

Tribunal Motunui recommendation defines the Treaty

"We have been singularly impressed with the quiet honesty and integrity of Aila Taylor and accept his evidence entirely."

"It was obvious that the hapu had conducted extensive researches and done considerable work to present their case to us. The presentation of that case in fact took one week. We were impressed by the thoroughness of their work, and the restrained and dignified manner in which their case was presented."



Sam Raumati (Chairman Taranaki Trust Board) speaking at Tribunal. (Photo: Fiona Clark)

The treaty is a "fraud", Edward Wakefield wrote to British Secretary of State for Colonies, William Gladstone, in 1846. Now, 143 years after it was signed, the Treaty of Waitangi Tribunal has breathed new life into the treaty.

For the Te Atiawa tribe of North Taranaki the solace of the tribunal's finding is a new impetus in their battle to stop further pollution of their sole remaining resource; the seafood reefs that provide rich food for their stomachs and pride.

Since the mid 1970s a small, dedicated few have fought judicial snubs; prejudiced attitudes; antagonistic bureaucrats; stalling officials; unsympathetic politicians and doubters within their own ranks.

They have given up leisure time; sacrificed holidays and dug deep into their own pay packets to pursue a long, legal path that led to the Treaty of Waitangi Tribunal, where their labour finally bore fruit.

The tribunal's 75-page report is strong, clear, persuasive poetry. That alone makes it a rare legal document. It is also a watershed in the force of the Treaty of Waitangi.

No summary can convey those qualities. But within the report lies a number of recommendations, some general, some specific, which provide a window on its significance.

On the issue of fisheries, the report recommends that the Maori Land Court be given the power (subject to appeal) to set aside Maori fishing ground reservations and appoint trustees to control them.

It calls for the recognition and protection of traditional Maori fishing grounds in all legislation which has any influence over these areas.

Specifically the tribunal recognises the sense of Te Atiawa's case and recommends a change to regulations to allow paua under 125mm to be harvested from their reefs (paua have never grown to that size there) and an easing of the process to get a special license for a tangi.

The tribunal also recommends a study be commissioned to define Maori fishing grounds in North Taranaki and the effects of existing waste outfalls along the coast and up the Waitara river on them.

On the issue of pollution the tribunal urges the Government to locate the natural gas-using Think Big projects close together to pool resources for the best possible system of waste disposal.

The Government should become more involved in planning and co-