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

**WAI 1040**
**WAI 354**
**WAI 1535**

**MO TE TAKE O** Te Ture Tiriti o Waitangi 1975 (kua whakawhitia)

**ME**

**TE TAKE O** Te Paparahi o Te Raki Inquiry

**ME**

**TE TAKE O** a claim by **Arapeta Wikito Pōmare Hamilton** on behalf of **descendants of Pōmare II and members of the Ngāti Manu, Te Uri Karaka, Te Uri o Raewera and Ngapuhi ki Taumarere tribes (Wai 354)**

**ME**

**TE TAKE O** a claim by **Joyce Baker and Deon Baker** on behalf of **descendants of Pōmare II and members of the Ngāti Manu, Ngāti Rahiri ki Waitangi, Te Uri Karaka, Te Uri o Raewera and Ngapuhi ki Taumarere tribes (Wai 1535)**

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## OPENING STATEMENT

**Dated this 15th day of May 2013**

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RECEIVED
Waitangi Tribunal
15 MAY 2013
Ministry of Justice
WELLINGTON

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**May it please the Court:**

1. This opening statement is filed on behalf of **Arapeta Wikito Pōmare Hamilton**, claimant of **WAI 354**, who has filed a claim on behalf of descendants of Pōmare II and members of the Ngāti Manu, Te Uri Karaka, Te Uri o Raewera and Ngapuhi ki Taumarere tribes; and **Joyce Baker** and **Deon Baker**, claimants for **WAI 1535** on behalf of the descendants of Pōmare II and members of the Ngāti Manu, Ngāti Rahiri ki Waitangi, Te Uri Karaka, Te Uri o Raewera and Ngapuhi ki Taumarere tribes.

## INTRODUCTION

2. When Pomare II, rangatira of Ngati Manu, Te Uri Karaka and Te Uri o Raewera added his mark of authority to Te Tiriti o Waitangi on 17 February 1840, he did so with the belief that his relationship with the Crown would bring further prosperity to his Hapu. That the relationship already established through the first sacred covenant - He Whakaputanga o nga Rangatiratanga o Niu Tirani in 1835 would be cemented, with promises of future abundance for his people.

3. Pomare II was a strategist, he formed relationships with those who would bring benefit to himself and his Hapu. Following the destruction of Kororareka, in the face of adversity Pomare II was able to lead his people into wealth, establishing Otuihu Pa as the most successful trading post in the Bay of Islands. The relationship that he had formed with Clendon, the American Consul, had proved fruitful, and he expected that solidifying his relationship with Hobson would bring greater returns.

4. It was never anticipated that within five years of entering into the second sacred covenant with the Crown, that the vast empire of Ngati Manu, Te Uri Karaka and Te Uri o Raewera would be plundered and destroyed, and that the mana of the great mastermind, Pomare II, would be diminished at the hands of the Crown who failed to honour the sacred covenant.

5. In 1845 when the "Battle of Kororareka" took place, Pomare II took his waka taua to Te Wahapu to look after his European Traders. Other sections of Ngati Manu went to participate in the battle, however Pomare II remained neutral. In spite of this, unprovoked, the Crown attacked Otuihu Pa and

captured Pomare II while he was waving a white flag, tying him up in chains and belittling him for all to see.

6. Otuihu was looted and then burnt to the ground, destroyed, like the hopes of Ngati Manu that the promises made to them by the Crown would be honoured.

**ISSUES TO BE DETERMINED**

7. The descendents of Pomare II, Ngati Manu, Te Uri o Raewera and Te Uri Karaka seek that the Crown remedies that numerous breaches of Te Tiriti o Waitangi that have significantly impacted on their hapu. The breaches include the following:

   (a) The wrongful imprisonment of Pomare II in 1845.

   (b) The destruction and looting of Otuihu Pa in 1845.

   (c) The loss of Ngati Manu lands at Ruapekapeka, when gifts of peace were offered to the Crown from other hapu, resulted in their lands being sold without their knowledge.

   (d) The failure to properly survey the Te Ruapekapeka Block, resulting in the loss of Otarare Urupa.

   (e) The failure to properly investigate Ngati Manu claims to their continued interests in the Lands of Kororareka.

   (f) The failure to properly investigate Ngati Manu interests in pre-Treaty transactions of the following areas: Kororareka, Waitangi, Paihia, Opua, Okiato, Taiamai Tautoro, Te Waimatenui, and Ruatangata.

   (g) The taking of lands in the following areas as surplus lands: Kororareka, Waitangi, Paihia, Opua, Okiato, Taiamai, Tautoro, Te Waimatenui, and Ruatangata.

   (h) The taking of Motuorangi Island, Toretore Island, and Motutokape Island from Ngati Manu ownership.

   (i) The taking of Ngati Manu lands for roadways and railway lines without the payment of compensation - especially from Kawakawa to Te Karetu

and through to Opua.

(j) In purchasing Ngati Manu lands, the failure to ensure adequate reserves would be available for Ngati Manu descendents, and that Ngati Manu wahi tapu and sites of significance were properly looked after.

(k) The formation and operation of the Native Land Court where Traditional Ancestral Lands were lost to Hapu ownership by a system that failed to protect Ngati Manu collective interests.

(l) The failure to protect and enhance Te Reo Maori o Ngati Manu.

(m) The failure to develop a housing scheme that would enable Ngati Manu to remain living on their ancestral lands.

(n) That the fishing areas and mahinga mataitai areas of Ngati Manu be acknowledged by the Crown as a taonga and that Hapu management of these areas be implemented.

**EVIDENCE**

8. Ngati Manu claimants have agreed to present its evidence in relation to the following themes:

(a) Mana Rangatiratanga;

(b) Mana Whenua;

(c) Mana Tangata; and

(d) Te Utu mo nga Hara.

**Mana Rangatiratanga**

9. Mana Rangatiratanga will deal with the assertions of Maori leadership and the manner in which it was actively undermined by Crown actions. The evidence will illustrate whakapapa and the traditional relationships between and amongst hapu and their leaders, and the complex social matrix that existed to maintain relationships by Ngati Manu with their lands and their kin.

10. For the claimants, evidence will be presented on Wednesday afternoon by **Arapeta Hamilton** (Brief #1: Document #F012(a)) addressing foundation

korero and key whakapapa of Ngati Manu.

11. Mana Rangatiratanga also includes a series of presentations on Ngati Manu tupuna wahine. On Wednesday afternoon evidence will be presented by the mana wahine of Ngati Manu, highlighting key tupuna wahine of Ngati Manu who exercised tino rangatiratanga and leadership:

(a) Judith Harawene (Brief #1: Document #F010);

(b) Paranihia Heeni Pomare (Document #F011);

(c) Emma McIntyre (Document #F013);

(d) Lynette Cherrington (Document #F014);

(e) Meretini Ryder (Document #F015); and

(f) Parehuia Tangira (Document #F035).

12. These briefs of evidence will set the scene for evidence which shows how the imposition of war and invasion, and the persecution of Pomare, were used to undermine the tino rangatiratanga of Ngati Manu.

**Mana Whenua**

13. The evidence on Mana Whenua will address the loss of Ngati Manu land and resources. Evidence will be presented on Te Rohe o Ngati Manu; and the loss of land through pre-Treaty transactions, Crown purchasing and the Native Land Court.

14. The following briefs of evidence will be presented on Thursday morning and will outline how significant tracts of Ngati Manu lands became lost from their hapu ownership and control:

(a) **Arapeta Hamilton** (Brief #2: Document #F022(a)) - this brief of evidence will outline the traditional boundaries of Ngati Manu and will provide case studies on the loss of whenua. Mr Hamilton will go on to outline a number of wahi tapu and sites of significance that have been alienated from Ngati Manu, and the extent of their struggles to protect these sites.

(b) **Joyce Baker** (Document #F016(c)) – Mrs Baker will present evidence on the lands of Kororareka and Kaipatiki, outlining how these lands

were lost from Ngati Manu's control. She will also present evidence on the Te Hikuwai Reserve, and Ngati Manu's struggles to have this wahi tapu protected.

(c) **Marsha Davis** (Document #F033(b)) – this evidence provide a detailed analysis of the pre-treaty land transactions, and will outline Ngati Manu's expectations of both the transactions and the commission process.

**Mana Tangata**

15. Mana Tangata is evidence that addresses the ongoing colonisation of Ngati Manu, and includes Te Taiao, Te Reo Maori and Matauranga Maori. Evidence will be presented on environmental impacts and the issues Ngati Manu have faced in relation to the Resource Management regimes. Evidence will also be presented on the loss of Te Reo o Ngati Manu, and the struggles that they have faced in receiving and retaining education within their rohe.

16. On Thursday morning, **Marsha Davis** (Document #F033(b)) will present three environmental case studies illustrating the loss of Ngati Manu lands including Te Hikuwai, the Russell Motor Camp; and Te Ke I Mua.

17. On Thursday afternoon, evidence will be presented by the following witnesses:

(a) **Judith Harawene** (Brief #2: Document #F31(a)) – Mrs Harawene will present evidence on the struggles of Ngati Manu to protect and maintain Te Reo o Ngati Manu.

(b) **Evelyn Tobin** -_ this evidence addresses the struggles that Ngati Manu have had in receiving and maintaining schools within the Ngati Manu rohe.

**Te Utu mo nga Hara**

18. On Thursday afternoon Mr Hamilton will conclude the Ngati manu presentation by presenting his third brief of evidence (Document #F023(a)) and will address two key matters. Firstly, Te Kawenata Tuatoru – the third covenant between Ngati Manu and the Crown. This covenant highlights the special relationship between Ngati Manu and the Crown, and sets the

standard that Ngati Manu says must be met by the Crown in rectifying their Treaty breaches. Finally, his evidence outlines the remedies that Ngati Manu seek from the Crown to rectify their wrongdoing for the last 170 years.

***Pupuhi te henua paura o te Pu***
***Pakarukaru nga kohua rino***
***Tawhewhe ana nga paraiketewhero***
***Engari Toitu te henua***

*Gunpowder can be blown away by the wind*
*Iron pots can be broken*
*Red blankets can become worn*
*However the land remains forever*

Na Pomare II

Dated at Waitangi this 15th day of May 2013

**Annette Sykes**

**Terena Wara**