



Waitangi Tribunal

Te Rōpū Whakamana i te Tiriti o Waitangi

Tākiri te haeata, ka ao, ka awatea, horahia mai ko te ao mārama

The Honourable Te Ururoa Flavell
Minister for Māori Development

The Honourable Christopher Finlayson
Minister for Treaty of Waitangi Negotiations

The Honourable Maggie Barry
Minister of Conservation

Parliament Buildings
WELLINGTON

25 September 2015

E ngā Minita, ka whakatakotoria tēnei pūrongo, ki mua i ō koutou aroaro nā mātau nā Te Rōpū Whakamana i te Tiriti o Waitangi he mātai he wānanga hei whakatau mā te Karauna.

E tāpaetia ana nā mātau arā, nā te Taraipiunara tēnei pūrongo, ko ia ko te wāhanga wharaurarahi o ngā tūwhiringa kōrero a ngā uri a ngā ati o te hunga kua okoki ki te moengaroa o ngā mano tini o te pō. Ko tō mātau tūmanako kia 'utua te mamae ki te atawhai me te atawhai ki te atawhai.'

Nō konā, kia tau ki runga ki ngā iwi nā rātau ēnei inoi, ēnei tūmanako, otirā, ki runga anō ki a koutou me te Kāwanatanga ngā tauwhiro ngā manaakitanga a Te Wāhi Ngaro.

Here is the Waitangi Tribunal's report on its inquiry into 83 claims submitted by Māori of the Whanganui inquiry district. These claims focused principally on the relationship between tangata whenua and their land. The report can be viewed as a companion to the Tribunal's Whanganui River report of 1999, on which the Crown concluded a settlement last year.

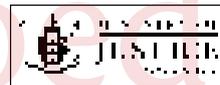
It should not come as a surprise that the process of colonisation in Whanganui did not evolve in a way that was consistent with the Treaty of Waitangi, and especially the guarantee of te tino rangatiratanga in the Māori text. But the Crown also fell short of the standards of justice

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and fair dealing that flowed from the Magna Carta, and which British officials acknowledged independently of the Treaty. The claims we considered and reported on in were largely well-founded. The Crown has – through a multitude of policies, laws, decisions, acts, and omissions – caused substantial harm to Māori in Whanganui.

The Crown's first substantive engagement with Whanganui Māori was in the 1840s, over the long and drawn-out purchase of the Whanganui block. The Crown deliberately deceived tangata whenua about the terms of purchase, surreptitiously acquiring twice as much land as it should have, with no corresponding increase in the price. Even as early as 1848, the Crown limited the number of reserves that would be set aside for ongoing Māori use.

Among the many later purchases of Māori land, the Crown's purchase of the Waimarino block stands out. Not only was it one of the largest single Crown acquisitions in the North Island in the nineteenth century, but it was a truly shoddy affair: hurried, penny-pinching, and involving the illegal purchase of children's interests.

By the turn of the century, Māori in Whanganui retained only a third of their land. Soon after, the Stout–Ngata commission warned against further purchases in many blocks. The Crown steamed on regardless, and also allowed extensive private purchasing. Today, just 237,000 acres remain in Māori ownership, which amounts to about eleven per cent of the district.

Being left with relatively little land, often in scattered parcels in remote areas, was particularly damaging for the Māori of this district, because most of the land here is ill-suited to farming. The pervasive colonial vision of smallholders achieving agricultural prosperity was never going to work in ninety per cent of the district: successful farming ventures involved large landholdings and access to capital. Whanganui Māori had neither. The Crown bought nearly all of the good land very early on.

Māori in Whanganui recovered to some extent in the early twentieth century, but even today their living conditions are deprived compared to non-Māori – and compared with their ancestors, many live a life of social and cultural deprivation.

Few of the Crown's actions were, like the Whanganui purchase, a matter of outright deception. Whanganui Māori suffered most because of their effective exclusion from political institutions that passed legislation and made decisions relating to them and their affairs. Māori continue to be frustrated by their lack of control over matters concerning them, and rightly so.

We ask that you and the Government act on our concerns that:

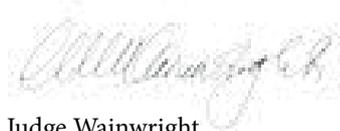
- ▶ *Whanganui Māori continue to live in a deprived state:* The census statistics we have to hand show that Māori in Whanganui fare poorly compared to non-Māori in areas of health, education, housing and employment. We also heard evidence that many live in a state of cultural deprivation, which can have equally deleterious effects. Our report relates how the Crown's acts created or influenced these circumstances in multiple ways over the 175 years since 1840. The best way for you and your government to address this situation is to enter into a settlement

with Māori of Whanganui that supports their aspirations for economic and cultural revitalisation. This would also have the effect of stimulating economic growth in the district. Generous settlements have achieved such feats in other parts of New Zealand. Your manaakitanga would echo that of tangata whenua here, when they welcomed settlers after 1840.

- ▶ *Whanganui Māori have little control over matters that affect them:* The Crown reposed power in local authorities to make decisions affecting Māori lives, but often with little or no involvement of Māori. We were encouraged to see the then mayor and chief executive of Ruapehu District Council attend our hearings, and later engage with tangata whenua in an attempt to address several local grievances. Other councils did not. We now encourage the Crown to seek ways to structure more appropriate Māori involvement in local government, that sees them exercising more control over matters that affect them. At a micro level, the 'local issues' focus of this report provides the Crown with an avenue to work locally with claimants and local authorities to solve problems that have festered for a long time. It will require resources and dedication, but the relationship-building that would result would be more than worth the effort.
- ▶ *Whanganui Māori have little say in the management of the Whanganui National Park:* We have found that the Crown acquired the land that makes up the park unjustly and in breach of Treaty principles. The park was created in 1987, when the Treaty of Waitangi was beginning to influence public policy. This led to the inclusion of the Treaty in the Conservation Act of that year, but not to a role for Māori in managing the park. This continues to be a source of grievance. We make specific recommendations about the return to tangata whenua of title to land in the park, and a substantial management role for them.
- ▶ *Whanganui Māori should control their own language:* Our report explains how the town near the river mouth was originally called Petre, then later – ironically, given recent conflict over the current name – renamed 'Wanganui', which the settlers thought was the original name. Wanganui was a simple misspelling of 'Whanganui' (meaning, in te reo Māori, 'Whanga' – harbour, and 'nui' – big), probably reflecting the aspirated 'wh' sound in the Whanganui dialect. Control over language is important to any people, but particularly to people whose language is struggling for survival. As regards Whanganui, we conclude that tangata whenua should control their own language, and specifically the spelling of names in their rohe (tribal area). They say the word is 'Whanganui'. We recommend the Crown overturns a recent decision that authorised both 'Wanganui' and 'Whanganui' as legitimate spellings. They are not equally legitimate. One is right and one is wrong.
- ▶ *Public works legislation remains unchanged:* As this report goes to print in the second half of 2015, we are disappointed that the comprehensive Public Works recommendations of the Wairarapa ki Tararua Tribunal, which included several members of the present Tribunal, remain unheeded. This *Whanganui Land Report* shows yet again that public works takings

of Māori land were among the most-resented acts of central and local authorities. That those authorities still have the power to do this remains an impediment to the Treaty relationship between Māori and the Crown.

These are all matters that will form part of the Treaty settlement negotiations with the claimants. We wish the parties well. The Māori of this district are due substantial redress for the harm caused to them.



Judge Wainwright
Presiding Officer

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