

TE MANUTUKUTUKU

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

Whiringa-ā-rangi/Hakihea 1997

Number 43

November/December 1997

Hauraki Claimants Present Research

On 13 November Waitangi Tribunal staff travelled to Ngahu Toitoi Marae, Paeroa, to receive the research for the claim lodged by the Hauraki Maori Trust Board (Wai 100).

In the morning, the research was formally presented to the Hauraki people. It was the first time that many of them had seen the research reports. That afternoon, the Hauraki research was handed over to the Tribunal manuhiri, Morris Love, Matthew Russell, Niwa Short and George Tamarapa.

In accordance with the casebook method, the Wai 100 research will be collated with the research completed by other Hauraki claimants and with reports commissioned by the Tribunal. An historian who is a Tribunal member will then assess the collated evidence.

If the historian decides that there is sufficient evidence to begin hearings, a casebook will be assembled and distributed to claimant counsel and the Crown. A date will then be set for a Tribunal conference to consider possible hearing dates and procedural issues relating to the inquiry.

However, if further research is required, the Tribunal will then decide if it needs to wait until the research is completed before assembling a casebook and proceeding to a hearing.

The Wai 100 claim extends from Matakana, just north of Tauranga, to Matakana, south of Cape Rodney. The main issues in the claim relate to confiscations, the effects of the various Native Land Court Acts, the ownership of gold



Hauraki Maori Trust Board Claims Manager John McEnteer places the Hauraki research in Te Awapu. Ngahu Toitoi Marae, Paeroa.

and other sub-surface resources, the ownership and management of the foreshore, the destruction of the natural habitat, and the economic and social impact arising from the above.

People interested in purchasing copies of the Hauraki research reports can contact the Hauraki Maori Trust Board, PO Box 33, Paeroa, Tel: 07-862-7521.

Volumes 1, 2, 3, 5 (1), 5 (2), 5 (3) and 9 (1) – (28) are \$50.00 each. Volume 7 is \$75.00, and volumes 4, 6, 8 (1), 8 (2), 8 (3) and 8 (4) are \$120.00 each. All prices include GST.

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From the Director

Settlements

With the Christmas season here, thoughts move to what lies ahead. The schedule for the new year is no less busy than the last, with large new inquiries starting in Tauranga Moana and Hauraki. Near the end of the year other inquiries will be close to starting, in the northern South Island, southern Kaipara and perhaps in the Urewera.

With major settlements for Waikato-Tainui and Ngāi

Tahu, and the likelihood of settlements in Taranaki and Muriwhenua, the importance of claim settlements not only to Māori but in fact to all New Zealanders increases. After one hundred and sixty years the landscape will again change. With these settlements comes a host of expectations, many of which are unwelcome and unrealistic.

For many older Māori there is a simple desire for some small windfall to alleviate a lifetime of struggle and hardship. They have carried the banner for future generations and attended many long hours of hearings before the Tribunal. They deserve some tangible recognition, not simply because they are Māori, but because they have kept matters alive in the hope that they would see a better deal for Māori in the future.

There are of course many who have taken no part in the claims process or any other process to secure rights and resources, and they will also eagerly await a windfall.

Individual or Collective Benefits?

Treaty of Waitangi claim settlements are not about individual benefits or individual rights. Tino rangatiratanga is not about personal property; it is about leadership supported by the people, providing for the future as well as for the present. The key lesson of the Native Land Court last century was that the ability to sustain land and resources diminished as the land was broken up and the numbers of persons involved decreased. When title to land went to families and individuals, it was lost due to the need to alienate land simply to survive in the present. History will repeat itself if the corpus of any settlement is distributed broadly. This is true for the fisheries resource and equally for land.

Many Māori fear that the individual may not benefit from the birth of the new iwi corporations such as those involved in the Ngāi Tahu and the Waikato-Tainui settlements.

In traditional Māori society, the individual benefited by being a part of the collective. If you left the collective or stopped contributing, then your rights were terminated. With the dispersal of people from their tribal areas, for many Māori their relationship with the land is reduced to simply that of a shareholder who gets dividends when the corporation does well. To change that, it seems the requirement is to participate in the corporation. Like it or not, that is where rangatiratanga is exerted in the modern sense.

I support the view that leaders are charged in any Treaty settlement to grow the asset received. There are real opportunities here. That is not to say that the bodies are to be heartlessly commercial. There should be recompense for those who are in the twilight of their lives. Equally, those who hold the future of the tribe – the tamariki – should be nurtured with some of the proceeds. The core should be made to grow. It is heartening to see these drives in relation to Treaty settlements.

On a per capita basis, settlements are very small although collectively they can be made to work. After all, the claims relate to the collective and the settlements are with the collective. Individuals benefit by participation. In the end this could be through a tribal organisation or through some urban, non-tribal group if a way can be found for those groups to clearly establish membership based on participation in the same way as tribal groups establish their membership.

There ain't no such thing as a free lunch

In the heady realms of the Treaty process some things are still pre-eminent. What is for lunch, and who pays for it, are some of those things. Of late at hearings and Tribunal conferences there has been a growing expectation that the Tribunal provides lunches for the claimants and visitors. It has been a matter of policy and practice to provide morning and afternoon teas but not lunches. This practice allows for a degree of manaakitanga by the Tribunal while concentrating its limited resources on the all important hearings.

If we were to supply lunches at hearings and conferences then the number of hearings per year would decrease. I think that would be very undesirable. On that less tasty note, I will close by wishing you all the best for an eventful and productive new year. Nō reira, heoi anō.

Morris Te Whiti Love
Director



Morris Love

Mohaka Lands Hearing



The Tribunal held a hearing of the Mohaka lands claim (Wai 119) from 3-6 November at Mohaka Marae.

Opening legal submissions were heard, in which claimant counsel Grant Powell identified the claimants' six causes of action. These relate to the Crown's failure to protect Ngāti Pahauwera's land resource and its excessive acquisition of Ngāti Pahauwera lands. The claim-

ant Ruku Wainohu pointing out the Mohaka River outlet. L-R: Tribunal researcher Dean Cowie, Crown counsel Craig Linkhorn (obscured), Tribunal member Prof. Keith Sorrenson, claimant researcher David Alexander and Ruku Wainohu

ants also cite the Crown's failure to protect Ngāti Pahauwera from a raid by Te Kooti in 1869, in which at least 56 tribal members were killed.

Kaumātua and rangatahi of Ngāti Pahauwera were also heard. The Tribunal conducted site visits around the Mohaka-Raupunga region, and flew over the entire Ngāti Pahauwera

rohe by helicopter. The Tribunal also heard from expert witnesses on the subjects of Crown purchases, Ngāti Pahauwera land loss and contemporary living standards. These witnesses were Dr Donald Loveridge, David Alexander and Tureiti Moxon, the latter being a member of Ngāti Pahauwera.

Wai 262 – Indigenous Flora and Fauna

On 15-19 September the Tribunal began hearing evidence from tangata whenua of Te Rarawa and Ngāti Wai regarding their interests in the Indigenous Flora and Fauna claim (Wai 262).

One of the witnesses was principal claimant Del Wihongi, who presented her evidence at Tamatea Marae, Motuti. Independent researcher Dr David Williams presented evidence in Whangarei on behalf of the claimants relating to mātauranga Māori and taonga.

During the course of the hearing,

issues concerning restrictions on access to traditional evidence being presented were raised with the Tribunal. Until these issues are clarified and a procedure is clearly defined, further hearings of this claim in 1997 have been deferred. The Tribunal is hoping to resume hearings early in 1998.

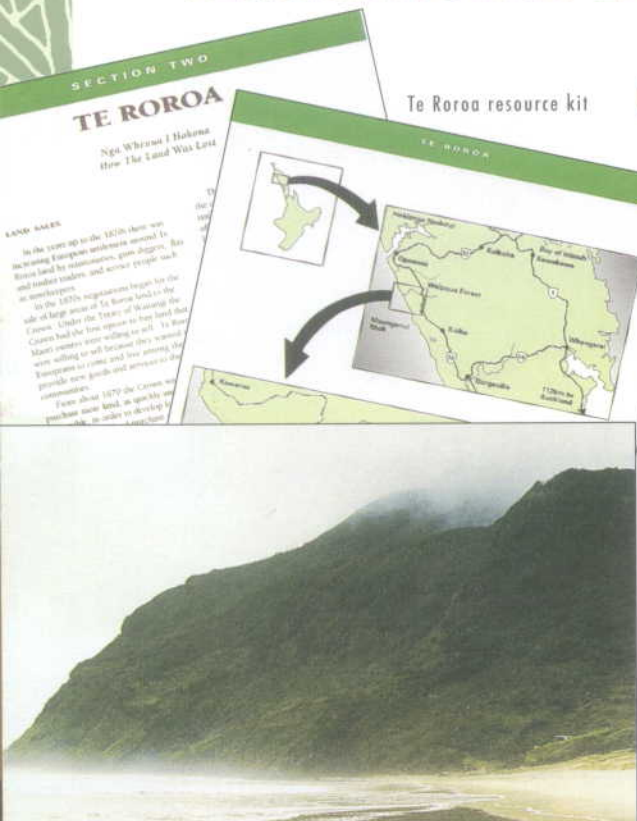
A substantial part of the Wai 262 claim concerns biodiversity – particularly rights in the knowledge and uses of indigenous flora and fauna, such as breeding, genetic manipulation, study, and local or overseas sale

and transportation.

These issues are directly affected by New Zealand's existing legislation, in particular the Patents Act 1953 and the Plant Variety Rights Act 1987, which give effect to intellectual property rights in such materials and which, it is claimed, at present insufficiently address Māori concerns.

Examples of flora and fauna which are specifically mentioned in the claim are kererū, pūpū-harakeke, tuatara, puawānanga, pohutukawa, koromiko and kūmara.

Educational Resources for Schools



Copies of the Waitangi Tribunal resource kits that proved so popular when first released are available for schools and interested groups to order in time for the beginning of the 1998 school year.

The Tribunal has published four resource kits, based on land and environmental pollution claims to the Waitangi Tribunal, that deal with issues related to the Treaty of Waitangi and the rights guaranteed to Māori with the signing of the Treaty in 1840. Each kit also discusses specific issues concerning the land loss or resource pollution that form the basis of each claim. The kits have all been produced in

conjunction with an education advisory group, and have all been successfully trialled in the classroom.

The resource kits are attractively presented, printed in colour with illustrations and photographs, and can be used for fourth form social studies, senior school history, geography, legal and cultural studies. The Treaty issues covered by the resource kits will be compatible with the ongoing social studies curriculum developments, and will remain important to the education of secondary school students for some time.

Each kit contains a classroom set (30 copies) of the resource, teachers' notes and student exercises.

Those resource kits available from the Waitangi Tribunal are:

Set One	Kaituna	Environmental pollution claim, Rotorua
Set Two	Motunui-Waitara	Environmental pollution claim, Taranaki
Set Three	Te Roroa	Historical land loss claim, Northland
Set Four	Orakei	Historical land loss claim, Auckland

Order Form

Name: _____

Address: _____

Tel: _____

Please send me: copies of Kaituna resource kit, at \$35 each
 copies of Motunui-Waitara resource kit, at \$35 each
 copies of Te Roroa resource kit, at \$37.50 each
 copies of Orakei resource kit, at \$37.50 each
 (all prices include GST)

I enclose a cheque for \$ _____ made out to the **Waitangi Tribunal**.

OR

Please send an account to this address _____

Post orders to: **Library and Information Coordinator**
Waitangi Tribunal PO Box 5022
WELLINGTON

ORAKEI
 a, whātangarōngaro he tangata — People pass on but our home in the land remains

Section One

From the centre of the land called the Orakei Domain, the Savage Memorial, and the Hōkanga Point. The history of this land tells us much about how the city of Auckland was created. Ngāti Whānau of Orakei, the Māori hapu which once owned the land, paid an immense price when it was lost to them. The story of the land at Orakei helps us to understand what tribal land ownership means to the Māori people.

NGATI WHĀUAU—THE PEOPLE OF ORAKEI

Ngāti Whānau of Orakei are a hapu of the Ngāti Whānau tribe which is based at Kaipara. They lived in the Auckland area for many hundreds of years. Their land was rich and fertile, an economic and spiritual resource for the hapu which was the basis of their identity. The whole hapu owned the land communally and they worked it together, tending crops and gathering food from the surrounding coastline and countryside. The tribal base or pōpōtanga was at Orakei Bay.

VIDE BASTION POINT (1976)
 Left: Members of Ngāti Whānau of Orakei and others demonstrating for the return of the land to the tribe, 1976. Photo: NZ Herald.

NGATI WHĀUAU

Above: A police cordon was formed before the eviction of members of Ngāti Whānau of Orakei and others which ended the 566 day protest by occupation for the return of the land to the tribe, May 1978. Photo: Auckland Star.

Orakei resource kit

Rangahaua Whānui National Theme Report Available

National Theme L, *The Trust Administration of Māori Reserves 1840–1913*, by Ralph Johnson, was released in August 1997. It is available from the Editor, Waitangi Tribunal, tel: 04-499-3666 for \$10.00.

Tauranga Visit

Waitangi Tribunal and Crown Forestry Rental Trust (CFRT) staff went to Tauranga recently to increase community understanding of the claims process, prior to the start of hearings for the Tauranga Moana claims in February 1998.

The highly successful one-day seminar and workshop, which was organised in conjunction with the Tauranga District Libraries, attracted over fifty participants, including representatives from local councils, Māori groups, the media, secondary students and claimants.

Director Morris Love said that the role of the Tribunal process was to expose all aspects of the tribal history of Māori and the settlement era in Tauranga Moana. 'One of the unique characteristics of Tauranga Moana is the very rich and complex tribal situation. There are three main tribal groups – Ngaiterangi, Ngāti

Ranginui and Ngāti Pukenga – but that doesn't tell the whole story.

'At the end of the process the Tribunal will say whether it considers the claims to be well-founded or not. It makes recommendations and presents its report. It's then up to the Government. Claimants then sit down and negotiate settlement with the Office of Treaty Settlements and the Minister of Treaty Negotiations.'

The Tauranga Moana's forty claims are largely historically based, although there are also contemporary issues relating, for example, to the Polytechnic and to the treatment of sewage. Mr Love emphasised that private land would not be jeopardised by the claims process, since the Tribunal cannot recommend the return of private land to Māori.

The audience was also addressed by Te Arawa kaumātua and Tribunal member Bishop Manuhia Bennett, Tribunal communications manager



L-R: Morris Love (Waitangi Tribunal), Antonius Papaspiropoulus (CFRT communications director), John Koning (CFRT historian).

Vanessa Byrnes, CFRT claims resolution director Tom Winitana, CFRT communications director Antonius Papaspiropoulus, and historian John Koning. Bishop Bennett stated that, 'the most important outcome of the Tribunal process is to use the experience of the past to bring about a better future for all New Zealanders.'

A large volume of information about the Tribunal and Trust was left with the district library for future public access.

The Conflict Partnership Process with Dr Dudley Weeks

Conflict does not have to end up in negative results. If we learn and use proven skills, we can use our conflicts and differences to clarify and improve relationships.'

Using drama and clear explanations, this half-hour long video provides an introduction to the *Conflict Partnership Process*, developed by Dudley Weeks. The video and accompanying workbook are designed for use by individuals, families, groups, organisations, schools, businesses and many others.

Dudley Weeks is known throughout the world for his work in conflict resolution and peacebuilding. He has trained people and groups in over ninety countries.

The Conflict Partnership Process

- can help build stronger relationships
- can assist people and groups to deal effectively with all kinds of conflicts

- teaches specific 'LifeSkills' we can name, remember and use immediately.

© Dudley Weeks and Legal Resources Trust

Please send me _____ copies of The Conflict Partnership Process Video and Workbook at \$35.00 plus GST (\$39.38 incl. GST).

I enclose a cheque for \$ _____ I require a GST invoice.

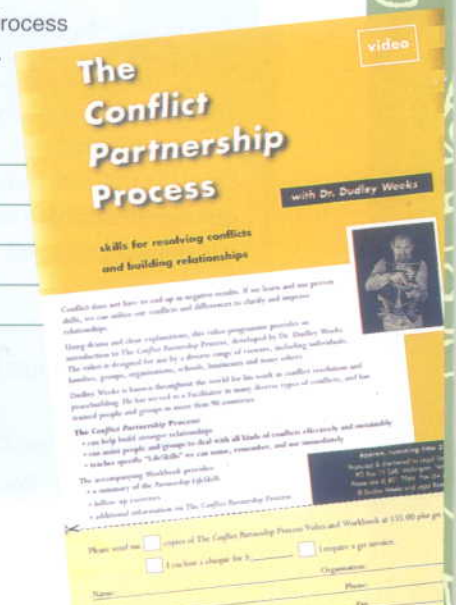
Name: _____

Organisation: _____

Address: _____

Tel: _____ Fax: _____

To order: Legal Resources Trust
PO Box 11-248, Wellington, New Zealand
Tel: 04-801-7066 Fax: 04-385-2105



Tribunal Offices Reorganised

The offices of the Waitangi Tribunal are now consolidated onto levels two and three of 110 Featherston Street, Wellington.

On 20 November, a morning blessing of level three was held, followed by breakfast. Bishop Manuhia Bennett and George Tamarapa (Te Ātiawa) officiated at the blessing ceremony. That afternoon a formal function held to mark the reorganisation of the Tribunal's offices was

attended by staff of related organisations and departments, including the Chief Executive of the Department for Courts and the Chief Registrar of the Maori Land Court.

The Tribunal's reception is now located on level three, which also houses administration, communications, claims administration, the offices of the Director, Manager,

Accountant, Human Resources Manager, Registrar and te reo tutors, the staff room, sick bay, and meeting room. Research, mapping and editorial staff are located on level two, along with the library and the Chief Judge's chambers. A room has also been created on level three for Tribunal members to work in when they visit Wellington.



CHANGES

The offices of the Waitangi Tribunal are now located on Level 3, 110 Featherston St, Wellington
our e-mail address has changed to tribunal@courts.co.nz

CONSTANTS

Our website address remains as <http://www.knowledge-basket.co.nz/waitangi>
our PO Box number will stay at PO Box 5022, Wellington

our DX number will stay at SP22525 Wellington Central
the phone number remains as 04-499-3666
the fax number remains as 04-499-3676

Errata from *Te Manutukutuku* 42

P.1 Tauranga hearings are now starting in February 1998, not December 1997.

P.1 Photo caption. Spelling of Mount

Maunganui is Mauao not Manao.

P.5 Photo caption. Wai 261 claimant Willy Wright was obscured in the photo and the actual person was Antonius

Papaspipoulus, communications director for the Crown Forestry Rental Trust.

P.8 Wai 676 is actually Wai 678.

New staff members

Bronwyn Gibbs has been appointed as the Waitangi Tribunal's Library and Information Coordinator. Bronwyn grew up in Remuera and graduated from the University of Auckland in 1992 with a BA in English and Education. After a year growing wasabi she worked at the Auckland Institute of Technology and the Auckland District Law Society libraries, then completed a MLIS at

Victoria University of Wellington. Bronwyn began work early this year at the Department for Courts National Office library. She was seconded to work at the Tribunal library in June, and was appointed to the permanent staff in August. Bronwyn is responsible for managing the development and delivery of library and information services.

Bronwyn Gibbs



Kate Riddell was appointed as a Report Writer for the Waitangi Tribunal in September 1997. Her ancestry is Scottish and Irish and she comes from a Navy family, growing up in Singapore, Auckland and Wellington. Kate graduated from Victoria University of Wellington with a BA (Hons) in History in 1991, and joined the Tribunal in 1992 as part of editing and production. She worked on the *Te Roroa*, *Ngai Tahu Sea Fisheries* and *Pouakani* reports. Kate also completed research on the

Kate Riddell

South Auckland and Hauraki pre-1865 Crown purchases, and Te Maunga Railways. After overseas travel, Kate returned to Wellington to write her MA History thesis, entitled 'The Marriage of the Races: Aspects of Marriage, Gender and Race on the Colonial Frontier'. Kate then worked as a contract researcher for the Tribunal, becoming a full-time staff member in March 1997 to edit Evelyn Stokes' 'Muriwhenua Review of the Evidence'. Kate is working on the Wellington Tenth and Tauranga claims.

FULBRIGHT SCHOLAR COMMISSIONED

Jim Feldman has been commissioned by the Tribunal to research the environmental history of the kererū for the Indigenous Flora and Fauna claim (Wai 262), focusing on the conflict between Crown conservation policy and traditional Māori use of the bird. Jim grew up in Chicago, Illinois, and his ancestry is German and Russian Jewish. He graduated with a BA in History from Amherst College, Massachusetts in 1993, before working as a park ranger and naturalist at Grand Canyon National Park for a year. He then completed

an MA in History at Utah State University, graduating in 1996. Jim's thesis is entitled 'The Politics of Predator Control 1964-1985' and studies the history of the United States federal predator control programme. Before Jim came to the Tribunal he worked at the University of Auckland Geography Department researching the history of introduced species in New Zealand. Jim is in New Zealand on a Fulbright Scholarship and began his commission for the Tribunal in mid-September 1997.



NEW CLAIMS REGISTERED

Wai No.	Claimant	Concerning
685	E. J. Palmer	Block X Section 3C, Southland

HEARING SCHEDULE as at 1 December 1997

Wellington Tenths Hearing 15-19 December 1997, Lower Hutt	Tauranga/Western Bay of Plenty Hearing 23-27 February 1998
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Members and Staff of the Waitangi Tribunal
*wish you a Safe Christmas
 and Happy New Year*



Members of the Waitangi Tribunal and Judges of the Maori Land Court, Wellington, October 1997

Back Row L-R: Judge Richard Kearney, Deputy Chief Judge Norman Smith, Judge Ashley McHugh, John Kneebone, Sir John Ingram, Judge Andrew Spencer, Judge Patrick Savage, Brian Corban, John Clarke.

Front Row L-R: Te AhiKaiata John Joseph Turei, Keita Walker, Professor Evelyn Stokes, Dame Augusta Wallace, Chief Judge E. T. J. Durie, Pamela Ringwood, Professor Keith Sorrenson, Areta Koopu.

Absent: Judge Glendyn Carter, Judge Wilson Isaac, Judge Hoeroa Marumaru, Judge Heta Hingston, Roger Maaka, the Right Reverend Manuhua Bennett, the Honourable Dr Michael Bassett.



DEPARTMENT FOR
COURTS
 TE TARI KOOTI

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