

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 Pomares for an Urgent Inquiry into the Crown's recognition of the Tuhoronuku Mandate (WAI 2436)

AFFIDAVIT OF GRAY THEODORE

Dated 25 November 2014

RECEIVED Waitangi Tribunal
25 Nov 2014
Ministry of Justice WELLINGTON

Te Haa Legal

PO Box 138, Otaki 5542
Phone: 06 364 5504
Mobile: 027 238 5854
Email: moana@tehaalegal.co.nz
Counsel Acting: Moana Sinclair



I, **GRAY THEODORE (aka TE KEI TIATOA)**, swear as follows:

1. I am Gray Theodore from Te Uri Taniwha, Te Popoto and Te Whiu hapu. I am from the Tiatoa whanau. I am a named claimant for **Wai 2436** in the Wai 2490 Ngapuhi Mandate Inquiry, and **Wai 966** in the Wai 1040 Te Paparahi o Te Raki, Inquiry.
2. I recently had my eightieth birthday at Paruwhenua Marae on 5 July 2014. At that birthday we had 150 or so guests. Two executives of the Tuhoronuku representatives arrived. Most of my whanau were there and very few supported Tuhoronuku.
3. My views of the Crown Tuhoronuku mandate are well known. I have written letters to the Minister of Treaty Settlements, Finlayson opposing the Tuhoronuku mandate.
4. I have previously stated that Tuhoronuku has no whakapapa to Nga Puhi nui tonu. I want to quote Raniera Tau, and in doing so agree with him:

"Tuhoronuku – he manu aute", an inanimate object, a kite.

5. Tuhoronuku is familiar to nga tamariki o kohanga reo as a 'play thing', 'a toy'
6. When I look at Issue 1.2 (b) of the Statement of Issues, (Wai 2490, #1.4.1) it states:

*"1.2 In particular to what extent was the Crown's decision to engage with Tuhoronuku to develop the mandate strategy influenced by:
(b) the views of hapu?"*

7. In response to that issue, this object Tuhoronuku has been magnified by Raniera (Sonny) Tau and Te Runanga o Iwi o Ngapuhi ("TRION") to be the principal recipient to negotiate and receive historical redress which will include millions designated for Ngapuhi whanau and hapu. If Tuhoronuku had consulted with us, they would have been informed that a new creation or organisation for

*Gray Theodore
DGT*

Ngapuhi is **unacceptable** to negotiate and settle our claims against the Crown of Te Tiriti breaches.

8. The Tuhoronuku TRION representatives have received so much support and financial assistance from the Crown they have blown it out of all proportion to the point of failing to hear or see others. The point is, that Tuhoronuku executives rely on the Crown support. They cannot and do not have the support of the Ngapuhi people.
9. I want to pursue the issue of how hapu have been treated by Tuhoronuku. At Otatara Marae Raniera (Sonny) Tau mongrelised Te Whiu hapu. He does not know who 'Te Whiu' hapu are, he claimed it was a " Johnny-come-lately hapu." My whanau who were present at this Marae informed me of what had been said.
10. Two nights later at the Kotahitanga marae at Kaikohe, I raised the issue of Te Whiu with Raniera (Sonny) Tau. I detailed the whakapapa of Te Whiu, ending with my mother, who is of Te Whiu.

I never received an apology.
11. I do not Trust Tuhoronuku or TRION to administer any settlements for all of Ngapuhi.
12. I am of the persuasion that a review of Tuhoronuku and its parent body TRION is long well over due.
13. In looking at Issues 5.5 (a) of the Statement of Issues there has not been an open, fair and transparent process, and there will certainly not be an enduring settlement. We have made it clear, that the Tohoronuku mandate has no support and that its previous TRION organisation has a history of no accountability or systems. The two organisations are inextricably linked.
14. Tohoronuku never give answers to our questions and I have no reason to believe we are likely to receive any in the future.



15. Issue 5(b) of the Statement of Issues states: *"In terms of the mandating process as a whole: to what extent, if any, have the Crown's actions or omissions impacted on whakawhanaungatanga/relationships within Ngapuhi? And to what extent is the Crown culpable for any negative impact?"*
16. This matter has caused deep division among the people of Ngapuhi. Firstly the Crown has favoured one side. The Crown has picked a winner and will now run with it, even if it is absolutely rejected by us all. The Crown has funded this group to the tune, I heard of more than two million dollars. It stands to reason when one has gone that far down the track, it is hard for the Crown to review its selection of Tuhoronuku. The Crown and in particular OTS officials would be identified as making a huge mistake, obvious to everyone in Ngapuhi but not to OTS officials who ignore the majority of Ngapuhi voice against this Crown imposition.
17. Issue 6 of the Statement of Issues states: *"To what extent, if any, will historical claims be negotiated and/or settled without the consent of the groups on whose behalf those claims are made? And would this amount to extinguishment?"*
18. The extent to which our historical claims be settled without the consent of the claimants is a major concern.
19. We have never allowed our claim to be taken without our consent. Of course settlement of our claim effectively extinguishes our claim.
20. I have never given consent for the Wai 966 claim to be settled by Tuhoronuku. I know we will never agree to our claims being taken and settled without our consent.
21. So much has been said and done in our name without our consent.
22. In my opinion both Tuhoronuku and the Crown do not act impartially. They are both motivated by their own self-interests and not those of us, the majority of

A handwritten signature in black ink, appearing to be 'G. L. ...' followed by a flourish.

Ngapuhi. Their actions can only be viewed as being driven by their self-interests. This puts us in a very vulnerable position.

23. If we lose and Tuhoronuku are granted the right to settle our claims, we will lose for all time the right to participate with Tuhoronuku. Ngapuhi operate that way.

24. We will be forever prejudicially affected. However if we win a direction from the Tribunal that the Crown/Tuhoronuku mandate has **not** won sufficient support from the people and that the claimants whanau and hapu have the right to have our claims heard free from interference, from the Crown or Tuhoronuku.

Nga Mihi

SWORN at Auckland)
this 25th day of November 2014)
before me:)



GRAY THEODORE



A Solicitor of the High Court of New Zealand

Daniel J Watkins
Barrister
PH: 09 4012384 Fax: 09 9456298
PO Box 147 Kaikohe Northland