



Pumautanga Korero

MARCH-APRIL-MAY 2007

A newsletter for Te Arawa descendants about the settlement of the historical

Treaty of Waitangi claims of the iwi and hapu affiliated to Te Pumautanga O Te Arawa

Reporting on KEC Activities 2003-2006

On Sunday 30th September 2007, TPT held a hui at Te Pakira Marae to report on the KEC Activities from 2003-2006. It was heartening to have an excellent turnout of attendees with most arriving on time.

Fred Cookson tabled and presented the financial statements for the 17 months ended 31st December 2006. He advised that this was the second set of audited accounts to be presented and that whilst KEC was formally disestablished on 30 November 2006, final accounts could not be closed off until the end of the year.

Fred noted that throughout the period in question the KEC carried a deficit of close to \$1 million. Each KEC representative had been individually and personally liable for that debt. It said much for their fortitude and leadership that despite this they were able to manage the process through to a successful settlement.

Of major concern to KEC representatives however, was the high cost of litigation experienced by the KEC, due to it having to defend in a number of legal forum, firstly mandate and secondly the settlement. While KEC was able to successfully defend all cases, the total cost of litigation was more than \$3 million. Of this the last \$1.8 million was only able to be financed and paid following the signing of the DOS.

On a more positive note, Fred reported a closing balance of \$45,000 *"in the black"* as it were.

Following the financial report, Rawiri Te Whare tabled and presented a summary of KEC activities from 2003 to 2006. In his delivery Rawiri made mention of a number of key points:

- the mandating process and the establishment of KEC;
- the 2004 and 2005 mandate challenges before the Waitangi Tribunal;
- development and execution of the Trust Deed and subsequent reviews and amendments to that Deed;
- the Road to Settlement;
- signing Terms of Negotiation;
- the Telling their Stories and Hikoi;
- developing Post-Settlement Governance proposals;
- negotiating the detail of the DOS;
- the successful and concurrent ratification of the initialled DOS and proposed PSG Arrangements; and



Fred Cookson

Pumautanga Korero

Pumautanga Korero is produced every two months by Te Pumautanga O Te Arawa Trust.

It aims to inform Te Arawa descendants about the settlement of the historical Treaty of Waitangi claims of its affiliate iwi and hapu.

To support the communication of affiliates, articles may be presented for possible publication. For all editorial inquiries please contact:

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Kia ora...

Message from the Chairman

TPT continues to work through to the successful conclusion of its settlement.

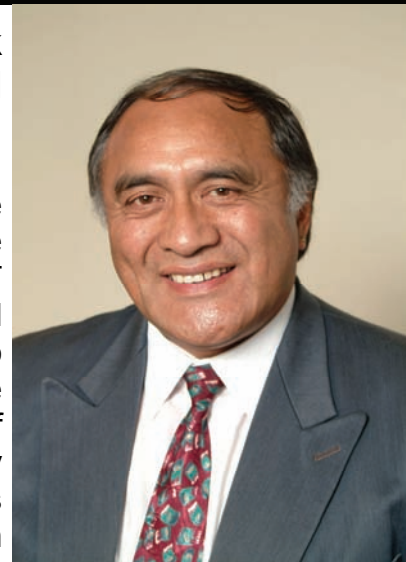
We expect the bill outlining the settlement legislation will shortly be introduced into Parliament. TPT has been working extremely hard meeting with political leaders to explain our settlement and to shore up support for the passage of legislation. We have been very pleased with the audience given us by each of the political parties with whom we have met to date. In addition to meetings with Labour Ministers, we have met with NZ First, United Future, the Greens, National (more than once) and most recently with the Maori Party.

On that note I want to thank and make special mention of the kaumatua and kuia who made themselves readily available to attend these political meetings, often at very short notice.

In continuing to proceed to the first reading, we have been mindful of the recommendations from the fourth and fifth Waitangi Tribunal Urgent Inquiries. TPT believes the Tribunal recommendations are based on insufficient information. Because we were in direct negotiations, we formally withdrew from the CNI Stage One Hearings on 10 December 2004. Clearly that means the Tribunal has not had opportunity to consider the evidence of the 82 claims under TPT. It is our belief that had we been able to present our evidence, the Tribunal's outcome and subsequent recommendations would have been vastly different. As it is TPT is clear that Affiliates have a **DOMINANT** interest in the lands offered to us in this settlement.

That said we are seriously considering the Tribunal's recommendations to see if we can accommodate them in any way. Rather than wait for a CNI Forum as suggested by the Tribunal, we have actively sought meetings with each of the overlapping claimant groups in an effort to resolve their concerns. Not all groups have been prepared to meet with us.

As reported in previous issues, we have successfully



Chairman - Eru George

Continued from page 2

defended our settlement in the High Court and the Court of Appeal. We have persuaded the Crown to remove itself from the settlement as 'confirmed beneficiary'. The Crown has agreed that the residual accumulated rentals be set aside for 'Maori Purposes'. This was announced in a joint media statement by Ministers Cullen, Horomia and Burton on 24 September. A copy of that statement is included in this issue of Pumautanga Korero (see page 5).

The Crown declaring itself a 'confirmed beneficiary' is at the heart of the cases bought by the Appellants. We are disappointed therefore that the Appellants have chosen to apply to the Supreme Court for a further Hearing despite the statement from the Ministers. TPT has made submissions opposing the holding of such a Hearing. If a Hearing were to be granted, we will participate fully to once again, defend our settlement. We are too close to success to be dissuaded at this late stage.

TPT has taken a firm stand on behalf of our beneficiaries. In a recent meeting with Ministers Cullen and Burton, Dr Cullen made it very clear that the government has signed a contract with the TPT Affiliates and will honour that contract.

Can we do any less for our beneficiaries, now and in the future?

ERU GEORGE

Chairman

Continued from cover page

Reporting on KEC Activities 2003-2006 (contd.)

- the establishment of the TPT.

Following opportunity for questions and comments the hui formally resolved to receive and approve the presentation and the associated financial statements.

Nero Panapa and Henry Colbert then provided a joint update on TPT business. This was followed by an update from Ruka Hughes on the creation of Affiliate entities. All 11 Affiliates have established and confirmed their legal entities.

There being no further business, Anaru Rangiheuea closed the hui with a final karakia. Attendees then adjourned to Te Rau Aroha for entertainment and a bite to eat. All and all the hui reports and presentations were very well received.



Anaru Rangiheuea

Submission to the Select Committee

With the soon to be introduction of the TPT settlement legislation, Affiliates are being urged to make submission IN FAVOUR of the settlement. Too often only the complaints of the "anti's" are heard.

It is time for TPT's supporters to be heard. Contact the office on tpota@xtra.co.nz and make sure the Select Committee hears from YOU, who will benefit most from the settlement. We can assist you in drafting your submission. See overleaf for more information about submissions.

The Select Committee Process Making Submission on the Te Arawa Settlement

By Henry Colbert, Communications Coordinator

Enabling Legislation

Introduction of our enabling settlement legislation into the House of Representatives [Parliament] is close at hand, and, subject to it passing the first of three Readings, the draft legislation will then be referred to a Select Committee for the calling of submissions from the public.

Select Committee Process

This Select Committee process of receiving and hearing submissions both for and against the proposed legislation is a critical step in determining whether Parliament will accept or reject our settlement. When the Bill is successfully introduced, the Select Committee will set down a timetable and give public notice of the filing and hearing of submissions. Persons filing submissions must do so by a certain date. Ensuring submissions are actually filed before due date is therefore a critical management task.

Workshop Approach

On 10 August 2007, a Trustee Workshop was conducted to gear up the organization in preparation for this key business management task. It was agreed that although TPT will itself file a comprehensive submission, it was seen as essential that each of the 11 affiliate iwi and hapu present their own submissions capturing the passion of their individual circumstances. In addition, a generic submission should be produced by TPT for signing by as many of our supporters as is possible. The greater the number of submissions filed in support, the better our chance of success.

On 5 October 2007, a Select Committee Submissions Workshop of identified affiliate iwi and hapu resource people was conducted for the specific purpose of determining resource requirements, setting rigid timelines, and actually commencing the submission drafting process. A firm commitment to work collaboratively in managing this vitally important task was sought and obtained.

It's Our Turn Now!

For the past 12 months and more, we the Affiliate Te Arawa Iwi and Hapu have had to put up with the challenges from our detractors in the High Court, the Court of Appeal, and possibly the Supreme Court. We have had to suffer in silence the blatant misinformation presented by those same people in the Waitangi Tribunal.

Now it's our turn to state the facts of our affiliate iwi and hapu association with our ancestral lands. Now it's our turn to correct the many untruths told to the Tribunal. Now it's our turn to let the politicians, the Tribunal and indeed the whole Country know that we, Te Arawa, have exercised our *tino rangatiratanga* by entering into direct negotiations in good faith with our Treaty Partner, the Crown. Our collective submissions to the Select Committee will allow us to do so with passion.

We are almost there!
We will not fall at this the last hurdle!
We will not fail our *tamariki/mokopuna*!

The Cost of **NOT** Settling

“A view by Nero Panapa, Operations Manager”

The TPT settlement has come under intense scrutiny in recent months.

Overlapping claimant challenges in the Waitangi Tribunal. FOMA and NZMC have led to cases before the High Court and the Court of Appeal. Both Courts declined the applications before them.

While not wanting to stop the settlement, the Tribunal has however, recommended that the TPT settlement be delayed and that TPT join a CNI Forum to negotiate the collective settlement of all Crown Forest Licensed lands. This will be the fourth attempt to do so following on from Te AMA in the nineties, VIP and CNI.

All five CNI Iwi were at the starting line together. TPT has reached the goal of settlement and it is a big ask for the Affiliates to start afresh in a new process that has no guarantee that another settlement can be successfully achieved.

Whilst the current TPT settlement has withstood robust investigation, it is clear to me from comments made in these forum and elsewhere, that those not actively involved in the negotiations have very little idea or understanding of the settlement.

The Tribunal in its deliberations exposed much of the detail from our *confidential negotiations*. People have chosen to place their own interpretation on the information provided to the Tribunal and made a number of assumptions, most of which are patently wrong.

The settlement was very complicated to negotiate and is difficult to explain, even if TPT was of a mind to do so. When you take a \$36 million cash Quantum and use it to leverage up an asset value worth an estimated three times that amount, it cannot be anything

but complicated.

The nature of the settlement is such that there is little (if any) impact on the public purse. The settlement does not involve private land and the impact on third parties (e.g. those with leases over the settlement lands to be returned) will be minimal.

What then is the cost of **NOT** settling?

In June this year the Crown Forestry Rental Trust (CFRT) released its Annual Report to Appointors for the year ended 31 March 2007.

Since 1990 the total disbursements received by Claimants in the CNI is in excess of **\$26 million**. In 2007, **\$1.6 million** was paid out in Direct Assistance to Claimants, and a further **\$381,000** in District Research District Facilitation costs.

During its three years of operation, the KEC received **\$3.2 million**. Having signed its DOS, TPT is no longer eligible to receive further funding from CFRT, under that Trust's current policy.

While we acknowledge Ngati Manawa and Ngati Whare are right on our heels, only TPT has managed to achieve a settlement, a settlement that is contingent only on the successful passage of the legislation through Parliament.

So what do the figures tell us.

When CFRT was first established in 1990, it was expected that the Crown and Maori would use their 'best endeavours' to settle all the Crown Forest Licensed lands within 9 years. If you consider the **\$26 million** investment from CFRT, take into account the



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cost of CNI Tribunal Hearings and Urgent Inquiries, and factor in the cost of Legal Aid, a figure of **\$50-\$60 million** to reach this point would not be unheard of.

Only TPT has successfully used its resources (**\$3.2 million**) in a manner that means it is now in a position to achieve settlement.

Too many of our original claimants have passed on. The years spent, the resources used and the commitment of individuals mean the cost of getting to settlement has been extremely high.

The cost of not settling does not bear thinking about.

Local Economy to Benefit on Te Arawa Settlement

Published 8 October 2007

The local economy is set to benefit upon the legislation of the Te Arawa Settlement.

Te Pumautanga O Te Arawa Trust's Chief Negotiator, Rawiri Te Whare said he believes it will have benefits for the local community and the region as a whole.

"The Settlement, which involves no private land and protects the rights of public access and the ongoing interests of third parties, will ensure that the land remains in local ownership."

"We are, and will remain, committed to the local economy for a very long time," he said.

"We will ensure that the 52,000 hectares of forest lands will remain in forest where necessary, thereby contributing to sustainable and effective climate change benefits."

"Continuing to support home based commercial developments and industries in the forestry sector is also paramount to the Trust," he said.

"Only the ownership of the land will change from the Crown to local Iwi."

"Settlement keeps everything local."

Mr Te Whare said Te Pumautanga O Te Arawa Trust has now established a commercial arm known as Te Arawa Group Holdings, which will focus solely on commercial growth, development and sustainability.

"Te Arawa Group Holdings will hold and grow the assets going forward."

"The company will be the subject of a robust process and will recruit the best people for the job ahead," he said.

Te Pumautanga O Te Arawa has also set up a non commercial arm to deal with social and cultural objectives.

"We are keen to see the Settlement become legislation as soon as possible so that we can channel all of our energy into financial growth and development as well as social stability and cultural integrity."

The Deed of Settlement was signed on 30 September 2006 after being ratified by 97 per cent of its registered members.

Te Arawa Iwi / Hapu affiliated to Te Pumautanga O Te Arawa Trust represent 82 Waitangi Tribunal claims and approximately 24,000 or just over one half of the total Te Arawa population.

"Let's move out of grieving and complaining mode, and engage in long term strategic and productive developments for our people and our community as a whole," said Mr Te Whare.

Legislation is due to be entered into the House soon.

On 24 September the Minister of Finance Hon. Dr Cullen, the Minister of Maori Affairs Hon. Parekura Horomia, and the Treaty Minister Hon. Mark Burton, issued a joint statement that the Crown would remove itself from the settlement as 'confirmed beneficiary'. For the sake of clarity we reproduce that media release.



Hon Dr Michael Cullen

Minister of Finance

Hon Mark Burton

Minister in Charge of Treaty of Waitangi Negotiations

Hon Parekura Horomia

Minister of Maori Affairs

Affiliate Te Arawa Iwi and Hapu Settlement Legislation

The Ministers of Treaty Negotiations, Finance and Māori Affairs have proposed to meet with Central North island iwi who are not part of the Affiliate Te Arawa Iwi and Hapu settlement agreement, to discuss their concerns about the accumulated rentals for deferred purchase land arising from aspects of that settlement package.

"It has never been the Crown's intention to become the ultimate beneficiary of these funds and we have stated that the funds would be used for Maori development. I am leading work considering how this can best be achieved" said the Minister of Finance Dr Michael Cullen.

"We have discussed our intentions with Te Pumautanga o Te Arawa, which represents the Affiliate Te Arawa Iwi and Hapu, and now look forward to discussing these issues with other Central North Island iwi and Māori representative organisations," said Māori Affairs Minister Parekura Horomia.

"In discussions with Te Pumautanga on this matter I repeated the Crown's commitment to honour the Crown settlement offer accepted so overwhelmingly by the members of the Affiliate Te Arawa Iwi and Hapu. Te Pumautanga repeated their determination to honour the decision of their people and proceed with the implementation of the settlement through legislation," said Treaty Negotiations Minister Mark Burton. "However, to enable these meetings to go ahead the Government and Te Pumautanga o Te Arawa have agreed that it is desirable to delay the introduction of the Affiliate Te Arawa iwi and hapu settlement legislation."

"Te Pumautanga and Ministers agree that providing other iwi in the region with the opportunity to discuss their concerns with the Crown will ultimately benefit all in the region."

Te Pumautanga o Te Arawa was mandated to receive and manage the settlement on behalf of the Affiliate Te Arawa Iwi and Hapū. Participating beneficiaries voted overwhelmingly to support the negotiated settlement. We acknowledge Te Pumautanga's position that any change to the terms of

their settlement could only occur with the active support of the Affiliates, and would have to maintain or improve the value of their settlement,” explained Mark Burton.

Following a number of attempts to develop a collective settlement process in the Central North Island in 2002-2003, the iwi and hapū of the region (Te Arawa, Tuwharetoa, Ngati Whare, Ngati Manawa and Nga Rauru o Nga Potiki o Tuhoe) wanted and were given priority to enter into formal discussions with the Crown. Some iwi and hapu have since decided to proceed along their own paths to comprehensive settlements of their historical grievances. The Affiliate Te Arawa Iwi and Hapū represent more than 24,000 people, just over half of Te Arawa. They signed a Deed of Settlement on 30 September 2006, the first of the Central North Island iwi to reach a comprehensive agreement with the Crown.

To reach that point the group undertook a rigorous process to ensure they had the right to represent their members in negotiations with the Crown. This mandate was further tested through judicial and tribunal processes and was sufficiently strong to survive both these challenges and a lengthy period of negotiations. The Crown is continuing to negotiate settlements with other iwi in the region.

“I also continue to support the efforts by other iwi to come together to help resolve some of the demanding challenges posed by the settlement of historical grievances in the Central North Island,” said Mark Burton.

Contact: Simone Jansen, (04) 471 9773 or 021 502 914, Office of Hon Mark Burton

Te Arawa Settlement Optimizes Commercial Benefits

Published 21 August 2007

“Coming together as one collective was always going to optimize the commercial benefits of a settlement for Affiliate Te Arawa Iwi and Hapu.”

That is according to Rawiri Te Whare, chief negotiator of the post-settlement governance entity, Te Pumautanga O Te Arawa.

“One needs then to ask why those Iwi and Hapu, who were originally part of the collective known as Nga Kaihautu O Te Arawa, withdrew from that forum.” he said.

In its final report on the impact of the Crown’s settlement policies on Te Arawa Waka and other Tribes, the Waitangi Tribunal recommended that the Te Arawa Settlement be varied or delayed pending the outcome of a forum of Central North Island (CNI) Iwi.

The purpose of that forum would be to reach collective agreement on issues of allocation and overall proportionality of Crown Forestry Licensed (CFL) land, as well as the



Rawiri Te Whare at the Reporoa Block

priority to be afforded the different Iwi.

Mr Te Whare said there have already been three attempts to unite.

“The last CNI forum collapsed because some Iwi decided to pull out,” he said.

“The 11 Affiliate Te Arawa Iwi and Hapu have stuck with the commitment to negotiate a collective settlement and have achieved just that.”

Mr Te Whare said there is obviously some confusion as to exactly where those CFL lands included in the settlement are located.

“Most people do not appreciate the full extent of the Kaingaroa Forest,” he said.

Covering an area of approximately 186,000 hectares, Kaingaroa Forest stretches from south of Kawerau to south of State Highway 5 at Taupo and borders the Reporoa / Broadlands district.

It includes the satellite forests of Rotoehu, Horohoro, Waimangu, and Highlands.

“Most people know where these forests are because they are well-known areas in the Bay of Plenty / Taupo region.”

“However, that is not the case with the CFL lands known as Reporoa, Wairapukao, Waimaroke and Pukuriri.”

“All of these lands are on the doorstep of the Reporoa / Broadlands Basin.”

Mr Te Whare said it is also obvious that this confusion has given rise to the question of whether or not these CFL lands were rightfully offered by the Crown in settlement.”

“Many people are not aware that before these CFL lands were acquired by the Crown, the land was Maori freehold land, title to and ownership of which had already been determined by the Native Land Court”.

“There is no doubt that the CFL lands offered in settlement are lands which certain members of our affiliate Iwi actually owned or had a customary interest in,” he said.

“Ngati Pikiao has a dominant interest in the Rotoehu Forest; Ngati Tuara Ngati Kearoa has a dominant interest in the Horohoro Forest, Tuhourangi has a dominant interest in Waimangu and Highlands (part of the Whakarewarewa CFL), and Ngati Tahu-Ngati Whaoa has dominant interests in the Reporoa, Waimaroke and Pukuriri CFL lands, as well as a threshold interest in Wairapukao.”

Each one of these Affiliate Iwi has come together to optimize the commercial benefits of a collective settlement.”

“All 11 Affiliates have contributed to the quantum and all 11 will therefore share equally in the commercial benefits of that quantum.”

Mr Te Whare said the CNI forum recommended by the Waitangi Tribunal will not deliver collective benefit to the 11 Te Arawa Affiliates.

“The high ideals of allocation, proportionality and priority will more than likely drive the CNI Tribes even further apart,” he said.

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Te Arawa Still Fighting for Democratic Rights

Published 7 September 2007

Te Pumautanga o Te Arawa Trust and its 11 Iwi and Hapu affiliates continue to stand for their democratic right and '*tino rangatiratanga*' to a settlement.

Responding to the Waitangi Tribunal's latest recommendation that the Te Arawa Settlement be delayed, Te Pumautanga Trust chief negotiator Rawiri Te Whare said there were many opportunities for competing iwi with contentious issues to get around the negotiating table.

"After all, the formal part of this process began way back in 2002 when five of the Central North Island (CNI) Iwi, namely Te Arawa, Tuwharetoa, Tuhoe, Ngati Manawa and Ngati Whare collectively agreed to enter into formal discussions with the Minister of Treaty of Waitangi Negotiations."

"Those initial discussions centred round progressing the CNI Iwi historical claims through direct negotiations with the Crown, rather than going through the full Waitangi Tribunal process," he said.

"Even after a lengthy Tribunal process, claimants still have to negotiate with the Crown."

Mr Te Whare said that back in 2001 / 2002 even the Maori appointors to the Crown Forestry Rental Trust itself proposed an alternative option to the Crown, to settle the licensed forests without going through the Waitangi Tribunal process.

The affiliate Te Arawa Iwi and Hapu chose to forgo the Waitangi Tribunal, while the other CNI Iwi chose to withdraw from the collective.

"We chose direct negotiation to avoid escalating costs and fragmentation resulting from a long drawn out Waitangi Tribunal process over many years."

Over a period of six months in 2003, 43 hui (meetings) were held throughout Te Arawa to establish the level of support for this process.

Mr Te Whare said the outcome was the formation of Nga Kaihautu o Te Arawa (now known as Te Pumautanga o Te Arawa) through a robust democratic process, and the establishment of an executive council.

"This was the body mandated to represent the affiliated iwi and hapu of Te Arawa in settlement negotiations with the Crown."

"The Crown has publicly stated that we undertook a rigorous process to ensure we had the right to represent our members in negotiations with them."

"One of the most frustrating things is that while Te Pumautanga Trust has demonstrated a clear democratic mandate from the people it represents, the individuals raising legal challenges through the Waitangi Tribunal have not had to do the same."

"The Tribunal has remained silent on the fact that in the early nineties there have already been two major Te Arawa land settlements, namely the Ngati Whakaue Settlement and the Ngati Rangiteaorere Settlement."

"Our people have exercised their democratic right; they have cast their vote and ratified both the Deed of Settlement and the post-settlement governance entity."

Collectively, the 11 Iwi and Hapu affiliated to the Te Pumautanga Trust account for approximately 24,000 (or just over one-half) of the total Te Arawa population.

The Deed of Settlement was signed on 30 September 2006 after being ratified by a clear majority of the Te Pumautanga Trust's registered members.

"We are now ready to carve out a future that will provide strong economic growth and

KAUPAPA KORERO

social stability for our people as well as for the region as a whole,” he said.

“Our mandate has been sufficiently strong to survive many challenges as well as a lengthy period of negotiations.”

“We’re now more determined than ever to honour the decision of our people and proceed with the implementation of the settlement through legislation as soon as possible.”



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