

IN THE MATTER

of the Treaty of Waitangi Act 1975

AND IN THE MATTER

of the Crown's Treaty settlement policy regarding overlapping claims and the proposed redress in relation to the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements

AND IN THE MATTER

of a claim filed by **HAYDN THOMAS EDMONDS** on behalf of Ngātiwai Trust Board and the iwi of Ngātiwai for an urgent inquiry into the Crown's settlement policy regarding overlapping claims and the proposed redress in the Hauraki Collective, Marutūāhu Collective and individual Hauraki iwi settlements.

AFFIDAVIT OF LEWIS (OPO) IRAIA NGAWAKA ON BEHALF OF NGĀTIWAI TRUST BOARD

August 2018

KAHUI
LEGAL

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WELLINGTON



I, LEWIS (OPO) IRAIA NAGWAKA, SWEAR:

Introduction

1. My name is Lewis (Opo) Iraia Ngawaka. I was born in Auckland on 31 January 1956. At that time, we were not allowed to be born in our homes over on Aotea hence my mother gave birth to me in Auckland.
2. Ko Aotea te Moutere Rongonui, ko Moananui o Toi te Huatahi te Moana, ko Wai o te Puia te Awa, ko Kawa me ko Motairehe ngā marae, ko Ngāti Rehua te hapū, Ko Ngātiwai te iwi kaitiaki o te whenua ki Aotea.
3. This affidavit is in support of Ngātiwai's application for an urgent Waitangi Tribunal hearing, statement of claim and supporting documentation (**Wai 2666**) in relation to the proposed settlements with the Hauraki Collective, the Marutūāhu Collective and individual iwi of Hauraki.
4. In this affidavit, I will address the following:
 - (a) Personal experience and background regarding Aotea;
 - (b) The iwi, hapū and marae of Aotea;
 - (c) Customary rights on Aotea;
 - (d) Wāhi tapu on Aotea;
 - (e) Engagement between Hauraki and Ngātiwai; and
 - (f) Naming rights to Aotea.

Personal experience and background regarding Aotea

5. I was raised by my parents on Aotea and I have been there for most of my life. I have seen and experienced a lot of things on Aotea, but what is happening at the moment in relation to the Hauraki settlements is something very new for me and for my people of Ngātiwai.
6. I lived on Aotea except for 15 years of my life, but most of my life has been spent on Aotea. The main reason I left the island was to access education opportunities for me and my children.

The iwi, hapū and marae of Aotea

7. Ngātiwai holds mana whenua and mana moana over Aotea. We share this with our hapū, Ngāti Rehua.



8. Our Marae include Rehua, located at Kawa, and Whakaruruhau, located at Motairehe. I link into both of these Marae as well as the Marae of Whananaki, Matapouri and Pakiri. Our people have strong connections to these Marae.
9. In Aotea, we are closely connected with the people at Pakiri, known as Manuhiri, because they are the closest hapū to us of Ngātiwai and Ngāti Rehua. We have always considered ourselves as Ngātiwai people and I have never known anything else.
10. Mana whenua and mana moana over Aotea has always rested with Ngātiwai and our hapū of Ngāti Rehua. This was all my elders ever spoke about in my past, was these two collectives, one being the iwi of Ngātiwai and the other being the hapū of Ngāti Rehua.
11. We have always been very mindful of our Awa, Te Puia, and of course our Maunga, Hirakimata. This area is known as Kaitoke. Te Puia has a significant kōrero; it flows at the foot of our Maunga and is known as 'Hot Springs'. The kōrero is that Te Puia flows out into the Awa Wai Te Puia and then continues to flow out to the end of the mouth to a rock called Kaitoke. Kaitoke is always known as being plentiful in food resources, so the warmth and food resources provide by our Awa flows to our people. For us, this is how we need to act in our lives. We need to ensure that just like our Awa, we have a warm heart towards our family and that we provide the kai and the life that they need to sustain themselves as they get old. Our Maunga is our foundation and our Awa is our source of sustenance.

Customary rights on Aotea

12. An example of our customary rights is our relationship with the birds. However, those rights have almost become 'seasonal' in terms of practice, as there is a one month break to allow DOC to manage the conservation areas on the island. We advised DOC that they are not to be around when we conduct our harvesting and monitoring practices.
13. There is difficulty in practicing our customary rights and controlling our conservation areas on Aotea. Some of our species are lacking and depleting because they are in a maritime park situation and we are having difficulty trying to exercise authority over those areas. One of the main difficulties is that the maritime park prioritises tourism. I do not know

how we are going to tackle this issue but we need the expertise to help us.

14. I come from generations of fishing whānau. I have fished all around Aotea and the Hapuka was the main delicacy of the day. We had all the fishing grounds marked out for certain times of the year for a variety of fish species including crayfish and sharks. My father knew more about fishing than I do but he has passed some of his knowledge down to me.
15. In terms of the gathering and harvesting of kaimoana in and around Aotea, we have customary rights, but the practicing of these rights is regulated by permits issued and controlled by MAF.

Wāhi Tapu on Aotea

16. In the past, it was always left to our old people to deal with matters of tikanga. Now, we are a new generation, and we have got to step up to the mark and take care of these important responsibilities.
17. Aotea is full of wāhi tapu. The problem we are having at the moment is that investors are coming in with money and the ability to buy expensive properties on the foreshores, especially on the sandy beaches near our wāhi tapu. We have asked our previous committee to try and identify all of our wāhi tapu and map these for the council, as we are confident that the council can better protect our wāhi tapu if they know where they are.
18. We have instances where the council is allowing resource consents to go through and then they call us saying "oh, there's a problem with this area, we are digging up some bones and we want you to deal with it". So, it ends up coming back to the iwi-hapū side to appropriately deal with wāhi tapu and kōiwi.
19. There are a number of challenges that we are facing in regards to our tikanga and wāhi tapu because Aotea is getting more populated. However, it is our responsibility because we are the mana whenua of Aotea.

Engagement between Hauraki and Ngātiwai

20. It is not nice hearing about what is happening with the Hauraki settlements. If Hauraki truly knew their whakapapa connections to us, they would have come to see us. I cannot say whether or not Hauraki know about their whakapapa connections to us or whether or not they are

ignoring it. The point is, if they knew their whakapapa like we know our whakapapa to them, they would have come knocking on our door to talk. It seems engagement with us is not in their interest at this present moment in time. I think with Māori in general, we have to be careful that money does not overpower our love for one another.

21. In all the years that Hauraki have been advancing their claims, not once have they come to Aotea to talk with the haukāinga – Ngātiwai and Ngāti Rehua. I find this really sad. Our arms are open for discussion and we are ready and waiting. For Hauraki to continue to press on with their settlement is not a good thing. It is not consistent with tikanga.
22. I am familiar with some of the redress offered to Hauraki, especially redress that relates to Aotea and the coast. I have been around Aotea on a boat through my employment. Most of these areas that are mapped out I am familiar with.
23. I think the issue at the moment for our home is unity. There are so many things happening now in the political arena that we lose focus on one another. I think if we focused on one another and our needs and our love for one another then issues can be resolved. We have all these distractions on the side pulling us apart from one another. Some of us see things differently, but we need to be willing at least to sit around a table and talk.

Naming rights to Aotea

24. I am aware that the signed Hauraki Collective Deed of Settlement provides for the official name change of our island from "Great Barrier Island (Aotea)" to "Aotea / Great Barrier island".
25. I believe that the Ngāti Rehua-Ngātiwai ki Aotea Treaty settlement is the appropriate place for the re-naming of Aotea. As I have said, Ngāti Rehua is a hapū of Ngātiwai. Together, we have continued to exercise mana whenua, mana moana, ahi kā and kaitiakitanga over the island. The Māori Land Court decision in *John Da Silva v Aotea Māori Committee & Hauraki Māori Trust Board* 23/2/1998, 25 Tai Tokerau MB 212 found that Ngāti Rehua are the kaitiaki of Aotea.
26. If Hauraki was to be given the right to name our island, I would consider this to be like someone coming along and changing my child's name.



Aotea is our home, it is our whenua, and we have for generations been brought up there. We know that our island is called Aotea, but any official name change through legislation should be left to Ngāti Rehua.

27. The inclusion of the name change redress in the Hauraki Collective Deed of Settlement is offensive as it undermines the mana of Ngāti Rehua and Ngātiwai over Aotea.

Conclusion

28. If Hauraki want to come and talk about naming rights to Aotea then they are welcome to come to our island and talk about this important matter on our marae; we are open for discussion. The official name change of Aotea is for our people to decide.

SWORN at IRYPAENA this 23 day)
of August 2018)
before me)

... R.E. Whitmore J.P. ...

R.E. WHITMORE J.P.
MOTEL PROPRIETOR
GREAT BARRIER ISLAND



Lewis (Opo) Iraia Ngawaka

~~A Solicitor of the High Court of New Zealand~~