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Wai1040, #C29

BEFORE THE WAITANGI TRIBUNAL

WAI 1850

WAI 1040

IN THE MATTER

THE TREATY OF WAITANGI
ACT 1975

AND

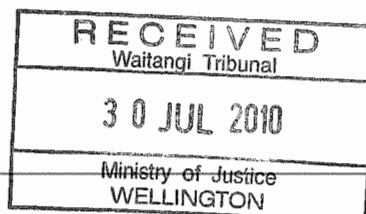
IN THE MATTER

HERA EPIHA FOR AND ON
BEHALF OF NGĀTI KURA,
NGATI REHIA AND NGATI
KAHU KI WHANGAROA

BRIEF OF EVIDENCE OF HERA EPIHA

Dated 30 July 2010

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Brief of Evidence of Hera Epiha
Waitangi Tribunal Hearing, Wai 1850

O Tenei Au, Te Ao Maori

Mana Atua

Te Pu

Io

Papatuanuku

Ranginui

Tane Mahuta

Tangaroa

Tumatauenga

Tawhirimatea

Rongomatane

Ruaumoko

Haumientikeitikei

Mana Whenua

Moana-nui-a-kiwa

Te Waipounamu / Te Ika a Maui

Te Ika a Maui

Tai Tokerau

Whangaroa

Whakarara

Matauri
Kopua Kawau
Motu Kawanui/Motu Kawaiti.

Pepeha

Ko Mataatua te waka
Ko Pahi te tūpuna
Ko Ngati Kura te hapu
Ko Te Tapui te marae
Ko Ngapuhi te whare tūpuna
Te Ohonga Reo o Matauri
Te Kura Kaupapa Maori o Whangaroa

Whakapapa

Te Paora Hoori = *Haereata Parangi*
Te Paea Hoori = *Hobepa Te Waoku Netana Epiha*
Marlin Epiha = *Huhana Wiremu HeiHei*
Hera Epiha

- [1] My name is Hera Epiha. I am a Mother and I currently reside at 1473 Matauri Bay Road, Matauri Bay, Northland. I am 48 years of age and was born at Kawakawa. In the world of Ao Maori I am 16 years of age.

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- [2] I am a product of the pakeha world in which the Declaration of Independence 1835 ("Declaration") is an untold story. This is my 16 year passage in securing some of the aspirations of my tūpuna, as they had destined for me when signing the Declaration.
- [3] My evidence, is a case in point of Maori post 1835, still living by the principles agreed to in the Declaration by our tūpuna. What was in the minds of Maori pre 1835, lives in the minds of Maori post 1835 leading up to today. While the Crown refuses to acknowledge the rangatiratanga of Maori, our minds are free to follow the dreams of the tūpuna as set down in the Declaration.
- [4] I am claimant in Wai 1850 claim which is for and on behalf of all members of Ngati Kura, Ngati Rehia and Ngati Kahu ki Whangaroa.
- [5] This brief of evidence addresses:
- a. How I as Māori understand the Declaration, but more specifically my understanding as handed down from my elders, including the nature of the relationship and the mutual commitments they were assenting to in signing the Declaration; and
 - b. The effect of the Declaration; and
 - c. How I as Māori understand the Treaty of Waitangi 1840 ("Treaty"), but more specifically my understanding as handed down from my elders, including the nature of the relationship and the mutual commitments they were assenting to in signing the Treaty; and
 - d. The effect of the Treaty.

Whanau background

- [6] I was brought up at Te Tii in the Bay of Islands. Te Tii was a small tight knit, east coast community which provided a rich social life for my siblings and I, growing up. In my younger years, I spent hours every day playing with cousins all over our whenua. We roamed freely as children. A lot of my time was spent at my grandfathers home. His name was Hohepa Te Waoku Netana Epiha. His whare was right on the beach and the whenua was known as Te Aute. I still reflect warmly on the days we swam down at the wharf, sometimes clothed and other times naked. We had no need for towels, we just laid on the rocks next to the wharf and dried off naturally and when we were hungry, we ate the oysters straight off the rocks. Life was simple.
- [7] Behind Aunty Te Mamae and Uncle Reihana Kaiawe's home, the whenua was covered with pear and fig trees and through the centre of Te Tii were various types of peach trees. I spent hours as a child clambering through them and eating the fruit with my cousins. My whanau had few material possessions. I guess, pakeha considered us poor by their standards and yet we were never short of food. It was a happy period in our lives, and we were content just being with one another.
- [8] Even in adulthood, I still have warmhearted memories of our home at Te Tii. The warmth from the wide fire place with the heavy cast iron pots hanging on an iron bar over the fire. It was the men's job to move the pots because of their weight and in our home, my uncles also did most of the cooking.

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- [9] At that time I had six brothers and nine sisters in my whanau and for a period, nine of my siblings were living at home, two went to close whanau as whangae and four attended Mormon college in Hamilton. At that time, our home was a small one bedroom bach. We all slept where we could, with the exception of my two eldest brothers who slept outside in car shells.
- [10] As a child I spent a great deal of my time around the old people and their ways of our culture. Immersed naturally in our culture, I spoke te reo Maori fluently from the age of four.
- [11] My whanau moved from Te Tii to Kerikeri some years later. At that time Kerikeri comprised mostly of pakeha, with the exception of three Maori whanau, including mine. As a child, there appeared to be little difference between the cultures. Before long I was living and speaking the culture of Ao Pakeha, to the detriment of Ao Maori.
- [12] My parents wanted us to pursue Ao pakeha and encouraged us to speak English only. As a whanau, we shifted psychologically from a culture that was natural to us, to living as a pakeha. My schooling, the people and the society I lived in, shaped who I became. I thought of myself as a pakeha, with a slightly darker complexion.
- [13] Later in life, my first husband and I lived overseas for a period. After returning to New Zealand, the intolerance of pakeha for Maori was very noticeable and I found the experience quite distressing. Up to then, I had believed that pakeha and Maori were equal, instead we were seen as second class citizens in our own country. As a reaction

to this eye-opener I developed a longing to reconnect with my whanau and return to my tūpuna's whenua at Matauri Bay. It was not until 1994, that I made the journey back to Matauri Bay where my mother, father and younger sibling were living. This was the beginning of my education in the world of tangata o te whenua.

Following the aspiration of our tūpuna - the world of tangata o te whenua, the world of tangata o te whakaputanga.

- [14] There are five key people who inspired, contributed to and guided my understanding and progress in Te Ao Maori. Mervyn Mariner, my father Marlin Epiha, my mother Huhana Heihei, and my children Karamia and Patariki Epiha Holster. My understanding of Te Ao Maori is the same as my tūpuna when signing the Declaration. To be and live as Maori on our own terms, first and for most.

Mervyn Mariner

Living the ways and beliefs of Ao Maori - knowledge of a tohunga. Why would our tūpuna agree to anything but living the ways and belief of Ao Maori?

- [15] Mervyn Mariner ('Merv') taught me and others about Ao Maori. He lived in Ahipara and would travel down to Matauri Bay to spend time with us. Members of the group I associated with at the time considered Merv a tohunga and followed his tutor ledge .
- [16] He taught me about kawa, the whakapapa of stars and creation whakapapa. Creation whakapapa helped me identify and reconnect

with my tūpuna: Papatuanuku, Ranginui, Tane Mahuta, Tangaroa, Ruaumoko, Rongomatane and Haumietikei.

- [17] Every day I wake with a clear understanding of kawa and whakapapa and I open my mind to an ancestral mode of thinking as my tūpuna had. This is a knowledge that is intrinsic in tangata o te whenua and identifies who we are, what our responsibilities are, our purpose, our connection to others and it ultimately talks about the natural preservation and survival of Maori.

Living and cultivating as our tūpuna did using the principles of Ao Maori

- [18] As my tūpuna had, I wanted to provide for myself, and survive off our whenua using the same principles they had lived by for centuries. The gardens that we planted in kumara, tupu and reka were a great success. It was exciting and encouraging to sustain ourselves and our whanau from the whenua. The work itself was very hard but we were surviving and living our dream. We were living on our terms.

The fight to live as our tūpuna intended us to under Declaration of Independence 1835. Why would our tūpuna stop us from providing for ourselves?

- [19] We were self sustaining on our whenua and yet we were still outside the imperatives of the controlling incorporation. As a result, we were served with trespass papers and some members of our group were imprisoned for a period for refusing to leave our whenua. We were eventually evicted for living as our tūpuna had done before us.

- [20] The focus of the incorporation centred around economic gain, whereas our aspirations as tangata o te whenua was simply to survive

and provide for ourselves and our whanau hapu, while adhering to traditions. Secondly, we looked to trade in the Koha-marae based system and then further afield in Auckland in the pakeha system. I would like to stress that trading for financial gain was a secondary concern. Merv said to us, the natural order for Maori was always he tangata, he tangata, he tangata first.

- [21] The Whakaputanga would have provided the framework on which Maori could have melded old and new, ensuring that we could continue to provide for ourselves and trade cohesively. It would have provided a platform where we could thrive as Maori, interrelating amicably with other Maori, as well as pakeha.

Teachings of a tohunga - the place of the pou wahine in Ao Maori. Why would our tūpuna allow the keepers of life and the principles surrounding pou wahine to evaporate?

- [22] Providing for ourselves and using maramataka, made me more aware of the natural connections and parallels between seasons, the procreation of healthy whenua, the structure of the Maori calendar on a 28 day cycle and pou wahine.
- [23] Pou wahine were held in the highest esteem and responsible for directing or providing an overview of the decision making process within the whanau hapu. This remained the status quo until the introduction of Christianity, at which stage the position and function of Maori woman changed greatly, to their detriment. Up until then Maori society was structured around the whenua, pou wahine, te taumata, rangatira and nga toa. The pou wahine was the carrier of the

placenta, which Maori likened to the whenua, and it was from the placenta that all life originates. The Declaration sought to preserve the fabric of Maori society, the Rangatiratanga of Maori and the place of the wahine.

The importance of creation whakapapa in the world of Ao Maori.

- [24] An understanding of creation whakapapa revealed the vocabulary used to clarify the universe as tangata o te whenua. Clarity in our thinking was generated from concepts within the world of Ao Maori only. Today the mixed or subsumed world Ao Moari into Ao Pakeha has distorted our values as Maori. As a consequence of this, it is important for Maori to continually reflect and clarify through the eyes of tangata o te whenua only. Merv spoke about three important principles to maintain in our culture regarding creation whakapapa. It is important to focus on 'identification', 'identification', 'identification'. Words that do not exist in the vocabulary of creation whakapapa, do not exist at all. (it is not fact) An example of this, are the words “sovereign” or “sale of land”. Maori would never have acknowledged these words.
- [25] The Declaration guaranteed the retention and preservation of this understanding, to ensure that the structure of Maori society functioned with clarity and stability, preserving our independence as Maori, while ushering in pakeha.
- [26] Te reo Maori is more than just a language for communicating. Our language is a medium used to decode the purpose and responsibilities

of the whenua, resources, hapu and the unlocking of individual responsibilities held in our names. It structures and gives greater meaning to Ao Maori, allowing the participants to see what is real (fact) and of true importance. It provides a view of our universe, where each and every living being plays a part. There is no hierarchy or distinction between a person or an insect. The harmony and synergy between living beings was one of the most important concepts. All living things had a purpose and place. Merv described the beach as people, plants as people, trees as people, insects as people and so on. Whatever we could see bore a resemblance to people, even a blade of grass. We were all of equal importance and we all shared a relationship with one another.

- [27] Our tūpuna understood these natural principles and the abundance that came from pursuing balance and harmony between living beings. These are the principles our tūpuna was attesting to when signing the Declaration.

Marlin Epiha - elated in the knowledge of the Declaration of Independence 1835.

- [28] My Father, in his later years, lived and immersed himself in Ao Maori in his walk through life. His name was Marlin Epiha. With his ability as an orator, he had little fear speaking for his rights as a Maori. He met regularly with other leaders in the Tai Tokerau community as well as speaking on the morning radio about issues concerning Maori. Those who knew my father, knew him for his charisma and passion on these issues. I am unsure exactly when, dad and others formed the

Tai Tokerau Promotions Society, but Marlene (sister) and I often went with our father to listen and sometimes participate in their discussions. Dad and a few of the members of that group later formed the Taumata Kaumatua o Ngapuhi Nui Tonu.

- [29] I remember when the Taumata Kaumatua o Ngapuhi Nui Tonu discussed to the Declaration, or the whakaminenga, as they called it. It excited and stimulated their wairua, cementing within them their purpose in life and reconnecting them with their tūpuna . The Declaration affirmed Dads right as tangata o te whenua to live on his terms, as his tūpuna had on their whenua.

The battle to live as tangata o te whenua - why would our tūpuna put us as te tangata o te whenua in a position where we need the permission from an entity that does not exist in Ao Maori?

- [30] He fought the Maori incorporation, disregarding their demands and refusing to allow a new regime to control the manner in which he lived on his whenua. An incorporation is a product of Ao pakeha. In the world of Ao Maori, incorporations do not exist (not fact). The two world are diametrically opposed to one another.

- [31] The system of Ao pakeha has dissociated us from our true selves, including the knowledge that underpins our culture, by creating identities that are not real (not fact). The system of Ao pakeha focuses primarily on the realisation of capital wealth, at the expense of all else. You have to ask yourself, why would our tūpuna ever agree to this?

[32] It was his unwavering determination to follow the dreams of our tūpuna that encouraged me to make my stand as a Maori. I did not have to align myself completely with the principles of the incorporation or Ao pakeha. I follow the principles of Ao Maori, as my tūpuna guaranteed under the Declaration.

[33] In 1995, the Taumata Kaumatua o Ngapuhi Nui Tonu met to reaffirm their resolve and belief in the Declaration, as the founding document of Maori independence. A duplicate of the Declaration was signed by my father and other kaumatua as the descendants of the original signatories. It was then sent to the United Nations as an international reaffirming of Maori independence.

The handing over of responsibilities as kaitiaki - why would our tūpuna put us as tangata o te whenua in a position where we were unable to fulfill our role as kaitiaki?

[34] When my father passed away, I became the kaitiaki to the whenua at Mahimahi , Te Tapui marae, Te Ohonga Reo and Te Kura Kaupapa Maori at Matauri.

[35] The handing over of responsibilities from my father was an important period in my life because I realised for the first time, that the rights and principles that he had lived by, were for the most part, disregarded or even forgotten by most other Maori in our community. The dollar and Ao pakeha had permeated Maori minds deeply and the links to whakapapa and the aspirations expressed in the Declaration by our tūpuna no longer touched the Maori psyche.

[36] As kaitiaki, it soon became clear to me that I was unable to fulfill my obligations and protect whanau hapu interests. In the pakeha world, everything revolves around money. Everything is codified, regulated and taxed with decisions requiring a permit, a consent, quality control or court order. Money, money, and more money. Because I lacked money, it was difficult to protect or defend the principles of Ao Maori that my dad and I lived by. I now understand why so many Maori are hesitant to challenge or buck the system. The price you pay for standing up against the system can be debilitating, sometimes costing you: your personal liberty; or personal relationships between yourself and other whanau or whanaunga; and, or leaving you encumbered with personal debt.

Huhana Wiremu Heihei

A desire as tangata o te whenua to re-establish and strengthen Ao Maori in the minds of Maori. Why would our tūpuna not have wanted to keep Ao Maori alive and strong within the minds of Maori?

[37] My Mother, Huhana Wiremu Heihei was important in fostering my knowledge of whakapapa.

[38] Because of my mother's determination and others like her, an Ohonga Reo at Matauri Bay was established. As part of fulfilling her dream, she sat her Whakapakari o nga Rangatiratanga qualifications, enabling her as kaiako to teach creation whakapapa in te reo Maori to the children. To this very day her first language is te Maori. Teaching our children the foundation principles of Ao Maori was her dream.

[39] Whenever we were together as a whanau, mum enjoyed discussing

each and every facet of Whakapakari o nga Rangatiratanga. Our lives were, and are, one of wananga, wananga, wananga, i nga wa katoa. This is the norm for my whanau. During this particular period we considered every aspect of whakapapa, dissecting and turning it inside out. If it could stand up to analysis, on its own merits and without dispute, only then was it accepted as being correct (fact).

[40] Mum walked the whenua with us at Matauri Bay and talked about where and which resources were available. We sat on the beach watching the tides come and go, high to low. We lay on the sand at night, gazing at the stars (Matariki) and as she explained the phases of te marama. We learnt tito waiata identifying our maunga, awa, moana, waka, hapu, marae, whare tupuna, Io, and the naming of all the surrounding islands in te reo Maori.

[41] 'Kei a koe to tikanga' is a favourite saying of mum's that I use. (Only you have the ability to make decisions for yourself) This saying epitomizes what the Declaration stood for. To live under your own terms and to have free will within the bounds of being Maori, this is my Mum.

The belief, spirit and strength gained from Ao Maori. Why would our tūpuna ever want this denied?

[42] In June 2009, my mother suffered a stroke that affected her entire brain. The doctors told us that she had no brain activity and was not expected to survive longer than a couple of days. Despite the doctors opinion, we gathered by her, we talked, joked and her mokopuna sang waiata with the sweetest of voices. The love that we felt for her

transcended the threshold of life and death. She heard us and responded to our karanga and the call of Ao Maori . Her te rerenga wairua soared back to us and her body filled with life as though reborn again. She has re-learnt how to open her eyes, how to focus, to see, to swallow, to talk, to laugh and cry with all of her heart, (she had taught us to do the same), to eat, to feed herself, to sit and to walk.

[43] This accomplishment, despite all the setbacks is a tohu and an example of what is now taking place with Northland treaty claims. This is about our (Maori) belief in the Declaration, our tūpuna and a new future promised to us (Moari) some 175 years ago.

[44] I am confident that our children having come through this process and educated in Ao Maori, will continue to realise the dreams and aspirations of their tūpuna long into the future.

Karamia & Patariki Epiha - Holster

[45] I saw the need to pass on knowledge of whakapapa to our young children as an important and natural process. This thought became more pressing, when it was evident that there were gaps in early childhood education for Maori.

[46] After spending further time away from Matauri Bay, I returned in 2003. My new partner and I made the decision to move back home to enable our children to attend Te Ohonga Reo o Matauri. This was important to us, because we wanted our children to be educated in pure Maori whakapapa (fact) at our Ohonga Reo without the

influence of Christian orthodoxy.

- [47] Our children have walked their whenua and seen with their own eyes, and felt with their own hands all that their tūpuna left for them.
- [48] For a period our hapu were the kaitiaki of the waka mataatua which was housed at Matauri Bay, down at the beach. Our children visited the waka every day and could hongi the ihu at the front of the waka. They could touch and feel the faces of their tūpuna carved on the sides of the waka.
- [49] Our children have now moved on to Te Kura Kaupapa Maori o Whangaroa. I am heartened that all the students at the Te Kura Kaupapa Maori o Whangaroa are all linked through whakapapa to Karamia and Patariki. Additionally, the principles of the kura are well grounded in Ao Maori and Te Aho Matua. They are: Te Reo; Ahuatanga; Ira Tangata; Nga Iwi; and a commitment to whanau decision making based on tikanga Maori.
- [50] Our children are different from us. They are conscious that they are special and are proud to be Maori. Their world is Ao Maori first and their first language is te reo Maori. Their primary thoughts and beliefs are sculptured by the knowledge of their culture, not pakeha. This is the dream of our tūpuna, the strengthening and survival of Ao Maori as expressed in the Declaration. All that is needed now, is recognition of it (Declaration) by the pakeha.
- [51] Karamia, with the knowledge of the Maori alphabet and phonetic sounding, taught herself to speak, read and write English. This is

significant because, I believe our tūpuna were of high intelligence and adapted quickly to the pakeha way of communicating.

- [52] Our two children have been an inspiration to my partner and I. Karamia is now 9 years of age, Patariki is 8 years. I am 16 years of age in the world of Ao Maori.

Declaration of Independence & Treaty of Waitangi

- [53] The process of building a business relationship brought about the Declaration (from the first signatories, the last obtained in 1839). It is important to stress, what ended up as the Declaration was about a process. When the Chiefs signed the document, they were signing their understanding of an ongoing process, (living document) which included all hui and korero before 1835.

- [54] The Declaration is about tangata o te whenua.

- [55] If Maori had been satisfied that they were protected and autonomous in every way, they would have worked with the Crown to establish roles and responsibilities, including providing British settlers with immigrants rights and access to resources within Te Ika o Maui. This was to be in the form of the Treaty. Instead, the Treaty became a platform for the Crown only, it had no regard to the Declaration whatsoever.

[56] Te Tiriti identified the role of the Crown, subject to the provisions included in the Declaration, which included the: Upholding the kawa over the whenua and tangata; giving the pakeha the first option to buy land from Rangatira, in ways agreeable to both parties, and to protect, impart rights and privileges of British subjects. To clarify, the mutual benefits of this business arrangement are: the Declaration acknowledged and guaranteed for Maori self determination into the future without interference from the Crown; and Te Tiriti gave authority to the Crown to uphold kawa of tangata o te whenua and govern their own (Crown) pakeha subjects as well as giving the (Crown) pakeha subjects consent to be in New Zealand.

Hera Epiha

30 July 2010