

4 June 2020

Hon. Andrew Little, Minister for Treaty Negotiations
Parliament
Wellington 6140

Ngāti Mutunga o Wharekauri Settlement

Tena koe e te Minita,

Thank you for your letter of 25 May 2020. In that letter you seek written confirmation that we accept the parameters for negotiations that you have set out and we interpret your letter to mean that in the absence of such written confirmation, the Crown will not undertake any further work on our Settlement.

Naturally, your letter has occasioned some intense discussion within Ngāti Mutunga o Wharekauri on what the parameters for our mutual Treaty negotiation process should be. Your letter identifies three parameters but they are plainly not a comprehensive list. Our understanding of a 'parameter' is conventional; it means to us something that sets limits or boundaries or constraints on something, in this case a Treaty settlement negotiation process.

Ngāti Mutunga o Wharekauri are firmly of the view that the key parameters of a Treaty of Waitangi settlement process are to be found in the Treaty of Waitangi itself and the commonly accepted Principles of the Treaty of Waitangi. All parameters must ultimately be mutually consistent and those most relevant to us are: Partnership, Respect and Good Faith.

Partnership

The Treaty of Waitangi was agreed between equals and Treaty settlement negotiations are therefore also fundamentally negotiations between equals. The Crown and Iwi have distinct and different powers and responsibilities but the objective of all Treaty negotiations is to achieve a reconciliation and restoration of the Treaty partnership by agreement.

Respect

In seeking a reconciliation through negotiation and agreement, each side must accord proper respect to the mana of the other. One side does not presume to proceed unilaterally and to dictate the outcome but to work together cohesively and advance along the pathway towards reconciliation together. That pathway is not pre-emptively determined by one party but is built step by step towards a mutually agreeable destination that perhaps neither side could have anticipated before the shared journey was undertaken.

Good Faith

Negotiations under the cloak of the Treaty of Waitangi must be conducted in the utmost good faith, openly and honestly. Overlapping claims between Iwi must be addressed fairly and without bias. The outcome of an unbiased process would require that the order in which the Crown chose to engage with Iwi would have no effect on the outcome received by any Iwi.

In our view, a Treaty Settlement negotiation process that was not tightly bound by these parameters would be incapable of restoring the honour of the Crown. Neither would it uphold the mana of Ngāti Mutunga o Wharekauri. Accordingly, we have endeavoured at every point in these negotiations to act in strict obedience to them.

So, in answer to the question posed in your letter of we accept your three parameters and ask you to likewise confirm your written acceptance of the three Treaty settlement negotiation parameters above. On that agreed basis we look forward to recommencing engagement on our Settlement at the earliest opportunity. In that regard, we invite you to travel to Wharekauri to discuss our Settlement with us as soon as possible.

Naku noa na,



Deena Whaitiri, Chair
Ngāti Mutunga o Wharekauri Iwi Trust



Tom McClurg, Lead Negotiator,
Ngāti Mutunga o Wharekauri Iwi Trust