuru, a mountain which abounds with pigeon. (A14:appendix 16b)

It was the occupation and control of this territory which set Ngati Pahauwera apart from their neighbouring tribes.

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2.5 Te Awa o Mohaka (The Mohaka River)

2.5. Te Awa o Mohaka (The Mohaka River)

Central to this territory is the river. The Mohaka river is personified and glorified in many ways in the oral traditions of the Pahauwera people, in chants, in waiata, in whakatauki and in other ways. The following is a waiata which Pahauwera use frequently in reference to the origins of their river:

I timata mai ia i tawhiti pamamao
Ki te mau mai i tona kupu
Ko ona wehenga, ko te Taharua i Poronui
Ko Te Ripia ki Ahimanawa
Ko Te Makahu i Kaweka
Ko te Waipunga i Kaingaroa
Ko Matakuhia i Tarawera
Ko haere mai ma waenganui
O Turanga-kumu-rau
Ko Te Titi o Kura
Ka huri ki te tairawhiti
I te taha o Maungaharuru
Ka puta mai ko Te Hoe i Huiarau
He aha ra te mea nei? He aha ra te mea nei?
He taniwha? He tipua? He tangata? Hei!
Kahore! Ko te awa o Mohaka
E huri ana ra, e koki ana mai,
E piko ake nei, e rere atu ra
Ki te marae o Pahauwera
I te ngutuawa o Te Ika a Maui
Ki a Tangaroa, ki a Paikea
Te Kai-tiaki o Pahauwera e

It begins in the far distance to bring its message;
It offshoots (tributaries) are Taharua at Poronui,
Ripia at Ahimanawa, Makahu at Kaweka,
Waipunga at Kaingaroa, and Te Matakuhia at Tarawera.
It then flows down between Turanga-kumu-rau and Te
Titi-o-Kura, turning eastward along the side of
Maungaharuru, emerging at Te Hoe in Huiarau.
What is this thing? A taniwha? A giant? A man?
No! It is the Mohaka River! It twists and turns
And flows on to the marae of Ngati Pahauwera at the
mouth of Te Ika a Maui - to Tangaroa (the God of the

sea) and to Paikea (a taniwha), the guardian of Ngati Pahauwera.

The waiata which identifies Ngati Pahauwera and their connection with the river is:

Kahungunu, te tipuna
Te Huki, Te Kahu-o-te-Rangi
Puruaute, me Tureia
Anei ra o matou tipuna
Ko Mohaka ra te awa
Tawhirirangi nei te maunga
Ko te iwi Pahauwera e
Haruru ana te moana
Haruru ana te whenua
Au, au, aue, ha
No reira au, au, aue, ha

Kahungunu, the [founding] ancestor,
Te Huki, Te Kahu-o-te-Rangi,
Puruaute and Tureia are our ancestors.
Mohaka is the river, Tawhirirangi is the mountain
And the people are [Ngati] Pahauwera.
The sea rumbles, the land rumbles au, au aue ha.

Mrs Wiki Hapeta stated in her oral evidence that:

The people of this house [Rongomaiwahine] belong to the river.

Many of Ngati Pahauwera are said to be descended from Mawete, Popoia and Paikea the names of three taniwha said to be in the Mohaka river. Evidence on the taniwha was given by George Hawkins, Charlie King (B27), Maraea Aranui (B1), and Toro Waaka (B8:2).

Many witnesses said, "Ko Pahauwera te awa, ko te awa ko Pahauwera (Pahauwera is the river, the river is us)". As Professor James Ritchie, an expert witness called by the claimants, said in answer to a question from the tribunal, "the river is a tipuna, an ancestor".

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2.6 The River as Their Taonga

2.6. The River as Their Taonga

Ngati Pahauwera claim that the Mohaka river is their taonga. Cordry Huata defined taonga as treasures, precious and prized property o nga iwi Maori. Nga maunga and nga awa are regarded as being taonga representing the spiritual and physical mana of the iwi and for food resources providing for the sustenance of the iwi (B14:5). Ramon Joe expressed it this way:

As old Father Thames is to the Londoner
As the Ganges is sacred to the Indian
As the Jordan is spiritual to the Palestines
So is the Mohaka all these things to Ngati Pahauwera

Ngati Pahauwera's relationship with the river is something well understood by the other tribes who were represented at the hearing. When Ngati Pahauwera travel to another region, this link with the river is one of the key elements identifying them.

For instance when you travel into another tribal area and if your tribe is there with you, a Maori will always identify himself - my mountain, my river and the man. That is the way of identifying ourselves. It is poetical, it is terrific, who else does it like that? To Maori a river becomes a very, very important thing. (A25(a):399)

The sense that a taonga is passed to the present generation from those gone before, and will be passed on to following generations, was stressed by many of the witnesses. It is an essential characteristic of a taonga, and applies not just to the river itself but to the many benefits that the river provides the tribe. These too, because they come from the river, are regarded as taonga.

Mahinga kai

2.6.1 Much of the oral evidence we heard at Mohaka clearly indicated the value and importance of the Mohaka river to Ngati Pahauwera as a wahi mahinga kai and larder. Many witnesses gave graphic accounts of various types of fishing at the mouth of the Mohaka river, in the estuary and further up the river.

Kahawai was often spoken of as being the most highly prized, sought after and succulent of fish. The kahawai of Mohaka is celebrated in the whakatauki by Tureia, contained in the evidence of the late Canon Huata:

He mao kahawai o te wahapu o te awa o Mohaka, e kore a muri e hokia.

A kahawai from the mouth of the Mohaka will not return

It was Tureia who said ... there is a day for the kahawai who having reached the mouth of the Mohaka River will not return. Nowadays, when any misfortune is imminent, the kahawai shoal at the mouth of the Mohaka. They do not return to sea. We also use this analogy in farewelling departed people. (B12:2)

Ramon Joe gave a demonstration of how to catch kahawai with a reti board, a fishing aid peculiar to Ngati Pahauwera. Many witnesses had been taught in their younger days by their elders to use the reti board at the mouth of the river.

Kahawai was supplemented by other fish - snapper, mullet, herrings, gurnard, whitebait (in season), and eels.

Native Land Court evidence indicated that the claimants' tipuna had rights to pa tuna (eel weirs) in the river and its tributaries (C6:2). These records show how the river was extensively used particularly for these pa tuna. They could at times be very substantial structures sometimes crossing the entire course of the river. We have historical evidence of these being used on the Mohaka, and on the Waikare to the south of the Mohaka, up until the 1860s (see below, p 32). In contrast to usage on rivers like the Whanganui, the use of large pa tuna seems to have largely disappeared by the late nineteenth century. Many of these eel weirs fell into disuse when Ngati Pahauwera returned to the land following the disruption of war in the 1840s and again in the 1860s.

Among the other traditional resources procured from the river and adjacent forest and shoreline were birds, rats, timber, firewood, fruit of the kiekie, medicinal plants, dye made from mixing river clay and pigeon oil, and puha. Timber was washed down the river and used for firewood, for building and for canoes (B8:4).

The river continues to be of major economic importance to Ngati Pahauwera. The claimants undertook a survey of river use by Ngati Pahauwera families. This survey, undertaken by Ann La Porta and reviewed by BERL economist Kel Sanderson, showed a very substantial ongoing dependence on the river (A25(a):306-308). On the basis of this survey, La Porta and Sanderson concluded that fishing from the river was worth about \$62,600 per year, with families fishing on average 2.8 times a week. The collection of firewood was valued at a further \$16,300 for the 16 families involved.

In participating in this survey, Ngati Pahauwera were very reluctant to place a monetary value on their use of the river. The fish, the eels, the wood and other resources which played an essential part in their lives were seen as gifts from the river not as commodities that could be valued in cash terms.

Hangi stones

2.6.2 Of special significance to Ngati Pahauwera were hangi stones obtained from the Mohaka river. Flooding dislodges the stones so that they periodically become available. Four types of hangi stones were known and used by Ngati Pahauwera:

- taupunga - a greyish type also used as sinkers;

- opunga - a whitish, trachyte rock, also used for weapons and sinkers;
- poutama - a pink type, obtained mainly from the top of the Mohaka river; and
- kowhaturi/kowhatumakauri - a black/blue type. (A14:64)

The Ngati Pahauwera whakatauki "Mohakaharara, taupunga, opunga" refers to the different types of hangi stones which will not break when fired - a symbolic reference to the unity within Ngati Pahauwera, notwithstanding their differences. Frequently the hangi stones are given as koha to other marae. As Ann La Porta observed, "they are a gift from the ancestors to the present and future generations" (A24:27). Ngati Pahauwera were especially concerned that gravel extraction and other activities on the river were destroying these stones and thereby limiting the tribe's ability to hand these on to the generations to come.

Water

2.6.3 Water, Toro Waaka told us, is of paramount importance to Ngati Pahauwera:

Our spiritual origins began amidst water and darkness ... Our primal parents were Ranginui and Papatuanuku. Their children caused them to separate and in grief, the tears of Ranginui fell upon Papatuanuku. These tears were absorbed by Papatuanuku and channelled through underground waterways or tomo The spiritual use of the water included healing and tohi rights. (B8:2)

The spirituality and healing properties of the waters of the Mohaka were described by Charlie King:

Ngati Pahauwera is at the beginning of the river, at the river mouth here and out to sea. To us, those who stand on the marae, that is the spirit which is upon us. Our sacred mountain, the river of Mohaka, Ngati Pahauwera are the people.

The spirituality of the river, the mana, the sacredness and the authority relates to Ngati Pahauwera solely. The life of the river we do not want interfered with, lest it be lost. It must be left to flow onward, in the way that it did in the days of the elders. If they were here they would be at the river as it flows onward. (B27:6)

And:

For some families, if they become ill, they go down to [the water]falls for spiritual cleansing. It is not something that affects all of Ngati Pahauwera. Only some of the ones from [the place called] Kahungunu go there It is said that it has healing powers. (B27:10)

Cordry Huata referred to the river "as the source that quenches the thirst, and as the healing waters";

Mohaka Tomairangi hei whakamakuku
Mohaka te wairoa

When the river is referred to as a source of healing, it is usually the spiritual reawakening that is being spoken of. (A14:65)

The late Canon Huata spoke of the healing powers of the river for the body and mind, as well as for the spirit:

Now those other streams that run into the Mohaka River. What of those? They told us that they were the waters that Ngati Pahauwera bathed in, to heal their bodies, to heal their minds, and to cleanse their spirits. In other words to purify. (B12:5)

Ramon Joe, Wiki Hapeta and George Hawkins referred to ritual bathing and healing powers of the water.

At least five of the claimants had lost family in the river. As Ramon Joe said, "Although their beloved ones were taken by the river, they still love it". Wi Derek Huata stated:

The river is a taonga that we as kaitiaki know we have to preserve. Our ancestors taught us to respect the river and if we respected the river, the river looked after us. If the river is desecrated, it will affect the very deep beliefs we have about the river. That is our Taniwha, the life force of the river, our respect for the river. (A25(a):411)

The evidence of the late Ariel Aranui stated:

To the Maori water is the essential ingredient of life, a priceless treasure left by ancestors for the life sustaining use of their descendants. The descendants are in turn, charged with a major kaitiaki (stewardship) duty, to ensure that these treasures are passed on in as good a state or indeed, better, to those following. (A25(b):314)

Professor Ritchie described Ngati Pahauwera as having a right, both under common law and under the Treaty, to "the undisturbed security of their central beliefs regarding water and the practices which flow from them" (B5:Ritchie:3).

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2.7 Archaeological Sites on the River

2.7. Archaeological Sites on the River

Detailed evidence given by Ramon Joe, and illustrated by a map, demonstrated substantial occupation and settlement of the Mohaka river and its tributaries (B7).

An archaeological survey carried out for the Department of Conservation by Susan Forbes in 1989 recorded 13 pa sites, eight village areas or papakainga, four pit sites, wahi tapu, urupa, and a number of historical sites, associated with the lower Mohaka river (A15).

A further survey of the upper Mohaka river, from Kakariki flats to the Te Hoe river, prepared by Pam Bain of the Department of Conservation recorded 37 sites - 10 pit sites, two papakainga, eight pa, one midden, two findspots, 10 areas of pits and terracing, and five historic sites.

This survey reveals a pattern of permanent settlement concentrated around river crossings and the close association of the tangata whenua with the Mohaka river (A26:10).

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2.8 The River as a Highway

2.8. The River as a Highway

The Mohaka river was an important part of a traditional network of Maori tracks and waterways (see map 3.3). River people used it for transport and communications and for longer journeys between Mahia, Ahuriri, Heretaunga and Taupo. The river was open for all to use with the permission of the rangatira for the iwi who exercised jurisdiction over it between defined points across its line of flow (B28:5). The right to travel down the river was freely available to members of Ngati Pahauwera and, subject to permission, available to members of other tribes. However given the extent that the river was the tribe's larder, travel up and down the river was not without complications. Eel weirs could be constructed from one bank to the other and interference with these would create significant major problems. Once rivers were used for transporting timber in European times, balancing the different uses of the river became a major issue of negotiation. Resolving issues of competing use on the river and balancing the relationships between the different hapu involved were matters that involved the exercise of tribal control, rangatiratanga.

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2.9 Rights to the River

2.9. Rights to the River

Evidence on the nineteenth century uses of the Mohaka river and general aspects of river tenure was presented by Fergus Sinclair, on behalf of the Crown (C6). Most of the evidence specifically relating to the Mohaka came from Native Land Court minutes of the 1903 partition hearing of the Mohaka block (north side), when rights to pa tuna were claimed as evidence of interest in individual pieces of land associated with them. One of the most striking features of these eel pa were their antiquity. According to Iterahana, a pa tuna he could remember had been constructed "in Tureia's day", another was made for Tamatikai, while yet another was made by Paikea (C5(a):361). Eels were an important and highly esteemed food for Maori and pa tuna were particularly prized possessions. Recitals in the Native Land Court of ancestral rights to resources in the Mohaka abound with references to eel weirs, such as this one from Rewi Poukupenga, cited by Mr Sinclair:

Te Umuti a mahinga and kainga by the river. Mouru & my hapu Purua lived there together. Te Mahia a mahinga by the river, of the same two hapu. Papaotewhenua was their pa tuna near Te Umuti, Potaka a bird place belonging to all the uri of Pakateahu. Te Hinaki a Kotiki kainga and mahinga of uri of korau. Pakihikura, kainga & mahinga of uri of Korau and of Te Uta so was Tamureraha. Taweromanu a pa tuna of 'Hineira & Ngaitangapopu, Toka-ateki a pa tuna of mine ie of 'Pura. Totara a pa tuna near Te Arakanihi, it belonged to 'Tangopu, 'Hiniaio & 'Mouru, that is the end of the eel weirs (C5(a):404)

The complexity of the customary system of rights is demonstrated in this testimony where pa tuna were held by different hapu based on descent and where some mahinga kai rights were held in common. Different rights were also shared by the inhabitants of a single kainga as Erina Te Rawharatua explained in his evidence: "Each hapu had separate cultivations but we lived in the same kaingas". They also had separate pa tuna (C5(a):3).

Individual rights to use or to have access to river and land resources were inherited from ancestors or acquired through enterprise. Mr Sinclair cited evidence of an attempt to claim an eel weir and to place a rahui on it as a means of trying to acquire land (C6:10).

While Mr Sinclair was reluctant to come to conclusions from the limited amount of material he had viewed he considered that rights to land and to the river were "part and parcel of the same tenorial regime which applied on land" (C6:19). We do not see this as in conflict with the evidence presented by the claimants. In viewing the Mohaka as a taonga, the claimants are not saying that their rights to the resources of

the river were different from those to the resources of the land. Mr Sinclair however appears to be stressing the importance of hapu rights, defined by user rights to particular resources on land and in the river:

it is obvious that the hapu within Ngati Pahauwera possessed a fairly strong sense of their separate identity throughout the nineteenth century. (C6:18)

Because of the importance of these hapu rights, he advised caution in accepting the claimants' view that the river was 'owned' by the tribe holistically.

While individual hapu did exercise user rights to specific resources along and in the river, these rights should not be equated with Maori customary ownership of the river or of the land as a whole. In relying upon rights and use of occupation to determine relative interests of individual persons, the Native Land Court in 1903 was dealing with blocks of land which had already been awarded to 10 grantees as trustees for hapu or persons named and registered by the court. In these cases, it was the claims of rival hapu that were being contested. The overarching tribal control of the resource was not under consideration. As Graham Butterworth, a claimant researcher, outlined, Maori customary rights existed at different levels, and 'ownership' in a sense that could be understood in European terms was made up of a network of different kinds of rights. Mr Butterworth described these as "limited use rights", "proprietary rights" and "rangatira rights" (B21:8). The hapu rights described in these Native Land Court cases were "proprietary rights". These rights were subject to "rangatira rights", that is, to the overall control and protection of the tribe's resources, by the principal rangatira of the tribe itself in exchange for which the tribe could expect tribute and various services.

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2.10 Rangatiratanga: Ngati Pahauwera and Other Tribes

2.10. Rangatiratanga: Ngati Pahauwera and Other Tribes

The "rangatira" rights were clearly to the fore in Ngati Pahauwera's dealings with other iwi. The Mohaka was a long river involving the complex rights of many hapu. Tuwharetoa claimed a special relationship with Pahauwera because of the river, which is shared by both. Rei Paku said:

If Ngati Tuwharetoa did things up the river that Ngati Pahauwera didn't like, there would be consultation 'Maori with Maori'. (C14:28)

Toro Waaka described the complex use rights existing between Ngati Pahauwera and other iwi on the river:

I was able to learn and observe the relationship between the river and tangata whenua on all areas of the river as well as learn about the inter-relationships between the tribes along the river. This inter-relationship between the tribes is evident in whakapapa which shows continuous inter-marriage and occupation between the tribes from the early periods of settlement. This inter-marriage continues today....

He went on to outline how relationships between tribes were dealt with often in a diplomatic fashion with agreements and treaties reached between them to resolve conflicts and to apply an overall control of the resources:

As well as inter-marriage there were treaties and agreements made between the tribes in terms of uses of land or parts of the rivers. There were also peace treaties, one such treaty was the agreement between Rakaipaaka and Tuhoē.

Another pact was between Ngati Hinepare and Pahauwera, the whakatauki is: Manahou ki uta. Pahauwera ki te moana.

This pact illustrates an agreement regarding uses in relation to the coastal areas and the hinterland. Ngati Hineuru also had an agreement which allowed them to fish at the river mouth at certain times when the kahawai was running.

In return, Pahauwera had access to hinterland areas when food on the coast was scarce. Hence the Ngati Pahauwera whakatauki:

Tangitu ki te moana, maungaharuru ki uta. (B8:1,8)

The unifying function performed by the river was described by the late Canon Huata:

Mohaka's proper name is Mohakaharara, not Mohaka by itself. This is a peaceful joining, a noble joining. It remains as a unifying force within Ngati Pahauwera, to unify the tribes. The people of Mohaka's belief is that it binds us together....

In the end it is the river, it is the river which joins us. (B12:5)

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2.11 Mana and Rangatiratanga Over the River

2.11. Mana and Rangatiratanga Over the River

Intertribal relations, reconciling competing interests and maintaining the river as a highway were the features of rangatiratanga. While hapu had certain rights, the ultimate authority rested in the tribe, and issues which affected the tribe as a whole could only be resolved on a tribal level. None of this could be achieved without control. Like land or the Mohaka itself, rangatiratanga was an inherited responsibility. Canon Huata said:

Authority, or absolute authority of the Mohaka River belongs to Ngati Pahauwera. Why? We were told by our forebears. We did not seek it, nor battle for it, but the mana of the river belongs to Ngati Pahauwera. Hence this is the essence of what has been said that the absolute authority of the Mohaka River belongs to Ngati Pahauwera. (B12:6)

So fundamental was this aspect of inheritance that despite the Crown's increasing role in management of national resources and despite the impact of the alienation of much of the surrounding land, Ngati Pahauwera still see themselves as having 'control' over the river:

We always talk about our river, the control of it, and its spirituality. These are the waters of sustenance.

Even though administration of the river and the land has passed into pakeha hands, we retain the control. It is these treasures (ie the land and the river) that rests the mana. This is what we are fighting for. We know that this is where our salvation is. The control of the river has been our mana from way back. It came from our ancestors and down through the generations. Even though these things have been taken, we stand firm (in our belief). Tawhirirangi is the mountain, Mohaka is the river, etc, etc.

Our ancestors discovered the mana. They found the mana in the hills, in the rivers, and that is why we battle for their return. We are doing things from the perspective of truth. There are two aspects of truth-being true to something wrong, and being true to something right.

From ancient times right down until now, Ngati Pahauwera have been and are the guardians of the river. That is why we are fighting for our river

The time has come when we must listen to the teachings of our forebears about the mana of the river Mohaka It is we of Ngati Pahauwera who have stuck to our principles on the control of the river. It is best that administrative control of the river

be returned to us. If our mana over our mountains, our river, our genealogy is taken, this is a way of subjugating the Maori people

The good thing is, we are not talking war. We are instead weeping for our lands and for our river. (B12:6-7)

Cordry Huata described Ngati Pahauwera's rangatiratanga over the Mohaka river as follows:

From way up the river to the mouth the 'mana' of the river is with different hapu who are linked with Ngati Kahungunu. But from at least Te Hoe down to the mouth, it is Ngati Pahauwera (the iwi) ... 'Mana' is more than pride. It may be inherited but it must be maintained. It is a strong positive feeling, that shows individual and tribal strengths, and it is about maintaining those strengths.

It is Ngati Pahauwera iwi who have 'rangatiratanga' over the river from at least Te Hoe. 'Rangatiratanga' denotes 'mana', 'wehi', and 'ihi'. The right to have interests and to make decisions, in terms of the river, someone must have it. Ngati Pahauwera (the iwi) have it over the Mohaka. Pahauwera have the right to decide what is right for them and the river. 'Rangatiratanga' is a birthright. (B14:15)

Tureiti Moxon said that:

Tino Rangatiratanga can be understood as meaning 'full authority, status, and prestige with regard to their possessions and interests'. Mana is the personalisation of that authority.

From the Maori signatories point of view the Treaty affirmed Tino Rangatiratanga and therefore affirmed a social, economic and cultural base from which Maori could continue to develop and self determine the future on Maori terms with Maori resources.

A central feature of Tino Rangatiratanga in this Mohaka region at that time was the Mohaka River with its supply of fish and hangi stones with its many uses already described by previous speakers.

Rangatiratanga of a river as a 'spiritual, subsistence' and economic base can be a tremendous heritage and resource. This would have continued for Ngati Pahauwera if the Treaty and its promises had been honoured. However ... Government neglect of Maori Sovereignty in terms of Article 2 occurred. (B13:1-2)

According to Charlie King:

The word rangatiratanga is one which Ngati Pahauwera favours. That is the mana, the essential force, that they speak of in respect of their river. That is the spirit of them all and the power, essential force and awe. Their rangatiratanga is the Mohaka River.

[Mana] is the psychic force within us. What is the essential element of mana? To us, it is not us. We say that it is the culmination of the story of the river. To me our mana is

derived from the river. Without that heritage of the river we are nobody. To us the river is spiritual in all things. People go and talk to the river. (B27:3-4)

In these ways Ngati Pahauwera speak of the nature of rangatiratanga as they see it, defining something they consider they have inherited from their tipuna, something they see as passing to their descendants.

Waitangi Tribunal, Department of Justice, Wellington.

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02 Mohaka te Awa Ngati Pahauwera te Iwi

2.12 Ngati Pahauwera's Relationship With the Mohaka

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The Crown accepted that Ngati Pahauwera have a "strong spiritual and cultural association with the Mohaka", commenting that "it is really inevitable that this should be so" (C17:11). There can be no doubt also that Ngati Pahauwera had customary rights to the river, and this was not challenged by the Crown. The river was so essential a part of the tribe's food gathering, of its means of communication and of its mana as a tribe that it must be regarded as a possession, as guaranteed under article 2 of the Treaty of Waitangi. Because of the immense value of the river as a spiritual and physical force in the life and well being of the tribe, it was also a taonga of the tribe. While the hapu of Ngati Pahauwera had proprietary rights to eels weirs along the river and to various cultivations and mahinga kai along its banks, these were subject to the rangatiratanga of the tribe as a whole. This rangatiratanga amounted to more than simply ownership of the river and its resources. It included the ability to control those resources in a manner determined by the tikanga, the customs, of the tribe itself to ensure their protection for present and future generations.

The questions raised by the Crown as to whether through the Treaty Ngati Pahauwera relinquished their control over the river, or through land sales lost title to the river, are left to subsequent chapters.

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02 Mohaka te Awa Ngati Pahauwera te Iwi

2.13 Treaty Protection for Ngati Pahauwera

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In Maori terms, the kaupapa (underlying principle) of all the claims made to the Waitangi Tribunal is the Treaty itself. Maori people have come to regard the Treaty as a taonga, as a solemn token of covenant, as 'he kawenata tapu' (a sacred covenant) and as a bringing together of Maori custom and English law. Maori people believe the Treaty is always speaking for justice and must continuously function as the rod by which is measured any body of New Zealand law which affects them. The Treaty is the foundation document of the nation.

At the time of the signing of the Treaty of Waitangi, Ngati Pahauwera were living at Nukutaurua on the Mahia peninsula. Like people from the Heretaunga and other neighbouring districts, they had migrated there in the late 1820s in search of security from raiding parties from Taupo and the Waikato who were partly armed with muskets. At Mahia they participated in the flax trade and, from the the late 1830s, in whaling. They procured firearms and other trade goods.

Prominent in the wider Ngati Kahungunu community that formed at Nukutaurua was Te Hapuku, a Te Whatu-i-apiti chief, who married the daughter of an old Ngati Pahauwera chief, Poututu and who was also a distant relative of the young Ngati Pahauwera chief, Paora Rerepu (A14:13; A25(a):22). Te Hapuku had signed the 1835 Declaration of Independence in the north in 1838. Major Bunbury therefore was anxious to obtain his signature to the Treaty when he anchored off the Tuki Tuki river in Hawke Bay, on 23 June 1839.

Te Hapuku was initially evasive, then alleged that Ngapuhi were now slaves through the Treaty. Bunbury however assured him that the British Government would not "lower the chiefs in the estimation of their tribes" and that his assent "could only tend to increase his consequence". Moreover "whether he signed or not, British authority was a fait accompli". A Ngapuhi chief present advised signing which Te Hapuku did (A14:12).

Although Ngati Pahauwera chiefs and people did not participate in the signing, they identified themselves with Te Hapuku and others who did, and accepted the rights and obligations of the Treaty.

The late Canon Huata said:

Ngati Pahauwera holds fast to the spirituality of the Treaty. They have always wanted the Treaty. Let me say there was discord between the Anglican Church and Ratana - the Anglican Church were the first church in Mohaka but that church disintegrated

upon the advent of Ratana and his policy on the Treaty of Waitangi. Ngati Pahauwera split and went to Ratana, and it is my firm belief that Ngati Pahauwera went in their support for the Treaty. Even though some do not support the Ratana movement, they retain their belief (in the the Treaty). One of the strengths of the Ratana movement was their adherence to the Treaty of Waitangi. (B12:7)

To Ngati Pahauwera, the Treaty promised security from traditional foes and unruly Europeans on the beach. Following the signing of the Treaty and the spread of Christianity and peace they began to return to their former settlements (A14:6; A24:13; A25(a):22; C4:4). In 1847 the missionary William Williams noted in his journal that Mohaka had "now become important having all its inhabitants back from Table Cape" (C4:5). An entry in his journal, 30 October 1849 states:

Reached Mohaka It was quite an animated scene on our approach. The village is situated on a picturesque spot on the bank of the river surrounded by a high cliff on the opposite bank. We were hailed in the native style & had a long string of natives to shake hands with us. Old Poututu the chief of the place harangued me in a very good speech which was the more pleasing because I had always regarded him as a native upon whom little impression would be made. He has embraced Christianity now more than eighteen months & goes on well. And indeed all the people of the village show that they are well attended to by the teacher.

After their return to Mohaka, Ngati Pahauwera, in order to obtain the benefits of peace, trade and Christianity, aligned themselves with the land selling tribes who cooperated with the colonial government. From their perspective, the Treaty laid the foundation for the peaceful co-existence of two peoples, each with its own system of authority. British sovereignty, in other words, was not unlimited and indivisible but was qualified by rangatiratanga.

Furthermore Ngati Pahauwera would have felt assured that the promises of the Treaty would secure to them the Crown's protection of their rangatiratanga and would allow them to participate further in the western world. While the Treaty's promise to protect their rangatiratanga applies to their relationship with all their resources, it has a special application to the Mohaka river. So central to their existence as a river people, the river would have been seen as the cornerstone of the Treaty's guarantee of their tribal identity.

References

- 1 An ancient quotation. This concept was expressed by Ramon Joe, B2:1
- 2 From the collection of Arapata Hapuka
- 3 B4; Translation provided by the Waitangi Tribunal
- 4 *ibid*
- 5 Oral evidence of Wiki Hapeta, 4 May 1992
- 6 Oral evidence of George Hawkins, 4 May 1992
- 7 Oral evidence of Professor Ritchie, 9 May 1992
- 8 Wairoa minute book 12, 16 March 1903
- 9 *ibid*, 27 March 1903
- 10 See also The Te Roroa Report 1992 (Wai 38) (Brooker and Friend Ltd, Wellington, 1992) p 13

11 *ibid*

12 Claudia Orange *The Treaty of Waitangi*, (Wellington, 1987) pp 81-82

13 William Williams journal, vol 3, undated entry, Alexander Turnbull Library, Wellington

14 *ibid*, vol 4, 30 October 1849, Alexander Turnbull Library, Wellington

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