

# TE MANUTUKUTUKU

*Te Roopu Whakamana i te  
Tiriti o Waitangi*



*Waitangi Tribunal Division  
Department of Justice  
Newsletter*

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## THIRD MURIWHENUA LAND HEARING HELD

From 4–8 March 1991, the third hearing of the Muriwhenua land claim (WAI 45) was held at the Far North Community Centre Kaitaia.

Claimant evidence regarding Te Wharo Oneroa a Tohe (Ninety Mile Beach) was heard by the Tribunal (Chief Judge Durie, Dr Evelyn Stokes, Sir Monita Delamere and Ms Joanne Morris).

In his opening submission, counsel for the claimants, Mr Joe Williams, said that the claimants' wish was to have 'their title to Te Wharo Oneroa a Tohe restored and their right to exercise tino rangatiratanga over it recognised'.

The Tribunal heard evidence from kaumatua and kuia who spoke of their links to Te Wharo, the special significance the area has for them, and the depletion of seafood resources on the beach during the latter part of this century.

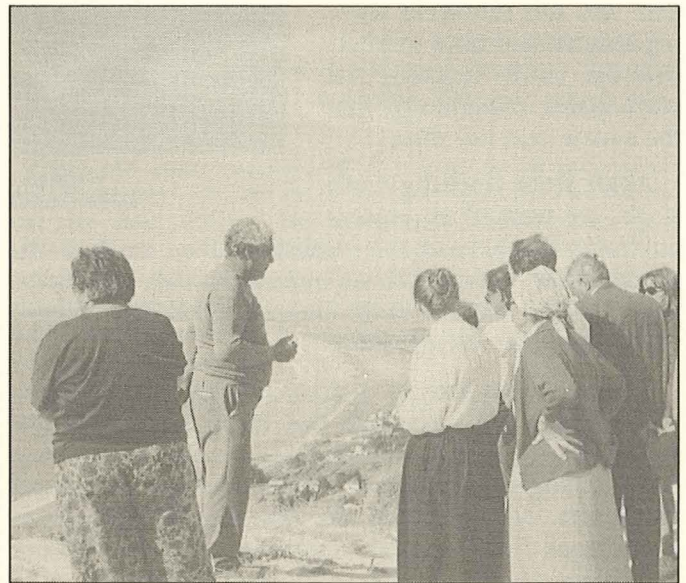
Waerete Norman gave evidence on the traditional significance of the beach and spoke of a larger definition of Te Wharo Oneroa a Tohe that included everything between Kapo Wairua to Whangapae, including the area known as Te Rerenga Wairua.

Dame Joan Metge presented her submission on the anthropology of Te Wharo. She commented that many Maori terms associated with the beach had no direct translation into English and, consequently, Pakeha had not fully understood the special significance of Te Wharo Oneroa a Tohe to Maori.

Economist Brian Easton also presented evidence. Mr Easton examined the economic issues relating to Te Wharo, covering areas such as traditional Maori environmental regulation and property rights. Then he presented a Maori development strategy for the far north.

John Coster discussed the archaeological research that had been undertaken on Ninety Mile Beach and concluded that the beach was 'an important source of shell fish for pre-European Maori and that it represented a major economic resource of north-western Muriwhenua'.

The next hearing will be held from 20–24 May 1991 at the Far North Community Centre, Kaitaia, and will include reports from Department of Conservation, Ministry of Agriculture and Fisheries and Ministry of Transport, on the present and proposed management of Te Wharo and associated fishing resources, and a report from the Maori Land Court regarding Maori Fishing reserves at Maunganui Bluff.



Claimants and Tribunal members view Te Wharo Oneroa a Tohe from above Ahipara

## WAIKAREAO ESTUARY MEDIATION

A claim was filed on 10 October 1988 by Peri Kohu and others on behalf of Nga Tamarawaho ki Huria, concerning the proposed construction of arterial roads in the Waikareao Estuary of Tauranga Harbour (Route P), and through the Kainga o Te Reti (Route J), both claimed to be ancestral lands of the claimants.

The claim states that the Crown's passing of special legislation to allow reclamations for the Waikareao Estuary roadway amounts to confiscation by compulsory acquisition of whenua, kainga and taonga and is contrary to that which was guaranteed by Article Two of the Treaty. Other claims raised are erosion, and destruction of important food resources as well as the failure to consult with and consider the values of the tangata whenua.

The Waitangi Tribunal is attempting to settle the claim through mediation, a process which is not open to the public. Tribunal member Peter Trapski is acting as mediator with the assistance of kaumatua Monita Delamere.

Mediation conferences were held in March and April at Huria marae and the offices of the District Council, Tauranga. Further mediation meetings are to be held shortly.

## DIRECTOR'S COLUMN

Tena koutou

### Pilot research training course

Tribunal staff were very pleased to play a major role in the recent iwi researchers pilot training course. Participants were generous in their comments about the course content and their tutors; the main criticism being that perhaps the theoretical content was too intensive leaving insufficient time to practise the skills learned. All participants complained that the course was too short!

Apart from teaching basic skills, we wanted to impress on trainees the need for professionalism in their research work, the need to set and apply high standards, and to show that the main component is lots of hard work. I believe we succeeded.

The pilot was heavily oversubscribed. The numbers we had to turn away show that there is a strong demand for a permanent training course in research methodology and practice. I sincerely hope that some institution will pick up on this and I have been encouraged by several tentative enquiries from polytechs.

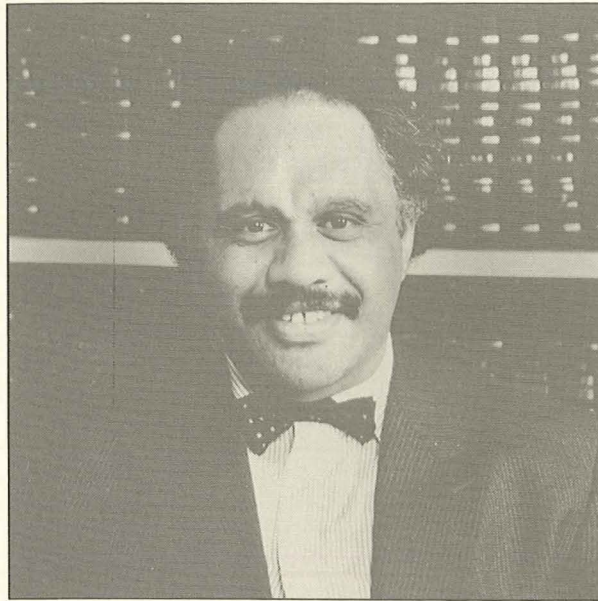
Tribunal staff would love to spend more time helping to train iwi researchers but unfortunately we cannot be spared from our main kaupapa which is dealing with claims.

My thanks to research staff Cathy Marr, Aroha Harris and Joy Hippolite for their work in putting the course together and also to our colleagues in the other research agencies, particularly Manatū Māori, for their assistance.

### Overseas visitors

The Tribunal has hosted some interesting overseas visitors recently, among them M. Simon Loueckhote, president of the Territorial Congress, New Caledonia. The visit was part of a programme to develop New Zealand's relations with New Caledonia and M. Loueckhote showed a keen interest in the work of the Waitangi Tribunal and its possible application to resolving land issues in his own country.

Representatives from the Marshall Islands Nuclear Claims Tribunal were also here recently. They had come to look at the direction of the Waitangi Tribunal for possible application to their own work.



Waitangi Tribunal Director  
Buddy Mikaere of Ngati Pukenga

### Working smarter

Research work is the heart of the Tribunal process. Out of necessity, however, research staff have been drawn into the administrative tasks associated with claims at the expense of their research work. This has been changed recently by the re-assignment of some staff to a small claims management team, led by research manager, Michael Belgrave. The team's objective is to deal with the bulk of the claims administration work. This means that our researchers are then given more freedom to do what they are supposed to be

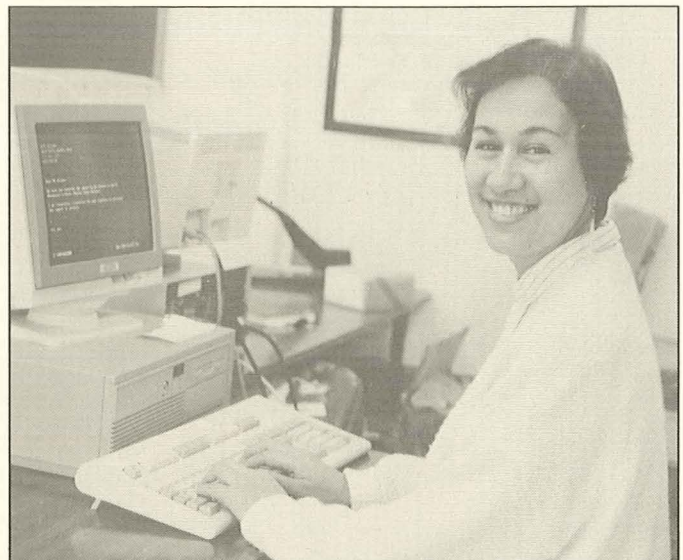
doing – research and report writing work.

It is intended that the claims management team deals with all claims documents and paperwork, claimants, presiding officers, Tribunal members, legal counsel and other agencies, as well as the more traditional tasks like organising hearings. Internally we will have a better co-ordination of the administrative and research arms of the Tribunal. Externally we should be able to respond more effectively to inquiries because the team, rather than just one researcher acting as claims manager, has access to claims information.

Pai marire

A handwritten signature in black ink, which appears to read "B. Mikaere". The signature is written in a cursive style.

Buddy Mikaere



Joy Hippolite, of Ngati Koata and Ngati Toa Rangatira, is currently part of the Tribunal's claims management team

## FOURTH TARANAKI HEARING HELD

The fourth hearing of the Taranaki land claims was held in April at Owae marae, Waitara.

The evidence given dealt specifically with Te Atiawa iwi and its six contemporary hapu. The traditional history of Te Atiawa was presented, supported by whakapapa. Te Atiawa political history was also presented and Te Atiawa was shown to be part of the continuum of Maori settlement in the rohe.

An interesting session about Te Atiawa art, and Maori art in general, looked at the effect of confiscation on one aspect of our culture. A feature of the week-long hearing was having three carvings brought from the Taranaki Museum to the marae for viewing. Each of the carvings was found locally: one in 1880, one in 1958 and one in 1959.

Evidence was given regarding more contemporary issues, such as the extraction of metal and water from local rivers and the compulsory acquisition of land by the Crown for public works. The marae on which the hearing was held served as an example of alienation of Maori land, its original area having been reduced by some 15 acres. A common thread throughout Taranaki claims is that the raupatu has never stopped.

Te Atiawa women presented a strong statement of support for the Taranaki claims, and spoke also about the issue of redressing claims.

Land alienation from 1820 to 1859 was discussed in terms of changes to government policy, in particular land purchase policy, and the ways in which those changes affected Te Atiawa.

During the last two days of the hearing, the individual hapu of Te Atiawa presented their own evidence, relating their traditional histories, locations of important sites, and the ways they each interacted with their environment.

The entire hearing was observed by visitors from the Marshall Islands Nuclear Claims Tribunal.

## MARSHALL ISLANDS DELEGATION VISITS TRIBUNAL

Three indigenous Marshallese and one American, representing the Marshall Islands Nuclear Claims Tribunal, visited Aotearoa in April specifically to learn about and observe the Waitangi Tribunal.

Nuclear testing in the Marshall Islands region by the United States government in the 1940s and 1950s has resulted in the sickness, disability and death of many Marshallese people, and destruction of their lands, flora and fauna, and seafood resources.

The Compact of Free Association, an agreement between the government of the Marshall Islands and the government of the United States, allows for the annual distribution over a period of 15 years of a \$150 million fund provided as compensation to Marshallese citizens by the United States.

Annual proceeds of \$45.75 million earned on the fund is available to be distributed to Marshall Islanders through the Marshall Islands Nuclear Claims Tribunal, which was set up by an Act of Parliament in 1987.

There are approximately 6000 claims to be processed and adjudicated, but the three-member Tribunal has yet to hear its first claim. The Tribunal's inability to get underway has been attributed amongst other things to interference in the autonomy of the Tribunal by the Marshall Islands government. As a consequence, the Tribunal has had difficulty retaining a chairperson and the turnover of members has been high.

Indigenous people have never been represented on the Tribunal; all members have been imported, mainly from the United States, Australia and Canada. The Waitangi Tribunal's bicultural make-up was of particular interest to the delegation, a concept they expressed a desire to emulate.

The Marshall Islands delegation was warmly received by Taranaki claimants and Tribunal members at the April hearing of the Taranaki claim.

## WAITANGI TRIBUNAL CURRENT HEARING PROGRAMME

*Note: These dates are subject to change. Update as at 18.4.91*

1991	Claim No/Name	Place
8-12 April	143 Taranaki	Waitara
20-24 May	45 Muriwhenua	Kaitaia
27-31 May	38 Te Roroa	Kaihu
10-14 June	143 Taranaki	Waitara
17-21 June	27 Ngai Tahu	
22-26 July	45 Muriwhenua	Auckland
12-16 August	143 Taranaki	
16-20 September	45 Muriwhenua	Kaitaia
14-18 October	143 Taranaki	
18-22 November	45 Muriwhenua	Kaitaia
2-6 December	143 Taranaki	
1992		
17-21 February	45 Muriwhenua	Auckland

## SETTING THE RECORD STRAIGHT

It is with much pleasure that we welcome Molly Kino of Ngati Maniapoto to the staff of the Waitangi Tribunal. Molly is contracted to work 20 to 25 hours a week on our records and filing system. When she is not at the Tribunal, Molly is at Victoria University and Wellington Polytechnic, completing studies in kaupapa Maori and stenography. She is also working towards tutor certificates in those subjects.



## WELLINGTON TENTHS CLAIM

The Wellington Tenths claim was a part of the wider Taranaki claim filed in 1987 by Sir Ralph Love and others. When the claims concerned with the confiscation of land in Taranaki were scheduled for hearing, the Tribunal considered it necessary to deal with the Wellington Tenths claim separately.

The claim concerns the provisions made for the reservation of land to Maori owners at the time of the New Zealand Company's attempt to establish a colony here prior to the Treaty of Waitangi. The Company promised, in a deed in 1839, to set aside as Maori reserve land one tenth of the land known as the Port Nicholson block. This agreement, say the claimants, was not upheld.

The lands owned by the Wellington Tenths Trust are subject to leases that are set by the provisions of the Maori Reserved Land Act 1955. These leases have their rentals set by statute at four or five per cent of valuation. The leases run for 21 years and there is no provision for rent review during this period. The lessees also have a perpetual right of renewal.

In October 1990, the Tribunal received an application to give the claim urgency as it related to a number of sections owned by the Wellington Tenths Trust and leased to Government Property Services (GPS). The claimants were concerned that sub-leases were being made by Government Property Services at rents well above that being paid the Maori owners.

The Tribunal accepted the claimants' request that urgency be given and a hearing was held at Te Tatou o to Po marae, Petone, in late March, 1991. The Tribunal consisted of Mr Bill Wilson, the presiding officer, Bishop Manuhua Bennett, Mrs Georgina Te Heuheu and Professor Gordon Orr.

The Tribunal heard evidence from the claimants and, as part of the hearing, made a site visit to a number of Tenths reserves in the Wellington area.

Since the hearing, the Crown has stated that it accepts that the provisions of the Maori Reserve Lands Act 1955 disadvantage Maori owners in that their ability to receive a fair return on assets is constrained. The Crown will undertake a review of the Act over the next six months to seek a fair settlement of the issue, and will then report to the claimants and the Tribunal.

In the meantime, the Tribunal is considering whether to continue to hear the claim as it relates to the GPS properties.

## NEW CLAIMS REGISTERED

### WAI 177

**Claimants:** Selwyn Tukumana Gregory, Sharon Gregory and others for Ngati Whanaunga, Ngati Maru, Ngati Tamatera and other Hauraki sub-tribes  
**Concerning:** Hauraki gold mining lands – lease agreement with the Crown  
**Date of registration:** 11 March 1991

### WAI 178

**Claimants:** J T Asher and others for Ngati Karauia and others  
**Concerning:** Lake Rotoaira  
**Date of registration:** 11 March 1991

### WAI 179

**Claimants:** Colin Malcolm of Ngati o Kahu and his extended whanau  
**Concerning:** the Maori Affairs Act 1953 and the Burials and Cremations Act 1954  
**Date of registration:** 18 March 1991

### WAI 180

**Claimants:** Howard Brooks and others of Ngati Pamoana  
**Concerning:** Koroniti School site  
**Date of registration:** 13 March 1991

### WAI 181

**Claimants:** Ngawata Eliza Page, of Ngati Mutunga, Ngati Tama, Te Atiawa, and others  
**Concerning:** Kekerione no. 1 Chatham Islands  
**Date of registration:** 13 March 1991

### WAI 182

**Claimants:** Ruth Jacqueline Hera Harris for Rangitane ki Manawatu  
**Concerning:** Rangitane land  
**Date of registration:** 13 March 1991

### WAI 183

**Claimants:** Eruera Te Whiti Nia for Inanui Rio Nia (nee Love) and her sisters  
**Concerning:** Wellington Urupa  
**Date of registration:** 14 March 1991

### WAI 184

**Claimants:** Barbara Josephine Duggan and Zara Moure Marie Kerr and other descendants of Ngaroimata Waata  
**Concerning:** Whangarae IC at Okiwi Bay near Nelson  
**Date of registration:** 14 March 1991

### WAI 185

**Claimants:** A H Wirihana on behalf of the Mate Te Whiu Ikemoke Wirihana Trust  
**Concerning:** Pepepe Land (South Auckland) and the Public Works Act 1928  
**Date of registration:** 16 April 1991

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