

## **KAUMĀTUA AND KUIA PRESENTATION 22 AKUHATA 2018**

*Ehara taku toa i te toa takitahi, engari he toa takitini  
My strength is not by myself, but my strength is with my people*

### **FOREWARD**

The Rōpū of Kaumātua and Kuia have followed the Ngāpuhi Te Tiriti o Waitangi journey from its inception in 2008, right up to this present time.

Te Rōpū Kaumātua and Kuia o Te Whare Tapu o Ngāpuhi are Kaumātua and Kuia who meet in congress every month to kōrero on matters of common interest to us all. While our leadership group are members of the Board of Te Rūnanga-ā-iwi-ō Ngāpuhi, this wider group expresses their own views and affiliate to many other organisations within Ngāpuhi.

The purpose of today's meeting is to enable our Rōpū members to have a conversation with the Crown and technical advisors in an atmosphere that is non-threatening. We want to discuss and address the issues laid out in papers dealing with a suggested pathway forward for Ngāpuhi to negotiate and settle our grievances against the Crown for breaches against Te Tiriti o Waitangi.

We emphasise that we are not the only voice for Ngāpuhi Kaumātua and Kuia however, we are the largest rōpū of Ngāpuhi Kaumātua and Kuia who meet regularly.

Our kōrero today addresses the matters outlined in the papers provided by the technical group which is the subject of current consultation with Ngāpuhi. We do not wish to go outside of those parameters.

We want to make it clear that the objective of Te Rōpū Kaumātua and Kuia o Te Whare Tapu o Ngāpuhi is to support Te Rūnanga-ā-iwi ō Ngāpuhi in all its endeavours, that means to advise, counsel, support and ensuring that Te Reo o Ngāpuhi, me ōna Tikanga, permeates all departments and dealings that Te Rūnanga-ā-iwi ō Ngāpuhi have, internally and externally. Please refer to the Te Rōpū Kaumātua and Kuia of Te Whare Tapu o Ngāpuhi Terms and Reference.

### **BACKGROUND**

In 1987 Kaumātua/Kuia and like-minded Ngāpuhi responded to the devolution of the Māori Affairs Department by establishing Te Rūnanga-ā-iwi ō Ngāpuhi to represent the Ngāpuhi Nation. The entity was then incorporated under the 1957 Charitable Trust act dated at Auckland the 28th day of April 1989.

A new constitution was registered in 1995 to accommodate our Fisheries Settlement.

On the matter of Ngāpuhi's claims of Crown for breaches against Te Tiriti o Waitangi, Ngāpuhi had been struggling for some 20 years finding a united way forward. Frustrated,

Ngāpuhi Kaumātua and Kuia instructed Te Rūnanga-ā-iwi o Ngāpuhi to lead the charge on behalf of Ngāpuhi, in settling the Ngāpuhi Te Tiriti o Waitangi Claims.

As a Rōpū, we have been part of this journey from the beginning. We have lost many of our Kaumātua and Kuia along the way. We as Ngāpuhi *tetekura* (upcoming leaders), have moved up to take their place. From issuing the instruction for Te Rūnanga-ā-iwi o Ngāpuhi to lead the Te Tiriti o Waitangi settlement negotiations process on behalf of Ngāpuhi, through the rounds of consultation of over 100 hui, to shaping the Ngāpuhi Mandate provisions and securing that Mandate on behalf of all Ngāpuhi. Finally we were there when this Mandate was handed to Tūhoronuku Independent Mandated Authority. We jumped for joy.

It was to this extended Rōpū Kaumātua and Kuia that Tūhoronuku returned and sought new direction after every round of discussions. It was from our direction that Tūhoronuku landed where it is with a Mandate to represent Ngāpuhi. We put our hands up to own that journey.

Although disappointed with those who chose to invoke an Urgent Tribunal Hearing around that Mandate, we see a very positive pathway that has come from those Waitangi Tribunal recommendations. As a Rōpū, we are happy with the way matters are developing since Minister Little has taken over this port-folio.

As Te Rōpū Kaumātua and Kuia o Te Whare Tapu o Ngāpuhi, we want to thank Minister Little for his insight and leadership on getting Ngāpuhi back on track. We feel sorry for those who continue to say that there has not been enough time to consider the consequences of moving this kaupapa forward.

We want the Crown and the technical advisors to know that Tūhoronuku is the only organisation in these discussions that have made significant compromises to their original Mandate. We note that Kotahitanga has put all efforts into implementing the Maranga Mai Report. This report was produced as an alternative to the Tūhoronuku Mandate but when tested with Ngāpuhi, was found wanting. The Mandate holder Tūhoronuku, although participating in those discussions, did not get an opportunity to discuss this report before it was socialised with Ngāpuhi. It was ultimately the Kaumātua and Kuia who asked Tūhoronuku not to sign off on the report after consultation with their two representatives and our two Kaumātua and Kuia representatives.

## **SUBMISSIONS**

We make this submission on the tuapapa (foundation) that Minister Little has laid down for us in meetings across Ngāpuhi and into Tāmaki. The tuapapa for us moving forward is that the Minister had inherited a mess from the National Government who had pulled the Office of Treaty Settlements and their Minister out of Ngāpuhi.

Minister Little has put aside biases and met with Ngāpuhi to see if he is able to get negotiations on track. He invited Tūhoronuku and Kotahitanga māngai, Rāniera Tau, Hōne Sadler, Rudy Taylor and Pita Tipene to meet and look at moving things forward. After those

discussions they appointed David Tapsell as the technical advisor for the Crown, Tūhoronuku appointed Willie Te Aho and Kotahitanga appointed Jason Pou as their respective technical advisors.

When we look at the mandate and consider the Maranga Mai report we are confident that there are certainly bits and pieces from that report that could be used in the Mandate evolution. We are aware that recommendations from the Waitangi Tribunal Urgent Inquiry must be implemented.

Today we present to you our findings and submissions after discussing the Models that were presented to Ngāpuhi in the past two weeks.

We refer to that presentation. In particular, page 5, and the subsequent paper, which offers a narrative on five very important issues.

1. Can Ngāpuhi move forward using the presentation mandate evolution format as a basis for building a negotiation team and protocol for Ngāpuhi.
2. How would urban representation on the Central Negotiating Body (CNB) be implemented
3. How would Kaumātua and Kuia representation be implemented on the CNB
4. Should Te Rūnanga-ā-iwi o Ngāpuhi have representation on the CNB and if so how?
5. Proposal to change the name Tūhoronuku

These issues were fiercely debated by the Kaumātua Kuia o Te Whare Tapu o Ngāpuhi and the following kōrero were agreed upon.

#### **THE FIRST ISSUE.**

- Te Rōpū Kaumātua Kuia o Te Whare Tapu o Ngāpuhi believe that what has been spelt out in these papers can be a starting point for Ngāpuhi moving forward with our Te Tiriti o Waitangi claims
- We look forward to collectively adding more detail to the model as the process evolves
- We support Tūhoronuku with Rāniera Tau and Hōne Sadler as māngai in these talks. We say this as they have always reported back to us on everything they have done as a Rōpū
- We support Willie Te Aho as the technical advisor for Tūhoronuku
- We support our current two Kaumātua and Kuia representatives on Tūhoronuku

#### **THE SECOND ISSUE.**

- We support that the status quo remain i.e. - that 4 Urban Representatives are elected by Urban Ngāpuhi.
- We want to draw your attention to the presentation given on 17 and 18 August 2018, by our Tāmaki dwelling whānau who requested the name; Ngāpuhi ki Tamaki.
- We agree that Ngāpuhi living outside of Te Whare Tapu speak for themselves. Their parents and grandparents had to leave te hau kāinga under duress for a number of

reasons. The worst being that they were never allowed to build houses on their Tūpuna whenua. The second being no employment opportunities back home here. To us their voice is important

- They also have the largest population of Ngāpuhi living in Tāmaki

### **THE THIRD ISSUE.**

As Kaumātua and Kuia, we have witnessed a steep declining respect from our younger generation when in hui situations where Kaumātua and Kuia are often talked over. This prevents them from standing to express their views for fear of ridicule and intimidation. It has been the efforts of Te Rūnanga-ā-iwi o Ngāpuhi to establish a platform where Kaumātua and Kuia are able to freely express their views that confidence is slowly being restored.

We are aware that the Crown and its officials have witnessed this unacceptable behaviour at these consultation hui. Te Rōpū Kamātua Kuia o Te Whare Tapu o Ngāpuhi meeting together gives us confidence and an opportunity to be heard. We do not in any way profess to speak for all Ngāpuhi Kaumātua and Kuia, but we are a collective of Ngāpuhi who meet in congress and express our views openly every month.

As a Rōpū:

- We support the status quo i.e: 2 Kuia/Kaumātua representatives elected by all Ngāpuhi over the age of 55 directly onto the CNB. How they are dealt with on the Regional Negotiations Body (RNB), is a matter for the regions.
- We emphasise that our Kaumātua and Kuia are the tuara (backbone) of Te Whare Tapu o Ngāpuhi Politically, Spiritually, Physically and Environmentally.

### **THE FOURTH ISSUE.**

We agree that the status quo remain

- Te Rūnanga-ā-iwi o Ngāpuhi is the only Mandated Authority that works and speaks for and on behalf of Ngāpuhi
- Te Rūnanga-ā-iwi o Ngāpuhi manages the ONLY Ngāpuhi Settlement Asset and has grown that Asset to \$56M over the last 14 years. Over that entire period they have achieved unqualified financial audits every year. There is no other organisation in Ngāpuhi with those responsibilities and exceptional outcomes. Despite cries to the contrary, Te Rūnanga-ā-iwi o Ngāpuhi have distributed millions of dollars to its constituency over that time. Please check AGM reports for accurate numbers.
- Te Rūnanga-ā-iwi o Ngāpuhi has a database of some 68,000 registered Ngāpuhi members and growing rapidly. This is protected under the Privacy Act and we encourage Te Rūnanga-ā-iwi o Ngāpuhi to not give that database to any entity until there is total satisfaction with the entity and how it will benefit our people.
- We know that of those registered members, about 30% do not know their Hapū affiliations or who they are related to back home here. It is left to us as Te Rōpū Kamātua Kuia o Te Whare Tapu o Ngāpuhi to locate those whānau and reconnect them to their rightful whānau.

- Te Rūnanga-ā-iwi o Ngāpuhi is a legally Incorporated Charitable Organisation which owns, on behalf of Ngāpuhi, three subsidiaries. Ngāpuhi Asset Holding Company Ltd, Ngāpuhi Iwi Social Services Ltd and Te Hauora o Ngāpuhi Ltd.
- As a compromise, we support a Te Rūnanga-ā-iwi o Ngāpuhi representative being on the CNB until such time as all its Assets have been transferred to the new Ngāpuhi PSGE.

### **THE FIFTH ISSUE.**

We **DO NOT** agree that the name Tūhoronuku be changed

- Tūhoronuku has a huge historical significance to all of Ngāpuhi-nui-tonu in uniting two sons of our eponymous ancestor, Rāhiri, who were at odds with each other over their Ariki father's estate
- Tūhoronuku's original purpose was to apportion land between two warring brothers and bring peace to all of Ngāpuhi
- The Waitangi Tribunal Minister Little, did not specifically say that this is a condition of the Mandate, so why are we looking at this?
- It must be remembered that Tūhoronuku was put in place by Kaumātua and Kuia before us. We understand that it was not just plucked out of the air. Because somebody does not agree with the name, is no valid reason to change it? Please indicate when this matter arose and who sought its name change half way through the process?
- As a compromise, once all the settlement is completed, the name could be retired. From a Kaumātua and Kuia perspective, to alter a name as significant as this, after all the contention about Mandate etc, would be unwise. However, once the new entity is identified, perhaps then Tūhoronuku can be put back to rest at Whiria Pā.

### **HE WAKAPUTANGA O TE RANGATIRATANGA O NĪU TIRENI ME TE TIRITI O WAITANGI**

We have heard all the kōrero about these two documents. Many of us contributed to, or listened to all the kōrero around these most important documents when placed before the Waitangi Tribunal as the first part the Te Paparahi o Te Raki Waitangi Tribunal Inquiry. The kōrero was magnificent.

The Waitangi Tribunal ruled that Ngāpuhi Rangatira did not cede their sovereignty. But they qualified that by saying **AT THAT TIME**, meaning 1840. For us, those words have a devastating effect on our people who believe that because our Tūpuna did not cede their sovereignty at that time, it applies equally today. We know that in reality and by the limited Rangatiratanga that Māori have in this country and contemporary society, we do not have what was envisaged or is current under Te Tiriti o Waitangi.

Te Rōpū are agreeable, me hakatare ēnā kaupapa e rua ki te tāhūhū o te whare, ka hoki mai anō a taihoa ake nei. That these two kaupapa be put to the side whilst Ngāpuhi negotiates this redress to a conclusion, at which time we will return to those two kaupapa. We need to ensure there is an agreement with the Crown to have an Inquiry on these kaupapa, starting from 1835. That is the only way for Ngāpuhi to have a case against the Crown on He Wakaputanga

o te Rangatiratanga o Nīu Tireni me Te Tiriti o Waitangi. As we currently sit, we do not have the evidence or a report

## **CONCLUSION**

It is our considered opinion that the pathway as laid out in the papers presented to Ngāpuhi over the last two weeks, provides an avenue for Ngāpuhi to advance the Tūhoronuku Mandate to include the applicable recommendations from the Waitangi Tribunal's Urgent Inquiry Report. We would like to be involved in fleshing out the detail to be added to the model that we have seen and will do that by guiding and directing the two Tūhoronuku member māngai on your consultation Group. We therefore reiterate our support for Rāniera Tau and Hōne Sadler on that group. We also reiterate our support for the Tūhoronuku appointed technician Willie Te Aho.

For balance we also have Kaumātua and Kuia who follow Kotahitanga in our Rōpū and they may very well have an alternate view from this being expressed. We encourage and respect all to express their views. We do not cover those views in this paper but encourage those with an alternate view to speak up in the meeting with the Crown on 22 August 2018.

We believe that this kaupapa has gone on for far too long and as Kaumātua and Kuia have tried to coax our people along. As stated before, we have lost too many of our Kaumātua and Kuia due to these delays and we just want to move forward from here. It is our belief as Te Rōpū Kaumātua Kuia o Te Whare Tapu o Ngāpuhi, kia anga whakamua ai a Ngāpuhi kia horo te hakatatū i ngā nawe o Ngāpuhi ki ngā mahi nanakia o te Karauna. We must forge a better and brighter future for our mokopuna and tamariki, guaranteeing the survival of our iwi, hapū and whānau.

Our expectation as Kaumātua and Kuia o Ngāpuhi is to guarantee that the guiding principles of our Tūpuna are upheld. They include;

- Whanaungatanga
- Wairuatanga
- Whakapapa
- Te Reo
- Rangatiratanga
- Ukaipōtanga
- Manaakitanga
- Pukengatanga
- Kotahitanga

Nā mātou ngā ingoa e rārangi mai ana i raro iho nei

Tipene Morunga  
Avind Solomon  
Hirini Tau  
Winnie Lech  
Lovey Wynyard  
Toti Whiu  
Nau Epiha