

BEFORE THE WAITANGI TRIBUNAL

**WAI 2490
WAI 2429**

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Ngapuhi Mandate Inquiry (Wai 2490) and the claims concerning the Crown's recognition of the Tuhoronuku Deed of Mandate Wai 2341, Wai 2429, Wai 2431, Wai 2433, Wai 2434, Wai 2435, Wai 2436, Wai 2437, Wai 2438, Wai 2440, Wai 2442, Wai 2442, Wai 2483

AND

IN THE MATTER OF An application by Waihoroi Shortland and Pita Tipene on behalf of Ngati Hine for an urgent inquiry into the Tuhoronuku Deed of Mandate (Wai 2429)

BRIEF OF EVIDENCE OF ERIMA HENARE

Dated this 25th day of November 2014

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LAWYERS

Introduction

1. My name is Erima Henare and I provide this further brief of evidence in support of Ngati Hine and in response to the evidence that the Crown and Tuhoronuku have filed recently in this urgent inquiry.
2. I wish to respond to the issues raised by Jones, Tau, Yeabsley, Clarke and Henare. I do however want to start by commenting on the Crown's engagement of Colin Carruthers QC.
3. The engagement of a Queen's Counsel by the Crown conveys several messages to me as a farmer from Motatau, which includes:
 - (a) That the humble people from the hills and vales of Ngapuhi have been so tenacious in their opposition to the mandating process that they are on the cusp of winning a stay of the process;
 - (b) That the hitherto very effective Crown team now requires support by arguably one of New Zealand's most formidable Queen's Counsel; and
 - (c) That the Crown fears that your Tribunal, Your Honour, will deliver a damning assessment of the process to date, and call for a more appropriate process that will ensure that the people of Ngapuhi will receive a just and equitable settlement that will bring enduring peace and prosperity to the hills and vales that I referred to earlier.

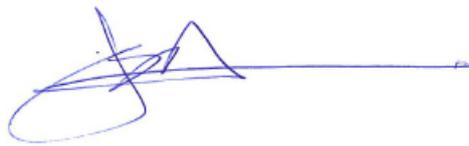
Yeabsley, Jones, Clarke, Henare, Tau

4. Dr Yeabsley appears to have been engaged by the Crown to provide economic modelling around opportunity cost and losses between a single comprehensive settlement and a hypothetical multiple PSGE, and a delayed settlement. He also speaks of the settlements of other iwi and how they have benefited from their settlements.
5. Messrs Jones, Clark, Henare and Tau support the notions spoken of by Yeabsley. In the case of the latter individuals, they attempt to use their "Maori" side to create a point of difference. Mr Tau also spoke extensively in the Northern Advocate about this issue, which at the time I thought was in

contempt of the Tribunal. It left me wondering if he was speaking in that article on behalf of TRAION, Tuhoronuku, TIMA or in his private capacity.

6. The evidence submitted by all of them is, I find, contemptible! I am the father of 5 children and the grandfather of 23 mokopuna. Many others gathered here today have many more children and mokopuna than I.
7. Your Honour, travel around Ngapuhi with your Tribunal and you will see for yourselves - half of the shops in every town except Kerikeri are closed, you will see houses being lived in that you would never allow your animals to stay in, you will see overcrowded houses, you will see our mokopuna and children going to school in the best clothes that their parents can afford for them and carrying the best lunches possible, you will see a poor but unbent people. These people have been living in this way for nigh on 175 years since the signing of Te Tiriti o Waitangi. From the time when their land was invaded, their dignity stolen, their culture denied them, their sacred sites desecrated, their children and grandchildren imprisoned, their children receiving a poor standard of education, yet only now has the Crown and those giving this evidence to your Tribunal seeming to have discovered this cancer, this affliction, this disease!
8. They are in fact saying that the Crown is not responsible for this situation, but WE ARE! And therefore, by inference it is our fault and we are delaying the fixing of this situation by opposing the mandate that was "granted" to Tuhoronuku. I expected that behaviour from the Crown but not from my own kith and kin. What next, we single-handedly caused the GFC (Global Financial Crisis) to occur. Have these witnesses become so detached from their people that they did not see or witness what I have described and that they now blame the victim.
9. Maoridom's most outstanding statesman of the last 50 years, your late father, said: "Maori are in need of education, housing, employment, health". These statistics are not getting any better in spite of the fact that we now have a substantial number of Treaty settlements and Maori increasingly have a strong asset base. The spirit of the market steals life from the vulnerable.

10. Your Honour, we who have lived this way for 175 years, long for a sustainable future for Ngapuhi yet unborn too. We too long to end the suffering of 175 years in the manner described by the Crown and its witnesses, we want to end the pain and suffering delivered upon us by successive governments. We too seek the true equality of citizenship, which was paid for by our men who served in the many conflicts that this nation has taken part in. We seek an end to the poor health, the over-representation in prisons, the continued underperformance of our mokopuna in the education system, our over-representation in the unemployment lines. All that we differ on is the process and timing of our respective endeavours.
11. Ngapuhi, although poor, are a proud people. For years we were feared throughout the land. We brought this cow here and we have waited patiently while others who were described by the Crown's witnesses have milked its udder until we are now told, it is dry. For this generosity of spirit towards our sister tribes we are today ridiculed for our alleged disunity, our obdurate nature, our lack of leadership, our lack of direction and unruly behaviour on Waitangi Day.
12. Your Honour, members of the Tribunal, there is a solution to this issue and it will not be found in the current process and situation.

A handwritten signature in blue ink, consisting of a large, stylized initial 'J' followed by a long horizontal line.

Johnson Erima Henare, 25 November 2014