

IN THE WAITANGI TRIBUNAL

Wai 2700

Wai 1427

IN THE MATTER OF the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF the Mana Wahine Kaupapa Inquiry

AND Titewhai Harawira, on behalf of herself and her whanau and hapu, and on behalf of Ngapuhi Kuia and Kaumatua, for and on behalf of the descendants of Nga Hapu o Ngapuhi Nui Tonu

**BRIEF OF EVIDENCE OF TITEWHAI TE HOIA HINEWHARE
NEHUA HARAWIRA**

30 June 2021

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Waitangi Tribunal

30 Jun 2021

Ministry of Justice
WELLINGTON

I, **TITEWHAI TE HOIA HINEWHARE NEHUA HARAWIRA**, Kuia, of Tamaki Makaurau, state that:

I: Introduction

1. I present this evidence in support of my Wai 1427 claim for this Mana Wahine Inquiry, in my role as a prominent kuia of Ngapuhi who has spent a lifetime advocating for the rights of tangata whenua and te mana o te wahine.
2. There will be two parts to my evidence. The first part will address pre-1840 matters that the Judge wants us to speak about. To do this, I will be referencing evidence I have already given to the Tribunal. I have already given my korero on these matters, but the system which we are forced to work within has only ever listened to the parts of my korero that have helped to further the Crown's predetermined outcomes.
3. The second part of my evidence will address this Inquiry and discuss the procedural failings that have occurred to date as well as my concerns about the way in which this Tribunal intends to carry out the remainder of this Inquiry. Specifically, I will raise how the current approach has had, and will have a negative impact on the collection of evidence from those wahine Maori most affected by the Te Tiriti breaches of the Crown, and by those who are elderly.

II: Korero within the Tuapapa Scope

4. I have already given korero on pre-1840 issues that the Tribunal wants us to present on. I gave it in my written and oral submissions, particularly in the Wai 1040 Inquiry.¹ My evidence is also in *Ngapuhi Speaks*, an independent report which I helped to commission and which speaks at length about Ngapuhi in a pre-1840 context.²
5. I will give some korero here on the topics which have been dictated to us but wish to refer the panel to my previous submissions made in the many Inquiries I have participated in, and in *Ngapuhi Speaks*. I will not repeat myself for a panel that does not intend to listen to the real stories of our wahine who have been silenced for so long.
6. *Ngapuhi Speaks* clearly describes the intentions of Ngapuhi hapu in a pre-1840 context and represents both the roles and views of wahine and tane in those times equally and as equals.
7. As I have said so many times, we are taught to think of ourselves as “tribes” and to see ourselves in the pre-1840 context as just some primitive backward peoples that didn’t know what government was.³ But this is merely the colonial story we have been taught. Through the repetition of lies, the truth in our foundational stories has been lost to historical amnesia. Our tupuna laid down for us a way of living, a way of life which was inclusive and supportive.
8. This was true right up to, and through the formation of He Whakaputanga, where both our male and female rangatira came together as equals to declare our Tino Rangatiratanga.⁴

¹ *Brief of Evidence by Titewhai Harawira*, dated 14 October 2013, Wai 1040, #I30(a).

² *Ngapuhi Speaks: Commissioned by Kuia and Kaumatua of Ngapuhi – He Wakaputanga and Te Tiriti o Waitangi, Independent Report on Ngapuhi Nui Tonu Claim*, (Te Kawariki, 2012).

³ *Opening Remarks by Titewhai Harawira*, dated 10 May 2010, Wai 1040, A027(a) at [23].

⁴ *Ngapuhi Speaks*, Part A.

9. We were a people of principles, of tika, pono and aroha. I have already submitted on the meaning and importance of Tino Rangatiratanga to my tupuna pre-1840.⁵ As I have shared previously, it goes beyond any translation or conception we can appreciate today because they lived it and expressed it in everything they did:

It sets us apart from all other peoples of the world, because no one else has what we have. It's not transferable or transmutable ... it cannot be sold and it cannot be stolen, it cannot be controlled or legislated against.⁶

10. Our rangatira wahine ensured that our tikanga was practiced in a way that upheld the mana of our hapu.⁷ When pakeha lawlessness caused harm to our wahine, our hapu would respond by upholding and maintaining mana wahine. They would go to great lengths to do so.⁸
11. Before the influences of pakeha, through their missionaries and settlers, our wahine had equal roles on the marae. Wahine could speak on the marae. The relationship between men and women was one of balance.⁹
12. Our world was not like the pakeha world. We did not have top-down decision-making like you see in the courts or in Parliament. Power flowed from the people up, and our rangatira responded to whanau and hapu in chord.¹⁰ The status of rangatira was based upon merit not gender. The mana that it brought was not the authority to control, but the power and deep responsibility to protect.¹¹

⁵ Wai 1040, #I30(a) at [108]-[122].

⁶ Wai 1040, #I30(a) at [121]-[122].

⁷ *Ngapuhi Speaks* at 1.4.2.

⁸ *Ngapuhi Speaks* at 1.4.2.

⁹ *Ngapuhi Speaks* at 1.1.5, 1.1.6, 1.4.1; and Wai 2700, #I30(a) at [16-18].

¹⁰ *Ngapuhi Speaks* at 1.8.2, 1.8.3.

¹¹ *Ngapuhi Speaks* at 1.8.3.

13. Ngapuhi understood relationships between one another to be ones where everyone's mana was respected and acknowledged equally.¹² When our rangatira agreed to participate in Te Tiriti, they did not think of the Queen as a superior, but as an equal.¹³ It did not occur to them to think lesser of her because she was a woman. Te Tiriti was "a covenant, a spiritual agreement" that created a partnership through which encounters between Maori and the Queen would be fair and equal, as was the approach taken by Ngapuhi in all its dealings before 1840.¹⁴
14. Wahine Maori were always involved in leadership roles before pakeha arrived. It was only when the religious women came in, with a system that they were used to from England, that Ngapuhi wahine began to experience pressure both from outside and within for their roles to change. After this, our wahine came to be treated as lesser halves and as chattels. This had never been the case before.
15. I have always known this to be wrong and not representative of what my kuia and kaumatua had taught me about our Tikanga. My grandfather instilled in me the importance of education for wahine. All my grandfather's daughters went to boarding school. This was because he respected the mana of wahine in a way that all Maori did before 1840. I grew with a firm belief that wahine had an equal role on the marae.
16. I will never accept that wahine Maori do not have the mana to look after ourselves. We have always had the mana to look after ourselves. But apparently it was decided that somehow women should not be allowed in the canoe. It was decided it was men only. Where did that rubbish come from? Did our women swim alongside the waka all those times, when we came to Aotearoa? Were the women just dragged behind the canoe? I don't think so. When you put this to our men now, they laugh. Well, I'm not laughing.

¹² *Ngapuhi Speaks* at 6.2.6.

¹³ Wai 2700, #I30(a) at [119]; and *Ngapuhi Speaks* at 4.2.5.

¹⁴ Wai 2700, #I30(a) at [108].

17. We had our own government, our own laws, our own language; we were communicating and trading with other iwi and with people across the Pacific. All along the way, our wahine were at the forefront of this, side by side with tane and often taking the lead.
18. This is strongly evidenced by how Ngapuhi Kuia and Kaumatua came together for He Whakaputanga. It was as much our rangatira wahine as it was our rangatira tane that pushed for He Whakaputanga.¹⁵
19. Wahine were crucial to the formation of the inter-hapu assemblies, known as Te Wakaminenga, that helped drive the unification of those who joined in declaring Maori Tino Rangatiratanga to the world.¹⁶ In the decades running up to 1840, the pakeha gave our people a reason to stand together and fight. The motivation to form Te Wakaminenga came from our intent to make the most of new opportunities.¹⁷ The formation of Te Wakaminenga happened because wahine and tane were on the same page, looking at ways to uphold the mana of our people collectively.¹⁸
20. The product of this was He Whakaputanga. As I have already stated, He Whakaputanga “[p]roves our rangatiratanga. We declared it, Britain agreed to it. No-one ever challenged it.”¹⁹ This carried through to when our tupuna signed Te Tiriti o Waitangi – not the Treaty, but Te Tiriti – which guaranteed Maori Tino Rangatiratanga.²⁰
21. Our wahine protected our whakapapa and held the matauranga tightly to their chests. Our wahine fought hard against those who tried to impose colonial fairytales on us pre-1840 and who tried to overshadow our truth.²¹

¹⁵ *Ngapuhi Speaks* at Part A.

¹⁶ *Ngapuhi Speaks* at 1.2.2.

¹⁷ *Ngapuhi Speaks* at 1.2.8.

¹⁸ *Ngapuhi Speaks* at 1.2.4.

¹⁹ *Opening Remarks by Titewhai Harawira*, dated 10 May 2010, Wai 1040, A027(a) at [8].

²⁰ *Ngapuhi Speaks* at “Te Tiriti o Waitangi is our Treaty” and Part A.

²¹ *Ngapuhi Speaks* at “Te Tiriti o Waitangi is our Treaty”.

- 22.** Our wahine were kaitiaki of our whenua; they were the embodiment of mana whenua. This role was always held by women because they are the keepers of the next generation.²² This authority ultimately derived from spiritual sources and was exercised on behalf of, and with accountability to the hapu in accordance with Tikanga. This was not something wahine could ever cede to the Crown, or to men for that matter, for it was fundamentally the role of wahine to manaaki our whenua.²³
- 23.** Our rangatira wahine were in charge of trade and were at the forefront of lifting up and maintaining the mana of Ngapuhi hapu by forming alliances and supporting the thriving economy and wealth of our people.²⁴ These wahine traded resources but also korero too, and thus wahine facilitated the flow of information and ideas into Ngapuhi.²⁵
- 24.** Through my actions and the korero I have given to date, I have always sought to uphold the mana of Ngapuhi, our wahine and our tupuna, in a way that reflects what I was taught about mana wahine pre-1840. My life has been about fighting for Maori Tino Rangatiratanga of Ngapuhi under He Whakaputanga and Te Tiriti, as was recognised and guaranteed by the Crown.

²² *Ngapuhi Speaks* at 1.1.2, 1.1.3; and Wai 2700, #I30(a) at [37], [81-86].

²³ *Ngapuhi Speaks* at 1.1.7.

²⁴ *Ngapuhi Speaks* at 1.1.7, 1.3.4.

²⁵ *Ngapuhi Speaks* at 1.2.1.

III: The Inquiry Process

A: Procedural Failings To-Date

- 25.** I want to make very clear to this Tribunal that I have been deeply disappointed in how this Inquiry has progressed to date. It has been flawed from the beginning. It has not considered the sensitive and tapu nature of the evidence of wahine Maori. We are always told that “this is your hearing”, but this is then followed by the statement “but here are the rules”.²⁶ Wahine Maori have been through this with every other Inquiry and our korero has been forgotten time and time again. How can this happen in the very Inquiry that is meant to be about us?
- 26.** Our women have finally had the courage to step forward to say that our contribution cannot be forgotten. Yet, we have been met with another hurdle. Through my life time, I have been involved in rejecting colonial methods of trying to control our minds and our voices time and time again. I have seen the need for us Maori women to stand up against those telling us we should shut up. My work has influenced young women to realise that they can stand up and say that they disagree strongly with men and women who do not want them to speak at all, or who want to control what they can say.
- 27.** The processes attached to these Inquiries and hearings has always made it difficult for Maori to tell their full truth, especially wahine Maori. It has always existed to serve the pre-determined interests of the Crown and has never acknowledged the mana of Ngapuhi wahine. Ten years ago, I stated:

The Tribunal process is inconsistent with He Whakaputanga and Te Tiriti o Waitangi and totally inconsistent with the absolute belief of the Ngapuhi nation that our tupuna did not cede sovereignty.²⁷

²⁶ *Ngapuhi Speaks* at “Kaumatua Statements”.

²⁷ Wai 1040, A027(a) at [49].

28. And again in 2013:

The process designed by the thief was not designed to enhance our rangatiratanga, but to subdue it, contain and control it. The thief controls the process so it can determine the output.²⁸

29. This Inquiry has not been run in a way that uplifts the mana of our wahine. This was clear right from the very first Hearings. A member of our hapu contracted COVID-19 in early January. As a result of this, the safety of our kuia and kaumatua became our biggest concern, particularly in the context of the upcoming Waitangi Day events. The Maori Party declared that they would not be attending the Waitangi Day events in Te Tai Tokerau out of respect, and for the well-being of the kaumatua and kuia, acknowledging the serious health risks that arise by bringing people from outside the rohe into our area.

30. The Waitangi Tribunal did not consider this to be an issue. The Judge ignored this, and also ignored the fact that the building set aside for the proposed Hearing Week in Kerikeri had previously been used as a COVID-19 testing facility. This was the case right up until a week prior to the Hearing Week that eventually went ahead.

31. The concurrent issue was that many Ngapuhi kuia and rangatira wahine were intensely involved in preparing for and participating in Waitangi Day events. At the time, I deposed an affidavit on 13 January 2021, outlining the many roles and cultural responsibilities that our wahine have at Waitangi and requesting that the Tribunal amend the timetable.²⁹ Yet, despite the fact that this entire process is about wahine Maori, the Tribunal did not care to listen to the very kuia and rangatira wahine they had said they wanted to hear from. My affidavit was ignored by the Judge without any explanation a few days later, and in doing so, the Tribunal minimised what our wahine stand for and what Waitangi stands for.³⁰

²⁸ Wai 1040, #I30(a) at [127].

²⁹ *Affidavit of Titewhai Te Hoia Hinewhare Nehua Harawira in Support of Request to Amend Timetable*, dated 13 January 2021, Wai 2700, #A007.

³⁰ *Memorandum-Directions of the Presiding Officer Concerning Tuapapa Hearings and Claim Eligibility*, dated 15 January 2021, Wai 2700, #2.5.40 at [15].

32. The result of this decision was that many Ngapuhi kuia and rangatira wahine could not attend the Hearing Week in Kerikeri. Those who did attend were given disproportionately more time to present evidence without being actively restricted in what they could say. As has become clear, this kind of freedom is not being afforded to the rest of us.
33. The Kerikeri Hearing should never have gone ahead. To make matters worse for Ngapuhi wahine, the Judge has now tried to control us by dictating the scope of our evidence.
34. History shows us that those who fight for justice are always maligned or sidelined until it is achieved.³¹ And this Inquiry appears to be no different.

B: The Tuapapa Approach

35. The approach taken in this Inquiry has silenced a huge number of wahine Maori from being able to give evidence in this part of the Inquiry.
36. The purpose of the contextual hearings should be to hear from wahine Maori from all backgrounds and demographics — wealthy and poor, young and old — about what their priorities are. This evidence should be taken by the panel in its authentic and tuturu form, and not ignored because it tells a story that is unpleasant or more brutal than what panel is expecting. The evidence of these wahine should be used to inform the Tribunal of what its priorities should be in its process of arranging and designing the remaining parts of this Inquiry so that the voices of those who have been silenced are heard.
37. By predetermining the approach, this very important priority-finding exercise has been reduced to a mere search for academic evidence and in doing so, it silences the voices of wahine that have been most affected by te Tiriti breaches of the Crown. This process is an affront to our mana wahine.

³¹ *Ngapuhi Speaks* at Summary of Titewhai Harawira's statement, 10 May 2010, made on behalf of herself and Sir Graham Latimer.

- 38.** By requiring a focus on pre-1840 evidence at this stage, wahine Maori who have not had the privilege of learning about te ao Maori and the role of wahine pre-1840 are excluded. It is a privilege in modern times to know about these things. You must either have had a university education, or have an uninterrupted and uncolonised link to your whakapapa through a secure and safe whanau environment where your kuia passes down the oral history.
- 39.** Sadly, both of these circumstances apply to only a small group of wahine. Many Maori still today have been so brutalised by colonisation, and the theft of our lands, our culture and our children, that they could not even get through high school let alone be able to go to university where they may study the findings of academics. Genuine and authentic resources about the way wahine Maori existed in te ao Maori pre-1840 were not even in circulation in universities until recent times. In any event, books and papers are usually relevant to the tikanga of those academics, and are not necessarily applicable to all iwi and hapu. University is an unattainable goal for many of our wahine Maori who are mothers.
- 40.** So many of our women do not know their whakapapa. This also undermines the validity of this process. This is particularly the case for urban wahine Maori who have been disenfranchised or long-removed from their papakainga and whenua. These wahine often lack the knowledge of their whakapapa at a most basic level, let alone knowing the spiritual matauranga and tikanga of their tupuna from more than 160 years ago. Many have been separated from their whenua for generations. These women will not be able to participate in the tuapapa hearings, yet have got so much to contribute to the design of the Inquiry.
- 41.** Overwhelmingly, wahine who are the victims and survivors of violence and trauma, are not in touch with their whakapapa either. Many have been removed from the support networks of their whanau by their abusers. Many were brought up in abusive environments which were never conducive to the sharing of whakapapa and matauranga. How are these women, who have finally had the strength to speak up, able to contribute?

42. This is an intergenerational issue. Wahine Maori have been victims and survivors of violence and trauma for a long time and at times literally had their whakapapa beaten out of them. Expecting these women to know a specific set of things about te ao Maori from pre-1840 disrespects their lived experiences.
43. For me, Mana Wahine are those women who are solo mothers, have children, go to work, have three jobs. They are women who came back from Australia alone to a situation where rents are higher, food is more expensive, they can't find a home, and on top of all of this, are just being turned down for jobs and flats because they are Maori. Those kinds of things are not in the past, they are still happening today.
44. For me, that is why I say, stop making this Inquiry an academic "who's who", because we are proud of our people who have made it through. When it comes to something like this, this is not how you hear from Maori women – by making decisions without considering the effect of those decisions. These women are still trying their best, to look after their children, to feed them! They are the ones who are just doing those things to survive.
45. I've seen through the years, our women, despite what they have been through, bring their children up and be proud of them when they succeed – when they succeed in the bloody Pakeha world, let alone in the Maori world. But the trauma from their pasts is still there and this Judge has shown that she has no time for the things that I know about, the things that I have seen.
46. This korero is not about me, or my own success rating. But I stand firm in the thinking that, if you believe that the issue is going to benefit people, then you must never back down. We need to be able to speak for ourselves. This is especially important for Maori women who have suffered from being controlled, dominated and abused for their entire lives. To have this behaviour thrown at us in this "Mana Wahine" Inquiry, by our own wahine, is just downright treacherous.
47. I like to think that my korero has inspired young ones to stand up. It is a pleasure for me to see a lot of the young wahine Maori stand up and speak out when things are unacceptable.

48. We fought tooth and nail to make changes for everybody. We fought hard for those changes and for us now, to go over issues again and again, as people who know what these struggles were about, is very hard.

C: Request For Urgency

49. We tried to have the issues affecting our wahine addressed with urgency. Before these contextual hearings even began, I made it clear that the way in which we wanted this Inquiry to proceed was that it must align with the most pressing matters relating to motherhood, our tamariki, and the State's violent abuse of the interconnected relationship between our pepi and our wahine:

It is from wahine that tamariki emerge into this realm, from being ensconced for months in the warmth and security of the wombs of their mothers. Wahine and birthing represent the true essence of our Maori society. It is no accident that the word "hapu" means both the fundamental form of social organisation for Maori, as well as being the term for "with child". It is also no accident that the pito is buried in the whenua of the tamariki's tupuna. Our tikanga and ritenga connect wahine, hapu and whenua together in a sacrosanct, immutable and perpetual triangle.

It is therefore very important to us that these Tamariki Maori Issues, and the various mothers whom we are supporting to have their voices heard in this Inquiry, are heard in a manner which is tika, pono and aroha. It is certainly neither tika, pono nor aroha to break off part of these issues and have them heard separately and away from the Mana Wahine claims.

[...]

I would urge the Tribunal to hear these matters urgently. Too many of our Maori Tamariki are still being forcibly removed from their mothers. Through all of my mahi in this sector, I know that many of our Maori in prison and in mental facilities, were once wards of the State. The consequences to our Maori peoples have always been, and continue to be, dire, causing widespread grief and trauma to our tamariki and our whanau, in decades past, and for decades to come.³²

³² *Affidavit of Titewhai Te Hoia Hinewhare Nehua Harawira*, dated 15 April 2020, Wai 2700, #A002 at [10-11] and [13].

- 50.** It was with these matters in mind that we requested that those matters relating to the state's forcible removal of Tamariki Maori from their mothers and whanau, which did not fall within the very narrow scope of the Oranga Tamariki Urgency Inquiry, should be heard as an urgent first stage of the Mana Wahine Inquiry.³³ We wanted the whole Family Court system looked at. Our tamariki are just as important to us as our whenua, and if we have our own Maori Land Court, then we should have our own Maori Whanau Court.
- 51.** This request was supported by 30 Claimants and Interested Parties in this Inquiry.³⁴
- 52.** Several other senior leaders of our community provided affidavits in support of our request, including Mere Mangu, in her capacity as the Chairperson of Te Rununga a Iwi o Ngapuhi,³⁵ Ngahiwi Tomoana, Chairperson of Ngati Kahungunu Iwi Incorporated,³⁶ and John Tamihere, as representative of the National Urban Maori Authority.³⁷ We were and remain gravely concerned for the well-being of our wahine mothers and our tamariki. We are concerned also about the high rates of violence that our wahine are subject to.
- 53.** Yet, our calls for these matters to be accorded priority were not accepted and the process since has shown an absolute dismissal of the mana of our mothers and our tamariki. It is as if the Panel forgot, ko te wahine te whare tangata o te ao Maori. Our mothers come from the entire spectrum. Some are educated. Some are marginalised and powerless. Some are cleaners, teachers, doctors, and lawyers. They are qualified to run this country. Together their voices cannot be set aside.

³³ *Memorandum of Counsel Responding to Memorandum-Directions of Presiding Officer Dated 17 February 2020*, dated 15 April 2020, Wai 2700, #3.1.204 at [6].

³⁴ *Annexure A of Memorandum of Counsel Responding to Memorandum-Directions of Presiding Officer Dated 17 February 2020*, dated 15 April 2020, Wai 2700, #3.1.204(a).

³⁵ *Affidavit of Mere Mangu*, dated 28 August 2020, Wai 2700, #A005.

³⁶ *Affidavit of Ngahiwi Tomoana*, dated 28 August 2020, Wai 2700, #A006.

³⁷ *Affidavit of John Tamihere*, dated 28 August 2020, Wai 2700, #A004.

54. Inseparable from this issue is the problems we have with gangs. I have no doubt that we have gangs today because of the treatment of our tamariki and wahine by the State. The Government, the Judges, and the staff in the State “Care” system are responsible for the gangs we have today. The treatment that our children face – the violence, the trauma, and the cutting of their ties with their mothers has caused this horrible situation. And nothing has ever changed.
55. Despite all the investigations, all the reports, all of our submissions, and all the commitments made, nothing has been done. We had a meeting of 300 women in Tamaki Makaurau earlier this year about this. Our kuia were crying, knowing what had happened to their tamariki, and they were ashamed because of what the State had done to generations of our tamariki. And the effect this has had on our women cannot be ignored because of some desire to control a process.
56. But despite all of this, the Prison State has continued with what they have been doing for generations. I don’t want to use the Maori name, Oranga Tamariki, for the State Care Agency because they have used that to pretend this whole system will be good for our tamariki. What did we just see on the news on 29 June 2021? Violent footage showing staff at “Care” and “Protection” Facilities tackling and head-locking children.³⁸ These children were put here by order of a Judge from the Family Court. As the Children’s Commissioner, Andrew Becroft, has said: “there’s a one-word solution: bulldozer”.³⁹ These places should not exist, and they have no business interfering with our tamariki. Get rid of the workers who dare to touch our tamariki.

³⁸ Jenna Lynch, “Oranga Tamariki Triggers Child Protection Protocol After Staff Filmed Tackling, Head-Locking Kids In State Care” (Newshub, 29 June 2021) <newshub.co.nz>.

³⁹ Jenna Lynch, “Oranga Tamariki Triggers Child Protection Protocol After Staff Filmed Tackling, Head-Locking Kids In State Care” (Newshub, 29 June 2021) <newshub.co.nz>.

D: Elderly Wahine

57. The Tuapapa Hearing approach should allow elderly wahine an opportunity to participate in this Inquiry in a way that is fair and appropriate for their circumstances. If this is my last chance to give evidence, I should be able to do it properly, in a way which includes all of my evidence.
58. There has been no appreciation for the mana of Ngapuhi kuia by the Judge. My affidavit dated 13 January 2021 brought up this issue before the Kerikeri Hearing but was simply ignored.⁴⁰ I raised the issue of kuia being able to give their evidence in full through my lawyers in a Memorandum dated 11 June 2021 and it was raised again at the recent Judicial Conference.⁴¹ In both instances, we have been ignored.
59. My kuia did not speak up about their trauma – they were never allowed to and it wasn't normal then to do so. Even now, many of our kuia do not want to share their trauma. For me, fighting against this is about showing our wahine that they can have a voice and will be heard. This process is wrong if it has the effect of blocking out our kuia, and the most vulnerable of our wahine.

E: Conclusion

60. You do not become a Judge overnight. You are part of a community. You are meant to know what is going on politically and understand the struggles that our people are feeling. You are supposed to know the history of the issues you are in charge of hearing about.
61. This Tribunal Panel should look at what the Royal Commission on Abuse in State Care has done. They have made room for every abused and traumatised survivor to be able to speak, to have a voice, and feel affirmed and believed. This is how brave survivors should be treated. I am really ashamed to see wahine Maori treating our women like this, shutting them out.

⁴⁰ *Affidavit of Titewhai Te Hoia Hinewhare Nehua Harawira in Support of Request to Amend Timetable*, dated 13 January 2021, Wai 2700, #A007.

⁴¹ *Memorandum of Counsel Responding to Memorandum-Directions Dated 2 June 2021*, dated 11 June 2021, Wai 2700, #3.1.438.

62. I have no patience for people who should know better, but don't allow our young ones to feel they have a place. Be it in court, be it in prison, be it where ever — everybody is entitled to a voice, of freedom, everybody.
63. But that is not so in this Inquiry. And why isn't that so? Because Government bureaucrats have tried to cherry-pick who should be involved and what they should talk about. "You don't talk about this and you can't talk about that." What is that about? Freedom? The freedom that we fought for? I don't think so.
64. And through all of this, I have never once heard anyone say: "we are going to honour the Treaty". No one in Government has ever or would ever say it.
65. If you're not going to stand up for the things that our tupuna laid down for us, then you're as false as the colonisers. Yip, I have no time for it.

Dated: 30 June 2021



J. Harawira,

TITEWHAI TE HOIA HINEWHARE NEHUA HARAWIRA