

TE MANUTUKUTUKU

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

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Tauranga Hearings Begin

It was an emotional start to the Waitangi Tribunal's investigation into the Tauranga claims when they started hearings in February this year at Huria Marae. Claimants welcomed the Tribunal, saying they had been waiting 134 years to have their say.

A Tribunal commissioned researcher, Hazel Riseborough, said claimants were glad to finally have the chance to tell the true history of Tauranga. Ms Riseborough's evidence was very well received by claimants, especially when she highlighted a Crown document that admitted to acquiring land through 'forced acquisition of Native Lands under colour of a voluntary sale'.

The main issues the Tribunal expects to hear during the course of its inquiry include a 50,000 acre block of land that was confiscated in 1864, public works takings, harbour management and an old land claim over what is now Tauranga city. Other issues include the Athenree Forest, the Katikati Te Puna purchase and borders between iwi.

The first hearing included

presentation of tangata whenua evidence, historian's evidence and a site visit.

It was the first of many hearings that are being held to investigate claims from over 40 individual claimants. The next hearing is being held on 18-22 May at Pirirakau, Tauranga.



Historian Hazel Riseborough presents her evidence, supported by Ngāi Tamarawaho.

Mauao (Mount Maunganui). According to a submission by kaumātua Dutie Tukaokao, Mauao is the place that Tamatea Arikini (tūpuna of Ngāti Ranginui) buried his mauri (a carved stone disk), beneath Tiirikawa rock on the north side of the maunga. It is also the landing place for Ngāi Te Rangi.



Looking out towards Tauranga Harbour: a significant part of the raupatu (confiscated) area.

CONTENTS

From the Director
Opinion Polls

2

New Tribunal Members
Appointed
Indigenous Flora and Fauna

3

Mohaka ki Ahuriri Hearing
Muriwhenua Claim Update
Kaipara Inquiry Update

4

Site Visits

5

Exhibitions Explain Tri-
bunal's Role
Rangahaua Whānui Lakes
Report

Communications Manager
Returns

6

Meet the Tribunal

7

Hearing Schedule
New Claims Registered

8

From the Director

Opinion Polls

In January this year, following the government's November 1997 announcement of the Ngāi Tahu settlement, a *New Zealand Herald* DigiPoll surveyed 650 New Zealanders on the issue of Treaty settlements. The poll asked if the government was spending too much on Treaty settlements, about the right amount, or too little.

It would come as no surprise to anyone that the majority (54%) responded 'too much'. The question begs you to answer that way.

We often say it is important to ask the right questions. Of course that depends on what response you want. Significant questions should be couched carefully, after there has been some background provided on the issue. Before answering, the poll respondent should consider the consequences of the government acting on his or her recommendation.

If the response was that 'too much is spent on Treaty settlements', further questions could be posed. What

are the consequences of spending much less on settlements? Do people think that a strong sense of grievance would still remain for Māori? Do people think that smaller settlements would endure, or would Māori be strongly motivated to revisit settlements in courts and through protest action?

Around 30% of those polled thought that settlements were 'about right'. Other questions need to be asked here. About right for whom? What is the comparison? How do we determine what is affordable?

If the response was that 'the quantum for the settlement of claims is too small' (a group of around 6.4% gave this response), a following question could ask 'what should the quantum for settlement be and why?'

The process of determining the size and nature of settlements is not an easy one. It does seem to be driven by considering how much the electorate will allow without widespread disagreement. Polls that are designed like the *New Zealand Herald* DigiPoll tend to drive people to respond in a certain way. They do not invite informed choice.

Treaty Settlements

An article in the *New Zealand Herald* on Waitangi Day seems to respond to a previous *Te Manutukutuku* article. The article appears to have mistaken a historical description of Māori society for an analysis of what should constitute present Treaty settlement policy.

The *Te Manutukutuku* article did not propose that 'only Maori who are part of the iwi, living in the iwi area had a right to benefit from Waitangi settlements'. Settlements are made with a collective body that has the mandate of the people involved in a claim wherever they live. That is government policy.

What I am saying is that rangatiratanga rests with the representative body of the collective, much like the rangatiratanga of the Government rests with the executive – a fairly conventional view. The *New Zealand Herald* article contends that 'The free society has many enemies, of which the collective ownership of property is one of the most pernicious'. This seems to echo the call last century to 'stamp out the beastly communism of the Maori'.

Last century, European politicians knew that the surest way to inveigle Māori out of their land was to divide land ownership among individuals or small groups. The quickest way to dissipate the value of settlements to Māori is to divide it out to individuals like a one-off welfare payment. If each individual Māori got equal entitlement from the overall settlement envelope they would likely get some \$2,000 – a new refrigerator or the like. That would hardly set them up for life, or even pay for a year of tertiary education.

I have no argument with those Māori who seek to gain benefit from settlements. But for each to receive a meaningful benefit then something greater than two percent of what was lost would be necessary. Small settlements require careful management by something akin to a company structure which looks at facilities and benefits which enhance the culture. Small settlements cannot be the panacea for an ailing society. Article Three of the Treaty is about Māori becoming equal, not from Article Two settlements, but as a result of good governance – getting the Article One responsibilities right.

Morris Te Whiti Love
Director



Morris Love

New Tribunal Members Appointed

On 23 February 1998 the Minister of Māori Affairs, the Hon. Tau Henare, announced two new appointments to the Waitangi Tribunal. The Minister also reappointed current Tribunal members Pamela Ringwood and Dr Michael Bassett for three years. Sir John Ingram, John Turei and Bishop Manuhua Bennett were retired from the Tribunal, although they will remain to work on inquiries that are continuing.

Wharehuia Milroy is a Professor in the Māori Studies Department at the University of Waikato. He is a Tūhoe

kaumātua and an accomplished writer on Māori issues. Professor Milroy was an assessor for the Māori Land Court during the Ngāti Paoa Waitangi Tribunal case, a member of Te Taura Whiri i Te Reo Māori, and a member of the Waikato Museum Taonga Māori Advisory Committee. He has also been an advisor to the New Zealand Qualifications Authority and a researcher for the Ministry of Energy.

Josie Anderson is Ngāti Hako and is currently the Chief Executive of the Hauraki Māori Trust Board. She holds a BSW from Massey Uni-

versity, a Diploma of Māori and Management from Te Wananga o Raukawa and has worked as a social worker for many years with the Department of Social Welfare and the Hamilton Boys Home. Ms Anderson is a board member for the Thames Valley Coromandel Business Development Board, the Waikato Conservation Board and a member of Tourism Coromandel. She is also an executive member of several fishery companies in Paeroa and is involved in numerous community organisations.



Wharehuia Milroy



Josie Anderson

Indigenous Flora and Fauna

The Wai 262 Tribunal concluded hearing evidence from kaumātua and other experts from Te Rarawa and Ngāti Wai claimants at the end of April.

The hearing of the Wai 262 flora and fauna claim had been delayed since September last year while issues of confidentiality and restriction of access to traditional evidence were resolved.

In December 1997 the Wai 262

Tribunal conducted a two-day conference to hear submissions from counsel for the claimants and counsel for the Crown about the nature of information brought as evidence and control of its dissemination. The Tribunal issued memorandum-directions in respect of evidence to be presented in the claim on 23 January 1998.

The direction sets out procedures to apply when any person who pre-

sents evidence before the Tribunal seeks to have all or any part of that evidence protected from access by persons other than those authorised by the Tribunal. The procedures prescribed in the direction are intended to ensure a fair and smooth handling of confidential evidence.

The next hearings for Wai 262 are expected to take place on 22-26 June to hear Ngāti Kuri witnesses at Te Hapua.

Mohaka ki Ahuriri hearing

On 14 to 17 April the Mohaka ki Ahuriri Tribunal heard evidence at Te Haroto Marae relating to 11 claims.

Submissions and evidence from witnesses concerned Ngāti Hineuru, and the Tarawera, Tatarakaakina, and Te Haroto blocks. The evidence principally referred to the Crown's 1867 confiscation of this land, situated midway

between Taupo and Napier, and to consequent legislation passed by the Crown which affected title to these blocks. Most evidence was presented for Wai 638, a claim that mainly concerns the loss of partitions in the Tatarakaakina block.

Other issues were Crown and private land purchasing, activities of the Maori Land Court, parti-

tioning development schemes, and social, economic and environmental effects.

This hearing is the seventh in this regional inquiry. The next hearing, where evidence for Wai 216 (Te Matai and Pakaututu blocks) will be presented, will take place in June this year.

Muriwhenua Claim Update

The Muriwhenua Tribunal heard claimant and Crown submissions on aspects of Waitangi Tribunal jurisdiction and discretion at a hearing in Auckland on 6-7 April. Three key questions were considered:

1. Should claimants be able to pursue applications for Tribunal orders while entering into settlement negotiations with the Crown?
2. Can Tribunal orders be issued in a partial or interim settlement, or do such orders have to constitute a full and final settlement?
3. Is the Tribunal required to establish a direct relationship, or 'nexus', between land subject to orders and a treaty breach committed on that specific piece of land?

The Tribunal will report on these, and other, Muriwhenua issues in the near future.

Kaipara Inquiry Update

The hearing of all claims with interests in the Kaipara district continued on 27 April at Whangarei.

The Kaipara inquiry is structured in three stages. So far, the Kaipara Tribunal has heard evidence from Crown researcher Dr Ashley Gould prepared in response to the earlier claimant evidence. Gould's research focuses almost entirely upon the origins

and effect of the twentieth century Land Development Schemes in the Northern Kaipara. Copies of this document and any other research presented as part of stage one are available from the Tribunal office.

Stage One claimants will present their closing submissions at the next hearing set down for 15-17 June at Otamatea Marae. The Kaipara Tribunal has recently

called for submissions from all interested parties on the issue of whether the Tribunal should consider making an Interim Report after Stage One of the Inquiry. Those who wish to make submissions should send these to the Tribunal Registrar as soon as possible. All submissions received will be heard in a conference of the Kaipara Tribunal at a date and venue yet to be arranged.

Site Visits *This is the first part of a series looking at various aspects of the Waitangi Tribunal Claims Process.*



A fascinating part of the claims process is a visit to the site of a claim. These visits set the scene, allowing tribunal members to view the claim area first hand and gain an impression of the spiritual significance of the area to the claimants.

The visits, usually conducted in the first hearing, tour areas of special significance to the claim, such as historical sites, wāhi tapu, pā sites, confiscation boundaries, traditional food gathering sites, gardens, tribal borders, streams, beaches and rivers.

Site visits also give members of a iwi or hapū, especially the younger generation and those who live outside the rohe, an opportunity to learn about their history.

In most cases, site visits are arranged by the Claimant, although the visits may be part of either the Claimant or the Crown case.

HOW TO RUN A SITE VISIT

Claimants are responsible for organising what the site visit will involve. Here is a checklist of items to be arranged for each visit:

1. site visit itinerary
2. a map with appropriate commentary on relevant sites
3. one or two knowledgeable speakers
4. reliable and appropriate transport, for example a bus (intercom systems are useful), boat, four wheel drive, or helicopter

The Tribunal arranges for all site visits to be recorded, photographed and videotaped.

Funding for site visits is available from both the Crown Forestry Rental Trust and the Waitangi Tribunal.

Rangahaua Whānui Lakes Report

Ben White, a member of the Tribunal's research staff, has recently completed a report for the Rangahaua Whānui project on Crown policies with regard to lakes.

As well as analysing common

law and legislation about lakes, the report includes detailed case studies on Lake Waikaremoana, Rotorua lakes, Lake Omapere, Lake Taupo, Wairarapa lakes and Lake Horowhenua. Claimants and interested

parties may obtain a copy of the report by writing to: The Editor, Waitangi Tribunal, PO Box 5022, Wellington, Tel: 04-499-3666. Copies cost \$10.00 each.

Exhibitions Explain Tribunal's Role



The Tribunal stand was kept busy at the CFRT hui at Hopuhopu.



Waitangi Tribunal Researcher Ralph Johnson invites a member of the public to take away information about the Tribunal.

Visitors to two hui held earlier this year showed a keen interest in exhibition stands set up to explain the Treaty of Waitangi settlement process.

The first exhibition was at the Crown Forestry Rental Trust (CFRT) hui held at Hopuhopu near Ngaruahia at the end of January. The two-day hui was designed to give CFRT clients the opportunity to learn more about the Treaty claims process, talk about ways to improve this process, share information and network with other claimants. The Waitangi Tribunal stand was kept busy both days and gave Tribunal staff a chance to meet many of the 65 claimant groups who attended.

Staff were also on hand at the

Aotearoa Māori Arts Festival to explain the Waitangi Tribunal's role. Over twelve hundred people took away information from the festival, held at Trentham, Wellington at the end of February.

*Tahia te ara kia kitea ai te huarahi
Sweep away that which has no
consequence*

*Follow instead the path
that brings substantially more*

COMMUNICATIONS MANAGER RETURNS

Tina Watson has recently returned to the Waitangi Tribunal, taking up the position of communications manager that she held in 1994. Tina is of Ngāti Kahungunu ki Wairarapa descent.

'It's an exciting year to be working for the Tribunal. A number of new reports are being published, including Waipareira, Ikawhenua

Rivers, and two remedies reports, Te Whanganui a Orotu and Turangi township. I'm also looking forward to publishing a new Treaty resource kit and reviewing *Te Manutukutuku* to make sure it meets its readers needs.'

Tina has worked in journalism, communications and publications, spending time at the *Rotorua Review*,

Meet the Tribunal

This is the first part of a series introducing Waitangi Tribunal members and staff

Te AhiKaiata John Joseph Turei,

CBE, QSM, QCM

'The most rewarding part of being a Tribunal member is listening to kaumātua evidence unfold, knowing that to all of them this is the beginning of a new era of hope for our people.'



'My vision is to see our nation heal the wounds of the past 150 years. To push through with educational reforms for Māori, which will ameliorate the disproportionate prison figures, the alarming health index, and the poor rate of passes within the education system.'

John Turei was appointed to the Waitangi Tribunal in 1994, and is a member of the Ngāti Awa, Mohaka ki Ahuriri and Kaipara Tribunals and has heard the Kiwifruit Marketing claim. His iwi affiliation is Tūhoe, and he was a member of the 28th Maori Battalion which served in the Middle East and Combined Military Forces in Italy during World War Two.

In his capacity as kaumātua he has been advisor to various government departments and leaders over the past 25 years. He travelled to Seoul and India where he assisted in the formal openings of the New Zealand Embassies in both countries, and has travelled with the New Zealand Arts Delegation to China. Mr Turei was awarded a 1990 Commemoration Medal and is an Honorary Fellow of the Unitec Institute of Technology in Auckland. In October 1996 he travelled to the Society of Professional Institute of Dispute Resolution conference in Anaheim, Los Angeles, as kaumātua for the Tribunal delegation.

Manatū Maori, Prudential Assurance and ANZ. She has a Diploma of Journalism from Waiariki Polytechnic and is completing a BA in Maori Studies at Victoria University of Wellington.

Her responsibilities include liaising with the media and the public, strategic planning, events management, marketing Tribunal publications and producing *Te Manutukutuku*.



Pamela Ringwood,

BA, LL.M, Dip Soc Sci

'As a Waitangi Tribunal member I find it rewarding helping to achieve unity between two peoples, while celebrating the diversity of Māori and Pakeha.'



'In my experience, most people have misconceptions about the Tribunal. When it is explained to them, they are relieved to know that there is a body working towards effective resolution of grievances.'

Pamela Ringwood is a retired senior law lecturer and was appointed to the Waitangi Tribunal in 1993. She is on the Te Whanau o Waipareira and Indigenous Flora and Fauna Tribunals and has heard the Te Maunga Railways land claim. Pamela was the first president of the North Shore Council for Social Services and sits on the Children's Boards for Takapuna and Henderson.

She was on the committee that established the Auckland Citizen's Advice Bureau and has designed and conducted training courses for several Bureaux. Pamela has been involved with many community organisations, including the Maori Women's Welfare League, and is a board member of the Parnell Peace Parks Trust Board, currently being developed under the City Council and Community Board.

NEW CLAIMS REGISTERED

Wai No.	Claimant	Concerning
686		Hauraki Consolidated Claim
687	Te Okoro Joe Runga and others	Tareha Taraia Trust & Turanga Ariki
688	Mate-Paihana Puriri and others	Nga Hapu o Whangarei lands, waters, forests and resources <i>Aggregated for inquiry with Wai 674</i>
689	Maria Makoare MacLeod	Pouto blocks and forestry <i>Consolidated for inquiry with Wai 674</i>
690	Matiu Baker	Ngati Tera lands and reserves (Porirua) <i>Aggregated for inquiry with Wai 145</i>
691	Tohe Rauputu	Pio Pio Stores site
692	Hana Loyla Cotter and others	Napier Hospital Services claim
693	Whaitiri Mikaere	Matamataharakeke Block <i>Consolidated for inquiry with Wai 686</i>
694	Reremoana Jones and nine others	Tairua Block and Forest <i>Consolidated for inquiry with Wai 686</i>
695	Peter Te Wharau	Te Aroha Land and Mountain <i>Consolidated for inquiry with Wai 686</i>
696	Glass Murray and others	Ngati Haua lands and resources <i>Grouped for inquiry with Wai 45</i>
697	Rangitane Marsden	Te Kopuru Hospital (Maungarongo) <i>Consolidated for inquiry with Wai 674</i>
698	Pateriki Nikorahi	Customary Fishing Regulations
699	Antoine Coffin and another	Dog Control Act and Policies
700	Maryanne Marino and others	Whirinaki Lands and Waters (Hokianga)
701	Colin Bidois and another	Katikati and Te Puna Blocks (Athenree Forest) <i>Consolidated for inquiry with Wai 215</i>
702	Taane Karaka and others	Waitaha Hapu lands and resources <i>Aggregated for enquiry with Wai 215</i>
703	Wereta Kerekere Smiler	Tauwhare parae lands
704	Dianne Chalmers	Whangamata 4D4B2A block and others <i>Consolidated for inquiry with Wai 686</i>
705	Barbara Huia Francis	Whitianga Township and Te Whanganui-o-Hei Harbour
706	Iri Sharon Rose Barber-Sinclair	Ngai Tahu Settlement
707	Hoki Leef-Bruce and another	Blocks 16 & 154, Parish of Te Puna (Tauranga)
708	Hoki Leef-Bruce and another	Tauranga Harbour (Pirakau)

HEARING SCHEDULE as at 1 April 1998

18-22 May, Tauranga Tauranga Hearing	22-26 June, Te Hapua Indigenous Flora and Fauna Hearing
8-10 June, venue to be advised Ngai Tahu Settlement Claim Hearing	6-10 July, Tauranga Tauranga Hearing
15-17 June, Otamatea Marae Kaitaia (Stage 1) Hearing	20-24 July, East Coast Indigenous Flora and Fauna Hearing



DEPARTMENT FOR
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TE TARI KOOTI

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