

WAI 2490

WAI 2433

Before the Waitangi Tribunal**Under** Section 6 of the Treaty of Waitangi Act 1976**and****Concerning** the Ngapuhi Mandate Inquiry

Second Statement of Evidence of Pereri Mahanga**(particularly in support of Te Waiariki, Ngati Korora, Ngati Taka Pari Wai 2433 claim)**Dated the *8th* day of *November* 2014**RECEIVED**

Waitangi Tribunal

10 Nov 2014Ministry of Justice
WELLINGTON

CORBAN REVELL*Lawyers*

133A Central Park Drive, Auckland

DX DP92558

PO Box 21-180

Phone: +64-9-837-0550

Fax: +64-9-838-7187

Counsel Acting: J P Kahukiwa

Second Statement of Evidence of Pereri Mahanga

I **PERERI MAHANGA** of Te Waiariki, Taiharuru state as follows:

Introduction

1. I have already given an affidavit in respect of this proceeding dated 12 May 2014. It is recorded as document **A18** on the Record of Inquiry.
2. Now that we have been granted an urgent inquiry by this Tribunal, I wish to add to that evidence.

Ko wai matou?

3. I would like to enlarge on who we are, and how we are participating in the Wai 1040 inquiry to have our historical claims reported on by that Tribunal. I do so by appending to this statement, the four briefs of evidence given in the Week 5 of hearings at Whangarei (Te Rerenga Paraoa) on 17 October 2013 by the following persons, all with the authority of our hapu:
 - 3.1 Te Winiwini Kingi (attached hereto and marked "A");
 - 3.2 Waimarie Bruce (attached hereto and marked "B");
 - 3.3 Violet Rata Sade (attached hereto and marked "C"); and
 - 3.4 Myself (attached hereto and marked "D").
4. We are using the Tribunal process that has been provided to us by the Crown's Parliament to advance our historical claims. Our objective is for the Tribunal to decide that our claim is well founded, and then to ask the Tribunal to grant us remedies, including under s8HB of the Treaty of Waitangi Act 1975 in respect of our interests in the land underpinning the Glenbervie Forest.

5. Our claims have been carefully put together to deal exclusively with our interests and no-one else's. In taking this path we are in control of our own destiny. Accordingly our approach to our claims is not haphazard, nor is it speculative. It is an extension of that which our old people laid down for us. It seeks redress for that which the Crown took away from us within our own territory, both in contra-distinction to He Wakaputanga, and in violation of the pact that we have with the Monarch through Te Tiriti.
6. You should also understand who we are as a population. We are not a small hapu. It is estimated by our researchers and tribal administrators that our numbers are around 10,000 people.

Ngati Wai Trust Board

7. I regret that the Crown's recognition of Tuhoronuku and its impact on us is not an isolated event.
8. We are undergoing a similar siege on our northern borders. This is in the form of the Ngati Wai Trust Board's request of the Crown to recognise its mandate to settle the historical claims of Ngati Wai.
9. There, despite our objections to this point, the Crown is assisting the Ngati Wai Trust Board with the framing up of its mandate by openly including our Treaty claims, and thus our interests, in the definition of the claims to be settled by those negotiations with the Crown. Using the familiar method found in the Tuhoronuku mandate, the starting point is the pronouncement of a geographical capture which is assigned to the group asserting the fact that it holds a mandate. For Tuhoronuku that geographical capture is *of* Ngapuhi, and for Ngati Wai it is *of* Ngati Wai. The logic is that if a hapu exists within the geographical capture that is pronounced, then it is accordingly included under the mandate, regardless of whether the hapu agreed to be included or not. But, both

instances assume too much. They both assume that we can be automatically subsumed by a body, who in turn assumes that it represents us. For instance, our counter-factuals to the Ngati Wai Trust Board's assumptions are too strong to ever allow such an assumption to hold true. And they must also equally apply to in the rebuttal of the Tuhoronuku mandate. Those counter-factuals include as follows:

- 9.1 The integrity of Te Waiariki whakapapa (ana ko etehi o nga tupuna- Ko Rangitauwawaro, Ko Tukaiteuru raua ko Te Huaki, Ko Te Uhi raua ko Te Kahuwhero, Ko Te Mawe, Ko Rangitukiwaho);
- 9.2 The passing of the Mana of Hukurangi, through Tuatahi, of the Ngai Tahu territories to Ko Tukaiteuru raua ko Te Huaki and Ko Te Uhi raua ko Te Kahuwhero of Te Waiariki and their descendants;
- 9.3 By 1800, the settlements of Te Waiariki at Kauri, Waikare, Taiharuru, Taraunui, Tahere, Whanui, Pataua, Pukahakaha, Ohuatahi, Horahora, Ngunguru, Kiripaka, Maruata and Whareora;
- 9.4 Native Land Court blocks awarded to Te Waiariki by virtue of our whakapapa and our occupancies;
- 9.5 The case for Wai 620 that was first presented to the Kaipara Waitangi Tribunal in 2000, at which Crown Law was present, and which included:
 - (a) the evidence of Mitai Paraone Kawiti which highlighted not only the core territories of Te Waiariki, but also the whakapapa of Te Waiariki and Ngati Korora;
 - (b) the evidence of Ngaire Brown, which highlighted not only the essential historical tenets of this great hapu, but also the modern error of categorising the entire eastern sea

board as being *of* Ngatiwai and thus to usurp the independent constitutional position of Te Waiariki

- 9.6 The fact that Ngatiwai have never opposed or questioned the claims of Te Waiariki including under Wai 620 in the Kaipara Inquiry or in this inquiry;
- 9.7 In the 2005 Te Waiariki brought case for clarification of the correct owners of Pukahakaha East 5B, Ngatiwai argued that the land derived from Ngatiwai ancestry, in opposition to Te Waiariki. In his decisions of 2007 and post, the Chief Judge did not agree. He found that this coastal place was a land block *of* Te Waiariki;
- 9.8 Our clients informal request made to Ngatiwai Trust Board to have their fisheries interest (as defined by the Maori Fisheries Act 2004) withdrawn from the Ngatiwai iwi mandate to correct a clear anomaly as to legal title, a matter which our clients are preparing to take formal steps on;
- 9.9 In the present time the continuation of the case for Wai 620 together with the other claims of Te Waiariki listed above before the Wai 1040 Tribunal, including the important Te Waiariki claim to their whenua underlying the Glenbervie Forest, and the absence of any Ngatiwai case to oppose or to ultimately refute those claims.
10. This Tuhoronuku mandate strategy and the Ngati Wai mandate strategy are mirror images of each other- using the Crown, they both seek the authority to take away our rights. We will defy that happening.

13. As with all of our whenua, our lands now under the Glenbervie forest are defined and identified by our Mana, our whakapapa and by our occupation. These include the following:
 - 13.1 Maruata;
 - 13.2 Kiripaka;
 - 13.3 Otonga;
 - 13.4 Puhipuhi;
 - 13.5 Pukepoto.
14. Our concern is that the broad ranging capture of the Tuhoronuku mandate and its intention to settle all historical claims will mean that our rights to these lands, and to all of our rohe will be at risk from being taken from us to satisfy a regional and centralised body. We will defy that intention. We will defy our Mana being usurped in that way.

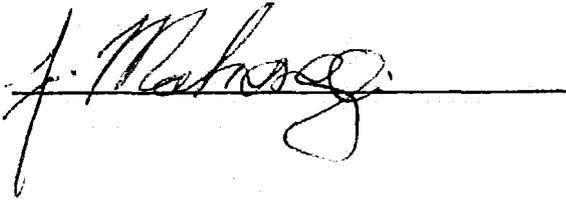
Remedy

1. We are asking this Tribunal to firstly recognise and secondly to protect our rights, particularly those ones set out under the Act.
2. We suggest that the Tribunal can do this in two ways:
 - 2.1 You can recommend that the Crown atones for its wrongs against us by amending its recognition of the Tuhoronuku mandate by insisting on the removal of all references to Te Waiariki, Ngati Korora and Ngati Taka Pari from the deed; and
 - 2.2 You can recommend that the Crown ensures our protection going forward by insisting that under any settlement with Tuhoronuku, such a settlement expresses that Te Waiariki, Ngati Korora and

No reira,....

Dated this 6th day of November 2014

Signed by Pereri Mahanga

A handwritten signature in cursive script, appearing to read "J. Mahanga", is written over a solid horizontal line.