

Report

from Trustees

Kia hiwa ra, kia hiwa ra
te tangi a te manu nei,
tuia, tuia, tui-tuia
tuia i runga, tuia i raro, tuia i roto, tuia i waho
ka rongo te po, ka rongo te ao
i te pu korero i te wananga
puawhio-rangi, putakataka, te marama ahunuku
te marama
ahurangi ka takoto koutou i te wa-o-tu
tu winiwini, tu wanawana, tu i whakaputaiana ki
te whei ao
ka tu numia, ka tu rawea,
ka whakaoti nuku
ka whakaoti rangi
ko to manawa ko taku manawa, ka irihia
whano, whano, whano mai te toki
haumi ee, hui ee taiki ee

We are pleased to present the Annual Report of the Crown Forestry Rental Trust to our Appointors – the New Zealand Maori Council, the Federation of Maori Authorities and the Minister of Finance. This report covers the accounts and activities of the Crown Forestry Rental Trust (CFRT) for the period 1 April 2004 to 31 March 2005.

Over the past 12 months CFRT has worked hard on strengthening its policies and tightening its funding processes. We are pleased with the results and with the increased amount of assistance made available to eligible claimant groups.

It was pleasing to witness the passage of the Ngati Awa Claim Settlement Act in March 2005 which confirmed Te Runanga o Ngati Awa as a



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beneficiary of the Crown Forestry Rental Trust. As a result of the settlement, CFRT transferred \$16.7 million to Ngati Awa as the confirmed owner of 9400 hectares of Crown forest licensed land. Due to the timing of the settlement legislation, the accumulated rentals were transferred in April 2005 and will show as a distribution from capital in the 2005/06 financial year. The Ngati Awa settlement represents the second largest amount of rental proceeds CFRT has transferred to confirmed owners and sets a positive example for other groups to follow. CFRT congratulates Ngati Awa for achieving resolution of their claim and wishes them well for the future.

Legislation to complete the settlement of Tuwharetoa ki Kawerau's historical Treaty claims was introduced to Parliament in November 2004 and passed in May 2005. This legislation confirms Tuwharetoa ki Kawerau as a beneficiary of the Trust, and allows CFRT to transfer \$1.7 million of accumulated rentals to Tuwharetoa ki Kawerau for their interest in Rotoehu West Crown forest license.

These settlements are welcome progress.

We are confident CFRT has put in place systems to deliver appropriate assistance to eligible groups in the future. However, a number of strategic matters outside of CFRT's control need to be addressed if claims involving Crown forest licensed land are to be settled quickly.

Different Processes: Waitangi Tribunal and Office of Treaty Settlements

The Treaty Settlement process involves two different approaches, Waitangi Tribunal inquiries and

Office of Treaty Settlements direct negotiations. These processes operate according to fundamentally different rules. The Trust's funding policies are tailored to support the different activities required through these pathways.

The Waitangi Tribunal inquiry process hears and reports on the validity of claims made against acts or omissions of the Crown. The Treaty of Waitangi Act 1975 allows any individual Maori to lodge a claim. There is no requirement for individuals to work with their wider tribal group. This allows for multiple claims to be lodged over the same issue by different people without any formal tribal mandate.

The Office of Treaty Settlements direct negotiations process aims to negotiate and settle Treaty claims on behalf of the Crown. Unlike the Waitangi Tribunal, the Office of Treaty Settlements deals with mandated bodies which represent tribal groups. Under this process, all claims of a particular tribe are bundled together and settled simultaneously regardless of who has lodged them.

Understanding these key differences is critical to claimants deciding which process will best assist them to achieve a Treaty settlement.

Clear Direction and Unity of Purpose

Clear direction, unity of purpose and strong leadership are key requirements for any tribe seeking to resolve claims involving Crown forest licensed land. Each tribe needs to agree which pathway to settlement it intends to take. Lack of leadership, unity and clear direction will lead to delays as energy and effort can be diverted away from the key goal of resolving the claim.

The settlement process requires Maori to think and act collectively. Individuals are required to forego their personal interests for the good of the entire tribe.

Evaluation needs to be carried out on the merits of conducting Waitangi Tribunal hearings and Office of Treaty Settlements negotiations at the same time. Undertaking both Waitangi Tribunal and direct negotiation processes simultaneously may unintentionally serve to distract groups from fully committing to either process and resources and effort may be dissipated as a result.

CFRT's experience of assisting groups in both the Waitangi Tribunal and Office of Treaty Settlements process at the same time has highlighted the need for tribes (and their individual members) to be unified in their decision to proceed with a single path to settlement. But the pathway remains the choice of claimants.

Individual Claims and Leadership

Settlement is between Maori tribes and the Crown. The New Zealand Government represents the Crown but it is not always clear where the recognised authority lies within tribal groups. While individuals may lodge claims with the Waitangi Tribunal, a Wai number does not grant any authority, it is simply one claim amongst many.

The Crown requires a mandate as part of the direct negotiations process to ensure the negotiators have the authority to represent large natural groupings or tribes in negotiations – yet, unless this is well managed, it can lead to competition within groups where no clear or recognised authority exists. This is perhaps the most difficult phase of the entire settlement process. Yet it is the key to Maori achieving settlement.

The settlement process requires Maori to think and act collectively. Individuals are required to forego their personal interests for the good of the entire tribe. Individuals must agree and appoint leaders who can get the claim settled for the good

of the entire tribe. Leadership means committing to a course of action, and delivering a result. Most importantly, the tribe should support its leadership and their decisions once the process has been agreed. The tribe must not allow the possibilities for settlement to be undermined by individuals who may disagree.

Looking Ahead

It has now been 15 years since CFRT was established. At that time, it was believed all claims involving Crown forest licensed land would be settled by 1992. Clearly, this expectation has not been realised and equally clearly this delay does not benefit anyone.

Maori and the Crown must develop more innovative and cost effective ways of progressing settlements involving Crown forest licensed land.

CFRT is concerned that the current arrangements inadvertently slow the process to the point where accumulated transaction costs may outstrip the value of settlements.

We urge Maori and the Crown to look to the future and the opportunity it can represent when the wealth held in trust by CFRT is released and the grievances of the past are acknowledged and put behind us. To do that the Crown and Maori must renew their commitment to settling claims involving Crown forest licensed land as quickly as possible for the good of all New Zealanders.

We must do better. All of us.



Sir Graham Latimer
Chairman
Crown Forestry Rental Trust





CFRT Trustees Sir Graham Latimer and Maryan Street present Ngati Awa Chief Negotiator, Hirini Mead, with a letter confirming Te Runanga o Ngati Awa as a beneficiary of CFRT. (Photo courtesy of the Office of Treaty Settlements)

