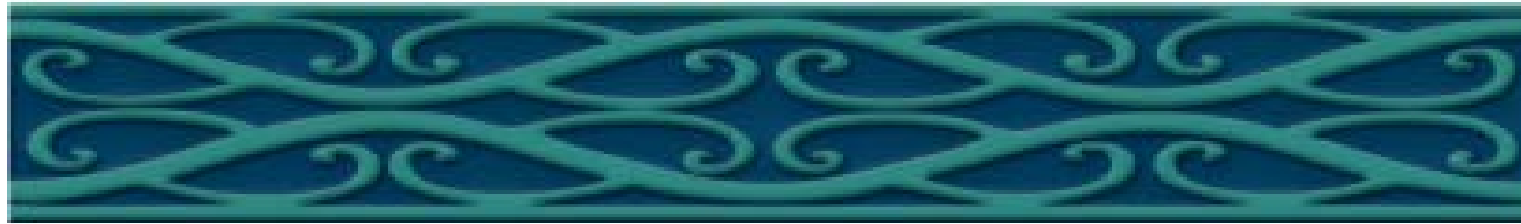


Ngāti Mutunga O Wharekauri



Settlement Presentation
6 April 2017

The State of the Treaty Relationship

The Treaty relationship between the Crown and Ngāti Mutunga o Wharekauri has never been properly established or operationalised:

- Annexation 1842
- Neglect
- Unilateral Actions
- 10 Owner Rule
- Integration/Denial

The initial Crown offer is the first step in this process, what are the current decisions about timetable?

Wharekauri: a unique history



Wharekauri was the only part of New Zealand where a Maori population was subjected to British Sovereignty by annexation (as opposed to accession under the Treaty of Waitangi).

How is this factor (annexation) that distinguishes the Settlement framework for the Chatham Islands from all other Settlements, being weighed in the formulation of the initial Crown offer to Ngāti Mutunga o Wharekauri and Moriori?

The Settlement: a new beginning

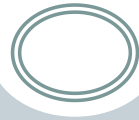


Establish the ongoing relationship on clear Treaty principles:

- Recognition
- Customary Rights
- Overlapping Claims

What are the positions on these three matters that will underpin the initial Crown offer to Ngāti Mutunga o Wharekauri and Moriori?

Customary Rights Guaranteed by Article II



The Customary Rights secured and guaranteed by Article II of the Treaty of Waitangi were those possessed, owned or held by Māori in 1842.

- Land
- Fisheries
- Customary food sources

What determinations about the nature and extent of Ngāti Mutunga o Wharekauri and Moriori rights over these things have been made as the basis for the initial Crown offer?

Special Factors



Paper 1

- The Native Land Court 1870-1900 (4)

Paper 2

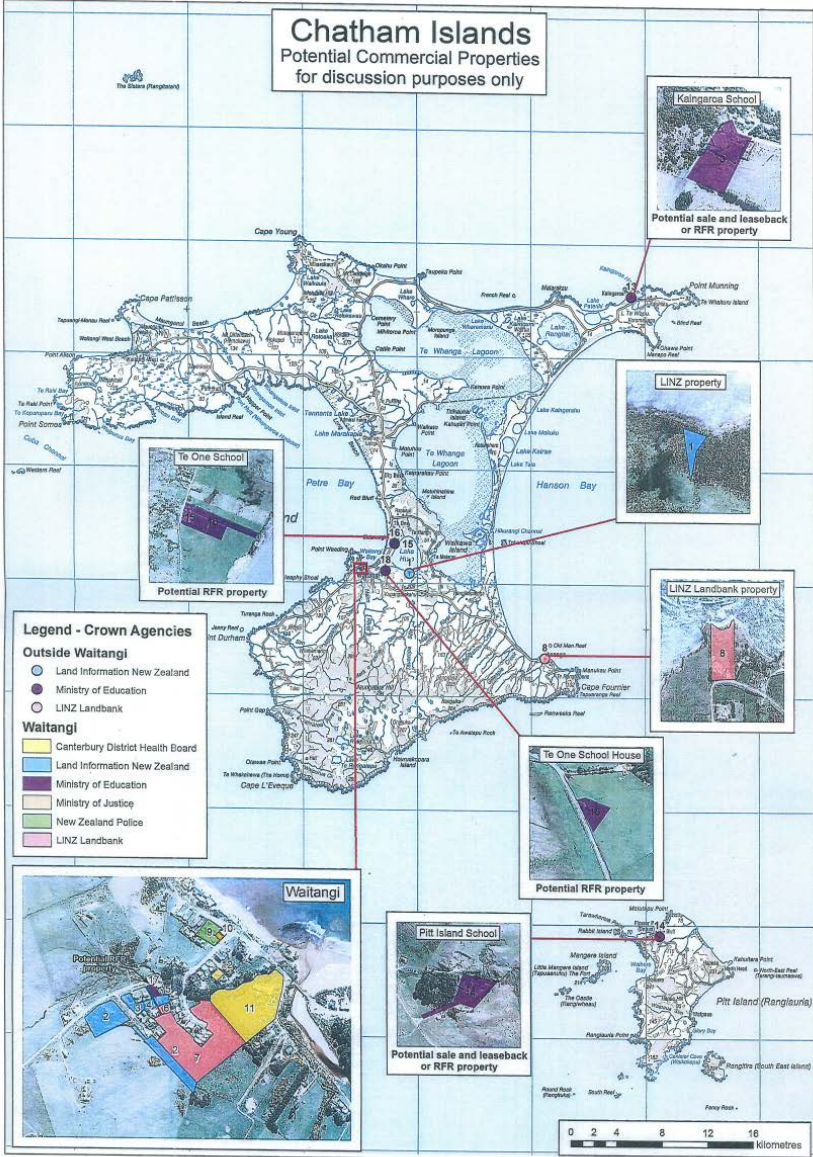
- The Treaty Relationship 1842 to present day (18)
 - 19th Century 'neglect'
 - 20th Century 'denial'

Paper 3

- Creation of overlapping claims, conflict, 'bias' (5)

Ngāti Mutunga o Wharekauri have identified 27 special factors in these papers alone. What special factors have been recognised by the Crown in its initial offer?

Commercial Redress



Commercial Redress



Equal rights of Ngāti Mutunga o Wharekauri and Moriori to commercial redress lands or future rights to land is acceptable to Ngāti Mutunga on the principle that the value of commercial redress is deducted from the cash quantum of the settlement for either iwi.

What are the principles supporting the Crown offer of commercial redress to Ngāti Mutunga o Wharekauri and Moriori?

Customary Fishing



- MPI have agreed to draft new Customary Fishing Regulations for Wharekauri
- Kaitiaki appointed by PSGEs individually
- All Kaitiaki co-ordinate authorisation 'policies'
- A Kaitiaki can authorise customary fishing by members of either iwi and residents
- Existing rahui areas to be reviewed and re-assessed

Customary Fishing



A shared approach to the management of customary fishing by both Ngāti Mutunga o Wharekauri and Moriori is acceptable to Ngāti Mutunga o Wharekauri on the principles that all Māori resident on the Island have customary fishing rights of some kind and that those use rights are not solely dependent upon the mana whenua and mana moana held by Ngāti Mutunga o Wharekauri.

What are the principles supporting the Crown offer to re-write the customary fishing regulations applying to Ngāti Mutunga o Wharekauri and Moriori?

Resource Management Act



- Proposal is for the Regional Plan and Policy Statements for the application of the RMA to Chatham Islands would be developed by a Planning Committee comprising 50% Council Representation, 25% Ngāti Mutunga o Wharekauri and 25% Moriori.
- Council has final say but other examples eg. Wellington RC have adopted the Plans drawn up by Committees without change
- Possible initial Crown funding for Committee structure

Resource Management Act



Equal representation of Ngāti Mutunga o Wharekauri and Moriori on the planning committee is acceptable to Ngāti Mutunga on the principle that both iwi will have views that should inform and shape Regional Plans and Policy Statements. The Ngāti Mutunga o Wharekauri view is that mana whenua status is not necessarily the exclusive criteria for such representation on the Chatham Islands.

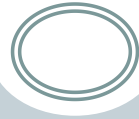
What is the principled basis for the Crown support for equal representation of Ngāti Mutunga o Wharekauri and Moriori on a new planning committee with 50% representation by Chatham Island County Council?

Overlapping Claims (Te Whānga)



- 50:50 ownership of the bed of the lagoon proposed
- Possible inclusion of Wharekauri marginal strip
- Establishment of a Management Arrangement with Moriori, Ngāti Mutunga o Wharekauri, Council and DoC representation
- Modelled on a simplified version of arrangements over Te Waihora

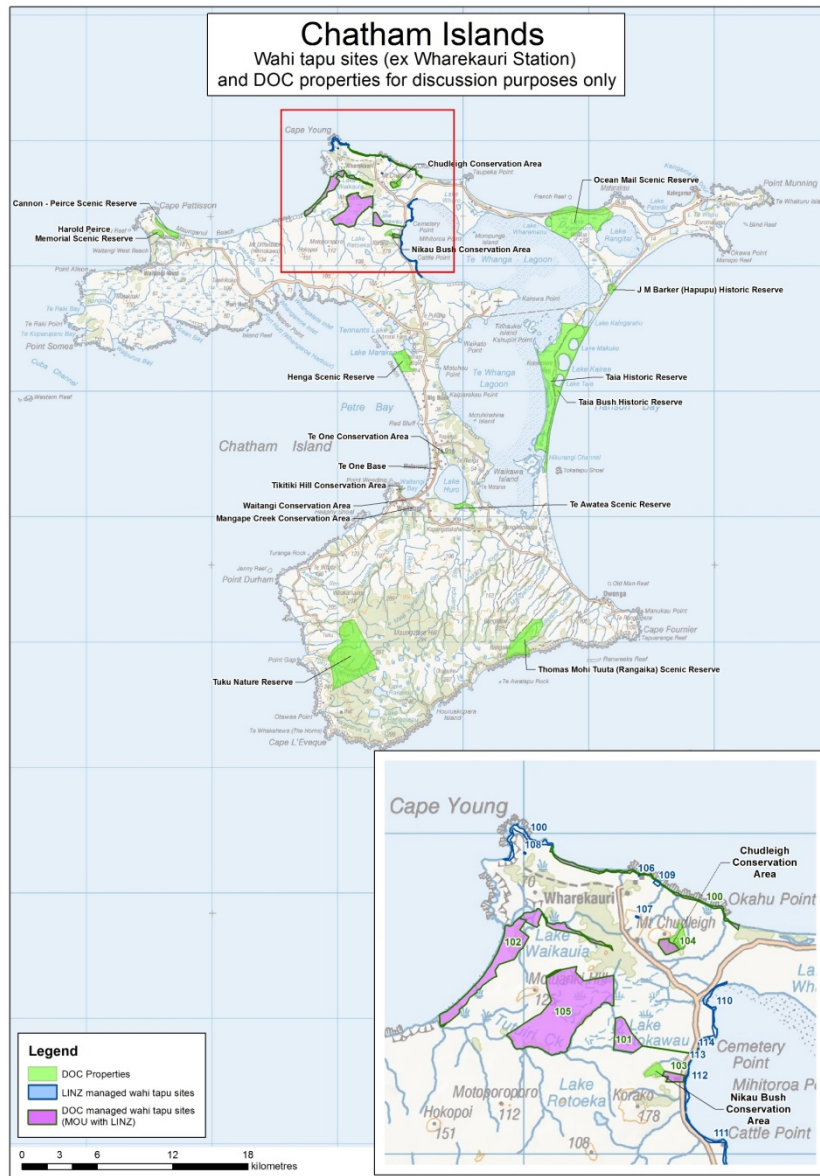
Overlapping Claims Te Whānga



Joint (50:50) ownership of the bed of Te Whānga Lagoon by Ngāti Mutunga o Wharekauri and Moriori is acceptable to Ngāti Mutunga o Wharekauri on the principle that Te Whānga is a traditional food basket for both iwi and the resources of both iwi working co-operatively will be needed to support future environmental management and restoration of the Lagoon.

What are the principles behind Crown support for joint (50:50) ownership of the bed of Te Whānga Lagoon by Ngāti Mutunga o Wharekauri and Moriori? (if that is the Crown position).

Overlapping Claims Wāhi tapu



Overlapping Claims Wāhi tapu



The Ngāti Mutunga o Wharekauri position on the use of the DoC estate to provide cultural redress in the form of exclusive ownership and control of land to one iwi is set out in our February Position Paper. No response to this paper has been received but we are aware that Moriori are being offered vesting of blocks of land that would fall outside of the framework of that paper (the offer includes blocks of land that are not small, discrete and some are marginal strips).

What are the principles underpinning the rejection of the Ngāti Mutunga o Wharekauri Cultural Redress Position Paper?

Summary



Critical Ngāti Mutunga o Wharekauri settlement aspirations:

- The establishment of an ongoing relationship with the Crown consistent with the principles of the Treaty of Waitangi
- The recognition of Ngāti Mutunga o Wharekauri mana whenua over Wharekauri that was (and is) secured and guaranteed by Article II of the Treaty of Waitangi
- A settlement that clearly recognises the unique factor of annexation