

Teowaimatao Karawhata(Crawford)  
20 Berry St  
Gisborne

To: The Register, Waitangi Tribunal  
P.O. Box 5022  
Wellington

**IN THE MATTER OF** Te Tiriti o Waitangi 1840

**AND**

**IN THE MATTER OF** The Treaty of Waitangi Act 1975

**CONCERNING** Hauora and the hapu, Ruawaipu.

DATED *24* of *November* 2004

## **1. The Claimant**

- 1.1 The claimant is Teowaimatao Karawhata (Crawford) ("the claimant"), being a direct descendant of Ruawaipu;
- 1.2 The claimant brings this claim for and on behalf of the whanau and hapu of Ruawaipu ("the claimants").

## **2 The Claim: The Cause of Action**

- 2.1 The Claimants say that this matter falls within one or more of the matters referred to in Section 6 (1) of the Treaty of Waitangi Act 1975 namely:
  - (a) That the claimant is Tangata whenua (maori) ;
  - (b) That Ruawaipu are a traditional tangata whenua (maori) tribe;
  - (c) That Ruawaipu have been and continue to be or a likely to be prejudicially affected by the various Acts, and other Laws and by various policies, practices and omissions adopted by, or on behalf of the Crown, their agents or their successors.
- 2.2 That the aforementioned prejudices are inconsistent with Articles I, II and III of Te Tiriti o Waitangi, and its principles, by way of the Crown failing to protect the claimants tino rangatiratanga and taonga within their territory.

## **3. By way of Background**

- 3.1 This claim is about the differing value systems of pakeha settlers and the claimants and the corresponding negative impact on the claimant's mental and physical wellbeing that the pakeha perspective has had on the claimants.
- 3.2 The claim concerns how the claimants tipuna medicinal knowledge including varying healing processes have all but been lost because of legislation and misunderstandings of our Tikanga. This claim is not about "blame" but concerns the responsibility aspect and treaty principles of good faith and active protection enshrined in Te Tiriti o Waitangi 1840 ("te tiriti").
- 3.3 The claimants say that the health of them today and of their tipuna have been impacted by assimilation and colonisation to their detriment because they were not allowed to be involved in the making of the law pertaining to health as it impacted on them as a people.
- 3.4 The claimants further say that there was a total disregard for the claimants tikanga, their value belief systems, their wairua and mauri and a total disregard for participating in decision making to address the spiritual, cultural and physical diversity of tangata whenua.

- 3.5 This claim covers the tinana, hinengaro, ngakau, and mauri and the impact on the general, holistic and spiritual ora of te tangata whenua of Ruawaipu by assimilation and colonisation to nz settlers laws without consideration or sharing decision making in terms of Tikanga (native customs, laws and usages).
- 3.6 This claim is about the introduction of disease, alcohol and tobacco, drugs, legal and illegal and, genetically modified, high cholesterol foods introduced by European contact with tangata whenua.
- 3.7 The cause of injury to body, heart and mind in terms of inciting the land wars by the "impact of a conquest mentality" introduced by assimilation, colonisation and individualisation mindsets on tangata whenua as well as land sole ownership. Wars were not healthy. Land disenfranchisement by other related laws such as forced land sales deteriorated their health. The effects of World wars I and II on our soldiers and the psychological impact on the whanau for generations to come.

#### **4. Statement of Claim**

- 4.1 The claimants state that they would have developed in a much purer way in regards to personal health, the environment or atmosphere that affects health and the spiritual that affects esteem and wellbeing. The claimants also believe that they would have developed much healthier if they were given equal sharing status of crown law or left well enough alone to their sovereign native rights recognised by the Queen of England and in international laws acknowledged as native custom, laws and usages and native title with native rights.
- 4.2 The claimants state that when their full exclusive rights were breached in terms of their kaitiakitanga of forest, land and sea, this in turn affected their Mauri or life sustenance in regards to access to food, shelter, water and spiritual well being.
- 4.3 Legislation also is the culprit that weakened our ability to become economically self sufficient. Our economic position directly reflects our mental and health position. The statistics<sup>1</sup> blatantly reveal the results of our poor living standards. Tangata whenua did not choose to be at the bottom of the system it was the system that chose us.

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<sup>1</sup> [Royal Commission 1987] [Government Report November 2002]

## 5. The breaches

- 5.1 **1844** Governor Fitzroy dropped the pre-emption clause in Article 2 of the Treaty and allowed private sales to take place.
- 5.2 **1846** Governor Grey abolished the Protectorate Department, which had the responsibility of protecting Maori rights, and gave the New Zealand Company the exclusive right of pre-emption.
- 5.3 **1863 Suppression of Rebellion Act** abolishes the right to trial for Maori before imprisonment, to punish 'certain aboriginal tribes of the colony' for 'rebellious' against the Crown by not selling their land, and then fighting to defend their homes.
- 5.4 **1868 The East Coast Land Titles Investigation Act** and the 1868 East Coast Act authorises the issue of proclamations of confiscation to force Maori unwilling to sell to accept offers for their land.
- 5.5 **1877** The Treaty is declared a nullity by Judge Prendergast in the Bishop of Wellington v Wi Parata case. Legislation was introduced to allow direct purchase of Maori land. This was another breach of Article 2,
- 5.6 **1901** Public Health Act passed setting up Department of Public Health.
- 5.7 **1903** An act re-affirms Judge Prendergast's 1877 ruling that the Treaty is a nullity.
- 5.8 **1908 Suppression of Tohunga Act** outlaws Maori medicine and Maori spirituality (protected at Waitangi in 1840) by establishing fines for Tohunga who try to practice and maintain traditional knowledge.
- 5.9 **1909** Native Health Act: Maori could no longer use the whangai system for adopting children. Maori women could no longer breastfeed!
- 5.10 **1918** Maori servicemen who returned after WWI were not eligible for the benefits of the Rehabilitation Scheme. The scheme was only available to Pakeha servicemen.
- 5.11 **1960** The Hunn Report: Jack Hunn, a top-ranking civil servant, recommended a stepping up of the assimilation process.

## 6. The result of prejudice

6.1 It is alleged that as result of specific prejudices, Ruawaipu have been adversely affected and discriminated in the development of their political, economic, social and cultural well being by way of;

(a) The loss or denial or alienation of Ruawaipu interests in the tino rangatiratanga protected under Article II of Te Tiriti o Waitangi .

(b) Legislation, Acts laws policies and regulations restricting Ruawaipu to the administration and management of their social well being within their ancestral lands.

## 6. Remedies Sought (Recommendations)

6.1 That the tribunal find in favour of this claim and that it is well founded.

6.2 That Ruawaipu are given the capacity to determine, manage and administrate health and mental well being through our forests, land, and seas as kaitiaki.

6.3 **Acknowledgement** of the contribution of tangata whenua **Tikanga** in terms of their own knowledge of natural medicines, such as rongoa of the native bush, mirimiri or even karakia

6.4 **Partner** with the tangata whenua in regard to decision making in law, allowing **participation** as equal partners by negotiation of health laws that impact tangata whenua.

6.5 **Protect** tangata whenua from health risks such as government economical ventures for example, the planting of the introduced pine trees that caused asthma and sinus problems to those who lived nearby in the Ruawaipu region. Replant native bush and medicinal plants to restore our cultural wellbeing

6.6 **Protect** tangata whenua from potential alcohol, tobacco, and drug abuse through the import and sales of the aforementioned. The impact of the forestry on the foreshore seabed in terms of sawdust, pine waste entering the rivers and waterways washing out to the seabeds and polluting the kaimoana eaten by the Ruawaipu people. The damage caused to the atmosphere through introduced machinery such as bulldozers, chainsaws, causing atmospheric and noise pollution and health risk to ears, heart and lungs.

## 7. Particulars

7.1 The Claimant wishes the Tribunal to commission a researcher to report on the Claim.

- 7.2 The Claimant asks for permission to amend this claim if necessary.
- 7.3 That this claim is heard at Potaka Marae East Coast Gisborne.
- 7.4 The Claimant believes all affected parties of the Tribunal East Coast Inquiry District should be notified of the claim.
- 7.5 The Claimant wishes to notify the tribunal that his legal representative is:

Charl Hirschfeld  
PO Box 7728  
Wellesley Street  
Auckland

Signed:

*T. Crawford-Stender*