

## TERMS OF NEGOTIATION

### INTRODUCTION

1. The Minister in charge of Treaty of Waitangi Negotiations on behalf of the Crown and the Ngati Tama Iwi Development Trust, on behalf of Ngati Tama Iwi ("the Parties") wish to record the scope and form of the negotiations to establish the redress in respect of Ngati Tama Iwi.

### THE PARTIES AGREE:

### UNDERLYING PRINCIPLES OF NEGOTIATION

2. These Terms of Negotiation are conditional upon the Ngati Tama Iwi Development Trust:
  - i. continuing to develop and implement in good faith a plan which aims to seek resolution between it and the Ngati Tama objectors, and encourages participation and representation within its processes of the interests represented by the objectors; and
  - ii. keeping the Crown informed, on a regular basis, of the Ngati Tama Iwi Development Trust's approaches to, and interactions with, the interests represented by the Ngati Tama objectors.
3. The parties will conduct negotiations in line with the agreed underlying principles for negotiation, as set out below:
  - i. The Parties accept that the findings of the Waitangi Tribunal, as published in "The Taranaki Report - Kaupapa Tuatahi" (WAI 143), are to be used as the starting point to these negotiations to establish the redress to be agreed in respect of Ngati Tama Iwi.
  - ii. The Parties acknowledge that the Crown has reserved its right to challenge some of the findings of the Waitangi Tribunal, but the Crown has specifically acknowledged the following, as presented in its statement to the Waitangi Tribunal, and accepted that:
    - (a) the Waitara purchase and the wars constituted an injustice and were therefore in breach of the principles of the Treaty of Waitangi;
    - (b) the confiscation of land, as it occurred in Taranaki, also constituted an injustice and was therefore in breach of the principles of the Treaty of Waitangi;
    - (c) confiscation had a severe impact upon the welfare, economy, and development of Taranaki Iwi; and

- (d) in general terms, the delay in setting aside reserves contributed to the adverse effects of the confiscations.
- iii. The Parties acknowledge that the Crown may acknowledge further grievances of the North Taranaki Iwi during the course of the negotiations.
- iv. The Ngati Tama Iwi Development Trust, is recognised as the representative body and the properly mandated Iwi authority for Ngati Tama Iwi and will co-ordinate its activities in association with the Claim Progression Team ("CPT") in respect of each of the other North Taranaki Iwi claims with a view to facilitating where possible a collective negotiation strategy.
- v. The Parties acknowledge that the negotiations between the Crown and Ngati Tama Iwi relate to the historical claims of the Ngati Tama Iwi. If so desired by Ngati Tama Iwi, the redress agreed between the Crown and Ngati Tama Iwi Development Trust, shall be capable of being transferred to a legal entity or legal entities representing the Ngati Tama Iwi. The Crown accepts that the governance of the entity or entities is a matter for the Ngati Tama Iwi to ratify.
- vi. Negotiations will be conducted in good faith and in a spirit of co-operation.
- vii. The Parties will establish a time frame which is realistic for both of them.
- viii. Negotiations will be conducted in private and media statements will be made when mutually agreed.
- ix. The Parties accept that a special mechanism may be required for Mt Taranaki given its significance to all of the Iwi in the Taranaki region.
- x. The Parties acknowledge that they wish to resolve the claims in a manner which:
- (a) restores and enhances the mana of the Ngati Tama Iwi; and
  - (b) acknowledges the magnitude of the Crown's breaches against Ngati Tama Iwi; and
  - (c) restores the honour of the Crown; and
  - (d) provides a just and equitable platform for the establishment and development of a new and ongoing relationship between the Crown and Ngati Tama Iwi based on the principles expressed in the Treaty of Waitangi.

## SCOPE OF NEGOTIATIONS

4. Negotiations will aim to achieve a just, equitable, final, comprehensive and durable settlement of all the historical claims of the Ngati Tama Iwi.

5. The scope of the negotiations shall include:
- i. the type, form and quantum of redress;
  - ii. implementation issues, including the removal of memorials ensuring that the settlement structure will be accountable to the constituent Iwi;
  - iii. ratification; and
  - iv. other matters as may be agreed.
6. The Parties accept that not all issues may be resolved collectively and that special mechanisms may be required to resolve specific issues as they arise.

### **FORM OF NEGOTIATIONS**

7. The parties will:
- i. Aim to commence substantive negotiations as soon as reasonably practicable after the Ngati Tama Iwi Development Trust have been provided with the information and resources it has previously requested from the Crown.
  - ii. Notwithstanding i. above the Parties acknowledge that they may from time to time where reasonable seek the provision of further information from the other party and that the Ngati Tama Iwi Development Trust may seek further resource from the Crown.
  - iii. Negotiate with the aim of signing a Heads of Agreement within six months from the commencement of substantive negotiations.
  - iv. Negotiate with the aim of agreeing on a Draft Deed of Settlement within two months from the signing of a Heads of Agreement.
  - v. Meet regularly and often until a Draft Deed of Settlement is achieved.
  - vi. Hold negotiation meetings at venues agreed between the Parties.
  - vii. Waive all other avenues of redress during the negotiations, except where the redress sought is not exclusive to Ngati Tama Iwi alone or Ngati Tama Iwi acting with other North Taranaki Iwi.
  - viii. Keep a written record of official minutes of all negotiation meetings.
  - ix. Each pay their own costs in respect of travel and accommodation associated with negotiations.
  - x. Ensure that prior to a Deed of Settlement being ratified, there will be

opportunities for the settlement proposal to be discussed, refined and endorsed by Ngati Tama Iwi.

- 8. Negotiations will be:
  - i. on a "without prejudice" basis; and
  - ii. conducted in private and will remain confidential unless agreed otherwise

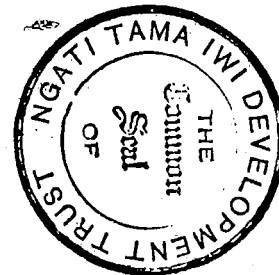
9. The Parties acknowledge that this document does not bind either party to reach a settlement and that any agreements reached in negotiation discussions will not be binding until embodied in a Deed of Settlement and ratified by the Parties.

SIGNED THIS 18<sup>th</sup> DAY OF August 1997

For and on behalf of the Crown

Hon Douglas Arthur Montrose Graham  
Minister in Charge of Treaty of Waitangi Negotiations

THE COMMON SEAL of the )  
NGATI TAMA IWI DEVELOPMENT TRUST )  
is affixed in the presence of: )



P White

Kaitiaki

PT White

Kaitiaki

Alaka