

Ngāti Mutunga o Wharekauri

Settlement Aspirations

Document



Te Kaha o Ngāti Mutunga o Wharekauri

Te Kaha o Ngāti Mutunga o Wharekauri is the framework within which the Iwi, through the Ngāti Mutunga o Wharekauri Iwi Trust, has developed its aspirations for settlement in respect of historical grievances with the Crown. The achievement of the Iwi settlement aspirations will be guided by the principles of Utu, Mātauranga Whakaaronui, and Te Pono, (outlined in the Terms of Negotiation agreed between Ngāti Mutunga o Wharekauri and the Crown).

As set out in the Term of Negotiations, the objectives of Ngāti Mutunga o Wharekauri entering into settlement negotiations are to:

1. *To create a strategic and durable settlement for all Ngāti Mutunga o Wharekauri.*
2. *Ensure that the iwi achieves:*
 - *A comprehensive and robust settlement of historical Ngāti Mutunga o Wharekauri claims;*
 - *A settlement within as short a time as possible and consistent with the first objective*
 - *A settlement that provides appropriate recognition and redress*

Specific settlement aspirations for Ngāti Mutunga o Wharekauri Iwi fall under Nga Pou o te Hanga Whare o Ngāti Mutunga o Wharekauri (Nga Pou o te Whare), which are set out below.

NGAA POU O TE WHARE

Focus on our Iwi

Tātou Ake

Reconnection to sea, land, and people

***Herenga Moana, Herenga Motu,
Herenga Tangata***

Cultural revitalisation and development

Ngāti Mutungatanga

Ngāti Mutunga o Wharekauri / Crown Relationship

Tino Rangatiratanga

Economic Development

Hanga te Whare o Ngāti Mutunga

TATOU AKE

The signing of the Terms of Negotiation between the Ngāti Mutunga o Wharekauri Iwi and the Crown will represent a significant milestone in the history of Ngāti Mutunga o Wharekauri. It will signify a substantive engagement at a political level that addresses the full impact of historical Crown breaches of Te Tiriti o Waitangi. The focus is on the Ngāti Mutunga o Wharekauri unique relationship with its moana, motu and people. The setting of our Historical Account, the recognition of our mana whenua, and Crown acknowledgement of its breaches in this regard will occur through the following redress mechanisms:

1. A detailed historical account for Ngāti Mutunga o Wharekauri, including who Ngāti Mutunga o Wharekauri Iwi are and our inherent connection to our moana and motu.
2. Acknowledgment and recognition of the Crown's role in the profound impact on our society through the land alienations forced by the Native Land Court.
3. Acknowledgement and recognition of the contribution of Ngāti Mutunga o Wharekauri moana and motu assets to the development of Aotearoa/New Zealand.
4. Special acknowledgement and recognition of historical Crown actions in respect of Te Whaanga, our fisheries, and our land resources
5. Understanding and recognition of the impact of Crown policies and actions on Ngāti Mutunga o Wharekauri where those policies and actions did not recognise the unique issues of the small, isolated Chathams community



HERENGA MOANA, HERENGA MOTU, HERENGA TANGATA

Ngāti Mutunga o Wharekauri claim that the actions of the Crown had the net effect of alienating Ngāti Mutunga o Wharekauri Iwi from its sea, island, and associated resources. It constitutes an breach of our Treaty rights and is the basis upon which Ngāti Mutunga o Wharekauri Iwi seek to be reconnected with our sea, land and resources.

The Crown typically offers claimant group's land and resources redress through the transfer of sites of significance. There are often co-governance and/or co-management arrangements put in place for key conservation lands and waterways. As discussed previously there are some significant challenges to be overcome in reconnecting Ngāti Mutunga o Wharekauri with our moana, motu and resources, but see the re-connection of Ngāti Mutunga o Wharekauri to our sea, island and Iwi resources – **Herenga Moana, Herenga Motu, Herenga Tangata** - occurring through the following redress mechanisms:

1. Recognition and provision for Ngāti Mutunga o Wharekauri connection and re-connection to the Moana, and Motu including creation of an inalienable land title known as Ture Ngāti Mutunga o Wharekauri Title.
2. Provision for Ngāti Mutunga o Wharekauri Iwi to be re-connected to key conservation estates upon Wharekauri, including the gifting of the following sites:
 - **E.g**
 - **TBC**
 - Other potential sites to be identified.
3. Provision for Ngāti Mutunga o Wharekauri to be re-connected with sites that fall outside of conservation estates within the Ngāti Mutunga o Wharekauri Iwi rohe, including:
 -
 - Courthouse;
 - **TBC**
 - Other sites to be identified.
4. Provision for Ngāti Mutunga o Wharekauri to be re-connected with Council owned sites within the Ngāti Mutunga o Wharekauri rohe, including:
 - Council Building;
 - Council Lands; and
 - Other potential sites to be identified.
5. Provision for Ngāti Mutunga o Wharekauri to be re-connected to key sites not yet identified or known, by way of a land acquisition fund.
6. Priority to purchase to Crown land within the Ngāti Mutunga o Wharekauri Iwi rohe and reparation for the inability to priority purchase Crown land in the past.
7. Active participation in the Crown minerals programme and decision-making, by way of an enhanced MBIE/Crown Minerals Protocol.
8. Active participation in resource management decision-making, by way of an enhanced DIA/Local Govt (CIC, ECANZ) protocol and/or Joint Planning Committee.



NGĀTI MUTUNGATANGA

Our claim that the actions of the Crown had a severe impact upon the welfare and culture of the iwi of Ngāti Mutunga o Wharekauri, coupled with the length of time in which the Crown has taken to address these issues is the basis upon which Ngāti Mutunga o Wharekauri seek to strengthen our **Ngāti Mutungatanga**

Cultural Redress offered by the Crown in settlements usually takes the form of Statutory Acknowledgments, Deeds of Recognition, re-naming or correction of place names, nohoanga, cultural and/or marae development funding etc. We seek to strengthen our **Ngāti Mutungatanga** through the following redress mechanisms:

1. Reconnection to key culturally significant sites, through the purchase of identified cultural sites by the Crown for transfer to Ngāti Mutunga o Wharekauri under Ngāti Mutunga o Wharekauri Title as described in the WAI64 report.
2. Restoration of all Ngāti Mutunga o Wharekauri place names.
3. Protection of and access to Ngāti Mutunga o Wharekauri taonga (incl. taonga currently held by the Crown at Te Papa, Archives, National Library, etc) via:
 - Enhanced DIA, National Archives and National Library Protocol; and
 - Whare Taonga Fund.
4. Repatriation of Ngāti Mutunga o Wharekauri Iwi material from Television New Zealand, Radio New Zealand and National Film Archives, through a Crown protocol.
5. Financial assistance to deliver Te Reo o Ngāti Mutunga o Wharekauri me ona tikanga programmes to Ngāti Mutunga o Wharekauri.
6. Financial assistance to deliver environmental and kaitiakitanga programmes to Ngāti Mutunga o Wharekauri.
7. Financial contribution towards the re-establishment, restoration and development of Ngāti Mutunga o Wharekauri Iwi marae and papa kainga.
8. Financial contribution towards the cultural and social aspirations of Ngāti Mutunga o Wharekauri.
9. Acknowledgements that recognise Ngāti Mutunga o Wharekauri Iwi mana whenua, mana moana, and kaitiakitanga over our Ngāti Mutunga o Wharekauri sea, coastline and all waterways within our Ngāti Mutunga o Wharekauri rohe, including:
 - Overlay Classification;
 - Statutory Acknowledgements; and
 - Deeds of Recognition.



TINO RANGATIRATANGA

To restore and recognise inherent Ngāti Mutunga o Wharekauri mana moana, mana whenua, to restore the honour of the Crown, to ensure cultural survival, and to re-establish effective interaction between the Treaty partners is a critical treaty obligation. This view could not be any more accurate in regard to the relationship between the Crown and Ngāti Mutunga o Wharekauri Iwi.

The development of Crown Relationships with claimant groups is usually achieved contemporaneously with the Deed of Settlement and can often involve the development of a strategic plan that defines the manner in which government agencies will work with claimant groups post-settlement. The recognition of Ngati Mutunga o Wharekauri mana moana, mana whēnua, and **Tino Rangatiratanga** could be achieved through the following:

1. Commitment to an ongoing relationship between Ngāti Mutunga o Wharekauri and the Crown by way of an Accord.
2. Adequate protection and recognition of a contemporary Treaty Relationship with key government departments and agencies, through protocols.
3. Active participation in Regional Minerals and Economic Development through the establishment of a Regional Minerals and Economic Development Forum.
4. Active engagement and participation by Ngāti Mutunga o Iwi in issues regarding our moana, takutai moana, motu and minerals (both nationalised and non-nationalised).
5. Crown Acknowledgement / commitment statement regarding engagement on our moana, takutai moana, motu and minerals (both nationalised and non-nationalised).

Provision for active participation of Ngāti Mutunga o Wharekauri in co-governance and co-management arrangements, environmental, consenting and permit processes, including a capacity building fund for the participation in co-governance and co-management arrangements and consenting processes.



HANGA TE WHARE O NGATI MUTUNGA

The loss of tino rangatiratanga over our sea, lands and resources constitutes, leading to the decimation of our mana on Wharekauri, the loss of our people to New Zealand, the loss of our significant sea resources, and ultimately the disestablishment of the House of Ngāti Mutunga, requires significant redress. Ngāti Mutunga o Wharekauri is adamant that the ‘redress’ provided through the Maori Fisheries Act 2004 has created a new grievance as a result of the economic loss through Iwi resources being transferred to New Zealand based Iwi. Re-establishing the economy of Wharekauri requires urgent focus that covers sea, land, and people resources.

Financial and Commercial redress from the Crown is typically achieved through the provision of a cash quantum and also through the transfer of commercial property. The cash quantum calculation takes into account a number of factors including land area claimed, population, nature of loss (land or otherwise) and the relativity of the quantum to those settlements subject to relativity mechanisms. Providing for the achievement of our *Tirohangaroa* is sought through the following mechanisms:

1. Acknowledgment and recognition of the achievement of Herenga Moana, Herenga Motu, Herenga Tangata for Ngāti Mutunga o Wharekauri today and tomorrow, including redress under Herenga Moana, Herenga Motu, Herenga Tangata pou:
2. Acknowledgement and recognition of Tatou Ake to provide for Ngāti Mutunga o Wharekauri uri now and into the future, including return of:
 - **TBC**.
3. Transfer of Crown properties to Ngāti Mutunga o Wharekauri Iwi, with leaseback arrangements, including:
 - **TBC**; and
 - Other potential sites to be identified.
4. Ongoing provision for Ngāti Mutunga o Wharekauri Iwi to be owners of their own whēnua and kainga, through a specified land and housing development fund.
5. Compensation for loss of opportunity for Ngāti Mutunga o Wharekauri to own Ngāti Mutunga o Wharekauri motu, and moana assets.
6. Compensation for diminished RFR status.
7. Financial redress which acknowledges and recognises the unprecedented severity of our Ngāti Mutunga o Wharekauri Claims through Crown action, inaction and inattention to the unique status of our Wharekauri way of life.

