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LIST OF ABBREVIATIONS

AC	<i>Appeal Cases</i>
AGG-A	agent of the general government, Auckland
AJHR	<i>Appendices to the Journals of the House of Representatives</i>
app	appendix
App Cas	<i>Law Reports, Appeal Cases</i> (England)
ATL	Alexander Turnbull Library
BPP	<i>British Parliamentary Papers: Colonies New Zealand</i> (17 vols, Shannon, Irish University Press, 1968–69)
CA	Court of Appeal
CBNS	<i>Common Bench Reports, New Series</i> (England)
ch	chapter
Co	company
comp	compiler
DNZB	<i>The Dictionary of New Zealand Biography</i> (4 vols, Wellington, Department of Internal Affairs, 1990–98)
doc	document
DOSLI	Department of Survey and Land Information
ed	editor
encl	enclosure
fig	figure
fn	footnote
fol	folio
HMS	Her Majesty's ship
IA	Internal Affairs file
LE	legislative series file
Ltd	limited
MA	Department of Maori Affairs file
MA-MLP	Department of Maori Affairs Maori land purchase file
MS	manuscript
NA	National Archives
no	number
NZLR	<i>New Zealand Law Reports</i>
NZPD	<i>New Zealand Parliamentary Debates</i>
p, pp	page, pages
para	paragraph
pl	plate
pt	part
R	Regina
RDB	<i>Raupatu Document Bank</i> (Waitangi Tribunal (comp), 139 vols, Wellington, Waitangi Tribunal, 1990)
ROD	record of documents
s, ss	section, sections (of an Act)
sec	section (of a book, report, etc)
sess	session
UK	United Kingdom
v	versus
vol	volume
Wai	Waitangi Tribunal claim



The Waitangi Tribunal
Wellington

The Honourable Tau Henare
Minister of Maori Affairs

and

The Honourable Sir Douglas Graham
Minister in Charge of Treaty of Waitangi Negotiations

Parliament Buildings
Wellington

Nga rangatira a te Paremata, tena korua

This is an abbreviated report, without formal recommendations, to support a settlement of claims arising from the Ngati Awa raupatu in the Bay of Plenty. It urges a settlement of all historical matters with the Ngati Awa runanga and with the runanga for Tuwharetoa ki Kawerau. Though, as we see it, the latter could stand with Ngati Awa if they chose, they also have a separate identity. The report also proposes that some claims should be dealt with separately, since they are of more recent origin and affect not tribal interests but particular individuals. These concern the Tarawera Forest, lands taken for the Matahina Dam, and the Awakeri hot springs.

A problem in this claim was the perceived need to develop tribal boundaries for a society that was not organised by territorial exclusivity in the way of modern states. The report suggests that a settlement can be effected without imposing land boundaries and that there is a better alternative than that of requiring everyone's consent before any particular land can be returned.

The main opinion in this report is that, contrary to the Treaty of Waitangi, the Ngati Awa land was confiscated without just cause. To set the record right, it emphasises that the land was confiscated not for the murder of a Crown official, as is popularly thought, but for the rebellion arising from alleged resistance when an armed force attempted to effect arrests. The opinion in the report is that the resistance was intended not as rebellion, or as opposition to the Government, but to defend against that which appeared to be an invading force, bent on revenge.

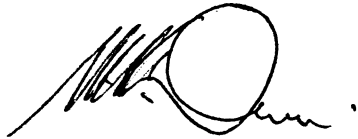
Other points are that the land taken was far more than the legislation allowed, that it was also taken from 'innocent' hapu with no involvement in the matters complained of, that a major relocation was involved to place all hapu within ready reach of a military establishment, that the hapu were left with insufficient for their needs, and that social structures were destabilised when all hapu land was locked into a fragmented, personal tenure.

In settling the claims, regard should be had to the immediate and long-term social impacts on the Ngati Awa people in taking away their proven developmental capacity. It is also pertinent to compare their lot with that of other major descent groups or iwi. In the twentieth century, tribes that retained land would have the benefit of concessionary land development funding. Many that lost large areas of land would have the benefit of preliminary compensation administered through tribal trust boards. Comparatively, assistance for Ngati Awa has been minimal. They had little land to develop and are amongst the few that received no prior compensation.

Our findings are in chapter 10.

We wish the Crown and claimants a successful resolution of this long outstanding problem and congratulate the parties for having earlier resolved the difficulty over the Mataatua wharenui.

Kia manawanui

A handwritten signature in black ink, appearing to read 'E T Durie', with a large, stylized initial 'E' and 'D'.

E T Durie
Chairperson