



Left to right: Leah Campbell, Marinus La Rooji, Rina Precanica-Armstrong, Vincent O'Malley, Mijja Radisic, Michael Batson.

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The Government has indicated a desire to expedite completion of the Waitangi Tribunal process and is actively supporting initiatives that will deliver this outcome.

The CFRT supports the early settlement of claims involving Crown forest licensed land. In working cooperatively with Treaty sector agencies during the year, the Trust has developed a series of policies to assist claimants to pursue settlement through either the Waitangi Tribunal process or by direct negotiation.

Crown requirements for negotiations are based around the following:

EVIDENTIAL BASE – does the claimant group have sufficient documented historical evidence to prove the Treaty breach for this particular claim or group of claims. This can be presented either through the Waitangi Tribunal or in certain cases directly to the Office of Treaty Settlements;

CLAIMANT DEFINITION – is the claimant group able to describe authoritatively who they are through identification of geographical boundaries, whakapapa and recognition from neighbouring groups;

MANDATE – can the leadership of the claimant group demonstrate support from their wider membership for them to enter into negotiations with the Crown over the claim/s. This is done through a clearly prescribed process to meet Office of Treaty Settlement requirements;

LARGE NATURAL GROUPING – does the Minister in Charge of Treaty Settlements consider that this claimant group is sufficient in size or make-up to warrant the Crown entering into negotiations with it.

The CFRT's first policy is to give priority to assisting groups seeking settlement provided that groups have the organisational characteristics necessary to negotiate settlement by 31 March 2006; and a detailed business case that satisfactorily addresses Trust requirements for claimant evidential base, claimant definition, mandate and a settlement model.

The CFRT's second policy is to give lower priority to groups whose claims are being heard by the Waitangi Tribunal. Lower priority simply means that instead of all of Trust resources being concentrated on the Tribunal process, the Trust will allocate funding towards direct negotiation.

The CFRT has developed two models as pathways for settlement based on these policies.

Model 1 is based on promoting early settlement through the direct negotiation process. The key elements of Model 1 are a determination from a district to seek direct negotiations with the Crown, and their ability to demonstrate the organisational characteristics necessary to progress through the negotiations process.

Ngati Apa were identified as being a feasible group to pilot Model 1. CFRT staff worked closely with the Office of Treaty Settlements and the claimant group to develop a plan and a timetable for settlement through the direct negotiation process. The results of this pilot are that Ngati Apa now have key milestones to achieve in the next financial year; and that Model 1 frameworks are now applied to groups entering the negotiation process.

In the Report to Appointors 2001-2002 our Trustees expressed their vision as being to "enhance capacity within Maori communities, so they can achieve their desired outcomes from

Treaty claims". As a result of the development work on Model 1, it became apparent that the need to enhance the business capability amongst claimant groups to prepare for effective stewardship of post-settlement assets is not being adequately met. An assessment framework, which identifies gaps in governance and management frameworks of settlement organisations, is being developed with the assistance of the finance sector. This approach will assist post-settlement groups to develop investment strategies that embody the collective vision of their beneficiaries and meet sensible commercial disciplines.

Model 2 is based on the Waitangi Tribunal process and is dependent upon key elements such as claimant determination to complete preparation and presentation in a shorter timeframe, availability of Waitangi Tribunal/Crown resources, the CFRT being able to assist parties to find a suitable package that will assist hearings to be completed by 31 March 2005, and the ability of parties to concentrate their resources.

Success of this method is best demonstrated in Te Tau Ihu where a projected eight-year timeframe has been reduced to two years. In addition the Gisborne and Hauraki hearings were completed in the last financial year. CFRT and the Waitangi Tribunal are cooperating to ensure at least three districts will be completed within the next two-year period. These are Te Tau Ihu (November 2003), the Urewera (November 2004) and Wairarapa (end of 2004).

Both models are predicated on the principle of congruence of interest – the point at which the interest of the claimant group, the CFRT and the government agencies converge is the point at which opportunity presents itself.