

## WHAKATOHEA CONFISCATION CLAIM

Copies of the original claim submitted by the Board on the 22nd May 1989 and subsequent correspondence from the Tribunal, was distributed to the members.

### MATTERS ARISING FROM THE INFORMATION

The Chairman clarified various aspects of the information presented especially the proposed contract to the Board for research funding to enable a report on the Whakatohea claim to be compiled by June 1991. The contract gives authority to commission Claude Edwards to prepare and compile report, on behalf of the Whakatohea. The contract also detailed specific criteria which must be adhered to. The Chairman further stated that the report to the Waitangi Tribunal is of such great importance that the compilation of information should be entrusted to a team of personnel, who have skills and attributes in a particular aspect of the Whakatohea history. To this end he had liaised with Sir Monita Delamere and Mr Joe TeMaipi to be incorporated within the production of the report in conjunction with research group, including the chairman himself. John Kameta stated that the Board will support whatever actions that the Chairman may take to ensure that the Confiscation Report is made available to the Waitangi Tribunal by June 1991. There was general acceptance of this statement and the Chairman stated that his first task was to meet with the Research Unit and explain the situation to them. Audit procedures applicable to both the Board and the Waitangi Tribunal require that the proper procedures regarding contractual agreements be adhered to and therefore Full Board approval be given for this contract.

### MOVED

That the Board re-affirms its support for the claim as submitted and that the contract agreement, inclusive of the conditions be accepted and Claude Edwards is authorised to manage the production of the Report to the Waitangi Tribunal according to the criteria of the contract.

H Mio, T Biddle CARRIED

## SECTION ONE

### **1 WHAKATOHEA**

- The Land
- The People
- Whakatohea's Neighbours and Relationships with other Tribes

Tuhoe

Arawa Ngati Awa

Ngati Te Rangi

Te Whanau a Apanui

Ngai Tai

Ngati Maru

Ngapuhi

### **2 COMING OF THE PAKEHA**

- Trade and Economic Impact
- Missions and Spiritual Impact
- Land Allocations/Sales to Pakehas
- The Crown

### **3 THE TREATY OF WAITANGI**

- The Signing
- The Expectations
- The Assurances

Understood

'Real'

SECTION ONE

-2-

**4 EARLY RELATIONS WITH THE CROWN / PROVINCIAL GOVERNMENT**

- RESIDENT AT MAKETU  
Arawa Influence
- Implications for Whakatohea  
Mana and Rangitiratanga
- Runanga System

## SECTION TWO

### **5 KINGITANGA / WHAKATOHEA POSITION**

- Whakatohea Attitudes
- Implications for Whakatohea Relations with the Crown
- The Whakatohea View
- The Crown's View

### **6 THE LAND WARS**

- Whakatohea's Attitude and Policy
- Whakatohea's Actions
- Tai Rawhiti  
Defeat by Arawa at Rotoiti and Maketu
- Relevance of Tai Rawhiti to Whakatohea consequences in Whakatohea's View of Relationship to Crown as seen by the Crown
- Situation of Whakatohea at Proclamation of Peace 1865
- Implications of the war and the Crown's attitudes and actions for Whakatohea

## SECTION TWO

-2-

### **7 PAI MARIRE**

- Te Ua Haumene  
Attitudes of Whakatohea
- Kereopa and Horomoana  
Divergence from Te Ua
- Whakatohea Mana and Vulnerability  
Reasons for vulnerability
- Resistance of Whakatohea to Kereopa  
and Horomona?
- Killing of Volkner  
The circumstances  
Extent of Whakatohea Participation  
Effect on Whakatohea Mana  
Crown Protection/Failure to Protect  
Whakatohea under terms of Treaty

### **8 INDEMNITY TO WHAKATOHEA**

- Legal Standing
- Whakatohea Understanding

### **9 POLICE OUTLYING DISTRICTS ACT**

### **10 NATIVE RIGHTS ACT**

## SECTION TWO

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### 11 INVASION OF NGATI AWA LANDS

- The Crown's Enemy: Ngati Awa or "Hau Hau"?
- Punitive Implications for Whakatohea
  - Legality of Invasion
  - Courts Martial as Expression of Invasion "mind-set"
  - Overturning of Courts Martial
  - Treaty Implications of Invasion
  - Treaty Implications of Colonial Force pillages
  - Whakatohea View of "Position" Situation
  - Crown's view of Position Situation
- War or law and order exercise?
- Was Whakatohea in fact or reasonable belief the "enemy" or "offender"?
- Was Whakatohea treated as the "enemy" or "offender"?
- If so, was this just under British Law or the Treaty?
- If not, what Restitution was made:
  - materially
  - spiritually
  - in terms of Rangitiratanga and Mana

### 12 GOVERNOR GREY'S PERCEPTION OF RESTORATION OF "LAW AND ORDER"

- Implications for the Crown
- Implications for Whakatohea (ways in which Whakatohea was left aggrieved?)

### SECTION THREE

#### **13 WHAKATOHEA LANDS AND SECURITY**

- Assurances re allegiance to the Crown and capture of "Hau Hau" remnants and Te Kooti
- Whakatohea attitudes re "Hau Hau" remnants and Te Kooti
- Whakatohea's power to act in support of Crown
- Whakatohea's Actions in support of Crown
- Extent to which Whakatohea was in a position to do more
- What outcome could Whakatohea reasonably have expected
- in relation to the Treaty?
- on relation to the Law?

#### **14 CONFISCATION**

- Pakeha emotional atmosphere
- Seizure - Lands seized/papatipu
- Reallocation/Reserves/Compensation Court
- John Wilson
- Native Lands and Boundary Adjournalment Act 1920
- Final Allocation
- Land Purchase Acts 1870

#### **15 IMPLICATIONS FOR WHAKATOHEA**

#### **16 ARTICLES OF TREATY BREACHED**

- By Crown
- By Whakatohea

SECTION 3

-2-

**17 PRESENT STATUS**

- Future Strategy

**18 REPARATION**