

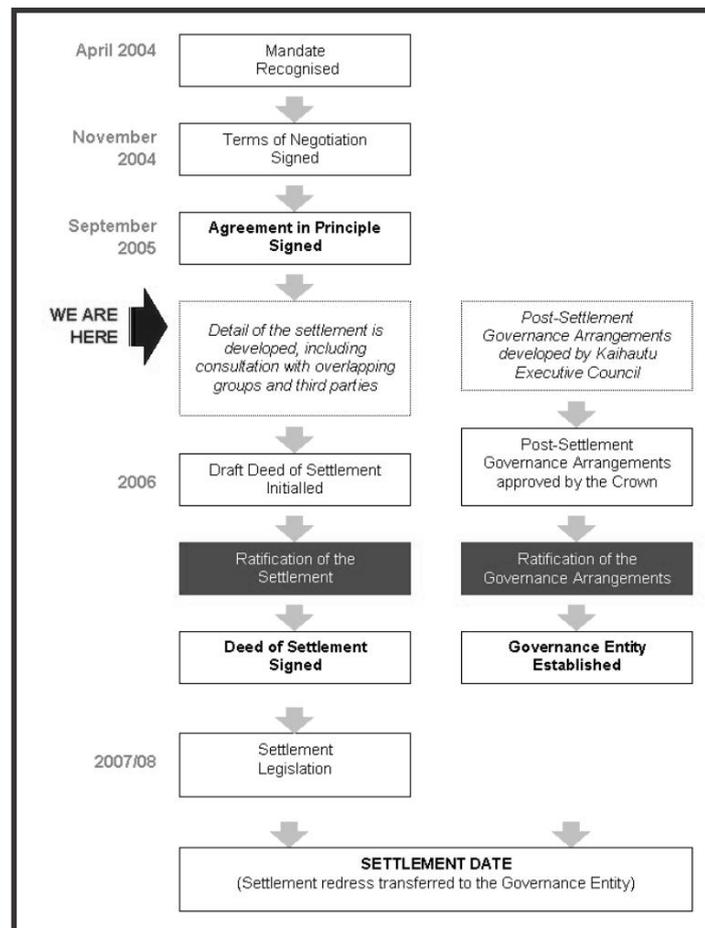
Kaihautu Korero Update

October-November 2005

A news brief for Te Arawa descendants about the Treaty negotiations with the Crown

Where we're at and where we're going!

Because the Treaty settlement process is a complex one, we've decided to publish the following flow chart in the hope to illustrate to you exactly what the direct negotiation process involves.



(Source: Office of Treaty Settlements)

Post governance being explored

The Executive Council has set up a working party to explore what types of entities would best govern the assets to be returned in the settlement to our affiliate iwi and hapu.

The working party is currently looking at a range of governance models for consultation.

It is expected that consultation over this will begin with our affiliate iwi and hapu early next year.

If the proposed post-governance entity is ratified by our affiliate iwi and hapu, it will become the entity to govern the assets – which include cash, land and geothermal resources –

on behalf of our affiliate iwi and hapu.

The ratified entity, like the ratified Deed of Settlement, would be incorporated into legislation.

This does not mean however, that the entity will be set up under an Act of Parliament. The enactment of settlement legislation and an approved governance entity will allow the transfer of Crown assets to occur.

The working party comprises Dr Candy Cookson-Cox, Maureen Waaka and Kere Cookson-Ua.

Registration database gets boost

An agreement to advance iwi registration is being worked through between the Kaihau Executive Council and the Te Arawa Maori Trust Board.

It is hoped the agreement will help increase Nga Kaihau's registration database in which a target of 20,000 people from our affiliate iwi and hapu has been set.

So far Nga Kaihau has some 3000 registered members and an agreed process with the Trust Board is expected to increase that dramatically.

A vast number of the people registered with the Trust Board also claim affiliations to the iwi and hapu represented by the Executive

Council

Intranet and electronic technologies will certainly be used to assist the processing of relevant information.

It is expected the agreement would be finalised by the end of the year.

People registered with Nga Kaihau will have the right to vote on the Crown's settlement offer and the proposed entity that would govern the settlement assets.

In order to be eligible, people must be able to whakapapa to at least one of the affiliate iwi and hapu and be 18 years or over at the time of ratification.

Eyes out for next edition

In the next edition of our full newsletter *Kaihau Korero* we will begin two series called *Waahi* and *He Tangata*.

The *Waahi* series will consist of stories on the maunga, wahi tapu and wahi whakahirahira (sites of significance) being offered back to us.

The *He Tangata* series will consist of stories on the people, the movers and shakers so to speak, who have been influential in helping to bring to fruition settlement of the land grievances of their iwi and hapu represented by the Executive Council.

Inaccurate report corrected

On October 5, Te Kotahitanga o Ngati Whakaue printed a one page advertisement in the Rotorua Daily Post newspaper stating its opposition to the Agreement in Principle (the AIP) recently negotiated between Nga Kaihautu o Te Arawa Executive Council (the KEC) and the Crown. The advertisement contained a number of factual errors and in light of this we provide the following comments for the purpose of clarifying the intent and detail of the AIP.

The AIP challenges or compromises the autonomy of those Ngati Whakaue hapu that sit outside the mandate of the KEC.

The AIP signed between the Crown and KEC only applies to the affiliate iwi and hapu. It does not affect the rights or the claims of groups outside the KEC.

The AIP deliberately divides members of Ngati Whakaue and pitches them against each other.

The AIP provides a definition of Te Arawa iwi/hapu affiliated to KEC including Ngati Ngararanui, Ngati Tura/Ngati Te Ngakau and Ngati Te Roro o Te Rangi. These are hapu of Ngati Whakaue who, of their own choice, decided to remain in KEC. The Deed of Settlement arising out of the AIP will settle all KEC affiliates' historical Treaty of Waitangi claims. It does not imply the AIP will affect or extinguish the rights of groups sitting outside of KEC.

Ngati Whakaue plans are subject to the AIP, in direct breach of their Treaty rights and infringes on Ngati Whakaue's prerogative to negotiate directly with the Crown.

The AIP identifies the Wai numbers of claims that will be settled in this process. The AIP states that in respect of 'overlapping' claims, they will be settled in so far as they relate to the affiliate Te Arawa iwi/hapu. The claims of Ngati Whakaue groups outside KEC are not affected by the AIP, nor does the AIP limit the ability of non-KEC groups to negotiate their own claim directly with the Crown.

The AIP has the Crown confirming that other tribal interests (including those of Ngati Whakaue) are subject to the resolution of overlapping claims to the satisfaction of the Crown.

The agreement between KEC and the Crown, as set out in the AIP, is subject to the Crown confirming that overlapping interests of other tribal groups have been addressed to the satisfaction of the Crown.

The AIP is designed to protect, rather than limit, the rights of other groups with interests in the specific areas offered under the proposed settlement. The AIP does not apply to or affect in any way, Ngati Whakaue's interests in areas that are covered by the proposed settlement.

Three maunga tapu are "under threat" (i.e. Mt Ngongotaha, Mt Moerangi and Titokorangi Peak).

Up to 50 hectares of Mt Ngongotaha Scenic Reserve will be offered to KEC subject to the scenic reserve status remaining, and KEC governance entity agreeing to support the restoration project of the Mt Ngongotaha Restoration Trust.

Up to 50 hectares of Mt Moerangi is also offered subject to a conservation covenant to maintain conservation values and consultation with the Crown forest licensee. In both cases the cultural redress is offered subject to all overlapping interests being satisfied to the satisfaction of the Crown.

Titokorangi Peak is not mentioned in the AIP.

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The AIP will transfer 4.3 hectares of Roto-a-Tamaheke Reserve to “groups who are not the original owners.” **Roto-a-Tamaheke Reserve is offered subject to all overlapping interests in relation to the site having been addressed to the satisfaction of the Crown.**

The AIP will transfer 45 hectares of the Whakarewarewa Thermal Valley to groups who are not the original owners.

The AIP states the Crown “acknowledges and recognises the significance of the Whakarewarewa Thermal Springs Reserve” to KEC affiliates.

It also states the Crown “acknowledges and recognises that certain Ngati Whakaue hapu...have interests in this site.” The Crown has offered “to explore with KEC (in consultation with those Ngati Whakaue hapu)” for inclusion of this site in the KEC settlement. The site will remain subject to the existing lease held by the New Zealand Maori Arts and Crafts Institute (MACI) and will negotiate with MACI to ensure ongoing efficient management of their interests arising out of the separation of ownership of the land.

Under the AIP the Crown says that Ngati Whakaue has no claim to land such as the Patatere block (20,000 acres) and other land acquired by the Crown for railway tracks and depot purposes.

The AIP makes no mention of the Patatere block.

Other key Ngati Whakaue interests affected by the AIP include the geothermal water and geothermal energy located in the Rotorua Regional Geothermal System.

The AIP provides KEC affiliates with statutory acknowledgements.

These acknowledge the cultural, spiritual, historical and traditional association of KEC affiliates with particular sites, and places certain notification requirements on government consent authorities. The geothermal statutory acknowledgement does not compromise Ngati Whakaue’s interests in any way. In fact the AIP states statutory acknowledgements:

- (a) will not affect the lawful rights or interests of a person who is not a party to the deed of settlement;
- (b) will not prevent the Crown from providing a statutory acknowledgement to persons other than the KEC with respect to the same area.

The AIP also states “the decisions of affiliate iwi/hapu in relation to this settlement is a decision that the affiliate iwi/hapu take for themselves alone and does not purport to affect the position of other tribes.”

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