



THE ROAD TO SETTLEMENT

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The team

- Office of Treaty Settlements
 - ▣ Paul James, Director
 - ▣ Andrew McConnell, Deputy Director
 - ▣ Maureen Hickey, Manager, Negotiation and Settlement
- Te Puni Kokiri
 - ▣ Lucy Te Moana
 - ▣ Kererua Savage

What are we trying to achieve?

Fair and final settlement of Ngāpuhi Historical Treaty Claims

(Crown acts or omissions before 21 September 1992)

Main type of Historical Claims:

War and land confiscation (raupatu)

Pre-1865 land purchases

Post-1865 land loss (the operation of the Native Land Court)

20th Century grievances (e.g. land lost through the operation of the Public Works Act, etc)

Settlement Process

Understanding both Interests and Aspirations

The “Why” and the “What”

Good faith negotiations

Decision making on both sides

Engagement with:

claimant community

overlapping claimants

Crown agencies

Settlement Process

- ⇒ Mandate Recognition
- ⇒ Terms of Negotiation
- ⇒ Agreement in Principle
- Initial Deed of Settlement
- Ratification of Deed of Settlement and Governance Entity
- Sign Deed of Settlement
- Legislation Enacted
- Settlement Date – Assets Transferred

Mandate – What do we look for?

- Definition of the claimant group
 - ▣ Founding ancestor / ancestors
 - ▣ Constituent hapū
 - ▣ Wai claim numbers
 - ▣ Area
 - ▣ Overlapping claimants

- Comprehensive settlement

Mandate – What do we look for?

- Accountability of the mandated body, its representatives and negotiators
 - ▣ Make decisions
 - ▣ Report to claimant community
 - ▣ Administer claimant funding
 - ▣ How can claimant community amend or remove mandate?
 - ▣ Tribal register
- Support from the claimant community

Ngāpuhi claimant community

- 120,000 people approximately
- Numerous hapū
- Ngāpuhi people
 - ▣ living in the rohe
 - ▣ living outside rohe
- Negotiation process and redress needs to provide for the whole community

Wai Numbers

- How do Wai numbers fit in?
 - Settlement settles all historical claims of a claimant group
 - registered (i.e. with a Wai number)
 - otherwise
 - Crown does not negotiate or settle individual Wai claims
 - Important that mandated group keeps all members with Wai claims informed and when agreeing a redress package takes their needs into account

Mandate – What do we look for?

- The mandating process
 - ▣ Advertising
 - ▣ Hui
 - Location
 - Attendance
 - ▣ Mandate presentation
 - ▣ Mandate resolutions
 - ▣ Ministers review and decide

Hearings and Negotiations

- Understand importance of telling your grievances
- Options are:
 - Tribunal hearings followed by negotiations
 - Negotiations and Tribunal hearings in parallel
 - Negotiations without Tribunal hearings
- Options have different resource implications for both Crown and claimants

Historical Account /Crown Apology

- Historical account
- Crown acknowledgements of Treaty breaches
- Crown apology

Cultural Redress



Examples:

- Return of sites of significance
- Statutory Acknowledgements
- Deeds of Recognition
- Place name changes
- Relationship redress

Commercial / Financial redress

Examples:

- Quantum (\$)
- Selection of forest lands
- Selection of surplus Crown properties (e.g.. OTS Landbank Properties in Rohe)
- Right of First Refusal over selected non surplus Crown properties
- Sale and leaseback of Crown property

Post Settlement Governance Entity



- Post Settlement Governance Entity not usually the negotiating entity
- Post Settlement Governance Entity has to be ratified by the people
- Not a charitable trust

Conclusion/Questions

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see www.ots.govt.nz