

at least in broad terms, will comply with the tribunal's recommendations.

The future over the Motunui issue elevated the Te Atiawa tribe's battle from regional to national prominence. Until then the news media, the public and Maoris from other areas had shown little interest.

In that respect, the controversy played an important role in making the public aware of the tribunal's report, which held significance well beyond the borders of Te Atiawa's grievance.

But in an other respect the controversy has done a disservice in highlighting one specific recommendation, with the danger that dust will collect on the other recommendations in the wake of dwindling public interest.

The Motunui pipeline was the most urgent recommendation. It was also one of the most specific. Others yet to be dealt with will have much wider effects.

But does the good-will exist within Government to deal seriously with the body of the tribunal's report? There is no doubt that the performance on the Motunui issue has created an air of distrust. That distrust extends to another specific recommendation: that calling for a reduction in the legal size of harvested paua on Te Atiawa's reefs.

Following the tribunal hearings, where historical Maori evidence of small paua on the North Taranaki coast received the backing of scientific studies, letters were sent to Fisheries Minister Duncan MacIntyre. Requests were made to change the legal size.

But Mr MacIntyre rejected the idea, claimed there were areas where legal sized paua could be harvested, and said a long-term study was underway looking at why paua were small on the North Taranaki coast. Meantime he wouldn't change the regulations.

The response indicated a poor understanding of Maori custom related to reef ownership, cut across local and scientific knowledge and established the peculiar idea that a reduction in the legal size limit could not be contemplated until the cause of undersized paua was known.

Between hearings, two of the tribe's kuia were caught with undersized paua. Then, during mussel collecting for the hui called to protest the Government's response to the tribunal, fisheries officers insensitively exercised their legal right and confiscated several bags of mussels.

All this may say little about the eventual outcome of the tribunal's recommendations, but it has certainly warned caution among Te Atiawa.

So what has been done with the tribunal's recommendations?

Special legislation gets rid of the separate Motunui outfall. Following on from that, a task force has been established to come up with a scheme for an outfall at Waitara serving the waste



disposal needs of present and proposed developments. It has two years to do that.

The task force comes under a larger committee set up under Mr Graham Tuohey, of the Prime Minister's department.

The tribunal recommended that a medium term plan coordinating developments in the area and the requirements for such things as waste disposal be carried out by a regional group in North Taranaki.



Tribunal recommendations

There never has been a Treaty of Waitangi.

Historians know of five versions drafted in English, all of them different.

One English version was translated into Maori, but that English version was lost.

One copy of the Treaty in English was certified. One copy of the Treaty in Maori was certified. Some Maoris signed the English version, most signed the Maori. The English version is not an accurate translation of the Maori version.

Since 1847 the Maori people have used the Treaty as evidence in court cases, but never successfully. In law the Treaty is not ratified, it has no force.

To the Pakeha legal brain that means you can wriggle out of anything because the treaty has no status and is confusing. To the Maori legal brain the differences are immaterial and the status of the treaty is strong.

Thus the Treaty of Waitangi tribunal states in its report: "for over a century the Maori people have placed a significance on the Treaty far in excess of that given by the general public".