

Earlier 'Settlements' Raise Questions About Current Claims

[From Neale McMillan in Wellington]

For the Bolger Government and the nation generally, two clear issues have emerged over the past week in Maori/non-Maori relations: the cry for Maori self-determination and the legitimacy of the Crown's proposals for settling treaty claims.

The question of Maori sovereignty was ostensibly the reason for the lawbreaking which caused the abandonment of Waitangi Day celebrations.

It has some alarming features. One, is that as a matter of law and order the Government appeared to capitulate to the actions of dissenters. Two, is that it may harden attitudes between Maori and non-Maori and may divide Maoridom itself.

It obliges the Government to consider seriously how it will deal with Maori radicalism if and when further affronts occur.

The second issue challenges the Government to reconsider whether the so-called fiscal envelope is too niggardly or too generous.

The Government is in a dilemma. Not only has it failed to get support in Maoridom but it may lack the necessary numbers in Parliament.

It still wants to forge ahead, and will accept negotiations only until May on its settlement package - which would set aside a maximum \$1 billion over 10 years to settle all claims.

Moreover, Ngai Tahu talks of suing the Crown for compensation after the breakdown of its treaty negotiations.

It may be a good time to heed the advice of former Prime minister Sir Keith Holyoake to "breathe through the nose".

It would also give time to reappraise past efforts to settle Maori grievances.

The Ngai Tahu claims over the Kemp purchases for the New Zealand Com-

pany in the 1840s warrant re-examination. These concern the acquisition of large tracts in the South Island for prices as low as one farthing an acre.

A commission in 1921 recommended compensation of £354,000 (\$708,000). It was a large sum for a nation which had just fought in a world war. Payment of \$200,000 was subsequently offered, but declined.

The issue was finally resolved - or so it was thought - by the Labour Government of Peter Fraser in 1944. It offered a final settlement of \$600,000. It is said this was accepted at a series of 80 meetings throughout the South Island.

The Ngai Tahu Claim Settlement Bill was enacted by Parliament, providing for the money to be paid at the rate of \$20,000 a year for 30 years. The Ngai Tahu Trust Board was set up in 1946 to administer it.

Inflation-adjusted, the sum of one pound in 1943 values is now worth \$46.73. Thus, in today's terms the "final settlement" is the equivalent of more than \$14 million.

The settlement period was from 1944-74, at which time the Kirk Government had come to office.

Southern Maori MP Whetu Tirikatene-Sullivan confirmed last week that she had asked Mr Kirk for the annual payments to continue in perpetuity, and this had been provided in a Maori Purposes Act.

This raises various questions on both legal and moral grounds about current Ngai Tahu claims.

Worth noting, is that a Taranaki Maori Claims Set-



Whetu Tirikatene-Sullivan

tlement Bill was also enacted by Parliament in 1944, providing compensation of \$10,000 a year in perpetuity and a cash compensation of \$600 in respect of Parihaka Pa.

There may be questions about how these payments were calculated, but there can be no denying the willingness and goodwill of the Crown to resolve the matter while the country was still embroiled in World War Two.

Research by South Pacific News Service (Sopac) has unearthed a 1943 official memorandum to Prime Minister Fraser from his Minister of Native Affairs, Rex Mason QC, outlining the probable amounts required to settle all Maori claims.

These were based on the South Island claim being settled at \$20,000 a year for 30 years - which it was.

In total, Mr Mason's calculations will have involved payments of £81,550 (\$3,810,831 in current value) in land or capital cash payments, and £17,000

(\$794,410 current values) in annual payments - partly in perpetuity and partly for periods of 30 and 35 years.

The South Island claim and the Taranaki confiscation were negotiated and settled within these parameters.

The other claims in the 1943 equivalent of the fiscal envelope included Waikato, Ngati Rangihouriri and Ngati Hikakino hapus (Bay of Plenty), Whakatohea (Opotiki), Kauhaurua (Wairoa), Aorangi Block (Hawke's Bay), Penuahi block (Poverty Bay), Waipuku-Patea (Stratford), and Pukeroa-Oruawhata (Rotorua).

In respect of some of these, the Mason memorandum said: "Doubts can be raised respecting their merits but the position of the Crown has been compromised by reports of commissions.

"I propose to re-examine the merits where any serious question can be raised but this of course will not mean that every doubt must be resolved in favour of the Crown nor exclude a reasonable compromise where they may be some doubt still remaining.

"There are a few other claims I know of, but they have not come under so much discussion, and I think are comparatively small, though one cannot undertake that they will not be exaggerated.

"I think they can later be disposed of without immense difficulty, but it would be a useless complication to discuss new ones before getting rid of the old ones."