



Negotiations confidential

14 August 2008

Tēnā koutou mā

## **OPEN LETTER TO NGATI PAHAUWERA MEMBERS**

- 1 Ngati Pahauwera and the Crown signed Terms of Negotiation on 8 May 2008 for the settlement of Ngati Pahauwera historical Treaty of Waitangi claims and foreshore and seabed interests. This is the first time that a group has entered into combined negotiations with the Crown in this way.
- 2 Ngati Pahauwera has confirmed that the section 30 representatives will represent Ngati Pahauwera (on an interim basis) for Treaty settlement and foreshore and seabed negotiations. These representatives are expected to report back to Ngati Pahauwera members and ensure Ngati Pahauwera interests are articulated to the Crown.
- 3 The Crown and the Ngati Pahauwera representatives are currently in intense negotiations towards agreeing a settlement package. When there's a broad level of agreement the Ngati Pahauwera representatives will bring the agreement in principle to you for discussions. The agreement will not be binding, but will set out the major parts of a settlement. We anticipate this will include the following areas:
  - a **Historical Account** – a description of the historical relationship between Ngati Pahauwera and the Crown. The Deed of Settlement will also include the Crown Apology.
  - b **Financial and commercial redress** – a sum negotiated between Ngati Pahauwera and the Crown, and the opportunity to use this sum to purchase Crown land (including Crown licensed forest land), if appropriate.
  - c **Cultural redress** – redress over culturally significant sites to give Ngati Pahauwera the ability to protect, access or manage the sites or resources on them, as appropriate.
  - d **Recognising foreshore and seabed interests** – recognition of customary activities, uses and practices over the public foreshore

and seabed are protected. Former territorial customary rights are recognised (which relate to exclusive use and occupation, without substantial interruption, of part of the public foreshore and seabed from 1840 to 2004).

- 4 The Crown and Ngati Pahauwera are also talking to neighbouring iwi who may have interests that overlap those of Ngati Pahauwera. Any agreement reached will need to take account of such interests.
- 5 Once the details of the settlement have been agreed, Ngati Pahauwera representatives and the Crown will initial a Draft Deed of Settlement. The Ngati Pahauwera representatives will then ask the Ngati Pahauwera community to vote on whether or not to accept the settlement.
- 6 If support for the settlement is high, the Ngati Pahauwera representatives and the Crown will sign a binding Deed of Settlement. The Crown will introduce legislation into Parliament to give effect to the settlement. Any agreement reached between the Crown and Ngati Pahauwera over parts of the public foreshore and seabed where Ngati Pahauwera would have had exclusive use and occupation from 1840 to 2004 will need to be certified by the High Court.
- 7 The section 30 representatives are currently working to establish a Trust, or governance entity, to receive and manage the assets from the settlement. The Ngati Pahauwera governance entity is due to be established in August 2008. Once established, the Trust will represent Ngati Pahauwera in negotiations with the Crown.
- 8 Your representatives will keep you updated as we progress through the different stages of negotiation. For further information you may be interested in the following websites:
  - a <http://www.ots.govt.nz>, for information on Treaty settlements; and
  - b <http://www.justice.govt.nz/foreshore/negotiations>, for further information on foreshore and seabed matters.

Nāku noa, nā



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