



Kaihautu Kōrero

JULY-AUGUST 2005

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



Ngāti Wahiao rejoin Kaihautu

Just recently Ngāti Wahiao hapū rejoined to participate with Tuhourangi in our negotiations with the Crown. At Te Pakira Marae in Rotorua, kuia and koroua from Ngāti Wahiao presented their story about their claim to Crown officials. John Waaka (pictured above) was one of the speakers. After telling their story, the home crowd took the Crown officials on a tour of the Whakarewarewa thermal valley, which is one key area in the hapū's claim. Kaa Daniels and John Waaka were elected as Ngāti Wahiao's representatives on Ngā Kaihautu o Te Arawa. John is Ngāti Wahiao's member on the Executive Council. Look out for the next edition of *Kaihautu Kōrero* where we will profile more on Ngāti Wahiao's claim. INSET: Officials from the Office of Treaty Settlements Sarah Jardine, Heather Baggott and Ross Philipson take in what Ngāti Wahiao speakers have to say.

Kaihautu Kôrero

Kaihautu Kôrero is produced every six weeks by Ngā Kaihautu o Te Arawa Executive Council. It aims to inform Te Arawa descendants about the direct negotiations the council is undertaking with the Crown to settle the historical Treaty of Waitangi claims of its affiliate iwi and hapū.

Because of the high demand for information *Kaihautu Kôrero* will be supplemented by *Kaihautu Kôrero Update* every three to four weeks.

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E-News

To receive our newsletters and updates by email, please contact us.
Kia ora!

Message from the Chairman



Tçnâ koutou katoa,

Negotiations are still on track, but its intensity has escalated significantly.

The negotiators are feeling the “heavy going” of processing huge amounts of negotiation information and being at the same time strategically focussed to ensure they have the best information before them.

A primary issue for the negotiators in a significant collective such as Ngā Kaihautu o Te Arawa, is accommodating all of the affiliate iwi and hapū claims interests.

This has been the most complex part of the process.

The negotiators are working hard to achieve the best deal in pulling together the historical account, cultural redress and commercial and financial redress packages to be as comprehensive and as inclusive as possible.

They are not expecting to achieve a settlement based on true economic loss or a settlement that is fair and just in the true sense of the term.

They expect however the settlement to be comparable with like settlements and fair in the political circumstances.

One may conclude in the true economic loss sense of the term that: “There is nothing JUST about a settlement, its JUST a settlement.”

We’ll keep you posted on developments.

ERU GEORGE

Chairman, Ngā Kaihautu o Te Arawa

Kaihautu goes online

**Tell the whânau here and
overseas to go to:**

www.nkota.org.nz

Our negotiators



William Henry Colbert

- Te Arawa (Ngararanui, Ngāti Tura, Ngāti Te Ngakau) and Tuhoë
- Educated at Hato Petera Māori Boys College

Henry joined the Department of Māori Affairs in 1967 where he worked in the Māori land development, Māori housing and the Māori Land Court (MLC). He was appointed deputy registrar of the Waikato-Maniapoto MLC in 1979. One and a half years later he was appointed registrar of the Tairāwhiti MLC. Then in 1985 he transferred home as registrar of the Waiariki MLC. Henry resigned from the MLC in July 2003 to take up the position of community relations manager (Kaitakawaenga) for Kaingaroa Timberlands

Management Limited, which manages the large Kaingaroa forest estate. Henry has had more than 30 years experience in MLC and the Department of Justice at regional senior levels. Henry's current position requires that he negotiates with neighbouring landowners, forest users and iwi on a range of issues, including, resource consent, forest access, licenses and concessions. Some of his notable experiences include: negotiating rules and regulations for the MLC • negotiating terms of employment and redundancy for staff impacted by the devolution of the Department of Māori Affairs • negotiating the 1989 start-up of the stand-alone MLC within the Department of Justice • negotiating regulations for Kauae Urupā between Ngāti Whakaue and the Rotorua District Council.



Brian Bargh

- Pākehā
- Massey University, Masters in Agricultural Science

In the early 1970s Brian was a manager at the Department of Aboriginal Affairs in Darwin, Australia. In the late 1980s, he worked as a Treaty policy advisor for the Department of Māori Affairs. As an official of the Office of Treaty Settlements he represented the Crown in negotiations with several iwi. He has also been an advisor for the Department of Survey, Land Information and Te Puni Kokiri. Brian has more than 20 years experience working for the Government in the area of Treaty policy. Today Brian is a director of Huia New Zealand

Ltd with his wife Robyn. Some of his work has included: providing advice on the development of the fiscal envelope • preparing a historical background report on the Rotorua lakes claim and helping to establish negotiations with Te Arawa over the settlement of the claim • a Crown negotiator in Treaty settlement talks with the Whanganui River Māori Trust Board, Tuhourangi, Ngāti Rangitūhi and Ngāti Te Ata at Waiuku • giving the Crown advice on preliminary negotiations with Ngai Tahu • negotiating the return of surplus Auckland Railway lands to Ngāti Whatua at Orakei.

▶▶▶ SEE PAGE 10 FOR MORE NEGOTIATOR PROFILES...

Striving for resurrection:

The Ngāti Kea-Ngāti Tuara Story

Crown actions almost wiped Ngāti Kea-Ngāti Tuara from the face of Aotearoa.

Prior to the end of World War II however, people from the iwi originally based at Horohoro have been returning to resurrect a once proud people and thriving community.

During the period 1880–1920, and the period after 1930, the iwi lost about 90 per cent (46,000 acres) of its land due to the failure of the Crown to protect their interests.

Today they are left with 4000 acres of land, only half of which may be economically viable. The iwi's tribal area includes Tarewa Rd in Rotorua due west to Pukehangi Rd, where the iwi was forced to locate their marae prior to World War I following the loss of their land in Horohoro.

In the 1880s the iwi's population was about 300 people. By the 1960s most iwi members had been displaced, many moving to live with relatives in Otaki, Manawatu and the Far North where work for unskilled labourers who spoke little or no English could be found.

“It is difficult for us today to appreciate the extreme poverty of our ancestors in those times and the hardships they experienced following the activity of the land purchase agents and the land court – our tupuna were never willing sellers.”

The iwi also believe they were prejudiced by the Crown because some of their ancestors were strong supporters of the Kingitanga.

As a border iwi, Ngāti Kea-Ngāti Tuara faced other pressures.

“In those days and even today we were and are being pressured by other iwi, such as Ngāti Raukawa, to adhere to their doctrine. We know our whakapapa.”

Another major breach occurred in the late 1920s when iwi land was leased to families from Ngāti Kahungunu as part of the Sir Apirana Ngata farming scheme. However, upon leaving the area the leases were never returned to the iwi and ended up in Pākehā ownership.

In the early 1960s the Crown forced the iwi to sell more land to the then New Zealand Forest Products due to lack of access to 1700 acres.

“The Crown policy aimed at breaking Māori communalism had achieved its purpose and the guarantee of tino rangatiratanga in article two of the Treaty had been denied.

“The break up of our iwi would not have happened if the Crown had adhered to the terms of the Treaty. The original people could have remained and a social structure could have been further developed.”

Untold sacrifices:

The Ngāti Tura-Ngāti Te Ngakau Story

Tirohanga mata whaiti o ngā tupuna o Ngāti Tura o Ngāti Te Ngakau ki ngā tikanga me ngā kōrero papai o mātou tupuna ka ngāro i te pō. Nōreira, ngā tini mate haere, hoki atu ki to tātou Ariki, haere atu rā. Tçnā hoki te hunga ora o Te Arawa waka, Te Arawa whanuitanga. Kei te tumanako e noho ora tonu mai koutou hei kanohi kitea hei kanohi ataahua.

Tihei mauri ora!

Just how much Ngāti Tura-Ngāti Te Ngakau sacrificed for the forced development of railways in Rotorua, has been made clear in negotiations with the Crown.

As the Executive Council representative for the iwi Matoroa Brian Peni believes the negotiations with the Crown will help rebuild Ngāti Tura-Ngāti Te Ngakau’s future developments.

“If there is one thing that we, Ngāti Tura and Ngāti Te Ngakau want, it is real results.”

Land in and around Ngongotaha – including the Tarukenga Railway Station, Okoheriki Scenic Reserve and Parawai blocks – were taken for railway purposes.

According to Matoroa his iwi lost about 44,000 acres through the Public Works Act and the Thermal Springs Act.

Today they retain less than 10 percent of their former lands. The land was taken mainly for railway purposes that at the time were seen as work of regional and national significance.

During the negotiations with the Crown the iwi will argue that the Crown took more land than was necessary and that much of the land taken was never used for the stated

purpose. As a result of the land lost, Ngāti Tura-Ngāti Te Ngakau’s once thriving community was turned upside down, leaving them with no opportunity to develop their cultural, social and economic interests.

The introduction of the Auckland to Rotorua railway service reduced the iwi’s marae reservation to seven acres, and they were forced to relocate from their original site at Kotare to where it stands today at Tarukenga. Furthermore, the destruction of wāhi tapu and other sites of significance were as a direct result of the acquisitions. One such historical site is an ancient urupā called Taramoa, located opposite Te Whare Hauora o Ngongotaha. Residing there today is a restaurant and post office. Another site is Te Raho o Te Rangipiere – two rocks representing the pedigree genes of their great ancestor Te Rangipiere.

“Our tupuna whispers...if a woman is unable to bear a child she was encouraged to sit at the mantle of Te Rangipiere, her chances of conceiving were said to be greatly enhanced,” Matoroa said. The rocks still exist today, however all but a portion of their lands taken by the Crown have been privatised.

Executive Council negotiates cultural redress offer

Negotiations between the Executive Council and the Crown are divided into three major workstreams: formulation of an agreed historical account, cultural redress, and financial and commercial redress.

These components contribute to settlement of the historical Treaty of Waitangi claims and are specific to the affiliate iwi and hapû of Ngâ Kaihoutu o Te Arawa Executive Council.

Last month's column looked at the historical account, here we consider cultural redress.

The objective of cultural redress is the re-establishment, ongoing protection and promotion of traditional cultural interests. This is achieved through the application of a range of redress instruments established for use in the settlement of Treaty claims. A redress instrument in negotiation language is the negotiated legal arrangement in respect of sites of significance.

The Executive Council initiated a cultural redress identification project in February to identify the traditional, spiritual, cultural and historical interests of affiliate iwi and hapû. Drawing on expertise from within iwi, a working party was established that identified the sites of cultural significance for each affiliate group. This comprehensive project gathered a body of evidence determining traditional associations, and established the platform for negotiating the cultural redress component of the settlement.

Several cultural redress instruments under consideration and likely to be reflected in the settlement package are outlined here.

Overlay classification: This statutory instrument applies to highly significant sites on land administered by the Department of Conservation. In acknowledging the traditional values of an iwi or hapu group to a specific area, this instrument provides for specific action to be taken by the Department of Conservation to avoid harm to those values. The New Zealand Conservation Authority and Conservation Board must also have regard to the values of iwi and hapû in the preparation of management and policy plans.

Statutory Acknowledgment: Another statutory instrument that strengthens the notification provisions under the Resource Management Act, providing for iwi and hapu engagement in consent processes. Consent authorities, the Environment Court and The Historic Places Trust must have regard to statutory acknowledgments when making decisions.

Vesting in Fee Simple: This instrument transfers ownership of discrete sites of cultural significance, vesting all rights of ownership in relevant iwi or hapû while protecting any existing third party rights such as leases, grazing licenses and easements.

Vesting as a Reserve: This instrument provides for the Minister of Conservation to vest reserves (such as historic and scenic reserves) in administering bodies, including iwi-based governance entities. These reserves must be managed in accordance with existing classifications under the provisions of relevant legislation.

Protocols: This instrument provides for statements to be issued by Ministers of the Crown describing how respective government departments will interact with iwi. Such protocols guide the exercising of departmental functions within an iwi's tribal area.

Executive Council negotiates historical account

Since its inception Ngā Kaihautu o Te Arawa Executive Council has made notable progress in negotiating a settlement of the historical Treaty claims for its affiliate iwi and hapū.

Formal negotiations with the Crown are moving forward in a timely manner and the process remains on target to achieve an Agreement in Principle (AIP) settlement offer by August this year. The AIP will reflect the settlement offer in broad terms leaving the intrinsic details to be captured in the deed of settlement itself.

The major negotiation workstreams focus on historical account redress, cultural redress and financial and commercial redress. The historical account form of redress involves the executive council and the Crown negotiating and agreeing on the Treaty breaches and their impact economically, socially and culturally upon the claimant group.

Agreement on the historical context in which the breaches allegedly occurred is one thing, agreeing on the breaches themselves is another.

The executive council's negotiators, with its management team in a supportive role, are working hard to provide a robust historic context to support their argument of how they believe the breaches occurred.

This has required the engagement of both historical and legal expertise to enable the negotiating team to have the best information at their finger tips.

The Crown, of course, continues to present arguments on its version of the historic context and whether or not it agrees with the breaches put up by the Executive Council. This is normal interaction between two parties in Treaty negotiations, but very intense. The agreed historic account draws down from the Crown both Crown acknowledgements and the Crown apology. The Executive Council's negotiation team has relied on a number of sources from which to draw its historic information.

These include the generic reports produced by a number of historians; the CNI stage one hearings; tangata whenua reports; individual affiliate iwi and hapū research reports along with other sources.

Back in February this year the executive council introduced an innovative approach to direct negotiations with the Telling Their Stories series of hui. Over a four day period each affiliate iwi and hapū had the opportunity to tell the stories of their grievances kanohi ki te kanohi (face to face) to three Ministers of the Crown and their senior officials. Giving personal effect to past grievances is a very dynamic process.

It is hoped that the historical account redress process will help to give greater recognition of the "mana, tikanga me ngā korero tawhito o ngā iwi me ngā hapu o Ngā Kaihautu o Te Arawa" going forward.

Telling their story:

The Ngāti Ngararanui claim

The injustice of Ngāti Ngararanui being denied the right to present evidence in a court of law more than a century ago is being told today direct to the Crown.

Amongst the many colonial Government's policies and practices foisted on Māori, it was those of the Native Land Court that had the most adverse and far-reaching impact on the Waiteti-based iwi.

Today, in their negotiations with the Crown, they are taking all steps to ensure their ancestral claim of ahikāroa is heard and how flawed at law the process was that robbed them of tribal sustainability.

In the 1880s the court constituted to hear the evidence of those claiming ahikāroa and denied Ngāti Ngararanui on three critical counts. The court refused to allow Ngāti Ngararanui to submit their own survey plan of the areas claimed, forcing them into having to argue their case

on the weaker premise of undefined boundaries. The court also allowed intoxicated witnesses to give evidence, and in one critical case it dragged proceedings out for 19 years.

This and other Crown practices resulted in Ngāti Ngararanui losing nearly 43,000 acres of ancestral lands and control over the Waiteti and Waimihia Streams. These two waterways are at the very heart of their tribal psyche and land holdings.

“For 150 years we have not been able to maintain our historical connection with the land where our tupuna were born, lived and died.

“Today, we are whakamā to walk the banks of our rivers because we would be trespassing on private land, and would be and indeed have been, denied access,” said Ngāti Ngararanui spokesperson Henare Colbert.

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Today the iwi are on a journey of resurrection, seeking a settlement that will give them back control of their former lands that remain in Crown ownership.

“We are reaching out to our iwi members to register and we are proud to say that at the moment we have more than 600 registered. Some have interesting stories to tell us of how they

were brought up as Pākehā or members of another iwi and how they have discovered that they were also members of a small iwi called Ngāti Kea-Ngāti Tuara.”

“Haere rā e koro ki te ara o te mate. Takahia e koe ngā rori i a kite mai takoto i raro o Te Waotū, e huri mai to mata ki te hiwi ki Tikorangi, ki Hinemoa raea, ki Horohoro koe e puke whakamana, nā koutou.”

Eru George

Eru George's speech to Crown officials three months ago had a profound impact.

He talked about the effect the land takings had on his people from Ngāti Kea-Ngāti Tuara and how they lost 90 per cent of their land was lost in a relatively short period of time.

As the Executive Council representative for the Horohoro-based iwi on the Executive Council, he wants to ensure that his people will receive a settlement that will set them back on the road to economic development.

“Our claim was lodged in 1995 and all research was completed in 1996. What I like about Ngā Kaihautu is that we have been able to take our case to direct negotiations, and see some completion of it in our life time, not 20 years down the track.”

Eru is an ordained Anglican Minister. He has been an advisor to the NZ Police and has sat on the kaumātua council for



Te Arawa, Rotorua Museum and Mana Matauranga.

Furthermore, he is the chair of many land blocks in Te Arawa and Tuwharetoa including Paiaka Lands Trust and the Rūnanga No 2E Lands Trust.

For the past five years, he has been the chief advisor (mana whenua relationships) for the Lakes District Health Board.

“My role with the DHB is providing inter-sectoral and stakeholder support. It involves bringing together those community networks from Te Arawa, Mataatua and Tainui waka.”

Eru is also the chair of the Executive Council.

Materoa Peni

Materoa Brian Peni hopes a Treaty settlement for his iwi will help them rebuild themselves again.

As the Executive Council representative for Ngāti Tura-Ngāti Te Ngakau on the Executive Council, he wants to see “real results” for his people, and the wider Te Arawa community. “We must keep in mind that we are a very important part of a bigger picture, which is Te Arawa.” Materoa was born and bred in Ngongotaha and today runs his own building business called Form Design. He has been a trustee on marae and Māori land trusts for more than 10 years, holding current positions on the Tarukenga Marae Trust and the Ngāti Te Ngakau Lands Trust.



Our negotiators

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Rawiri Te Whare

- Te Arawa (Ngāti Tahu-Ngāti Whaoa, Ngāti Uenukukopako) and Tainui

Rawiri has been involved in the Treaty industry for some years. He has a sound knowledge and understanding of both the Tribunal and direct negotiations processes and has played a major role in getting Ngā Kaihautu and the Crown to the negotiating table. He is an integral member of the negotiation team, providing management leadership and strategic negotiation focus in the direct negotiation process. He is in the main responsible for the achieving of negotiation milestones and timelines.



Ruka Hughes

- Te Arawa (Ngāti Rongomai)

Ruka brings valuable skills as a person who has been involved in the affairs of Te Arawa for more than 20 years. He has gained expertise as an inspector and auditor at the New Zealand Post Office, Telecom, Statistics New Zealand and as one of three directors of Te Wānanga o Aotearoa's (TWOA) Te Arawa campus. At his marae, Ngā Pumanawa near Rotoiti, he is an all rounder having been a trustee for a number of years, the treasurer since 1989 and the coordinator for the building of the wharekai. He is also the chair of Te Pukenga Nui o Ngāti Rongomai, the koeke council for Ngā Pumanawa, Rakeiao and Kahumatamomoe marae.



“The koeke council was formed in 1994 not only to ensure our kawa and tikanga was being adhered to, but to be the political voice for the three marae.” Ruka is also one of eight members on the Okataina Scenic Reserve Board that administers most of the land around Lake Okataina, and a trustee on the Māori land block at Rotoma. Some of his work has included: helping to design a koeke programme aimed at enhancing Te Arawa protocol and oral histories at TWOA • helping to establish its new Māori wardens programme • being a representative on Te Arawa Māori Trust Board • being a representative on the Māori police advisory committee for the Waiariki region.

GET REGISTERED HAVE YOUR SAY

Registering with Ngā Kaihautu o Te Arawa
will give you a say on the
Crown's settlement offer.

For registration forms for your whānau
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registrations@nkota.org.nz

Registration forms can also be downloaded from
www.nkota.org.nz



Ngāti Wahiao tell their stories

TOP - Te Rangipuawhe Maika talks to Crown officials about the importance of ngawha to the Ngāti Wahiao people. LEFT - Bella Hatu and Anaru Rangiheuea during the whakangahau at Te Pakira Marae. RIGHT - Ella Wiringi delivers her korero to the Crown about the Ngāti Wahiao claim.