

21 February 2020

Ngāti Paoa

Tēnā koutou

### **Ngāti Paoa Treaty settlement negotiations**

As you may be aware, two concurrent Ngāti Paoa mandate and ratification processes have commenced.

One process is being led by Morehu Wilson: <https://ngatipaoa.co.nz/>

The other process is being led by the Ngāti Paoa Iwi Trust: <https://www.ngatipaoaiwi.co.nz/ratify-your-settlement.html>

This situation is unusual, and I am aware it is causing confusion for the people of Ngāti Paoa. I am therefore taking the uncommon step of writing directly to Ngāti Paoa iwi members to provide some clarity.

### ***Background***

The Ngāti Paoa Deed of Settlement was initialled in August 2017. Ratification was delayed due to the government asking Ngāti Paoa to reconsider part of the deed – a housing development opportunity at Point England Reserve. Alternative redress has now been finalised and the deed is ready for ratification.

### ***Ratification of the Ngāti Paoa settlement***

My understanding is two processes are underway as a consequence of the parallel mandate proposals (I discuss these further below). It is not ideal to have two ratification processes running and we have had this discussion with both parties over the last few months.

Te Arawhiti has asked for both processes to stop to first clarify the Ngāti Paoa mandate for Treaty settlement negotiations. However, we have been advised by Mr Wilson and the Ngāti Paoa Iwi Trust that they intend to continue with their processes. Iwi members may therefore receive two ratification booklets.

While not ideal, helpfully the two ratification processes are essentially identical. Both ask you to support the:

- Ngāti Paoa Deed of Settlement;
- alternative Point England redress; and
- transfer of all assets and liabilities held by the Waiheke Station Trust to the Ngāti Paoa Iwi Trust (the post-settlement governance entity for Ngāti Paoa).

**This being the case, I encourage you to vote in either or both of the settlement ratification processes, to have your say on whether you support the settlement resolutions presented. The important thing for the Crown is to know what Ngāti Paoa members think.**

### ***Waiheke Station Farm***

I am aware there is some confusion about the Waiheke Station Farm.

The Waiheke Station Farm was returned to Ngāti Paoa in 1989 and is currently held in an interim trust. Now that Ngāti Paoa has a post-settlement governance entity, the Ngāti Paoa Iwi Trust, the proposal being put to you during ratification is whether you want to transfer the farm to that entity.

Another proposal for the Māori Land Court to consider the land status of the Waiheke Station Farm was included in the initialled Ngāti Paoa Deed of Settlement (clause 9.13). This part of the proposal has been discontinued and clause 9.13 will be removed from the Ngāti Paoa Deed of Settlement before it is signed.

### ***Mandate***

Mandate processes are usually separate from processes to ratify a deed of settlement. It is unusual to have mandate processes running alongside the ratification of the deed.

Te Arawhiti has not fully reviewed either of the mandate proposals being put to Ngāti Paoa. We consider both processes already have deficiencies that will need to be addressed and further work is likely to be required.

I wish to be clear though that support for the existing mandate or a new mandate does need to be clarified, so that the Crown can have confidence it is talking to authorised representatives who have the support of Ngāti Paoa to complete Treaty settlements involving Ngāti Paoa.

While negotiations for the Ngāti Paoa Deed of Settlement, the Marutūāhu Iwi Collective Redress Deed and the Pare Hauraki Collective Redress Deed have been completed, the Waitangi Tribunal's *Hauraki Settlement Overlapping Claims Report*, released in December 2019, has recommended iwi participate in tikanga-based processes to address overlapping interests.

If, as a result of the tikanga-based engagement processes referred to above, changes are required to any of the Hauraki Collective, Marutūāhu Collective or Ngāti Paoa deeds the Crown needs to have confidence it is talking to authorised representatives who have the support of Ngāti Paoa. To be clear this will not involve agreed redress being re-opened for any other reason.

A mandate is not static, and the Crown's recognition of a mandate is not permanent. Support for a mandate can change over time and the Crown's recognition of a mandate can also change.

Given the separate mandate proposals being put to Ngāti Paoa by the Ngāti Paoa Iwi Trust and Mr Wilson, the Crown cannot be confident the existing mandate continues to have the support of Ngāti Paoa. Therefore, I think it is imperative to clarify who the Ngāti Paoa people wish to represent them in any remaining negotiations.

Te Arawhiti will review the outcome of voting on the mandate resolutions presented and will then provide further advice to Ministers and Ngāti Paoa on what is required before the Crown can make any decisions on mandate recognition.

### ***Timeline to settlement***

If the deed is supported by Ngāti Paoa iwi members through ratification, there are still several stages to complete before redress is transferred on settlement date, including Parliament passing legislation to implement the settlement.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'Lil Anderson', written in a cursive style.

Lil Anderson

**Tumu Whakarae - Chief Executive**