

Ngai Tahu claims 'myths,' Crown says

(PA)

Many key points presented in the Ngai Tahu claims were yesterday labelled as "myths" by the Crown.

However, the Crown also admitted errors, including breaches of the Treaty of Waitangi, in past dealings with the Ngai Tahu.

Mr Antony Hearn, counsel for the Crown, cited five specific "myths."

The first point had been referred to by the tribe as the "hole in the middle."

The tribe alleged that land, including the Mackenzie Basin, Mt Aspiring National Park, the High Country and several South Island lakes had not been sold.

The Crown would prove that the land purchase commissioner, Henry Tacy Kemp bought the land from coast to coast, Mr Hearn said.

Allegations of unfair conduct and threats to "send in soldiers" during Banks Peninsula transactions, would also be shown to be false, he said.

Mr Hearn said the Crown had not promised to allocate the "Otago tenths" (the equivalent of one-tenth of the land sold) for Maori reserve land in Otago except that expressed in a 1844 deed.

The "myth" that Flordland had been exempted from the Murihiku purchase would be shown to be without any factual foundation."

In addressing the "errors" which it agreed had occurred, the Crown admitted that the "Rangatiratanga" (chieftanship) of the tribes had diminished in a way that was contrary to the second article of the Treaty of Waitangi.

Readdressed

It was hoped that breach could be readdressed, Mr Hearn said.

The English legal system and the structures implemented by the Crown did not adequately provide for Maori input in decision-making or self-government over Maori affairs, he said.

The Maoris had not, in many respects, been served well through the European system of land title or attempts to retain Maori land through the Maori Land Court.

In some cases reserves promised to the Ngai Tahu tribe were not adequately delivered or made. "In this case the Crown will admit that it did not always fulfil its obligations."

Mr Hearn said the Crown acknowledged it had sometimes failed to recognize and protect Ngai Tahu rights to "Mahinga Kai" (sources

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for natural food gathering).

The problem of pollution was relatively recent. But the Government was limited by the measures which could be used to eradicate pollution.

Mr Hearn said the Crown had delivered partially on its promise to provide schools and hospitals to the tribe.

The tribunal also came in for criticism from the Crown over its conclusions about Maori fisheries in Northland.

Divergence

The criticism highlighted the divergence between interpretations of the English and Maori versions of the treaty.

The Muriwhenua Fishery Report said the Crown overstated the guarantee of lands dwelling places and other property and understated the concept of cessation of sovereignty.

The Crown stressed that the fisheries right was to undertake the business of fishing and not a property right in the fish.

It said the tribunal should also have mentioned more about the need for the Maori to negotiate reasonably over the fisheries issue.