

**KEI MUA I TE ROOPU WHAKAMANA
I TE TIRITI O WAITANGI**

Wai 2490

IN THE MATTER

of the Te Tiriti o Waitangi Act 1975

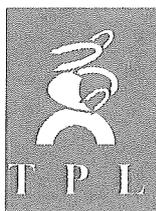
AND

CONCERNING

a claim (Wai 2341) by Rudolph Taylor, Lizzie Mataroria-Legg, Heremoananuiakiwa Kingi and others, on behalf of themselves and a number of hapū regarding the application of the Crown's Settlement policy over the whānau and hapū of Ngāpuhi

BRIEF OF EVIDENCE OF ARENA HETA

DATED this 7th day of November 2014



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Introduction

Ko Tangitu te maunga.

Ko Kaingapiwai te rohe.

1. Ka pūpū mai ngā puna, ka rere ki ngā manga, ngā manga ka rere ki ngā awa, ngā awa ka rere ki ngā tai, ngā tai e rua o Akiwa, ka rere ki te papaki tū o ngā tai ki Te Reinga, ka nuenue ki te kohu, ka heke iho ki te Rangī, ka hokia mai ki te whenua, he wai ora.
2. *As the springs break forth upon the land, they follow the path that leads to the streams that follow the path to the rivers that follow the path to the two oceans of Akiwa that lead to Te Reinga. Where they clash, and as the sea spray turns to mist, it rise to Ranginui who cleanses these waters and return them back to Papatuanuku pure.*
3. My name is Arena Heta. I am of Ngāti Uru descent, a hapū that resides within Whangaroa. I am also the Chairman of Te Rūnanga o Whangaroa.
4. I am a kaikōrero for my hapū and on behalf of my hapū, I oppose the Crown's recognition of the Tūhoronuku Deed of Mandate. I support the claimants for Wai 2341 in their efforts to stop Tūhoronuku from entering into a settlement with the Crown on behalf of the claimants and ngā hapū o Ngāpuhi.
5. I also speak on behalf of the eight hapū within Kaingapiwai who do not support Tūhoronuku.
6. This evidence is filed in support of the claims into the Crown's recognition of the Tūhoronuku Deed of Mandate and is to be read in conjunction with my previous evidence filed.¹
7. The purpose of this brief is to outline the following to the Tribunal:

¹ Wai 2341, #A41 Brief of Evidence of Arena Heta

- a. The Crown has not recognised and actively protected the tino rangatiratanga of Ngāti Uru during this mandating process; and
- b. The Crown has effectively forced Ngāti Uru to engage in a process they do not support.

Tino Rangatiratanga of Ngāti Uru

8. Pre-Te Tiriti our rangatira had sole dominion over our hapū lands. They exercised their own rangatiratanga within their rohe to provide balance and direction for our people.
9. The tikanga of holding hui on our marae to discuss important issues and whakawhitiwhiti kōrero on important take was widely established within our rohe. This was utilized in order to bring our hapū together and come to decisions as a hapū with a united voice. I do not know of any tikanga where an individual can purport to stand and speak for a hapū without that hapū consenting or even knowing. It is certainly not part of a Māori structure.
10. When our tupuna signed Te Tiriti o Waitangi in 1840, they did so with the belief that we would continue to maintain our rangatiratanga on our own lands and over our hapū. At no point did they think there rangatiratanga was being compromised.
11. But now, 174 years later, Ngāti Uru hapū rangatiratanga is being compromised in a way that disallows Ngāti Uru to exercise our right to choice, to exercise our ability to be rangatira.

Ngāti Uru - Forced Participation

12. As mentioned in my first brief of evidence, I was previously the hapū kaikōrero for Ngāti Uru on Tūhoronuku.
13. I wish to make it clear to the Tribunal that at no time did we ever support Tūhoronuku. We still don't.
14. Ngāti Uru have always opposed the Tūhoronuku body entering into a settlement with the Crown on our behalf. But prior to the elections for hapū kaikōrero representatives, and as the elections drew close, people started to get scared and worried.

15. We heard that a number of people were self-appointing and putting their names forward to represent hapū without having meetings and without securing hapū support so we decided that I would put my name forward. We thought that we had no other choice than to put our own kaikōrero up or risk someone else standing and purporting to speak for our hapū.
16. It was a hard decision for our hapū but at the end of the day we knew that it only took one person to nominate another person to be the Ngāti Uru kaikōrero. This is despite whether the hapū know them and/or agree to them being our kaikōrero. There is no hapū rangatiratanga in that process.
17. Luckily, no other names were put forward, I was confirmed as the Ngati Uru representative on Tūhoronuku. My hapū then instructed me to withdraw, so I sent a message to Tūhoronuku requesting that I be removal as our hapū representative.
18. A number of other hapū within the Whangaroa rohe did the same thing. There are hapū kaikōrero on Tūhoronuku, like I was, who do not support Tūhoronuku entering into negotiations with the crown on our behalf. We were scared into putting names forward when we didn't support the process. But what other choice did we have?
19. There are over 48 hapū within Whangaroa and that is only from one region of Ngāpuhi. The Tūhoronuku board has only 45 hapū representatives which is only a very small representation of ngā hapū o Ngāpuhi that have engaged in their process. Smaller again once you take away the hapū who are actually sitting in those positions who are in support. How can a small number speak for over 200 hapū of Ngāpuhi? Te Rūnanga o Whangaroa will not, and do not, support this.
20. Despite our desire not to be included, the Crown have made withdrawal from the Deed of Mandate unrealistic and impossible for Ngāti Uru.
21. Since the judicial conference held at the Copthorne, Waitangi in June 2014, Ngati Uru have still not been contacted by Tūhoronuku to discuss the settlement and extinguishment of our claims without our consent. We have had no contact with the Crown.

Dated this ^{7th} day of November 2014

A handwritten signature in black ink, consisting of stylized cursive letters, positioned above a horizontal line.

Arena Heta