

BEFORE THE WAITANGI TRIBUNAL

WAI 2341  
WAI 549  
WAI 642  
WAI 919  
WAI 1467  
WAI 1513  
WAI 1526  
WAI 1728

IN THE MATTER OF

The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

A claim by Rudolph Taylor, Lizzie Mataroria-Legg, Heremoananuiakiwa Kingi and others, on behalf of themselves and a number of hapū regarding the application of Crown Settlement policy over the whanau and Hapu of Ngapuhi

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**BRIEF OF EVIDENCE OF RUDOLPH TAYLOR**

**DATED THIS 17<sup>TH</sup> DAY OF JUNE 2014**

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**RECEIVED**

Waitangi Tribunal

**18 Jun 2014**

Ministry of Justice  
WELLINGTON

**AURERE LAW**

Barristers & Solicitors

P.O. Box 1693

DX JP30025

**ROTORUA**

Tel: 07 348 0034

Fax: 07 346

2933

Counsel Acting: Jason Pou

## **Introduction**

1. My name is Rudolph Taylor. I am one of the Co-Chairs of Te Kotahitanga o nga Hapu Ngapuhi (“Te Kotahitanga”) and the Chairman of the Hokianga Taiwhenua collective.
2. These two organizations have supported Ngapuhi claimants in their efforts to collectively bring their claims before the Waitangi Tribunal in the Te Paparahi o Te Raki District Inquiry. In seeking to achieve this purpose, Te Kotahitanga and the Hokianga Taiwhenua have provided the claimants with a vehicle to engage with the Crown on matters that have impacted upon them and the progression of their claim.
3. It is in this regard that I offer some perspective on how matters have progressed since. In doing this, I do not seek to repeat matters that have been traversed by others such as my Co-Chair Mr Pita Tipene or Ms Willow Downes.

## **Facilitating Unity?**

4. This is my second brief of evidence in this inquiry. In an earlier affidavit dated 1 September 2011, I informed the Tribunal of the conflict that was being created within Ngapuhi and the efforts that Te Kotahitanga were exerting in an effort to find some unity.
5. At that time we had just finished the facilitation process with the Honorable Sir James Bolger and a technical working group had been established by both Te Kotahitanga and Tuhoronuku to generate options around the structure of a representative group and the sequencing of the negotiations and the Waitangi Tribunal process.
6. A lot of effort was put into the development of a report by the technical working group and I acknowledge the efforts of those members of Tuhoronuku that formed part of the team. Their work, however, was basically thrown out by the Tuhoronuku parent group who refused to take it out wider to Ngapuhi for discussion.

7. This was concerning for us. The members that Tuhoronuku selected were supposed to be its experts and now they were ignoring a report that had been endorsed by those experts.
8. Our Ngapuhi people had been worried about participating in the joint process in the first place and now it seemed that the time had essentially been wasted.
9. In light of the failures of Tuhoronuku in this regard, we were hopeful that the Crown would start engaging with us on an equal basis rather than seeking to have us jump through hoops to appease Tuhoronuku. Instead we were offered another facilitator, Mr Tukuroirangi Morgan.
10. During this time, Tuhoronuku maintained its abusive demeanor toward our hapu and whanau. Attached and marked with the letter “A” is a copy of the TRAION Chairman’s report to his Board dated 23 July 2012. In that report the Chairman noted that:

*“As you are all aware the Crown has employed the services of a Crown negotiator in Tukuroirangi Morgan to try and cut through some of the crap being dreamt up by opponents to Te Ropu o Tuhoronuku and its Mandate. We have worked very closely with Mr. Morgan over the last month/month and a half and hope that sanity prevails with our korero making its way through the Political quagmire.”*
11. This is of course an official document. The use of language and the way in which the whanau and hapu who support Te Kotahitanga have been characterized by the Chairman of TRAION is an indication of the abuse that they have suffered within this process.
12. After Mr Morgan’s engagement, he released a report entitled “He Ara Hou”. Like the Te Whaiti report, He Ara Hou was not received warmly by Tuhoronuku. As a result, Mr Morgan became a recipient of the abuse that Te Kotahitanga had endured for some years.

13. Attached and marked with the letter “**B**” is a copy of a newspaper article that recorded the abuse.
14. Mr Morgan responded by sending a letter to the Minister of Treaty of Waitangi Negotiations. A copy of that letter is attached and marked with the letter “**C**”.
15. The letter is illustrative of key concerns that Te Kotahitanga continue to hold, in particular, Mr Morgan reveals that:
  - a. The leadership of Tuhoronuku is disrespectful and fails to acknowledge the fatal flaws in the structures proposed which does not deliver unity of purpose, is not representative and will never achieve the broad based mandate necessary to ensure any settlement is fair and durable.
  - b. His discussions revealed allegations of deliberate election engineering;
  - c. Tuhoronuku is a bullying, name-calling, divisive and exclusionary entity; and
  - d. Tuhoronuku leadership is threatened by police vetting procedures.
16. These concerns, as voiced by the Crown’s advisor are significant.
17. We have jumped through every hoop that the Crown has required us to. None of the experts selected by the Crown or even those appointed by Tuhoronuku have been able to endorse Tuhoronuku or its processes.
18. At every stage, the concerns of Te Kotahitanga and of Hokianga have been supported, yet when this support has been forthcoming it has been thrown out by Tuhoronuku and a process of name-calling has been employed.

19. It is in the face of these bullying practices that the Crown have rewarded Tuhoronuku by conferring a mandate on them.

#### **Indications of Lack of Support**

20. At the time I submitted my earlier evidence, we had concluded a facilitation process with the Honorable Sir James Bolger. The Tuhoronuku structure had space for 7 hapu representatives, yet they could not find 7 hapu to fill the seats.
21. This was an indication of the lack of support for the Tuhoronuku process. Tuhoronuku asserted that these seats were being kept available for Te Kotahitanga. These assertions are hard to believe.
22. In my view, nothing has really changed. Of all the hapu that exist within Ngapuhi, I understand that less than half have had hapu kaikorero nominated. In addition, I am aware that this level will decrease as a number who have been nominated have sought to have their names removed.
23. The continued lack of hapu support for Tuhoronuku cannot be ignored.
24. A lot of focus is put on the 2011 vote and the 76% that supported. What is constantly omitted from the discussions, however, is the 24% that opposed. This significant level of opposition was mentioned by Mr Morgan as being too high for the Crown to proceed.
25. What has become apparent following the facilitation process, is that this level of opposition has increased with some two thirds of those making submissions on the mandate opposing. Notwithstanding this increasing level of opposition, the Crown has chosen to proceed and an election process has been conducted.
26. Stepping back and looking at the election process, it is clear that our hapu continue to oppose by non-participation and those that have, have done so out of fear and confusion.

## **Concluding Comments**

27. With the benefit of hindsight, I have formed the view that the processes created by the Crown in the name of facilitating unity have ended up being abusive toward our whanau and hapu. Furthermore, I have formed the view that the facilitation processes have been less about creating unity and more about creating an impression that we have been 'dealt with' so as to achieve Crown settlement objectives.
28. Tuhoronuku are an abusive institution and the Crown have facilitated them in their abuse of our hapu and whanau.
29. This is not a sound foundation upon which a future for Ngapuhi can be built.

DATED this 17<sup>TH</sup> day of June 2014

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**Rudolph Taylor**