

Kaihautu Korero

JANUARY 2005

A newsletter for Te Arawa descendants about the direct Treaty negotiations with the Crown



Waka on the move for Treaty talks

The waka is moving for Te Arawa iwi and hapu wanting to settle their historical Treaty of Waitangi claims with the Crown.

Formal negotiations between Nga Kaihautu o Te Arawa Executive Council and the Crown are expected to begin within two months.

But the journey of getting to the table has by no means been smooth running.

The Council's chairman, Eru George, said one of the major obstacles has been the doubt expressed about whether or not the Council has the support of the majority of Te Arawa

"Let there be no doubt, Nga Kaihautu o Te Arawa has the support. Our mandate remains solid despite continued unwarranted attacks against us."

To date, the Crown, the Waitangi Tribunal and the High Court have upheld the Council's mandate despite attempts to have it withdrawn, Eru said.

"We will not dwell on such matters, we will continue along the path set for us by Te Arawa.

"For too long these injustices have hung around our necks like the proverbial millstone. Too many of our people have passed on and the mamae (grievance, pain) has been unresolved."

While some iwi and hapu have chosen not to join Nga Kaihautu, the door is still open for them to do so, Eru said.

"The more iwi and hapu that join our waka the better, but time is a factor."

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Kaihautu Korero

Kaihautu Korero is published six-weekly by Nga Kaihautu o Te Arawa Executive Council. It aims to inform descendants of Te Arawa about the direct negotiations the council is currently undertaking with the Crown to settle the historical Treaty of Waitangi claims its affiliate iwi and hapu have.

Because of the high demand for information, *Kaihautu Korero* will be complimented by another newsletter called *Kaihautu Korero Update* which will be produced every three-weeks.

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FRONT COVER:
Anaru Rangihuea and Treaty Negotiations Minister Margaret Wilson.

Message from the Chairman

Tena koutou katoa,

After a year of enduring work, the Executive Council has finally reached one of the most crucial stages in the direct Treaty negotiations process.

Last year undoubtedly served us a number of challenges, but we are pleased to report that we remain focused and strong.

From a review of our mandating process to reconfirmation of our mandate to the signing of the Terms of Negotiation with the Crown in

November, we have learnt much and have become even stronger in our vision to achieve the wishes and aspirations of our affiliate iwi and hapu.

With the New Year now here, we can look forward to sitting down with the Crown and begin the journey of negotiating a settlement of the historical Treaty claims our affiliate iwi and hapu have.

The next six months, in particular, will be a critical time for our iwi and hapu and the Executive Council. By mid-January we aim to have our negotiators selected.

Their role will be extremely significant as they will put our case to the Crown. To help assist the negotiators, and ensure that the wishes of our affiliate iwi and hapu are fulfilled, the Executive Council has put in place a number of support structures and strategies (see page 10).

These will ensure that while only a limited number of people (between three and eight) will be arguing our case, they will carry the mana and voice of all of us.

The decision on whether or not we accept such a settlement will ultimately lay with the descendants of our iwi and hapu. For now though, we extend to you and your whanau a happy and prosperous New Year.

ERUGEORGE

Chairman, Nga Kaihautu o Te Arawa Executive Council



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The formal negotiations come as a result of the signing of Terms of Negotiation between the Council and the Crown on November 26 at Wahiao Marae in Whakarewarewa.

The document, signed by 15 representatives from the different iwi and hapu affiliated to the Council, laid the ground rules on how the negotiations for a comprehensive settlement of Te Arawa's historical Treaty claims should be carried out.

To date, there are 16 iwi and hapu affiliated to the Council and who in total have about 81 different claims interests within the Arawa area, including vast areas of the central North Island forests lands, numerous geothermal fields and freshwater interests.

But before heading to the table to talk with the Crown, negotiators need to be appointed, Eru said.

“Our iwi and hapu through their elected representatives are being asked to have input into who should be selected to argue our collective negotiation case (CNC) with the Crown.

“The role of the negotiators will be extremely important, but at the end of the day it will be the people who decide if we take the negotiated settlement offer.”

The Council has drawn up a selection criteria to guide iwi and hapu representatives in deciding who they will nominate.

The negotiating team is estimated to comprise between three to eight negotiators, representing the affiliate iwi and hapu. “This is

merely the beginning of the most critical stage. Let the battle commence.”

The journey so far

◆ **Early 2002:** Central North Island (CNI) iwi delegation led by Tumu Te Heuheu entered informal discussions with the Minister of Treaty Negotiations regarding the progression of their historical Treaty claims. **December:** Minister agrees to formalise talks at a special meeting at Parliament where a widely representative delegation of CNI iwi were present. Resulting from this meeting a CNI iwi working party led by Tumu Te Heuheu and a Crown working party led by David Caygill were formed to discuss and plan a way forward.

◆ **February-March 2003:** Te Arawa appoints interim representatives to continue engaging with the Crown in formal discussions. **April 23:** Minister states “it is time to move to the next important phase – the prenegotiation phase.” **July-September:** A number of Te Arawa iwi and hapu hold mandating hui and resolve to enter into direct negotiations with the Crown – Nga Kaihoutu o Te Arawa was formed with the election of iwi and hapu representatives. About 26 hui were held as part of the formal mandating process. **September 16:** Elected representatives meet to discuss and confirm the structure and composition of the Nga Kaihoutu o Te Arawa Executive Council. **December 1:** Te Arawa Deed of Mandate is submitted to OTS. **December 13:** The mandate is published by OTS and submissions are called.

◆ **February 2004:** The Council approved and signed the Deed of Trust. **April 1:** Minister and Maori Affairs Minister accept and formally recognise the Council's Deed of Mandate. **June:** Waitangi Tribunal hold an urgent inquiry into the Te Arawa mandate based on claims made by Te Arawa Taumata. **August-October:** Council and Crown address key issues raised in the inquiry by holding a series of hui to reconfirm the composition of the Council and the proportionality of seats on it. **November 26:** Terms of Negotiation are signed by the Council and the Crown, paving the way for formal negotiations to begin.



MILESTONE MOMENTS
TOP: Huhana Mihiniui (left) and Rotorua MP Steve Chadwick.
CENTRE: Huru Maika (left) and Julian Ratana. **ABOVE:** Ruka Hughes (right) and Treaty Negotiations Minister Margaret Wilson.

Another Treaty challenge for Anaru



Anaru Rangiheuea knows all about settling Treaty claims.

As the chairman of Te Arawa Maori Trust Board, he has been at the helm of a settlement which will see 13 lakebeds in the Rotorua district returned to Te Arawa, along with \$10 million compensation, a formal apology and a cultural redress package. In mid December 2004 the Te Arawa lakes settlement offer by the Crown won the tick of approval of 93 per

cent of Te Arawa's adult population registered with the Trust Board. As a member on the Nga Kaihau o Te Arawa Executive Council, representing Tuhourangi and its hapu, Anaru plans to pursue a similar result.

Besides chairing one of Te Arawa's longest standing establishments, Anaru has had extensive experience in dealing with Te Arawa and Maori initiatives. For a number of years he served on the Te Arawa Standing Committee that advises the Rotorua District Council on Maori matters. For the past 10 years, Anaru has also been advocating for the protection of the lakes.

"It hurts to see our lakes in such a bad environmental state. As tangata whenua, the people of Te Arawa feel that. One of my goals is to bring back the mauri of our lakes, of our land and eventually of our people."

Building bridges

At work as the national strategic cultural adviser for the New Zealand Police, Wallace Haumaha has been at the forefront of building relationships between Maori and the men and women in blue.

Since his appointment as the Ngati Ngararanui representative on the Nga Kaihau o Te Arawa Executive Council, he has been putting every effort into ensuring the same between Te Arawa and the Crown.

Wallace, who has worked as a front-line police officer for more than 20 years, is all too aware of the struggles and grievances within Maoridom.

His valuable skills in communication, leadership and negotiation came to the fore earlier this year when he led a team of five police officers to accompany the largest hiko in the country's history.

Over a period of 11 days, that involved



40,000 people and covered the length of the North Island, Wallace managed to coordinate a trouble free and safe operation that has gone down in police history as a huge success.

But while being Maori had its advantages on the hiko against the Foreshore and Seabed Bill, the job of ensuring everyone arrived at the steps of Parliament safe, was by no means easy. "Burning the midnight oil, time spent in negotiations, fierce but constructive conversations and exercising greater responsiveness all contributed to the success..."

Further to being on the Council, Wallace is also the chairman of the Council's communications committee. "My prime focus will be to ensure Te Arawa claimants receive high quality, informative and easily understood communications on a regular basis."

Te Arawa descendants who feel they are not being adequately informed can communicate directly with Wallace to avoid any confusion (see page 12 for contact details).

In this edition of *Kaihautu Korero* we begin a series of profiles of those who sit on the Executive Council. A full list of the representatives, and their contact details, can be found on page 12.

Power to the people

Roger Pikia yearns for the day when his iwi will be able to benefit from an industry that has been crippling the spirit of his people.

New Zealand as a whole continues to benefit greatly from electricity that is generated from the six power stations within the tribal area of Ngati Tahu-Ngati Whaoa.

With three hydro electric power stations (Aratiatia, Ohakuri and Atiamuri) and three geothermal powered stations (Rotokawa, Wairakei and Ohaaki), one could assume that the iwi would prosper from the riches of the resources that drive these power stations.

But this is not the case according to Roger, the representative for the iwi on the Nga Kaihautu o Te Arawa Executive Council.

“Power generation in our area has been a killer for our people and I hope for the day when we actually might be able to turn this around so it has more direct benefits for us.”

One example of the damage that power generation has caused is subsidence in the area, which geothermal experts say will cause Ohaaki Marae to be submerged by water from the Waikato River within the next six years.

By being on the Council, one of Roger’s primary objectives is to set his Reporoa-based iwi on a path to become major players in the four industries (power generation, farming, forestry and tourism) that operate in his iwi’s tribal territory.



“Our iwi sit in the midst of four thriving industries which are major contributors to the local, regional and national economy.”

For the past 14 years Roger, a father of three who works at Ag Research in Hamilton as the Maori agribusiness manager, has been involved in the affairs of his iwi having held positions on the Ohaaki Marae Committee to being a board member on Te Runanga o Ngati Tahu-Ngati Whaoa.

In recent years he has also chaired an iwi working committee set up under the runanga to research the social and cultural impact of subsidence in and around Ohaaki Marae, urupa and wahi tapu; and to look at possible solutions to the inundation by the Waikato River. Besides Roger’s dream of seeing his iwi prosper from commercial activity within their area, he also plans to strengthen their cultural base.

“My primary objective in being on the Council is to ensure we communicate the voice of our people and that we reach a settlement that will enable us to develop economically, socially and culturally.

“Within the next five years we hope to establish more projects that build off the success of our marae-based studies programme, but to do this we need to ensure our iwi has the resources to develop our cultural capacity.”

With formal talks now taking place between the Council and the Crown, Roger also hopes that any settlement would not only benefit his iwi but Te Arawa as a whole.

“What I like about direct talks is that we can see the light at the end of the tunnel.

“For me this process is not about grandstanding and pushing the wheel barrow of any one particular iwi.

“It’s about coming together as one for the betterment of all.”



Little iwi ~ big sacrifice

In this edition of *Kaihautu Korero* we begin a series of profiles of iwi and hapu who have opted to directly talk with the Crown through Nga Kaihautu o Te Arawa Executive Council to settle their Treaty grievances.

Ngati Tahu-Ngati Whaoa might appear to be small in numbers but their Treaty of Waitangi claims are possibly one of the largest in Te Arawa Waka rohe.

Roger Pikia tries hard to hold back his emotions when talking about what happened to his Reporoa-based iwi more than a century and a half ago. He is even more passionate when he talks about what has happened to them in the last sixty years.

With only a small number of descendants, perhaps the smallest of any iwi residing in the rohe, he speaks of opportunities his people have been robbed of – and the sacrifices they will have to make to put their Treaty grievances to rest.

At the centre of the iwi's claims are tens of thousands of hectares of land, which includes a major part of the mighty Kaingaroa Forest as well as lands above geothermal fields that feed the Ohaaki, Wairakei and Rotokawa power stations.

The iwi's geothermal claim also extends to the well-known tourist sites of Waiotapu and Orakei Korako – the ukaipo of the iwi.

But the impact of having their land taken is not only historic with scientists predicting that Ohaaki Marae will be under water by 2011 because of subsidence caused by geothermal power generation.

In addition, as thriving as the forestry, power generation and dairy farming industries are in the tribe's own backyard, tangata whenua have seen no real benefits from them.

In their talks with the Crown, the iwi will argue that their lands were wrongfully taken

by Crown purchases, Crown surveyors and the actions of the Native Land Court.

“The taking of lands for surveying costs was ridiculous. It would be like the Government of today saying I'm going to survey your land, even though you don't want me to, and if you can't pay for it I'm going to take your piece of paradise.

“Crown purchases were also used to acquire our land and the problem with that was that Maori had no other legal forum they could turn to if they wanted to debate the purchase.

“The actions of the NLC were also responsible for the alienation of significant blocks of land from our people.”

More than 20 years ago the iwi began the journey of righting the wrongs by lodging a claim, followed by several others, to the Waitangi Tribunal.

Te Runanga o Ngati Tahu-Ngati Whaoa was set up and one of its responsibilities was to drive the iwi's claims and ensure their interests were preserved and protected. After years of waiting in line for their claim to be heard by the tribunal, the iwi made a decision in July 2003 to pursue direct negotiations with the Crown through joining the Nga Kaihautu collective.

Expediency was not the only reason why they joined the larger grouping but also to avoid being politically disadvantaged and isolated.

Roger says when it comes to negotiating Treaty settlements with the Crown, the reality is that size is a major factor.

“What concerns me, and our Ngati Manawa, Ngati Whare whanaunga who probably share this concern with us, is that while we believe our claim is amongst the largest within the Rotorua / Kaingaroa Inquiry Districts, the size of our population is a major factor.

“The Crown says population is a secondary factor, but it nonetheless has some bearing

Negotiation Structure

Nga Kaihautu o Te Arawa Executive Council (governing and overseeing negotiations)

MANAGEMENT

NEGOTIATION SUPPORT TEAMS

- Iwi and hapu support teams to provide negotiators with relevant iwi and hapu information
- Help to provide iwi and hapu negotiation cases

NEGOTIATORS

Talk directly with the Crown to negotiate the best possible settlement for all constituent iwi and hapu

WORKING PARTY

Working on cultural redress issues

SPECIALIST TEAMS

Working on commercial redress issues

This is the structure that will be used in the Executive Council's direct negotiations with the Crown. All of the groups above will be expected to work to specified terms of references which are currently being drawn up. In addition to cultural and commercial redress issues, specialist teams may also be used for other specialised work that might arise. The objective of the structure is to ensure that the negotiators are given as much support and the best information available to ensure the best possible settlement offer is reached.



“It’s a hard job but I love what I do because it’s something I know can make a real difference for our people”

But coordinating the oral and traditional research and interaction with iwi, hapu and whanau is more than just a job to all of them. “It’s a hard job but I love what I do because it’s something I know can make a real

Researchers make headway

The amount of reports and maps on the desks of Dennis Polamalu, Louis Chase and Davey Gardiner are overwhelming.

But then nothing less is expected by the three researchers who have been contracted by Nga Kaihau o Te Arawa Executive Council to help iwi and hapu build their case for claims against the Crown.

The Arawa trio is one of two groups the Council has engaged to assist with the painstaking and meticulous task of pulling evidence together.

For the past several months the Council’s Research Coordinating Team has read through thousands of pages of research and sorted through just as many maps.

In a sense, such places as the Maori Land Court and National Archives have become their second home.

difference for our people,” Dennis said.

Six historians have also been contracted by the Crown Forestry Rental Trust as part of a joint arrangement between it and the Council to undertake the mana whenua research.

The combined research process included the Waitangi Tribunal commissioning an overview research of generic issues and the Executive Council commissioning the mana whenua research and the individual iwi and hapu research reports.

This overall process will clarify Treaty breaches and grievances, identify areas of land loss and other natural resources affected.

In turn it will form an evidential base that will be used to identify major negotiation cases and a collective negotiation case (CNC) for the affiliate iwi and hapu. The CNC will form the basis of Te Arawa’s historical account, cultural redress and financial and commercial redress.

The Council is in the process of pulling together a portfolio of all Crown assets within the region that should be considered in the settlement offer.



Roger Pikia says his iwi sits amidst three thriving industries but sees no real benefits.

on the Crown’s settlement formula.”

Precedence’s have been set in previous settlements where assets have been carved up for distribution and the mode of distribution has not been seen by many iwi and hapu as fair and just. It is in this context that the iwi fear they may be forced to become the “sacrificial lamb” because of population size, Roger says.

“This hurts and this is unfair. We want the Crown and other claimant groups within the collective to realise that. We will fight to achieve recognition of what I believe is rightfully ours despite the fact that political reality is a hard reality to face. We want our people to be part of the thriving industries in our area, not simply to look out the window and watch it all unfold before our eyes.”

◆ see page 5 for a profile on Roger Pikia

KEY POINTS

- ◆ Tens of thousands of hectares of land taken from the iwi.
 - ◆ Orakei Korako geyser destroyed in 1965 as a result of power generation.
 - ◆ The Tupuna Whare ‘Tahumatua’ was shifted from Orakei Korako in the early 1900s.
 - ◆ The iwi’s papakainga is forced out of existence in the 1950s-1960s due to the building of the Ohakuri Dam and hydro power station. All old pa sites had to be abandoned.
 - ◆ Tahumatua was rebuilt at Ohaaki which became the new marae reservation. It is subject to subsidence and inundation.
 - ◆ Iwi’s waiariki at Ohaaki no longer fit for bathing or medicinal purposes because of power generation.
- The power stations in the tribal area of the iwi generate enough electricity to run both Auckland and Wellington cities. The Kaingaroa Forest produces 60% of the country’s total timber exports, and dairy farming in the Reporoa district produces 10% of the country’s total output.



Wilson to hear stories first-hand in hikoi

Stories of land loss suffered by a number of Te Arawa iwi and hapu will be heard in a process where such stories traditionally go unheard.

The various iwi and hapu of Te Arawa represented by Nga Kaihautu o Te Arawa Executive Council will become the largest Maori claimant group, in the history of Treaty negotiations, to directly express their losses to the Crown.

Up until now, Maori groups who have opted for direct negotiations rather than having their claims heard in the Waitangi Tribunal, have been restricted from talking about the core grievances or human stories relating to their claims apart from their negotiating team.

But a new feature in the recently signed Terms of Negotiation between the Council and the Crown is expected to change that when the Minister of Treaty Negotiations visits Te Arawa within the next two months.

The Council's general manager, Rawiri Te Whare said the Whakakotahitanga feature was an initiative by the Council to give the Minister and Crown officials an appreciation of how the respective iwi and hapu feel about their grievances.

"The process will include a hikoi to ensure the diversity of interests and views arising from the various iwi and hapu are reflected in all elements of the Council's work to settle their claims." The Council and the Crown will record all of the stories.

Who is Nga Kaihautu o Te Arawa?

-  Ngati Tuara / Ngati Kea iwi)
-  Ngararanui hapu)
-  Ngati Tura /)
-  Ngati Te Ngakau hapu)

West Region
(Te Ure O Uenukukopako)

-  Ngati Te Roro o Te Rangī hapu)
-  Ngati Uenukukopako iwi)
-  Ngati Rangiteaorere iwi)
-  Ngati Tutenui hapu)

East Region
(Te Ure O Uenukukopako)

-  Ngati Pikiāo iwi)
-  Ngati Rongomai iwi)
-  Ngati Tarawhai iwi)

Coast Region
(Nga Kawatapuārangī)

-  Tuhourangi iwi)
-  Ngati Tahu-Ngati Whaoa iwi)
-  Ngati Rangitihī iwi)

South Region
(Rangitihī – Tuhourangi)

FAQs

frequently asked questions

Q. Does Nga Kaihautu o Te Arawa Executive Council plan to control the assets, cash and other forms of redress likely to eventuate from the direct negotiations it is undertaking?

A. No. The Council only has a mandate to negotiate a settlement, not to control who should govern and manage the return of the settlement assets and their distribution. The decision on whether or not the offer is accepted and who will govern and manage it, will be one for the people of Te Arawa to decide.

Q. How do I have my say on the Crown's settlement offer?

A. In order to vote on the Crown's offer you will need to register. A registration form may be sent to you by requesting one through filling

out the slip below and returning it to the Nga Kaihautu office.

Q. Where can I go for information about the rules governing the Council's affairs and the decisions it has made?

A. The Council has a legal obligation to its Trust Deed. It also holds regular and special meetings at which it resolves to do certain things. These are firmly recorded in minute form and kept on record.

Q. I want to contact the representative for my iwi and hapu on the Council?

A. A list of the representatives, the iwi and hapu they represent, and their contact details can be found on page 12.

Registration of Interest

Please send me ____ (number of copies) registration forms for my whanau so we can register our interest in the claims being negotiated by Nga Kaihautu o Te Arawa Executive Council.

Name _____

Postal address _____

Phone _____ Fax _____

Email _____

I prefer all communication to be via (tick appropriate box): Post Email

Put this completed form in a stamped, addressed envelope and send to:

'Registration of Interest'

PO Box 6084, ROTORUA