

# Hon Andrew Little



Minister of Justice

Minister Responsible for the NZSIS

Minister for Courts

Minister Responsible for the GCSB

Minister for Treaty of Waitangi Negotiations

Minister Responsible for Pike River Re-entry

30 SEP 2019

E ngā uri o Te Whakatōhea, tēnā koutou

## Proposed next steps for settlement of Whakatōhea Treaty claims

*Hau karioi ki Raukawa Moana, hau ai noa ki Te Whanganui ā Tara. Whātoro whakararo atu, whakaneinei atu, whakatetonga. Nei rā aku mihi; tēnei ka hāro atu, tēnā ka hāro mai. Taiope noa te au o aituā, te aupounamu ki te Honoiwairua. Talea noa ko tātau i muri nei, hāpai ake ai, i te pūkainga kaupapa i waihotia mai.*

Despite the promise of te Tiriti o Waitangi, the Crown's historical actions created long-standing grievances for Whakatōhea. The pursuit of justice for these well-founded grievances has placed a heavy burden on the whānau and hapū of Te Whakatōhea. The implications of the Crown's actions are still keenly felt, and recognising and redressing these wrongs is long overdue.

As the Minister for Treaty of Waitangi Negotiations, I have a moral obligation to find a way to address those grievances and I am absolutely committed to that task.

An important aspect of healing those grievances is ngā uri o Te Whakatōhea having the ability to recount and record the experience of your whānau, hapū and iwi at the hands of the Crown. The results in the October 2018 Whakatōhea vote showed strong support for an inquiry into the historical claims of Te Whakatōhea.

Accordingly, I welcome the Waitangi Tribunal's decision to initiate a North-Eastern Bay of Plenty district inquiry into the historical and contemporary claims of Te Whakatōhea. An historical inquiry plays an important role in the process of healing and reconciliation. It would provide the opportunity for people to present oral and written evidence and record the history of the relationship between Te Whakatōhea and the Crown and how that has impacted on ngā uri o Whakatōhea through to the present. I note such an inquiry is an enormous undertaking and consequently would take many years to complete.

As well as demonstrating support for a Waitangi Tribunal inquiry, the result of the October 2018 vote showed strong support for settlement negotiations to continue. The Crown and Te Whakatōhea have agreed a settlement package recorded in the 2017 Agreement in Principle. I think the vote has demonstrated that a majority of ngā uri o Te Whakatōhea want the Crown to deliver on that agreement. I am committed to completing the settlement outlined in the Agreement in Principle.

I have come to the view there is an opportunity for Te Whakatōhea to concurrently participate in the North-Eastern Bay of Plenty inquiry and to complete the settlement as set out in the Agreement in Principle. This would mean Te Whakatōhea can receive the benefits of settlement in a timely fashion.

I therefore propose to continue negotiations to finalise the deed of settlement for ratification by Te Whakatōhea, alongside the Waitangi Tribunal conducting a North-Eastern Bay of Plenty Inquiry. Such an approach responds to a unique set of circumstances – it is very uncommon for these two processes to occur alongside each other.

Once a deed of settlement is completed, the settlement will need to be ratified by Te Whakatōhea before settlement legislation is introduced to the House of Representatives. If Te Whakatōhea vote to endorse the settlement, I propose the North-Eastern Bay of Plenty inquiry be able to continue. Usually settlement legislation removes the jurisdiction of the Waitangi Tribunal to hear claims subject to that settlement.

This approach would mean the Waitangi Tribunal could complete its inquiry and report on both historical and contemporary grievances. It would be able to make findings and recommendations in relation to the contemporary claims, but only findings relating to the historical claims the legislation will settle.

In response to issues raised in the Whakatōhea Mandate Inquiry, the Crown and the Whakatōhea Pre-Settlement Claims Trust will:

- a) undertake comprehensive engagement with ngā uri o Te Whakatōhea to continue to work to understand the aspirations of the hapū and the iwi with regard to the settlement on offer, and to design post-settlement governance arrangements appropriate for the hapū and the iwi;
- b) increase mandate maintenance reporting requirements to ensure the aspirations of the hapū and iwi are actively considered as negotiations progress; and
- c) amend the withdrawal mechanism in the Whakatōhea Pre-Settlement Claims Trust Deed of Mandate so it can be used by all members of Te Whakatōhea, not just those registered with the Whakatōhea Māori Trust Board.

I note that the amendment to the withdrawal mechanism means groups may seek to amend or remove the mandate of the Whakatōhea Pre-Settlement Claims Trust. I must be clear that, if a group were to seek a separate settlement with the Crown, there is no certainty as to how or when that would occur. Should groups within Whakatōhea seek separate settlements, that may also have an impact on the currently agreed settlement package.

Ngā uri o Te Whakatōhea has waited too long for the Crown to make amends for its breaches of the Treaty of Waitangi. I am committed to settling your historical Treaty claims without undue delay. I also recognise the benefit to Te Whakatōhea of having your claims heard by the Waitangi Tribunal. The October 2018 vote showed support for both. I am therefore proposing to resume negotiations and for a Waitangi Tribunal inquiry in the North Eastern Bay of Plenty to proceed.

I ask ngā uri o Te Whakatōhea to work constructively with the Pre-Settlement Claims Trust to address specific concerns of your whānau and hapū. I commit to ensuring that this is done. I sincerely believe negotiations resuming alongside a Tribunal inquiry is the best course of action in the circumstances and responds reasonably to the will of ngā uri o Te Whakatōhea expressed in the October 2018 vote.

Nāku noa, nā

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a vertical line that tapers to a point at the bottom.

**Hon Andrew Little**  
**Minister for Treaty of Waitangi Negotiations**