

**RONGOWHAKAATA DIRECT NEGOTIATIONS
WANANGA SERIES REPORT**

Prepared by the Rongowhakaata Claims Committee

Dated 3 March 2008

Background

1. In early 2007 the Rongowhakaata Negotiators (“**NEGS**”) and Claims Committee (“**CCOM**”) determined that in advancing the Rongowhakaata Negotiations with the Crown, it is critical to ensure that the iwi is kept informed about the negotiations process and afforded the opportunities to engage with the process and to contribute directly to the development of the Rongowhakaata Negotiating Strategy.
2. In an effort to provide a forum to assist in achieving those objectives, the CCOM and NEGS held four wananga at various Rongowhakaata Marae, each of which were advertised in advance through, word of mouth, panui placed with local news papers and radio stations and panui on the Rongowhakaata website, www.rongowhakaata.com . In addition to the panui on the website a non-attendance questionnaire requesting those views of whanau unable to attend the wananga was also circulated by post and placed on the website.
3. Each of the four wananga focused on aspects of the typical Crown settlement provisions it is anticipated will form the framework for the Rongowhakaata settlement package and the matters to be considered by the iwi in preparing to address the same. The matters covered in the wananga are set out below.

Wananga Over view

Wananga 1 - general introduction

3. The first wananga was held at Whakato Marae on Saturday, 26 May 2007. That wananga set out, explained and discussed:
 - (a) the status of the Rongowhakaata negotiations;
 - (b) the implications of the Crown imposed negotiations frame work;
 - (c) the NEGS and CCOM objectives to ensure the iwi’s effective and efficient progress through the Negotiations process;

- (d) the make up of a typical Crown redress package; and
 - (e) the particular matters to be considered by the iwi in developing the iwi settlement package.
4. In addition to informing those in attendance about the negotiations process and the general matters to be considered, the NEGS and CCOM also began compiling the Rongowhakaata wish list or proposed settlement package to be put to the Crown. That list is set out later in this document.

Wananga 2 - cultural redress

5. The second wananga was held at Ohako Marae on Saturday, 29 September 2007. The wananga focused on the component of the typical Crown Settlement Package referred to as “Cultural redress”.
6. The presentations given at the wananga explained and discussed the:-
- (a) Definition of “cultural redress” looking at other settlements and the Office of Treaty Settlements Policy documents;
 - (b) Crown proffered aims in agreeing to cultural redress;
 - (c) Taonga, concessions, money and assets other claimant groups have secured as part of their cultural redress;
 - (d) Various matters capable of being addressed under the cultural redress heading, including:
 - vesting of land and other taonga;
 - Management committees; and
 - Statutory recognition;
 - (e) Issues for Rongowhakaata to be considered in developing the cultural redress strategy;
 - (f) Rongowhakaata Whare whakairo, Te Hau ki Turanga; and
 - (g) Waahi tapu and other significant sites that Rongowhakaata might deal with under the “cultural redress” heading; and

- (h) The further development of the Rongowhakaata wish list.

Wananga 3 - Te Hau Ki Turanga

7. The third wananga was held at Manutuke Marae on Saturday, 24 November 2007. That wananga was focused on the Rongowhakaata Whare whakairo, Te Hau ki Turanga, which will likely be dealt with under the Cultural Redress heading if it is to be addressed in the Direct Negotiations Process.
8. The whare is of such significance to the iwi and the issues to be worked through with regard to how it might be addressed in the settlement of such complexity that the NEGS and CCOM considered a separate wananga was required to assist in developing the strategy for dealing with the whare. The matters explained and discussed at the Te Hau ki Turanga wananga included:-
 - (a) The history and significance of Te Hau Ki Turanga;
 - (b) The Rongowhakaata submissions and the Waitangi Tribunal findings in respect of the whare and associated taonga made during and following the Gisborne Tribunal Inquiry;
 - (c) A presentation by former Ngati Awa and Rongowhakaata lawyer, Judge Layne Harvey, on the Ngati Awa experience negotiating the return of the Mataatua Wharenui from the Otago Museum as part of their settlement package and the issues that arose there;
 - (d) The strategic options for addressing Te Hau ki Turanga and its associated taonga as part of the direct negotiations process; and
 - (e) The further development of the Rongowhakaata wish list.

Wananga 4: commercial redress

9. The fourth wananga was held at Whakato Marae on Saturday, 15 December 2007. The focus of this wananga was the “Commercial Redress” component of the typical Crown settlement packages. The wananga discussed:

- (a) The definition of commercial redress, giving examples from other settlements;
- (b) The matters the Crown purports to consider in determining the quantum of commercial redress or the amount of money to be offered;
- (c) Examples of quantum negotiated in other areas;
- (d) The matters to be considered by Rongowhakaata to ensure the quantum offered reflects the nature of the Rongowhakaata grievances, relative to other iwi;
- (e) The matters to be considered in selecting properties to be included as part of the commercial redress;
- (f) The implications and benefits of seeking and receiving Commercial redress as part of the Turanga collective, which includes all the other Turanga Negotiating groups;
- (g) Other matters capable of being addressed under the commercial redress heading, including the definition and utility of:
 - Rights of first refusal; and
 - Deferred selection.

Conclusion

10. The Rongowhakaata wananga series has now finished. From the NEGS and CCOM perspective the wananga series represents a significant contribution to their efforts to ensure the iwi is kept informed about the direct negotiations process and have had an opportunity to engage with the process and to directly contribute their views on what should be addressed as part of the Rongowhakaata settlement.
11. In addition to the information conveyed to the iwi through the wananga, the NEGS and CCOM consider that the information they obtained, particularly in relation to the redress to be sought, has been invaluable and will provide critical assistance in developing the Rongowhakaata negotiations strategies.

12. While the Wananga series has been a useful tool in assisting to inform the iwi and given whanau an opportunity to have a say, those objectives continue and the NEGS and CCOM recognize that their obligations to ensure the iwi are kept informed and afforded opportunities to engage with the process remain until a settlement to the Rongowhakaata grievances has been agreed to by the iwi and finalized with the Crown.

Proposed Rongowhakaata settlement package – Rongowhakaata “wish list”

13. The matters raised by whanau to be considered for inclusion in the Rongowhakaata settlement at the wananga include the following:-

Crown Apology

- (a) A formal apology by the Crown for all the hurt and loss caused to Rongowhakaata due to their acts and omissions.

Historical Account

- (b) Settlement Document to record an accurate version of the Rongowhakaata history in the settlement for Rongowhakaata rangatahi;
- (c) Settlement document to reflect the Rongowhakaata boundaries, acknowledging overlap with other hapu and the Rongowhakaata dispute with the purported Ngati Porou boundary at Te Toka a Taiau.
- (d) Document to acknowledge Te Aitanga a Hauiti and Ruapani;

Cultural Redress

- (e) The development of educational programs detailing the “correct” history of Rongowhakaata and Turanga Maori in the Turanga rohe for inclusion in the curriculum in local schools;
- (f) The implementation of te reo programs to assist in revitalizing the Rongowhakaata dialect of te reo;
- (g) The erection of poupou whenua to illustrate the Rongowhakaata presence throughout the rohe;

- (h) Statutory recognition of Rongowhakaata as tangata whenua in Turanga and confirmation of that recognition with requirements for local government to consult with Rongowhakaata in relation to matters affecting the iwi;
- (i) Restoration of appropriate names to land marks, wahi tapu and other sites of significance;
- (j) The establishment of a Manutuke Community Centre at Manutuke to assist in restoring mana to the people;
- (k) The establishment of memorials to the Rongowhakaata men, women and children who lost their lives at Waerenga-a-Hika, Ngatapa and Wharekauri;
- (l) The return of Rongowhakaata customary lands, in particular, Watson Park, Patutahi, Awapuni, Te Arai, Paokahu;
- (m) The development and implementation in consultation with Rongowhakaata of environmental programs to restore and maintain the environment of significant Rongowhakaata taonga, in particular, Browns Beach, Mangapoike, Pipiwakao, Rakaukaka (part of Pipiwakao) Paokahu and Te Arai awa, Te Kuri a Paoa lagoon, Kopututea lagoon, Waikanae stream (Waiohiharore), Tapuhi and Manawaru wahi tapu – possible overlay;
- (n) The establishment of a Waipaoa River Control Scheme to avoid flooding of Manutuke should the Waipaoa river flood banks fail;
- (o) Rongowhakaata to control Government services in Turanga or the implementation of consultation or co-management obligations in relation to the same;
- (p) Amendment to Local Government regulations and statutory provisions to make it easier for Rongowhakaata uri to purchase Maori land in Manutuke;
- (q) The establishment of a Rongowhakaata HQ in Gisborne City;
- (r) Provisions guaranteeing access to Rongowhakaata traditional nohoanga, wahi tapu, tohoroa and other sites of significance and taonga, including:
 - Manawaru;
 - Tapuhi;
 - Ruapani on Tuamotu Island; and

- others
- (s) Establishment of Joint advisory Committees with regard to local health and education policy;
- (t) Retrieval of taonga, domestically and internationally;

Te Hau ki Turanga

- (u) The return of legal title from Te Papa to Rongowhakaata;
- (v) Recognition by the Crown of the importance of Te Hau Ki Turanga to Rongowhakaata and Turanga;
- (w) Co-management of Te Hau Ki Turanga with Te Papa museum;
- (x) The return of Te Hau Ki Turanga to Manutuke at the original site;
- (y) The return of Te Hau Ki Turanga to the Watson Park site;
- (z) The establishment of a complex to house Te Hau Ki Turanga;
- (aa) The establishment of a carving school to be run at the complex housing Te Hau ki Turanga;

Commercial Redress

- (bb) The establishment of a strong commercial asset base for the iwi through the sensible purchase of properties, possibly including Land Corp farms, schools and other commercial properties;
- (cc) appropriate settlement quantum taking account of all the special aggravating features of the Rongowhakaata claims, including:
 - confiscation;
 - unjustified exile and imprisonment;
 - loss of life; and
 - other related matters
- (dd) Return of Railway lands;

- (ee) Consider securing other commercial properties including local schools, Police Stations(old &/or new).