

IN THE WAITANGI TRIBUNAL

WAI 2200  
Wai 770

IN THE MATTER OF

the Treaty of  
Waitangi Act 1975

AND

IN THE MATTER OF

Porirua ki Manawatu  
Inquiry

AND

IN THE MATTER OF

The Karaitiana  
Te Korou Whanau

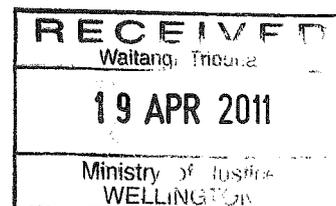
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**SECOND AMENDED STATEMENT OF CLAIM**

Dated this 5th day of April 2011

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### **The Claimant**

- [1] The claimants are Edward Karaitiana and other members of the Karaitiana te Korou whanau. The claimants are descendants of Karaitiana te Korou, whose ancestry through Tumatakokiri links them to Ngai Tara of Muaupoko, and Ngati Hamua, Ngai Tamahau and Te Rangiwahakaewa, who hold tangata whenua rights in Manawatu.

### **The Claimant Subject Matter**

- [2] The subject matter of the amendment to this claim is the claimants' ancestral rights to land blocks in the Porirua ki Manawatu Inquiry District, including Horowhenua 4B and Manawatu Kukutauaki blocks.

### **The Claim: The Causes of Action**

- [3] The claimants say that this claim falls within one or more of the matters referred to in section 6 (1) of the Treaty of Waitangi Act 1975 namely:
- (a) that they are Māori, and
  - (b) that they have been and continue to be prejudicially affected by the various policies, ordinances and Acts of Parliament, in particular those extant between the 6<sup>th</sup> of February 1840 and today, which have affected their mana whenua over their land, and

(c) that the above constitute breaches of the Treaty of Waitangi.

### **Background**

- [4] The claimants state that their ancestors from Ngati Hamua hapu became established within the Manawatu region, in particular at Horowhenua, Papaitonga and Waikanac, about seven generations before chiefs ruling in the 1820s. From this time on they intermarried with Muaupoko, and they were resident there at 1840, and intermittently thereafter.<sup>1</sup>
- [5] The claimants state that they have ownership interests in various blocks within the Manawatu area through their ancestor Karaitiana te Korou and through the hapu of Ngai Tara of Muaupoko, and Ngati Hamua, Ngai Tamahau and Te Rangiwhakaaewa, and that those ownership interests were not protected by the Crown during the alienation of the lands in question, in particular the Manawatu Kukutauaki block and the Horowhenua block.

### **Manawatu Block**

- [6] The claimants state that they have ancestral mana whenua rights in the Manawatu Kukutauaki block, as evidenced during the title investigation of the block by the Native Land Court in 1872<sup>2</sup>,

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<sup>1</sup> AJHR 1898, G2A, cited in Ballara, Heather Angela, *The Origins of Ngati Kahungunu*, PhD Thesis, Victoria University, 1991. P 217

<sup>2</sup> Otaki MB No.01A, Pages 11-184; 193-194

and by the claimants' ancestor Karaitiana te Korou being one of the signatories to the of sale of the original parent block.

#### **Horowhenua Block**

- [7] The claimants state furthermore that they have ancestral mana whenua rights in the Horowhenua block, in particular Horowhenua 4B, which were declared by Karaitiana te Korou during a Native Land Court investigation hearing, and also mentioned and affirmed during the succession case of Karaitiana te Korou in regards to Horowhenua No.5 (4).<sup>3</sup>

#### **Crown Treaty Breaches – Alienation of Lands**

- [8] The claimants allege that they have been prejudiced where it concerns their mana whenua in Manawatu, whereby the actions of the Crown enabled the wrongful alienation of the claimants from their land through the sale and appropriation of said lands without consultation, involvement, and most pertinently, consent from the claimants' ancestors.
- [9] The claimants allege that during these transactions that resulted in the alienation of the land, the Crown failed to recognise the mana whenua rights of the claimants' ancestors, and that the lands in question were never ceded by them.
- [10] The claimants state furthermore, that the contemporary actions and policies of the Crown in regards to Treaty Settlements

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<sup>3</sup> Wellington MB No.10A, Pages 32-34; 44-47.

continue to not recognise the overlapping interests and the ahi kaa of the claimants in regards to their ancestral rights within the Manawatu, and that this has compounded the historical prejudice being suffered by the claimants, who wish to receive belated recognition of their interests.

### **The Prejudice**

[11] The claimants state that many of the land acquisitions within their rohe in Manawatu proceeded illegally and without recognition of their mana whenua, and thereby robbed the claimants of land possession and land rights, resulting in land loss, economic deprivation and displacement.

[12] Thus, by virtue of the Crown's legislation, actions, omissions, practices and policies, the claimants have suffered the following prejudicial effects:

- (a) Loss of mana
- (b) Loss of land and property;
- (c) Exclusion from fulfilling their role as Kaitiaki of their rohe, awa and moana;
- (d) Degradation of their natural environment;
- (e) Loss of te reo and taonga;
- (f) Exclusion from redress;
- (g) Extinguishment of whakapapa and hapu history

[13] **Relevant Policy and Legislation concerning prejudice**

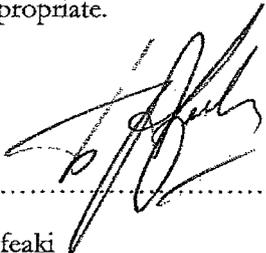
- (a) Crown purchases 1840-1865
- (b) Native Lands Act 1862 & 1865
- (c) Other Native Land Court legislation: Native Land Court Legislation 1862-1909

**Amendment of Claim**

[14] The Claimants reserve the right to further amend their claim and seek further findings and recommendations as the claim progresses.

[15] **Relief and Findings Sought**

- (a) A finding of the facts in the claimants' favour; and
- (b) A finding the claim is well founded; and
- (c) Appropriate relief by way of statutory and other amendment and/or change in policies; and
- (d) Such recommendations as the Tribunal considers appropriate.

  
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Tavake Afeaki

**Counsel for claimant**

To: The Registrar, Waitangi Tribunal