

THE TRUSTEES OF TE MARU O REREAHU TRUST

and

THE CROWN

TERMS OF NEGOTIATION

**BETWEEN THE TRUSTEES OF TE MARU O REREAHU TRUST
AND THE CROWN**

6 SEPTEMBER 2008

Parties to these Terms of Negotiation

- 1 The Parties to this document, known as the Terms of Negotiation, are the Crown, (as defined in paragraph 14), and the Trustees of Te Maru o Rereahu Trust ("the Trust") (as defined in paragraph 11) on behalf of the Claimants ("the Claimants") (as defined in paragraph 8).

Statement of Significance

- 2 The Trust has provided a statement of the significance of the original Maraeroa block to Rereahu.

Ko te Purongo Tikanga TE ROHE O MARAEROA

I whanau mai te tangata

me tona ake mana

Na te lo i homai.

Ko Mataarangi

Ko Mataanuku

Na, ka puta ko tooku whakapapa i here au ki te whenua.

Ko Tainui te waka

Ko Pureora te maunga

Ko Rereahu te tupuna

Ko Maraeroa te pataka

Te rohe tuturu o Maraeroa

Ka timata I Tapararua ka huri tapatiu Nga Turi a Hinetu he rakau ahere he Tawhero

Ka huri atu ki te Tonga, haere pera tonu ki te tihi ki Puke-makoiti rere tika tonu te rarangi ki Kete-Maringi ki Hurakia ki Hauhungaroa. Kei waenganui ko Te Pakihi-nga-whaka-ara-hanga.

Haere karapu nga rarangi hiwi o Hauhungaroa Ki Tuhingamata. Ka haere pera tonu ka tae atu ki Ta-hora-ka-rewarewa, rere haere ki te raki. Ko Pure-ora Maunga ka heke ki raro ki Nga-herenga hoki tonu atu ki te timatanga ki Tapararua.

Kei te tapatiu o Taupo-nui-a-Tia I roto ano i Te Rohe Potae, a Maraeroa.

E ai ki nga korero a Te Paihua Matekau (Cambridge MLC1891)

I Timata mai te whakahoahoa o Rereahu whaanui ki Maraeroa whenua, mai te wa ia Kahu, i te matenga o toona taane a Uetapu. Ka puta te whakaaro I a ia kia ahu mai ki uta, mai te taha moana o Kawhia. Mahaa nga tohu whenua i roto ia Maraeroa na Kahu i whakaingoa, hei aha, hei maumaharatanga mo toona whikoitanga. Anei ra he tauira pea ma tatou, inaianei e mohio pai ana tatou, ko Pureora Maunga engari i era wa ko te ingoa taketake ko te Pureora-o-Kahu e pangia a Kahu i te mauui, heoi ano ka tae atu irunga i te tihi Maunga nei, ka purea mai te hau, ka mutu ka puta te oranga irunga i a ia.

Kahu

Raka

Kakati

Tawhao

Turongo

Rakawa

I Maraeroa ano te kainga a Ngaherenga na te Rangatira nei a Rereahu i hanga. Ka tae i te wa i noho whakatau a Aotearoa i te Pakeha, e maha tonu ana nga Whakatipuranga o Rereahu i noho noa atu i Maraeroa. He iwi tukaha, iwi maiia, kaha te whai oranga kite whai rawa ano hoki mo ta ratou amua. Te ahua o Maraeroa i era wa, i puta katoa nga whanaunga tata, nga hononga whakapapa, haere mai ratou ki te hauhake nga hua kai o Maraeroa, whenei te ika, nga tumomo manu, me nga hua rakau hoki. Na tenei, ka puta te tikanga o te ingoa nei Marae (waahi manaaki) roa (mutunga kore) (Te Manawa-nui-o-rangi Pehikino 1899 – 1978).

Kia Ngati Rereahu he kono kai a Maraeroa, ehara mo ratou anahe, engari mo nga iwi katoa, e noho tata, tae i nga waahi tata o te rohe, he waahi rongonui, mo nga rakau ahare manu, maha rawa atu nga puna wai, me nga awa iti, ki ki rawa ite Tuna. I era wa tonu i hora katoa a Maraeroa i te kai otaota penei i te Pikopiko, te Komata, Toi ano hoki. I kona ano nga kura rakau, Rimu, Matai, Kahikatea, Totara he kai mo nga mira, Ka noho a Rereahu hei kaitiaki mo nga rawa.

E tini rawa nga waahi tapu o Ngati Rereahu, ki runga i Maraeroa, me nga tuunga onamata, tae atu i nga paenga mo te taha tikanga whenei te Pa o Pukeroa, tapiri atu ki o ratou Urupa a Whare-kai-kihikihi, Te Rangi-kauwhata, Motomotokia tae ai ki Tikiwhenua me tetehi atu.

Whakaruringia a Maraeroa i nga tau tahi mano waru rau iwa tekau, tata ki te wha tekau ma whitu mano eka te rahi, heoi ano, he korero kei te ki, e ahua he, nga mahi ruuri tuatahi.

Ko teteahi ano o nga whakaaro, hei te ono tekau-waru tekau mano eka te nuinga o Maraeroa tuturu. Tae atu ki nga tau tahi mano iwa rau ka ruri ano a Maraeroa e te karauna Ka mutu ka wawahingia, te whenua, te mutunga iho ka puta nga wahi e toru na ko te Maraeroa A, B,& C.

Na wai, na wai, i whaka-rarungia na wahanga tino nui ote whenua Maraeroa a ai murua e Ngati Rereahu e ki ana na panuitanga tuturu i whaka-rarungia te whenua i te mea.

- I he nga paenga, nga rohe ote whenua
- Hei utu i nga kaute i nunui mai, me nga nama ruri rarahi mai
- He mahi mo te Iwi whanui
- I tukuna ki nga poari whenua Maori
- Na nga whaka-puakanga nui te take kia kore e hoko muna e te whenua
- He turoa te mana turaki I nga rakau te take

Statement of Significance

MARAEROA AREA

Man is born
with dignity and honour
it is Gods bestowal.

This Source of Heaven
This point of Earth.
Gives rise to my lineage of renown that binds me to the land.

Tainui is the canoe
Pureora is the mountain
Rereahu is the ancestor
Maraeroa is the storehouse

The original Maraeroa

Beginning at Tapararoa then turning slightly west to Nga Turi o Hinetu, southwest to Pukemako, continuing in a southerly direction to Ketemaringi, from here a change eastward to Pakihi. On the Hauhungarua range and down towards the western bays of Lake Taupo and Tuhingamata. The line returns on a northerly route to Werarua on to Tahora Karewarewa, up onto Pureora Mountain and finally back to where it began at Tapararoa. These are the boundary markers of the original Maraeroa block as recorded in the 1891 Maori Land Court records at Cambridge given by Wehi Te Ringitanga, Tutaki Te Ringitanga and Taroa Te Ringitanga of Ngati Rereahu.

Maraeroa is located to the north-west of Lake Taupo, in the Rohe Potae - King Country district.

It is said that Ngāti Rereahu's association with the Maraeroa block derives from the ancestor Kahu (otherwise known as Kahupekarere, a descendant of Rakataura). When her husband Uetapu died, Kahu decided to travel inland from Kawhia. Many sites in and around Maraeroa bear names based on the events of that journey. For example, the mountain known today as Mount Pureroa was originally named Pureora-o-Kahu (Kahu's recovery), as it was on this mountain top that Kahu recovered from an illness.

The chief Rereahu made his home at Maraeroa at a place called Nga Herenga and by the time of European settlement in New Zealand, Ngāti Rereahu had occupied the Maraeroa area for generations. The people of Maraeroa had a vibrant lifestyle and looked forward to a healthy and prosperous future. The area was used by iwi from the surrounding districts to harvest the rich supply of fish, bird and plant food. It is from the abundance of resources of the area that Maraeroa was named; the word "marae" meaning "hospitable" and "roa" meaning "endless".

The Maraeroa area was considered kono kai by Ngāti Rereahu – a virtual food basket for iwi of the surrounding area. It was famous for its bird snaring trees and many streams full of eels. Plant foods such as pitau, pikopiko, komata and toi were abundant and highly sought after. The Maraeroa block also contained valuable milling timber. Ngāti Rereahu were known as the kaitiaki (guardians) of these resources.

There are many sites of cultural, historical and spiritual significance to Ngāti Rereahu within the Maraeroa area. Such sites include the Pukeroa pā and Te Arero pa, various urupā (burial grounds) including Puke-okahu, Nga Huinga, Te Kauae-a-Tipi, Wharekaikihikihi, Te Rangikauwhata, Motomotokia and Tikiwhenua, as well as other wāhi tapū sites.

In the 1890s, the Maraeroa area was surveyed. The Maraeroa block was surveyed again in the 1900s and partitioned into three parts. These parts are known as Maraeroa A, Maraeroa B and Maraeroa C.

Over time, significant portions of the Maraeroa block were alienated from Ngāti Rereahu.

Historical evidence suggests that portions of Maraeroa were:

- **alienated due to incorrect boundaries;**
- **taken in lieu of outstanding survey liens;**
- **taken for public works;**
- **vested in Maori Land Boards;**
- **subject to proclamations prohibiting any private sales of land; and**
- **subject to long-term timber cutting rights.**

Purpose of these Terms of Negotiation

- 3 This document, known as the Terms of Negotiation, sets out the scope, objectives, general procedures and “ground rules” for formal discussions between the Parties regarding the negotiation of claims in respect of Maraeroa A and B Blocks (as defined in paragraph 12 and set out in the map at Appendix A).
- 4 In particular, these Terms of Negotiation record the intentions of the Trust and the Crown regarding the negotiations process, including the intention to negotiate in good faith, confidentially and without prejudice.
- 5 These Terms of Negotiation are not legally binding and do not create a legal relationship. However, the Trust and the Crown acknowledge that each expects the other to use their best endeavours to comply with the terms set out in this document during negotiations.

Issues to Address

- 6 In negotiating settlement of the Claims, the parties acknowledge that the following preliminary issues need to be addressed, and the manner in which the following issues are addressed will determine the ongoing nature and extent of the negotiations:

- 6.1 the current title arrangements for the Maraeroa A and B blocks;
- 6.2 whether any other parties have interests in Maraeroa A and B blocks;
- 6.3 the relationship of the negotiations subject to these Terms of Negotiation with future comprehensive negotiations between the Crown and Ngāti Rereahu regarding extant historical Treaty of Waitangi claims;
- 6.4 the relationship of the negotiations subject to these Terms of Negotiation with any future comprehensive settlement negotiations between the Crown, Ngāti Rereahu, Maniapoto and wider natural groups;
- 6.5 the requirement for further historical research regarding the claims; and
- 6.6 identification of whether there are any overlaps with the areas subject to the CNI Collective Settlement and Legislation.

Objectives of the negotiations

- 7 The Trust and the Crown agree that the objectives of the current process are to:
 - 7.1 Investigate the issues set out in paragraph 6 above, to be addressed as preliminary issues, in the context of the negotiations between the Parties;
 - 7.2 Negotiate in good faith an agreement in relation to the claims which is fair in the circumstances, which is to be on account prior to a comprehensive settlement of the Claimants' wider claims under the Treaty of Waitangi;
 - 7.3 Achieve an agreement that will enhance the ongoing relationship between the Parties so as to restore the Claimants' faith in the Crown (both in terms of the Treaty of Waitangi and otherwise);
 - 7.4 Demonstrate and record that both Parties have acted honourably and reasonably in negotiating an agreement which:
 - (a) honours the principles of the Treaty of Waitangi;
 - (b) assists the Claimants to enhance the mana and te rangatiratanga of their people;
 - (c) promotes and supports the whanaungatanga relationship between the Claimants and Maniapoto; and

- (d) achieves appropriate resolution of any overlapping claims.

Definition of Terms

8 The Claimants for the purposes of this document means the descendants of the original owners of Maraeroa A and B Blocks.

9 The detail of the definitions of the Claimants will be developed further over the course of negotiations for inclusion in any Agreement that the parties may reach.

10 Te Maru o Rereahu Trust means the trust created by the deed of trust between The Kaumatua of Rereahu and Brian Stanley, David Tamaki, Helene Crown, Jonathon Kilgour, Barbara Moana and Thomas Moke dated 24 November 2001.

11 **Trustees of Te Maru o Rereahu Trust** means the trustees of Te Maru o Rereahu Trust and includes the trustees appointed from time to time under the Deed of Trust for Te Maru o Rereahu Trust in their capacity as trustees.

12 **Maraeroa A and B Blocks** means the blocks marked A1, A2, A3A, A3B, B1, B2, B3A and B3B on Map C: 1911 attached as Appendix A.

13 **The Claims:**

13.1 Mean every claim (whether or not the claim has been considered, researched, registered or notified) that the Claimants (or any representative entity) have as at the date on which the agreement contemplated by paragraph 7.2 is signed and which arises from or relates to acts or omissions before 21 September 1992 by or on behalf of the Crown or by or under legislation in relation to Maraeroa A and B blocks.

13.2 Include every claim to the Waitangi Tribunal to which paragraph 13.1 applies and that relates exclusively to the Claimants (or a representative entity) in relation to Maraeroa A and B blocks.

13.3 The detail of the definition of the Claims will be developed further over the course of negotiations for inclusion in any Agreement that the parties may reach.

14 **The Crown:**

14.1 Means the Sovereign in right of New Zealand; and

14.2 Includes all Ministers of the Crown and all government departments; but

14.3 Does not include:

14.3.1 An Office of Parliament; or

14.3.2 A Crown entity; or

14.3.3 A State Enterprise named in the First Schedule to the State-owned Enterprises Act 1986.

Mandate to Negotiate

15 The Crown is in discussions with the Trust in relation to the Claims.

16 It is anticipated that mandate in relation to negotiation of the Claims will occur along with ratification of any agreement that may be reached in relation to the Claims.

17 If required, the Trust and the Crown agree that they will work together to settle a mandate strategy in relation to negotiation of the Claims.

Subject matter for negotiation

18 Without limiting the matters to be negotiated by the parties, the subject matter may be further refined during the course of the discussions concerning the preliminary issues referred to above.

19 Without limiting the matters to be negotiated by the parties, the subject matter for negotiations concerns the desire of Rereahu for the return of land within Maraeroa A and B Blocks. The parties will together agree upon particular subject matters to be negotiated.

Negotiations Schedule

20 The parties agree to:

20.1 Commence negotiations as soon as reasonably practicable; and

20.2 Meet regularly and often until an outcome is determined.

Negotiations Milestones

- 21 The Trust and the Crown seek to reach an agreement by June 2009.
- 22 The parties will develop negotiation milestones as the preliminary issues are addressed.

Communication

- 23 The Trust and the Crown will each ensure regular and appropriate consultation procedures throughout the negotiations, taking into account the need to keep the Claimants informed, but also the need for confidentiality regarding third parties.
- 24 The Crown will advise the Trust of all documentation received by the Crown that affects the Claimants, and forward on to them documentation subject only to the need for confidentiality regarding third parties.
- 25 The Trust and the Crown agree to liaise with the Maniapoto Maori Trust Board and relevant departments during the course of negotiations.

Overlapping interests

- 26 The parties agree that, following the identification of any interests referred to in paragraph 6.2 above, they will need to develop a process for reaching agreement on how such interests can be addressed.

Not bound until Agreement

- 27 The Trust and the Crown acknowledge that this document does not bind either party to reach an agreement and that any agreement reached in negotiations is confidential and without prejudice.

Claimant funding

- 28 The Crown will provide a contribution to the negotiation costs of the Claimants in respect of these negotiations.

- 29 The Crown will make a contribution to the Trust's costs incurred in discussions leading to completion of this terms of negotiation, and in addressing the preliminary issues referred to at paragraph 6 above.
- 30 The parties will agree upon any further funding once the preliminary issues are addressed.
- 31 The parties will consult to ensure fairness and transparency in resolving funding issues for the remaining process.

Procedural matters

- 32 The Trust and the Crown agree that:
- 32.1 Negotiations will be on a "without prejudice" basis and will be conducted in good faith and in a spirit of co-operation;
- 32.2 Negotiations will be conducted in private and will remain confidential unless agreed otherwise (such as when consultation with third parties is necessary) or when the Crown is required to release information under the Official Information Act 1982, provided however that the Trust will have the right to disclose details of the discussions to the Claimants;
- 32.3 Both parties reserve the right to withdraw from negotiations if they become untenable. Either party may terminate this agreement by giving ten days notice to the other party;
- 32.4 Media statements concerning the negotiations will only be made when mutually agreed by both parties;
- 32.5 The location of meetings will be suitable and convenient to both parties;
- 32.6 The use of Te Reo Māori in the negotiations, where appropriate, is important. The Claimants will provide the Crown with adequate notice when a translator is required in the negotiations; and
- 32.7 The Crown will promptly provide the Claimants with any correspondence or documentation it receives about the negotiations if that information is of

a kind that would require disclosure in response to a request for it under the Official Information Act 1982.

Amendments

- 33 The Trust and the Crown acknowledge that it may be necessary to amend these Terms of Negotiation from time to time and agree that all amendments must be approved by both parties and recorded in writing.
- 34 Owing to the early stage of these negotiations, the parties acknowledge that the process and outcome of the negotiations may change, and these terms will be amended to reflect that.

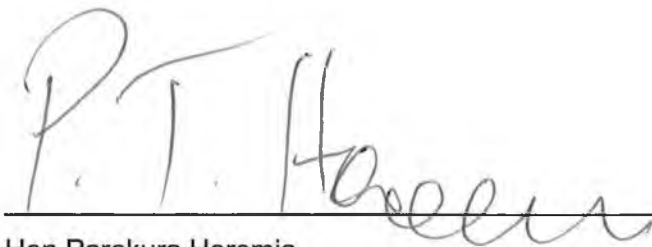
SIGNED THIS 6th DAY OF SEPTEMBER 2008

For and on behalf of the Crown:

A handwritten signature in black ink, appearing to read 'M. Cullen', written over a horizontal line.

Hon Dr Michael Cullen

Minister in Charge of Treaty of Waitangi Negotiations

A handwritten signature in black ink, appearing to read 'P. T. Horomia', written over a horizontal line.

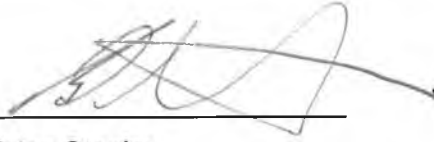
Hon Parekura Horomia

Minister of Maori Affairs

For and on behalf of the Trustees of Te Maru o Rereahu Trust:

Authorised Signatory:

Printed Name:



Brian Stanley

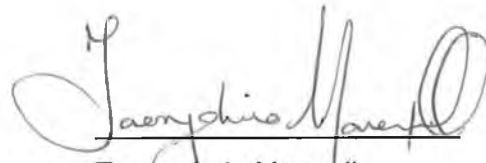
Authorised Signatory:

Printed Name:

Murdoch Pahi

Authorised Signatory:

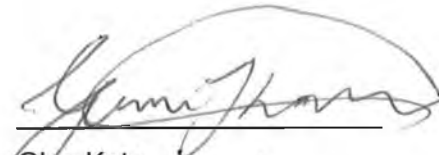
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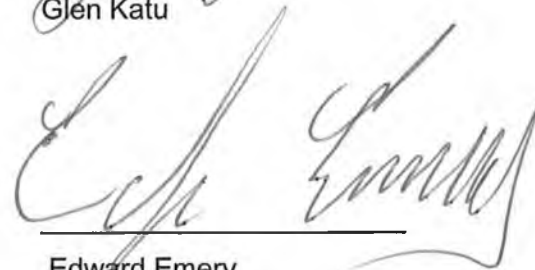
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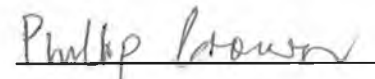
Printed Name:



Edward Emery

Authorised Signatory:


Printed Name:



Phillip Crown

Authorised Signatory:

Printed Name:



Tutahanga Tepu

APPENDIX A

Map of Maraeroa A and B Blocks

Asia Pacific Viewpoint

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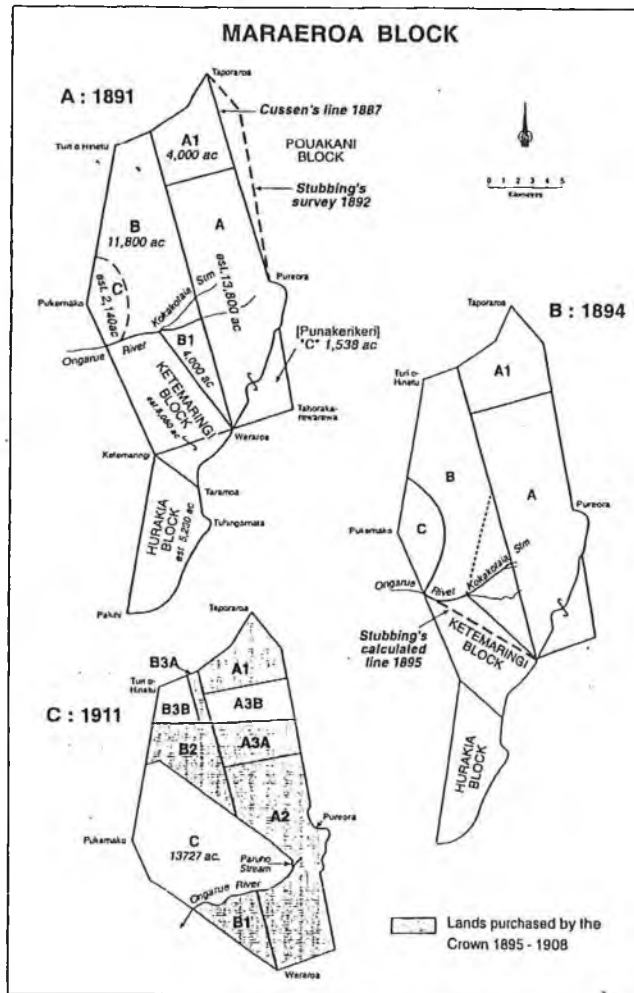


Figure 6. Maraeroa Block

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EVELYN STOLLOS - RESEARCHER