

BACK TO THE TRIBUNAL – (Anahera Herbert-Graves CEO of Te Runanga-a-Iwi o Ngāti Kahu)

In 1986 Ngāti Kahu's hapū leaders agreed to allow our land claims to be consolidated into WAI 45, along with those of Ngāti Kuri, Te Aupōuri, Ngāi Takoto and Te Rarawa. What followed were thirteen long and arduous weeks of hearings held over five years. It then took a further three years before the Waitangi Tribunal released the *Muriwhenua Land Claims Report (1997)* in which it comprehensively upheld all of Ngāti Kahu's claims and found that the Crown had breached Te Tiriti grievously, thereby seriously prejudicing us. The Tribunal also recommended in its report that the Crown make immediate redress for its breaches, starting with a substantial transfer of assets to the claimants.

Ngāti Kahu has been trying to negotiate a settlement for eight years now. But from the start the Crown has shown nothing but bad faith. First it tried to dictate both the settlement process and the content of our settlement. Then it passed laws to steal the takutaimoana, sold off claim lands to private buyers, sold mineral exploration rights to foreigners, and allowed Landcorp to try and sell parts of Rangiputa station. More recently it has insisted that Ngāti Kahu and the other iwi must pay it almost \$10 million for the Aupōuri forest lands when it has already had a return on that land of \$37 million from JNL for the cutting rights. Now it has told every iwi in Te Hiku, except Ngāti Kahu, that it has given up trying to settle with us at the same time as the others because it doesn't like the terms of our deed of partial settlement.

Instead of settling with Ngāti Kahu at a high level, thereby lifting the other iwi settlements up, the Crown is maneuvering to leave us to the side while using lands in which our hapū share an interest to settle at a lower level with the other iwi.

Ngāti Kahu's hapū have now instructed our mandated negotiators to file with the Waitangi Tribunal for a resumption of the hearing it adjourned in 2008, and to make binding recommendations that the Crown return to Ngāti Kahu all Crown forest and State-owned Enterprise lands in the rohe, plus pay compensation on the forest lands. Legal counsel for Ngāti Kahu filed last Friday.

The Crown has never acknowledged the findings of its own Tribunal. Nor has it paid a cent or transferred any assets to Ngāti Kahu. But it will get its way and there will be no settlement done on Ngāti Kahu's terms at this time. However it knows that this is only a delay, not a reprieve, because even after our hapū get what they can through the Tribunal, they will still be able to pursue settlement. It is a dead cert that they will. But an even greater certainty is that the next generation of Ngāti Kahu hapū leaders will be much stronger than the six generations who preceded them.

This delay will cost the Crown dearly.