

**Narrative: Whangaroa Involvement in the Waitangi Tribunal process**  
**By: P. Tauroa for presentation 11<sup>th</sup> Feb 2022 (Online Whangaroa Regional Hapū Hui**

I have been asked to utilise this zoom time to share with you all how Whangaroa came to be in this Waitangi Tribunal process.

So to begin at the beginning:

**1. The Treaty of Waitangi: Te Tiriti O Waitangi:**

I have listed the relevant decisions of the Crown regarding The Treaty of Waitangi, that have brought the Settlement animal alive. These are just key points and if you want to know more you can read more by logging onto these items on the internet.

How many signed Te Tiriti? About 540 Māori;

About 39 Maori signed The Treaty of Waitangi.

There are nine copies of the Treaty at Archives New Zealand, including the Treaty in Māori signed on 6 February 1840. All but one of these copies is written in longhand, and only one is in English. The original document in English has not been located.

**2. Treaty of Waitangi Act 1975 - New Zealand Legislation**

**The Treaty of Waitangi Act provides for the observance, and confirmation, of the principles of the *Treaty of Waitangi*.**

**3. Treaty of Waitangi Act 1975 - established the Waitangi Tribunal to deal with Tiriti grievances.**

On the 10<sup>th</sup> October 1975 – The Tribunal concluded that **governments** had breached the treaty on countless occasions since 1840, and that Pākehā New Zealand had been built on many broken promises and bad deals.

**4. The Waitangi Tribunal is not a court.**

It was established as a permanent commission of inquiry, its method of investigation differs significantly from that of a court in several important respects: Generally, the Tribunal **has authority only to make recommendations**.

Claims to the Waitangi Tribunal are **allegations that the Crown has breached the Treaty of Waitangi by particular actions, inactions, laws, or policies and that Māori have suffered prejudice** (harmful effects) as a result.

**5. Crown Forest Assets Act 1989. – New Zealand Legislation.**

Every forest that comprises principally exotic trees growing or standing on *Crown forest* land;

**6. The Crown Forestry Rental Trust : CFRT**

The Crown Forestry Rental Trust was set up under the Crown Forest Assets Act 1989, after the New Zealand Māori Council and the Federation of Māori Authorities took court action to protect Māori interests in the Crown's commercial forests.

The Act allowed the Crown to sell licences for forestry, but prevented it from selling the land itself until the Waitangi Tribunal recommends who has ownership of the land – Māori or the Crown.

CFRT provides funding to eligible Māori claimants to prepare, present and negotiate claims against the Crown, which involve, or could involve, Crown forest licensed lands, and The accumulated rental fees for all Crown forest licensed lands are returned to successful claimants who are the confirmed beneficiaries as a result of achieving negotiated settlements with the Crown. If, at the end of the Trust's operational life, it retains any Trust funds (which have not been returned to successful claimants), these funds will be returned to the Crown.

### 7. Forestry Agreement 1989

Made between the Crown, and the NZMC and FOMA, plus the amending Deed made on 17 October 1989.

### 8. Runanga A Iwi Act 1990: Runanga Iwi Act Repeal Act 1991

While the Act was passed in 1990 – it was repealed in 1991. These are the Political Actions that have been taken to address Maori concerns regarding Crown breaches of Te Tiriti O Waitangi: The Treaty of Waitangi.

### 9. Te Runanga O Whaingaroa

Established in 1987 by the then kaumātua living in Whangaroa. Included: Nuki Smith, Haupuru (Wallace) Heta; Charlie Hikuwai; Iwa Alker; Ihapera Baker; Hakopa Adams; Marlin Epiha; Sam Williams, H. Heta, Te Uru Heta, Ihaka Riwhi, Turo Tepania. Wilfred & Elizabeth Peterson, Wake and Henry Tua; Poihakena Kira, Doreen Renata, Hemirua Rapata and others. These kaumātua as a group, met with kaumātua from each of the rohe bordering Whangaroa to gain their agreement that Whangaroa was an iwi and rohe in its own right.

Te Rohe o Whangaroa was designated by Taitokerau kaumatua in 1945 with a whakatauki delivered by Arapata Taonui. That rohe whakatauki is maintained still by Te Runanga O Whaingaroa.

Due to the area described in the Whakatauki, it was determined by the Whangaroa kaumātua that the Runanga would include those who define Whangaroa as their hau kainga even though they whakapapa to Ngāti Kahu and Ngāpuhi. In reality it was established as Te Runanga O Ngāpuhi ki Whangaroa **and** Ngāti Kahu ki Whangaroa.

The Runanga was formally registered with a Constitution in 1991. Just for the record I was not a Board member of Te Runanga O Whaingaroa prior to 1991. I became the Treasurer following its registration.

The discussion on whether it should be Whaingaroa or Whangaroa continues.

### 10. I note that due to the Arapata Taniora rohe determination, Whangaroa does not lie within Te Whare Tapu o Ngāpuhi.

### 11. Registration of Wai 58: the Whangaroa claim.

The Wai 58 claim was filed by the Whangaroa Māori Executive in October 1987. The named claimant was Terry Smith, representing the Tribes of Whangaroa.

In 1992 the Kaumātua who were also members of Te Runanga O Whaingaroa moved a Runanga motion to transfer the claim to Te Runanga O Whaingaroa with Hiwi Tauroa as the named claimant. This motion was carried and actioned by the Waitangi Tribunal.

### 12. Formal claims to the Waitangi Tribunal under Wai 58:

The following additions have been made to the original Wai 58 claim:

- In June 1992 the Kohumaru Station was added following the Tribunal upholding an injunction being placed by Patricia Tauroa and Ihapera Baker on the proposed sale of the station;
- October 1992 Geothermal resources was also added to Wai 58
- In June 1996 Whangaroa Hospital Board Land was added when an injunction was placed by Hiwi Tauroa on the proposed sale by the then National Hospital Board Authority;
- In August 1997 Hiwi Tauroa placed an injunction on the Old Kaeo Post Office to prevent its sale by Far North District Council;
- In Dec 1997 a block of land in Turner street, Kaeo was also added to the Wai 58 claim.

It is noted that the above amendments and interactions with the Waitangi Tribunal occurred prior to the Waitangi Tribunal Hearings process for Northland claims. Also note that there were a small number of other registered Whangaroa claims besides Wai 58.

### 13. Waitangi Tribunal : Crown Forest Rental Trust: Te Taumata O Tangitu

Early in 1993, CFRT began resourcing claimants who held claims over Crown Forest lands. This included the Otangaroa Forests claimed by Wai 58. Funding was made available for further research. To receive funding a stand-alone group was required to be formed:

This body was called Te Taumata O Tangitū. Members were: Hiwi Tauroa (claimant); Te Uru Heta-:Chairman, Nuki Aldridge-:Co-ordinator; Committee members: Poihakena Kira, Leo Bowman, Paraire Eruera; Dan Pehi; Nancy Harris; Hariata Strongman. Kaimahi appointed: Secretary treasurer: Pat Tauroa; Administration: Doreen Puru; Research Oversight: Aroha Harris; Researchers: Pita Pangari; Lucy Te Awa; Tony Tuoro; Reuben Taniora; Anania Hohaia. Archives - Kawhi Kārena.

Funding was received for about 18 months when CFRT changed its funding criteria. At that time the 1995 CRFT Reported Otangaroa State Forest Claim as being “unique.” – largely as it claimed 10 Crown forestry blocks under one claim - Wai 58. **CFRT ceased funding in 1995.**

From this period on, Te Taumata O Tangitū although not officially active, continued to meet as a body for Judicial Conference meetings and also held regular meetings with Waimate Taiamai and Hokianga claimants with Ngāti Hine and Whangarei claimants often attending

meetings. The objective was to maintain our groups and to maintain continued communications with CRFT. Although Te Taumata O Tangitū was not operating fully, I attended all meetings as Te Taumata O Tangitū; Poihakena Syd Kira, Leo Pomana and other Whangaroa whanau often attended those meetings as well.

#### 14. Waitangi Tribunal : The Ngāpuhi Design Group

In the 1990s the Waitangi Tribunal held regular Judicial Conferences at Waitangi for Northland claimants and these were always attended by Te Taumata O Tangitū members. Over these years, Sonny Tau and Titewhai Harawira constantly requested that the Tribunal should hear Ngāpuhi claims. Consequently, at a Judicial Hearing in 1995\* Judge Williams instructed Ngāpuhi to form into a Group representing the eight CFRT regions in the north to **Design a Hearing Process for Ngāpuhi**: Thus the Ngāpuhi Design Group was formed.

#### 15. Ngāpuhi Design Group

The Ngāpuhi Design Group began meeting immediately, under the chairmanship of Sonny Tau. All those who held claims were entitled to attend the Design Group meetings. The first Whangaroa representatives on the Ngāpuhi Design group were Tāhua Murray and Erimana Tāniora. Both were not able to attend regularly and eventually each withdrew: Whangaroa representation was then maintained by Pat Tauroa. Meetings were open to any and all interested persons.

Much of the Ngāpuhi Design Group energies and time was taken up with educating many of the members about the Tribunal hearing processes. Also there was a constant reminder by legal counsel that the Tribunal was restricted in the period that they could hear claims on and that this could not include actions of the Crown prior to 1840. After several months with zero progress on a recommended process, Sonny Tau required that each rohe group was to return to the next hui with a written specific plan as to how they proposed that the hearings be held. A meeting to formulate a Whangaroa proposal was called. Just two people attended that meeting – Ani Taniwha and myself - Pat Tauroa. By chance, Mike Smith was in Kaeo and we asked him to join us and help us come up with an idea to take back to the Design Group.

Eventually our recommendation was that the Waitangi Tribunal **must immediately hold a hearing on the relationship between He Wakaputanga: The Declaration of Independence and Te Tiriti O Waitangi. We insisted that the relationship must be based on the Māori versions of Te Tiriti and He Wakaputanga.** Following that hearing the Tribunal could then realistically hear evidence on the breaches of Te Tiriti O Waitangi. On presenting our Whangaroa proposal to the Ngāpuhi Design Group meeting, it was immediately endorsed by all those present. The Waitangi Tribunal accepted the Proposed Design presented by the Ngāpuhi Design Group.

#### 16. Ngāti Kahu ki Whangaroa

At a regular monthly meeting of Te Runanga O Whaingaroa in 2001 a request was presented by Pita Pangari for the Runanga members to agree to the withdrawal of Ngāti Kahu ki Whangaroa from Te Runanga O Whaingaroa. Pita Pangari's Wai 116 Taemaro claim had been heard during the final stages of the Waitangi Tribunal Muriwhenua Wai 45 hearings and he requested the withdrawal so that he could progress his claim through negotiations and settlement as Ngāti Kahu ki Whangaroa.

Following considerable discussions, Wake Tua, who held the Kaitangata Wai 258 claim, stated that he would place his claim with Wai 116 and also seek progression as Ngāti Kahu ki Whangaroa. With the majority of the meeting in agreement, the withdrawal of Ngāti Kahu ki Whangaroa from the Te Runanga O Whangaroa Board was approved.

### 17. Crown Forestry Rental Trust : Whangaroa Papa Hapū

Early in 2003, Crown Forest Rental Trust had revised their processes and began again funding Wai claimants to research their claims. Any claim that could include Crown Forests would be resourced to carry out research. Crown Forest Rental Trust kaimahi met with Te Taumata O Tangitu to advise of their new process and to consider participation.

Whangaroa claimants at that time who agreed to work collaboratively to proceed with their claims were: Wai 58 -Hiwi Tauroa; Wai 919 -Ivy Williams; Wai 179 – seconded by Ani Taniwha and Syd Kira; Wai 230 – Dover Samuels – seconded to Pat Tauroa; Wai 1312 – Kana Pourewa with Tarzan & Waereti Hori.

Membership of the Whangaroa Papa Hapū at that time were: Uru Heta – Chairman, Syd Kira, Ani Taniwha, Hiwi Tauroa, Kana Pourewa, Ivy Williams, Iwa Alker, Toka Williams, Pat Tauroa – (on behalf of Dover Samuels). Erimana Taniora was appointed secretary, Pat Tauroa – treasurer. Other people joined the Papa Hapū as they saw fit to do so. New members were Nuki Aldridge, Bryce Smith, Louisa Collier, Rihari Dargaville, Iris Niha, Ihapera Baker, Tāhua Murray, Louie Kātene, Tarzan & Violet Hori amongst others.

Te Uru Heta remained as Chairman and requested that Te Taumata O Tangitu be renamed Whangaroa Papa Hapū to ensure that all hapū of Whangaroa would be able to participate whether or not they held an individual claim.

Other existing claimants and future claimants were free to join the Papa Hapū if they choose to. However, those five claimants agreed to a Memorandum of Understanding that would see them work together. Future claimants wanting to join were required to also agree to the MOU. Whangaroa Papa Hapū was resourced by CFRT to begin preparation of their claims for presentation to hearings.

The Waitangi Tribunal had also widened its claims scope and many individuals and whānau filed claims with the Waitangi Tribunal. Most within the Whangaroa rohe choose to join with the Whangaroa Papa Hapū to progress their claims while others presented through other claimant groups.

### 18. Te Paparahi O Te Raki Hearings Process

#### Stage One

The Ngāpuhi Design Group at one of its early meetings, considered a name for the Hearing Process. It was generally agreed that Tai Tokerau did not adequately cover the whole of the area that was covered by the claims. Ngāpuhi Hearings was also not favoured as many people held more significant whakapapa to hapū other than Ngāpuhi. Matua Patu Hōhepa eventually nominated the name Te Paparahi o Te Raki which includes the area from the North Shore of Te Waitematā to a line from Whāngapē harbour to north of the Whangaroa Harbour. This was unanimously approved.

The first Te Paparahi o Te Raki hearings the - Stage One Hearings – were held at Te Tii marae Waitangi between May 2010 and /February 2011.

### **19. 2014 Stage One Report**

The Stage One Report is the result of the hearings of claims made by kaumatua from around Ngāpuhi and the Te Paparahi O Te Raki rohe, who presented evidence regarding the relevance of He Wakaputanga to and with Te Tiriti O Waitangi in terms of Te Ao Māori tikanga and kaupapa.

The Stage One Report of the Waitangi Tribunal was handed over to Maori at the Te Tii Marae, Waitangi on the 15 November 2014.

In essence the Report found that Ngāpuhi did not cede their rangatiratanga to the Crown in 1840 at the signing of Te Tiriti O Waitangi.

### **20. Te Paparahi O Te Raki Stage Two**

Following the completion of the Stage One hearings, claimants continued with their preparations of presentation of claims to put before the Waitangi Tribunal in Stage Two of the process to present claims of injustices against the actions of the Crown. Around 420 claims were heard in the Te Paparahi O Te Raki hearings.

The Waitangi Tribunal stipulated 14 issues that they wished to hear evidence of injustices on, with a further two issues relating to two specific sub-regions.

- 1 Tino Rangatiratanga, Kāwanatanga and Autonomy; Political engagement between Maori and the Crown.
- 2 Old Land Claims, Scrip and Surplus Lands.
- 3 The Northern War, 1844 – 1846
- 4 Crown Pre-emption and Acquisition of Māori land, 1840-1865.
- 5 The Native Land Court, 1865-19
- 6 Māori Land Alienation, 1865- 1900.
- 7 Twentieth Century Alienation, Retention, Titling and Administration of Māori Land
- 8 Public Works and Other Takings
- 9 Local Government and Rating
- 10 Ownership and Management of Environmental, Water and other non-land resources
- 11 Takutai Moana/Foreshore and Seabed.
- 12 Economic Development and Capabilty
- 13 Socio-economic Issues
- 14 Te Reo Māori, Wāhi Tapu, Taonga and Tikanga Remaining sub-regions

### **21 Te Kotahitanga**

The wider rohe groupings, including Whangaroa, continued to maintain their groups, meetings and relationships across the wider Taitokerau rohe meeting together as Te Kotahitanga. Meetings were held regularly and unity of purpose was maintained.

At a Kotahitanga meeting in Kaikohe in October 2015\* members were made aware that the Ngāpuhi Runanga had formed Tūhoronuku – a body that would take Ngāpuhi claims through the settlement process. Tūhoronuku was agreed to and funded by the Crown.

## 22. Tūhoronuku

The forming of Tūhoronuku by the Ngāpuhi Runanga, and its endorsement by the Crown, did cause concern. To ensure that Whangaroa was kept up to date with that process, three Whangaroa hapu elected representatives were appointed to be on the Tūhoronuku Board. The eventual establishment of the Maranga Mai process did go some way towards progressing a claims process for negotiations and redress. However, its eventual demise – however much some tried to bring about unity, was doomed to failure.

*AND HERE WE STAND TODAY. WHAT HAVE OUR GAINS BEEN?*

In short the positive I see is a Waitangi Tribunal finding that **Māori did not cede their sovereignty when our tupuna signed Te Tiriti.**

Yes the Crown gives us opportunities to voice our concerns: **they listen with deaf ears and go on doing what they wish to do.**

They have established a Sovereignty Fund to invest in commercial entities: **commercial entities that are already polluting the environment.**

There is still a process that we need to embrace and vary where necessary if we wish to see sound progress and eventual redress for the wrongs dealt out to our tūpuna Māori and our people by the succession of Crown entities, Governments and all other bodies that have refused to acknowledge the Tino Rangatiratanga that our tūpuna held so strongly to. Now it's our turn to hold to our Tino Rangatiratanga.

If we want to see any redress in our foreseeable future, then the processes that are needed to achieve that outcome, are here with us right now: we need to work on them; promote them and action them: for our hapū, our tūpuna, our tamariki, our future and ourselves.

**There is still a long way to go and a lot of mahi to be done. A few are not able to do that mahi on their own.**

*SO....WHAT DO YOU SEE AS A WAY FORWARD?*

*IS THE PAPA HAPU ON THE RIGHT TRACK? IF NOT – WHAT ARE YOUR SUGGESTIONS?*

*WHAT WILL REGISTRATION DO? REGISTRATION OF WHAT?*

*HOW WILL YOUR HAPU MAKE PROGRESS? WILL YOU HELP YOUR HAPU?*

*WHAT DO WE INCLUDE IN THE TERMS OF REFERENCE FOR WORKING WITH THE CROWN?*

*HOW CAN YOU HELP THIS PROCESS TO PROGRESS?*