

HUI OF THE RAUPATU IWI
OMARAMUTU MARAE
SUNDAY, 16 OCTOBER 1994

9:00 am: Powhiri
10:00 am: Hui begins
Karakia: Te Riaki Amoamo
Chairman: Tairongo Amoamo (Te Whakatohea)
Secretary: John Delamere (Te Whakatohea)
Facilitator: Professor Ranginui Walker (Te Whakatohea)

Chair invited delegates to introduce themselves.

Delegates from: Ngati Ranginui, Ngaiterangi, Nga Tukairangi, Ngati Maru, Waikato-Tainui, Taranaki, Ngati Awa, Tuhoe, Ngati Mutunga, Ngai Tu, Waikato-Maniapoto, Te Whakatohea, Nga Ruahine, Ngati Tama, Nga Rauru, Ngati Raukawa

Prof Ranginui Walker: Introduction to kaupapa of the day. The Crown's force feeding of Sealords on iwi has created much division and conflict within Māoridom. We are all raupatu iwi. Whakatohea are adopting the principles of settlement developed by Tainui. It is important we work together and set our process to go to the Crown with. We mustn't accept what they force on us.

Bob Mahuta: Mihi to the iwi.
Explained what Tainui are trying to achieve.

Wayne Taitoko: Gave a presentation on the Tainui model using overhead projector. Explained what the Māori foundation of Tainui is their boundaries from Taranaki to the Mokau river to Hauraki. The whakatauki form the basis of their claim principles. Chronology of events that are pertinent to Tainui. The 1850's were the golden age for Tainui. The 1860's raupatu years brought about the decimation of Tainui. The confiscation of 1.2 million acres forced our tipuna to move out of their ancestral lands to begin a 130 year search for justice.

Shane Solomon: Gave a chronological summary of Tainui's search for justice. Tawhiao deputation to England 1884. Mahuta to Legislative Council 1902. Te Rata deputation to England 1914. Simm Commission 1926 - found confiscation to be excessive. Tumate Mahuta begins raupatu negotiations 1933. Crown offers (pounds) 5,000 for full and final settlement. Taupiri vested in

1975. Tainui claim lodged 1987. Court of Appeal case against Coal Corp 1989, won by Tainui. Direct negotiations begin 1989. Crown offers \$9 million for full and final settlement 1990. Hopuhopu and Te Rapa vested 1993 in Te Wherowhero. Crown offer imminent 1994. The principles of settlement (as land was taken so should Crown land be returned - money and other assets will also be used to make up the shortfall of land).

John Te Mara:

Discussed the Tainui confiscation in respect of the remaining lands in Crown ownership today. Today only 90,000 acres remain in Crown hands. Since the claim was lodged the Crown have deliberately reduced their land holdings on a huge scale in flagrant contempt of our claim. Over half is DOC Estate. Crown has provided a list of Crown holdings. They asked Tainui to advise which of those lands did Tainui want returned. Tainui responded "all of it". This put Crown in a quandary and we expect a formal response and offer any day.

Tainui seek:

- return of all Crown lands within Tainui rohe
- special hearing on Waikato river
- the history of the rohe re-written truthfully
- an apology
- cash or other compensation in lieu of the land shortfall

Prof Ranginui Walker:

Gave background of Tainui presenters. We come together to see if we should adopt common principles. What is position of other iwi?.

Tauranga Moana:

Land taken should be given back. We also accept reality that it can't all come back. We support the principles outlined by Tainui.

Ngati Awa:

We accept the principles. Our settlement will be based on reality. A mixture of commercial land, buildings and money. The reserves have symbolic value only - no commercial value. We came here today to unite.

Tuhoe:

Tautoko te kaupapa.

Taranaki:

We need to challenge the Pakeha justice system. Who are they? They have excluded us from the justice system. Principally we agree with the kaupapa. But the Crown won't even go along with Trapski's report on reserved lands. They don't want to give us back our land - even that which we own under the Reserved Lands Act. We need to look at many things.

Nga Rauru: 1. Unconditional recognition of Nga Rauru and its representatives.
2. Compensation based on 100% alienation of ancestral lands.
3. All land in individual title is alienated.
4. Forfeiture back to iwi of all Crown Estates.

Ngati Mutunga: We consider the Tainui principle absolutely essential as the base line to start.

Prof Ranginui Walker: Went through the compensation formula. Tainui use \$5,000 per acre. Noted that top dairy farms in the Waikato can go for up to \$10,000 an acre. Will we as the raupatu tribes act unilaterally or united? At what level of Crown offer do we withdraw?

11:00 am:

Bob Mahuta: Background on why the Crown agreed to direct negotiation. You must do everything properly and thoroughly. We are totally confident that we can take on the Crown and win, no matter who they get to represent them. The difficulties of court action is the cost but we have never let that stop us - we fund raise, we do what ever is need to be done.

Prof Ranginui Walker: We are here to decide on adoption of common protocols and common position on direct negotiation. The Crown is now trying to force us to complete our negotiations by year 2000. Overseas debt is \$47 billion, the raupatu debt is estimated to be in the vicinity of \$18 billion and should be recorded as an internal Crown debt. The Sealords deal was supposed to be between iwi and Crown. Signatories signed as individuals, incorporations, 438 trusts. Hidden within the Sealords the Crown set a fiscal limit which those signatories agreed to. The Crown will try and use this against iwi. The Crown is continually moving the goal posts. They have now created a new treaty unit - the Office of Treaty Settlements, they are trying to set a \$1 billion fiscal limit for all claims, to include compensation as well as the cost of funding the claims - this won't even begin to address Tainui let alone anyone else. Each iwi needs to work out its loss according to whatever formula we agree on. What do you think of having our compensation recorded as an internal debt recorded as each on the Crown ledger?

(General murmuring of approval)

Tairongo Amoamo: We need to look at all the assets the Crown has.

- Nga Rauru: We also consider any land in our rohe that has individual title to be confiscated.
- Ngati Tama: We are concerned about the Crown forcing us together as Taranaki - Taranaki is the mountain. We are all separate tribes and can only speak for our individual tribes. We support the principles - Ngati Tama. We are also concerned that this group could eventually be taken over by the "brown table" types. What about you (to Bob Mahuta)? Are you one of the "brown table", are you one of those making decisions for us?
- Bob Mahuta: Not yet at the Cabinet Table. The fiscal envelope is their (the Crown) creation. They have not talked to Tainui. We would tell them where to put it.
- Tuhoe: No mandate to commit Tuhoe. Expressed concerns about the taking of Te Urewera forest. Concern about the assets being used and built on our resources, e.g., the dams on our rivers with no compensation or consultation with Tuhoe.
- Nga Tukairangi: We have no mandate to commit Nga Tukairangi today but we agree with the principle. We should ignore the Crown fiscal envelope and build our own process.
- Bob Mahuta: Tainui did not have an agreement on process with the Crown. It is the process we are standing by. It is the process agreed to by our people. Hui-a-iwi is important as the people can express themselves. The Crown will always try to "screw" you on any deal. No matter what you agree to they will later try to water it down. We have letters of promises from Prime Ministers that were not honoured. You can't trust them on anything. The Crown fiscal envelope policies are trying to limit many aspects of our claims.
- Ngati Awa: We are here today to see if it will help Ngati Awa. We are not here to participate in setting up another pan-iwi organisation. We are here to share information. This is the beginning - we need to stick together - work together but in the final analysis we go to the negotiating table as individual iwi.
- Tairongo Amoamo: Explained aspects of the Whakatohea negotiating committee structures. How we try to help each other.
- Whakatohea (Kameta): Would like this hui to go away today with its own envelope - call it the "RED" envelope.

Waikato/Tainui: Presentation on the iwi make-up of the Waikato. Relates back to 1991 census. Complete statistical break down on the Tainui population given, education statistics, employment statistics and so on.

Bob Mahuta: All iwi need to do a complete demographic analysis of their people. You can't really do anything or focus until you know who and what your people are. We should also look at writing our own laws. It is ridiculous our Trust Board is not able to approve expenditure exceeding \$200. We also need to agree on a process.

Prof Ranginui Walker: Gave introduction on the Crown's treaty settlement envelope and accompanying policies.

* see attached papers

- redefinition of claim settlement procedures

- the settlement envelope

Bob Mahuta: Explained the intention of the Crown to include compensation payments under the Crown Forest Assets Act. This is rejected by Tainui as it is outside of the claim, it is part of the current legal process which we participate in under our article 3 rights.

Prof Ranginui Walker: Claims on natural resources. Crown is denying us the rights of access to all modern technology. They intend to try and restrict us to what ever we did in 1840. They intend to continue to suppress us. The Crown wants to set rules for claimant representation. They only want to deal with united/amalgamated tribal structures. The Crown's first attempt at this was the Runanga Iwi Act.

Bob Mahuta: This is an attempt of the Crown to stop us going to court. They are trying to put controls on us.

The First Common Protocol

Ngati Mutunga (Kia Paranihi) Move

Ngati Ranginui (Patrick Nicholas) 2nd

That the raupatu iwi adopt as their first common protocol "I riro whenua atu me hoki whenua mai" - That land confiscated be compensated for, by the return of land.

Whakatohea (C Edwards): These common protocols must clearly define the boundaries. We mustn't get into a "Dutch" auction. We must be careful they don't constrain individual iwi.

Whakatohea (M Hata): I have a problem if you are looking for a universal principle. You only have half the principle. Suggest a change that the confiscation settlement will consider all forms of compensation/taonga as needed.

Whakatohea (T Keepa) We the tribes need to catch up with Tainui - Lets set up a new model.

The resolution was passed unanimously.

The 2nd common protocol

move (Ron Puata - Ngati Maru)

2nd (John Hata - Whakatohea)

The raupatu iwi adopt as their second common protocol, "Ko te moni hei utu mo te hara" - that money shall also be used to compensate for the grievance.

Waikato/Tainui: Historical background on the phrases used by Tainui in their principles.

Whakatohea (C Edwards): Money is restrictive - what about other assets. We can pass a 3rd protocol.

Ranginui (P Nicholas): Some of our hapu will not take cash - only land.

Tukairangi (Matiu Ellis): To Mereaira Hata - what did you mean by taonga.

Whakatohea (M Hata): We were not stripped of just our whenua - there were many things. Our waiata, our reo, the lives of our people. Compensation could encompass many things.

Ngati Awa (H Mason): We need first to set down general principles. Lets set down the roots - sow the seed first.

Further general discussion on general principles of compensation. Protocol amended.

The raupatu iwi adopt as their second common protocol, "Ko te moni hei utu mo te hara" - that money and other things of value shall also be used to compensate for the sin of raupatu.

2nd protocol passed unanimously.

- Tairongo Amoamo: Should iwi write their own settlement manifesto?.
- Nga Tukairangi: Each iwi should go away and consider the Crown's proposed policies first before we address our own policies.
- This hui endorses the right of every claimant group to write its own settlement manifesto.*
- moved Nga Rauru (Potonga Neilson)/2nd Whakatohea (Claude Edwards)*
- Prof Ranginui Walker: Can we set a time-frame for each iwi to write its own settlement manifesto.
- Ngati Awa: We are all at different stages. Some have been in negotiation for several years, we are still in hearing and can not address the negotiation process till then.
- Tauranga Moana: The principles of negotiation will have much in common. We can still work out our settlement procedures/manifesto notwithstanding the different stages of the claim process we are at.
- Nga Rauru: If and when this is all settled we should consider granting the Crown a pardon.
- Further general discussion on the writing of a manifesto.
- Tairongo Amoamo: We can use Waikato University - Māori studies Research Centre as the co-ordination point for consolidating the draft manifesto's.
- Whakatohea (A Tunks): Explained the Crown/TPK process of how the Government wants us to respond to its policy of treaty settlements. Disagree we should respond to those policies today (because the documents have been leaked to us). We should only respond to the Crown by telling them what we want.
- Prof Ranginui Walker: The Crown will force this on us in December. We should respond and reject outright.
- 1:00 pm: Lunch
- 1:35 pm: Resume

The hui decided that the media not be informed or advised at this stage of any of the detail of this hui.

All the Crown's policies for settlement be rejected outright by the raupatu iwi. Move Ngati Awa (H Mason) 2nd Ngaiterangi (Matiu Ellis).

Raukawa (John Paki): We should also reject the fiscal envelope but where would that leave us.

Ngati Awa: The motion includes everything: fiscal envelope, natural resources, claim relativity - everything!

Ngati Ruahine: Expression of support and gratitude for the hui. Support for the motion.

Some further general discussion on the motion. Tribes should get the manifesto into the Research Centre as soon as possible, with 3-4 weeks. Motion amended for further clarification.

All the Crown's policies for settlement be rejected outright by the raupatu iwi - including those policies for the fiscal envelope, natural resources and claim relativity.

Motion passed unanimously.

Refer back to previous motion on settlement manifesto which was not actually passed. After discussion motion amended for clarification and voted on.

That this hui endorses the right of every claimant group to write its own settlement manifesto and agrees to a process whereby iwi will send their draft manifesto to the Maori Studies Research Center at Waikato University which will collate the submissions and prepare a summary report for consideration by the raupatu iwi.

Move Ngati Awa (Hohepa Mason) 2nd Ngati Ranginui (Colin Bidios) passed unanimously.

Prof Ranginui Walker: Talks about the Crown imposed time frame for settling treaty claims. It is unrealistic and not necessary. All claimants are entitled to due process and with over 400 claims on the books they will not be settled before year 2000.

Moves that this hui rejects the Crown imposed time-frame of the year 2000 for the settlement of treaty claims.

2nd Ngati Ranginui (Bidios) passed unanimously.

1:55 pm:

Poroporoaki:

Tainui, Taranaki, Tuhoe, Ngaiterangi, Ngati Ranginui, Whakatohea

Karakia:

Te Riaki Amoamo

2:15 pm:

Ko mutu te hui.