OFFICIAL

IN THE WAITANGI TRIBUNAL

WAI 249
WAI 2124

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of the Te Paparahi O Te Raki Inquiry (Wai 1040)

AND

IN THE MATTER of a claim by James Christopher Eruera for and on behalf of Rima Edwards and for the benefit of Ngapuhi Nui Tonu (Wai 249)

AND

IN THE MATTER of a claim by Rima Edwards, James Christopher Eruera and Tangiwai Puhipi for and on behalf of themselves and the descendants of Mauitikitiki a Taranga ki Aotearoa (Wai 2124)

Introductory Remarks of Rima Edwards in Support of Affidavit
Wai 1040 #A25
Dated this 10th day of May 2010

RECEIVED
Waitangi Tribunal
10 MAY 2010
Ministry of Justice
WELLINGTON

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MAY IT PLEASE THE TRIBUNAL:

NGA KUPU PUARE

1. Hei Timata ake I aku korero ka tango ake ahau I nga kupu a te Poropiti a Papahurihia he tupuna nui o tera wa. Muri tonu mai I te hainatanga o Te Tiriti O Waitangi ka ki atu ia kia Kawiti ma me Ngapuhi.

   Kua mau tatou ki te ripo. Kaati ka taka ki tua o te rua rau tau ka tu mai te pono ki te whakatika i nga mea katoa.

2. I timata tenei ripo I te taenga mai o Kapene Kuki. Te taenga ki te tau 1840 kua mau katoa te Ao Maori ki te ripo nei. Ka timata tona au ki runga ki nga Whanau, nga hapu me nga Iwi ara ka uhia ki runga ki te Iwi Maori nga whakahaerenga o Ingarangi nga ture o Ingarangi me nga tikanga o Ingarangi.

3. Tua atu I te whakatupato, e whakaatu ana tenei poropiti kia Ngapuhi ara he wa ka tu kaha Ngapuhi. He wa ano ka riro nga mea katoa i te ringa kaha o te Pakeha engari he wa ano ka tu ano Ngapuhi i runga i tona mana tukuiho no te mea kotahi ano te mana nui atu i te ringa kaha ara ko te pono, e kore rawa e mate.

4. I tenei tau ko te rua rau tau mai I te taenga mai o te Pakeha ki konei kua ahei nei matou ki te tu ki mua I te aroaro o Te Roopu Whakamana I Te Tiriti O Waitangi ki te whakapuaki I te mea pono I whakae ai o matou Matua Tupuna. Ka whakatakotohia e matou te mea pono I roto I nga mahi I mahia mua atu, tae noa ki te wa I hainatia ai te He Wakaputanga O Te Rangatiratanga o Niu Tirene me Te Tiriti o Waitangi. Ka tukua atu kia koutou nga korero tukuiho ehara i runga i te amuamu ki te Karauna engari kia mohiotia ai te mea pono mai i te tirohanga Maori. Ko tenei hei awhina i Te Roopu Whakamana i roto i ona whiriwhiringa hei whakatutuki i ona kitenga me ona

whakahau. Hei awhina hoki i te Karauna ki te whakatutuki i runga i te ngakau honore a matou tono i raro i Te Tiriti O Waitangi.

5. I tenei wiki tuatahi e hangai ana nga korero mo enei pukapuka tapu te He Wakaputanga O Te Rangatiratanga O Niu Tirene me Te Tiriti O Waitangi. Ka tukua atu kia koutou erua nga tirohanga,. ko te tirohanga Ngapuhi ara Maori me te tirohanga a Te Karauna. Ka korerohia hoki nga hua i puta mai i enei pukapuka tapu. Ko a matou korero mo tenei wiki tuatahi e mau ana ki enei take. A matou Kaikorero mo tenei Wiki e tu ana i runga i nga tapuwae a o matou Matua Tupuna. Ka korerohia e matou nga korero tukuiho mo te He Wakaputanga O Te Rangatiratanga O Niu Tirene me Te Tiriti O Waitangi.

6. Ko taku tino tumanako kia timatahia nga korero mo Wai 249 and 2124 e taku Roia Dr Bryan Gilling i runga i te ngakau whakaaro totika hei whakatakoto i nga korero. Kia tika ai te taha ki te ture kia mau ai nga aho o nga korero, kia mohio ai Te Roopu Whakamana pehea enei aho i piri ai ki nga korero ka tukua atu e ahau kia koutou. He aru ake tenei naku i nga tikanga i akohia ai e o matou matua e Matiu Rata me Ta Kereama Ratima. He maha hoki nga whawhai ki te Karauna i whawhaitia e ratou i roto i nga kooti. Ko te Kaunihera Maori i te tauihu o te waka.

7. Otira kua oti e nga kaiwhakahaere kia kaua nga roia e tu ki te korero i te wiki tuatahi. No reira kua taka mai ki ahau ki te whakatako i aku korero ki Te Roopu Whakamana I Te Tiriti O Waitangi. Ko te whanuitanga o te iho o enei korero ka tu whakamaramahia ki Te Roopu Whakamana. A te otinga o nga kaikorero katoa tae noa ki te wiki tuawha ara a tera wa ano hoki ka tapirihia e taku Roia nga aho katoa o aku korero mo Wai249 / 2124 i roto i ana korero whakakapi, i te mutunga o te wiki tuawha.

8. Ki oku nei whakaaro horekau I tika te pei I nga Roia ki te taha. I te Pukapuka Whakatauki Upoko 11:14 e ki ana nga korero "Mena kahore he kaiwhakatakoto mohio ka hinga te iwi engari he ora kei roto I te tokomaha o nga kaiwhakatakoto mohio." Ko taku inoi ki te Roopu Whakamana kia tukua nga Roia ki te awhina i a ratou kaitono kia tika ai te whakatatutuki i a ratou take.

9. E mea ake ana Ngapuhi he take tino nui rawa atu tenei no te mea ko te tino Tiriti ko Tiriti e tuhi ana ki te reo Maori ehara ko te mea e tuhi ana i te reo Pakeha. No reira ma roto ano i te ture tenei ahua e whakatika. Tae noa mai ki tenei wa ko nga take katoa e pa ana ki te mana tukuiho te mana motuhake o tenei whenua e whakaotingia ana i raro i te Tiriti Pakeha. No reira ma te awhina a o matou Roia e taea ai e matou te whakatika i tenei take.

10. Tua atu I tenei ko te hiahia o Wai 249/2124 kia timata whanuitia nga korero ki roto i te Taraipunara e pa ana ki te mana tukuiho te mana motuhake. Kia timatahia ano hoki nga korero waenganui i te Karauna me nga Rangatira o Nga Hapu. Ko te tikanga o enei korero hei tuitui i te noho ngatahi o nga taha erua i whakaetia ra e nga Rangatira i te wa i hainatia ai e ratou Te Tiriti O Waitangi. No reira ko taku ki atu ki te Taraipunara kia ata whakarongo ki nga hua ka puta mai i nga korero a Ngapuhi me te whakaaro ake ki nga huarahi e taea ai te whakatinana i tenei noho ngatahitanga i nga ra kei mua ia tatou kua pau nei te tahi rau whitu tekau tau i whakatahangia ai i warewaretia ai.

11. He poropiti na Te Atuawera kia Kawiti ma me Ngapuhi mua atu I te hainatanga I te Tiriti O Waitangi

> *Ka whakahurihia e te pakeha tana Tiriti hei pungawerewere hei kai Ia tatou te iwi Maori. Ka rite tatou ki te papaka o te tatarakihi i ngotea ai ona Toto e*

te pungawerewere kia whakarerea ki muri he papaka. Te papaka ko taua ko te Iwi Maori.

12. Ko te whakamaramatanga o tenei poropiti ara he wa kei te haere mai ka riro katoa te hinegnaro o te iwi Maori I te Pakeha. Ka ngaro ki te nuinga o te Iwi Maori te mohioranga o te mea pono i whakae ai o matou Matua Tupuna i roto i Te Tiriti O Waitangi. Ka riro katoa o ratou hinengaro i te rongoa o te pungawerewere ara i te Pakeha.

13. Na tenei ngaronga ka u ke Niu Tireni ki te hitori taha Pakeha me te rarangi Pakeha o te Tiriti ara The Treaty of Waitangi. I penei ai no te mea horekau he tuhituhinga a te iwi Maori mo te taha ki te tirohanga Maori. Tua atu i tenei he whakahe na te iwi Pakeha ki te matauranga Maori ki te tirohanga Maori me te whakaaronui Maori. Ka nui atu hoki te whakahe a te Pakeha ki te iwi Maori e pa ana ki te mana whakahaere i tenei whenua o Aotearoa me ona iwi katoa.

14. Kua whakatakotohia e nga Kaikorero mua atu I ahau te wero ki te Taraipunara me te Karauna. Ka whakatakoto noki Ahau i tera wero a ratou. E wero atu ana ahau ki te Taraipunara me Te Karauna kia ata whakarongo ki nga korero ka tukua atu nei kia koutou, mai ia matou nga Kaumatua me nga Kuia o Te Paparahi O Te Raki. Whakapiri a korero mai ra kia matou. Whakarongo mai ki a matou korero. Pataihia a koutou patai, whakaarohia nga korero i rongo ai koutou ara hei awhina i ta koutou whakautu mai.

15. I haere mai matou ki te korero kia koutou no te mea e hiahia ana matou kia marama katoa nga korero waenganui I a tatou. I haere mai matou ki te whakapuaki i o matou nei mohioranga kia koutou. He maha hoki o enei korero horekau ano kia rangona e te iwi whanui. Ko ta matou hiahia kia kaua he mea e waihona ki waho kia mohio tuturu ai koutou. Kia kaua ano hoki koutou e mea a muri ake nei horekau koutou i mohio. I haere mai matou ki konei ki te tuku aroha atu kia koutou i enei

taonga matauranga a matou e pa ana ki nga ra o mua me te tuku atu kia koutou o matou whatumanawa o matou tumanako mo nga ra katoa kei mua ia tatou katoa. E hiahia ana matou kia mohio tuturu koutou kia matou, me te whakatutuki a kikokiko i te katoa a o matou take me te tapiri atu ki te wairua pai.

16. No reira koia tenei ko taku wero atu kia kourua Te Taraipunara me Te Karauna. Koia tenei te wero a matou katoa e huihui nei e tuku nei ia matou korero kia koutou. E tuku atu ana matou ia matou ano me enei matauranga katoa kia koutou i runga i te tumanako ka tango honoretia mai matou e koutou. E tuku atu ana matou i to matou ngakau whakarongonui atu kia koutou me te inoi kia whakahokia mai e koutou. E whakapuare ake ana matou i o matou ngakau me te inoi atu kia koutou kia whakapiri a korero mai koutou kia matou.

17. Tua atu e wero ana Ngapuhi ki te Taraipunara kia whakahokia mai te tirohanga mai i te Treaty ki te He Wakaputanga me Te Tiriti ara ki nga mohioranga o Ngapuhi mo enei pukapuka tapu. Ki te kore e peneitia e Te Taraipunara ka haere tonu nga mamae me nga awangawanga i pa mai ki runga kia Ngapuhi i nga tau tahi rau e whitu tekau ki muri ara e pikau taímaha tonutia ana i tenei ra.

18. Tua atu ka werohia e Ngapuhi nga whakaaro he me nga whakamarama he a te Karauna mai I te tau 1840, e pa ana ki Te Tiriti o Waitangi. Na enei hoki i puta ai nga hua kino kia Ngapuhi penei i te poharatanga o te ora, o te pakihi, o te wairua me nga tikanga. Na nga kaupapa a te Karauna i penei ai. Na roto I ana tikanga, ana mahi me ana ture ka takahia e te Karauna Te Tiriti O Waitangi me nga pou kupu o Te Tiriti o Waitangi.

19. Ka huri ake ahau inaianei ki te nako o aku korero i tenei ra. I roto i aku korero ka marama kia koutou horekau Ngapuhi i tuku i tona mana ki te Kuini O Ingarangi ki te Karauna ranei i to ratou hainatanga i Te Tiriti O Waitangi . Engari e marama ana o ratou hinengaro kei mua ke o ratou whakaaro hei painga mo te Iwi katoa. E whakauru atu ana ratou ki te nohotahi ki te Kuini O Ingarangi ka awhina hoki te Kuini i to ratou mana me to ratou Rangatiratanga me te puare ake hoki i nga hua o tenei noho tata kua kitea nei e ratou.

20. Ko aku korero katoa e whakamarama ana i te kupu "mana" e tuhi ana i te He Wakaputanga O Te Rangatiratanga O Niu Tirene me Te Kahu Maori i korerotia ra a Aperahama Taonui hei whariki hei korowai hipoki i Te Tiriti O Waitangi.

21. Ko ta matou wero otinga ki te Karauna ko tenei. No te mea horekau o matou matua tupuna i tuku i to ratou mana kia Kuini Wikitoria kia timatahia nga korero waenganui i Nga Rangatira o nga Hapu, Ta Kereama Ratima, Kingi Tuheitia me te Kawanatianara me te Karauna e pa ana ki te kaupapa o te Mana Tukuiho te Mana Motuhake mo to tatou whenua o Aotearoa hei oranga mo te katoa mo ake tonu.

INTRODUCTORY REMARKS

1. I wish to begin my presentation to the Tribunal by quoting the words of the prophet Papahurihia, one of our most important tupuna of the early nineteenth century. Following the signing of Te Tiriti, he said to Kawiti and all of Ngapuhi:

> *Kua mau tatou ki te ripo. Kaati ka taka ki tua o te rua rau tau ka tu mai te pono ki te whakatika i nga mea katoa.*
> *We have been caught in a whirlpool. Alas, it will last for beyond two hundred years when the truth will stand to put everything right.*

2. The whirlpool began to affect Maori with the arrival of Captain Cook. By 1840 it was pulling in all of Maoridom, soon affecting every whanau, hapu and iwi through the imposition on Maori of British rule, British law and British culture.

3. Apart from a warning, this prophecy was also advising Ngapuhi that there would be a time when we will stand strong. There would be a time when everything was taken by the strong arm of the Pakeha, but there would also be a time when we will stand again on the strength of our sovereignty because there is only one power greater than that of the strong arm and that power is the Truth. The Truth never dies.

4. Now, in 2010, over 200 years since the arrival of the Pakeha, we are able to come before this Tribunal in order to allow the Truth to stand. We wish to tell the Truth about what went on in the period leading up to and including the signing of He Wakaputanga and Te Tiriti. We wish to air our stories and our understandings passed down through our oral histories. We wish to do this now but not so that we can wallow in the sense of grievance and of having been hard done by the Crown. Rather we are doing this so that the telling of the Truth will enable the Tribunal to make findings and recommendations to

support our story and our wishes. It will also enable the Crown to make a generous, appropriate and lasting settlement of our Treaty claims.

5. The focus for Hearing Week 1 is the sacred documents of He Wakaputanga and Te Tiriti – the contemporary understandings of both Maori and the Crown and the ongoing effect of these two sacred documents. Our korero for Hearing Week 1 is focused on these themes. Our Kai Korero witnesses are standing in the place of our tupuna and will korero from oral and traditional history about the contemporary understandings of Ngapuhi on He Wakaputanga and Te Tiriti.

PRESENTATION OF CLAIMS

6. I had desired that the presentation of the Wai 249 and 2124 claims would be conducted in an orderly and thorough manner, commencing with a legal overview presented by my counsel, introducing the key themes of the claim, and indicating to the Tribunal how these themes fitted together with the evidence to be presented. This was in accordance with the tikanga developed and laid down by the Honourable Matiu Rata in the earlier hearings and cases we have had to fight against the Crown. I am simply following in their footsteps to continue and complete their work.

7. However, the wish of the hearing planners has been that no lawyers should appear at the commencement of this inquiry. Instead, it falls to me to present my own evidence now to the Tribunal. The broader context of this argument will be made clear to the Tribunal when other witnesses give their evidence in later weeks and my counsel is able then to give a proper introduction for Wai 249 and 2124 and eventually to draw the threads together in closing submissions at the end of this hearing block.

8. I think that lawyers have been pushed to the sidelines too much already in this Inquiry. In matters such as this, I support the principle set out in the Bible in Proverbs 11:14: "Where no counsel is, the people fall: but in the multitude of counsellors there is safety." I ask the Tribunal to ensure that all claimants have the opportunity for their lawyers to represent them and support the claim properly.

9. I believe that this is particularly important when we address the problem of the implications of the real Treaty of Waitangi being Te Tiriti and not the English-language draft version of the Treaty. This raises legal issues which Ngapuhi need the input of our legal counsel to deal with because legal and constitutional arguments have been based in the past on The Treaty and not Te Tiriti.

10. It is also important because a key aim of Wai 249 and 2124 is to generate a constitutional debate within the Tribunal forum and more broadly between Crown and Maori. The aim of this constitutional debate is to restore the relationship and partnership envisaged by the Rangatira when they signed Te Tiriti. I therefore ask the Tribunal to pay particular attention to the constitutional implications of the evidence that they hear from Ngapuhi and consider the ways in which the relationship and partnership might be put into practice in the future after having been set aside and ignored for the past 170 years.

RESTORATION OF MAORITANGA

11. Another important prophecy which has been handed down by our tupuna is one from prior to the signing of Te Tiriti O Waitangi. Papahurihia / Te Atua Wera prophesied to Kawiti and Ngapuhi that:

> *Ka whakahurihia e te pakeha tana Tiriti hei pungawerewere hei kai la tatou te iwi Maori. Ka rite tatou ki te papaka o te tatarakihi i ngotea ai ona Toto e*

te pungawerewere a whakarerea ana ki muri he papaka. Te papaka ko taua ko te Iwi Maori.

The Pakeha will turn his Treaty into a devouring spider that will consume you and me, the Maori people, and we will resemble the carcass of the cicada whose blood has been sucked out by the spider to leave behind a carcass and that carcass shall be you and I the Maori people.

12. The meaning of this prophecy is that a time will come when the whole mind of the Maori people shall be taken over by the Pakeha. The majority of the Maori people will lose the knowledge regarding the truth of what our ancestors agreed to in Te Tiriti O Waitangi. Their minds shall be completely taken by the poison of the spider, that is by the Pakeha.

13. This loss of Maoritanga has resulted in New Zealand becoming preoccupied with and prominence of Pakeha history and the English version of Te Tiriti o Waitangi. This is, in part, because of a lack of written sources or a literate Maori society at that time. But this is also due to the Pakeha ignoring Maori knowledge, perspectives and wisdom, particularly when it came to deciding who could control Aotearoa and its people.

THE NGAPUHI CHALLENGE

14. The speakers who have gone before me have begun to lay down a challenge to the Tribunal and to the Crown. I now repeat that challenge. I challenge both the Tribunal and the Crown to listen very carefully to the evidence you will hear now from us, from the kaumatua and kuia of Te Paparahi o Te Raki, and to engage fully with us. Hear what we have to say. Ask us your questions. Think about what you have heard. And respond appropriately.

15. We have come here to talk with you because we want to communicate meaningfully with you. We have come here to pass on our knowledge to you, much of which has never been shared in a public situation before, because we want you to be completely informed. We want you never again be able to say that you did not know. We have come here to entrust you with the taonga of our learning, and our past, and our feelings and our hopes and desires for the future because we want you to understand us and to be able to address our issues comprehensively, meaningfully and effectively.

16. So that is my challenge to you, Tribunal and you, Crown. It is the challenge of all of us gathered here and giving our korero to you. We are making our knowledge and ourselves available to you and we want – in fact, we expect – that you will deal with us honourably. We are treating you with respect and we ask in return that you give us the respect that our openness deserves and engage fully with us.

17. In addition, Ngapuhi challenge the Tribunal to bring the focus back from the Treaty to He Wakaputanga and to Te Tiriti and the contemporary Ngapuhi understandings of these sacred documents. A failure to do so by the Tribunal will only serve to perpetuate the hurt and frustration which Nga Puhi have felt for the past 170 years and which they continue to endure.

18. Furthermore Nga Puhi will demonstrate that from 1840 to the present day this the Crown's "inappropriate and unilateral interpretation" of Te Tiriti has resulted in the systematic deprivation of the social, economic, spiritual and cultural wellbeing of Nga Puhi through Crown policies, practices and laws which have been formulated and implemented in a manner in breach of Te Tiriti O Waitangi and the principles of Te Tiriti.

19. I now wish to turn to the substance of my korero to you today. My evidence will make clear to you that Ngapuhi did not cede their sovereignty to the Crown when they signed Te Tiriti and that they could not have signed away their sovereignty even if they had understood that that was what the Crown sought. Rather, they were, in a very clear-headed and forward-thinking sort of way, trying to provide for the future of their people. They were entering into a relationship with the Queen of England which would protect their mana and their tino rangatiratanga, while at the same time giving them access to the benefits of the new culture and lifestyle of which they were becoming aware.

20. Everything that I say is aligned to explaining the word "MANA" that is used only once in He Wakaputanga O Te Rangatiratanga O Niu Tirene and to explain what Aperahama Taonui meant by the "MAORI CLOAK" on which to lay and cover Te Tiriti O Waitangi.

RIMA EDWARDS

For and on behalf of the Wai 249 and Wai 2124 claimants.