

IN THE MATTER

of the Treaty of
Waitangi Act 1975

AND

IN THE MATTER

of Remehio TE
MAUNGA
MANGAKAHIA of
Whangapoua and on
behalf of descendants
and whanau members of
HAMIORA
MANGAKAHIA

Brief of Evidence of Grahame Douglas Christian

1. My full name is Grahame Douglas Christian. I stand before you as the Chairman of the Claimants Committee. I am also Managing Director of a Group of companies called Streetsmart Ltd. Today I represent my whanau, those generations that came before us and those that will come after us.
2. I was born on the 6th of September 1957 in Thames where my mother's Iwi are from. My father worked on the railways. In my early years I grew up in Waikino in the Karangahake Gorge and this is where I first went to school. We then moved to Waharoa, Ongarue, Puketutu, Te Kuiti, Putaruru, Marlon, Ranfurly and Taihape, all fairly small rural villages and towns. We followed Dad's employment on the railways and saw a lot New Zealand. It was a transient life. In order to get promotion Dad was required to travel. Although we had a wonderful life, I don't believe that we ever lived as Maori and I can remember growing up and not relating to myself or my own family as being Maori.
3. It is only when we began to research this claim that we began to realise who we were, who our ancestors were, and just how prominent Hamiora and Mohi Mangakahia were. Prior to this virtually the whole family knew nothing of his prominence. Hamiora was my great-great grandfather. I was in my late teens when his daughter my great grandmother Tangiora passed away. He was the first Premier of the Kotahitanga. He was a great man and was recognised as a leading chief of the Hauraki area. This is demonstrated in articles written by

Angela Ballara in the New Zealand Biography Dictionary and Hamiora's role in acting as a surety in the release of the famous chief Te Kooti after being transported to Auckland. He was described as one of the prominent chiefs of Hauraki. Hamiora preached often and acted for Maori. (He was very concerned about Maori land, the social position of Maori, feasting, alcohol abuse and religion.) He would often write articles in Maori for publication in newspapers such as Te Puke ki Hikurangi and appeared as an interpreter and advocate in court. Hamiora appeared in many areas throughout the North Island. His granddaughter Pano was my grandmother. She never spoke Maori nor did she speak of her grandfather. She was told not to speak Maori at school. The whanau did not know of Hamiora's importance or of his work. But today we stand proud of our history and our ancestors and the place that was so much a part of Hamiora and of us - Whangapoua. The tribunal may have observed our great love of the land, but something else that has also sustained us is our love for each other.

4. I have often heard claims from my father and his father about the way that the Whangapoua lands had been lost and how my grandfather had gone to battle on a number of occasions but had never been successful. There were family stories of the loss of land by ruthless timber companies and unscrupulous lawyers. There were also stories about timber royalties held in Wellington that the family should lay claim to. These stories and the general unhappiness of our family and their circumstance and my awakening have motivated me to serve them.

5. In 1977 I joined the New Zealand Police. In 1979 I confronted and arrested protestors on Bastion Point. In 1981 I was in the Police Red Squad and we escorted the Springbok Rugby Team on their tour of New Zealand. We were involved in many violent confrontations and many people were hurt. I look back now with great respect. I am astounded at the courage of some of those people, who took part in those marches and protests. Some of them appear as our Counsel for this hearing. My respect for them is huge, as their courage represents only one part of the struggles that Maori have had in their own land. More relevant is that if I were given the opportunity today I would stand alongside them.

Claims Committee

6. I have been Chairman of this Committee for the past seven years. I consider that I was elected by default. At a meeting called by our Kaumatua at Whangapoua to discuss the land. I had only gone along to support my Dad, but by the end of the day I was Chairman. Our Kaumatua felt that they did not have the skills to deal with these matters, and none of my peers felt they were the right people for the job. The whanau had over the years consulted with Lawyers, and considered

that with the implementation of the Treaty of Waitangi Act that the work carried out previously by our uncles and aunts, should not be in vain, and that we had a real and legitimate claim. Our kaumatua wished to hand the claim over to us, in their words, "the younger ones".

7. There has been a need to know once and for all what really did happen, who we were and was there something there for us. As a Chairman I have had to obtain skills over this time to lead the claim, as these skills were not inherent in me either. Time can only be the judge of whether I have been effective or not. To me the fact that we are apparently so bereft of these skills at all ages and that none of the family believed or actually had the required skills is a primary indicator of our losses. The socio-economic census conducted by Tony Walzl and detailed by Judy Nicholls lends significant weight to this.

The current Claims Committee has been together for the past seven years. In that time we have had only two changes forced by pregnancy and migration. Without exception the Claims Committee have given freely of their time and whanau resources. We have been all incredibly well supported and it is a sign of our whanau and our wonderful relationships that our route has been trouble-free, almost as if ordained. There is little doubt that some Committee members have made major sacrifices, over and above the call of duty, they have taken time away from work, family and social commitments to represent their interests. Committee members live in a widespread area and meetings have been held from Whangapoua to the Far North. One committee member travels from the Far North to attend meetings, another has virtually closed her personal business down to attend to committee matters and in preparation for this week. There has been personal loss, financial implications and sacrifice from our Claims Committee. I personally own a substantial business with many staff and have numerous other interests, my involvement has come at the expense to these other commitments and time away from family. Personally I have taken no recompense for my time or commitment of resources. However, I have no misgivings whatsoever and I am confident that I can say the same on behalf of the whole committee. For us, the knowledge of who we are, our history and the resurrection of the extended family connections have made it all worthwhile. And this hearing is our day in the sun.

Whangapoua

9. As a child our family travelled to Whangapoua as frequently as time and distance would allow us. This was to visit the land, family and holiday. My first memory was going back there when I was about eight or nine. A lot of the time was spent with relatives enjoying their company and for Dad talking about the past. There was only a handful of people actually living there - I only remember

Tangiora, Uncle Bunt and his family. But a lot of people would come for holiday periods. Sometimes there'd be 20-30 people in our campsite, all extended family. There was a large contingent of Mum's family, our guests and then there was Dad's family all around us. As we grew up we would go back religiously. We had Christmas with Mum's family and then we would go over to Whangapoua for the rest of the holiday. Some of the relatives would stay on the land for a little longer but there was no work to sustain people - so they would have to leave again.

10. My memories of that time are of a relatively run down farm. All the area was previously in farmland but a lot of it was and has reverted back. At the time of my first visits the farm was starting to run down. Today Whangapoua and the surrounding areas such as Matarangi are most sought after and contain some of the most expensive real estate on the Peninsula. We stayed in a small bach beneath Raukawa more commonly known as Opera Point. This was family land and the bach was communal. There were a number of unoccupied houses on the land and family would use them from time to time.
11. My mother's whanau are Ngati Maru from Thames, and they bought the three sections that you can see as you drive immediately into Whangapoua. In the late 1970s, they bought these sections off Uncle Ivan and Aunt Lil, Tangiora's daughter. Quite a few from outside of the family would also stay. My memories are that my Dad would take my brother and I back to the land and encourage us to live off the land. My most vivid memory was that he cooked huhu grubs and fed them to us. He introduced us to the kaimoana. In this way he tried to get us used to it, but most of my tastes were unaccustomed to this type of food and I couldn't wait to see my Mum. As a consequence of my love for the area, my whanau, and my desire to eventually retire to Whangapoua, I have purchased land and am in the process of building a home. I understand that I am not the only one to express this desire.
12. Dad's grandmother, Tangiora lived in the old house on the hill overlooking Whangapoua. Her father, Hamiora, built the house. Tangiora was the most beautiful person - she had inner beauty - she was calm, gentle and very, very respected. She only spoke English to us. I don't know much about her Maori side. She spoke very good English. I don't recall her speaking Maori.
13. The house was on the land that Hamiora had gifted to Tangiora. It was big and built of Kauri, presumably from the Kauri forest that grew on the Whangapoua lands. Dad was born in the house. The house became quite run down and was later demolished.

14. Tangiora would later die poor in Coromandel Hospital. She had lived in an old shanty up near some abandoned gold mines in the back of Coromandel. We would visit her there. Her final years were not befitting of how her life should have been.

Tributaries

15. Many of the fresh water tributaries that flow into the inner harbour, come from the blocks once owned by the whanau. They contribute to the ecosystem and the flora and fauna of the area and formed a part of our food chain. These tributaries form part of our claim. I have noted over the years that the tributaries have become silted up. In particular I have noted that Pungapunga stream where we used to swim in the waterholes no longer has any, presumably this is because of the silt. The lagoon where we used to swim during the day and fish at night is only a fraction of the size it used to be. I attribute this to forestry activities and the washing into the stream of silt and sedimentation from those operations.

Sites of Significance

16. The Whangapoua Harbour is a significant part of our history and us. When Riria returned to Whangapoua to live with Te Ngarahu they lived on the upper reaches of the harbour. When Hamiora and Mohi entered into dealings with Timber Merchants it was clear that they wished to retain ownership of the lands surrounding the Harbour and Whangapoua Beach.

17. Dad and other whanau members would go to the Mercury Islands. They would frequently fish and dive. They knew where the fishing spots were and where they could collect kaimoana such as paua, scallops and mussels. I have only recently been to Mercury Island. I recall that they stopped taking me out to seas because I broke the rods, lost the lines and got seasick.

18. I recall before Tangiora died that she told Dad he could have a small island in the inner harbour. It has a small stand of ti-tree on it. She said that Dad could have that island because he had nothing. So Dad applied for it. Lands and Survey wrote back and said that their testing had revealed that the island was less than 80 years old and he could not have it. But Tangiora recalled as a child going with her father, Hamiora to the island. To tend growing corn, they also kept chickens on the island. I do not think it had a name.

know the
reason for
that?
Down that
letter?

19. Castle Rock is extremely significant to us, it can be seen from most parts of the Mangakahia rohe. It is significant in a spiritual, cultural and physical sense, it is still in whanau ownership and is the critical link between us and the lands at

Whangapoua that are still owned by the whanau. We are the kaitiaki, the caretakers of all the lands as described in the statement of claim.

20. Raukawa (Opera Point) has always had an extremely spiritual significance, we had been told that one of our ancestors had leapt to his death to avoid capture, history has this as being Ruamano a Ngati Huarere Chief. There has always been evidence of occupation and usage. I was told Raukawa contained a burial cave in the side of the hill and that there were skeletons and taonga in it. We were told not to go near it. The site is so special that Dad's father, an Englishman has his ashes spread there, Dad's mother's ashes will be spread there and my brother's ashes are already there. My father, my brother and I intend to go there as well.
21. We are no longer the physical owners of the land, however we have a connection with and belong to it, we have no desire to be anywhere else. It is ironic that for many years Maori were accused of failing to maintain their lands to European standards and yet now we cannot access the top of Opera because it has become overgrown and neglected. Under Whanau management all visitors had access to the summit and it's beautiful views.

Mahinga Kai

22. Our family would get schnapper in schnapper channel in the inner harbour, mussels from the same area, oysters from the upper harbour and cockles from the point We got pipis from the island and there were kina on the seabed. Scallops were also a regular part of our diet. The area was rich in kaimoana.
23. When I was growing up the harbour was littered with mussels. I could stand on the mussels and throw them up on the dinghy. At low tide the mud mussels were exposed and you could get into the knee high water anywhere in that area and pick them up. We would take them back to the camps for whanau use. Dredging has now cleared the channel of mussels.
24. We eeled in the Pungapunga Stream and at the lagoon end we would spear flounder. In those days you could go anywhere, as there were not any boundaries. I remember going eeling when we were about 13 or 14. We camped in one of the paddocks. We would go into the streams to eel as kids and some of the adults would come with us. We went at night. Torches or lanterns were used to light the way. We made spears to catch the eels. The spears were home made. We would sharpen the end of a stick and attach the wire with some nails or tie it on with some string. We did not use hinaki (nets) but Dad used hinaki. The Hinaki were round and made with fencing mesh and number 8 wire. We went on these expeditions in groups of three or four - sometimes eight. In

the late 1960s-1970s, we could catch big eels. My brother and whanau would catch them because I did not like the slime. If we caught the eels close to the sea they were greyish and further up the stream they were blackish. This would be determined by their proximity to salt water. We were only kids and we were lucky to actually come home with anything. I can remember the adults going out and getting some. They would be smoked and eaten. I remember eating smoked eel but I think they were mostly fried. I enjoyed them. They were not considered a treat - they were part of our way of life.

25. Sometimes we would stay at the lagoon end of the beach - just moving from whanau to whanau. We had tents and caravans. We would flounder in the lagoon where the camping ground is now. We would spear the flounder with number 8 wire on a stick by the light of our lanterns or we went out into the harbour at certain tides and we would always come back with lots. They were very abundant. The decline in the amount of seafood can be attributed to a number of things including the sheer number of people who now live and holiday at Whangapoua. When I was a boy there was only a small population accessing the kaimoana. Now there are people from Matarangi and people coming in all the time by road or on their boats. Dad believes that the dredging has impacted on the mussel beds. We also picked very big oysters - they were abundant and lay loose on the ground - you can still get them now but not as many or as large.

26. Kaimoana was taken back to the campsite for general consumption, and the whole lot would be eaten. As I have noted, sometimes there would be 20-30 people in our campsite. So it was shared all around. We would trade off food with other members of Dad's whanau and have meals at different houses - it's still much like that now. But the seafood is not as plentiful as it was. Dad would go fishing with his brother, his uncles, and some of Mum's family. They would bring us scallops, fish, paua, kina and other species. It was all shared out, taken to the other whanau. Often people would bring things for us like pork, beef, and seafood. Reciprocity was important all the time. The pork was from the bush. Dad went hunting and fishing - some of the other relatives went hunting - it was our holiday - it was about foraging for food - it was a lot of fun.

Treaty Breaches

27. There are many treaty breaches that form the basis of this claim and counsel and the historians have detailed them. I am clear that as a whanau we have never been adequately compensated for the loss of whanau lands and the removal of timber from those lands. The result has been that while some of us have been able to succeed in both worlds, the majority of the whanau are impoverished and uneducated. We have lost land to unscrupulous forest companies, to lawyers and through intentional actions or inactions of the Crown. This aspect of our

history was often talked about by the older generation. Hamiora lost much of his remaining lands in battles with the Timber Companies and through Lawyers fees.

28. Hamiora retained an interest in the lands at Whangapoua when Pane Tarore gifted it to him, he divided the land up amongst his children. He had previously been forced to sell his interests to his lawyer after defending the trespass case. The area nearest to the Harbour was gifted to Tangiora. I remember that when my brother died at age nine, Tangiora drove down to Te Kuiti with Aunt Lil and Uncle Ivan and asked my father if he wanted the farm belonging to her at Whangapoua. But because my brother had just died and the farm had a rate/debt burden of nine thousand pounds Dad declined it. It was Auntie Lil and her husband Uncle Ivan who mortgaged their own farm in Coromandel and they took over the Whangapoua farm. The farm they took over is one part of the lands. The other whanau lands were divided up amongst the family groupings - namely the issue of Tangiora's brothers and sisters. The families are the Browne, Mangakahia, Bright and Waiti.

29. We have been driven by the grievances passed down to us by our succeeding generations. We feel aggrieved by our current position - The questions has to be asked "Why are we like this"? We are an intelligent and articulate people, we are multi-talented. We see evidence of this every day as we watch our children grow up or speak to our peers, or work with our whanau. We are a beautiful people - "Why are we impoverished"?, "What has happened to our mana"? and "Why don't we feel good about ourselves"?. And why is it that six years ago my father was still debating about which iwi he belonged to - let alone his hapu and why did we lose these things? There are all these why's. I think that today we operate in two worlds - we still have a communal sense of living, of giving and loving, and then we have a conflict in the world that we have to live in, which is a regimented routine, with constant striving and battling to remain on a level pegging with our peers, who are Europeans. We are judged on European values and for many Maori who don't even know who they are, it is not a comfortable fit.

Rangatiratanga

30. The Mangakahia whanau as a whole, all the descendants of Hamiora, have Rangatiratanga over Whangapoua and it's environs. We hold and have held the Mana over the area for centuries. There is no dispute over this area as far as I know, there are areas where we a have joint interest, this is acknowledged, but we have retained the continuous mana, rangatiratanga and ahi kaa during that time. Even though we were not taught our whakapapa or our culture, we were still influenced by Maori ways in our love and sharing of resources, the gathering of kaimoana and a connection with the land and the sea. We didn't

like having to share our resources with others and that we exerted rangatiratanga over the land, the rivers and the seas.

31. I would describe the rohe of the Mangakahia as basically being bounded by the range of hills and mountains that Whangapoua basin and beach as you stand on top of Opera, you almost see the whole area from there. We have maintained rangatiratanga over this area.
32. Rangatiratanga for us is a sense of ownership - but not in the physical sense - rather in the sense that this is our domain, this is where we come from, we understand the land and it's history, our ancestors were here before us and our children will come after us. We want to leave that feeling with them. A sense of being and a sense of belonging. We have exerted mana over the land in the past, but I feel it has been lost.

Kaitiakitanga

33. I believe the whanau is responsible for the area, for its protection - and to work with government departments on that. We would dearly love to exercise Rangatiratanga over it - to get as much back as possible - and not to sell it. We should consider benefits for the farms still in whanau ownership.
34. There is increasing pressure to sell what little is left.
35. I make an effort to teach my children the local history and the way they should respect the area. Sometimes, we put on backpacks and we walk the area. I get out there with them and teach them. And when we have Hui I make them sit there and listen. We have gone out to Castle Rock a couple of times. At 60, my father and the whanau went up Castle Rock that is a huge climb - it has a fantastic outlook. We all take the opportunity to walk to different sites and talk about it. The amazing thing is that it feels like they are taking an interest because they can reel off the history and the places verbatim and actually lecture others on it. Something I was unable to do. They enjoy the feeling - that spiritual feeling. My children are part Maori, part Chinese - their mother speaks Chinese, but Whangapoua is the place that they relate to.
36. This is the place we came to, this is where we belong. Our ancestors lived on Raukawa and we can feel their presence. If I feel spiritually about anything, it is especially there on Raukawa and at Whangapoua - it is omnipresent.

37. In about 1967 I recall the gifting of Red Mercury Island by our whanau to the Flora and Fauna Society. It was depicted on the front page of the New Zealand Herald. Tangiora my great grandmother was listed as one of the benefactors. There were other names that I did not recognise but I now know these to be our extended whanau. Although Tangiora was listed as a benefactor we are unsure that she was even aware that this gifting was taking place. Family lore has it that she and other members of the whanau were a minority group who were unaware that this was happening.
38. As a claimant I would like to see recognition of our spiritual mana and a restoration of that. There needs to be some healing and understanding of why the land and environs were lost. That can only come about by going through the claims process, we need to look to the future with hope and opportunity. You cannot go into the future if you do not know your past.

Remedies

39. We want an apology from the Crown, the apology should recognise that it acted in breach of the Treaty in many ways and that as a consequence our people have suffered hardships and losses, and that the Crown will act to remedy this and protect those remedies and Maori needs in the future.
40. A vital outcome is physical compensation. We want some of the physical, the land back. Raukawa is part of that and counsel will identify other areas. Raukawa is important - it is like our turangawaewae. I don't want to see singular land title but recognition that the whole whanau belong to this. The forestry is also important, the bulk of the land was lost over timber, and timber can help return some of what was lost.
41. We want monetary compensation to provide a capital base, and to sustain the asset base. We need to encourage our young people to come back. They should see this place as their spiritual home. In terms of Tikanga Maori, there is a lot of the family learning or teaching Te Reo Maori. We had a rich culture of waiata, karakia and haka but that they have been lost. What we do have is imported from Whanau who have left and then returned to the area. We would be keen to see more of the whanau go through the learning process, because it is part of the whole, and how they feel about themselves. So we would like to establish scholarships to enable the whanau to learn these things.
42. We also want to create opportunities to live here or go out and compete with the outside world. This means having the finance available to provide academic scholarships or even work skills training, not marginal jobs giving a hand to

mouth living. Many can't afford to get back to Whangapoua even for a holiday, let along live there. We must have their needs in mind.

43. We would dearly love to establish a marae - one that is sustainable. We do not want one that is going to become a burden for the people living there or for those who come on. The marae would form part of the cultural, physical and spiritual health of the whanau. We are looking at establishing a marae behind where Tangiora's house once was. If we are to express our Kaitiakitanga or Rangatiratanga then when people come to this area we will have a marae to care for them.
44. Compensation would also be used to also establish an economic base using kaimoana, tourism, and fishing and water based activities. There is now an insufficient area of the farm left to do any farming. The whanau need to understand that physical compensation of land has little use unless there is a capital base on which to develop the assets and needs of the people.
45. We also want to rekindle the tribal place names for the area - to officially have them recognised. The maps of the area should reflect those original names. Castle Rock for example, was originally called Motutere.
46. The Hauraki Gulf Marine Park Act 2000 has established a Marine Park in the area. We have some concerns about this and the implementation of this Park has surprised us with its speed. We do not consider that we have been adequately consulted and are affected in Terms of Article 2 of the Treaty of Waitangi, and we wish for the Crown to negotiate with us so that the Rangatiratanga of the Whanau Mangakahia in our rohe can be properly affected.

We use ngata lan - mangakaha as one in the same.

Closing

47. I would like to thank the tribunal for our day in the sun, we trust that you have enjoyed your time in our turangawaewae, thank you to our counsel and historical team whom we consider have served us very well, thank you to our Claims Committee for their years of hard work and we send our love to the entire whanau.

no marae built, because

- whanau has had no effective leadership since the death of mangakaha.

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- soia - cooani shung - demonstrated low resp. of