

Rongowhakaata Negotiations Report

29 April 2007

Te Pahou Marae

Claims Coordinator Report

DIRECT NEGOTIATIONS PROGRESS REPORT

Introduction

1. At the last Hui a iwi held at Te Kuri a Tuatai Marae on 18 February 2007, the first Claims Co-ordinator Negotiations progress report was presented. That report discussed the stages of the Rongowhakaata negotiations process, the Turanga negotiations model and the issues for Rongowhakaata regarding the signing of the Terms of Negotiation.
2. This report:
 - (a) Provides an update on the current status of the Turanga negotiations;
 - (b) Details the make up of a typical settlement package and provides a practical example using the settlement of the Bay of Plenty iwi, Ngati Awa;
 - (c) Explains the next phase of the negotiations process;
 - (d) Discusses the issues for Rongowhakaata with the Turanga Negotiations model; and
 - (e) Sets out the consultation and information hui/wananga –a-iwi proposed to prepare for Negotiations with the Crown.

Current status

3. Following the resolutions past at the last hui –a- iwi, the Rongowhakaata Negotiators and Claims Committee agreed on the general ground rules for the negotiations (Terms of Negotiation) with the Office of Treaty Settlements and the other Turanga groups, Ngai Tamanuhiri and Te Pou a Haokai.
4. The Terms of Negotiation are to be signed at a ceremony at one of the Ngai Tamanuhiri or Te Pou a Haokai marae on 26 May 2007. That ceremony is to be attended by the Minister of Treaty Settlements, the Minister of Maori Affairs and other members of their staff.

Settlement package

5. The completion of the Terms of Negotiation signals the end of the “pre-negotiations” phase and the beginning of the main part of the process, negotiating a suitable settlement package to the Rongowhakaata and Turanga grievances. A Treaty settlement is usually made up of the following:
 - (a) **Historical account:** The historical account summarises the key facts about the relationship between the Crown and the Turanga groups that led to the Crown breaches of the Treaty. The historical account is agreed between the claimant group(s) and the Crown.

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- (b) ***Crown acknowledgements of Treaty breaches & Crown apology*** The Crown acknowledgements and apology are offered by the Crown to recognise the loss, resentment, and grief suffered by the tangata whenua as a result of their Treaty breaches;
- (c) ***Financial and Commercial redress:*** this aspect of redress is made up of cash and Crown owned properties. As part of the commercial and financial redress, the tangata whenua may also agree to receive rights of first refusal to purchase certain Crown owned properties in their rohe for an agreed period of time.
- (d) ***Cultural redress:*** refers to redress concerning “cultural recognition” intended to meet the cultural rather than the economic interests of the tangata whenua. These cultural interests can be addressed in numerous ways. In previous negotiations they have covered:
 - i. Recognition of cultural, spiritual, historical and traditional associations with areas or natural resources;
 - ii. Protection of wahi tapu;
 - iii. Recognition of the role of tangata whenua as kai tiaki of the natural environment; and
 - iv. Access to resources and cultural significance.

Settlement package example – Ngati Awa

- 6. To date close to 20 claimant groups throughout the country have successfully negotiated settlements to their historical grievances with the Crown. All of those settlement packages were made up of the components referred to above.
- 7. By way of example, Ngati Awa of the Bay of Plenty with a population of approximately 13,000 settled their grievances with the Crown in 2005. Their settlement package was made up of the following:
 - (a) ***Historical account Crown acknowledgements of Treaty breaches & Crown apology:*** An agreed historical account forming the basis of a Crown apology covering, the Crown confiscation of Ngati Awa lands, the compensation process adopted by the Crown for the confiscation of lands, the operation and impact of the Native Land Court and the cumulative impact of these events on Ngati Awa, which undermined the traditional tribal structures of Ngati Awa and left the iwi virtually landless;
 - (b) ***Financial and Commercial redress:*** A combination of Crown owned land selected by Ngati Awa and cash to the value of \$42.390,000.00 and a right of first refusal to purchase Crown surplus properties at full market value for a period of 50 years.

- (c) ***Cultural redress:***

- i. 11 statutory acknowledgements and 4 Deeds of Recognition acknowledging special cultural and historical relationship of Ngati Awa with various taonga in their rohe;
- ii. Establishment of protocols with Crown and other agencies regarding the management, use and protection of various taonga within their rohe;
- iii. A requirement for the Crown to notify Ngati Awa of any naming proposals in their rohe;
- iv. The return of seven areas of Crown owned land of special significance to Ngati Awa;
- v. Equal membership for Ngati Awa representatives on a joint advisory committee established over the Matataa Scenic and Wild life Refuge Reserves with the Ministry of Conservation;
- vi. The gifting of \$1000,000.00 from the Crown to Ngati Awa to assist in the redevelopment of the Mataatua Meeting House complex;
- vii. Acknowledgements of particular sites owned by the Crown as waahi tapu;
- viii. Restoration of Ngati Awa access to traditional hunting and food gathering areas;
- ix. Crown acknowledgement that the settlement properties be held under a new title as 'protected land'

The Negotiations phase

8. The next phase of the process requires the Crown and Turanga negotiators to meet and discuss their proposals for settling the Turanga claims and try to reach general agreement on the aspects of redress sought referred to above. Once there is general agreement, the discussions will focus on the detail of the proposed redress.
9. When the monetary value of the settlement is agreed, an Agreement in Principle will be signed confirming the financial redress otherwise known as the settlement quantum.
10. Following the signing of the Agreement in Principle, the details of the other aspects of redress will need to be agreed between the Crown and the Turanga groups. Once agreed those matters will be set out in a Draft Deed of Settlement for approval by the Crown and the Turanga iwi.

Turanga model issues

11. As discussed in the previous report, The Crown has insisted on using a collective model of negotiations in Turanga. It has been agreed that the groups will negotiate on issues concerning all of them together and individually only where matters are specific to the particular group.
12. There will be aspects of each component of redress that are generic and will be dealt with by the Turanga groups together. There will also be specific issues within those same areas of redress that will be dealt with by Rongowhakaata alone. For example where the Historical Account and Crown Apology refer to the conflict at Waerenga –a –hika, the generic aspects of that event such as its effect on all Turanga Maori will be dealt with by all the Turanga groups. However,

when the injury and loss suffered by Rongowhakaata in particular is discussed, those matters may appropriately be dealt with by our Negotiators alone.

13. By the same token, when discussing cultural redress, a generic issue to be dealt with by all the groups may be the return of Crown owned properties to all the Turanga tangata whenua in recognition of their significance to all the groups. However, a specific taonga Rongowhakaata would likely seek to address alone under the cultural redress heading would be Te Hau ki Turanga.
14. Because of this collective model, it is essential that Rongowhakaata develop robust relations with the other Turanga groups and establish collective strategies to secure the best settlements for all the groups instead of compromising the entire negotiations by failing to address potential issues before negotiations begin.
15. To this end, the Turanga groups are now working together as a Turanga Forum to establish internal ground rules, negotiations strategies and to generally prepare for the discussions to come as a collective.

Information & Consultation Hui

16. In order to adequately prepare for addressing potential issues with the other Turanga groups and negotiations with the Crown there are a number of attendances we as Rongowhakaata must first complete, including:
 - (a) developing the Rongowhakaata goals for negotiations;
 - (b) Working out how potential issues are to be dealt with; and
 - (c) determining the aspects of redress Rongowhakaata will seek in negotiations
17. To address the above matters and to ensure all Rongowhakaata uri are given the opportunity to engage in the negotiations process and are fully informed about what it involves, the Claims Committee and Negotiators propose to hold a series of waananga for Rongowhakaata over the coming months.

First Scheduled Wananga

18. The Negotiators and Claims Committee propose to hold the first of the planned series of waananga on Saturday 26 May 2007.
19. The purpose of the first waananga will be to explain the make up of the redress package and to work shop with those who attend to determine what our uri want from the negotiations process. It is intended that the waananga will help the Negotiators determine the information they will require to ensure Rongowhakaata obtain the best settlement possible for the iwi.

Proposed resolution

20. To enable the Claims Committee and Negotiators to begin the waananga series the following resolution is required:

- (a) The waananga series proposed in this paper is approved by Rongowhakaata and the Negotiators and Claims Committee are authorised to plan, organise and hold the necessary waananga to inform and consult the iwi regarding the Turanga Negotiations.

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