Hill, 2012b

Page 6. Problems for treaty settlements

Some politicians, including New Zealand First leader Winston Peters, criticised the increasing number of claims registered with the Waitangi Tribunal, suggesting that a Treaty of Waitangi 'gravy train' had formed around the claims process.

Conservationists were concerned about the impact of claims on conservation land, and many Pākehā were concerned that settlements would affect their rights. The Crown was conscious of the need to avoid creating fresh injustice when negotiating redress and rejected all calls for the return of lands in private ownership. Public Access New Zealand was one of the lobby groups formed to oppose aspects of treaty settlements.

The Crown's wish to negotiate comprehensive settlements with large groupings of claimants at or above the level of iwi caused further difficulties. Many Māori groups argued that negotiations should occur at hapū level, but the Crown responded that this would create enormous logistical problems.

The question of which claimant groups should receive the mandate to negotiate on behalf of their people created strife within some tribal groupings and between groups and the Crown.

There were many debates about boundaries between tribal or subtribal groupings, an issue increasingly tackled by agreements on overlapping rights.

'Treaty fatigue' and other controversies

Other controversies affecting the treaty claims settlement process included:

- perceived 'treaty fatigue' among some Pākehā
- settlements depicted by politicians and pressure groups as discriminatory in favour of Māori
- settlement processes said to violate national unity or, alternately, multiculturalism
- settlement policies said to benefit either a tribal elite or Māoridom alone, in a country where much mixing of peoples has occurred
- other challenges for the Crown; for example in 2010 the tribunal began hearings on a claim by Ngāpuhi and other northern tribes which included the assertion that they had never ceded sovereignty under the treaty.

Relativities

Settlements needed to reflect many factors, including size of claimant groups and the nature and degree of treaty breaches. The Crown had found it difficult to negotiate final settlemen

without claimants knowing what other tribes were to obtain. In 1994 the government imposed a $1-billion fiscal cap on total settlements. There was universal opposition among Māori to the cap and it was soon officially dropped. However, by then Waikato–Tainui had signed its settlement, worth 17% of the total 'fiscal envelope' at 1994 values. Thereafter relativities remained informally in place and iwi whose settlements included relativity clauses were to receive extra resources if settlements exceeded the billion-dollar figure, as adjusted for inflation from 1994.

Pace of negotiations

The pace of settlements picked up speed when Labour's Deputy Prime Minister Michael Cullen took over treaty negotiations in 2007, and continued under the National-led government's Minister for Treaty of Waitangi Negotiations Chris Finlayson from 2008. The rapid pace was criticised by some tribes who claimed that the government placed undue pressure on them to settle. Others, however, pointed to the long time they had waited to see their claims addressed.

Future of settlement process

Despite the many controversies, by the 21st century treaty settlements were accepted by the political mainstream and treated as normal events within New Zealand. This acceptance was helped because no more historical treaty claims were allowed to be lodged after 2008. The National-led government elected that year set 2014 as a target for final settlement for all such claims.

Settlements have been negotiated quickly by international standards and have involved significant resource transfers, as well as important cultural redress and apologies. New Zealand's settlement processes are widely regarded internationally as an efficient model for the reconciliation of historical grievances and a relatively fair way of achieving historical justice for indigenous people who have suffered from colonisation and its aftermath.

How to cite this page:

Richard S. Hill, 'Ngā whakataunga tiriti – Treaty of Waitangi settlement process - Problems for treaty settlements', Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/nga-whakataunga-tiriti-treaty-of-waitangi-settlement-process/page-6 (accessed 19 April 2017)
Story by Richard S. Hill, published 20 Jun 2012