



Tom McClurg and Hariroa Daymond
Negotiators
Ngāti Mutunga o Wharekauri Iwi Trust
PO Box 50
WHAREKAURI

By email: tom@toroastrategy.co.nz; hnhdaymond1@gmail.com

Tēnā kōrua

Ngāti Mutunga o Wharekauri revised Crown offer

I am pleased to make a revised Crown offer to Ngāti Mutunga o Wharekauri (Ngāti Mutunga) for the settlement of your historical Treaty grievances. This revised offer is the result of negotiations since the initial Crown offer of April 2017.

Provisional Crown acknowledgements

The Crown's offer to Ngāti Mutunga in April 2017 included provisional Crown acknowledgements. Ngāti Mutunga raised a number historical issues for the Crown's consideration that could not be addressed prior to the initial offer. Having considered these issues, I offer these further provisional Crown acknowledgements.

1. The Crown acknowledges that Ngāti Mutunga o Wharekauri were not given an opportunity to sign te Tiriti o Waitangi/the Treaty of Waitangi at any point prior to the Crown's annexation of Wharekauri (the Chatham Islands) on 4 April 1842 or afterwards. Nevertheless, the Crown acknowledges that the undertakings it made to Māori in te Tiriti o Waitangi/the Treaty of Waitangi apply and have always applied to Ngāti Mutunga o Wharekauri from the date of annexation.
2. The Crown further acknowledges the process through which the Crown annexed Wharekauri (the Chatham Islands) is a deeply felt grievance for Ngāti Mutunga o Wharekauri, who consider the Crown should have negotiated with them the basis of their new and ongoing Treaty relationship.
3. In 2001 and 2005 the Crown settled the historical claims of Ngāti Tama and Ngāti Mutunga at Taranaki. In these settlements, the Crown acknowledged that the wars and confiscations in Taranaki had breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles, and that the inadequacies in the Compensation Court process compounded the prejudicial effects of confiscation.
4. The Crown acknowledges that between 1866 and 1868 it used the rohe of Ngāti Mutunga o Wharekauri as a penal colony, and that the use of their rohe for this purpose has been a grievance for Ngāti Mutunga o Wharekauri.

5. The Crown acknowledges that when it created Māori Parliamentary seats in 1867 it failed to include Wharekauri (the Chatham Islands) within the boundaries of a Māori electoral district, thereby denying Ngāti Mutunga o Wharekauri political representation and the right to vote. The Crown further acknowledges that it became aware of this omission in 1880, but did not extend the electoral boundaries to include Wharekauri (the Chatham Islands) until 1922. This unjustified failure, until 1922, to ensure that Ngāti Mutunga o Wharekauri could exercise the right to vote, a fundamental right and privilege of British subjects, was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
6. The Crown acknowledges that it failed to actively protect te reo Māori and encourage its use by iwi and Māori, which had a detrimental impact on te reo Māori on Wharekauri (the Chatham Islands), and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

I hope these acknowledgements set out a mutual understanding of the basis of the Ngāti Mutunga Treaty settlement as we move forward. Further acknowledgements may be made once the historical account is agreed between signing an AIP and initialling a deed of settlement.

Cultural redress

A central aspiration of Ngāti Mutunga is to grow Ngāti Mutungatanga on Wharekauri, to have a place to be together and practice your traditions and values, and to tell your stories. To help you achieve this, I offer Ngāti Mutunga \$2.7 million as a contribution to the construction of a new pā complex.

The Crown offer already includes an agreed historical account between Ngāti Mutunga and the Crown, which will provide the basis of Crown acknowledgements and an apology. While the Crown apology redress will be the cornerstone of the Treaty settlement, it can never be a comprehensive history of Ngāti Mutunga on Wharekauri. Therefore, I offer a further \$300,000 for Ngāti Mutunga to commission a general history of Ngāti Mutunga on Wharekauri, so that you may tell your own story in your own way, in all its richness.

Since the April 2017 Crown offer, you have provided the Crown with information showing the many facets of Ngāti Mutunga's relationship with Wharekauri since 1835. The revised cultural redress offer allows that rich history to be recognised through the Treaty settlement. Accordingly, I offer:

- 1) a joint overlay classification with Moriori over part of site 100 ex-Wharekauri Station around Cape Young subject to Ngati Mutunga and Moriori agreeing a single set of protection principles and Director-General actions; and
- 2) statutory acknowledgements and deeds of recognition over:
 - a) the remainder of site 100 ex-Wharekauri Station;
 - b) sites 101, 102, 103, 104 and 105 ex-Wharekauri Station;
 - c) Ocean Mail Scenic Reserve; and
 - d) Te Awatea Scenic Reserve (non-gifted portion) and 11882, Owenga.

Financial redress

I offer a financial redress amount of \$13 million to support Ngāti Mutunga aspirations for social and economic development.

Overlapping interests with Moriori

The efforts of all parties to address overlapping interests in the Chatham Islands negotiation have resulted in revisions to both the Ngāti Mutunga and Moriori offers.

Your key concern with the Moriori AIP was the offer of exclusive transfers of large sites on Chatham Island. In response to this concern, a proposal to transfer the Waihere and Glory blocks on Pitt Island was developed instead. You said you would continue to be guided by the views of the Pitt Island community with regards to Pitt Island redress, and, based on your word, I have worked hard to develop a proposal that will allow all parties to move forward. I consider the revised offers to both Ngāti Mutunga and Moriori address the customary interests of each group, and provide an opportunity for all parties to reach agreement on the settlement of historical Treaty grievances on the Chatham Islands.

This letter sets out a revised Crown offer to the settlement of Ngāti Mutunga's historical Treaty claims. I do not want to dwell overly on the Crown's proposed settlement with Moriori. However, to ensure you are fully informed of the outcome of our extensive overlapping claims discussion I attach as an appendix the key changes to the Moriori redress for your information.

Agreement in principle with Ngāti Mutunga

I consider this revised offer is fair, and that it responds to the legitimate aspirations of Ngāti Mutunga. You will no doubt want to consider the revised offer carefully. I hope you will give a positive response. If you do, I would look to conclude negotiations to AIP and begin work on a deed of settlement in the New Year. Please take time to consider the draft AIP and respond to Chief Crown Negotiator Dame Fran Wilde by **1 March 2019** confirming acceptance of the offer.

I anticipate you will have questions regarding elements of this offer and encourage to address them to Ms Wilde. I look forward to signing an AIP with you in 2019.

Nāku noa, nā



Hon Andrew Little
Minister for Treaty of Waitangi Negotiations

CC: Fran Wilde fran@franwilde.com
John Kamo kopichats1@gmail.com
Tony Tumoana tonytumoana@nmow.co.nz
Gail Amaru generalmanager@nmow.co.nz

Moriori revised cultural redress

The key changes to the Moriori offer are:

- 1) transfer of the Glory and Waihere blocks on Pitt Island subject to:
 - a) the rental from the current and future leases will be paid into a new Trust to be established from the date of settlement, and to be managed by Moriori with 2 seats for the Pitt Island community, to be used for social, educational, cultural, economic and ecological purposes on Pitt Island;
 - b) the terms of the existing grazing leases will be honoured until their expiry in 2026;
 - c) from 2026 5-plus-5 year leases of both blocks will be made available to members of the Pitt Island community;
 - d) the new Trust will decide who receives the leases;
 - e) the Waihere and Glory blocks will thereafter being used for the social, educational, cultural, economic and ecological development of Pitt Island; and
 - f) reserve status.
- 2) transfer of up to 25ha of Part Waipaua Conservation Area subject to reserve status;
- 3) a co-management arrangement with the Department of Conservation over part of Waipaua Conservation Area;
- 4) a joint overlay classification with Ngāti Mutunga over part of site 100 ex-Wharekauri Station around Cape Young subject to Ngati Mutunga and Moriori agreeing a single set of protection principles and Director-General actions;
- 5) an overlay classification over the remainder of site 100 ex-Wharekauri Station;
- 6) an overlay classification over site 102 ex-Wharekauri Station;
- 7) statutory acknowledgements and deeds of recognition over sites 101, 103, 104 and 105 ex-Wharekauri Station;
- 8) a statutory acknowledgement and deed of recognition over Ocean Mail Scenic Reserve;
- 9) a statutory acknowledgement and deed of recognition over Te Awatea Scenic Reserve (non-gifted portion) and 11882, Owenga; and
- 10) the unencumbered transfer of the former Owenga School site with Moriori appointed to control and manage the marginal strip.