

Settlement a breach of te Tiriti

Column by Jason Koia

I would like to reply to the article published on November 6, 2008 regarding the TRONP Treaty settlement agreement.

Dr Apirana Mahuika is correct to say Ngati Porou and the Crown are partners. However, neither are partners to the East Coast Te Treaty o Waitangi entered into between individual rangatira on behalf of their respective hapu and Queen Victoria. There is no mention of the Crown or Ngati Porou in this treaty. This treaty did not cede sovereignty to the Queen.

Dr Mahuika has entered into a treaty claims settlement process based under the English Treaty of Waitangi version (the wrong treaty), establishing the Crown as sovereign.

Furthermore, the Crown's settlement policy breaches international law by failing to provide full redress. The Crown settlement package extinguishes full exclusive rights over \$900 billion worth of resources for \$90 million. That's a 1 percent sell-out of resources that rightfully belong to Ruawaipu, Uepohatu and Te Aitanga-



A-Hauti. The Ruawaipu claimants don't want money; instead we want total control and ownership over our resources.

Lastly, the Crown's attempt to settle my treaty claim with Dr Mahuika and stopping my claim from being heard is a breach of our treaty.

Ruawaipu have claims against Crown sovereignty, and the Crown endorsing Ngati Porou to cause atrocities on East Coast tangata whenua. It is obvious that it is in the Crown's best interests to ally with TRONP to eliminate Ruawaipu treaty claims.

Here are the facts:

1. I am a Ruawaipu claimant, my claim is not Ngati Porou.
2. Neither Dr Mahuika, nor any other negotiator has the right to settle my treaty claims on behalf of my tipuna who signed the East Coast treaty.
3. I, like 40 other Ruawaipu claimants, refuse to give Dr Mahuika a mandate to settle our claims.
4. Dr Mahuika engaged with the Crown to settle his Wai 272 claim (a claim for TRONP)
5. Dr Michael Cullen (also responsible for the foreshore and seabed fiasco) gave a mandate to TRONP to enter into settlement negotiations and included all Ruawaipu, Uepohatu and Te Aitanga-A-Hauti historical claims in the deal.
6. Just like the TRONP-facilitated

foreshore and seabed settlement blocking any person's — including all Ruawaipu, Uepohatu and Te Aitanga-A-Hauti — claims against the Foreshore and Seabed Act 2004 before the Waitangi Tribunal or courts of New Zealand, the Crown intends to pass legislation blocking all Ruawaipu, Uepohatu and Te Aitanga-A-Hauti historical treaty claims before the Waitangi Tribunal, and blocking the courts from inquiring into the validity of the TRONP settlement.

I publicly challenge Dr Mahuika to provide the following evidence based on fact:

- that Ngati Porou is a legitimate tribe that held mana whenua over the TRONP rohe before 1840, and at the time of signing the East Coast treaty;
- where Ngati Porou land rights derive from;
- that the TRONP Wai 272 ballot for mandate to enter into settlement negotiations made any reference to Ruawaipu, Uepohatu or Hauti claims.

I also publicly challenge the Minister of Treaty Settlements:

- to admit that he intends to block Ruawaipu, Uepohatu and Te Aitanga-A-Hauti historical claims from proceeding in the courts or tribunals of New Zealand.
- to provide legitimate evidence under East Coast Te Tiriti o Waitangi that the Crown is sovereign.