

ACHIEVEMENTS

Ministerial support for expediting CNI

The Government has signalled its intention to expedite the settlement of Central North Island iwi (CNI) grievances by entering into a formal pre-negotiation phase with CNI.

Discussions between the Crown and CNI commenced late last year as both parties searched for ways to move forward and build on the Government's commitment to settling the claims in the CNI region.

The pre-negotiation phase will explore all of the issues between the parties. This phase will produce an informed decision as to whether the parties can proceed into negotiations proper.

It is envisaged that this process might lead to the parties reaching a formal settlement agreement or agreements within two years.

The Trust has a vital role to play in this process. Trustees have worked tirelessly to assist CNI to this point, and have shown their commitment by making CNI their first priority.

The Trust will commit its resources to assist CNI in order that both they and the Crown can realise the goal of settling within the next two years.



Te Uri o Hau negotiators, the late Mr Harry Pomare (left) and the late Mr Morehu Kena (right), sign the Deed of Settlement on 13 December 2002.

PHOTOGRAPH COURTESY OF TE URI O HAU SETTLEMENT TRUST

TE URI O HAU SETTLEMENT LEGISLATION

The enactment of the Te Uri o Hau Claims Settlement Act by Parliament in October 2002 saw the CFRT transfer accumulated rental proceeds for the Pouto Forest and approximately 45% of the Mangawhai Forest to Te Uri o Hau in November.

The transfer of accumulated funds is part of the comprehensive settlement of their Treaty claims with the Crown. The amount of accumulated rental to be transferred is a little over \$1.6 million.

Chief Executive Karen Waterreus said it was good to see historical Treaty claims being settled and

congratulated Te Uri o Hau and the Crown on reaching this significant milestone.

"Over a period of 10 years CFRT assistance has contributed significantly to this settlement. CFRT provided vital research support, funding and advice on organisational systems to enable Te Uri o Hau to achieve some finality in the process. The Trust is very pleased for the people of Te Uri o Hau.

The Trust looks forward to working with others in the Treaty process to further progress forestry land claims."

Te Tau Ihu model for Waitangi Tribunal hearings

In cooperation with Waitangi Tribunal staff and the Te Tau Ihu claimant groups, the CFRT has developed an approach to reduce the anticipated timeframe for the completion of hearings for the district.

The essence of the approach is a concentration of resources by all three partners, the adoption of best practice funding formulas and the allocation of sufficient Waitangi Tribunal hearing weeks.

Initial timeframes projected a hearing schedule of eight years. Cooperation among all three parties will see the Te Tau Ihu hearings finished by the end of 2003, which will see hearings completed within a two-year time period.



Te Uri o Hau claimants in discussion.

→ 1892

Maori Parliament convened for first time at Waipatu and continues to meet regularly over next decade



→ 1898

Jubilee petition to Queen points out that Maori had lost more than 60 million acres of land and asks that steps be taken to ensure remaining five million is not alienated

→ 1916

Armed police raid Urewera settlement of Maungapohatu and arrest Tuhoe prophet Rua Kenana





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Central North Island

The CFRT has made as its business priority the expediting of the return of Crown forest licensed lands in the Central North Island.

The Trust is working with claimant communities in the Central North Island (CNI) to develop a Deed of Mandate. It is proposed that the Deed of Mandate is recognised with the Minister in Charge of Treaty Negotiations and the Minister of Maori Affairs by October 2003.

In developing the Deed of Mandate the Trust ideally will engage in a business relationship with a single representative CNI body that demonstrates the ability to represent all parties.

The representative body will govern and manage the projects for the mandating and negotiation process. The business characteristics of the representative body are:

1. the representative body will be funded to achieve the settlement goal;
2. the business relationship will be contractual and based on performance;
3. the Trust will purchase a detailed project plan from the single CNI iwi entity; and
4. the body will have the appropriate organisational leadership and infrastructure, with separation of governance, management and advisory roles.

The Trust's business focus in this relationship is to maximise the utility of the Trust's resources to increase the probability of settlement between CNI iwi and the Crown; and to ensure CNI projects demonstrate congruency with settling claims involving Crown forest licensed land.



Aroha Apiti and Hera Johns.

PHOTOS: WAIKATO PHOTOGRAPHY

In preparing this framework the Trust has made the following assumptions:

- CNI iwi wish to negotiate with the Crown;
- settlement will occur within two years;
- CNI iwi wish to work collectively;
- CNI iwi will collaborate to achieve a Deed of Mandate within five months; and
- CNI iwi wish to adopt the most practical vehicle for the purpose of enabling significant assets to be returned in the most efficient and timely manner.

In an effort to speed up the resolution process in the region, the Trust has worked with the Volcanic Interior Plateau project (VIP) on governance issues for the establishment of a broader CNI representative body.

Currently VIP is an umbrella organisation for over half the claimants to Crown forest lands in the Central North Island and it faces some extraordinary factors in respect of the proposed forestry settlement and governance model for settlement. A significant amount of work on VIP's internal structures has been undertaken.

The Waitangi Tribunal has begun judicial conferences in the Rotorua and Urewera Districts in its lead-up to substantive hearings. It is the Trust's desire to see Central North Island forestry claims resolved and the return of these assets to their rightful owners.

The Trust recognises that VIP is a first step towards a larger CNI body capable of representing the interests of all CNI groups.



Louis Chase, Eva Moke and Tracey Kingi.

→ 1934

Waitangi Day officially commemorated for first time



→ 1947

"Maori" replaces "Native" in official usage



→ 1953

Visit of Queen Elizabeth II – Ngati Whatua papakainga of Orakei torn down to remove "eyesore" on procession route

BUSINESS GOALS FOR 2003-2004

Trustees have approved 12 Business Goals for 2003–2004. These goals will assist the CFRT to implement strategies that will expedite the return of Crown forest assets.

The goals have been grouped into the following programmes.

PROGRAMME 1 – SETTLEMENT NEGOTIATIONS

1. To examine capability for direct negotiations in all districts by 30 June 2003.
2. To introduce a business development model in a minimum of six districts by 30 September 2003.
3. To achieve commencement of formal negotiations in the CNI by 30 September 2003.
4. To achieve a minimum of three districts in negotiations by 31 March 2004.
5. To achieve acceptance by Government and Maori by 31 March 2004 of CFRT models for early settlement.
6. To confirm CNI settlement model by 31 March 2004.
7. To achieve a CNI forestry settlement by 31 March 2005.

PROGRAMME 2 – WAITANGI TRIBUNAL HEARINGS

8. To achieve agreement and support by 31 March 2004 for all remaining districts to complete hearings within a two-year timeframe.

PROGRAMME 3 – COMMUNICATIONS

9. To establish an internet site for CFRT by 31 July 2003.
10. To achieve high standards of communication that positively profile CFRT by 31 July 2003.

PROGRAMME 4 – TRUSTEE SERVICES

11. To achieve 100% acceptance by Trustees of CFRT models.
12. To achieve high standards of services that satisfy Trustees, by 30 September 2003.



(Back) Rex Birdsall, LTF Ltd. (Front from left) Tania Anderson, CFRT Northland Facilitator; Ben Dalton, CFRT Service Delivery Manager; Lorraine Toki, CFRT Northland Regional Manager; Arthur Harawira, CFRT Northland Facilitator; Anthony Royal, LTF Ltd, in attendance at the launch of the Northland Asset Audit Report, Waitangi, Bay of Islands, 2002.

NORTHLAND

A REGIONALLY BASED APPROACH

By successfully adopting a flexible, responsive, regionally based approach, the CFRT has been able to assist Northland Maori to expedite the settlement process. The Trust's four Northland staff worked to develop the rapport between the Northland claimant communities and the CFRT. It is hoped that these key relationships will provide a platform for future claims settlement.

Part of managing this relationship was to prove the value of non-financial assistance. Emphasis was placed on achieving working relationships and understandings with government agencies. These relationships will assist groups with future wider capacity building and "post-settlement" issues. The Trust also assisted Ngapuhi in the formation of five collectives that involved approximately 70 individual claims. It also undertook stakeholder work by developing productive networks with claimant groups outside of Northland.

Also as part of its activities, the Trust produced the Northland Asset Audit Report. The report provides an audit of Maori and Crown assets and is of particular relevance to claims within the Ngati Whatua, Ngapuhi and Muriwhenua rohe.

The report covers a geographic area from the peak of the Bombay Hills north to Auckland and the Northland region and is based on three broad themes of economic analysis of current assets; a population analysis of Maori in Auckland and Northland; and a data analysis based on the information gathered.

The report's objectives were:

- to collate data that can be applied generally to a claimant area or targeted to a specific claim in the interests of the Northland Maori communities;
- ensure Northland Maori communities have a clear comparison of Maori and Crown assets; and
- assist Northland Maori communities to develop value-added strategies and processes.

This is a significant report in that it better informs the Northland Maori communities of the present ownership of the land assets, the current value and future earning capacity. In the past it would have been a difficult task to readily identify this information.

The direct result of this information is that claimants will be better positioned to achieve their own objectives via the Waitangi Tribunal process or by direct negotiation with the Crown.

→ 1962

New Zealand Maori Council established

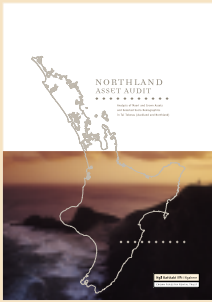


→ 1975

Whina Cooper leads Land March from Te Hapua – Treaty of Waitangi Act establishes Waitangi Tribunal to investigate contemporary Maori grievances

→ 1985

Treaty of Waitangi Amendment Act expands Tribunal jurisdiction to investigate historical grievances dating back to 1840



PROJECTS

NEW TOOL TO EXPEDITE FORESTRY CLAIMS

Over the past 12 months the Crown Forestry Rental Trust has developed a tool that will provide Northland Maori communities with an economic analysis of current use and future earning potential of Maori-owned, land-based assets.

The Northland Asset Audit Report identifies main information sources of Maori and Crown assets within the geographic area from the peak of the Bombay Hills north to Auckland and the Northland region.

The Chairman of the Trust, Sir Graham Latimer, said the report outlines the present ownership of these land assets, the current value and future earning capacity.

"It is envisaged the Northland Asset Audit will assist Northland Maori to contribute to make long-term, strategic economic plans that will contribute to regional development in Northland," he said.

The Northland Asset Audit will support Northland Maori communities to formulate strategies for improving returns and values of Maori-owned, land-based assets.

"I expect the Northland Asset Audit will have a profound effect on the expedition of Crown-licensed forestry lands tied into Treaty claims," said Sir Graham.

"The Trust is taking a proactive role in developing useful mechanisms to assist claimants through the Treaty process."

More than 36,000 property titles registered in Maori, Crown or local authority ownership in the Tai Tokerau region were identified and these along with their values, current and potential use, size, soil types and many other details were loaded into a database.

This property or asset-based information was then supplemented by an extract from the latest Census which provided population and sociodemographic data on Maori and allowed comparison with the general population throughout Tai Tokerau.

The findings indicate both comparatively lower valued residual asset holdings and property-based earnings for Maori compared with Crown and local authorities, plus lower sociodemographics for Maori in Tai Tokerau compared with the general population.

But more importantly for claimants, says Sir Graham, is that Northern Maori have an indication of the size of the asset base and its potential revenue earnings.

"We've got plenty of equity but we can't harness it," he says.



PHOTO: NEIL MCKENZIE

Back: Campbell McKenzie, Heath Aldrich.
Front: Anita Jo Foley, Stephanie Lardelli, Natalie Davis, Moka Apiti.

WAITANGI TRIBUNAL AND THE OFFICE OF TREATY SETTLEMENTS ACCEPTANCE OF REVISED APPROACH TO RESEARCH

The Revised Approach to Research was designed to reduce the log-jam of claims before the Waitangi Tribunal.

The overall objective of the project is to raise the level of knowledge regarding land claims by collecting and making easily available the comprehensive Crown record of history of that land's alienation from Maori ownership.

This information, together with a number of Overview reports, will give claimants a solid base of knowledge upon which to either build any further research required by the Waitangi Tribunal or enter direct negotiations with the Crown.

The new approach is being trialled in the Central North Island hearing districts. It involves three areas of work. First is the construction of a computer database called the Land History and Alienation Database – Te Matua Whenua – (LHAD), which generates in map form, when and how Maori land was alienated. Secondly, the production of a Demographic Overview Report describes population changes, and their causes and effects over time. Thirdly, Political Overview Reports describe the changing relationships between tangata whenua and the Crown.

Our objective remains the completion of the Rotorua hearing district LHAD data, which will be functioning on an operable level for research planning purposes in October 2003.

A major advantage of this process is that it will provide sufficient information to enable an early and speedy identification of the key historical Treaty issues present in the Central North Island region. It will then be possible for the parties – the claimants, Waitangi Tribunal, and the Crown – to identify issues upon which there is agreement, and then more efficiently apply their resources to research on precise points of disagreement.

A key point in the development of this project has been the endorsement of it by the Waitangi Tribunal and Office of Treaty Settlements.

achievements

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→ 1987

New Zealand Maori Council v Attorney-General – Court of Appeal compels Crown to acknowledge Maori claims to "surplus" Crown assets



→ 1989

Crown Forest Assets Act formalises agreement between Maori and Crown to protect Treaty claims to licensed forest land – CERT established by Trust Deed in 1990 to assist Maori to prepare, present and negotiate their claims to licensed Crown forests

→ 1994

Crown's "fiscal envelope" proposals for settlement of historical Treaty claims emphatically denounced by Maori



GISBORNE

The Tribunal’s approach in the Gisborne hearing district was to accelerate the hearing process. The interlocutory process meant that tighter deadlines were required to be followed by all parties. The Trust supported this process by providing funding assistance specifically aimed at meeting these deadlines.

As an example, one of the deadlines was for claimants to complete their amended statement of claim. Trust funding was specifically aimed at hui, wananga and meetings which were designed to facilitate the amended statements of claim, which were finally ratified by the claimant group.

The Gisborne district inquiry hearing commenced with a two-week overview hearing. The Tribunal was presented with evidence on generic issues that had impacted on the district. This hearing was then followed by a series of claimant-specific hearings. The presentation of the Crown’s evidence then followed, after which an overview summary hearing completed the process. The total time taken to complete the hearing process was seven months.

A positive outcome of the hearings was that the claimants were able to create collective plans that resulted in the completion of the hearing process.

The Tribunal has completed the Gisborne hearing district and is expected to report its findings and recommendations in July 2003.



Rongo Wi Repa and Lou Tangaere in discussion at an East Coast hui.

LONG-TERM PLANNING FOR COMPLETING EAST COAST, WAIRARAPA, WAIROA AND WHANGANUI

The Trust has worked alongside claimant communities in the districts of the East Coast, Wairarapa, Wairoa and Whanganui to progress their claims.

In each of the districts the Trust has adopted its Model 2 framework, detailed in the Report of Trustees section, which encourages a cooperative approach amongst the parties involved. The result of following this methodology is that it will speed up the settlement process.

EAST COAST :: In 2002 the Trustees approved a comprehensive research programme for the East Coast inquiry district. The majority of these projects are scheduled for completion by December 2003. This includes a project on East Coast Te Reo Maori sources, which involves accessing and translating archival and privately held Maori language manuscript material of relevance to the East Coast claims.

WAIRARAPA :: This was the second of two casebooks that CFRT has made a significant contribution to during the year. Following the establishment of the Wairarapa ki Tararua Research Co-ordinating Committee in 2002, CFRT worked closely with claimants, claimant counsel and the Waitangi Tribunal in order to complete a major research programme in December 2002. Notable amongst these projects is one that explores the relationship between the Crown and Wairarapa Maori in the 100 years following the signing of the Treaty of Waitangi in 1840.

WAIROA :: The Overview Research Programme commenced in 2002. A major overview report that explores the relationship between Wairoa Maori and the Crown in the 19th century is due for completion in 2003.

WHANGANUI :: A supplementary Whanganui research programme was approved by the Trustees in 2002. CFRT staff have worked closely with Whanganui claimants and have held regular hui for claimants and historians to discuss research issues. The majority of research projects are well advanced and will be completed by February 2004.

HAURAKI

After hearing 56 claims, in just under five years, the Waitangi Tribunal concluded its inquiry in the Hauraki district in November 2002.

The conclusion of these hearings marks a major milestone achievement for claimants, the Trust, the Tribunal and the Crown. Each of the parties involved has committed significant resources in the preparation and presentation of these claims.

The Tribunal is expected to release its findings and recommendations in December 2003. The Trust is pleased that claimants are now able to move towards the negotiation and settlement of their claims involving Crown forest licensed land.



Left to right: Derek Toia, Gail Dallimore, Robert Clapham, Stephanie Hampton, Reuben Wharawhara.

PHOTO: NEIL MACKENZIE

achievements

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→ 1995

Queen Elizabeth signs Tainui settlement and apology

→ 1998

Ngai Tahu deed of settlement for claims covering much of the South Island signed

→ 2002

The 1000th claim is filed with the Waitangi Tribunal

