

Short Form Submission on the Te Tau Ihu Claims Settlement Bill

by the

Ngāti Rārua Ātiawa Iwi Trust

18th July 2013

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Summary

This short form submission is filed for the Board of the Ngāti Rārua Ātiawa Iwi Trust by its Chairman, Mr Paul Morgan, on behalf of those mana whenua families who descend from the original customary owners of the Tenths Reserves and Occupation Reserves of Nelson, Tasman Bay and Golden Bay.

The Ngāti Rārua Ātiawa Iwi Trust **opposes** the enactment of the Te Tau Ihu Claims Settlement Bill (“the Bill”). A more detailed submission setting out the reasons for its opposition will be filed subsequently.

There are three matters of immense concern to the Ngāti Rārua Ātiawa Iwi Trust regarding the Bill. They are:

- Historical grievances and compensation;
- The historical and future impact of the perpetual lease regime; and
- The intent to include as part of the Te Tau Ihu settlements Crown Forest Licensed Lands that should be the subject of a resumption order in favour of the manawhenua ki Motueka.

The reasons for the Ngāti Rārua Ātiawa Iwi Trust’s opposition are summarised below:

- The Bill is discriminatory. It breaches fundamental human rights and the principles of natural justice and good faith. In particular, the Bill cuts across the legal rights of the mana whenua ki Motueka to resolve their claims with the Crown as they see fit.
- The trustees or beneficiaries of the Ngāti Rārua Ātiawa Iwi Trust have not been involved in the negotiation of the Treaty settlements outlined in the Bill and do not accept that the Bill settles their historic grievances.
- Those iwi representatives who negotiated and agreed to settle their Treaty claims on behalf of the iwi trusts have no mandate to settle the Ngāti Rārua Ātiawa Iwi Trust’s claims.

- The Bill will not achieve its aim, which is to comprehensively resolve the Crown's breaches of the Treaty of Waitangi in Te Tau Ihu o Te Ika a Maui (Te Tau Ihu). In fact, the Bill and the process that led to its enactment have created fresh grievances.
- The proposed settlement contained in the Bill is completely inadequate to settle the Crown's breaches of the Treaty of Waitangi in Te Tau Ihu. The financial redress offered is worth less than 1% in terms of value compared with the land and resources that were lost.
- Manawhenua iwi are required by the terms of the settlements set out in this Bill to buy back commercial and forest land in Te Tau Ihu to make up the settlement, thus further detracting from the settlement that they should have received.
- The terms of the Bill, as set out in the settlements, are poorly supported by Te Tau Ihu iwi members who descend from the two iwi associated with the Ngāti Rārua Ātiawa Iwi Trust (Ngāti Rārua, Te Ātiawa). This is illustrated by the analysis of the numbers of people attending ratification hui and voting: the participation rates for voting to sign the deeds of settlement were very low – 28% respectively for both Ngāti Rārua and Te Ātiawa.
- The paucity of the settlements means that the settlements will not be final. In combination with the sense of injustice created by the settlement process culminating in the passage of this Bill that outcome is inevitable.

Recommendations

The NGĀTI RĀRUWA ĀTIAWA IWI TRUST seeks that:

- the Bill not be passed by Parliament into law; and
- The Crown resumes the settlement process for those hapu and iwi disenfranchised by the proposed settlements, specifically the manawhenua ki Motueka, so as to avoid injustice to the manawhenua ki Motueka and prevent the establishment of a further Treaty breach by the Crown.

The Ngāti Rārua Ātiawa Iwi Trust does not support the Bill (with the exception of clause 214(6) of the Bill, which excludes Wakatu Incorporation's legal action from the final settlement of historical claims).

The NGĀTI RĀRUA ĀTIAWA IWI TRUST wishes to be heard in support of this submission.

Dated this 18th day of July 2013

Camilla C.M. Owen.

Camilla CM Owen

Solicitor for the Ngāti Rārua Ātiawa Iwi Trust