

NEGOTIATIONS UPDATE

December 2018

In our last update (August 2018), we let you know that Minister Little was going to sign the Pare Hauraki Collective Redress Deed (“the Deed”) on 2 August 2018. We confirmed that Te Tāwharau would not be signing, and that we would continue to ask questions of the Crown and advocate for safeguards to ensure that the mana whenua of the three Tauranga Moana iwi is protected.

Since then, five out of the twelve iwi of the Hauraki Collective have signed the Deed. The five iwi who have signed are Ngāti Maru, Ngāti Tamatera, Ngāti Tara Tokanui, Ngāti Whanaunga and Te Patukirikiri. After signing the Deed, the Chair of the Hauraki Collective approached Tauranga Moana iwi to engage in a tikanga process. However, Tauranga Moana iwi were of the view that the time for the tikanga process was before the Deed was signed. Instead, were focused on the Waitangi Tribunal proceedings issued by Ngāi Te Rangi last year.

These proceedings were seeking an urgent hearing by the Tribunal into the Crown's actions in respect of the Hauraki negotiations, deeds of settlement and overlapping claims process. In all, there were sixteen claims seeking an urgent hearing. Six claims were successful, being those filed by Ngāi Te Rangi, Te Whakakitenga o Waikato Incorporated and the iwi of Waikato-Tainui, Ngātiwai, Ngāti Manuhiri, Ngāti Porou ki Hauraki and Ngāti Ranginui. The Tribunal has set a hearing date for 8 – 12 April 2019 in Wellington, which will also be broadcast online for those who cannot attend in Wellington.

As a result of the Tribunal proceedings, both the TMIC legislation (yet to go to its Second Reading) and the Pare Hauraki Collective legislation (yet to be introduced) remain delayed.

In the meantime, the Crown has not assured us that the mana whenua of the three Tauranga Moana iwi will be protected and so Te Tāwharau is seeking to participate in the Waitangi Tribunal proceedings as an Interested Party. Our key messages will be:

- 1) That the Crown's actions have caused a division within Ngāti Pūkenga resulting in two of our kāinga no longer supporting the Hauraki Collective receiving redress in Tauranga Moana;
- 2) That there are key matters that all four kāinga have agreed, namely:
 - (a) Waiorooro is the boundary between Hauraki and Tauranga Moana;
 - (b) Hauraki iwi (other than Ngāti Pūkenga) are not mana whenua in Tauranga Moana;
 - (c) That the redress in Tauranga Moana that was offered to the Hauraki Collective without consultation with Tauranga Moana iwi, should be removed from the Pare Hauraki Collective Redress Deed; and
 - (d) They support a tikanga process occurring.
- 3) That it is the position of Te Tāwharau that when TMIC agreed to the 2012-14 redress, it was not a concession of mana whenua.

- 4) That Te Tawharau is concerned that any redress provided by the Crown to non Tauranga Moana iwi within Tauranga Moana (whether agreed or not) will:
 - (a) be objectively viewed as recognition that Hauraki iwi have customary interests and mana whenua within Tauranga Moana;
 - (b) will create rights, through means inconsistent with tikanga and the Treaty, within Tauranga Moana;
 - (c) will lead to non Tauranga Moana iwi exercising mana whenua, which in turn erodes the customary rights and tikanga of Tauranga Moana iwi.

- 5) That Te Tāwharau sought assurances from the Crown that the redress offered to Hauraki iwi would not undermine the mana whenua mana moana of the Tauranga Moana iwi but the Crown has yet to provide satisfactory assurances to date.

Kipouaka Pukekura-Marsden and John Ohia on behalf of Ngāti Pūkenga Iwi ki Tauranga will also be participating as an Interested Party, confirming the decision made by the Tauranga kāinga in May 2018 that all Hauraki redress in Tauranga Moana (whether agreed to previously or not) should go through a tikanga process.

As we have said before, Te Tāwharau respects the absolute right of each kāinga to maintain their own voice, mana and rangatiratanga in matters pertaining to each kāinga. Though we might not agree on some matters, there are other matters we do agree on. Regardless, we believe we can still work together and support each other, no matter our positions.

Finally, we're pleased to announce that overlapping claims with Ngāti Hinerangi have been resolved through a tikanga process. Ngāti Hinerangi met with Tauranga Moana kanohi ki te kanohi at Tawhitinui Marae on 23 September 2018. As a result of that hui they have removed all of their coastline redress from their Deed, along with their Right of First Refusal to Omokoroa Point School. Other items of Ngāti Hinerangi redress in Tauranga Moana were discussed with the relevant hapū subsequently and agreements reached with those hapū.

Over the next few months we'll post more information on our website about the overlapping claims issues which have delayed our settlement. This is to ensure that you understand what's been happening and why. If you have any questions though, you can always ask our Trustees and Negotiators, ring/email our office or post on Facebook.