

IN THE WAITANGI TRIBUNAL

WAI 2490
WAI 2436

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

the Ngapuhi Mandate Inquiry (WAI 2490)

AND

IN THE MATTER OF

an application by Gray Theodore, Pereme Porter, Deirdre Nehua, Rosaria Hotere, Jane Hotere, Maringitearoha Broughton, Violet Nathan, Gilbert Parker, Stacey Porter, Hone Tiatoa, and Tamihana Pomare for an Urgent Inquiry into the Crown's recognition of the Tuhoronuku Mandate (WAI 2436)

SECOND AFFIDAVIT OF TAMIHANA POMARE

Dated 26 November 2014

RECEIVED

Waitangi Tribunal

26 Nov 2014

Ministry of Justice
WELLINGTON

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I, **TAMIHANA POMARE**, swear as follows:

1. I am from the hapu of Te Popoto ki Hokianga. I provide this second Affidavit in support of **Wai 2436** and in response to evidence filed by Ms Moana Tuwhare, quoting my previous evidence, but more importantly to illustrate a simple yet profound shift imposed on our whanau and hapu through the activities of the Crown mandated Tuhoronuku entity.
2. I will get straight to the point.
3. At paragraph 26, Ms Tuwhare dismisses and reduces my concerns to that of an individual; quote:

“both this evidence (referring to Tamihana, aka me) and that of others also seem to assume that because they as individuals are not in support that the hapu are not in support of Tuhoronuku”.
4. My concerns have been reduced to that of an individual. The standard Tuhoronuku line has been adopted and associated with the phrase:

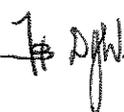
“the vocal minority”.
5. At a hui of Te Popoto hapu in the whare tupuna of Mokonuiarangi marae, Moana Tuwhare and her nominator, my aunty Ramari Kingi, came and explained their position of kaikorero within Tuhoronuku.
6. John Alexander spoke briefly on the position of Taiamai Taiwhenua in relation the kaikorero Tuhoronuku process. He stated that the position of most of the hapu within Taiamai Taiwhenua was that they ‘reserved the right’ to participate in that process. Following this, the kaumatua of Te Popoto deliberated, and concluded that, from what was presented, the hapu of Te Popoto will follow hapu of Taiamai Taiwhenua, and reserve the right to participate.

7 djo

7. It is on that premise that I am not an individual. I participated in a hui of the collective. The process of Te Popoto to hui together and continue this conversation, and come to a consensus, has not occurred.
8. I am of the understanding that 'reserve the right' means putting matters on hold until a consensus is reached. However, matters have continued without my participation, as well as others. This is against tikanga.
9. So how could the election of kaikorero continue when a consensus was reached in our hapu to 'reserve the right' to participate? This was the question I asked at a meeting of Te Popoto hapu kaikorero. The response was that the right of participation means 'to continue'. So I had been compromised, in that I was forced to participate because no other option was available.
10. However, at the voting booth of the kaikorero, I refused to vote.
11. Ms Tuwhare is well aware the number of people involved with Tuhoronuku is marginal, and of those who participate with Tuhoronuku are motivated by the possibility that no other option will be open for their discussion.
12. Ms Tuwhare was well engaged with Kotahitanga and every hui was well attended by whanau and hapu representatives from throughout Ngapuhi.
13. At those Kotahitanga hui, Tuhoronuku, was never accepted, irrespective that some individuals, such as Ms Tuwhare, entered the new Trojan vessel, as I have described Tuhoronuku. Their motivations for entering the vessel need to be explained.
14. Ms Tuwhare was well aware the discussions of Tuhoronuku also heavily centred around the Crown offers, which restricted our dialogue. We could not discuss alternative options for mandate of a roopu, for settlement of our claims, for any other topic except whether we vote or not to accept Tuhoronuku as the authority to go forward as the entity to settle Crown Ngapuhi hapu Crown grievances.

J. Dgw.

15. At those hui, at which our hapu attended my voice was not that of a vocal minority.
16. Some of our people sought to engage in “discussion” with Crown officials. We perhaps now need a terms of reference before we even invite them in for a cup of tea, as Crown misread genuine engagement by some of our people as acceptance in principal of the intent and purpose of their process, in this case the Crown Tuhoronuku mandate. The imposition on our culture of this mono-operational culture is not acceptable.
17. Ms Tuwhare previously voiced her concerns and reservations regarding Tuhoronuku. Even when she was ‘elected’ she voiced her concerns.
18. One major concern which was voiced was that we are either in or out, and if we are out, we absolutely left out of Treaty settlements. Is there any understanding of how those statements from the Crown and Tuhoronuku, made both publicly and privately, makes people behave?
19. And one can hardly blame us for resisting the notion of talking to any of the Crown Tuhoronuku people, when one hears the continued statements for example by ‘kai korero’ Ben Dalton that the Crown Tuhoronuku Treaty settlement is the only single settlement for Ngapuhi (footage M2U02620 – TC 02.24) .
20. There are several references made in the Tuhoronuku Crown hui which was captured on footage and statements made from Sonny Tau and other presenters that there is no other alternative option for Ngapuhi hapu, it is a one single settlement for Ngapuhi, and Tuhoronuku have the mandate.
21. The dilemma now for Ms Tuwhare and other Tuhoronuku hapu kaikorero is to ensure the Crown Tuhoronuku mandate is successful. An about face is too much to cope with. We on the other hand are determined to ensure the Crown Tuhoronuku mandate is unsuccessful. The internal issues will carry on for years.



22. I made the point in previous evidence that our cultural institutions are undermined by the Crown Tuhoronuku mandate processes. I used an example of nominating a representative as hapu kaikorero to illustrate the insidious nature a simple nomination process can have for our people.

23. At paragraph 24, Moana Tuwhare states, and I quote:

“I want to address the matters raised in other evidence such as Tamihana Pomare. Firstly I believe he confuses the role of hapū kaikōrero and taumata. My role was never intended to nor would it ever be able to replace the role of our Taumata. I am a tonotono and conduit for information and decisions of the hapū to the region and to the trustees and back again. I have made this clear at all our hapū hui I have attended. I believe that my whanaunga Tamihana has been at all of those hui as well.”

24. I am not confused in regards to kaikorero and taumata. Based on cultural practice and demonstration from our kaumatua within Te Popoto, Wipo Mane is our hapu kaikorero. He continues to demonstrate this position at various hui and tangihanga within all the marae of all the hapu of Te Popoto. In comparison, a taumata is where a kaikorero stands to speak.

25. The Waitangi Tribunal has found we the hapu never ceded our Sovereignty-Mana-Rangatiratanga and we are not about to hand it over to some newly created vessel that not less than a few years ago could not claim a single representative.

26. Of the thousands of our whanau and hapu who were affected by the actions of the Crown and the thousands of our whanau and hapu who are implicated in Tribunal hearings and are proceeding through Tribunal hearings and the thousands of whanau and hapu volunteers with no backing or resources who continue to oppose the Crown Tuhoronuku mandate, YET it takes less than the number of people, than I have fingers, to undermine our future from us. There is only one way that can be achieved, a significant backer. By the pen and not by the sword, how apt a phrase that is.

SWORN at Kerikeri)
this 26th day of November 2014)
before me:)



TAMIHANA POMARE



A Solicitor of the High Court of New Zealand