

TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI

TE MANUTUKUTUKU

Kia puta ki te whai ao ki te ao mārama

From the world of darkness moving into the world of light

Issue 63



CONTENTS	PAGE
TE UREWERA REPORT PART ONE	1
A MESSAGE FROM THE OUTGOING ACTING DIRECTOR	2
MEMBER NEWS	2
TE TAU IHU REPORT	4
WAITANGI TRIBUNAL REPORTS MAP	6
WAITANGI TRIBUNAL DISTRICTS MAP	7
INQUIRIES IN PREPARATION	8-10
HISTORICAL CLAIMS DEADLINE	9
INQUIRIES IN HEARING	11
CONTACT DETAILS	12

Te Urewera Report Part One



Rising Mist, Tarapounamu

Evelyn Stokes

*Tūhoe whakataūki: Hokia ki ngā maunga kia purea koe e ngā hau a Tawhirimātea
Return to the hills that you may be cleansed by the winds of Tawhirimātea*

The Tribunal released part one of its Te Urewera report in pre-publication format on 9 April 2009. The report addresses some 40 claims lodged between 1987 and 2003. Most of the claimants are from Ngāi Tūhoe. The claims include the Wai 36 claim brought in 1987 by Wharehuia Milroy and Tamaroa Nikora on behalf of Tūhoe, and 17 claims lodged by Ngā Rauru ō Ngā Pōtiki, an umbrella group representing a number of Tūhoe groups and individuals. Other claimants included Ngāti Whare, Ngāti Manawa, Ngāti Ruapani, Ngāti Haka Patuheuheu, Ngāti Rangitihī, Ngāti Hineuru, Te Aitanga a Mahaki, Te Whānau a Kai, Ngāti Kahungunu, and Ngāi Tamaterangi.

The Tribunal panel, consisting of Judge Pat Savage (presiding), Ann Parsonson, Tuahine Northover and Joanne Morris, heard evidence over eleven weeks between November 2003 and February 2005. The hearings were held at Waimana, Waiohau, Ruatāhuna, Murupara, Te Whāiti, Waikaremoana, Rangiahua, Ruātoki and Maungapōhatu. Crown evidence was heard at Tāneatua in March

and April 2005 and the parties closed their cases at Ruātoki in June 2005.

The first part of the report, which covers the period up to 1872, consists of five chapters and focuses on the following issues:

- Tūhoe's constitutional claim
- land confiscation in the Eastern Bay of Plenty
- military conflicts in Te Urewera from 1869 to 1871

Underlying many of the Tūhoe claims is the issue of authority in the district – mana motuhake, sometimes described as sovereignty. The Tribunal acknowledged the central importance of mana motuhake to Tūhoe, noting that mana motuhake is 'no mere slogan but that it drives and sustains the communities of Te Urewera'.

Tūhoe claimant Tamati Kruger highlighted mana motuhake's importance to Tūhoe, stating 'My Tūhoe identity is my mana motuhake . . . my mana motuhake, my Tūhoe identity is far greater than me . . . it is a hidden treasure'. He also emphasised that Tūhoe had not ceded its mana motuhake to the Crown: 'There was no Treaty, there was no decree and there was no governance, no word of mouth, no written word to peddle, confiscate, overturn or authorize my Tūhoe identity, my mana motuhake'.

The Tribunal considered Tūhoe's claim concerning the right of the Crown to govern in Te Urewera. Many claimants allege that because their tipuna did not sign the Treaty they have not ceded sovereignty to the Crown.

To page three

A message from the outgoing Acting Director



Nau mai, haere atu taku pānui, kawea te aroha mō te hunga kua whetūrangitia ki ngā marae o te motu e tangi nei ki ō rātau mate tāruru nui o te wā. Tēnā koutou, tēnā tātau i a ai tuā. Tēnei ka huri ki ngā kaupapa me ngā mahi o te wā. Tēnā koutou e pikau nei i ēnei mahi hei oranga mō ngā whakatipuranga.

It is my privilege to welcome you to this edition of Te Manutukutuku in my capacity as Acting Director for six months (from January to June 2009). During this period, the permanent director, Darrin Sykes, has been seconded to Te Puni Kōkiri as the Acting Deputy Secretary of Support Services. This arrangement has provided a tremendous opportunity for me to learn about the workings of the Waitangi Tribunal. During my time here, I have been consistently impressed by the expertise of both staff and members, and their collective commitment to the mission of the

Waitangi Tribunal. Ka nui āku mihi ki a koutou!

In my acting capacity, I have two conflicts of interest. I was a witness in the Wairarapa ki Tararua inquiry (Wai 863) for iwi and in the Indigenous Flora and Fauna and Māori Intellectual Property inquiry (Wai 262) for the Crown. It is very interesting to stand on different sides of the fence! These conflicts of interest have been carefully managed within the Waitangi Tribunal. In short, I have had no contact with these inquiries, and administrative decisions that impact on these inquiries have been delegated to members of the management team. I would like to thank the Waitangi Tribunal staff who have assisted with this arrangement. Heoi anō.

Notwithstanding this, I have not lacked for work! There have been some major developments over recent months. The deadline for lodging historic treaty claims passed on 1 September 2008. The Waitangi Tribunal received more than 1800 claims in the space of two months prior to this deadline. We have been able to register 529 of these claims to date (making a total of 2,034 claims registered with the Tribunal as at 19 June). Many of the new claims relate to inquiry districts that are in preparation, and will be incorporated into our planning for these districts. In many

cases, however, we require further information from claimants to enable registration. We have sent letters to claimants, and convened workshops at recent judicial conferences, to seek the necessary information. We encourage people to respond so that claims can be registered.

We released part one of the Te Urewera report in April 2009. The report is being released in parts at the request of the Crown and claimants to assist them with their settlement negotiations. We look forward to releasing further parts in the coming months. We have also maintained our busy work programme, with several inquiries in preparation, one in hearing (Whanganui) and five in report writing.

It has also been an interesting time in the wider Treaty settlements sector as the Government has developed and consulted on its proposed approach to progressing Treaty settlements by 2014. The Waitangi Tribunal is an independent commission of inquiry and, as such, is able to set its own programme of work to inquire into registered claims. However, it is important for us to understand the dynamics within the sector and we watch this space with interest.

Tipene Chrisp
Acting Director, Waitangi Tribunal

Member news

Tribunal Member Professor Ranginui Walker has written a biography of noted master carver Paki Harrison. *Tohunga Whakairo: Paki Harrison. The Story of a Master Carver* was published by Penguin Books in October 2008.

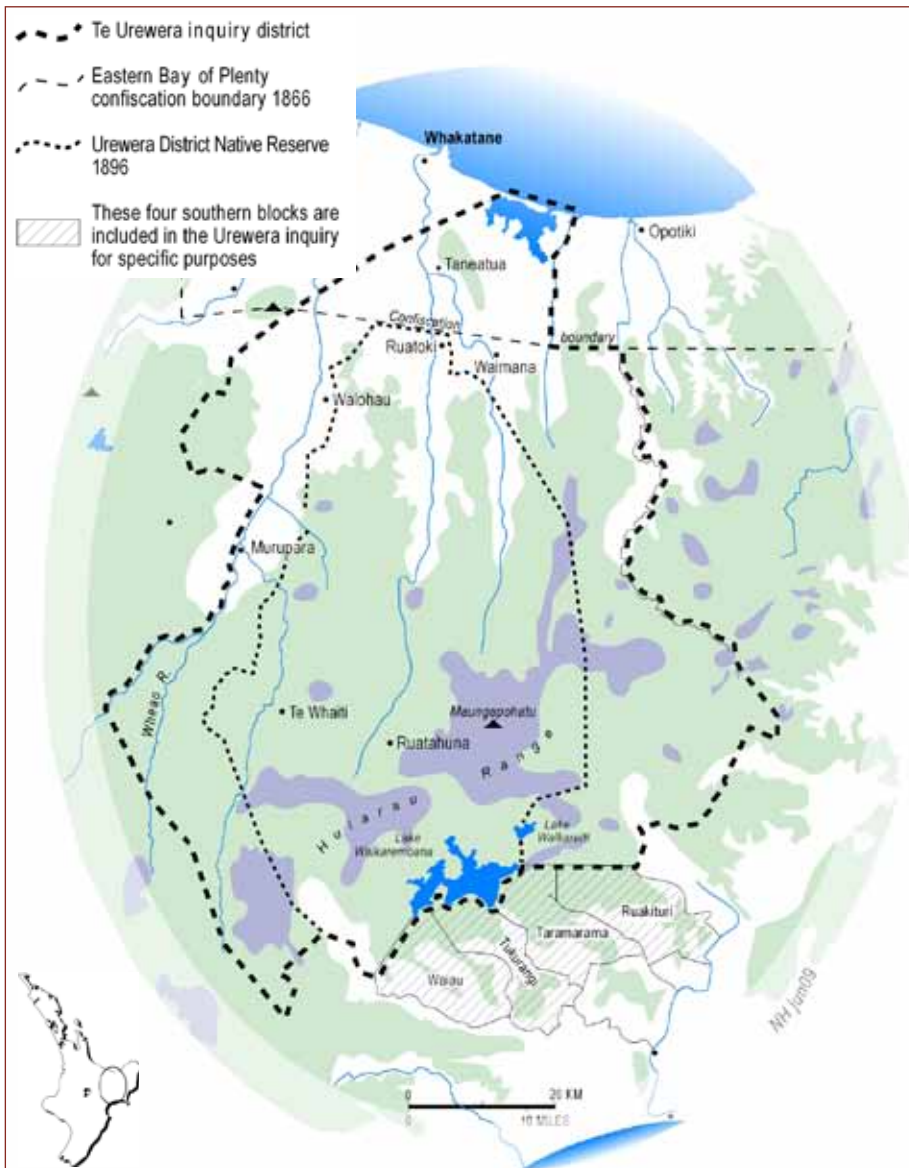
Dr Monty Soutar's book, *Ngā Tama Toa: The Price of Citizenship*, a history of C Company, 28 (Māori) Battalion, is a finalist for a New Zealand Society of Authors Best First Book Award.



In November 2008 the new Tribunal members profiled in issue 62 were welcomed to the Tribunal at a full powhiri held at Te Herenga Waka Marae, Victoria University. Pictured (left to right) are Pou Temara, Aroha Harris, Basil Morrison, Tania Simpson and Richard Hill.

Te Urewera Report Part One

Continued from page one



The Tribunal found that the Crown’s right to govern comes from Māori having signed the Treaty and that the Crown’s Treaty promises apply to all Māori, regardless of whether they signed the Treaty or not.

The Tribunal found that because Tūhoe rangatira did not sign the Treaty, and, indeed, were not given the opportunity to do so, Tūhoe did not owe reciprocal Treaty duties to the Crown. The Tribunal further found that this situation did not change between 1840 and 1865 because, by 1865, Tūhoe had not entered a relationship with the Crown and did not recognise

its authority. The Tribunal will examine whether this changed after 1865 in later parts of its report.

Raupatu is the next major issue in part one of the Te Urewera report. In 1866, the Crown confiscated a large district in the eastern Bay of Plenty. The confiscation was designed to punish other iwi whom the Crown deemed to be in rebellion, but it also included half of Tūhoe’s best land. Even though Tūhoe took no part in the events that were used to justify raupatu, their land was taken. No land was ever returned to Tūhoe, even though the Crown had not intended to punish them, and the

Crown did return land to others. In later years the Crown repeatedly told Tūhoe that confiscation was deserved.

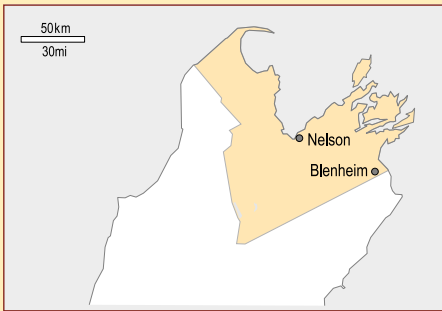
The Tribunal found that the confiscation was probably unlawful as the law then stood and was certainly in breach of the principles of the Treaty of Waitangi. It further found that the Crown’s failure to return land wrongly confiscated from Tūhoe was unjust and in breach of the Treaty. In reaching these findings, the Tribunal was assisted by concessions from the Crown. The Crown conceded that the 1866 confiscation of land was unfair, excessive and in breach of the Treaty. It also conceded that its long failure to provide a remedy for the confiscation was a further breach of the Treaty.

The Tribunal noted the legacy of confiscation for Tūhoe, including the lasting economic impact of seizing half their best land.

Raupatu and the transgression against Tūhoe mana has embedded itself in the people’s consciousness, forming a central pillar of their grievance against the Crown. The confiscation line remains to this day a highly visible symbol of grievance for Tūhoe people.

The Tribunal also considered the actions of the Crown during the military expeditions it sent to Te Urewera between 1869 and 1871. These were in response to attacks by Māori leader Te Kooti. In 1869, largely in response to the confiscation of their land, Tūhoe and Ngāti Whare supported Te Kooti in his attacks on Mohaka and other places. Some 80 Māori and Pākehā were killed. The Tribunal found that, at least in 1869 and early 1870, the Crown was justified in sending military expeditions into Te Urewera to apprehend Te Kooti and restore peace. But in doing so the Crown forces acted mercilessly, killing non-combatants and destroying all kāinga, crops, and taonga that they

Te Tau Ihu Report



Te Tau Ihu inquiry district

In November 2008 the Tribunal released its final report on the Treaty claims of iwi and hapū of Te Tau Ihu (the bow figurehead of Maui's canoe, the northern South Island). The eight recognised iwi are Ngāti Apa, Ngāti Koata, Ngāti Kuia, Ngāti Rārua, Ngāti Tama, Ngāti Tōa Rangatira, Te Ātiawa and Rangitaane. To assist claimants

and the Crown in their negotiations the Tribunal had previously released preliminary reports on customary rights in Te Tau Ihu and in the statutory Ngāi Tahu takiwā in March and August 2007 respectively.

The Tribunal inquiry panel comprised then Deputy Chief Judge (and current Acting Chief Judge) Wilson Isaac (presiding officer), Professor Keith Sorrenson, Pamela Ringwood and John Clarke. The late Rangitihī Tahuparae, respected kaumātua of Whanganui, passed away on 2 October 2008 between the completion of the report and its publication.

In its report, the Tribunal found that many acts and omissions of the Crown breached the principles of the Treaty of Waitangi. In particular, the Tribunal concluded that ownership of all but

a tiny fraction of land in the Te Tau Ihu district was lost to Māori without first gaining their free, informed and meaningful consent to the alienations. Nor did the Crown ensure that fair prices were paid and sufficient lands retained by the iwi for their own requirements.

The Tribunal found that contrary to Treaty principles, the Crown granted lands at Nelson and Golden Bay to the New Zealand Company without first ensuring that all customary owners were fairly dealt with. It then proceeded with its own large-scale Wairau and Waipounamu purchases, making predetermined decisions as to ownership which ignored the rights of many Te Tau Ihu Māori or left them with little meaningful choice over the alienation of their lands.

Te Urewera Report Part One

Continued from page three

could find. Many people died, some as casualties but more from hunger and disease. Others were detained in exile at the coast, long after any state of emergency could have justified it.

The Tribunal found that in all these things the Crown breached the Treaty, with serious effects for the claimants. It also found the Crown's subsequent efforts to mitigate the effects of these actions were piecemeal and insufficient. The Tribunal commented: 'it is astounding to us that such death, pain, and anguish could be inflicted on people declared by the Treaty of Waitangi to be British subjects and such little relief given. It is hard to see it as anything other than a disgrace.'

Here, too, the Crown made concessions. Some of its wartime actions were admitted to have been 'notable mistakes'. These included 'the continuing use of draconian policies such as the burning of kāinga when it was apparent that the district had returned to a state of peace'. The Tribunal concluded that Crown actions

during this period had never been addressed or acknowledged and that they must be, without further delay.

The Tribunal also considered the claim by the Mokomoko whānau that they and their tipuna have been unfairly maligned for bringing raupatu upon their people in 1866. Mokomoko was a Whakatōhea chief who, with three Ngāti Awa persons, was unjustly tried and executed in 1866 for the 1865 murder of the Reverend Carl Völkner at Opotiki.

A pardon was granted to Mokomoko in 1992. However, the form of that pardon did not redress the original Treaty grievance as it did not restore Mokomoko's character, mana and reputation. The Tribunal recommended that a statutory pardon be granted to Mokomoko as well as some form of tangible tribute to mark the wrong done and to demonstrate that Mokomoko and his descendants are not to blame for raupatu.

The Tribunal released part one of its report in pre-publication format at the

request of the Crown and claimants in order to assist them in settlement negotiations. A Terms of Negotiation agreement was signed by Crown and claimants on 31 July 2008, beginning the formal settlement process.

The remainder of the report will be released in further parts, followed by formal publication of the full report.

Later parts of the report will deal with military conflict at Waikaremoana in the 1860s, the Native Land Court and individualisation of title, the Crown's purchase of most of Te Urewera lands, the question of mana motuhake and self-government in the Urewera District Native Reserve, the role of the peoples of Te Urewera in the creation and management of the national park, and other major issues.



Miriama Tahī of Ngāti Rarua featured in the Te Tau Ihu Report, representing the women's contribution to generations of surviving communities in Te Tau Ihu. Photo: Paul Hamer

As a result, by as early as 1860 Te Tau Ihu Māori had lost most of their original estate. Thereafter, the Crown failed to actively protect their interests in those lands which remained to them. It also failed to protect their just rights and interests in valued natural resources. Despite petitions from Māori and repeated reports from its own officials, the Crown failed to protect or provide for Māori interests and rights in their customary fisheries and other resources. The result of these failures was grinding poverty, social dislocation and loss of culture.

The Tribunal found that the totality of Treaty breaches was serious and has caused significant social, economic, cultural and spiritual prejudice to all iwi of Te Tau Ihu. These breaches, the Tribunal considered, require large and

culturally appropriate redress.

In an attempt to assist Te Tau Ihu Treaty settlements, the Tribunal made several recommendations for remedies. Having regard in particular to the relatively even spread in terms of social and economic prejudice across all eight Te Tau Ihu iwi, the Tribunal recommended that the total quantum of financial and commercial redress be divided equally between them.

The Tribunal also recommended that site-specific cultural redress should be discussed collectively with all groups involved in Te Tau Ihu settlement negotiations. The Tribunal recommended a need for special recognition of the unique claim of Ngāti Apa, whose customary interests within Te Tau Ihu were never extinguished by a deed of cession. The Tribunal found that the Crown's repeated failure to properly recognise and deal with the Kurahaupō iwi as the legitimate tangata whenua (alongside the northern tribes) of Te Tau Ihu to be a serious breach. It recommended that the Crown take steps to fully recognise and restore the mana of the Kurahaupō iwi.

The Tribunal recommended that the settlement of historical grievances relating to Wakatū Incorporation is most appropriately a matter to be concluded between the Crown

and Te Tau Ihu iwi and that matters affecting the shareholders of Wakatū Incorporation since its establishment in 1977 should be resolved between the Incorporation and the Crown. It recommended that the Crown enter into parallel negotiations with the Ngāti Rarua Atiawa Iwi Trust, with a view to bringing the Whakarewa (Motueka) leases into line with the 1997 Māori reserved lands settlement.

The Tribunal's report highlighted a number of shortcomings in the current 'offer-back' regime under the Public Works Act 1981. It recommended amendments to the Te Ture Whenua Māori Act 1993 and the Public Works Act to address these issues.

The Tribunal also highlighted problems with current resource and fishery management regimes, and recommended changes and improvements to ensure that these regimes are more consistent with the Treaty. The Crown conceded that the Resource Management Act 1991 is not currently being implemented in a manner that provides fairly for Māori interests.

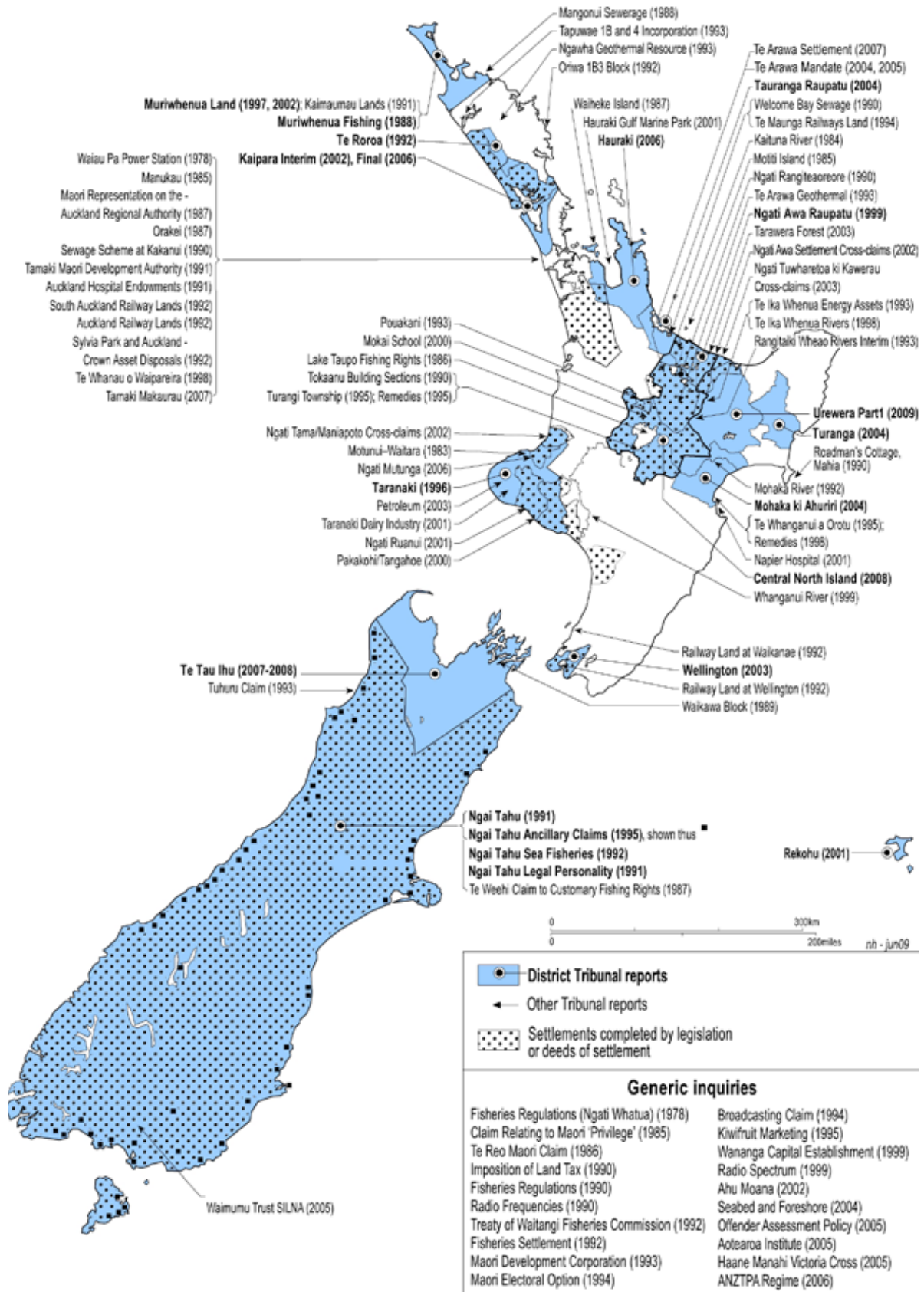
Finally, the Tribunal made recommendations with respect to the customary interests of Te Tau Ihu iwi within the statutorily defined Ngāi Tahu takiwā. Te Tau Ihu iwi have lost the ability to recover their interests in lands within the takiwā, which have been vested in Ngāi Tahu as a result of its earlier settlement with the Crown. The Tribunal urged the Crown to ensure that these breaches do not continue. It also recommended that the Crown negotiate with those Te Tau Ihu iwi identified in the report as having customary interests within the statutorily defined Ngāi Tahu takiwā to agree on equitable compensation. Claimant iwi are now in the final stages of their Treaty settlement negotiations with the Crown.



Don Roy, Dominion Post

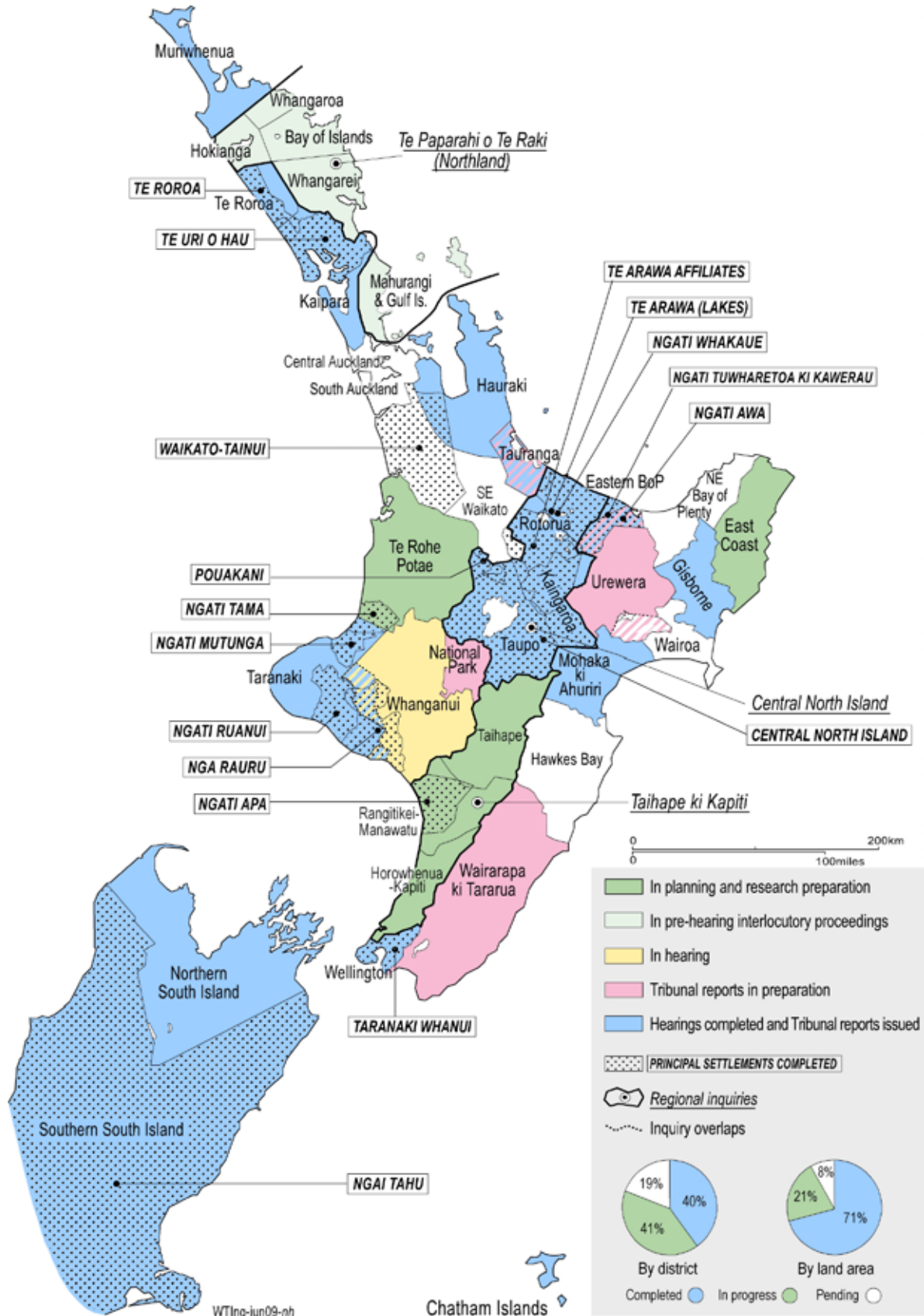
Waitangi Tribunal Reports

As at June 2009



Districts with Completed and Current Waitangi Tribunal Inquiries

As at June 2009



Inquiries in Preparation

Te Rohe Pōtae inquiry

The Te Rohe Pōtae inquiry encompasses the area on the west coast of the North Island to the northwest of Lake Taupō. Judge David Ambler was confirmed as presiding officer in April 2007. The inquiry comprises over 140 claims from Ngāti Maniapoto and other iwi and hapū. Major issues in the inquiry include the Crown's relationship with the Kīngitanga Movement and the creation of the Rohe Pōtae, the construction of the Main Trunk Railway through the district, the operation of the Native Land Court and the alienation of Māori land in the nineteenth century, the management of Māori land in the twentieth century,

waterways, environmental impacts, and public works takings. The research programme for the inquiry was confirmed in January 2008 and the boundary finalised in May 2008. The inquiry is now in the research phase.

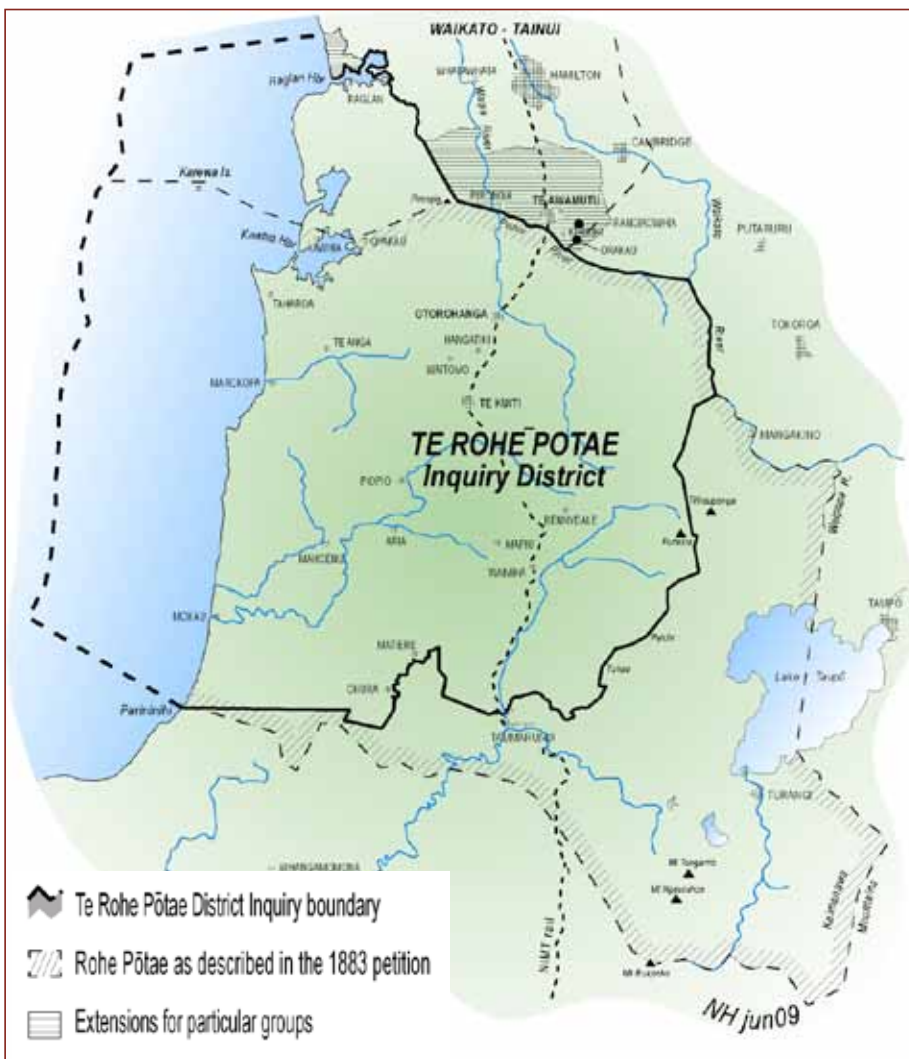
During the year research hui have been held with Tribunal staff, claimants and the Crown Forestry Rental Trust within the inquiry district to discuss research progress and claimant clustering. Tribunal-commissioned researchers undertaking research on railway issues also held focus group hui with claimants who had worked on the railways, to hear about their railway experiences from the 1950s to 2008.

A number of further historical claims from this district were filed before the 1 September 2008 deadline. Some of these claims require more information before registration can proceed, but there is good progress in registering new claims in this district.

Waitangi Tribunal staff will be holding a workshop on 8 July 2009 to discuss the current Tribunal inquiry process and research needs with new claimants. This hui will follow a judicial conference to be held on 7 July at Te Tokanganui ā Noho marae in Te Kuiti. Amongst other matters the conference will discuss the inclusion of claims in the inquiry, river boundaries, research updates and a proposal for a new process to hear claimant traditional evidence.

East Coast inquiry

The East Coast inquiry (Wai 900) is nearing the completion of its research casebook phase. In January 2009 Judge Stephen Clark became the presiding officer for the East Coast inquiry. At a judicial conference in April, Judge Clark extended the research casebook deadline until 18 December 2009. The Waitangi Tribunal and the Crown Forestry Rental Trust are in the process of completing their outstanding research commitments in the inquiry. Judge Clark has also indicated that a further judicial conference will be held in February or March 2010 to discuss the state of the research and starting the interlocutory process to decide the claim issues to be heard. Te Rūnanga o Ngāti Porou has commenced settlement negotiations with the Crown but has remained in the inquiry for the time being.



Taihape ki Kapiti

In 2008, the Waitangi Tribunal received a number of requests to inquire into outstanding Treaty claims in the Taihape, Rangitikei, Manawatū, Horowhenua and Kapiti areas.

Some claims in these areas are already under negotiation between claimants and the Crown. Crown land purchases are a point of focus. The claims of Ngāti Apa, who have concluded a deed of settlement, include the fate of the reserves from the Crown's 1849 Rangitikei-Turakina purchase (south of Whanganui). The claims of Rangitaane, who reached a heads of agreement in 1999, include the 1864 Te Ahuaturanga purchase around Palmerston North. Ngāti Tōa Rangatira's claims include land purchases around Porirua Harbour and Kapiti Island.

Iwi and hapū not currently in settlement negotiations include,

amongst others, Ngāti Tūwharetoa groups such as Ngāti Waewae, those represented in the Mōkai-Pātea Claims Committee, Ngāti Kauwhata, Ngāti Raukawa, Muaūpoko and Te Atiawa ki Whakarongotai. Their claims cover various issues, including the 1866 Rangitikei-Manawatū purchase and reserves in the lands lying between the Rangitikei and Manawatū rivers; the titling and alienation of the Horowhenua block; takings of Māori land for railway construction; the environmental management of awa and moana; and Native Land Court processes in the Mōkai-Pātea (Taihape) area.

In the coming months the Tribunal will hold judicial conferences to consult with claimants and the Crown on a number of questions:

who are the claimants, spokespersons and legal representatives participating in any inquiry?

what kind of inquiry process would be appropriate?

what should be the names and boundaries of any inquiry districts created?

The first of these judicial conferences was held at Raukawa Marae, Ōtaki on 16 April 2009, with Judge Layne Harvey presiding and Professor Hirini Mead assisting. A number of iwi and hapū participated, with over 200 people attending during the day. Submissions before and during the conference expressed a general interest in having a Tribunal inquiry into claims in the region.

Since the 16 April judicial conference, the Tribunal has called for written submissions on whether two district inquiries should be convened, one for the Taihape area to the north and the other for the area between Manawatū and Porirua to the south.

Historical Claims Deadline

The Treaty of Waitangi Amendment Act 2006 set a closing date of 1 September 2008 for submitting historical Treaty claims to the Waitangi Tribunal. A historical claim is defined as any claim relating to an act or omission of the Crown that occurred before 21 September 1992. The deadline applies to new historical claims or the addition of historical issues to contemporary claims. Historical claims already registered before the deadline are not affected and may be amended at any time.

The Tribunal received an unprecedented number of new claims leading up to the 1 September deadline. More than 1,800 claims were lodged between 5 August 2008 and 1 September 2008. This is a far greater

number of claims than the Tribunal had previously received in its entire history.

In the build-up to 1 September 2008, the Waitangi Tribunal convened a series of judicial conferences to inform Māori communities and the general public of the implications of the filing deadline. The conferences, with Māori Land Court Judge Craig Coxhead presiding, were held between 18 and 28 July at Opotiki, Ōtaki, Taihape, Auckland and Tokoroa. These areas have not yet had a full Tribunal district inquiry conducted into their historical claims.

The new historical claims received before the closing date are being processed in accordance with Waitangi Tribunal procedure and have been registered if they meet the requirements of section 6 of the Treaty of Waitangi Act 1975. As at 19 June 2009, 529 of these new claims had been registered, making a total of 2,034 claims on the Tribunal's register. The Tribunal's registry has been in communication with claimants whose claims do not

yet meet the criteria of section 6 in order to afford them the opportunity to provide the necessary information. This is an ongoing process: registration will only occur when claimants provide the required information to meet section 6 of the Treaty of Waitangi Act 1975.

Now that the deadline for submitting historical claims to the Waitangi Tribunal has passed, the Tribunal will continue to register those historical claims submitted on or before 1 September 2008 once they meet the statutory criteria. The Tribunal's inquiries into registered historical and contemporary claims will also continue to progress.

Inquiries in Preparation

Te Paparahi o Te Raki (Northland) inquiry

In the last twelve months the Te Paparahi o Te Raki (Northland) inquiry has continued to make steady progress towards holding a first round of hearings in October 2009. The Tribunal had already conducted a round of consultative judicial conferences on inquiry process options in the Northland area. Preparations for the inquiry commenced with two consultative workshops in October 2007 on the preparation of claimant and technical evidence. The Crown Forestry Rental Trust's research programme has produced a number of large overview reports, with the remainder due for completion and filing in 2009.

Alongside these developments, Judge Coxhead presided over a judicial conference on 26 September 2008 in which the views of Northland claimants were canvassed about when they would like to begin hearings and on what issues to focus. There was clear agreement that the inquiry should begin on 28 October 2009, the anniversary of the signing of He Whakaputanga (the Declaration of Independence) in 1835. The subject matter for inquiry in the initial round of hearings is He Whakaputanga and Te Tiriti of 1840.

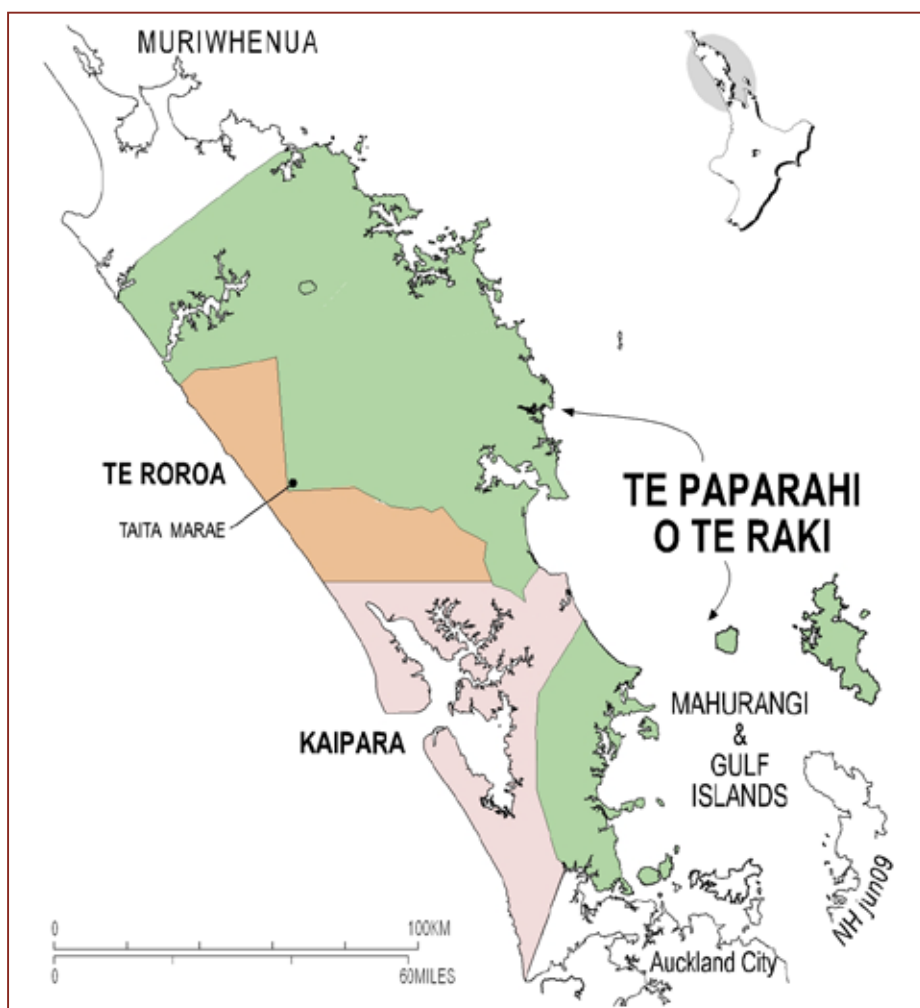
Following claimant preparation and a further judicial conference on 30 March 2009, Judge Coxhead indicated

that the initial hearings would be likely to take three weeks; that the Tribunal would decide in August 2009 as to whether preparations were sufficiently advanced for an October start. After the initial hearings the focus would shift to identifying the claim issues for later hearings.

The initial hearings, should they proceed, are likely to be held between October 2009 and January 2010. In preparation for the first hearing in October, parties have been organising a statement of issues that would set out the key questions for investigation. A judicial conference was held on 18 May 2009 to allow claimants to comment on a draft statement of issues prepared by claimant counsel. The Tribunal issued a final statement of issues on 29 May 2009, which provides a clear focus for the initial hearings.

After consultation with parties, the Tribunal also confirmed that Mahurangi and the Gulf Islands area would continue to be part of the inquiry region, which reaches from Hokianga and Whangaroa in the north to the outskirts of Auckland.

In the meantime, a large number of claims from this region were filed before the 1 September 2008 deadline, with many requiring further information before registration can proceed. The Tribunal is working to process these claims as quickly as possible. In 2010, there will be much work to do to prepare claims for the main round of hearings, which it is hoped can begin on 28 October 2010, the 175th anniversary of He Whakaputanga. Judge Coxhead has identified focused co-operation amongst the participating parties as essential for making good progress in this inquiry.



Inquiries in Hearing

The Whanganui Land inquiry

The Whanganui Land inquiry encompasses over 50 claims covering an area stretching from the mouth of the Whanganui River to just north of Taumarunui. It also includes lands around the Whangaehu River and Waiōuru in the east and the catchment of the Waitōtara River in the west. Claims covered by the inquiry relate to the early purchase of Whanganui lands by the New Zealand company; the Native Land Court and Crown purchasing of Māori land in the nineteenth and early twentieth centuries; the vesting and management of land in the twentieth century; takings for public works, particularly for scenery preservation; the foundation of the Whanganui National Park; the Main Trunk Railway line; the creation and management of Native Townships; and issues of authority over and kaitiakitanga of the environment.

The Whanganui Land inquiry tribunal, comprising Judge Carrie Wainwright, Professor Wharehūia Milroy, Dr Angela Ballara and Dr Ranginui Walker, has heard 15 weeks of claimant and Crown evidence. Two final days of hearing are scheduled at the end of June 2009. Closing submissions will be heard later in the year. Live radio coverage of the hearings has been carried by Awa FM, including broadcasts over the Irirangi internet portal, through which people have been able to listen to the proceedings across the nation and as far away as Australia and Britain.

The Whanganui tribunal has introduced two innovative processes for this inquiry. The first is a discrete remedies process, which aims to bring to settlement any reasonably simple land claims that may not need to wait

for a fuller report. The Tribunal is hoping to facilitate to completion a number of these issues. A highlight of progress so far has been the return of the former Pūtiki rifle range lands to claimants on 23 May 2009.

Secondly, the Tribunal has initiated a process which involved expert historian witnesses discussing the Native Land Court historiography and identifying their areas of agreement and disagreement. The aim is to clarify the evidence around issues in contention

between the Crown and claimants so as to reduce the time needed for cross-examination, and perhaps to facilitate Crown concessions. The final document was produced on 8 May 2009 and the Tribunal is considering its implications.



Contacts and Further Information

The Waitangi Tribunal Unit publishes Te Manutukutuku.

Graphic Design: *Ocean 64 - Len Hetet* Layout and Print Production: *Downtown Digital*

Physical: Level 2, Fujitsu Tower, 141 The Terrace, Wellington, New Zealand

Postal: PO Box 5022 or DX SP22525

Phone: +64 4 914 3000 Facsimile: +64 4 914 3001

Web: www.waitangitribunal.govt.nz

Nohonga: Papa 2, Fujitsu Tower, 141 The Terrace Te Whanganui-ā-Tara, Aotearoa

Pouaka Poutāpeta: 5022 / DX SP22525

Waea Kōrero: +64 4 914 3000 Waea whakaahua: +64 4 914 3001

Ipurangi: www.waitangitribunal.govt.nz



DISCLAIMER

The purpose of this publication is to provide you with information on Tribunal activities. Every effort has been made to ensure the information is true and correct at the date of publication.

Update your details or join our mailing list

To update your contact details with us or if you want to be added to our mailing list please fill in this form.

Name: _____

Phone: (____) _____

Postal Address: _____

City: _____

Email: _____

Post this form to the Waitangi Tribunal, PO Box 5022, DX SP22525

Wellington/Te Whanganui-ā-Tara

or email us via www.waitangitribunal.govt.nz