



Ngāti Rārua Ātiawa Iwi Trust

Treaty of Waitangi Update – Hakihea 2012

The Trustees of the Ngati Rarua Atiawa Iwi Trust Board (NRAIT), on behalf of, whanau and haapu have resolved to apply to the Waitangi Tribunal for a resumption order over our Tupuna lands, which may or may not impact upon current Treaty settlements being ratified.

The settlement of historical claims is a critical issue for those that are asked to ratify an offer. Ratification indicates the acceptance of an offer and further signals the transitioning of a deed of settlement through legislative processes and ultimately to a Bill and then to an Act of Parliament. The key point within the ratification process is; there are certain rights and opportunities that are secured and equally there will be certain rights or mechanisms that may be extinguished.

The following is a summary of why we as NRAIT, on behalf of, whanau and haapu have decided to apply to the Waitangi Tribunal for resumption over our Tupuna lands.

Ngati Rarua and Te Atiawa entities through Tainui Taranaki Ki Te Tonga (TTkTT) are mandated to negotiate a Treaty settlement for the Motueka whanau whanui. From the perspective of the Trustees and Motueka whanau the proposed settlements do not meet our expectations in regard to:

1. Cultural redress
2. Economic redress
3. The inclusion of other Iwi in our Rohe mana whenua through statutory recognition and our whenua being purchased by other Iwi bodies with no mana whenua.
4. Sub optimal outcome for Crown Forest Assets Act crown forest licenses, Rarua and Te Atiawa buying back land we own.
5. Numerous other issues – By way of examples:

Under the Ngati Tama settlement package; clause 6.2.2 of the Settlement Deed acknowledges that \$300,000 (2.5% of total [Tama] financial redress) "as redress for historical grievances [relating to Motueka]" may be reserved at the trustees discretion and applied to endowment lands in Motueka. **This appears to be the only explicit acknowledgement in any of the four Deeds (under financial redress) which refers to Motueka claims and redress and gives an indication of how the Tama trustees and Crown have valued losses in this area.**

Lack of reform on perpetual lease regime imposed on Whakarewa lands administered by the Trust.

NRAIT beneficiaries' interests lay in the forest lands and resources in and around Motueka.

The Crown Forest Lands ("CFL") in the Motueka district account for c.47,000 hectares, that have approximately \$38M in accumulated rentals held on Trust to be returned to the rightful owners, plus the lands also generate an annual rental of \$1.5M.

Once the settlements are enacted a volume of the lands (title) in Motueka will be provided to Iwi not from Motueka. This is continued alienation of these said lands and will likely see these lands never returning to their rightful owners.

The current settlement offers affecting NRAIT beneficiaries will potentially see:

- Limited direct benefit to the Motueka whanau;
- The right to full or a significant portion of Motueka forest lands (quantum and value) returned to rightful owners – **EXTINGUISHED.**
- The right to approximately \$38M (in full or part) in accumulated rentals **EXTINGUISHED.**
- The right to annual licence income of \$1.5M (in full or part) **EXTINGUISHED.**

The Crown Forest Assets Act provides a mechanism that would provide the ability of Motueka whanau to control and manage their estate and associated resources. The proposed settlement offer(s) extinguish this mechanism.

NRAIT is making its application on behalf of its statutory beneficiaries and owners, those direct descendants of the Tupuna identified by the Maori Land Court in 1892.

In making our application we assert our whanau, haapu mana whenua rights as tangata whenua of Motueka. This in itself challenges the Rarua and Te Atiawa settlement package for being inadequate, demeaning our mana by agreeing to other iwi having mana whenua statutory recognition and specifically buying back the CFL lands which we assert we own.

We must assert our rights in the Moutere, Motueka and Marahau CFL lands the basis of our mana and then our interests in the Waimeha and lands to the Kawatiri awa. The agreement of the Iwi to take a payment south of the Ngai Tahu statutory boundary demeans our mana and will have long term ramifications.

Updates on the application process will be provided on a timely basis moving forward, please refer to our the website (www.nrait.co.nz).