

# AUGUST 2019 PĀNUI

## AN UPDATE ON OUR SETTLEMENT NEGOTIATIONS

**Tēnā koutou katoa,**

Much of the last 12 months has been absorbed by the challenges of the Waitangi Tribunal Inquiry, the resulting iwi-wide voting process, and waiting for the Crown response to the WPCT suggestion that Whakatōhea should be able to complete their settlement and have a Waitangi Tribunal Hearing.

We were pleased that the Waitangi Tribunal has finally agreed to allow the Whakatōhea claims to be heard and that the claimants will have a chance to present our grievances in that forum.

### **A parallel process: Whakatōhea's pathway from AIP to Settlement**

The Whakatōhea Pre Settlement Claims Trust has been working with the Crown on a process that would allow our settlement to be completed alongside the Tribunal Hearings.

We believe progressing both of these processes in parallel is the best possible outcome for Whakatōhea Iwi. The Trust will continue in its work for all of Whakatōhea and we look forward to moving forward with unity to ensure the aspirations of our tīpuna come to life.

The Ministers have yet to make a decision about a parallel process, but we see it as a win-win situation for Whakatōhea.

If you have any questions, I encourage you to contact the Trust on 07 315 6150, or send us an email at [gina.smith@whakatohea.co.nz](mailto:gina.smith@whakatohea.co.nz).

*Whakatōhea Maurua.*

Graeme Riesterer

**CHAIRMAN**

Whakatōhea Pre Settlement Claims Trust

## OUR SETTLEMENT JOURNEY SO FAR

- **1992:** WAI87 submitted
- **1994:** Whakatōhea starts direct negotiations with the Crown
- **1996:** Offer of \$40m made to Whakatōhea
- **1998:** Offer withdrawn and negotiations cease
- **2007:** Te Ara Tono developed by Whakatōhea Raupatu Working Party
- **2015:** Tu Ake Whakatōhea Collective develop Whakatōhea Mandate Strategy
- **2016:** Whakatōhea vote accepts mandate strategy and WPCT established
- **2017:** WPCT engage in direct negotiations with the Crown
- **2017:** Agreement in Principle signed
- **2017:** Waitangi Tribunal Mandate Inquiry held
- **2018:** Waitangi Tribunal finds Crown breach and suggests vote to check support for continuing with settlement process
- **2018:** Vote completed, and results show majority support for continuing the Settlement, strong support for the Waitangi Tribunal Inquiry, and minimal support for remandating
- **2019:** Waitangi Tribunal District Inquiry approved
- **2019:** Parallel process being considered

## WHAKATŌHEA AGREEMENT IN PRINCIPLE

Whakatōhea signed an Agreement in Principle (AIP) with the Crown in 2017. Our AIP indeed holds the promise of much opportunity for Whakatōhea - it will help us equip our iwi to assert huge authority and influence over and within our rohe in a practical expression of mana whenua and mana moana, and in social terms help generate jobs to ensure that our people can return home and prosper.



## Our AIP includes the following elements:

2017 Agreement in Principle	1996 Deed of Settlement
\$100m	\$40m
6672ha Public Conservation Land returned	No Public Conservation Land returned
Iwi Chapter in DOC Conservation Management Strategy over all Public Conservation Land	No say in DOC management
Joint Reserve Board for Tirohanga Dunes	No Joint Reserve Board
4x Statutory Acknowledgements on rivers	6x Topuni sites
45x Crown properties available for purchase	9x Crown properties available for purchase
5000ha Marine space protected	No Marine space protected
20x Relationship Agreements and Letters of Introduction	No Relationship Agreements with Government Agencies
Commitment from Tertiary Education Commission (TEC)	No relationship with Tertiary Education Commission (TEC)

## FROM AIP TO DEED OF SETTLEMENT

A key component of ensuring support for the final settlement will be engagement around the shape of the Post Settlement Governance Entity (PSGE) and the best way to allocate and manage the settlement for Whakatōhea whānui and its hapū.

### Opportunities to engage with WPCT, the negotiators and the Crown will be achieved through the following ways:

- **The Crown to meet with WPCT Hapū and Marae representatives bi-monthly**
  - To communicate directly with mandated representatives of the claimant community and progress work programmes for the Deed of Settlement.
- **The Crown to meet with Hapū and Marae chairs bi-monthly**
  - Hapū and marae chairs are invited to meetings with the Crown team and WPCT to discuss the Crown's position on negotiations and the inquiry process, and to provide another avenue for communication of progress towards an enduring settlement.
- **WPCT to engage with each hapū and get input into:**
  - the shape of the package and how hapū can access benefits derived from each component; including exercise of mana over returning sites, sharing of hapū stories, creating opportunities for hapū development, shape of the PSGE including hapū representation; and how to make a subsequent inquiry report meaningful.
- **WPCT to engage Whakatōhea whānui via hui-a-rohe and get input into:**
  - the shape of the package and how hapū/uri access benefits derived from each component, shape of the PSGE including hapū/other representation, and how to make a subsequent inquiry report meaningful.
- **WPCT to invite claimants to meet and participate in hapū engagement processes including the Mokomoko whānau and Kahika whānau independent of their engagement with the Crown. Discussions to take place about:**
  - how their settlement aspirations could be accommodated through their involvement in the development historical redress, the appropriate use of their tipuna's name in settlement documentation, and how their aspirations for more to be known about their tipuna could be achieved through appropriate research.
- **WPCT to convene another Mihi Marino process to facilitate our ongoing reconciliation and provide a forum for discussion about the ongoing effects of the raupatu and kotahitanga o te iwi.**

## A PARALLEL PROCESS - CONTINUING NEGOTIATIONS AT THE SAME TIME AS HAVING A WAITANGI TRIBUNAL DISTRICT INQUIRY

The Crown has never considered a parallel process before. The closest it has come to this is allowing Tūhoe and Maniapoto, who had both completed their Hearings, to have their reports completed as they moved through the settlement process (Maniapoto to an AIP, and Tūhoe to a Deed of Settlement and Settlement Legislation). The Crown recognises the unique context of the Whakatōhea claims and negotiations history and has agreed to explore the potential for a parallel process which would represent a win-win situation for Whakatōhea.



### SUMMARY

Overall, we believe allowing a parallel process will enable us to have our grievances heard in the Waitangi Tribunal while we advance our settlement.

We can all play a part in both processes. As we look forward to 2020, our big hope is that it will be the year where we can transform our AIP into a Deed of Settlement for all our Iwi to vote on.

We are also keen to ensure a comprehensive historic account is developed through the Waitangi Tribunal hearings.

We will continue to keep you updated on any developments relating to the Crown decision on last years vote, our settlement negotiations, and how you can be involved.

## AN UPDATE ON UPCOMING WPCT TRUSTEE ELECTIONS

The three-year term for the WPCT Trustees comes to an end in September 2019.

We are initiating an open and independent voting process, consistent with the WPCT Trust Deed, to elect the Hapū representatives.

The Marae representatives will also go through their own selection process, which will be managed through their respective marae committees.

We encourage you to get involved, and to put your nominations forward. Note, the current Hapū and Marae representatives are eligible for re-election.

Election Services has been appointed as the Chief Returning Officer to co-ordinate the voting process for Hapū Trustee Elections. The table below lists key dates relating to the Hapū Trustee Elections, including nominations and voting. These are consistent with timings specified in the WPCT Trust Deed.

The official declaration of results will be published by way of a public notice in newspapers and on the Trust website, as specified in the WPCT Trust Deed, Second Schedule, rule 10.2. More information around Hapū Trustee Elections is on pages 29-34 of the Trust Deed.

You can access the Trust Deed on the WPCT website: [www.whakatoheapresettlement.org.nz](http://www.whakatoheapresettlement.org.nz), and at our office (122, St John Street, Opotiki). You can also email [gina.smith@whakatohea.co.nz](mailto:gina.smith@whakatohea.co.nz) to get a copy emailed to you.

### Key dates for Hapū Trustee Elections:

Thursday 22 August	Nominations open
Thursday 19 September	Nominations close
Monday 16 September	Hapū registers sent to Independent Chief Returning Officer
Wednesday 25 September	Voting packs posted
Monday 30 September	Voting opens
Tuesday 29 October	Voting closes
Friday 1 November	Results of Elections

If you have any questions relating to the Trustee Elections, please contact Election Services (Returning Office) on 0800 922 822, or email [info@electionservices.co.nz](mailto:info@electionservices.co.nz).