

THE MINUTES OF THE MEETING OF CLAIM NEGOTIATORS AND THE TREATY OF WAITANGI POLICY UNIT PERSONNEL AS HELD IN THE BOARDROOMS OF THE WHAKATOHEA MAORI TRUST BOARD ON THE 17TH MARCH 1994 AND COMMENCED AT 10.30AM

PRESENT

Claude Edwards, John Hata, John Tai, Teriaki Amoamo, Wiremu Rewiri, Charles Aramoana, T Taia and proxies, Lady Mary Delamere, Mere Smith, Elizabeth Walker, Sandra Thomas and Sharron Carne from TOWPU

KARAKIA

Teriaki Amoamo

MIHI

Charles Aramoana, Claude Edwards

CLAIMISSUES

Information on the Claim was distributed to the meeting. Sandra clarified the role of the Treaty of Waitangi Policy Unit. They are part of the Department of Justice and responsible to the Minister of Justice. Their task is to advise the Minister on all aspects pertaining to Treaty Claims. There are two distinct avenues through which Claims can be processed. First, a Claim can be heard through the Waitangi Tribunal and secondly, through direct negotiations with the Crown. The Whakatohea case will be by direct negotiations, however, the Iwi will still have access to the Waitangi Tribunal if required. In terms of legal representation, the Crown has access to the Crown Law Office with substantial resources whilst the Iwi has to have their own legal counsel.

Claude explained that throughout the country there are various types of Iwi claims. Actual Raupatu claims are limited to only a few Iwi, these being Taranaki, Waikato, Tauranga Moana and Mataatua, which includes Whakatohea. Other Iwi claims have arisen from different circumstances and are distinctly different from Raupatu.

Sandra stated the advantages of a case being heard by the Waitangi Tribunal. They will produce a report that would stand as a historical document and being an independent body, they will be able to make some strong recommendations in respect of compensation. The disadvantage of such a hearing is the time factor. It will be a long process and can be very costly. The Crown is ready to negotiate with the Whakatohea as soon as possible. TOWPU will also produce a document that will be a historical record that will be part of the Public Archives.

Claude stated that associated to the Raupatu claim are additional issues in respect of the loss of land by the Iwi, such as survey charges, and these need to be addressed in the overall process. Also, the land taken by local and regional authorities can be incorporated in the claim. The timeframe can be over a long period as each case can be identified and resolved. Sandra agreed that such issues can be part of the Raupatu claim. She further advised that claims can be classified as historical and contemporary. The Crown has a commitment to resolve all major claims by the year 2000.

The Framework Agreement and the Protocols for negotiation incorporates those issues regarding the loss of the land and also addresses the loss of Mana and Mauri by the Iwi. All Hapu need to identify with the Claim and they need to have some positive input into the negotiation process. There is also a requirement to establish a structure to receive and hold those assets that will come from the claim.

The funding process for negotiations was clarified by Sandra. Such funding is debited against the final settlement. The Iwi is still in stage one. Once the Framework Agreement has been signed then we proceed to stage two. The Framework Agreement has to be acceptable to both parties to the negotiations. The Minister of Justice has to have Cabinet's approval before signing and the Iwi needs to approve the Negotiators signing the document. Once a final agreement is settled upon, then the Minister has requested that a formal ceremony be held on a Whakatohea Marae.

Claude clarified the role that the Board has played to date in bringing the Claim to this stage. There has to be some recognition by the Iwi for the past efforts by the Board. If there is a change in Government in the future, it can be assumed that the Claims will still proceed.

Sandra explained the concept of a Land Bank. In the case of the Whakatohea claim, when any Government Department wants to sell land in our rohe, and the Iwi wishes to include such land in their compensation, then the Crown will purchase such land and hold it in a Land Bank.

The Iwi needs to identify land that can be placed in the Land Bank. There has to be a ceiling figure placed on the total value of any land that can be placed in the "Bank". Whatever land that is placed in the Land Bank will automatically become part of the compensation, therefore the negotiators must be sure of what they want in the "Bank." There may be the possibility of negotiating other land assets for the "Bank", however this is not the norm and a special case will have to be presented to the Government. Whilst any land is held within the "Bank", it will be managed by DOSLI and there will be some costs involved. Again, any departure from this procedure may be negotiable. Claude advised of the Iwi's concern at having to pay for the actual land that was confiscated and this matter will be addressed in the negotiations. In respect of Waahi Tapu, there is a provision under Sec27(d): Resumption of the Act, whereby the Governor General can direct the Government to return such land to the Iwi.

The meeting adjourned for lunch at 12.45pm and reconvened at 1.45pm.

Sandra and Sharron left the meeting to return to Wellington and was farewelled by Claude.

Mary Delamere moved, seconded by John Hata that the following apologies of those negotiators who were unable to attend, be recorded.

Tairongo Amoamo, Ranginui Walker, Tenga Biddle, Muriwai Jones, John Kameta, Bishop Vercoe.

There was a general discussions on the various aspects of the report that had been distributed to the personnel with explanations by Claude.

This portion of the meeting ended and there was a discussion on the Board elections with the meeting ending at 3.30pm.

CONFIRMED.....CHAIRMAN

DATE.....