

From: Maui Solomon [<mailto:mauis@xtra.co.nz>]
Sent: Thursday, December 22, 2016 2:19 PM
To: Tom McClurg <Tom@torostrategy.co.nz>
Subject: Cultural Redress

Tena ko Tom,

Thank you for our meeting on Tuesday to discuss settlement issues. I am writing to confirm some of the things we discussed and my understanding of what we have agreed would unfold from that meeting.

My suggested compromise to relinquish Moriori claim to 100% ownership of Te Whanga lake bed in exchange for Ngati Mutunga relinquishing your claims to “an interest in Moriori waahi tchap’ (tapu)” areas, was not agreed to.

You agreed to put down in writing some suggestions for how Moriori and Ngati Mutunga might come to an agreement over wahi tapu sites on Crown lands. That will be provided by 15 January 2017.

As discussed on Tuesday, Moriori preference is to have these sacred places restored to our respective ownership and control so that we may care for them and likewise for Ngati Mutunga. As an alternative to ownership might be for the Crown to continue to have ownership of the land provided that exclusive management and control is vested in Moriori or Ngati Mutunga (as the case may be) over our respective sacred places. This would have to take place at settlement date. There will, in addition to exclusive control/management be other (Crown owned public lands) places in which both Imi and Iwi will have joint interest and management.

You have suggested that another option would be for the Crown to retain ownership and for a joint board be set up to investigate who site are whose and work out a process for determining management and control of these areas as between Moriori and Ngati Mutunga.

At previous OTS meetings and discussed again at our meeting on Tuesday, Moriori have expressed the following concerns about these matters:

- a. Lack of certainty - It does not provide certainty over places which we have demonstrated beyond any reasonable doubt are Moriori waahi tchap’ (tapu);
- b. Ongoing delays - You have indicated that this would not likely happen before settlement. Our preference is for an AIP to be agreed early in 2017;
- c. Claims to Moriori waahi tchap’ – you have stated that Mutunga “are not claiming Moriori waahi tapu”. However, from our perspective, as long as you are claiming any interest in these waahi tapu places, this amounts to a cross claim over Moriori waahi tchap’.
- d. Mutual Respect – we feel that mutual respect means that we respect your waahi tapu and you respect ours. This does not mean that we have to maintain claims to each other waahi tapu areas in these Crown areas. Waahi tapu situated on private land call for a different approach and supporting one another to work with private landowners to respect each others waahi tchap’/tapu areas.

- e. Lack of evidence – Moriori have put before you and the Crown extensive evidence illustrating our strong cultural associations with these places. However, we have not seen any evidence from you to support your claims to these areas.
- f. Opposition in principle to Moriori receiving fee simple title to any land direct from the Crown – Moriori should have received at least 50% of the land in 1870 as found by the WT and it is land we are seeking to have returned to us. We find it unreasonable that Ngati Mutunga would oppose the Crown returning land directly to us as a “matter of principle”. That amounts to a right of veto and is inconsistent with our stated principle that as land was lost so should it be returned.

In an effort to find a compromise solution, we have agreed that you will send a letter to me by 15 January outlining your suggested approach. If you are able to address the concerns and issues above and any other matters that you wish to raise, that would be helpful. I will undertake to discuss your letter with my fellow negotiators and trustee when it arrives and get back to you within a week from that date with our response.

Tom, as mentioned on Tuesday, our preference is for the options discussed in paragraph 3 above which we regards as fair and reasonable so that we have certainty and can move on. However, as a last effort to reach agreement between us on cultural redress we will await your proposal and give it due consideration. It would be regrettable if we could not work out a compromise on this but if necessary we will rely on the policies and procedures outlined by the Crown in its letters to us in dealing with overlapping claims. In saying that, we hope that a fair and reasonable solution can be achieved between us.

Me Rongo,

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