

# ANNEX A

**OFFICIAL**

**Wai 45, #2.344**

**IN THE WAITANGI TRIBUNAL**

**Wai 45  
Wai 1699  
Wai 1701**

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

**AND** an application for remedies on  
behalf of Te Rūnanga-a-Iwi o  
Ngāti Kahu

**AND** claims by HAAMI PIRIPI on  
behalf of himself and TE  
RARAWA

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**MEMORANDUM OF COUNSEL ON BEHALF OF TE RARAWA**

**12 October 2011**

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**RECEIVED**

Waitangi Tribunal

**12 Oct 2011**

Ministry of Justice  
WELLINGTON

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**Counsel Acting:** Janet Mason / Priscilla Agius

**MAY IT PLEASE THE TRIBUNAL****INTRODUCTION**

1. Counsel refers to the Memorandum-Directions of the Presiding Officer, dated 21 September 2011 (Wai 45, #2.341) in relation to an application for remedies on behalf of Te Rūnanga-a-Iwi o Ngāti Kahu, which was first filed in October 2007 ("the Application").
2. Counsel acts on behalf of Haami Piripi, Chairperson of Te Runanga o Te Rarawa, and the Iwi of Te Rarawa.
3. Counsel for Te Rarawa was invited to file submissions in response to the Application by midday, Wednesday 12 October 2011 (refer paragraphs 9 and 10 of Wai 45, #2.341).

**TE RARAWA POSITION**

4. The iwi of Te Rarawa have an ancient ancestry in Te Hiku o Te Ika which is expressed through genealogical connections to places, events and important ancestors of the Far North – their forebears have already recounted their historical footprints through the Tribunal hearing for Muriwhenua Fisheries and Lands (prior to 1865).
5. Te Rarawa, in association with three other Iwi of Te Hiku o Te Ika, are currently engaged in Treaty settlement direct negotiations with the Crown. Elected negotiators for Te Rarawa have been in negotiations with the Crown for almost ten years now and are at the final stages of discussions prior to initialing a Deed of Settlement which can then be taken back to Te Rarawa's constituency.
6. Te Rarawa have extensive ownership claims to the extent of their rohe – they are the customary owners of their tribal territory,

and their customary interests in relation to their rohe have been in existence since time immemorial.

- 7.** In relation to the Application, Te Rarawa have clear mana whenua interests in some of the areas that Ngāti Kahu have claimed interests in. Te Rarawa dispute some of the claims of Ngāti Kahu in this regard. As such, Te Rarawa wish to be involved in the Application proceedings generally, and in particular, in relation to any issues that arise for determination by the Tribunal, that may impact upon or prejudice:

  - a.** their mana whenua areas; or
  - b.** the settlement redress that Te Rarawa has already negotiated, comprising both:

    - i.** the individual package that Te Rarawa has negotiated; and
    - ii.** Te Rarawa's position in relation to equity as between each of the Te Hiku Iwi settlements.
- 8.** Te Rarawa wish to refer the Tribunal to two areas of interest that are of relevance to the Application proceedings:

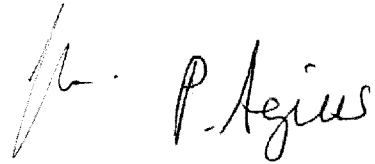
  - a.** the first area of interest is that which Te Rarawa has utilised for Treaty negotiations purposes from Hokianga to Maungataniwha to Hukatere (refer to map attached as Annex A) ("the Reduced Area of Interest") – the Reduced Area of Interest was developed on the basis of a pragmatic approach that Te Rarawa considered would lead to a situation of equity in the resolution of overlapping claims, taking into account recent history and shared and overlapping interests – it is not a full and accurate depiction of Te Rarawa lands and interests;
  - b.** the second area of interest outlines Te Rarawa's actual customary interests (refer to map attached as Annex B) ("the Actual Area of Interest") – from before the time of the signing

of Te Tiriti o Waitangi, Te Rarawa was a major force in Te Hiku o Te Ika – the Actual Area of Interest reflects Te Rarawa’s actual rohe, which reached across the entire area north of Hokianga and Maungataniwha across to Mangonui, as well as key interests south of this area – Ngāti Kahu did not achieve recognition as an iwi until the 1920s and many hapu throughout the Actual Area of Interest were referred to as Te Rarawa.

## **CONCLUSION**

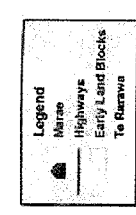
- 9.** Te Rarawa is an affected party in these proceedings and wishes to be heard in order to ensure that their rights and interests are not prejudiced. If there are to be any deliberations or decisions made by the Tribunal that will have any impact on the rights and interests of Te Rarawa, their mana whenua, mana tupuna or mana tangata or their areas of interest as described in paragraph 7 above, Te Rarawa seeks to be involved in this process, in particular, in relation to any issues that arise for determination by the Tribunal that may impact upon or prejudice:
  - a.** their mana whenua areas; or
  - b.** the settlement redress that Te Rarawa has already negotiated, comprising both:
    - i.** the individual package that Te Rarawa has negotiated; and
    - ii.** Te Rarawa’s position in relation to equity as between each of the Te Hiku Iwi settlements.
- 10.** Counsel respectfully seeks leave, on behalf of Te Rarawa, to file further submissions and adduce evidence throughout the Application proceedings, to maintain Te Rarawa’s interests.

**Dated** 12 October 2011

A handwritten signature in black ink, appearing to read "Janet Mason/Priscilla Agius". The signature is written in a cursive style with a large initial "J" and "P".

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Janet Mason/Priscilla Agius  
Counsel for the Claimant



«A»



Te Rarawa areas of interest and sites of significance mapping project

### Te Rarawa area of interest: Historical treaty negotiations

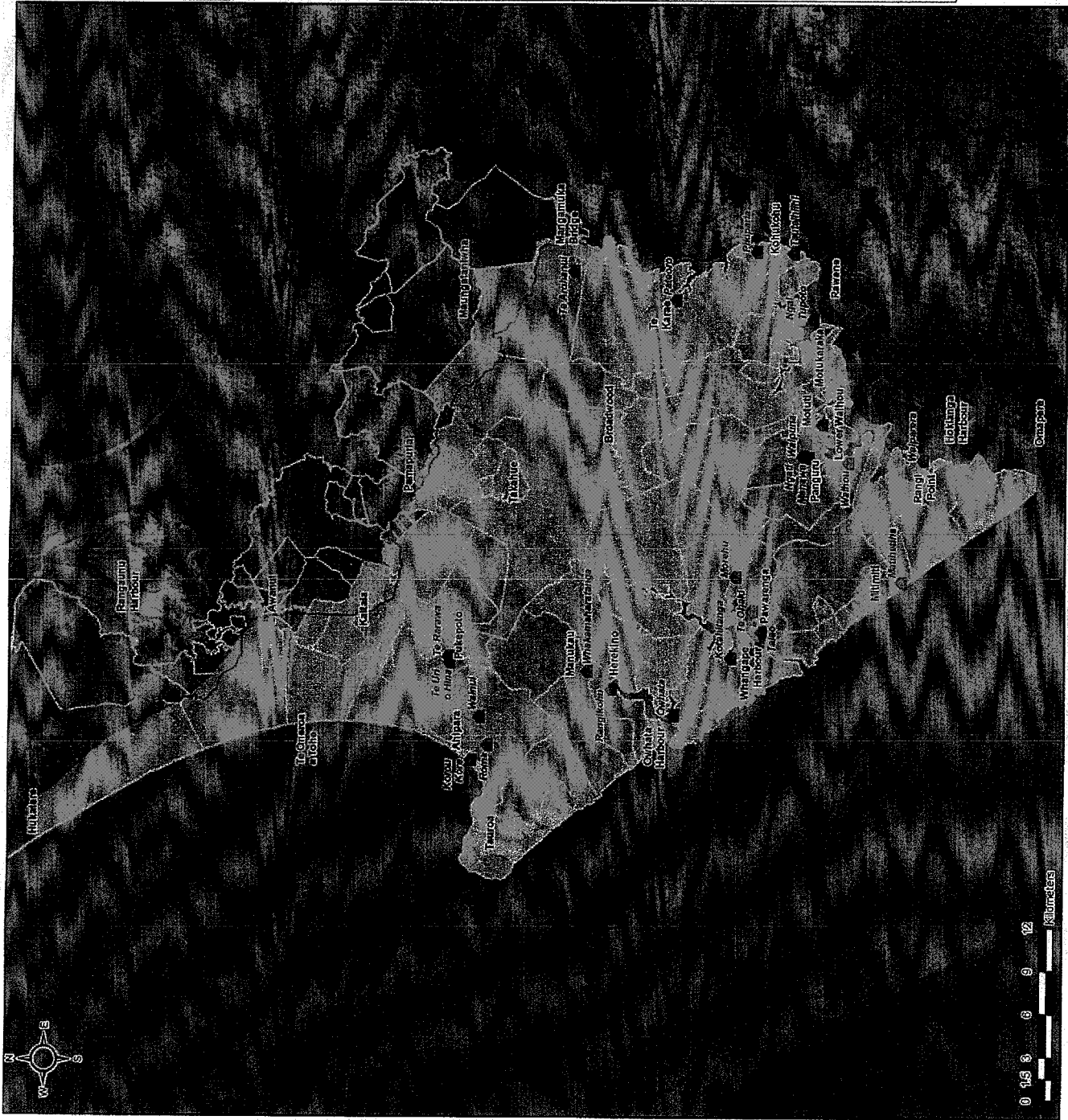
**Narrative**

#### Te Rarawa Rahe

**Te Rohe o Te Rarawa, Te Rarawa Kai Whare**  
 I himata te rohe o Te Rarawa mai i Te Puna o Hokianga. Ka turukinahia ki tona awa, tae noa ki te rohe o Mangataipa i tu ana i te tau o Maungataniwha. Makona ka haere ma runga nga pae maunga o Raeteta, mai ki te rohe o Takahue. Ka turukina i te awa o Pamapuria tae atu ki Maimaru; a ka tae ki Awanui. I reira ka whiri atu ki te tahaauau ki Hukatere. Ka titiro ki Te Reinga, ki Te Rerenga Wairua; Ka poroporoaki ki a ratou ma kua haere atu i tua o te arai. Ka huri tuara, ka hoki ma runga i Te Oneroa-a-Whaaro, ara, Te Oneroa-a-Tohe, ki Ahipara, ki Tauroa; a ka whiri i te wahapu o Owhiata tae atu ki Whakakora, ka titiro ki Te Kauae-o-Ruru-Wahine; roanga atu i te akau o Mitimiti, i nga onepu o Matihelthe me Te Rangī, a tae atu ki Te Puna o Hokianga Whakapau Karakia. Na ka mau nga pangataonga o Te Rarawa Kai Whare.

#### Traditional Boundaries of Te Rarawa Iwi

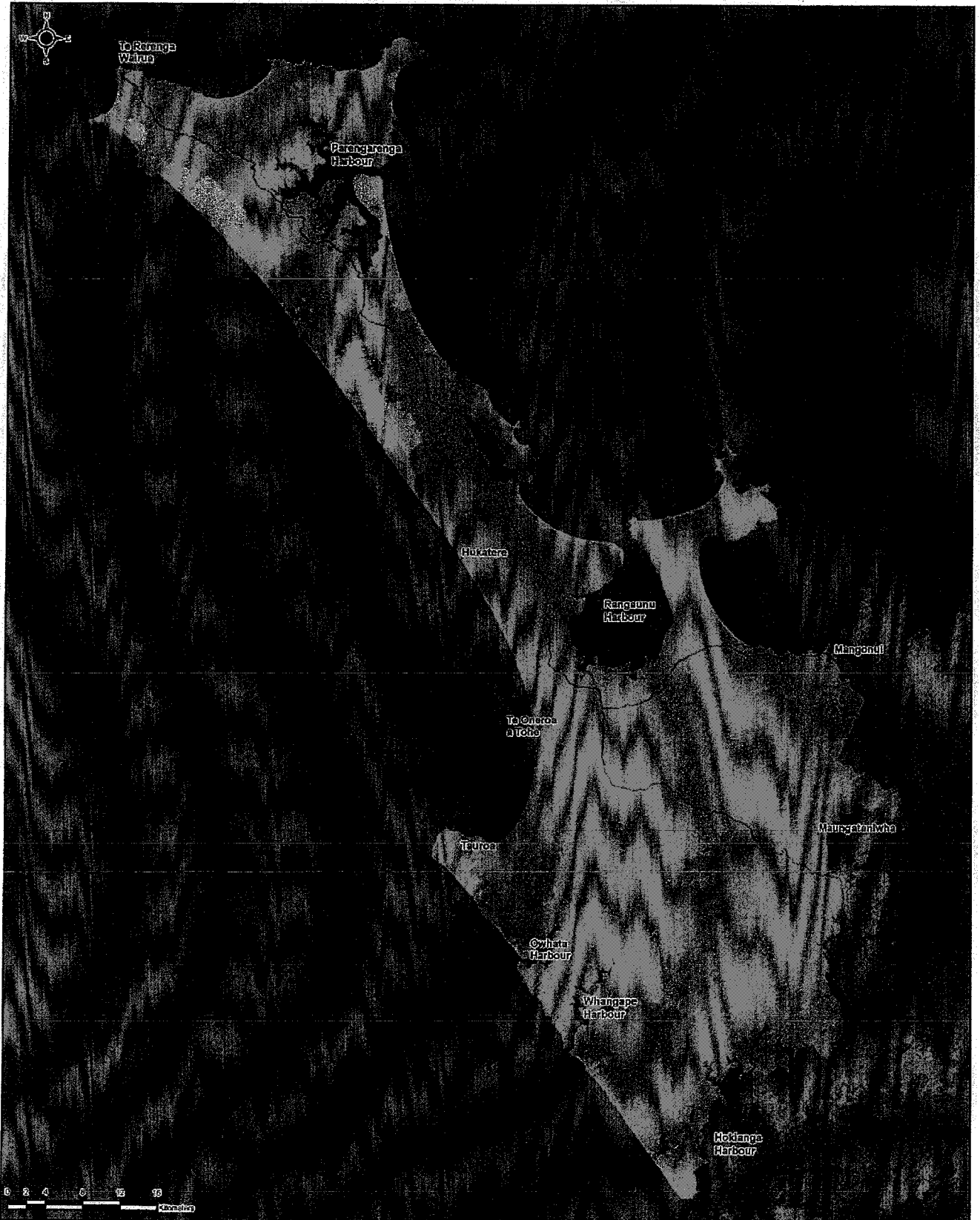
Te Rarawa Iwi encompasses the areas beginning from Hokianga, eastwards following the Hokianga River to Mangataipa, situated at the base of Maungataniwha. Northwards along the ranges of Raeteta to Takahue and following down the Pamapuria River to Maimaru, across towards Awanui and westwards to Hukatere on the Ninety Mile Beach. Back down the Beach to Ahipara, southwards to Tauroa, Owhiata and Whangape and down the coastline to Mitimiti and back to Hokianga, being the southern boundary of Te Rarawa Iwi.



Created: August 2011  
 for Te Runanga o Te Rarawa  
 Block data - Te Runanga o Te Rarawa  
 Terrain Image - Geographix Ltd  
 Highway data - LINZ  
 Hydrology - LINZ  
 Map Production - Nathan Keesley



"B"



Te Rarawa areas of interest and sites of significance mapping project

*Te Rarawa's broader historical interests*

Created: August 2011  
 for Te Runanga o Te Rarawa  
 Block data - Te Runanga o Te Rarawa  
 Terrain Imagery - Geographix Ltd  
 Highway data - LINZ  
 Hydrology - LINZ  
 Map Production - Nathan Kennedy

- Legend**
- Te Rarawa Places
  - Highways
  - Te Rarawa Historical Area of Interest

**Narrative**

From before the time of the signing of the Tiriti o Waitangi Te Rarawa was a major force in Te Hiku o Te Ika.

Te Rarawa interests covered the entire area north of Hokianga and Maungataniwha across to Mangonui, as well as key interests south of this area.

Ngati Kahu did not achieve recognition as an iwi until the 1920s and many hapu throughout this area were referred to as Te Rarawa.



