

TE MANUTUKUTUKU

*Te Roopu Whakamana i te
Tiriti o Waitangi
Te Tari Ture*



*Waitangi Tribunal Division
Department of Justice
Newsletter*

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NGA TAHU REPORT RELEASED

The Crown's failure to fulfil its Treaty obligations, which left the Ngai Tahu tribe largely landless and impoverished, is the dominant theme of the Waitangi Tribunal report.

In the Ngai Tahu report, presented to the Minister of Maori Affairs on 1 February, the Tribunal has recommended substantial compensation for the tribe be negotiated by the Crown, which the Tribunal says will help redress the wrongs that have existed for more than a hundred years.

'The Tribunal is conscious of the fact that Ngai Tahu, up to 1844, owned more than half the land mass of Aotearoa, yet only 20 years later it had been reduced to less than 38,000 acres. The serious and repeated breaches of the Treaty of Waitangi which so reduced Ngai Tahu to near landlessness have yet to be redressed. Ngai Tahu's loss has been great and continuing. The honour of the Crown can only be restored by a settlement which recognises the magnitude of Ngai Tahu's great deprivation, sustained over more than a century. Only a large and generous response by the Crown will suffice to redress the wrongs done to Ngai Tahu and lay their numerous grievances to rest. No less will serve to restore the honour of the Crown.'

The report is the culmination of a three-year inquiry by a seven-member Tribunal and covers grievances of the tribe arising from eight regional land sale transactions and the loss of mahinga kai (food resources).

The Tribunal said it was important to remember that Ngai Tahu's major grievances were first made last century, but despite repeated approaches to successive governments the Crown failed to respond adequately.

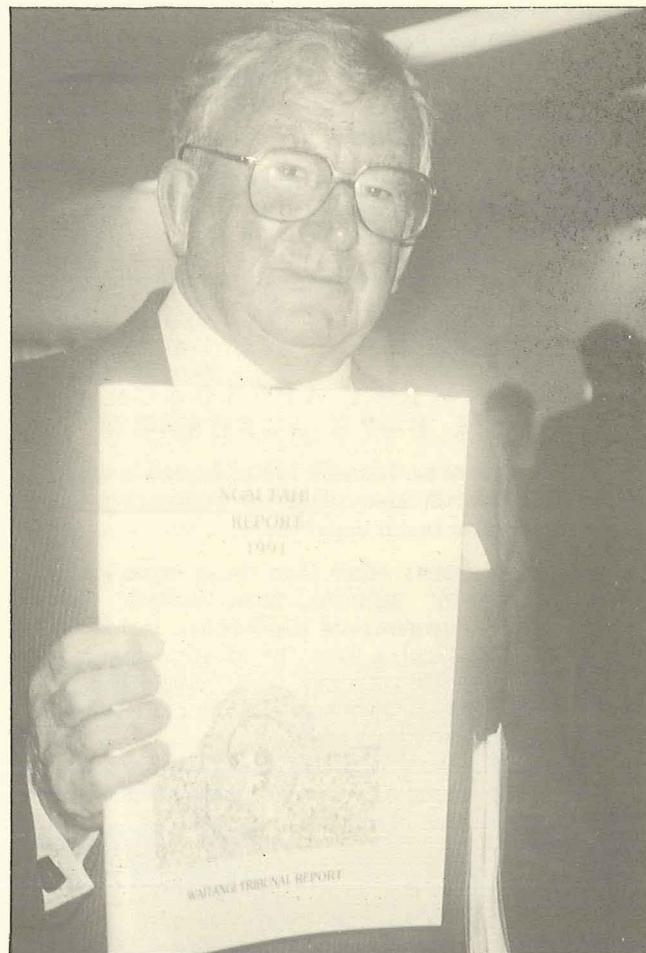
The long and complex nature of the claims is reflected in the size of the three-volume report, but the Tribunal stresses that no section should be taken in isolation and that the report needs to be examined in full to gain a proper perspective.

The Ngai Tahu report is available for purchase at a cost of:

- summary volume \$40.00
- full set (three volumes) \$160.00.

Copies can be bought from Brooker & Friend Ltd, PO Box 43, Wellington. Tel: (04) 856 683.

Contact Brooker & Friend Ltd for standing order subscriptions for all Waitangi Tribunal reports.



Judge Ashley McHugh, presiding officer for the Ngai Tahu claim



Dr Michael Belgrave, claim manager for the Ngai Tahu claim, at a press briefing prior to the report's public release

RECENT WAITANGI TRIBUNAL REPORTS

December 1990 - January 1991

WAI 32 NGATI RANGITEAORERE

Reported 18 December 1990

'In September 1839 the missionaries entered into an agreement with Te Arawa over a piece of land at Te Ngae. The missionaries believed that they were buying the land, but the Maori involved and the owners of the land, Ngati Rangiteaorere, considered they were transferring much less than the complete ownership of the block.' - Waitangi Tribunal report

The Tribunal has recommended:

With regard to Te Ngae Mission Farm

- 1 The vesting of Te Ngae Mission Farm in the claimants, Ngati Rangiteaorere, as Maori freehold land and the land be freed from trusts.
- 2 The Crown compensate the claimants for loss of rental income during the time of Church occupation of the land.

A number of ancillary matters were also raised:

With regard to the rating of Lake Rotokawau

The rating of the lake is a clear breach of the Treaty. Rates should be refunded with interest.

With regard to roads taken without compensation

The Crown should compensate the claimants now, taking into account loss of use of money.

With regard to lands surplus to highway requirements

These slivers be returned to the adjoining blocks without any cost to the owners.

WAI 103 ROADMAN'S COTTAGE, MAHIA

Reported 19 December 1990

The claimants sought the return of five acres at Mahia now owned by the Wairoa District Council. The claim stated that the land was gifted to the Wairoa County Council earlier this century for a roadman's cottage and stock paddock.

The Tribunal reported that preliminary research could not find evidence that the claimants' tipuna ever owned the land and therefore will not take the inquiry further at this stage. Any person may revive the claim if further information is discovered.

GOVERNMENT APPROACH TO WAHI TAPU ASSESSED

In November last year, Manatū Māori hosted a seminar to improve the co-ordination of policy approaches to wahi tapu between government departments.

A number of guests other than those representing the various government agencies were invited. Speakers explaining their departmental approaches included John Daniels and Ann Geelan from the Historic Places Trust, Tim Fraser from Maruwhenua, Rex Morton and Kerry Twyde from the Department of Survey and Land Information, Haami Piripi of Te Papa Atawhai, Annsley Kerr from the Crown Law Office and Rose Daamen from the Waitangi Tribunal Division. (Copies of the speeches may be obtained from Manatū Māori.)

While the purpose of the seminar was to clarify each department's approach to wahi tapu and identify how they might co-operate more effectively, it also sought to establish what a co-ordinated Crown approach should be.

Seminar participants discussed the failure of successive governments to deal adequately with wahi tapu, and why recent governments have so far failed to implement a system which recognises tino rangatiratanga. The need for Maori input into the current changes in legislation relating to wahi tapu was also discussed.

A month later, the various Crown agencies held another meeting and an informal core officials' group on wahi tapu was formed. The group, whose activities will be co-ordinated by Manatū Māori, discussed what their role might be with regard to changes in legislation affecting wahi tapu. As a starting point, each department agreed to produce a summary or comment on any existing or proposed legislation relating to wahi tapu with which they are involved. This information is to be compiled by Manatū Māori.

IWI RESEARCHERS' TRAINING COURSE HELD

A three-week training course for Iwi researchers, particularly those members of Iwi researching claims under the Waitangi Tribunal, was held in Wellington this month.

Organised by the Treaty Research Officials Committee, a group representing the Wellington government agencies involved in Treaty issues, this course was the first of its kind. It is intended that further courses will be run in other districts depending on demand.

In the next issue of *Te Manutukutuku*, participants and organisers will report back on the success of the course.

If you are interested in attending one of these courses or have any queries, please contact Cathy Marr or Aroha Harris at the Waitangi Tribunal, PO Box 10-044, Wellington. Tel: (04) 721-709.



Iwi researchers at the formal powhiri which marked the opening of the course

TRIBUNAL ISSUES DECISION ON SIM COMMISSION FINDINGS - TARANAKI RAUPATU

The February hearing of the Taranaki raupatu claim at Owae marae, Waitara, revolved around the issue of the claimant counsel's application which requested that the Crown acknowledge the findings of the 1926 Sim Commission. They are:

- that nga Iwi o Taranaki were not rebels
- that the Government was to blame for the wars in Taranaki
- that there should have been no confiscations in Taranaki
- that nga Iwi o Taranaki 'ought not to have been punished by the confiscation of any of their lands'.

After the hearing, the Tribunal issued a four-page decision on the claimants' application.

Contents of the decision

- The Sim Commission report devoted a mere five pages to the Taranaki confiscations and therefore did not cover the depth and breadth of the situation.
- Claimant Counsel submitted that the Native Purposes Act 1931 obliged the Crown to implement the recommendations of the Sim Commission. This was not so. In 1931, Parliament left it to the Crown to decide to what extent it would implement the recommendations.
- The Crown acted honourably, albeit belatedly, in securing the passage of the Taranaki Maori Claims Settlement Act 1944 which authorised it to pay the full sum recommended by the Sim Commission.
- The Tribunal expressed concern that either the Crown or the claimants be limited in the evidence they might wish to bring before the Tribunal. The Sim Commission report relied heavily on two (now) outdated textbooks. The Tribunal must have before it all relevant evidence which the parties wish to adduce. In the 64 years since the Sim Commission made its report, much historical and authoritative research and writing has taken place.
- The Tribunal believes that it would not be in the best interest of either party to call on the Crown to make the concessions called for by the claimants, as they are based on a report by a commission with very restrictive and selective terms of reference. For these reasons the Tribunal declined the claimants' application.
- The Tribunal added that from the evidence it has before it at this stage, certain propositions concerning the Government's culpability for the wars and the impropriety of labelling groups as rebels or confiscating their lands seem self-evident. The claimants should not have to prove such points at this stage, but should simply present their position and refer to any supporting materials.

Committee clerks Jeanette Henry of Ngati Wai (left) and Suzanne Woodley. Jeanette is clerking the Taranaki and Broadcasting claims; and Suzanne, the Muriwhenua Land, Te Roroa and Ngai Tahu Fishing claims

MAORI PRESENT BROADCASTING VIEWS TO MINISTER

Maori are being given an opportunity to present their views on broadcasting policy to the Minister of Communications, Maurice Williamson.

The regional hui, which are being held during February and March in Christchurch, Rotorua, Whangarei and Porirua, are a result of growing discontentment among Maori on matters relating to broadcasting. They are also in response to the Waitangi Tribunal's recommendation in November 1990 that the Crown consult further with Iwi on the radio frequency tendering process.

In the Ministry of Commerce booklet *Te Whakapaho me te reo a mua ake nei/Broadcasting te reo and the future*, the Crown advertises the hui and outlines its proposed policies. Policy areas for discussion include:

- tribally-based radio (continued development)
- funding
- reservation of frequencies
- conditions of licenses (to be issued to Iwi, not broadcasters)
- AM/FM provisions
- Maori television.

The Government has appointed an independent technical adviser to help Iwi assess their needs and to assist the Government in making informed decisions about the appropriate allocations of radio frequencies. This was a specific recommendation by the Tribunal in its Allocation of Radio Frequencies report.

Mr Williamson has also said that current levels of funding assistance to Maori radio stations through the Broadcasting Commission will be maintained. 'I would need a strong argument to convince me that there is any case for changing it,' he said.

NEW FACES AT THE WAITANGI TRIBUNAL



Brenda Lewis, of Ngati Whatua, Ngati Wai, Ngati Hineuru and Te Whanau-a-Apanui, is the new secretary for the Waitangi Tribunal



NEW CLAIMS REGISTERED

WAI 172

Claimants: Tama Te Kapua Poata and others for the descendants of Orongo Riria and others

Concerning: Queen's chain, riparian rights

Date of registration: 25 January 1991

WAI 173

Claimants: Mereraihi Reid, Horowai Taingahue and the descendants of Hokapa Haerewa

Concerning: The return of the Waiapu River out of which the Crown has been extracting gravel from its banks, bed and tributaries

Date of registration: 25 January 1991

WAI 174

Claimants: Ata Patricia Bailey for Ngati Kotinga

Concerning: Hauraki land

Date of registration: 25 January 1991

WAI 175

Claimants: Piri Te Tau and others for Rangitane o Wairarapa

Concerning: The purchase of land covering Hutt Valley lands from Mangahaoa River, Akitio, Cape Palliser to Orongorongo. Sale of reserves

WAI 176

Claimants: Huirangi Waikerepuru and Graham Stanley Latimer

Concerning: Broadcasting

Date of registration: 1 February 1991

Workload Statistics

Total claims registered	176
Total claims reported	24
Claims in proceedings (includes hearing, judicial conferences, mediation, report writing etc)	37
Claims being researched	60
Claims awaiting action	54

WAITANGI TRIBUNAL CURRENT PROGRAMME

(Updated as at 12/2/91)

Date	Claim No/Name	Event	Place
1991			
Feb 11-15	143 Taranaki	Hearing	
March 4-8	45 Muriwhenua	Hearing	Kaitaia
March 25-28	145 Wellington Tenth	Hearing	Wellington
March 26-27	38 Te Roroa	Members' meeting	Cambridge
April 8-12	143 Taranaki	Hearing	
April 15-19	38 Te Roroa	Hearing	Kaihu Marae Dargaville
May 16-17	38 Te Roroa	Members' meeting	Wellington
May 20-24	45 Muriwhenua	Hearing	Kaitaia
June 10-14	143 Taranaki	Hearing	
June 17-18	38 Te Roroa	Members' meeting	Wellington
June 17-21	27 Ngai Tahu	Hearing	Christchurch
July 16-17	38 Te Roroa	Members' meeting	Wellington
July 22-26	45 Muriwhenua	Hearing	Auckland
Aug 12-16	143 Taranaki	Hearing	
Sep 16-20	45 Muriwhenua	Hearing	Kaitaia
Oct 14-18	143 Taranaki	Hearing	
Nov 18-22	45 Muriwhenua	Hearing	Kaitaia
Dec 2-6	143 Taranaki	Hearing	

1992

Feb 17-21 45 Muriwhenua Hearing Auckland

Note: Dates are subject to change

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