

HE TOA TAKITINI

"Our Strength is in Unity"

#7 November 2010

Pānui ki te Iwi

Who is He Toa Takitini?

He Toa Takitini is the organisation authorized by marae, hapū and claimants of Heretaunga and Tamatea, to progress and resolve all Treaty claims to a full and final settlement.

Minister for Treaty of Waitangi Negotiations Recognises He Toa Takitini's Mandate



THE CROWN has recognised the mandate of He Toa Takitini to negotiate the settlement of the historical claims of Heretaunga-Tamatea and in doing so acknowledged "the many years of hard work that have gone into reaching this stage."

Below are excerpts from the letter dated 15 October 2010 from the Minister for Treaty of Waitangi Negotiations, advising as follows:

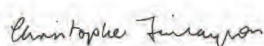


Office of Hon Christopher Finlayson

Attorney-General
Minister for Treaty of Waitangi Negotiations
Minister for Arts, Culture and Heritage

- "... pleased to conditionally recognise the mandate of He Toa Takitini"
- ".....We have concluded that He Toa Takitini has the support of Heretaunga Tamatea"
- "... is an appropriate body to represent Heretaunga Tamatea in settlement negotiations with the Crown."
- "... conclusion was based on the strong, robust and transparent process undertaken by He Toa Takitini and the hard work of many individuals over the past two years."
- "..... we congratulate you on achieving this milestone."

Nā māua noa,


Hon Christopher Finlayson
Minister for Treaty of Waitangi Negotiations


Hon Georgina te Heuheu
Associate Minister
Māori Affairs

BACKGROUND

Efforts to obtain a mandate to enter into direct negotiations with the Crown can be traced back to 16 June 2003 and a series of Hui where claimants resolved to work together to progress the claims. Since then, significant steps were taken, to reach agreement to settle the claims through direct negotiations, to establish a representative body, confirm a mandate strategy and finally complete a Deed of Mandate that was filed with the Crown in August 2010. The Deed was duly notified and after a submission period and subsequent discussions with Crown officials, Ministers gave conditional approval of the mandate.

NEXT STEPS

To complete the mandating process, He Toa Takitini is required to hold three Mandate consultation Hui in Wellington, Hamilton and Auckland. These Hui are scheduled to be held on November 20 and 21 respectively and are intended to give an opportunity to vote on the mandate of He Toa Takitini to those who live outside the rohe and can whakapapa to Heretaunga-Tamatea.

He Toa Takitini will also progress two further pieces of important work. They are:

- 1) the development of the He Toa Takitini register, to ensure as many individuals as possible who whakapapa to Heretaunga-Tamatea can benefit from the settlement; and
2. formal arrangements with neighbouring groups that will set out how areas of shared interest are to be approached in the course of the negotiations.

TIMEFRAME FOR ACHIEVING AN AGREEMENT IN PRINCIPLE

He Toa Takitini and the Crown are working to an agreed timeframe of December 2011 for achieving an Agreement in Principle. A Deed of Settlement is anticipated by December 2012 with legislation in June 2013. Work is on track to complete Terms of Negotiation. These will be signed with the Crown in December 2010.

Inside this issue:

Hawke's Bay Regional Council Joint Planning Committee	2
He Toa Takitini Chairman Lectures in USA	2
Research Programme	2
He Toa Takitini Visit Waikato-Tainui	3
Wānanga 3 - Lessons Learned	3
Heretaunga-Tamatea Claims Profiles	4
Negotiation Process - Mandating for Negotiations	4
He Toa Takitini Taumata	4



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Cont. From Page 1

KEY WORKSTREAMS

A number of key workstreams will be progressed in this next phase. They include the following:

1. The appointment of negotiators;
2. Hui to identify aspirations for cultural and commercial redress;
3. Increase registration database
4. Continuation of the research programme;
5. Engagement with neighbouring groupings on matters of shared interest;
6. Development of a Heretaunga-Tamatea strategy for addressing waterways and other natural resources;

Preparation for post-settlement is important work. Significant discussions will occur with marae and hapū on the options for the post-settlement entity(ies) that will take receipt of the settlement. Asset management strategies will need to be developed now to ensure the settlement is protected and appropriately managed once it is received.

An immediate priority is to increase the operational capacity to progress the negotiation. This will include additional staff in the office, specialist advisors and a research team.

ACKNOWLEDGEMENTS

In granting recognition, the Crown appropriately acknowledged the hard work that was required to achieve this milestone over a significantly lengthy period. He Toa Takitini also acknowledges those many individuals and in particular the inaugural team, Chairman Peter Paku, Project Manager, Marei Apatu and legal counsel, Grant Powell and Anthony Ruakere. He Toa Takitini also wishes to acknowledge the continuing support received from Te Taiwhenua o Heretaunga. Special mention also needs to be made of Crown officials and staff from the Crown Forestry Rental Trust who have been constructive and particularly dedicated in the final stages.

Note: Copies of the Deed of Mandate can be obtained from the He Toa Takitini office.

Hawke’s Bay Regional Council Joint Planning Committee



Earlier this year the Hawkes Bay Regional Council released its proposal for involving Iwi in the management of rivers and other natural resources. The proposal came in response to the efforts by Ngāti Pahauwera to secure a statutory board to provide increased decision-making concerning the management of the Mohaka River. The proposal involves the establishment of a joint planning committee within the regional council structure comprising an equal number of council and Iwi representatives. The committee will have direct input in to the development of regional policy statements and regional plans under the Resource Management Act. All recommendations will however be subject to the usual council planning and decision-making processes.

The Crown has clearly expressed its support for this model and is engaging in discussions with relevant Iwi groupings. Those groupings include: Pahauwera, Mana Ahuriri, Ruapani, Hineuru, Maungaharuru-Tangitu, Heretaunga, Tamatea, Tūhoe and Tūwharetoa.

At this stage, there is no clear indication of support for or disagreement with the proposal.

He Toa Takitini called a Hui-a-Iwi in October 2010 to gauge direction on how it should proceed. The Hui resolved that He Toa Takitini withdraw from discussions and negotiate redress in respect of rivers and other natural resources within the settlement negotiations. Ruapani has expressed a similar view and will not engage until they have received more information and more time to consider the proposal.

The Crown has made it very clear there are limited options available for redress in historical Treaty of Waitangi negotiations when it comes to Iwi decision-making in natural resource management. At the recent annual meeting between Iwi claimant groups and the Minister for Treaty of Waitangi Negotiations, the Minister advised the standard arrangements are:

1. an advisory board where the council must have regard to the advice; or
2. a joint planning committee (as is being proposed by the HBRC).

Any other arrangement is considered non-standard and will only be considered if an assessment shows this is appropriate and it is agreed by Cabinet before it is offered as part of the settlement.

He Toa Takitini Chairman Lectures in USA

Māori knowledge will continue to influence human development throughout the world. He Toa Takitini Chairman, Roger Maaka, who was raised in Takapau, spoke recently at two conferences in the USA. The first was on a panel titled "Rethinking Indigeneity in a Globalised World" at the American Academy of Religion conference in Atlanta, Georgia and the second was a public lecture "The Maori Experience of Christianity" at the University of Colorado. Roger is also a member of the Waitangi Tribunal that considered the Treaty Claim of Māori to Indigenous Flora and Fauna. Governments throughout the world anxiously await the findings of the WAI 262 report, due to be released later this year.



Research Programme

The Crown Forestry Rental Trust commissioned research projects are at various stages of completion. The Research Committee continues its important work of reviewing the reports and supplementing where necessary. The following table provides the current status of each report. He Toa Takitini will host 6 Research Hui over the next 14 months to consider the reports.

1	Pre-Treaty to 1864 Heretaunga Tamatea Overview	Being finalised
2	Twentieth Century Overview	Being finalised
3	Demographic & Statistical Analysis	Being finalised
4	Heretaunga-Tamatea Environmental Overview	Draft issued; currently under review
5	Heretaunga-Tamatea 1865-1900 Overview	Scoping Report issued; currently under Review
6	Maori Resources from Crown Purchases	Scoping Report Pending
7	Oral History Project	Scoping Report Pending

He Toa Takitini Visit Waikato-Tainui

“Waikato taniwharau, he piko he taniwha, he piko he taniwha”

The Taumata was overwhelmed by its visit to Waikato-Tainui in September 2010. In the words of those who attended, “The sheer scale of their commercial development was awe-inspiring and it had to be seen and heard to be appreciated”. The visit was in response to the generous invitation extended earlier in February this year from Tukoroirangi Morgan when he visited He Toa Takitini. The objectives of the trip included:



- 1. Commercial development options and asset management strategies for post settlement;** a recent development is the Te Awa shopping complex at the Te Rapa Base. This complex boasts the largest underground car park in New Zealand. Future development proposals include an inland port on its Ruakura Research lands and a five star hotel at the entrance of Auckland International Airport.
- 2. Options for the structure of the post-settlement entity;** the Waikato-Tainui model provides a governance entity, Te Kauhanganui, with 205 members made up of 3 representatives from each of its 68 marae - rangatahi, pakake and marae representative (each marae has only one vote) and 1 Kingitanga representative; and
- 3. Appointment of negotiators and rules of engagement in negotiations with the Crown.**

We also received presentations from John Heremia, Chairman of the Waikato-Tainui College for Research and Development and Taitimu Maipi, Chairman of the Whakatapuranga Waikato-Tainui 2050 – the 50 year vision for Waikato-Tainui.

A key message was the importance of Waikato-Tainui being able to exercise significant

governance influence (korowai) over all the government health contracts that are funded within the Waikato-Tainui rohe. Waikato-Tainui does not see its role extending to any service provider function.

A further message was the importance of “branding” and the wider, long-term development objectives envisaged for Waikato-Tainui.

ACKNOWLEDGEMENTS

Before concluding this item, it is important to make some acknowledgements. Particularly special was the guidance and support received during the trip from pakeke Joe Northover, supported by his wife Marice Northover.

E kōrua e, anei rā ngā mihi mo tā kōrua haeremai ki te tautoko, ki te penapena i te rōpū haere ki Waikato-Tainui.

Heartfelt thanks are also extended to Tukoroirangi Morgan, firstly for taking the time to visit He Toa Takitini earlier in February 2010 to share his expertise regarding the raupatu claim for the Waikato River and the resulting co-governance/co-management framework that was achieved with the Crown; secondly for extending the invitation to host He Toa Takitini; and thirdly for taking the time in his clearly busy schedule to follow through with the invitation.

E te rangatira ringa raupā, tau ake nei ngā mihi ki a koe mo te whakarangatira i ngā uri o Heretaunga, o Tamatea ma te whāngai, ma te akiaki, ma te whakahau i ngā āhuatanga mo ngā mahi kerēme.

Otira, ki a koutou ngā amorangi o Waikato-Tainui i tautoko i te kaupapa, anei rā ngā mihi manahau mai i a Heretaunga me Tamatea.

Wānanga 3 Lessons Learned

He Toa Takitini was proud to host Sir Tipene O'Regan earlier in May this year at the third of its Wānanga to prepare the Taumata representatives for the negotiation process. Entitled “Lessons Learned”, Sir Tipene openly shared his experiences as Chief Negotiator of the Ngai Tahu settlement, the first negotiation to be concluded with the Crown. A key message included the importance of the wider development objectives for the iwi when framing a negotiation strategy. Sir Tipene also espoused that iwi should consider itself empowered to set its own rules for engagement and other processes for conducting the negotiation. In particular, it was

for the iwi to determine the place of tikanga in its process for determining mandate and that this was not something the Crown should determine. The Crown Negotiator for the Ngai Tahu negotiation was Sir Douglas Graham and legal counsel for Ngai Tahu was Chris Finlayson, who is the current Treaty Minister.

If you were unable to attend the Wānanga, Sir Tipene will deliver a key note address at the forthcoming Te Matapuna Conference being hosted by the Hastings District Council on 11-13 November 2010. Following a similar theme to “Lessons Learned”, the topic is “The Fulcrum of issues – rebuilding nationhood”.



Heretaunga-Tamatea Claim Profiles

He Toa Takitini represent approximately 65 claims that are all located within the Heretaunga-Tamatea Waitangi Tribunal Inquiry District. We would like to recognise and acknowledge each of the claims by profiling them in a rotational cycle to inform and share the information to the wider public. Below we provide an outline of selected claims.

<u>WAI#</u>	<u>DATE REGISTERED</u>	<u>CLAIM</u>	<u>CLAIMANTS</u>	<u>GROUP (ON BEHALF OF)</u>
WAI402	26 November 1993	Pt Ngaruroro Riverbed	Mare Kupa	
WAI516	7 June 1995	Waingongoro Stream	John Ngamoia Gillies and others	Ngāti Kurukuru, Ngāti Whakaiti
WAI527	24 July 1995	Paki Paki School House	Heke Morris and others	
WAI536	15 August 1995	Pakowhai Native Reserve & Ngaruroro Riverbed	Ashley K Apatu and others	Apatu whānau
WAI574	29 March 1996	Karanema Reserve	Mereana Wickliffe and another	Te Heipora descendants
WAI579	1 April 1996	Estate of Taite Whitiwhiti Heremia	Christine Heremia	
WAI595	12 July 1996	Heretaunga Aquifer	Marei Apatu and others	Ngāti Kahungunu ki Heretaunga
WAI596	12 July 1996	Ngatarawa Block	Irimana Heemi Totoru (Alex) Matenga	
WAI610	2 August 1996	Omarunui Lands	Angela Margaret Harmer	
WAI657	3 March 1997	Aorangi Settlement	Elizabeth Helen Graham and another	Ngāti Kikiri-o-te-rangi, Ngāi Tahu ki Takapau

Negotiation Process Mandating for Negotiations

The aim of this part of the process is for the claimant group to provide a Deed of Mandate to the Crown.

This Deed of Mandate:

- states who has the authority to represent the claimant group in negotiations with the Crown;
- describes how this mandate was obtained and how the negotiators are to be held accountable to their wider claimant community;
- defines the claimant group, the claim area and the claims that are intended to be settled.

There are a number of ways in which those who negotiate on behalf of the claimant group can be selected. Each claimant group may have a different approach. The Crown's key concern is that the process by which this occurs is fair and open to all members of the claimant community.

Selection of representatives to negotiate a settlement package with the Crown does not mean those representatives will also be in charge of any settlement assets. A mandate is valid only for the negotiation phase of the settlement process. All members of a claimant group will have the opportunity to approve the settlement package and, subsequently, decide

on how the settlement assets are to be administered and governed.

Deeds of Mandate are assessed by the Office of Treaty Settlements and Te Puni Kokiri (the Ministry of Maori Development). If a Deed is found to be properly inclusive and representative by these two agencies, it is then publicised in local and national newspapers to ensure that all members of the claimant community have a chance to comment, as well as neighbouring claimant groups. The Minister in Charge of Treaty of Waitangi and Minister of Maori Affairs make the final decision on behalf of the Crown, and a mandate may be recognised subject to certain conditions.

He Toa Takitini Taumata

Omāhu Marae:

Hinehau Whitiwhiti

Kahurānaki Marae:

Haami Hilton

Waimārama Marae:

Ngamoia Gillies

Ruahāpia Marae:

Peter Paku

Waipatu Marae:

Ngatai Huata

Te Āwhina Marae:

Lisa Tuhi

Korongatā Marae:

Kevin Tamati

Houngarea Marae:

Tanira Te Au

Mihiroa Marae:

Kellie Jessup

Rūnanga Marae:

Paora Gemmell

Mangaroa Marae:

Cordry Huata

Taraia Marae:

Robert Clarke

Kohupātiki Marae:

Margaret McGuire (Treasurer)

Matahiwi Marae:

Tom Mulligan

Mataweka Marae:

Kohine Rata

Pourerere Marae:

Jill Munro

Pukehou Marae:

Elizabeth Graham

Tapairu Marae:

Cathy Pekepo

Te Whatuiāpiti Marae:

Fiona Conrad

Rākautātahi Marae:

Frank Kotua

Te Rongo a Tahu Marae:

Roger Maaka (Chairman)

Rongomaraeroa Marae:

David Tipene-Leach

Aorangi Māori Trust Board:

John-Barry Smith

Te Whatuiāpiti Tribal Authority:

Keith Hape

Kairākau Lands Trust:

Riipia Waaka

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