

IN THE WAITANGI TRIBUNAL

Wai 2490

IN THE MATTER OF The Treaty of Waitangi Act 1975

AND

IN THE MATTER OF The Ngāpuhi Mandate Inquiry

**BRIEF OF EVIDENCE OF KARA PAERATA GEORGE
DATED 14 NOVEMBER 2014**

RUSSELL McVEAGH

Adrian Olney
Phone +64 4 499 9555
Fax +64 4 499 9556
PO Box 10-214
DX SX11189
Wellington

Counsel instructed:

James Every-Palmer
Phone +64 4 915 9271
Fax +64 4 472 9029
PO Box 117
Wellington

I, Kara Paerata George, state:

Introduction

Ko Whiti te Tupuna, Ko Te Kapotai te hapū
Ko Kapowai the maunga e titiro iho ana,
ki Motukura ki tana Pa tu moana,
Ko Waikare te awa, ko Te Turuki te marae,
Ko Kara Paerata Hoori taku ingoa.

1. My name is Kara Paerata George, Te Kapotai is my hapū. I am the Mandated Hapū Kaikorero ("**MHK**") for Te Kapotai. I am a Tūhoronuku Independent Mandated Authority ("**Tūhoronuku IMA**") board member. I am a Hapū Development Coordinator.
2. I provide this evidence in support of Tūhoronuku because the Tūhoronuku IMA election was carried out in a fair and clear way that allowed for a wider hapū representation. The Tūhoronuku IMA Trustees represent a wide section of Ngāpuhi based on a five region approach.
3. I believe that Tūhoronuku IMA is the way forward for Ngāpuhi, that hapū have a strong voice on Tūhoronuku IMA, and that there are no alternatives.
4. I used to oppose Tūhoronuku, at the stage when it looked like Tūhoronuku might settle claims before they were heard in the Te Paparahi o Te Raki Inquiry. However, the parallel process has given me comfort this is no longer an issue. Further, Tūhoronuku listened to the opposition, and made changes to its Deed of Mandate that illustrated to me that Tūhoronuku was dedicated to representing the views of Ngāpuhi.
5. I now support Tūhoronuku, and I wish to give evidence on the following issues:
 - (a) the MHK process, and my involvement in that as a member of Te Kapotai;
 - (b) the fact that this settlement model provides for strong hapū participation;
 - (c) my changed position, from opposing Tūhoronuku, to supporting it, and why I changed my position; and
 - (d) the lack of alternatives.

Background

This is about why I have the mana to speak on these issues for Te Kapotai

6. I am the current MHK for Te Kapotai. I was an original hapū kaikorero for Te Kapotai in 2009, when the hapū decided that there should be two hapū kaikorero, alongside Willow Jean-Prime, who appeared around that time as a young lawyer with very little experience in Te

Kapotai matters, but with a lot of enthusiasm and a set of relevant skills.

7. I was instrumental in developing wananga in preparation for our claim alongside the Te Aho Claims Alliance group – Joe George and Karen Herbert. This arrangement worked well for a considerable period of time as the claim was put together, first towards the He Whakaputanga hearing then, the Tiriti O Waitangi hearing.
8. I became disillusioned alongside a number of other whānau and hapū members when there was a lot of raru with Te Kotahitanga and Ngāti Hine. Once Willow Jean-Prime began acting as a lawyer for Ngāti Hine there was much obfuscation about where the Te Kapotai Claim was being taken and in what direction the hapū was being dragged.
9. A variety of people with nebulous connection to both the Waikare community and Te Kapotai began arriving at monthly marae meetings to promote resolutions that dragged our people in a variety of directions. These were very loud affairs, with a lot of abuse pointed in my particular direction encouraged by the chair of the Marae Trustees. The resolution that sticks in my mind the most vividly is, "to not allow Electionz to hire the marae" for a meet the Tūhoronuku candidates hui.
10. Our marae had never in its lifetime broken tikanga in this way before. Tangi was the only kaupapa that could deny or cancel a booking. To cap it all off, this decision was forwarded to the Northern Advocate, appearing in an article that week authorised by the chair, Willow Jean-Prime. I still to this day do not comprehend what benefit this whole dynamic was to the hapū o Te Kapotai. In the end, the kaumatua allowed the "meet the candidates" process to go ahead reminding us all of those values of manaakitanga espoused by our tupuna mai ra anō. This was an abusive, intimidating affair with loud interruptions and an attempt to throw a resolution on the floor to negate the election process.
11. My family have had a long history of service to the Waikare community, Te Hapū O Te Kapotai and the marae. My mother Martha began the first pre-school bilingual unit at the kura and played a huge part in setting up the Te Kohanga Reo located at the marae.
12. I myself was forced to return to Waikare in 1999 following the death of my father and the illnesses of both my remaining tuakana. I returned to live fulltime in 2000 and immediately launched into Wharekai 2000, the rebuild of the wharekai (kitchen) and the rebuild of the Te Kohanga Reo. Both these projects were successful. Te Reo Māori has always been a passion of mine following a boarding school education at Hato Paora College in the late 1960s. The opportunity arose to reconfigure education across the Russell peninsula in 2003 when the government of the day was closing schools with small rolls. I was able to provide leadership to others alongside kaumatua and kuia to propose the establishment of a special character designation kura Māori at Waikare.
13. This project was successful, with both the opening of a brand new Te Kohanga Reo building and a change of status of the kura on the same

day, in term four, 2004. The Te Kohanga Reo is licensed for 25 children and the school roll has grown from 19 to a current roll of 53.

14. I have lived fulltime in Waikare since 2000 and consider myself "ahi kaa". I live with my family on the whenua which my tupuna have lived on forever. The many whānau who live in Waikare are not those who oppose Tūhoronuku, and I believe many voted in the elections that were held. My credibility in achieving success in past community projects and living amongst them on a daily basis has warranted a faith in continuing to provide a useful and productive future for them all, despite the level of raru which has been expressed in terms of the Tūhoronuku process. In fact, I am inspired that I am able to represent the hapū on the Tūhoronuku IMA more productively because I live in Waikare, and can appreciate what that means, while the vocal minority consists of those who don't.

The MHK process and Te Kapotai

15. I think the MHK process is fair and transparent, allows full participation of all who want their voice to be heard and who want to participate in the negotiation and settlement of their hapū claims. There is a transparent and fair elections process outlined in the Deed of Mandate, and Willow-Jean Prime and others did their best to prevent those of Te Kapotai who wanted to participate in the Tūhoronuku IMA.
16. Willow-Jean Prime refused to have a hapū hui about Hapū Kaikorero despite being asked at Marae Trustee meetings, reiterating that this was done in 2009. However my removal and replacement by Karen Herbert was conducted at a Marae Trustees meeting, not a hapū hui.
17. Leading up to the Hapu Kaikorero elections, Willow-Jean Prime and others demanded that we withdraw our names by way of minutes at hui by shipping in people to vote at hui who don't turn up to our hui usually, going so far as trying to prevent elections from hiring the marae..
18. Over 300 Te Kapotai voted in the MHK elections. This is evidence that Te Kapotai supports the Tūhoronuku IMA – this is contrary to the idea presented by others that Te Kapotai is unified in its opposition to the Tūhoronuku IMA.
19. Once Willow-Jean Prime began acting for Ngāti Hine claims the role with the Te Kapotai claim "morphed" into a conflict of interest in trying to align both Ngāti Hine and Te Kapotai into a single outcome.

Tūhoronuku IMA allows for strong hapū participation within a broader single settlement

20. I support the Tūhoronuku IMA because it allows for strong hapū participation within a broader single settlement model. Opponents assume that hapū aspirations and involvement will not be dealt with in the Tūhoronuku IMA, but from my experience as a member of the Tūhoronuku IMA board, I know that hapū are involved and have a strong say. We can have both, and we do have both – it is not an either/or.

21. As a Tūhoronuku IMA board member, and a member of Te Kapotai, I can say that Te Kapotai will have a strong voice in negotiation of our claims. I am not going to let Tūhoronuku negotiate Te Kapotai's claims without my, and my hapū's, involvement. And there is nothing to indicate that it ever would.
22. I do not see Tūhoronuku as being against our hapū rangatiratanga. Instead I see Tūhoronuku as enabling that rangatiratanga, and enabling us to settle our claims against the Crown. The settlement of my hapū's claims is paramount, and that is why I am involved in the Tūhoronuku IMA.
23. As Tūhoronuku IMA board members, we are here at the behest of hapū – our direction is not determined by us Tūhoronuku IMA board members personally, but by the wishes of hapū.
24. Given the Crown's large natural grouping ("LNG") policy, I see that the best way forward is to participate fully in Tūhoronuku. I do not see Te Kapotai/Crown negotiations as feasible - nobody sees this as a feasible option. Opponents are thinking of another LNG, and Ngāti Hine wants to drag Te Kapotai into that, but Ngāti Hine has been through no process to gauge whether Te Kapotai want to be a part of that other group. I object to Ngāti Hine, and Willow-Jean Prime, trying to put Te Kapotai into another LNG with Ngāti Hine.
25. It's not that Ngāti Hine and Willow-Jean Prime disagree with the idea of a large natural group negotiating with the Crown. They want their own other LNG. They argue that hapū are being swamped by a larger body, and that is an abuse of hapū rangatiratanga. But they propose a new LNG – so their problem is not that hapū don't have an adequate voice, it's that they don't like this particular LNG.

Why I changed from opposing to supporting Tūhoronuku

26. I support the Tūhoronuku because it listened to opposition, and it changed. It changed its Deed of Mandate to accommodate concerns hapū were projecting about their lack of involvement in Tūhoronuku and its process. That shows Tūhoronuku represents the views of Ngāpuhi, and it listens to those views.
27. I, and my family have been involved in Te Kapotai for a long time. I have been fully involved in our hapū claims process.
28. So, I have seen the whole timeline of the Ngāpuhi settlement and Te Kapotai's involvement in that. I used to oppose it because it looked like a single body was settling our claim before we had our Te Paparahi o Te Raki Inquiry hearings. But now I know that the Tūhoronuku IMA has the only structure to take us forward. There isn't another feasible model. And, the Tūhoronuku IMA is a good model – it's not just that there isn't an alternative. With all my experience, and the long involvement I have had in these issues, it is my opinion that Tūhoronuku is the best way forward.
29. Also, I opposed Tūhoronuku because it didn't seem to be providing for enough of a hapū voice in negotiating and settling their claims. But it has listened to hapū complaints, and changed its Deed of Mandate.

And now that I am on the Tūhoronuku IMA board, I can see that hapū do have that strong voice.

The lack of alternatives

30. The Tūhoronuku IMA is the way forward, it has done the process, it is robust and transparent, and it provides for participation of all hapū.
31. If it's not the Tūhoronuku IMA, then what? What will be the cost to my hapū? Any further delays will prolong the addressing of the many issues we face. The division in Ngāpuhi will reduce us to what? We have always worked together as Ngāpuhi, dealt with our issues, celebrated our successes and achievements together.

Dated 14 November 2014



Kara Paerata George