

Coralie Jane Te Nahu
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Patutahi
GISBORNE

To: The Registra, 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 Maturanga

DATEDof 2004

**“Hutia te rito o te harakeke, kei hea te komako, ki mai, ki ahau, he aha te
mea nui ?”**

“he tangata, he tangata”

1. The Claimant

- 1.1 The claimant is Coralie Jane Te Nahu (“the claimant”) who is of Ruawaipu descendant and brings this claim for and on behalf of the hapu and whanau of Ruawaipu (“the claimants”).

2 The Claim: The Cause of Action

- 2.1 The claimant says 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:
- 2.2 That she is Maori (tangata whenua);
- 2.3 That the claimants 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.
- 2.4 That the aforementioned prejudices are inconsistent with Articles I, II and III of Te Tiriti o Waitangi 1840 ("Te Tiriti"), and its principles, by way of the Crown failing to recognise and actively protect the claimants traditional matauranga and identity.

3. By way of background

- 3.1 This claim is concerns the claimant's traditional matauranga, which includes but is not limited to knowledge pertaining to:
 - Ruawaipu history;
 - Ruawaipu whakapapa;
 - Ruawaipu tribal boundaries;
 - Ruawaipu language;
 - Ruawaipu traditional medicinal knowledge;
 - Ruawaipu tikanga and kawa including such areas from marae protocol to kaitiakitanga of land and sea resources;
 - Karakia, wairua me era atu mea katoa;
 - Ta moko;
 - Plantation and cultivation; and
 - The ability to use the stars for navigational purposes ("the claimants traditional matauranga").
- 3.2 This claim concerns the Crown's clear intention to actively remove and replace the claimant's traditional matauranga with that of a foreign language, history, identity, norms and protocols and education through the introduction of various acts, regulations, omissions and ordinances.
- 3.3 This claim concerns the education system that was imposed upon the claimants and the enforcing legislation that allowed such an imposition. It concerns the impact that the imposed education system had on the claimant's whole societal structure, values and beliefs.

It concerns how the claimants became disorientated both in mind and identity and how they became to have low self esteem and in some cases depression. This in turn caused disorientation of geographical land boundaries including such knowledge as traditional tribal rohe, which the claimants say directly led to confusion and conflict between Ruawaipu hapu and whanau.

- 3.4 In essence this claim is about the crown not recognising the claimant's unique traditional matauranga which directly contributes to their identity as Ruawaipu

4. Statement of Claim

- 4.1 The claimants say that the genesis of the Ruawaipu traditional matauranga being lost began with the establishment of the first native schools on the East Coast. These were established by Ropata Wahawaha, who the claimants allege was an agent of the Crown who had personal agenda while at the same time being supported and in the employ of the Crown.
- 4.2 The claimants say that Ropata Wahawaha was instrumental in the systematic and forced removal of Ruawaipu traditional matauranga and the imposition of a new identity, the Ngati Porou doctrine, which suited the Crown as the Ngati Porou doctrine was purely for political expediency at the claimants expense and the expense of the other traditional tribes of the East Coast of New Zealand, such as Ngati Uepohatu and Te Aitanga-a-Hauiti.
- 4.3 The claimant states that other Acts such as Te Runanga o Ngati Porou Act 1987 have further attempted to remove and ignore Ruawaipu traditional matauranga.
- 4.4 The claimants say that they have continually defied the Crown's attempt to remove and ignore Ruawaipu traditional matauranga which they say is akin for forced assimilation, however, the Crown and its agents such as Te Runanga o Ngati Porou¹, Te Ohu kai Moana², Te Puni Kokiri³ and the Maori Land Court⁴ have alienated the claimants from their rightful status and property rights. More importantly these property rights that could have been used to develop the claimant's education of their mokopuna and tamariki.
- 4.5 The claimants say that without the ability and capacity to teach Ngati Ruawaipu traditional matauranga to their mokopuna and tamariki is a blatant act of suppression and the claimant's identity has been ostracised within the entire educational framework.

¹ TRONP Chairman's Report (Board of Trustees), / Letter to Marae from Api Mahuika 2004.

² Letter from TOKM – Craig Lawson

³ Conflict of Interest re TMH vs TRONP

⁴ Letter from Maori land Court – Joe Williams

5. The acts, regulations, omissions and policies

- 5.1 The claimants say that the following acts affected the claimants spiritual and educational growth, development and well being and were purposely designed to prevent the learning of Ruawaipu traditional matauranga necessary for *their* native education:
- 5.2 The Native schools Act 1867;
- 5.3 The 1871 policy that not only was instruction in schools to be in English, but the use of Te Reo Maori was actively discouraged and the claimants were actively punished for speaking Te Reo during school hours; and
- 5.4 The Tohunga Suppression Act 1909, which imposed penalties on tohunga who practised Ruawaipu traditional matauranga such as Maori medicine, spirituality, whakapapa, tikanga, kawa and history.

6.1 The breaches

- 6.1 The claimants say that the crown has breached Te Tiriti by:
- 6.2 Failing to recognise the contribution that the claimant's hapu and whanau had to offer their mokopuna and tamariki in terms of tikanga and kawa or native customs and usages, te reo, whakapapa, traditional medicinal knowledge and traditional identity;
- 6.3 Failing to protect the claimant's right as guaranteed by Te Tiriti to contribute to their mokopuna and tamariki up bringing and well being in terms of tikanga and kawa or native customs and usages, te reo, whakapapa, traditional medicinal knowledge and traditional identity;
- 6.4 The active suppression and denial of the Ruawaipu traditional matauranga, which the claimants say has resulted in the degradation and in some instances the complete ignorance of their own whakapapa;
- 6.5 The active suppression of the Ruawaipu traditional matauranga, which the claimants say has directly led to the degradation of their environment;
- 6.6 The active suppression of the Ruawaipu traditional matauranga, which the claimants say has directly led to an almost complete loss of the Ngati Ruawaipu identity to such a point that there is confusion amongst the claimants as to whom it is that they really are;

6.7 The active suppression of Ruawaipu traditional matauranga has directly led to diminished numbers of people such as the tohunga who were able to exercise traditional matauranga, such as reading the stars for navigational purposes to such an extent that such knowledge is almost completely lost; and

6.8 The active suppression of the Ruawaipu traditional matauranga, which the claimants say has directly led to the lost art of ta moko the practice of which was an integral part of the claimants identity as it was unique to them.

7. The Result of prejudice

7.1 The claimants say that as result of the above specific prejudices, they have been adversely affected and discriminated against in their political, economic, social and cultural development and well being.

8. Remedies sought

8.1 That the Tribunal find that this claim is well founded;

8.2 That the Crown enters into negotiation with the claimants to explore solutions recognising Tikanga and compensation.

9. Particulars

9.1 The claimants request the Tribunal to commission an independent researcher to report on the claim.

9.2 The claimants seek leave to amend this claim at a later date.

9.3 The claimants would like this claim to be heard at Te Aohou Marae in the East Coast of Gisborne.

9.4 Notice of this claim should be sent to all those on the notification list for Wai 900 the East Coast Inquiry.

9.5 The claimant wishes to notify the Tribunal that legal representation is;

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Wellesly Street
Auckland

Signed:.....