

IN THE WAITANGI TRIBUNAL

**Wai 2366
Wai 2364
Wai 2372
Wai 1699
Wai 1701**

IN THE MATTER OF the Treaty of Waitangi Act
1975

AND applications for an Urgent
Inquiry into the Te Aupōuri,
Te Rarawa and Ngai Takoto
Deeds of Settlement by
**VENERABLE TIMOTI
FLAVELL** on behalf of himself
and Te Rūnanga-ā-Iwi o Ngāti
Kahu (“Ngāti Kahu”)

AND claims by **HAAMI PIRIPI** on
behalf of himself and **TE
RARAWA**

**AFFIDAVIT OF HAAMI PIRIPI IN RESPONSE TO WAI 2366
WAI 2364 AND WAI 2372 APPLICATIONS FOR URGENCY**

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AFFIDAVIT OF HAAMI PIRIPI

I, **HAAMI PIRIPI**, of Kaitaia, Chairperson swear:

Ka puta ki te whei ao, ki te ao marama tihei mauriora.

Ko toku ingoa ko Haami Piripi. He uri ahau no oku tupuna. Ko toku heke tika mo te ahuatanga o tenei kaupapa he whakapapa i tataihia ki a Kupe, ki a Nukutawhiti, ki a Ruanui, ki a Tumoana, ratou ko Pohurihanga. Ko enei nga pou herenga moku kia tae ai te kii he uri ahau no Te Rarawa tuturu. He tatai ano oku ki nga iwi katoa o Te Hiku o Te Ika puta noa ki Te Tai Tokerau. Kei Waima tonu toku kaingarua e tatai ake nei ki Te Iwi o Te Mahurehure ki te taha o te awa o Hokianga. Na reira he uri tonu ahau no Ngapuhi Nui Tonu. I tupu ake ahau ki te kainga nei ki nga rekereke o oku matua i te wa i ora ana ratou. Na oku kuia ahau i poipoia, hei kaiwhakarongo ki o ratou tikanga. Heoi ano kua piri tonu ahau ki a ratou ma, ki nga wawata e tumanako ana ratou. Koia nei ko toku maramatanga mo toku iwi ko Te Rarawa Kaiwhare; he iwi no mua tonu i te taenga mai a Te Pakeha. Kua panui ahau i nga korero a toku kaumatua ko Te Venerable Timoti Flavel, na ,mea nei taku whakamarama mo te whakautu korero ki o ana kupu whakataki.

- 1.** I hold the positions of:
 - a.** Chairperson of Te Runanga o Te Rarawa ("Te Runanga"), the governance entity for the Iwi of Te Rarawa ("Te Rarawa");
 - b.** Negotiator on behalf of Te Rarawa for historical Te Tiriti o Waitangi/Treaty of Waitangi ("Te Tiriti/Treaty") settlements; and
 - c.** Chairperson of Te Hiku o Te Ika Forum ("the Forum"). This Memorandum is filed on behalf of Haami Piripi, Chairperson of Te Runanga o Te Rarawa, and the Iwi of Te Rarawa.

- 2.** I am aware of the Applications for Urgency that have been filed with the Tribunal by the Venerable Timoti Flavell on behalf of himself and Ngati Kahu in relation to the settlements negotiated between Te Aupouri, Te Rarawa and Ngai Takoto respectively with the Crown ("the Urgency Applications").

Historical Background

3. The Iwi of Te Rarawa was named by the exclamation of a solitary kuia south of Hokianga when Tarutaru and others sought to exact utu for the kidnapping and murder of their kuia Te Ripo from Rangiputa Paa. The event, although occurring well before the arrival of the Pakeha, is well documented and resulted in the establishment of Tarutaru and his wife Te Ruapounamu as the eponymous ancestors of Te Rarawa Kaiwhare. The name literally refers to the consuming of the dead and interred half cooked upon the burning wreckage of the village houses.
4. Te Rarawa grew from its genesis in Hokianga into a powerful Iwi which over a period of four generations consolidated our mana over the whenua throughout North Hokianga and most of Te Hiku o Te Ika. This expansion was orchestrated through conflict (wars) and arranged marriages which established the descendants of Tarutaru and Te Ruapounamu as the kawai rangatira for the Iwi of Te Rarawa. These rangatira were placed in strategic locations across the Far North in order to maintain an overall coverage of closely connected allies.
5. Their youngest child, Moria, was domiciled at Peria and was the grandmother of Panakareao placing him within the kawai rangatira of Te Rarawa whakapapa and leadership. He signed He Whakaputanga o Niu Tirenī along with his cousins Papahia, Te Huhu and Te Morenga, all of them recognised and documented leaders of their Rarawa communities. Panakareao was raised to the status of senior ariki of Te Rarawa upon the death of his mentor and tupuna, Poroa, who in his time held complete mana throughout North Hokianga and Te Hiku o Te Ika. Panakareao's senior wife Erenora was the daughter of Papahia and their only child was raised in Whangape. In 1840, at the peak of his influence, Panakareao signed Te Tiriti o Waitangi at Kaitaia describing his Iwi as Te Rarawa. The records of the event describe Panakareao's role as senior ariki for Te Rarawa and for decades after the Treaty and up until his death he continued to

live on the land he had bequeathed to the arriving Church of England missionaries.

- 6.** The eldest daughter of Tarutaru and Ruapounamu was Ngamotu, who, with her husband Te Paa, lived on Okakewai Paa overlooking Takahue, from about 1690. Other members of the Ariki families also lived at Okakewai Paa situated on the main track between Mangamuka to the western seaboard. From Ngamotu and Te Paa come Poroa, the tupuna who became famous for his great feats in war and in peace strengthening and consolidating the mana of Te Rarawa across Te Hiku o Te Ika. Pou who was a sister to Poroa was the grandmother of Pororua who settled and occupied lands at Oruru and Mangonui resulting in armed conflict with Panakareao, his Te Rarawa cousin. There is a misconception that Pororua asserted his Mana Whenua to the area through his Ngapuhi ancestry, however his strength of right and Take Whenua actually lay within his senior Te Rarawa lineage which had been established in leadership roles throughout Te Hiku communities including what is now considered to be the rohe of the Ngati Kahu Iwi.
- 7.** At Mangamuka, Poroa married Ngarimu Hongi Hika and their only daughter Rihi Paharau married Hohepa Hura Otene of Hokianga. From their seven children spring many of the Te Rarawa ariki families west of the Mangamuka River. These historical incidents have been passed on to me by my elders via oral histories as the defining point between Ngapuhi and Te Rarawa. Maungataniwha is another defining point of Te Rarawa Mana Whenua reaching down to the Raetea mountains and forest to the Takahue valley which Panakareao sought to retain in perpetual Te Rarawa ownership.
- 8.** Takahue (and other nomenclature of the area) is named after an event involving Tumoana of the Tinana Waka, one of the eponymous ancestors of the Iwi of Te Rarawa. Tumoana had two children, each with different mothers. Tamahotu, his son, settled at Te Kohanga in Ahipara and has become a key ancestor in Te

Rarawa whakapapa giving rise to several hapu in the region. Tumoana's daughter Kahutianui became adored by the people of North Hokianga and Te Hiku communities especially when she took her grief (due to Tumoana's return to Hawaiki) on a sojourn around the rohe. Kahutianui eventually arrived on the east coast where she married Parata. They lived for some time at Ahipara/Te Kohanga but conflict arose between brother and sister and Kahu was forced to return to the east coast where she has become the eponymous ancestor of the Iwi of Ngati Kahu. However, there is no doubt whatsoever that her waka was the Tinana which arrived at Tauroa /Ahipara and returned to Hawaiki after a period of two years.

- 9.** The Takahue River is also the scene of an incident involving Te Rarawa ariki giving rise to the hapu known as Te Tahaawai (of Te Rarawa) and this Hapu is primarily located in and around Takahue, Pukepoto and North Hokianga. Te Tahaawai also has a presence in Ngati Kahu ki Whangaroa but is a distinct branch. An associated Te Rarawa hapu, Ngati Te Ao, is the hapu of Panakareao.
- 10.** At Ruaroa, Kaitaia, Okahu, Tangonge and Pukepoto these hapu along with Te Uri o Hina, Te Tahukai, and Te Rarawa had established communities with ariki leaders right up until the 1860s when the effect of the land loss began to be felt by way of the impact upon the quality of life of our people.
- 11.** During this period a lot more Pakeha arrived bringing enormous changes to the physical and demographic landscape of our kainga and our rohe. As a part of their response to the Pakeha tide our tupuna signed both He Whakaputanga and Te Tiriti o Waitangi participating in the politics of the region as Te Rarawa and Hapu of Te Rarawa. Right up until the turn of the 20th Century this leadership was maintained. However the wholesale acquisition of land and other resources undermined any means of production that our great grandfathers had, leaving them dependent and

bereft of finances within a monetary economy. The rest is history.

THE MANDATE TO LEAD

- 12.** These are the roots of the Te Rarawa claims as they have been nurtured for the past thirty years. I have been a part of this process from the beginning encouraged by my elders to engage with the claims, and subsequently, the negotiation process. I was an inaugural member of, the Muriwhenua Runanga when it held the regional mandate and under the tutelage of Matiu Rata, was for a time, also a member of the Executive of that Runanga. Poised on the verge of agreement to a Muriwhenua settlement I was one of the dissidents who abandoned the Runanga to establish our own independent Iwi authority twenty two years ago. Others may recall differently but the collapse of the Muriwhenua Runanga mandate was an extremely damaging force brought upon our communities resulting in many irreconcilable positions and severe dysfunction. In hindsight, it is an action that I would not repeat given the delays to the settlement process that have occurred over decades.
- 13.** There is a remarkable similarity between the circumstances of those troubles with the situation we find ourselves in now as a result of the current Urgency Application by Ngati Kahu. The most striking similarity is the leadership on the issue. In the case of Muriwhenua it was the Ngati Kahu leadership, represented by Professor Mutu-Grigg, that led the exodus followed by Te Rarawa establishing our Runanga structure upon the twenty three marae that are affiliated to Te Rarawa between Hokianga and Kaitaia.
- 14.** The twenty two year road to settlement since then has been equally arduous. The cost of the lost momentum over this time has been quantifiably catastrophic, far exceeding any direct monetary losses. In contrast, there have been benefits that have come from the hard work over the last ten years of unbroken direct negotiations and these include more quality research and

access to archival information about our Whanau and community identity.

- 15.** During the course of this claim period, I, alongside others, have represented Te Rarawa as a negotiator for well over twenty years. In that time, I have worked with three generations of kaumatua who were great men and women rich in their history, and confident in their culture. The consultation exercise that Te Rarawa has undertaken in relation to these claims has been extremely robust and as a result we have aligned the expected outcomes from the settlement with the greater strategic objectives of the Runanga and our marae communities. In a number of instances the redress mechanism we have agreed with the Crown in direct negotiations is tailored to also enable our own strategic outcomes.
- 16.** Thus we have already embarked on the mission of ensuring our survival as an Iwi within a modern capitalist society by providing a framework for aspects of Te Rarawa development across a number of sectors. For example, in agriculture we have a farming strategy that includes significant areas of farmland we already own, farmland and other assets we intend to receive through our Deed of Settlement and farmland that we intend to purchase in the short term to provide us with a land and agricultural regime that is already one of the largest beef and dairy outfits in the Far North. In order to make this approach work, we have been required to also create joint engagement mechanisms within the redress arrangements with our neighbouring Iwi with whom we have been required to work in tandem with, in order to reach common agreements. These mechanisms are capable of remaining as a template for future engagement with other Iwi or new partners. In this respect, where we have discerned that future, yet to be agreed redress, will be required between ourselves and Ngati Kahu, opportunities have been created which are at least commensurate with those we have negotiated in our own Deed. For example, board mechanisms that pertain to Te Hiku o Te Ika region have a place for Ngati Kahu built in to its

future structure in preparation for any agreement that might be reached between them and the Crown. The assertion made by Timoti Flavell in his submissions that these arrangements have been developed without consultation with or the involvement of Ngati Kahu may well be his perception, however, it is my contention that this perception is almost entirely the result of Ngati Kahu's own abandonment of the Te Hiku Forum and refusal to effectively engage with the other four Iwi in an honourable way. Moreover, since they walked out, Ngati Kahu have continually sought to undermine the solidarity of the Forum and its members by publically refuting its ongoing existence and role while continuing to keep Forum members engaged in their cat and mouse game of being in, then not being in, creating confusion and dissention among the Iwi fraternity – the complete antithesis of the unity required for us all to optimise our respective opportunities.

THE HIKU FORUM

- 17.** Momentum in the negotiation process could not have been achieved without a commitment by Iwi to collaborate and it was for this reason that Te Rarawa joined the Te Hiku Forum, along with the other four Iwi of the region. It has been the quality of the collaborative relationships among the remaining four Iwi that has made the difference between making progress and not making progress in the direct negotiations with the Crown. In my view, the lack of a willingness to collaborate is also one reason why Ngati Kahu has been unable to move beyond our joint Agreement in Principle executed with the Crown in 2010.

- 18.** It occurs to me that somewhere along the way of direct negotiations, Ngati Kahu have decided to conduct their own negotiation, unfettered by the histories and aspirations of the other Te Hiku Iwi. Aside from the acrimony of dysfunctional personal relationships between certain Forum members and Ngati Kahu representatives, the first real indication of this was their decision to write their own Deed of Settlement in isolation from the other Iwi and in absentia from the Crown. As neighbouring

Iwi, we have never been consulted nor been provided with an official copy of their finished Partial Deed of Settlement which was touted as groundbreaking but was, I understand, summarily rejected by the Crown. Since then, the Ngati Kahu Runanga a Iwi representatives have fuelled discontent among our Iwi constituency with their inflammatory and insulting public remarks about aspects of our Deed and the caliber of our representatives. The venom of these attacks has to some extent permeated the cloistered existence of our isolated rural communities providing opportunities for dissidents to create division and dissent. These spurs of Ngati Kahu interference in the business of our and other Iwi of Te Hiku have grown worse as their own progress toward settlement has continued to be bogged down with a lack of strategic direction.

- 19.** Leaving the Forum and proceeding down their path of resolution has resulted in their isolationist approach which they now blame the rest of the Iwi – claiming they have been prejudiced by our continuing to directly negotiate our claims to the stage of a Deed of Settlement. It also reveals a delusion of grandeur in their expectation that all the Hiku Iwi ought to curb or even stall our negotiations in order for Ngati Kahu to develop its own strategy without consulting us or openly discussing what would be best for all of us – a strategy that wasn't then and has still not been imparted to the other Hiku Iwi.
- 20.** The option of applying for resumption over State Owned Enterprise lands has always been under consideration by all the Iwi of the Hiku with an understanding amongst ourselves that it would always remain as a bottom line option should direct negotiations fail. However, we as individual Iwi and as a Forum had not got to a point where this last recourse was contemplated and, in any event it was always understood between us that such an action should only be contemplated and conducted in consultation with our neighboring Iwi in accordance with the principles of whanaungatanga and tikanga Maori.

THE KOTAHITANGA MYTH

- 21.** The Application for Remedies and Resumption by Ngati Kahu utterly ignored the protocol of Kotahitanga. They have seized for themselves the front foot in relation to resumption, neglecting any commitment or interests of others by running off with the ball. Te Hiku Iwi have, throughout the settlement process, been aware of the ability to seek remedies and resumption via the Tribunal and the costs and benefits of this Tribunal process vis a vis settlement negotiations with the Crown are constantly being weighed up by us.

- 22.** This has required them to establish an association with key State Owned Enterprises lands and they have sought to do so by attempting to rewrite history through their confusing and almost incoherent approach to describing their purported area of interest. None of the areas of interest that they have proposed within this Urgency Application has credence with Te Rarawa and I utterly refute that they have any iwi Mana Whenua rights beyond the land block areas described in our submission to the Minister of Treaty Of Waitangi Settlement Negotiations, a copy of which is attached as Annex A. These blocks have been thoroughly researched by our negotiation team and the information obtained has enabled a clear distinction to be made between our respective Mana Whenua interests. Suffice to say, it is our understanding that while individuals within Ngati Kahu may have ancestral affiliations to lands and sites within the Te Rarawa rohe, this is an association that does not extend to the imposition of an iwi mana over the whenua. It is merely an expression of their diverse genealogical associations.

UNDERSTANDING IWI MANA WHENUA

- 23.** In my view there is a significant difference between iwi Mana Whenua and the mana that is attributed to smaller collectives of Hapu, Whanau and individual rangatira. The difference lies in scale and the additional roles and responsibilities that are required of an iwi. These responsibilities are derived from the dynamics of collective activity and a need to maintain balance,

fairness and equity among its constituents. In the case of Te Hiku o Te Ika, its chronological history of occupation is so overlaid that it becomes extremely difficult to establish an exclusive right or stand alone interest and all individuals from the region can trace back to a common ancestry.

- 24.** The understanding we have about mana is derived from our kaumatua, Maori Marsden, who in his wananga with us identified three facets of mana within an individual. These are Mana Tupuna (or Atua), Mana Whenua and Mana Tangata. Mana Tupuna refers to the unique ancestry of any person linking them to a wider fabric of genealogical descent. This mana is understood as sacred and possesses an element of divinity inherited from Atua Maori who both created and procreated with their human progeny. Mana Tangata is the personal prestige and authority acquired by an individual through his or her own endeavours. It is related to the Mana Tupuna of a person but not dependent entirely upon it. The Mana Whenua of an individual is the expression of authority over areas and natural resources and this is usually defined by a combination of Mana Tupuna and Mana Tangata to produce the kind of authority required to utilise the potential or means of production required. Sometimes this authority is innate and inherited but at other times it is acquired through discovery, secession or conquest. In the circumstances we are faced with in Te Hiku, the specific and personalised land interests referred to, relate to the Mana Tupuna interests derived from certain ancestors which continue to be expressed through shareholdings and direct involvement in issues associated with that particular site or resource. This does not equate to Iwi Mana Whenua which is a collective authority centred around a greater interest. Iwi are a confederation by definition and the Mana Whenua of an iwi is manifest in ongoing occupation and use by the iwi concerned. It is also subject to the mandate of neighboring iwi in order to gain any existence and none of the several iterations of areas of interest have been mandated by any of the Hiku Iwi. Once again Ngati Kahu believes that it falls to whatever Ngati Kahu claims for themselves, almost as if there is

a vacuum where the other Iwi live and this epitomizes the frailty of their Mana Whenua assertions over areas in which they have never in our local history, ever exercised mana as an Iwi.

- 25.** The framework that we have used to analyse mana allows for specification and categorisation into a trilogy of forms which are capable of acknowledging and reflecting customary interests in a number of ways. For instance, the proposed Te Hiku Conservation Board, as set out in the Te Rarawa Deed, has a place reserved for Ngati Kahu on the basis of their Mana Whenua. However, in the instance of the Oneroa a Tohe Beach Board, the inclusion of Ngati Kahu by the Hiku Forum Iwi was not predicated upon their Mana Whenua but rather their Mana Tupuna and Mana Tangata as regular users of the beach under current Pakeha law. This is reflected in the governance arrangements – they are precluded from chairing the Board as a result of the absence of any iwi Mana Whenua. They remain our close relatives and some of their iwi members even live among us. This does not, however, equate with an iwi Mana Whenua interest.
- 26.** None of the Hiku Iwi has ever sought to deprive Ngati Kahu of what is rightfully theirs in accordance with our historical understandings and the teachings of our forebears. However, each of us will vigorously defend any attempt by Ngati Kahu to claim Mana Whenua over areas that we have historically occupied and exercised iwi Mana Whenua over for generations. A fresh injustice would occur if this Tribunal was to proceed to make any allocation of lands or resources to Ngati Kahu based on the paucity of information they have provided and without the counterbalance of submissions made by those of us actually living on and exercising iwi Mana Whenua over the lands concerned. In order to maintain our ability to protect our interests in these claimed lands we are now faced with the necessity of having to become an applicant for a Remedies and/or a Resumption Hearing in our own right. The implications of such an application would inevitably result in the discontinuance of direct negotiations, consequently, providing

Ngati Kahu with a measure of success in collapsing the negotiations of the other four Te Hiku Iwi. This would be a return to the scenario of the Muriwhenua Runanga collapse with equally detrimental results for our claimant communities. This destructive approach in the pursuit of self-interest is obnoxious and is a repeat performance for Ngati Kahu whose previous sabotage of the Muriwhenua initiative has left a bitter taste in the mouths of us all in Te Hiku o Te Ika, robbing us of our own political and economic autonomy and independence of thought.

27. In the negotiation of our Deed of Settlement we have, in good faith, and honestly and consistently tried to ensure that Ngati Kahu was not prejudiced by our actions or agreements. As referred to in our submissions. We consider that a fair balance has been achieved in determining the final scenario of available redress which is consistent with the Mana Whenua framework that all Te Hiku Iwi had agreed to very early in the process.

KAITAIA PROPERTIES

28. The town of Kaitaia has required a more contemporary approach because it is the commercial hub of the district and as a semi urban centre it is home to a mix of Iwi membership from around the region. A number of options have been discussed for dealing with this demographic anomaly. At one stage it was tentatively agreed that the three Iwi with interests in and around Kaitaia could be combined to provide a tripartite model for ownership and governance of the Kaitaia properties. This would have, in effect, merged any Mana Whenua interests into one body, removing the need to dispute any boundaries. However, Ngati Kahu deserted this position without telling any of us and charged off again down their own individual track on an alternative course of action. My experience over the past two years has been that no statement or decision proffered by Ngati Kahu could be relied upon and instead agreed positions could be withdrawn or changed overnight without so much as an offer of explanation. Nevertheless we as an Iwi with Mana Whenua in Kaitaia have remained committed to the principle of fairness and as a

consequence agreed, in conjunction with the Iwi of Ngai Takoto, and in the absence of Ngati Kahu, a simple equitable allocation of the Kaitaia properties to ourselves, Ngai Takoto and Ngati Kahu. It seems from their Urgency Application that they consider themselves to be prejudiced, and not privileged from this attempt to cater for their interests. If there is any intention to relitigate this allocation on a Mana Whenua basis by the Tribunal then this should require a return to a process by which Mana Whenua can be determined. Such an approach would stifle the current innovative developments which, in my own view, have afforded Ngati Kahu with more properties than they would have received on the basis of iwi Mana Whenua interests.

TE KOROWAI ATAWHAI MO TE TAI AO

- 29.** In relation to the Korowai Atawhai mo Te Taiao, there is clearly a complete lack of understanding about how the model works and the potential that it contains for achieving kaitiaki outcomes for our Marae and Hapu communities. When compared to the statutory board model agreed by Ngati Kahu in their Agreement in Principle we are able to verify its efficacy through the myriad mechanisms and relationships that give effect to iwi kaitiakitanga. Some of these are existing mechanisms have been remodeled and some are mechanisms that are a first in statutory environmental management, not just in Aotearoa, but also throughout the world as an indigenous model imbued with cultural capital and traditional customary authority. For example, the approvals required to gather customary materials from the conservation estate now rests entirely with the Iwi and our nominated Kaitiaki who will develop and work to a Cultural Materials Plan, ensuring ongoing sustainability of Taonga species. Waahi Tapu areas have also been designated as sites where Iwi and Hapu have 100% management responsibility, another world first and a significant enhancement of the current conservation management regime. There is an array of such mechanisms available to implement the Korowai model, including the ability of Iwi to nominate half the membership of a newly formed Conservation Board for appointment by the Minister of

Conservation. The retention by Iwi of half the board enables us for the first time to exercise the mainstream responsibility for writing the regional Conservation Management Strategy which is approved by the Minister under the Conservation Act – another world first.

- 30.** It is extremely difficult to comprehend the Ngati Kahu contention that their interests have been prejudiced by this new model of management. It is far superior to the current model of conservation management in many demonstrable ways and this has been acknowledged by conservation officials and stakeholders. In contrast Ngati Kahu has made absolutely no progress on their intentions for a Statutory Board and I doubt whether they have even begun to discuss the model with the Crown as a best practice methodology. In effect they are contending that they would rather have the old regime under complete Crown dominance than accept and, if they so choose, become part of a model that promotes and implements the practice of kaitiakitanga. This is a classic case of cutting off one's nose to spite one's face.
- 31.** While it is true that the Minister of Conservation has retained some key powers within the Korowai regime, we as negotiators are absolutely confident that this will be mitigated by the forging of quality empowering relationships resulting in the powers being rarely, if ever, invoked. In any event, these powers relate to the sanctity of environmental integrity and we are aligned with the objective of conservation promoted under the Conservation legislation. We concur with the Crown's position on issues like the harvest of live Kauri or the taking of Kukupa (wild wood pigeon) which are practices detrimental to the mana of our Atua Maori and kaitiaki. Hence the most exciting aspect of the Korowai model is the common understanding between Iwi and the Crown about the need for environmental protection and sustainability. This will in turn place our focus upon seeking ways we can continue to work together productively toward common objectives. It is ludicrous to assert that this development is

prejudicial to the interests of Iwi, especially when exactly the same weight and potential for engagement has been available to Ngati Kahu as for any of our other four Iwi.

32. Finally, I note that Ngati Kahu is free to negotiate its own redress if it thinks that the redress that has been negotiated by the other Te Hiku Iwi does not warrant settlement. It is not bound to accept redress such as the Korowai or the Beach Board – it can negotiate “better” redress if it so chooses.

CONCLUSION

33. I utterly refute the notion that the Te Rarawa Deed of Settlement is prejudicial to the Iwi of Ngati Kahu. Notwithstanding the overlapping interests between us and the difference of opinion that exists, the three strand mana model is capable of capturing any customary interest into an appropriate sharing arrangement. Moreover, everything we have succeeded in negotiating for ourselves in the absence of Ngati Kahu has, where appropriate, also been made available for them in the future should they choose to participate. A fair allocation of properties has been set aside for them that are equivalent in value to our own property portfolios and even provided for them in areas which we do not consider that they have any iwi Mana Whenua. It is disappointing to see that they have not recognised our honourable intentions and that they continue to utilise the Pakeha law to try to subjugate our efforts to achieve political and economic autonomy in our region.

34. It is clear to me that they appear to have not found fit to contextualize their settlement and redress options as a contribution to their own future and greater Iwi development. They have not worked co-operatively with other Te Hiku Iwi to obtain the best outcomes for all of our peoples collectively – instead they have been fixated on the immediacy of what they think is best for them and them alone, and we the other Te Hiku Iwi, now have to pay the price of that pure self-interest. They have no respect for our iwi history nor the efficacy of any quality

relationship between us and as a result the claims of the Muriwhenua people continue to lie unfulfilled and in complete disarray. It is my sincere hope that the Tribunal will play a future role in stabilising the tribes of Muriwhenua, allowing our respective aspirations to be realised for the benefit of our next generations.

Tena whakamaua kia tina, hui e taiki e.

SWORN at Kaitaia)
this 18th day of June 2012)
before me:)

HAAMI PIRIPI

Solicitor of the High Court of New Zealand/Deputy Registrar