

## Waitangi Tribunal Celebrates 25-Year Milestone

**O**n 10 October 2000 it will be 25 years since the Waitangi Tribunal was established under the Treaty of Waitangi Act 1975. Since its formation, the Tribunal has provided the catalyst for advancing Treaty settlements for Māori. However, it also strongly acknowledges the pivotal role of various government agencies, along with tribal and other Māori groups, in implementing the process, says Tribunal Director Morris Te Whiti Love.

“It is timely to take stock of what has been achieved in the last 25 years and to assess what is still to be done.” He says that the Tribunal will continue to be the “kick starter” for initiatives to improve the Treaty settlement process but that these initiatives will not happen unless there is the political will to implement Tribunal recommendations.

### The First 10 Years

In the first 10 years of the Tribunal’s existence it was legally only able to address contemporary issues and the number of claims registered were small. The first group of claims dealt predominantly with environmental issues. However the positive outcomes for the environment were not restricted to these cases. For example, the cleanup of Wellington City’s sewerage was inspired by the Te Atiawa claim. Additionally, the Motunui-Waitara Sewerage Treatment plant and long outfall were completed as a result of the Motunui-Waitara claim, reported on by the Tribunal in 1983. The Rotorua sewerage treatment scheme was partly due to the Kaituna claim reported on by the Tribunal in 1984.

The Orakei claim settlement was an early land claim and led to the return of some housing at Orakei and cash compensation of \$3 million (*Orakei Report*, 1987). This settlement followed the bitter dispute at Bastion Point in 1977 and gave truth to the saying that “process had replaced protest”. The Waiheke settlement was another return of land following the *Waiheke Report* in 1987.



Matiu Rata standing on the steps of Parliament with Māori land marchers, October 1975

### Māori Agencies Established

The 1980s saw the establishment of two core Māori agencies. The Māori Language Commission was formed after the release of the *Te Reo Report* of 1986. This report provided impetus for a number of initiatives to strengthen the Māori language including passage of the Māori Language Act 1987 that established Māori as an official language of New Zealand. Te Māngai Pāho, the Māori Language Broadcasting Funding Agency, was also established. The birth of iwi radio was another initiative that emanated from the Te Reo claim but was given impetus with the Tribunal report on *Claims Concerning the Allocation of Radio Frequencies*, released in 1990.

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Morris Love

## *Keeping the Focus on the Effective Settlement of Treaty of Waitangi Claims*

**W**ith the Tribunal about to enter its 25<sup>th</sup> year of existence the focus must be on completing the task of hearing and settling historical Treaty claims. Whenever there is a change of government changes generally occur in the way things are done in key areas. It was expected by many following the elections in 1999, that significant adjustments would occur in the Treaty settlements area. It was, after all, a Labour Government back in 1975 that courageously established the Waitangi Tribunal and passed the Treaty of Waitangi Act. Again, it was the Labour Government in 1985 that extended the Tribunal's jurisdiction to enable it to hear historical land claims back to 1840. The Labour Government also established the Treaty of Waitangi Policy Unit, the precursor to the Office of Treaty Settlements. It was natural, then, to expect the next innovation in Treaty settlements to come from the new Labour/Alliance Government.

Treaty settlements have made significant progress towards achieving true rangatiratanga for Māori over the past few years and will continue to do so during the next decade. Treaty settlements help Māori tribal groups to move away from government dependence by providing an economic base as a springboard. While settlements are unlikely to reduce welfare dependence of individual Māori, or help Māori find jobs in the short term, settlements will provide a platform for initiatives that deliver these outcomes in the long term. Labour's "closing the gaps" policy should be about enabling Māori to find solutions for Māori problems. Empowering Māori to close their own gaps is far more effective than government departments trying to close the gaps for them.

Many at the Tribunal expect the new Government to fully embrace the innovations that the Tribunal has to offer in achieving sustainable Treaty claims settlements. The new Government has yet to blossom as an innovator

in the Treaty arena, but it is early days. This Government needs time to grasp what has happened in the Treaty settlements area since 1990 before it is equipped to make a real difference.

The Tribunal has taken enormous strides forward to research, hear and report on claims. Nevertheless, the number of claims is daunting. From 1975 to 1985 only 14 claims were registered, but this increased to 480 by 1995. By August 2000, 869 claims were registered. Approximately 130 claims have been dealt with either fully or partially and will not come before the Tribunal again. Claim numbers, however, do not indicate the amount of work required to deal with these claims.

The Tribunal has divided the country into 36 inquiry districts. Each district has a single casebook of evidence and the Tribunal deals with multiple claims within each district. Fourteen districts have completed casebooks or settlements; 22 districts have yet to complete their casebooks. These will take another 10 years to complete. Some of the 14 districts completed are very large, for example the Ngai Tahu (Southern South Island) district, with 120 claims, which equates to about six average-sized districts.

Claimant groups in each of the districts where casebooks are still required deserve some degree of individual treatment. While there are similarities between the main issues that come before the Tribunal, how these issues have impacted on individual claimant groups in each district is significant. Claimants should retain the right to have their claims fully researched, and each claimant deserves to be heard.

The end of the historical claims process is in sight but it will require active cooperation from all concerned. Settling long running historical grievances with adequate compensation for Māori claimant groups remains a crucial "gap closing" instrument.

**Morris Te Whiti Love**  
Director

## Northern South Island Inquiry Begins

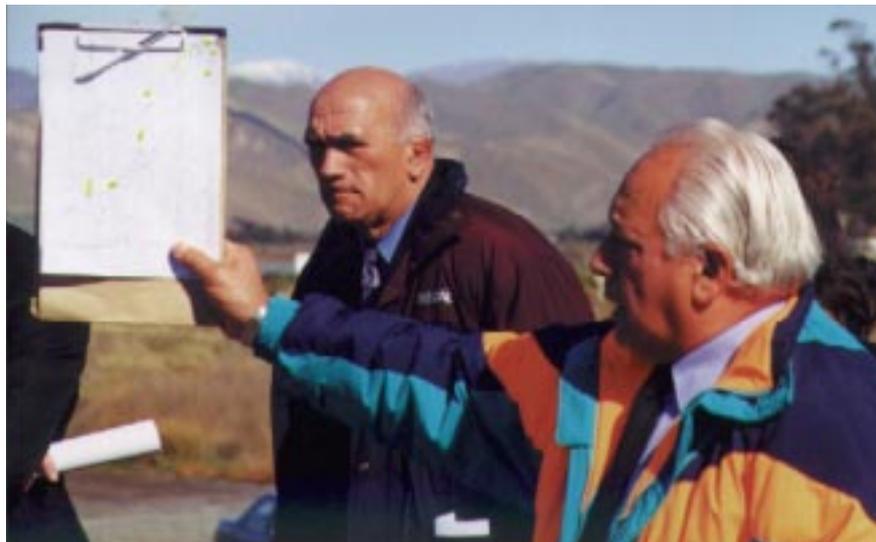
**A**fter over a decade of research and preparation by claimants, the Northern South Island Inquiry finally began its hearing on 21 August. The hearing was opened with a pōwhiri at Pareraru Marae, outside Blenheim, and then continued at a venue in Blenheim.

The Inquiry began by hearing the evidence of the Ngāti Rarua people (Wai 594). The first hearing concentrated on the Wairau region and included the presentation of tangata whenua evidence about life on the Wairau reserve, and the impact of the Wairau Development Scheme, which began during the 1930s, designed to stop the perennial flooding of the reserve. The claimant's historian, Tony Walzl, also gave evidence about the history of the alienation of land in the region.

A large audience, including claimants from each of the region's eight iwi, was present for the five-day hearing. A visit to the site of the Wairau was held, which also took the Tribunal and claimants to the Wairau Bar and reserve. The remainder of the Ngāti Rarua claim, which focuses on claims in the Motueka region, will be heard later this year.

A number of conferences were held during the week to discuss issues surrounding the Tribunal's jurisdiction to hear certain aspects of the Ngāti Rarua evidence. A further conference is planned to deal with this issue on 16-17 October 2000.

The members of the Northern South Island Tribunal are Judge Wilson Isaac, Professor Keith Sorrenson, Rangitihī Tahuparae, Roger Maaka and Pam Ringwood. ●



Vern Stafford (Ngāti Rarua) indicates a site, flanked by Rare Stafford



Claimants and counsel during the first stop of the site visit to the Wairau Bar



Tribunal members Judge Isaac Wilson (left) and Roger Maaka (right)

## Mapping Officer Commemorates 10 Year Service

**M**apping Officer Noel Oriwa Harris, who completed 10 years' service in August, says that in his time with the Tribunal he has seen many changes.

"There have been staff departures, office décor changes, hair style changes and incremental improvements to the system. The only constant is that claims and workloads are increasing," he says.



Mapping Officer Noel Oriwa Harris

Tribunal Manager Dr Ian Shearer made an impromptu presentation to Noel commemorating his long service at a staff briefing on 21 August.

The mapping of land claims was very much in its infancy then. Tribunal reports invariably contained no maps. The need to depict actual spatial areas under investigation was novel indeed. The computer programme used was Designcad, very much a building design application, which made map design laborious and time-consuming. Today, map design has moved to more user-

friendly graphics software. Final map output is usually in black and white, on A4 sheets. Occasionally, coloured maps are used in Tribunal reports which makes them easier to read.

Noel says the most satisfying aspect of this work is the chance to conceptualise and visualise written or verbal requirements. The challenge is to then design a final map in a simple, coherent way that is understandable to the end-user.

Noel's ideal map is one that increases everyone's understanding of an issue. He believes depiction of Māori loss should go hand in hand with an understanding of the gains of colonisation.

The Tribunal mapping service is presently upgrading to a Geographic Information System (GIS). Improvements should enhance the range of the mapping services by creating inquiry district maps and by providing map displays for Tribunal personnel to take on the road to hui, hearings, judicial conferences and presentations.

The biggest plus, for Noel, has been the privilege of working with, and learning from a diverse staff of dedicated professionals, both Pākēha and Māori, who day in and day out "give their all".

Noel's lineage is East Hamp, London, and Ngāti te Whiti hapu of Te Atiawa iwi. Much of his social sympathies stem from his father Jack, who was active in waterside union affairs in the 1940s and 1950s. His mother, Jessie Keenan, added the lively flavour of a Māori, Irish and Scottish whakapapa. ●

## Welcome Aboard



Administration Officer Lisa Hippolite

The Tribunal welcomes **Lisa Hippolite**. Lisa joined the Tribunal in July as an Administration Officer. Prior to this, she worked for the Whakatū Health and Social Service in Nelson before deciding to take up full-time study at Te Wānanga o Raukawa, where she is currently in her second year of a Bachelor's degree in Māori and Administration.

"So far my studies are going really well, and fingers crossed I will graduate with my class at the end of the year, and again in 2001."

Lisa says moving to Wellington from Nelson was "quite an eye opener".

"But I have since settled in nicely. Work is going very well for me, as I am learning new things every day relating to the work of the Tribunal. On completion of my studies I hope to stay on at the Tribunal, and fit in some travel as well."

Lisa's whakapapa links her to Ngāti Koata, Ngāti Kuia and Ngāti Toa. She says she misses her parents and her younger brother and sister, although she does have a lot of other family and friends in Wellington. ●

## 25 years of achievement continued

### Māori Fisheries

Māori fisheries were the next major development for the Tribunal. This began with the Muriwhenua fishing claim and the Tribunal's 1988 report. The Māori Fisheries Commission (now Treaty of Waitangi Fisheries Commission) was established in 1989 with the Māori Fisheries Act 1989. The Act provided for the first fisheries settlement, worth \$170 million. This led to the establishment of the Māori fisheries industry, which today accounts for 50 percent of New Zealand's total fisheries industry. A regime was also established to regulate customary fisheries with the taia-pure reserves (local non-commercial Māori fisheries reserves).

The Māori fisheries made further progress with the completion of the Tribunal's *Ngai Tahu Sea Fisheries Report* in 1992 in conjunction with the Sealords settlement. Māori received a half share of the very large Sealords Fishing Company, as well as 20 percent of each new species brought into the quota establishment of Māori customary fisheries regulations and the establishment of Mataitai reserves.

Te Rūnanga o Ngai Tahu was established in 1996/7 to manage the \$170 million Ngai Tahu claim settlement. This was a result of the *Ngai Tahu Report* of 1991. This settlement also covered a number of issues that arose from various Tribunal reports and other matters negotiated by Ngai Tahu, including a memorandum of understanding with the Department of Conservation and departmental protocols with a range of government departments. Also included were statutory acknowledgements of identified areas, land vested in particular sites, reserves, nohoanga sites

(traditional camping sites), topuni sites (significant sites) and place names. This settlement established a range of tools to be used in later settlements. The ancillary claim process associated with this settlement is still being implemented and includes approximately 108 additional sites.

### Small Land Claims

There have been a number of smaller land claims that have been settled, including the Te Ngae farm just out of Rotorua, worth \$0.76 million, returned to Ngati Rangiteaorere in 1994 (*Ngati Rangiteaorere Report*, 1990); the Te Maunga Railways land settled in 1997 (*Te Maunga Railways Land Report*, 1994); and the Pouakani land claim settled this year with a value of \$2.65 million, following the Tribunal's 1993 report. Ngāti Turangitukua was a \$5 million public works claim that was settled in 1999 (*Turangi Township Report*, 1995).

### Generic Claims

The Tribunal has investigated a number of generic claims. The Māori Electoral Option claim resulted in

increased Crown funding to assist in the registration of Māori on the electoral roll. Consequently the number of Māori on both the Māori and general rolls increased.

The transfer of Crown shares from the Māori Development Corporation to the Poutama Trust was completed in 1999 (*Māori Development Corporation Report*, 1993). Another generic claim was associated with non-iwi groups receiving funding from the Community Funding agency. The *Te Whānau o Waipareira Report* issued in 1998 was ground breaking and stated that non-iwi groups could exercise rangatiratanga similar to that of traditional tribes. This meant that agencies such as the social welfare agencies could fund non-iwi groups.

### Settlements to be Completed in the Next Three Years

The settlements below have been through the Tribunal process and all are in train on a similar basis to the Ngai Tahu settlement, scaled appropriately. In summary the quantum of settlements is as follows:

Ngāti Awa (HOA) (Ngati Awa Raupatu – 1999)	– \$42.39 million
Ngāti Ruanui (HOA) (Taranaki – 1996)	– \$41 million
Ngāti Tama (HOA) (Taranaki – 1996)	– \$14.5 million
Ngāti Mutunga (HOA) (Taranaki – 1996)	– \$14.5 million
Te Uri o Hau (Kaipara I inquiry) Initiated Deal of Settlement	– \$15.25 million
Rangitane o Manawatu (no Tribunal inquiry)	– \$8.5 million
Te Atiawa (HOA) (Taranaki – 1996)	– \$34 million

This report does not include the current 130-plus claims that form part of nine inquiries in the hearing or reporting stages. The scene is set for a number of Tribunal reports to be completed and for associated claimant groups to begin negotiating for settlement of their claims. ●

## Oral History Project Launched

**T**he Waitangi Tribunal has launched a major history project, to be conducted by Historians David Young and Dr Barry Rigby, as part of the Tribunal's 25<sup>th</sup> Anniversary in October this year. The aim of the project is to produce a set of taped interviews that can be used to

make future published history a living history. The oral history project is part of a larger history project that will be published in late 2001.

The experiences of members, claimants, counsel and staff are key to giving the Waitangi Tribunal history its essential bicultural dimension.

"Oral history is a unique way of recording unwritten history. This project will allow us to hear the human dimension of the Waitangi Tribunal and thus add to our understanding of recent history in this country," says Chief Historian, Jock Phillips.

## Executive Assistant Profile

**V**ictoria Brown started at the Tribunal in April in the newly created position of Executive Assistant to the Senior Management Group.

Victoria is involved in the regular senior management meetings and Presiding Officers' meetings, taking minutes and providing ongoing assistance, and is also helping to organise events for the upcoming 25-year Tribunal celebrations. This has included involvement in the commissioning of a new letterhead.

Victoria has recently had a lot to do with setting up a mediation process at the Tribunal and has taken on a mediator support role. She has used her mediation training and knowledge to organise mediations and to establish a communications network so that the Tribunal has a dispute resolution service that is available to assist the Tribunal when claims are directed to mediation.

In the six months before Victoria joined the Tribunal, she worked at the Māori Land Court as an office services co-ordinator.

"My work there included personal assistant duties for the General Manager, carrying out land related inquiries and day to day running of the office. My time there gave me an insight into the operation of the courts, where the Māori Land Court

and Waitangi Tribunal fitted within that organisation, and people contacts. The position at the Tribunal was a chance to better utilise my skills within the context of Special Jurisdictions."

For six years before her work at the Māori Land Court, Victoria was studying towards her BA in Māori and working part time at Te Whare Kohungahunga o Ahumairangi, a Māori language immersion preschool based at Victoria University.



Executive Assistant Victoria Brown

"I am from Wakefield, Nelson, and moved here 10 years ago to pursue design studies after a year at Nelson Polytechnic. I was invited

over to Māori studies and never went back. I was challenged at how little I knew of Māori culture, and am so glad I decided to do something about it. I am humbled and empowered by the knowledge shared to enable me to actively pursue a bi-cultural future."

Victoria's seven-year-old son Wiremu has been immersed since his birth, she says.

"He was born during a full year at *Tohu Whakapakari i te Reo Māori* course at Kuratini – Wellington Polytech. He went on to become a kohanga baby and is now in the immersion unit at Petone Central School."

Victoria enjoys working for the Tribunal and being part of an organisation where history is created.

Her interests outside of work include Kempo karate, which she attends with Wiremu.

Victoria also enjoys reading and gardening and has a keen interest in the arts such as painting, textiles and design.

"I am now at the stage where I can start looking at combining work and art. When I was studying and working it was very hard to find time for artistic pursuits, but now that studying is finished, it's like I have got my life back."

The project was awarded a grant of \$12,000 from the Sesquicentennial Gift Trust for Awards in Oral History, and is one of 19 awards in oral history made this year.

The Oral History Awards were founded in 1990 after a \$1 million gift was granted to New Zealand by Australia to record the oral history of Aotearoa New Zealand and its close

connections with the South Pacific. The money was invested and each year since 1991 the interest has been given out in grants. To date, 188 projects have received assistance and hundreds of hours of interviews have been recorded.

The original recordings of the Waitangi Tribunal interviews will be deposited at the Oral History Centre

of the Alexander Turnbull Library. The recordings will be available for use, subject to any restrictions placed on them by the persons interviewed or the interviewers.

David Young can be contacted on (04) 473 5006 and Dr Barry Rigby on (04) 914 3032.

## New Report Writer

**Dr Stephen Hamilton began work at the Tribunal as a Report Writer on 4 September, replacing Kate Riddell who has left to work in Canada for a year.**

Stephen was born in the seaport of Leith on the Firth of Forth, Scotland. At age seven he emigrated with his family to Sydney, Australia. Two years later they crossed the Tasman to settle in a small farming township in the Waikato.

After leaving school Stephen travelled extensively while working in a wide variety of fields, from computing to landscape gardening. In the mid-1980s he returned to New Zealand from England and enrolled for a BA in philosophy at the University of Waikato. He completed his University of Auckland PhD in 1995, by which time he was living in Wellington and married to Dr Giselle Byrnes, a former Senior Research Officer

with the Tribunal. Over the past five years, Stephen has been on the staff of the Alexander Turnbull Library and has worked as a freelance historian, most recently writing a social history of student life at Victoria University. He has published extensively on New Zealand literary culture and is Secretary of the Steering Committee of the History of Print Culture in New Zealand, a project of the Humanities Society Te Whaingā Aronui. ●

### HEARING SCHEDULE for October to December 2000 (as at 1 September 2000) Note: these dates may change

Wai No	Hearing Date Tribunal	Members Hearing Claim
674	<b>Kaipara (Stage 3) Claims</b> 2-6 October 2000	Dame Augusta Wallace (Presiding Officer), Sir John Turei, Brian Corban, Areta Koopu, Hon Dr Michael Bassett, Dame Evelyn Stokes
674	<b>Kaipara (Stage 2) Claims</b> 6-10 November 2000	
793	<b>Te Ati Awa/Crown Heads of Agreement Claim</b> 3 October 2000 – Conference	Joanne Morris
791	<b>Volcanic Interior Plateau</b> 10 October 2000 – Conference 14 November 2000 – Conference	Chief Judge Joe Williams, Joanne Morris
796	<b>Taranaki Petroleum Claim</b> 16-20 October 2000	Chief Judge Joe Williams (Presiding Officer), Joanne Morris, Sir John Turei, John Baird, John Clarke
785	<b>Northern South Island</b> 16-17 October 2000 – Conference 20-24 November, Motueka (Wai 594) 11–15 December	Deputy Chief Judge Wilson Isaac (Presiding Officer), Professor Keith Sorrenson, Rangitihī Tahuparae, Pam Ringwood, Roger Maaka
686	<b>Hauraki Claims</b> 24-27 October 2000 4-8 December 2000	Dame Augusta Wallace (Presiding Officer), John Kneebone, Professor Wharehuia Milroy, Dame Evelyn Stokes
215	<b>Tauranga Moana Claims</b> 13-17 November 2000 4-8 December 2000	Judge Richard Kearney (Presiding Officer), Areta Koopu, Hon Dr Michael Bassett, John Clarke, Sir John Turei, Professor Keith Sorrenson

## New Researchers

This month the Tribunal welcomes three new research staff.

**Dougal Ellis** is from Auckland where, in 1998, he graduated from university with a Masters degree in history. Prior to that Dougal travelled widely and worked for many years as an English language teacher. He has also worked extensively with volunteer organisations, such as the Computers for East Timor Project.

**John Hutton** is from Auckland where, in 1995, he graduated from university with a Masters degree in anthropology. Since then he has worked as a contract researcher for several claimant groups, the Tribunal and the Crown Forestry Rental Trust (CFRT). Most recently he worked as the Trust's Research Co-ordinator in the Kaipara and Tauranga inquiries, and has just completed a report for Ngāti Whare claimants.

**Eileen Barrett** was born in England and has lived in New Zealand most of her adult life. Eileen also spent many years working and raising a family in Pacific Island nations along with assisting volunteer organisations in the region. Recently, Eileen graduated with a Masters degree in history from Massey University. For the past 16 months she has worked as a research assistant for the CFRT, working on Wairarapa land history and Rongowhakaata research projects. ●

### NEW CLAIMS REGISTERED (as at 1 September 2000)

Wai No.	Claimant	Claim
845	Randolph Ruu Takuiria Coburn	Ohura, Niho Niho, Tuhua and Orangiwai claim
846	Lynette Gloria Waitiahoahoa	Te Ruki Kakepuku Mountain and Kakepuku Block claim
847	Beryl Woolford Roa and others	Kopua 1 Block and Other Lands claim
848	Emily Emare Nikora	Tokoroa Post Office Site claim
849	Te Okoro Joe Runga and another	King Country Land Banking claim
850	Hawea John Patrick Moananui	Cape Kidnappers claim
851	Matthew Love and others	Queen Charlotte Sound claim
852	William Blake and others	Kahungunu Petroleum 5claim
853	Peri Kohu and others	Tauranga Lands Act and Local Government Act 1974 claim
854	John Kira Toma	Lot No.7 Tuingara (Matakana Island, Tauranga) claim
855	Combined Record of Inquiry for Wairoa	
856	Puka Moeau and others	Nga Uri o Te Kooti Rikirangi claim
857	Maria Rogers	Opanake blocks and other lands
858	Isaac Campbell	Makarika Station claim
859	Mervyn George Marriner and others	Waimate Plain Block (South Taranaki) claim
860	Brenda Maxwell	Hampton Downs Landfill (Northern Waikato) claim
861	Peter George and others	Tai Tokerau District Maori Council claim
862	Kiharoa Parker and others	Ngawha and Other Lands (Bay of Plenty) claim
863	Combined Record of Inquiry for Wairarapa	
864	John Hata and others (including the Maori Trustee)	Moutohora Quarry
865	Richard Murray and others	Waihou Railway Land claim
866	Pakariki Harrison	Harataunga and Other Lands claim
867	Amy Cooper and another	Land and Resources in the Marutuahū tribal region
868	James Taitoko and others	Awakino and Other Lands claim
869	John Rameka Alexander and others	Inland Kerikeri claim



Waitangi Tribunal

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