

Ngati Porou ki Hauraki Newsletter

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2007 – 2008 Update

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Foreshore & Seabed Negotiations Update

The negotiations between NPKH and The Crown have reached an important phase at the present time. Over the last few months before Christmas, and into the next few months, the evidence that has been gathered by both the Crown and NPKH over the past several years is now being tested and debated. This occurs through a process of information exchange and discussions, with the result that a body of evidence will emerge that will be agreed to by both parties. We are currently engaged in discussions particularly focussing on the evidence briefs which have so far been supplied to the Crown for comment. Many of these briefs have been amended and enlarged as the negotiations have moved on

To date we have collected a large number of these evidence briefs from deponents in Mataora and Harataunga. We also have historical recordings and transcripts from deceased informants as early as the 1940's, which, along with volumes of other information collected during the research, will be used in the Foreshore & Seabed History Report which is currently being prepared by John Hovell and Marlene Ngapo with substantial input from Paki Harrison.

Other discussions with the Crown during this phase concern the contiguous land which abuts the foreshore in Mataora and Harataunga. A meeting was held with the Crown just before Christmas to discuss the issues which had been identified around the contiguous land and the areas of continuous ownership. In Harataunga, there are several blocks of contiguous land which have lapsed for short periods from continuous ownership by Ngati Porou; namely Rangiriri; the Old Land Claims 347 & 348; and a number of areas in the Moehau Block. We are currently considering how these blocks will effect any final territorial customary rights agreement which we will eventually be able to negotiate.

Mataora is in a different situation regarding the key test for continuous ownership since there is no broken ownership of that block since Ngati Porou first settled it. Even though the Mataora Incorporation now controls the block, it does so for the benefit of the shareholders, who all, by necessity whakapapa from the original Ngati Porou owners. There is no other way of becoming a shareholder in that block. We are confident that the continuous ownership test in the act has been met in Mataora.

The current negotiations phase between NPKH and the Crown is expected to be completed by the end of July.

Foreshore & Seabed History Report Update

John Hovell & Marlene Ngapo are currently working on The Foreshore and Seabed History Report, a substantial body of work, which builds on the large amount of research which has so far taken place. The report, (so called The Hovell Report) is due to be largely completed by the end of March 2008.

The Report tells us of the important whakapapa links Ngati Porou ki Hauraki have with Paikea and Ahurumoiwairaka from Mercury Island and how these links are rooted firmly in Hauraki. It covers the journeys of discovery by Paikea and his naming of important areas which feature in our local history. It discusses the important history of journeys from the East Coast which retraced Paikea's journey of discovery and regularly plied the eastern seaboard up to Hauraki and beyond. It describes how the early Ngati Porou settlers came up from Tairāwhiti in the 1830's and how they co-existed with Raukātāuri and made these lands their permanent home.

It also talks about the tuku of Harataunga by Paora Matutaera (also known as Paora Te Putu) in 1852 and discusses the relevance that tuku had to those Ngati Porou who were already living in Harataunga prior to that time. The story goes on to tell how these people, who largely comprise the tupuna of Mataora and Harataunga, used the abundant resources they found in the bays which washed the shores of their lands. It goes on to describe the importance of these resources in their daily lives, and how they controlled and managed this abundance which was available to them.

The report discusses the period covering the second half of the nineteenth century when Ngati Porou in Hauraki were busy consolidating their hold on the whenua through Maori Land court titles. The report also covers the schooner trading which was a feature at the time and one of the reasons why more Ngati Porou from Tairāwhiti came to settle among their kinsmen in Harataunga. It goes on to talk about the timber and gold leases which were negotiated with Ngati Porou in Hauraki at that time and the implications that these had on the communities living, particularly in Harataunga.

It is evident that by the 1900s Ngati Porou had really come into their own in Hauraki, with a confidence that was based upon a foundation of firm relationships with the people of Hauraki. Tribal rohe and tikanga had evolved out of whakapapa links which the first settlers further enhanced, intermarriage was common and with that came a blending of Ngati Porou into Hauraki. To the extent that today Ngati Porou ki Hauraki are a unique and discrete entity within the Hauraki rohe.

Other Iwi Foreshore & Seabed Negotiations with the Crown

We have known for some time that the Crown has been involved with a number of other hapu in Foreshore and Seabed negotiations; and like us these negotiations have been ongoing over the last three years. Two of these negotiations are with nga hapu o Ngati Porou in Tairāwhiti and Te Whānau a Apanui. Recently these two parties have reached overarching agreements called 'Heads of Agreement' with the Crown.

These Heads of Agreements set out the framework for a final Deed of Agreement which will result when both parties have reached a full agreement around all aspects of their negotiations. In particular agreements need to be reached by the parties on the location of the Territorial Customary Rights (TCR) areas. That is, those areas contiguous to the foreshore which have been occupied continuously since 1840 up until 2004. Any agreement will be based on supporting evidence which has resulted from the extensive research so far undertaken, and a collation of the traditional and historical evidence that has been discovered.

Once the TCR areas have been agreed upon, a final version of the Deed of Agreement will be presented for ratification by both parties. At this stage the relevant hapu will file an application to the High Court under section 96 of the Foreshore & Seabed Act. And it will be the High Court's job to confirm that the requirements under section 96 of the Foreshore and seabed Act have been satisfied. Pending the court confirmation legislation will be required to give effect to the Deed of Agreement once the TCR areas have been confirmed by the High Court.

The following two sections in this Newsletter outline the Heads of Agreements negotiated by Ngati Porou (Tairāwhiti) and Te Whānau ā Apanui.

Crown Agreement with nga hapu o Ngati Porou

The negotiations between the Crown and nga hapu o Ngati Porou (Tairāwhiti) have reached an important stage, which is of considerable interest to us here in Hauraki. We understand that other iwi are also interested in a similar agreement.

A brief outline of the key elements of this agreement, which may be useful to us in our negotiations, is presented here.

Through negotiation agreement was reached on the framework for the finalised Deed of Agreement and the instruments it will contain. Of interest to NPKH, the agreement with nga hapu o Ngati Porou describes eight instruments through which the mana of the hapu, in relation to the public foreshore and seabed in their rohe, would be recognised at law in a way that is consistent with the object of the Foreshore and Seabed Act. These eight instruments comprise the following:

1. A **Statutory Overlay** that recognises the special status of the public foreshore and seabed to the hapū of Ngāti Porou. It also ensures that this status is recorded in key public documents such as district and regional plans and statements and is taken account of in consent processes under the Resource Management Act and the Marine Reserves Act.
2. An **Environmental Covenant**, which will ensure that statutory plans prepared and administered by Gisborne District Council conform to a statement by Ngāti Porou on the sustainable management of natural and physical resources for the public foreshore and seabed in their rohe.

3. **Relationship Covenants** between the hapū of Ngāti Porou and a number of Ministers, which will set out how the hapū and the Ministers will interact. The Ministers are: The Minister of Fisheries, the Minister of Conservation, the Minister for the Environment, the Minister for Arts, Culture and Heritage and the Minister of Energy. The Crown will also encourage Gisborne District Council and Transit NZ to enter into relationship covenants with the hapū of Ngāti Porou.
4. A **Fisheries Mechanism** that will allow Fisheries Management Committees to develop customary fisheries resource management plans and subsequent regulations (made by the Minister of Fisheries) to implement those plans and manage customary fisheries.
5. A **Wahi Tapu** protection mechanism that will give the supporting hapū the right to restrict or prohibit access to wahi tapu and wahi tapu areas within the public foreshore and seabed in their rohe.
6. A **protected customary activities** mechanism that will allow the supporting hapū the right to continue carrying out specified customary activities without resource consent in or on the public foreshore and seabed in their rohe.
7. A **pouwhenua** instrument that will give the hapū of Ngāti Porou the right to erect Pouwhenua at culturally significant sites
8. A **placenames** instrument that will officially recognise traditional names or alter names of culturally significant areas.

Where specific territorial customary rights are recognised as part of this agreement the hapū signing this agreement will also have the following additional protections within those territorial customary rights areas:

A Permission Right Instrument; that will provide the right to approve or withhold approval for any resource consent for activity that will or is likely to have a significant adverse effect on the relationship of the hapu with the environment in the territorial customary rights area.

An extended Fisheries Mechanism; that provides the signatories with the ability to make by-laws under customary fishing regulations. The bylaws may place restrictions on fishing within territorial customary rights areas, either to preserve sustainability or for cultural reasons such as following a death by drowning in the area.

An extended Environmental Covenant; which gives the signatories the ability to ensure all statutory plans that cover a territorial customary rights area recognise and provide for the approach of the hapu to the sustainable management of physical and natural resources in that areas.

Crown Agreement with nga Hapu o Te Whanau a Apanui

As with Ngati Porou (Tairāwhiti) negotiations, those negotiations between the hapu of Te Whanau a Apanui and the Crown have reached a similar stage. A Heads of Agreement between Te Whanau a Apanui and the Crown has been agreed upon and we will give a brief summary of that agreement here.

The Heads of Agreement aims to firstly, recognise the unbroken, inalienable and enduring mana of the hapu of Te Whanau a Apanui in relation to the public foreshore and seabed in their rohe. And secondly provide legal mechanisms that support the expression and protection of Te rohe mana moana o Te Whanau a Apanui both generally and in those specific areas where territorial customary rights are recognised.

Like the agreement between the Crown and nga hapu o Ngati Porou (Tairāwhiti), this one comprises eight instruments through which the mana of the hapu, in relation to the public foreshore and seabed in their rohe would be recognised. These are:

1. Te Rohe Mana Moana o Te Whanau a Apanui Overlay: A Statutory Overlay that recognises the special status of the public foreshore and seabed to the hapu. It also ensures that this status is recorded in key public documents such as district and regional plans and statements and is taken account of in consent processes under the Resource Management Act and Marine Reserve Act.
2. Te Kawenata Taiao (mo te rohe mana moana o Te Whanau a Apanui): An Environmental Covenant, which will ensure that statutory plans prepared and administered by Opotiki District Council and Environment Bay of Plenty conform to a statement by Te Whanau a Apanui on the sustainable management of natural and physical resources for the public foreshore and seabed in their rohe.
3. Nga Kawenata: Relationship Instruments between the hapu and a number of Ministers, which will set out how the hapu and the Ministers will interact. The Ministers are: The Ministry of Fisheries, The Minister of Conservation, The Minister for the Environment, The Minister for Arts, Culture and Heritage and the Minister of Energy. The Crown will also encourage Opotiki District Council and Environment Bay of Plenty and Transit NZ to enter into relationship covenants with the hapu.
4. Nga Rekureihana Whakahaere Wahi Mahinga Kai Mataitai: A Fisheries Mechanism that will provide for the management arrangements to develop customary fisheries resource management plans and subsequent regulations (made by the Minister of Fisheries) to implement those plans and manage customary fisheries.
5. Te Ture Tiaki Wahi Tapu: A Wahi Tapu protection mechanism that will recognise the right of the hapu to restrict or prohibit access to wahi tapu and wahi tapu areas within the public foreshore in their rohe.
6. Ture Tiaki Whakahaere Tikanga: A protected customary activities mechanism that

will recognise the right of the hapu to continue carrying out specific customary activities without resource consent in or on the public foreshore and seabed in their rohe.

7. Nga Pouwhenua me nga Pou Tohutohu: A pouwhenua instrument that recognises and supports the rights of the hapu to erect pouwhenua at culturally significant sights.
8. Nga Ingoa Tuturu: A place names instrument that will officially recognise traditional names or alter names of culturally significant areas.

Similar to the Crown and nga hapu o Ngati Porou (Tairawhiti) Heads of Agreement, additional protections have been negotiated which will apply in those specific areas where territorial customary rights are recognised. These protections are:

Te Mana mo te Whakaae I raro I te Ture: A Permission Right instrument that will provide the right to approve or withhold approval for any resource consent for activity that will or is likely to have a significant adverse effect on the relationship of the hapu with the environment in the territorial customary rights area.

Te Mana Whakatau Paeroa: An extended Fisheries Mechanism that provides the signatories with the ability to make by-laws under customary fishing regulations. The by-laws may place restrictions on fishing within territorial customary rights areas, either to preserve sustainability or for cultural reasons such as following a death by drowning in the area.

An Extended Environmental Covenant which gives the signatories the ability to ensure all statutory plans that cover a territorial customary rights area recognise and provide for the approach of the hapu to the sustainable management of physical and natural resources in that area.

Where to from here for us

We have presented both these Heads of Agreement here in our Newsletter so that members can start thinking about what our next move in our negotiations with the Crown should be.

The negotiating team for Ngati Porou ki Hauraki are keen to move our negotiations along. On the 10th of May 2004 (tentative date), a hui is being planned in Mataora where a discussion around whether we can proceed along similar lines to Ngati Porou (Tairawhiti) and Te Whanau a Apanui is on the agenda. Please watch the newspapers for our advertisements which will confirm the date, place and agenda items.

If we do decide to follow the other two negotiations, any Heads of Agreement that we finally settle on, will of course, need to be specific to us in Mataora and Harataunga. We all look forward to your discussion and input on that day.

Monthly Newsletter by Email

We are keen to send issues of our monthly newsletter to you by email. The advantages of this are several. Firstly you will get it much quicker and secondly it is more cost effective and less labour intensive. Email us at lyndahale@clear.net.nz with your email address and you will be put onto our email list.

Membership & Register Details

If you have recently changed address, please let us know so we can update your address details in the register. We are still keen to enrol new members, so keep your whanau informed and encourage those who haven't yet registered to register. Registration forms are available on our website or contact Lynda to have forms posted to you.

NPKH Trustees