

Before the Waitangi Tribunal

Wai 2490
Wai 2434

Under s6 of the Treaty of Waitangi
Act 1975

And

Concerning the Ngapuhi Mandate Inquiry

Second Statement of Herbert Vincent Rihari
(particularly in support of the Ngāti Torehina ki Matakā Wai 2434 Claim
Dated: *7th* day of *November* 2014



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I **HERBERT VINCENT RIHARI** of Auckland state as follows:

Introduction

1. I have filed affidavits in support of the claim by Ngāti Torehina ki Matakā Wai 2434 in this urgent inquiry on 1 May 2014 and 26 June 2014 respectively.
2. Now that this Tribunal has granted an urgent inquiry I wish to add to the evidence in support of this claim. I wish to expand on my views about Tuhoronuku, and update the Tribunal on certain matters since the urgency hearing.

Tuhoronuku

3. I would like to make some comments about Tuhoronuku and the affect that it is having on us:
 - 3.1 **Coalitions-** We are not averse to coalitions. But we want to be able to choose our own coalition. We feel safer in the coalitions that we choose particularly those coalitions that we are used to working with and made up of neighbouring hapu. This is because we already have relationships in place. Tuhoronuku lacks that proximity.
 - 3.2 **Robust process-** For me the talk of a robust process by the Crown is interesting. I doubt that it is as robust as the Crown says that it is. I think that a simple test could be employed: this could be done by offering every hapu, that is included, the opportunity to negotiate their own settlement, to see who stays. I am sure that a number of hapu would take up that alternative. That to me suggests that the robustness and durability of the Tūhoronuku Mandate strategy is questionable since it really depends on whether other viable and realistic

options are available to us, the hapu base. It might just be the best option, because there is no other direct settlement option for a hapu.

3.3 Leadership and autonomy- We are trying to provide leadership to our rangatahi of Ngāti Torehina ki Matakā. But initiatives like these Crown supported blanket structures make it difficult. Fundamentally I disagree with the concept of centralising Mana, which is what Tuhoronuku will do. If a leader has to beg to a centralised entity for help, the leader's mana is naturally diminished along with the mana of the hapu. This also means that the putting up of Tūhoronuku (which seeks out individuals) versus our hapu is an unfair "choice" for our people. If Tūhoronuku wins, then in the eyes of our people it could potentially mean, to some, that our leadership has failed. We do not believe that the failure or success of our leadership should ever be determined in this way. Rather, we decide what path we will take, not someone else.

3.4 Self-determination- We believe that we need to determine our destiny, and on our own terms. If we are able to conduct ourselves on our own terms we are able to live the tikanga that flows through us from our ancestors, including the obligation to host our guests without having to beg to our guests or others to help us to do so. Our Treaty campaign has re-ignited a sense of self-pride and self-belief in our own history and potential but this journey and the blossoming signs of revival has, at times, been difficult to maintain because of the pressurising tactics of the Crown and Tuhoronuku. I recall the question posited by the Tribunal during the preliminary

stage of this Urgency enquiry, “how will you involve and include the wider members of the hapu?” You must understand that our long term goal is to reverse the vacuum that caused our people to leave our rohe and thus reinforcing, revitalising and expanding on those flickering flames of pride and belief. Settlement outcomes that are achieved on our terms would help us achieve our goals, help us break out of the psyche of ‘co-dependency’ and serve as recognition of this blossoming revival. We need to be able to show our people that we can achieve tangible outcomes ourselves otherwise our people will look elsewhere for advantage or benefit. We need the ability to not only make independent decisions but also bring them to fruition independently and, as a result, harness and model the beauty and power of our own self-determination - Rangatiratanga.

- 3.5 **Population-** Our population is approximately 2,000 in number. It is our responsibility to look after our own. It is not the responsibility of Tuhoronuku. We are ready, willing and able to reach out to all of our whanau. To do this in a methodical and proper way we, Ngati Torehina ki Matakā need the resources to do so. Again, a centralised body taking on this role is not appropriate.

Office of Treaty Settlements

4. I wish to update this Tribunal about one event since the Urgency hearing.

5. On 19 September 2014 I learned for the first time that Nigel Fyfe of the Office of Treaty Settlements had written to us through our lawyers on or about 22 July 2014. A copy of that letter, for ease of reference, is attached hereto and marked "A".
6. As I have mentioned, the 19 September 2014 is the first time that we saw that letter. It also appears to be the case that that is the first time that our lawyers had ever seen the letter, our lawyers confirmed with us that at no time prior did the letter reach their office either through the mail or electronically. They also confirmed to me the Office of Treaty Settlements did not follow up the letter with them after it was supposed to have been sent.
7. Mr Fyfe of the OTS told us that the Crown could not withdraw us from the deed because our inclusion is part of a whole called Ngapuhi. Mr Fyfe tells us that our inclusion now has implications for others who are included in that consultation with *them* would need to be undertaken to assess *their* views about *our* withdrawal. What Mr Fyfe's letter doesn't explain however is how we came to be included in the first place. As my evidence to this Tribunal has already disclosed, Ngāti Torehina ki Matakā has through a previous submission process opposed the inclusion of us in that mandate strategy. We just don't believe that the mandate strategy is one that is able to meet our needs as an independent and autonomous hapu, and particularly regarding our Treaty claims.
8. In spite of this, we have responded to the letter. A copy of response, is attached hereto and marked "B".

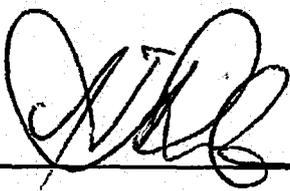
9. We ask this Tribunal to firstly recognise and secondly to protect our rights, particularly those set out under the Treaty of Waitangi Act 1975.

10. We are appealing to this Tribunal to do this in two specific ways, namely:

10.1 You recommending that the Crown atones for its wrongs against us by amending its recognition of the Tūhoronuku Mandate by insisting on the removal of all references to Ngāti Torehina ki Matakā Wai 1508 and Wai 1757 from the deed; and

10.2 You recommending that the Crown ensures our protection going into the future by insisting that any settlement that the Crown strikes with Tūhoronuku, expresses that Ngāti Torehina ki Matakā and our claims are not in any way settled by a Tūhoronuku settlement. Instead, Ngāti Torehina ki Matakā and our claims are expressly excluded.

Dated at Auckland this 7 day of November 2014



Na matou, Ngāti Torehina ki Matakā

Herbert Vincent Rihari