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## LIST OF ABBREVIATIONS

AJHR	<i>Appendices to the Journals of the House of Representatives</i>
APL	Auckland Public Library
ATL	Alexander Turnbull Library, Wellington
BPP	<i>British Parliamentary Papers: Colonies New Zealand</i> (17 vols, Shannon, Irish University Press, 1968–69)
ch	chapter
doc	document
fig	figure
fol	folio
MLC	Maori Land Court
NA	National Archives
NLC	Native Land Court
OLC	old land claims file
p	page
s	section (of an Act)
sec	section (of this report)
sess	session
vol	volume
Wai	Waitangi Tribunal claim

The Honourable Tau Henare  
Minister of Maori Affairs  
Parliament Buildings  
Wellington

Tena koe e te rangatira kua eke nei koe ki runga i te ahurewa teitei, whakamana hoki, kua whakaritea nei ki a koe, hei pikau i nga kaupapa kia ea ai nga wawata me nga moemoea a te hunga Maori. Kua roa rawa te wa e kitea ano ai he kanohi Maori hei Minita Maori. Kaati, ka nui te mihi ake ki a koe e noho mai na i waenga i te ana o nga raiona. I noho mai hoki a James Carroll (ara a Timi Kara), Apirana Turupu Ngata, Matiu Rata, Manuera Ben Riwai Couch, Koro Tainui Wetera, Winston Raymond Peters, hei Minita Maori i te wa i a ratou, a, ko koe tenei mo enei ra.

Ki o tatou tini mate, ratou kua takoto i te urunga te taka . . .

Haere ki te haupuranga o te kauheke . . .

Huri noa ki te hunga e takatu nei, tena tatou katoa.

Ka hoki ano nga whakaaro ki o karangatangamaha o Te Tai Tokerau kia ratou e noho ana hei mema Paremata. Ko Frederick Nene Russell tena, ko Wiremu Katene tena, ko Hori Karaka Tawiti, ko Hone Mohi Tawhai, ko Ihaka Hakuene, ko Hirini Taiwhanga, ko Eparaima Mutu Kapa, ko Hone Heke, ko Te Rangihiroa, ko Tau Henare, ko Paraire Karaka Paikea, me tana tama a Tapihana, ko Matiu Rata, ko Bruce Gregory. I tenei wa kua tatu te turanga, ko koe tenei.

Tenei matou te tuku atu ki a koe tenei ripoata . . . me te whakaaro ano ki a ratau o te Taitokerau whanui, na ratou i waha enei taumahatanga i nga ra kua taha.

Ma te Atua tatau katoa e manaaki i nga ra kei mua i te iwi whanui.

Arohanui



## PREFACE

This report covers seven claims in Muriwhenua, the country's most northerly district.<sup>1</sup> As depicted in figure 1, its southern end is fixed by a line from Whangape Harbour in the west to north of Whangaroa in the east, following the Maungataniwha Range. Since Maori hapu or tribes were not generally defined by land boundaries in the manner of states, and were mobile, this boundary is chosen for reasons of geography only. There are hapu with customary interests on either side of this division but, over the several years of the Tribunal's hearings, no one contended that the overlaps need affect this report or the disposal of the claims.

Hapu and  
boundaries

It substantially assisted the Tribunal's progress that, throughout the proceedings on land, fish, and other matters, from 1986 to the closing addresses on the first part of the land claim in 1994, all but one of the claims were represented through a single body, the Runanga o Muriwhenua. The runanga arranged research and legal representation for all claims for the principal hapu aggregations of Ngati Kuri, Te Aupouri, and Ngai Takoto on the northern peninsula, Te Rarawa in the west and Ngati Kahu of the central area around Doubtless Bay. Only one claim was outside this arrangement. Owing to their distinctive experiences, Ngati Kahu o Whangaroa were heard separately in respect of lands east of Mangonui harbour. The six principal groupings mentioned covered all the claims made to the Tribunal, although within or related to those umbrella groups are other hapu that have customary associations with the area.

Claim  
aggregation

The location of the various groups as shown in figure 1 is approximate only. Because of the past mobility and varying fortunes of the hapu over time, hapu locations and the extent of their influence have regularly changed and relationships are so close it is overly pedantic to divide them. For the purposes of the history that this report describes, it is necessary to show only the main areas of influence for the larger hapu groupings.

It is not assumed, however, that the coordination under the Runanga o Muriwhenua still applies. It may do, but in 1996 the Tribunal received notices indicating that some sections of Ngati Kuri, Ngati Kahu, Ngai Takoto, and Te Rarawa, and also the Murupaenga whanau, now seek to be represented independently.<sup>2</sup> They and the runanga have yet to be heard on these matters.

- 
1. In addition, there is a number of specific claims relating to particular lands or contemporary policies that are not covered in this report. The full list of all claims in Muriwhenua is set out in appendix II.
  2. See notices of 29 February 1996 (paper 2.128) and 17 October 1996 (paper 2.135), the amendment to Te Rarawa claim Wai 128 of 10 May 1996, Ngati Kuri claim Wai 633 of 2 September 1996, and Ngai Takoto claim Wai 613 of 16 July 1996

## PREFACE

Deferral for fish,  
SOEs, and  
sewerage

When the claims were first brought to hearing, as long ago as 1986, the historical land claims were adjourned when the claimants sought urgent hearings in relation to certain contemporary events. The first was the intended transfer of Crown assets to various State-owned enterprises, which, the claimants said, would prejudice the chances of recovery against the Crown if claims were proven. The Tribunal reported on that matter and eventually, after court proceedings and the involvement of other tribes, a protective scheme was settled on a national basis. The second was the Government's proposed allocation of fish quota. In a test case for all Maori, the claimants were diverted to lengthy proceedings on the nature of the Muriwhenua fisheries. The outcome, again, was a report followed by a national settlement. The third related to the Mangonui sewerage scheme, on which the Tribunal reported in 1988. The Tribunal was then diverted to other business, and it was not until later that a reconstituted Tribunal returned to consider the land claims.

Tribunal-initiated  
research

At the first hearings, in 1986, the claimants contended that the Crown's Treaty of Waitangi promise to protect Maori interests could not have been upheld when Muriwhenua Maori had been so deprived of land as to be poverty-stricken soon after European settlement began. No one was certain how that had come about, but the claimants contended the result spoke so amply for itself that the Crown should look into the matter and advise. As this report explains, we have sympathy for that view. There is sound judicial opinion that the Crown has a legal responsibility to establish the validity of its extinguishment of native title, and a Treaty responsibility to show the steps taken to protect Maori interests in the process. However, the Tribunal itself, as constituted under the Treaty of Waitangi Act, has an independent research capacity to ensure a full examination of all matters and, accordingly, the Tribunal commissioned Dr Rigby and Mr Koning to provide an historical report.<sup>3</sup>

1865 limit

The scope of the claims became apparent as research was presented and the historical events unfolded. Such were the issues, however, it was felt that the claims would not be well managed without dividing the historical field. As most of the Muriwhenua land had passed from Maori ownership by 1865, when the Native Land Court heralded a new administrative order, it was decided to limit the initial inquiry to causes of action or to policies complained of that were established before that date. This division could not be enforced with undue rigidity, however, and the inquiry proceeded beyond 1865 to determine the final outcome of policies previously in place.

Issues

Although the issues did not become apparent until the research had progressed, the Tribunal did not require the filing of further claim particulars. Instead, prior to the closing addresses, the issues were determined from the data then to hand. The Tribunal's statement of the issues is printed as appendix I.

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3. See Rigby and Koning, 'Muriwhenua Land Claim: A Preliminary Report on the Historical Evidence' (doc A1)

## PREFACE

Figure 1: Muriwhenua; principal hapu and current marae

It was further decided to report no more than our findings of fact and interpretation, and, if it appeared the case at this stage was well founded, to assess the situation before proceeding further. The Tribunal is satisfied that the claims to 1865 are well founded and that the consequences have been such that recommendations for the transfer of substantial assets, to be effected as soon as practicable, would be appropriate. Those interested will now be heard on whether the Tribunal should proceed to consider recommendations for relief, or whether, instead, negotiations will be sought, or the inquiry continued into post-1865 matters. Already some research has been done, and evidence given, on the later period.

A hearing on relief

## PREFACE

Taemaro position      The Taemaro claim relates to Ngati Kahu o Whangaroa and lands east of Mangonui harbour. It is included in this report as it is part of the same district and has been affected by the same history. There are also some differences, however, including one that the claim was limited to causes of action arising before 1865. These differences enabled the Taemaro claim to be severed for mediation but, no settlement being achieved, it was reinstated in the current inquiry. The Tribunal is satisfied that the Taemaro claim is well founded, and we will now hear claimants and the Crown on the recommendations to be made to conclude all matters.

Stokes's review of evidence; record of inquiry      This report has conclusions based on evidence far too voluminous to record in detail. A fuller summary of many aspects, by Tribunal member Professor Evelyn Stokes, has been relied on and is available as part of the Tribunal's record.<sup>4</sup> A record of the inquiry, of the proceedings and the documents, is printed as appendix II and is followed by a bibliography of texts to which the Tribunal referred.

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4. See Professor Evelyn Stokes, 'Muriwhenua: Review of the Evidence' (doc P2)