

# **FRAMEWORK AGREEMENT**

**between**

**THE MINISTER OF JUSTICE  
ON BEHALF OF THE CROWN**

**and**

**TE IWI O TE ROROA**

**IN RELATION TO CLAIM WAI 38**

# FRAMEWORK AGREEMENT

between

**TE ROROA and THE CROWN**

with respect to Waitangi Tribunal claim Wai 38 pursuant to section 6 of the Treaty of Waitangi Act 1975

## PURPOSE OF THE FRAMEWORK AGREEMENT

- 1 The purpose of this framework agreement is to record the results of exploratory discussions between the Minister of Justice and the Te Roroa claimants and to record how progress can continue. Accordingly, it sets out procedural matters, the objectives, and the general scope of the issues raised by the claimants as matters which Te Roroa wish to be addressed during subsequent negotiations between themselves and the Crown. A formal detailed negotiating agenda has yet to be set by the parties.
- 2 This agreement records the stated intention of the parties only and does not create legal relations between them.

## BACKGROUND

- 3 On 3 April 1992, the Waitangi Tribunal made certain findings and recommendations in regard to the Te Roroa claim Wai 38 filed by:

E.D. Nathan (now deceased) and Turoro Raniera (Lovey) Te Rore and others for themselves and on behalf of the descendants of the Rangatira Parore Te Awha, Tiopira Kinaki and Te Rore Taoho and on behalf of the Te Roroa Hapu of Kaihu in the matter of the Maunganui Block; AND

Manos Nathan and Alex Nathan and others on behalf of themselves and on behalf of Te Roroa o Waipoua, of which they are members, in the matter of the Waipoua Blocks and Forest; AND

Ropata Parore for himself and on behalf of the descendants of the Rangatira Parore Te Awha and on behalf of the Hapu of Kaihu in the matter of the Taharoa lands, lakes and surrounds; AND

Emily Paniora for herself and for the Waimamaku Maori Komiti on behalf of nga hapu o Waimamaku in the matter of the Kaharau Reserve and certain Wahi Tapu and Taonga and other reserves in the

Waimamaku Valley and surrounds.

- 4 The Waitangi Tribunal found certain grievances in the Te Roroa claim to be proven. The Crown and Te Roroa now seek to enter into negotiations for the purpose of resolving which of those grievances the Crown accepts, and any redress (if appropriate) that flows from such grievances. The parties will also seek to address the issue of the ultimate beneficiaries of any settlement reached.

**OBJECTIVES OF THE NEGOTIATIONS**

- 5 It is agreed by the Crown and Te Roroa that the objectives of the Te Roroa negotiations be as follows :
- a to conduct the negotiations in such a way that the negotiations and the resolution of grievances will restore and enhance the mana of Te Roroa and restore and enhance the honour of the Crown; and
  - b to negotiate a just, equitable and durable resolution of any justified grievance; and
  - c to secure an agreement that will establish a continuing relationship between the Crown and Te Roroa under the Treaty of Waitangi, which will enable the rectification of breaches of the Treaty Principles through a variety of mechanisms.

**PROCEDURAL MATTERS**

- 6 It is agreed that:
- a this document does not bind either party to reach a settlement in respect of this claim;
  - b the negotiations will be convened as and when agreed to by the parties;
  - c the negotiations will be held in private, will remain confidential unless agreed otherwise by both parties, and are on a "without prejudice" basis;
  - d it is the intention of the parties that negotiations proceed by way of an intensive, cooperative, problem solving approach to achieve resolution of the claim;
  - e agreements reached between the Crown and Te Roroa in respect of the whole or any part of Te Roroa's claims will not be binding on either the Crown or Te Roroa until embodied in a formal written agreement that must, on the part of the Crown be ratified by the Government, and on the part of Te Roroa be ratified by those persons

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representing them;

- f the Crown and Te Roroa may at any stage of the negotiating process withdraw the whole or part of the negotiating agenda from the negotiations process, although both parties agree that every endeavour shall be made to resolve the grievances in the negotiations;
- g media statements will only be made when mutually agreed upon by both parties;
- h the Crown and Te Roroa recognise that there are statutory and other obligations for the Crown to consult with interested parties on certain relevant matters and agree to discuss any such matters in advance. The Crown will consult the claimants at the earliest possible date whenever it appears that discussions with third parties are required;
- i Te Roroa may apply for funding assistance according to the approved procedures and criteria for the provision of assistance to claimants during the negotiating process, to enable the claimants to participate in negotiations on an equitable basis;
- j the negotiations are to commence within four weeks after the signing of this document. At the point of execution Te Roroa will apply to have the current proceedings before the Waitangi adjourned sine die.

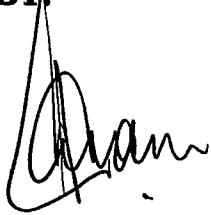
## **SCOPE OF NEGOTIATIONS**

- 7 It is agreed that the general scope of negotiations may include but not necessarily be limited to:
  - a the findings and recommendations of the Waitangi Tribunal with respect to claim Wai 38;
  - b the type, the form and the quantum of redress (if appropriate) that can be extended to Te Roroa in settlement of their grievances;
  - c implementation issues including policy issues, the legislative amendments, orders-in-council and other administrative actions which may be required to implement any agreements made between the Crown and Te Roroa;
  - d other matters as may be identified;
- 8 The parties acknowledge that a formal negotiating agenda, detailing those issues which are to be negotiated, has yet to be set.

A.



**SIGNED BY:**



**Hon. Douglas Graham  
Minister of Justice  
for and on behalf of the Crown**

Turo Lovey Raniëra  
**Turo (Lovey) Raniëra Te Rore  
for and on behalf of Te Roroa**  
*Te Rore.*

Waipoua Hamuera Tamihana Nathan  
**Waipoua Hamuera Tamihana Nathan  
for and on behalf of Te Roroa**

Ropata Parore  
**Ropata Parore  
for and on behalf of Te Roroa**

Moengaroa Sharon Murray  
**Moengaroa Sharon Murray  
for and on behalf of Te Roroa**

Daniel Ambler  
**(Rev) Daniel Ambler  
for and on behalf of Te Roroa**

Alexander Nathan  
**Alexander Nathan  
for and on behalf of Te Roroa**

Garry Gordon Hooker  
**Garry Gordon Hooker  
for and on behalf of Te Roroa**

P. Paniōra  
**(Rev) Paekoraha Paniōra  
for and on behalf of Te Roroa**

10/7/93