

*Hearing claims of grievance –
The Aotearoa/New Zealand
experience with the Waitangi
Tribunal. Where to now?*



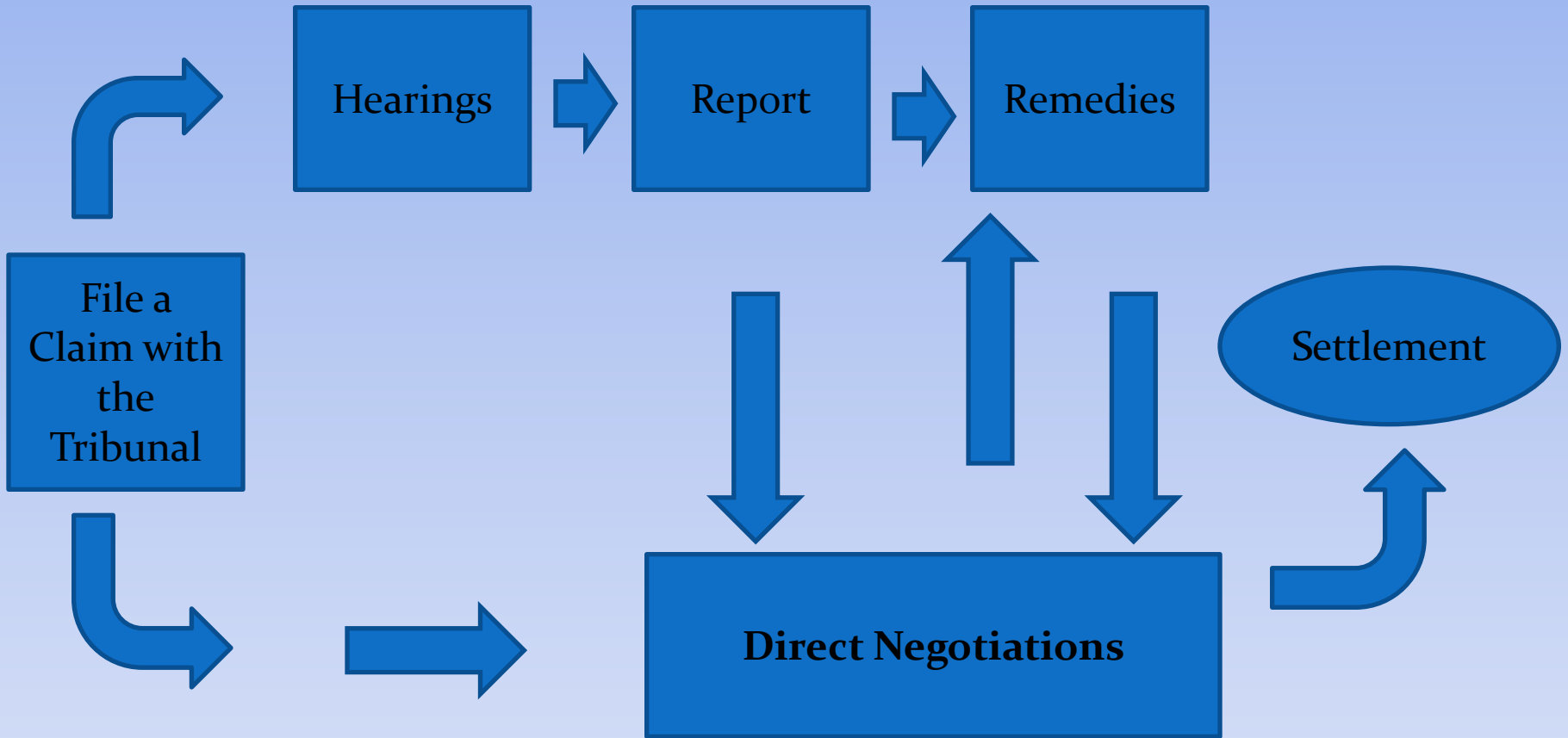
Judge Craig Coxhead

Presentation to Native title
Conference 2014

Aotearoa/New Zealand process for settlement

- Settlement of What?
- Option 1 – Tribunal then Direct negotiations
- Option 2 – Direct negotiations





The Waitangi Tribunal



The Waitangi Tribunal



Tribunal Process

- Research
- Judicial conferences
- Crown concessions
- Statement of issues
- Hearings

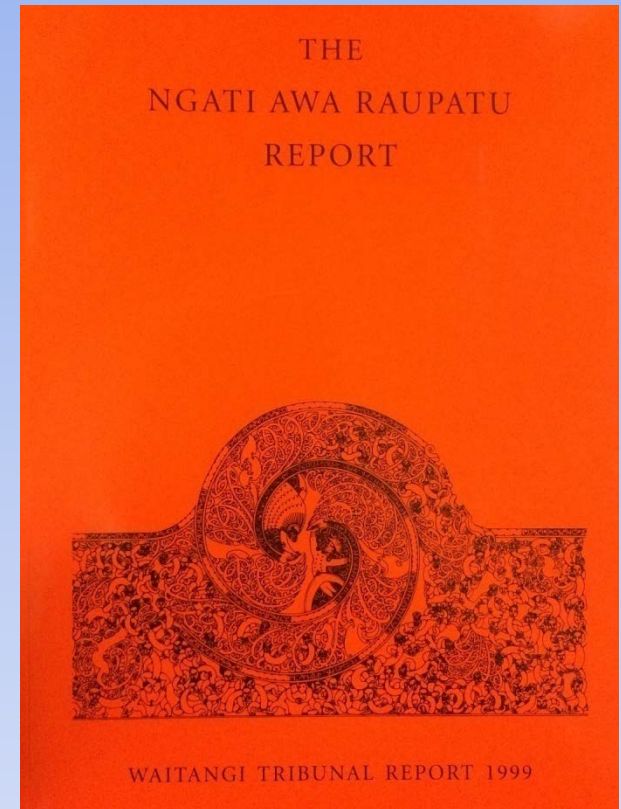


What does the Tribunal provide?

- A forum to have claims heard
- Claimants get to have their say
- Formal rituals observed
- Claimants in front of their people

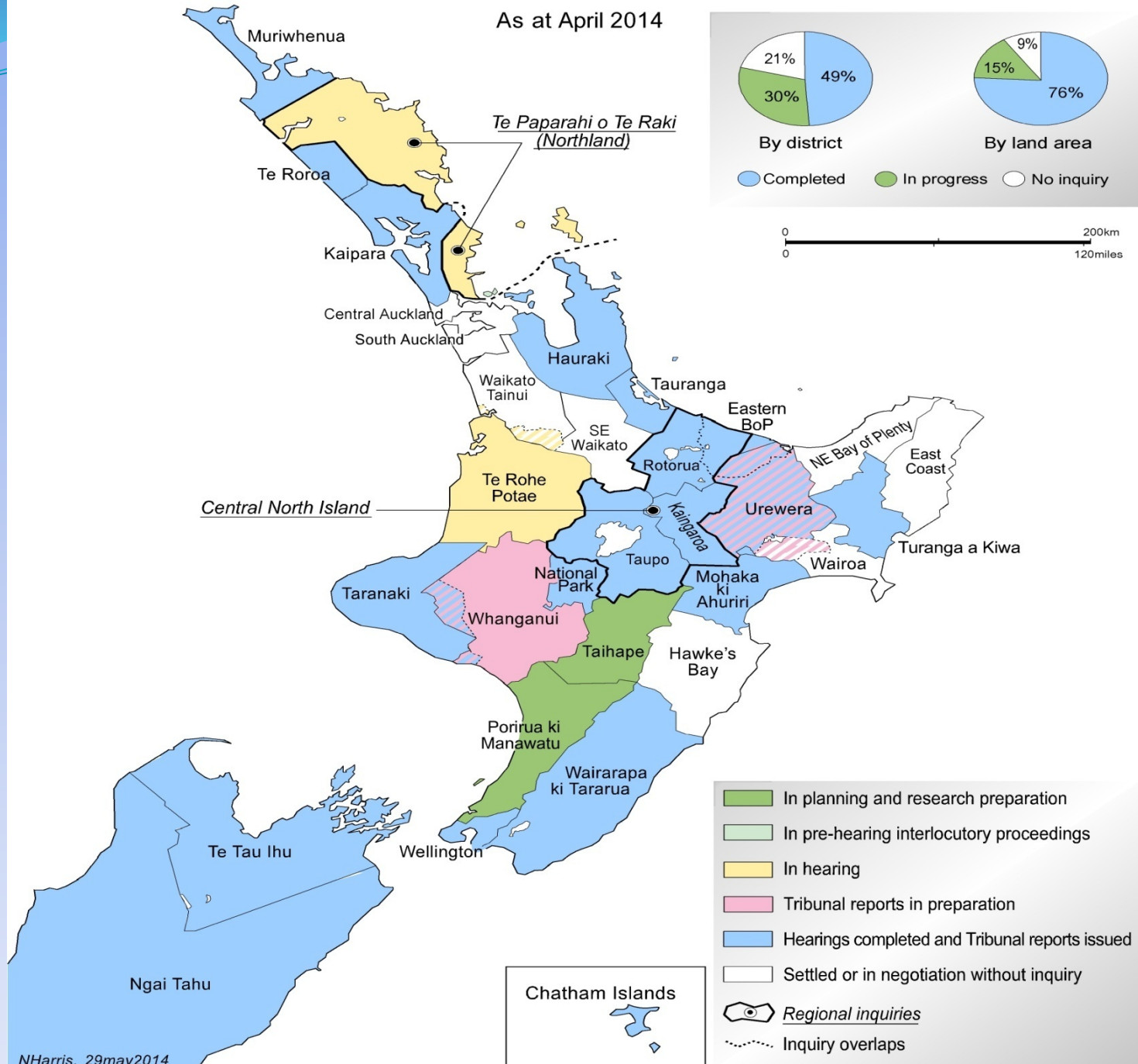


Historical Reports

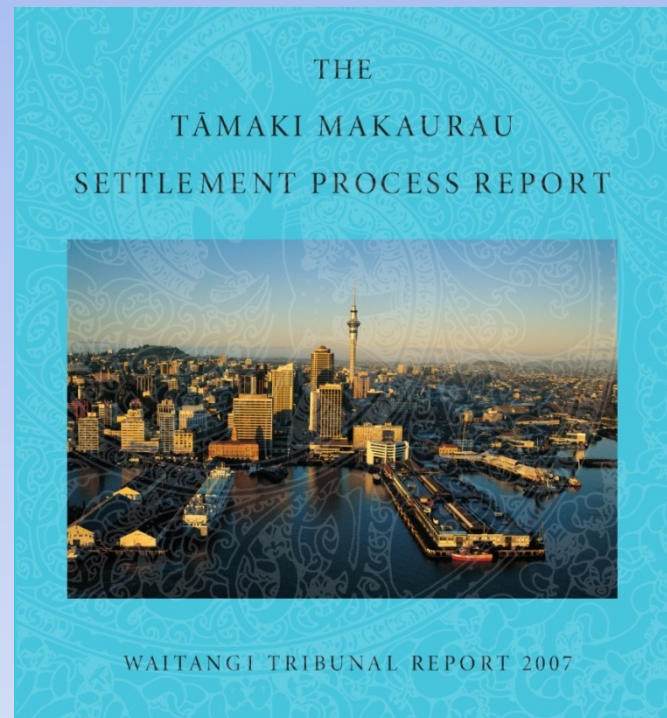
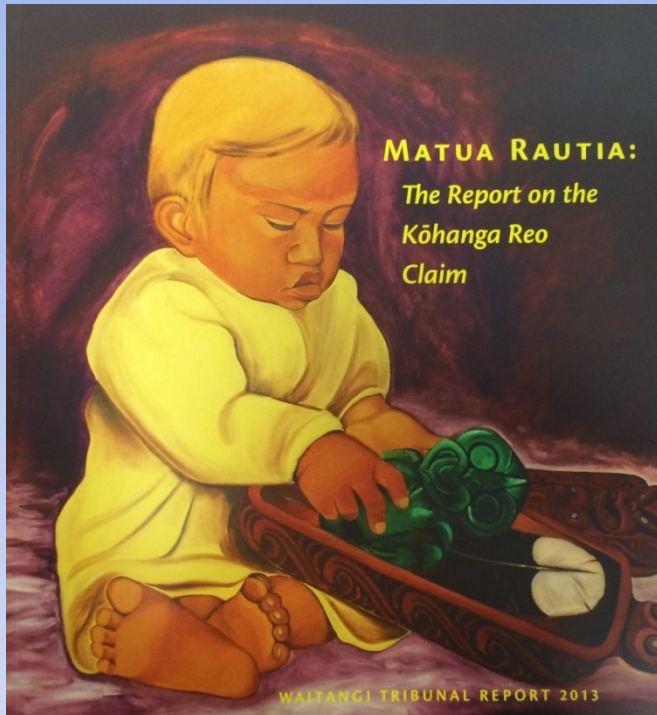


PROGRESS IN TRIBUNAL DISTRICT INQUIRIES

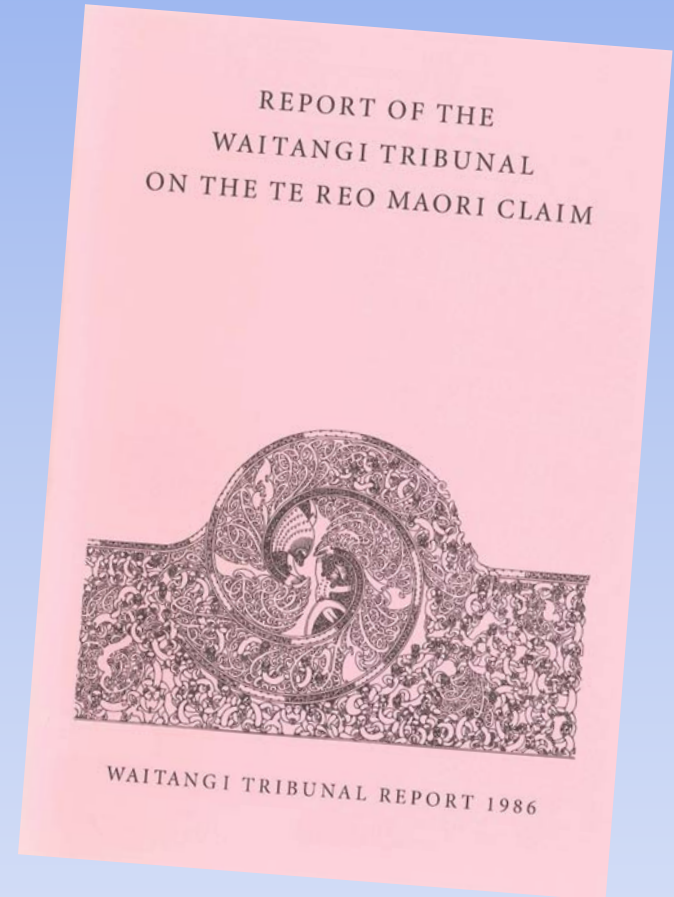
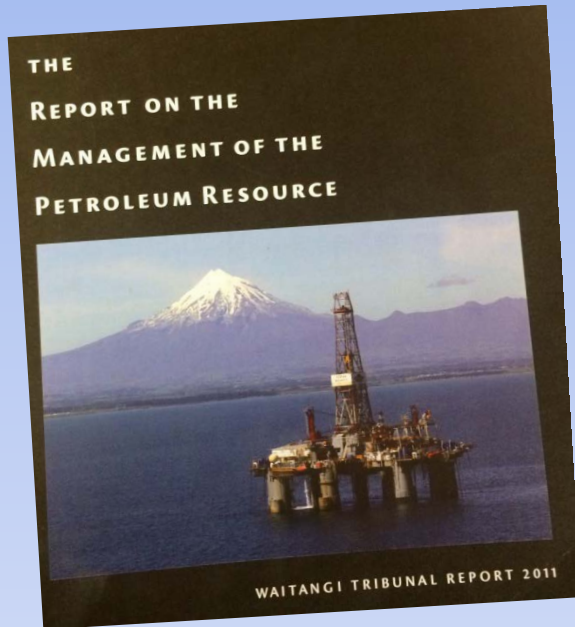
As at April 2014



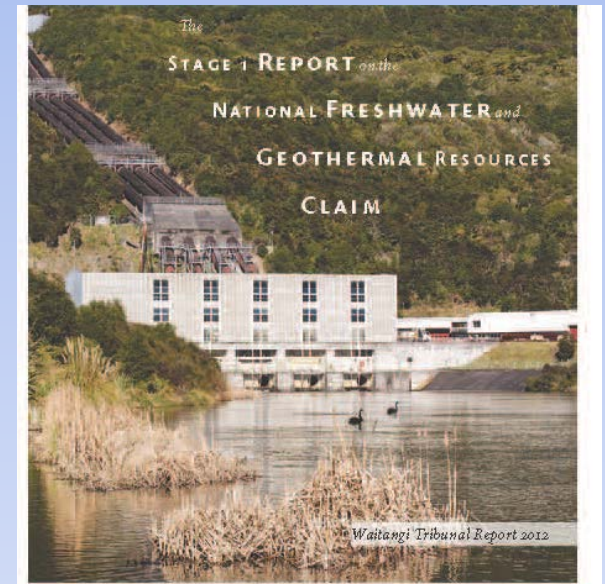
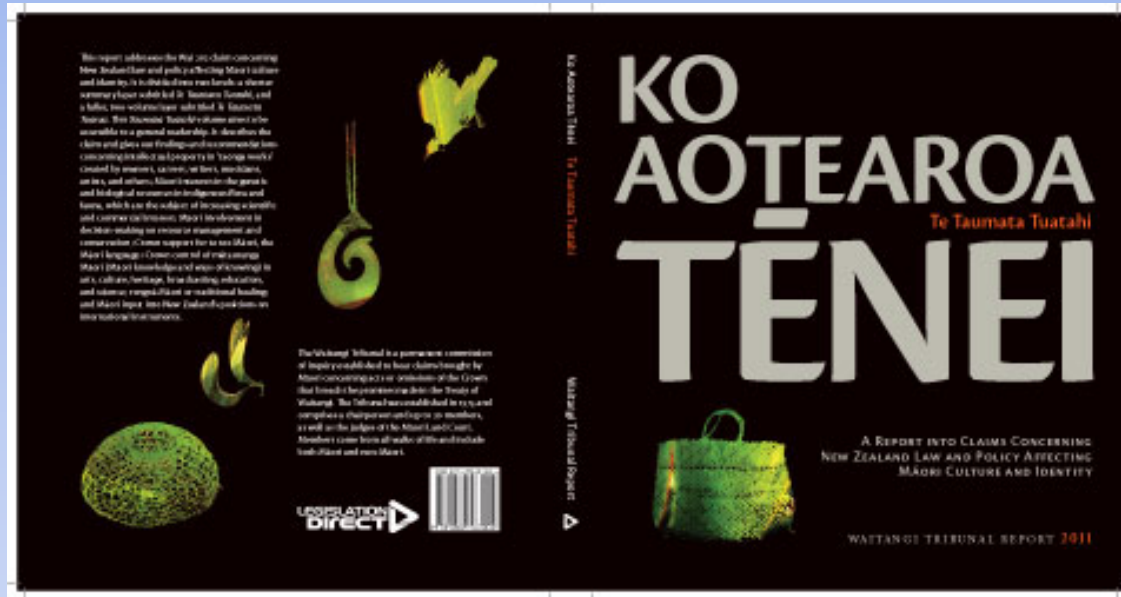
Urgent Reports



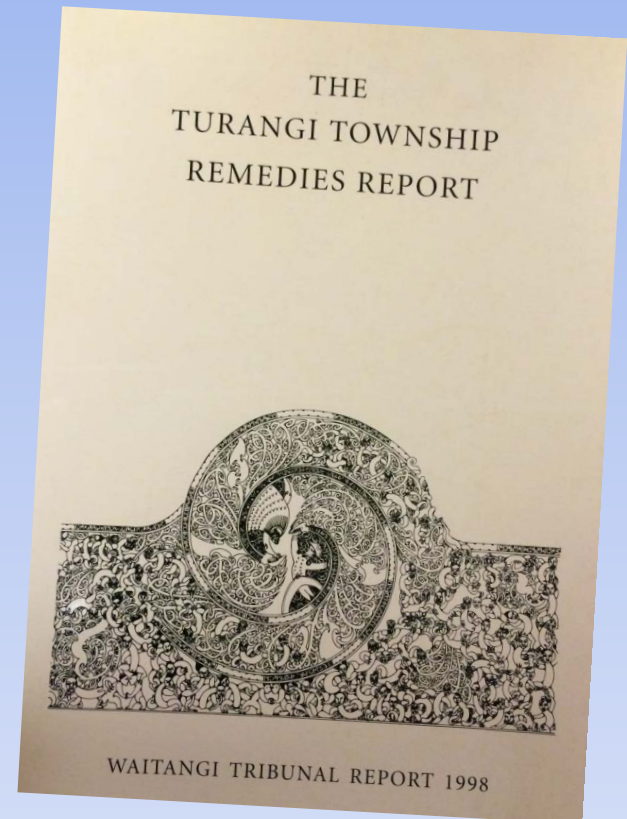
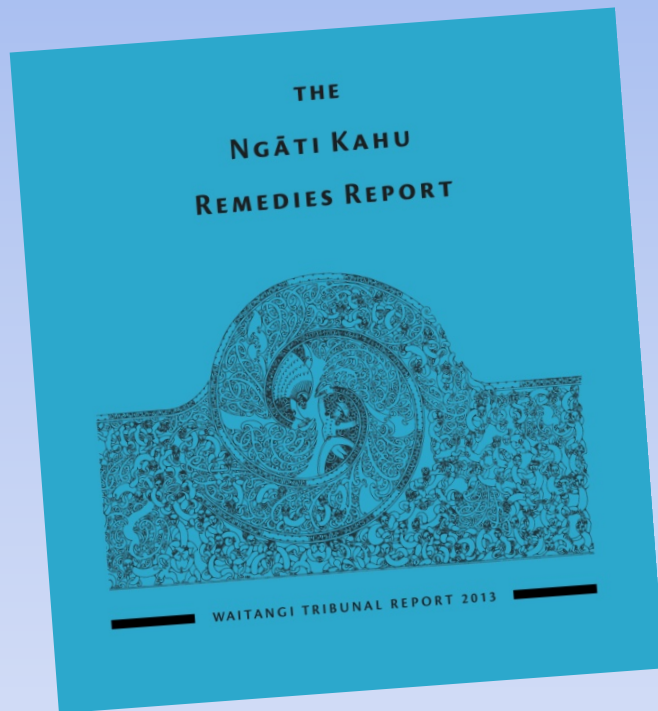
Contemporary/Kaupapa Reports



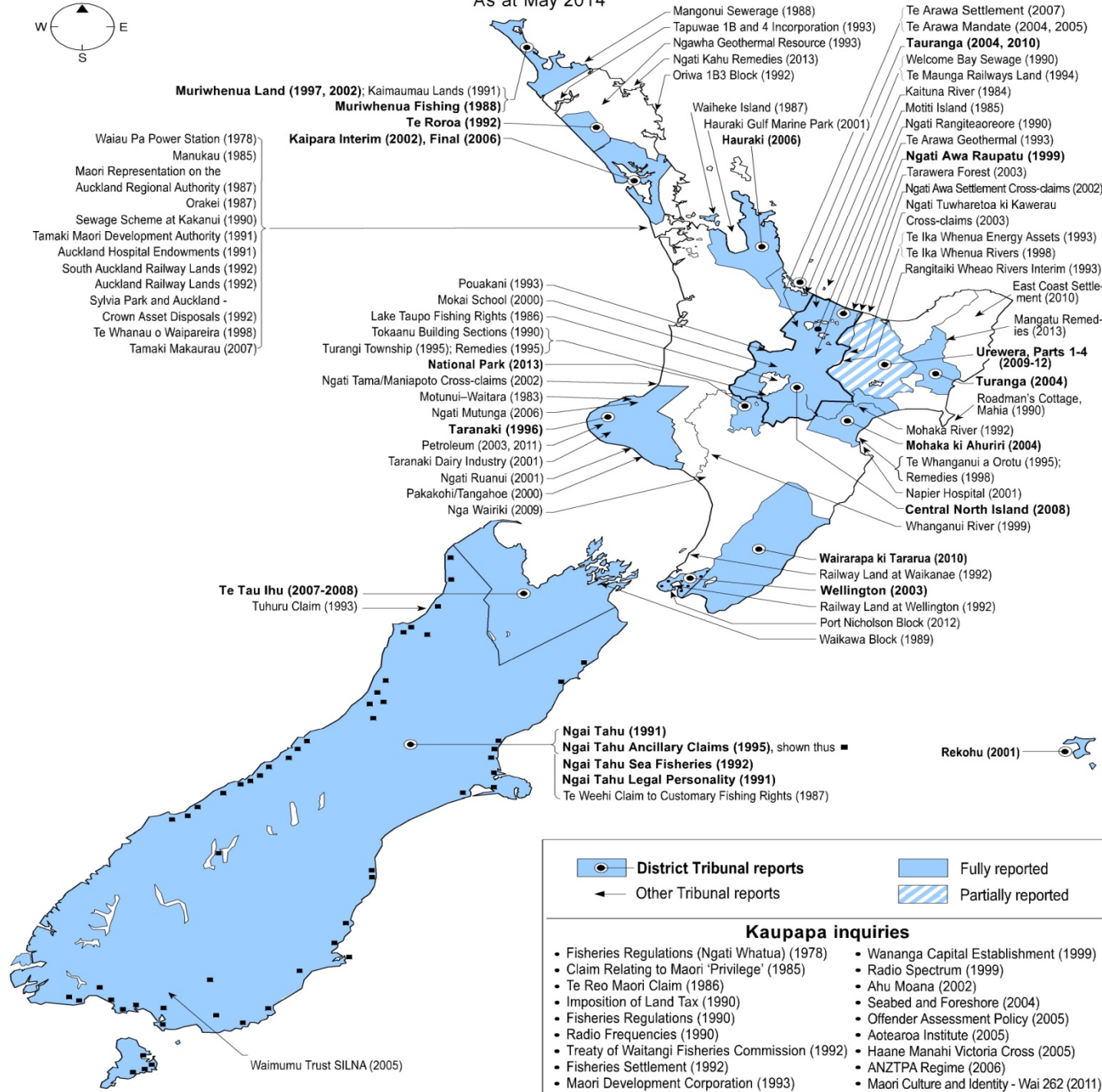
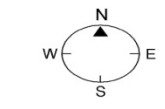
Contemporary/Kaupapa Reports



Remedies Reports



Waitangi Tribunal Reports As at May 2014



- Muriwhenua Land (1997, 2002):** Kaimaumau Lands (1991)
- Muriwhenua Fishing (1988)**
- Te Roroa (1992)**
- Kaipara Interim (2002), Final (2006)**
- Waiau Pa Power Station (1978)
- Manukau (1985)
- Maori Representation on the Auckland Regional Authority (1987)
- Orakei (1987)
- Sewage Scheme at Kakanui (1990)
- Tamaki Maori Development Authority (1991)
- Auckland Hospital Endowments (1991)
- South Auckland Railway Lands (1992)
- Auckland Railway Lands (1992)
- Sylvia Park and Auckland - Crown Asset Disposals (1992)
- Te Whanau o Waipareira (1998)
- Tamaki Makaurau (2007)

- Te Tau Ihu (2007-2008)**
- Tuhuru Claim (1993)
- Waimumu Trust SILNA (2005)
- Pouakani (1993)
- Mokai School (2000)
- Lake Taupo Fishing Rights (1986)
- Tokaanu Building Sections (1990)
- Turangi Township (1995); Remedies (1995)
- National Park (2013)**
- Ngati Tama/Maniapoto Cross-claims (2002)
- Motunui-Waitara (1983)
- Ngati Mutunga (2006)
- Taranaki (1996)**
- Petroleum (2003, 2011)
- Taranaki Dairy Industry (2001)
- Ngati Ruanui (2001)
- Pakakohi/Tangahoe (2000)
- Nga Wairiki (2009)

- Mangonui Sewerage (1988)
- Tapuwae 1B and 4 Incorporation (1993)
- Ngawha Geothermal Resource (1993)
- Ngati Kahu Remedies (2013)
- Orirua 1B3 Block (1992)
- Waiheke Island (1987)
- Hauraki Gulf Marine Park (2001)
- Hauraki (2006)**
- Te Arawa Settlement (2007)
- Te Arawa Mandate (2004, 2005)
- Tauranga (2004, 2010)**
- Welcome Bay Sewage (1990)
- Te Maunga Railways Land (1994)
- Kaituna River (1984)
- Motiri Island (1985)
- Ngati Rangiteaoro (1990)
- Te Arawa Geothermal (1993)
- Ngati Awa Raupatu (1999)**
- Tarawera Forest (2003)
- Ngati Awa Settlement Cross-claims (2002)
- Ngati Tuwharetoa ki Kawerau Cross-claims (2003)
- Te Ika Whenua Energy Assets (1993)
- Te Ika Whenua Rivers (1998)
- Rangitaiki Wheao Rivers Interim (1993)
- East Coast Settlement (2010)
- Mangatu Remedies (2013)
- Urewera, Parts 1-4 (2009-12)**
- Turanga (2004)**
- Roadman's Cottage, Mahia (1990)
- Mohaka River (1992)
- Mohaka ki Ahuriri (2004)**
- Te Whanganui a Orutu (1995); Remedies (1998)
- Napier Hospital (2001)
- Central North Island (2008)**
- Whanganui River (1999)
- Wairarapa ki Tararua (2010)**
- Railway Land at Waikanae (1992)
- Wellington (2003)**
- Railway Land at Wellington (1992)
- Port Nicholson Block (2012)
- Waikawa Block (1989)
- Rekohu (2001)**

- Ngai Tahu (1991)**
- Ngai Tahu Ancillary Claims (1995), shown thus ■
- Ngai Tahu Sea Fisheries (1992)
- Ngai Tahu Legal Personality (1991)
- Te Weehi Claim to Customary Fishing Rights (1987)

District Tribunal reports
 Fully reported
 Other Tribunal reports
 Partially reported

- Kaupapa inquiries**
- Fisheries Regulations (Ngati Whatua) (1978)
 - Claim Relating to Maori 'Privilege' (1985)
 - Te Reo Maori Claim (1986)
 - Imposition of Land Tax (1990)
 - Fisheries Regulations (1990)
 - Radio Frequencies (1990)
 - Treaty of Waitangi Fisheries Commission (1992)
 - Fisheries Settlement (1992)
 - Maori Development Corporation (1993)
 - Maori Electoral Option (1994)
 - Broadcasting Claim (1994)
 - Kiwifruit Marketing (1995)
 - Wananga Capital Establishment (1999)
 - Radio Spectrum (1999)
 - Ahu Moana (2002)
 - Seabed and Foreshore (2004)
 - Offender Assessment Policy (2005)
 - Aotearoa Institute (2005)
 - Haane Manahi Victoria Cross (2005)
 - ANZTPA Regime (2006)
 - Maori Culture and Identity - Wai 262 (2011)
 - Kohanga Reo (2013)
 - Freshwater & Geothermal Resources, Stage 1 (2012)



What does the future look like?

- Continue to hear urgencies and remedies
- Complete Historical inquiries
- Move to focus on Contemporary/Kaupapa Claims



What does the future look like?

- What does this mean for the Waitangi Tribunal?
- What does this all mean for the Maori – Crown treaty relationship?



