

# **HOKOTEHI MORIORI TRUST**

## **Deed of Mandate for Moriori**

**To Negotiate and Settle Claims under the  
Treaty of Waitangi**

**Wai 64, 308 and 417**

## **DEED OF MANDATE**

### **Introduction**

1. The undersigned as representatives of the Hokotehi Moriori Trust ("the Trust") agree the following as a Deed of Mandate for negotiating the settlement of all the historical claims of the Moriori people including (but not limited to) claims to land, and other natural resources, cultural and intellectual property, and all other taonga, and for negotiating compensation for breaches by the Crown of the Treaty of Waitangi and the principles of the Treaty as described in this Deed.

### **Definition of claimant community**

2. In this Deed, the terms "claimants" and "Moriori" mean all those persons of Moriori descent (whether or not they are registered as members of the Hokotehi Moriori Trust) who can Hokopapa back to the founding Moriori ancestor(s) Rongomaiwhenua and/or Rongomaitere and who satisfy the Hokopapa Criteria set out in Appendix One of the Deed of Trust of the Hokotehi Moriori Trust dated 19 April 2001, and any subsequent amendments. The Deed of Trust is attached as **Appendix 1**.

### **Geographical area covered by the claims**

3. The claimants will negotiate with the Crown a comprehensive settlement of all historical claims by the Moriori people with particular reference to events which occurred on Rekohu (Chatham Islands). Due to the diaspora of Moriori following their enslavement, the claims may also relate to events which occurred on Pitt Island (Rangiaotea), the Auckland Islands, and certain parts of mainland New Zealand, although Moriori claims in relation to the return of land will be restricted to the Chatham Islands.

### **Claims to be negotiated**

4. For the purposes of this Deed the Moriori claims mean all claims known or unknown, registered or unregistered by any Moriori claimant and founded on rights arising in or by the Treaty of Waitangi, the principles of the Treaty of Waitangi, legislation, common law (including aboriginal title), fiduciary duty or otherwise, arising out of or relating to acts or omissions before 21 September 1992 by or on behalf of the Crown or by or under legislation. This includes WAI 64, 308 and 417.
5. Specific breaches/losses to be negotiated include (but are not limited to) the following:
  - (a) Loss of identity as a people;
  - (b) Loss of land;
  - (c) Loss of culture and heritage;
    - (i) Language;

- (ii) Traditional knowledge base;
- (iii) Other
- (d) Failure to protect Moriori from enslavement;
- (e) Te Whaanga Lagoon;
- (f) Alienation from off-shore islands;
- (g) Customary harvesting rights;
- (h) Cultural materials including whalebone, feathers etc;
- (i) Cultural and intellectual heritage and property rights.

#### **Mandated representatives/mandated body**

6. Hokotehi Moriori Trust has a mandate from the Moriori people to represent them in negotiations with the Crown regarding the claims referred to in clauses 3-4. The current Interim Trustees of the Trust are Alfred Preece (Chair), Barrie Byles (Deputy Chair), Dennis Solomon, Julie Scrimgeour, Frank Harvey, Maui Solomon, Peter Tuanui and Shirley King. The Trust can be contacted by writing to the Office Manager at PO Box 188, Waitangi, Chatham Islands.
7. The Trust shall appoint Negotiators to negotiate with the Crown on behalf of the Trust. The Negotiators shall include trustees of the Trust, and (if necessary) such other suitably qualified persons to be appointed by the Trust to assist with the negotiations.
8. The Trust shall notify Moriori of the names of the Negotiators once they are appointed.
9. The Negotiators shall be accountable to the Trust, and shall report directly to the full board of trustees of Hokotehi Moriori Trust who shall report on a regular basis to all Moriori on the progress of the negotiations.
10. The Trust shall have the power to appoint and remove Negotiators.
11. In the event that Moriori are not satisfied with how negotiations are proceeding they can raise their concerns directly with the Trust with a view to resolving any such concerns. If resolution is not achieved, the members can call for a special general meeting and move a resolution to remove some or all the negotiators.

#### **How the mandate was obtained**

##### *Unity between existing tribal organisations*

12. Until the establishment of Hokotehi in April 2001, Moriori people had been represented by two separate tribal organisations, being:

- (a) Te Iwi Moriori Trust Board, a duly registered charitable trust under the Charitable Trusts Act 1957 ("Te Iwi"); and
  - (b) Moriori Tchakat Henu Association of Rekohu Trust Incorporated, an unregistered charitable trust constituted by deed dated 5 November 1995 ("Tchakat").
- 13. The division between Te Iwi and Tchakat was not seen as conducive to achieving unity among Moriori and as a consequence of this, various attempts were made over the years to unify Te Iwi and Tchakat. A significant meeting for Moriori was held on the Chatham Islands on 22 September 2000 between the trustee representatives of both Te Iwi and Tchakat. It was unanimously agreed at the meeting that both Te Iwi and Tchakat would unite to form a single organisation that would be recognised by Moriori as the one representative body of all Moriori.

*Kotahi Moriori Committee (KMC)*

- 14. Following that meeting, Te Kotahi Moriori Committee ("KMC") was formed in order to bring about the unification of Te Iwi and Tchakat. It was agreed that, in order to maintain balance, KMC would consist of three representatives from each of Te Iwi and Tchakat. KMC convened its first meeting in Wellington on 2 October 2000. At this meeting, the terms of reference of KMC were decided as being:
  - (a) The sole purpose of the KMC would be to achieve unity between Te Iwi and Tchakat.
  - (b) KMC members had a mandate to make decisions pertaining to the goal of unification of Te Iwi and Tchakat;
  - (c) Each decision made by KMC in the process of unification would not require the ratification of either Te Iwi or Tchakat.
- 15. KMC met on several occasions in the latter part of 2000 and determined a number of significant issues affecting all Moriori. These meetings resulted in decisions to:
  - (a) form a new representative body for Moriori; and, consequently, to
  - (b) wind-up Te Iwi and Tchakat once the new representative body was created.
- 16. KMC engaged the services of consultants to assist it in developing a draft trust deed for the new unified organisation, which was to be voted on by all Moriori. At that stage the new entity (yet to be formed) was known as Te Kotahi Moriori Trust, but this name later changed to Hokotehi Moriori Trust.
- 17. At a further meeting of KMC conducted on 20 November 2000, it was agreed that the initial six members of KMC should be increased to ten members, (an additional two from each of Te Iwi and Tchakat) and that these ten members

should be the interim trustees of the new Hokotehi Moriori Trust until elections could be held.

*Hui-a-Moriori giving authority to establish Hokotehi*

18. In January and February 2001, a series of three hui-a-iwi were held at Taupo, Temulka and Rekohu whereby Moriori:
    - (a) confirmed the authority of the members of KMC to act:
      - (i) with autonomy from Te Iwi and Tchakat; and
      - (ii) in a manner befitting their role as the initial trustees of Hokotehi; and
    - (b) voted overwhelmingly in favour of the following resolutions:
      - "(a) *The Trustees and members of Te Iwi Moriori Trust Board/Moriori Tchakat Henu Association of Rekohu wholeheartedly endorse the establishment of a united trust to represent the interests of Moriori from this day forward;*
      - (b) *The trustees and members of the above Trusts approve the Trusts' members of the Kotahi Moriori Committee to settle and ratify the Trust Deed as presented to and amended by (if required) this hui;*
      - (c) *That the transfer of all assets, obligations and taonga of the two Trusts be settled upon Te Kotahi Moriori Trust;*
      - (d) *The Trustees of Te Iwi Moriori Trust Board/Moriori Tchakat Henu Association of Rekohu are to take such steps as are necessary for the winding up of the respective Trusts:*

*Subject to:*

    - (e) *Te Kotahi Moriori Trust receiving confirmation of its charitable status from the Inland Revenue Department;*
    - (f) *Both the Te Iwi Moriori Trust Board and Moriori Tchakat Henu Association of Rekohu resolving to act in accordance with the above resolutions".*
19. The three Hui also discussed and voted on, clause by clause, the draft trust deed for the new unified body.

*Hokotehi Moriori Trust formed*

20. On 19 April 2001 the trust deed of Hokotehi was adopted by the KMC resulting in the official formation of Hokotehi, as an unincorporated body with the mandate to represent all Moriori. Of the ten KMC members, there are now eight remaining as the interim trustees of Hokotehi.
21. In December 2002, Te Iwi and Tchakat were formally placed into liquidation by Court order, and all net assets of the organisations, as well as all cultural taonga are transferred to Hokotehi.

22. The Hokotehi Moriori Trust was incorporated pursuant to the Charitable Trusts Act 1957 on 3 June 2003. The certificate of incorporation is attached as **Appendix 2**.

*Hokotehi seeks the mandate to negotiate Treaty of Waitangi claims*

23. Hokotehi convened a series of three Hui-a-Moriiori held during March-April 2003, whereupon all those of Moriori descent were entitled to participate and cast their vote as to their choice for their mandated representative.
24. Advertisements placed by Hokotehi Moriori Trust on 15 and 18 January 2003 and on 19 and 22 March 2003 in the following newspapers: Timaru Herald, The Chatham Islander, Dominion Post, New Zealand Herald, Christchurch Press, Hawkes Bay Today, Nelson Evening Mail, Southland Times, and the Wanganui Chronicle. In addition, advertisements were broadcast on Mana News and Chatham Island TV. An example of the newspaper advertisement (the text of which was the same for all advertisements) is attached as **Appendix 3**.
25. A kerere (notice) was sent to all those on the address lists of Hokotehi Moriori Trust. Those address lists were compiled from registration lists of Te Iwi and Tehakat and were not restricted to registered members of Hokotehi. A copy of the kerere (panui) which also includes a copy of the agenda for the hui is attached as **Appendix 4**. It gave notice that, at the hui, the Trust would be:
- “Setting a date for the First Trustee Elections later this year;  
Reporting and updating all Moriori on progress made over the past two years to unify the two Moriori organisations;  
Seeking a mandate to represent Moriori and to negotiate a comprehensive settlement of all historical Treaty claims with the Crown.”
26. The timetabling of the Hui-a-Moriiori was governed by the processes set out in the Hokotehi Deed of Trust, which requires 42 days’ notice to all those wishing to put forward resolutions to the floor. The timing of the hui was scheduled to allow full preparation by participants for the upcoming hui, including the submitting of resolutions by Moriori;
27. In order to obtain the best possible coverage of those of Moriori descent, and to ensure that all had an opportunity to attend at least one of the hui, the Trust met the costs of three separate Hui-a-Moriiori:
- (a) Arowhenua Marae, Temuka on 22-23 March 2003;
- (b) Mihiroa Marae, Hastings on 29-30 March 2003; and
- (c) Te Kopinga Marae, Chatham Islands on 12-13 April 2003.
- 28.. To ensure transparency, the agenda for each hui-a-Moriiori was made available to all participants and each report was summarised. In addition, the text of resolutions and issues put forward by Moriori for discussion were included in full.

29. The hui-a-Moriori reported to all Moriori on the activities of the Trust, given that this was the first opportunity to report back to Moriori since the Hui-a-Iwi in early 2001. The reports addressed education, fishing, conservation, the marae project, the work of the hokopapa unit and other general business. Importantly, the hui made available for inspection three bound volumes (three sets of each) of all expenditure and invoices, and receipts of the Trust, including when it was the Kotahi Moriori Committee. The Trust's financial adviser addressed each hui with a power point presentation on the financial state of the Trust and answered questions from members. Voters were therefore fully appraised of the Trust and its activities.
30. A power point presentation on the negotiations process, the Treaty of Waitangi claim, the mechanics of a deed of mandate, and what the vote for a mandated representative entailed, was made at each of the three Hui.. Questions were asked and answered. A copy of the PowerPoint presentation is attached as **Appendix 5**.
31. The Trust is satisfied that the vote on the mandate issue was undertaken after a full disclosure and presentation to the participants at the hui of all the information necessary to enable voters to decide the suitability or otherwise of Hokotehi Moriori Trust to receive a mandate to undertake negotiation and settlement of the claims.
32. All Moriori who had sought to raise issues or resolutions from the floor were provided the opportunity to speak to their papers, and all did so.
33. The three Hui-a-Moriori were videotaped, and a draft set of minutes was taken for each hui. Those draft minutes were then collated into a composite set of minutes which have since been ratified by trustees of Hokotehi at a telephone conference on 10 July 2003 as a true and correct record. The extract of the minutes from the three hui relating to the mandate issue is attached as **Appendix 6**.
34. A representative from Te Puni Kokiri was present at each hui as an observer.
35. Benjian Rehe Solomon was invited to address the hui at Te Kopinga Marae in relation to his Wai 417 claim. He made a presentation and was asked questions.

*The voting process*

36. It was explained to each hui that:
  - (a) All Moriori, whether registered with the Hokotehi Moriori Trust or not registered, are entitled to vote on the issue of mandate;
  - (b) For those who attend more than one hui, you can only vote once;
  - (c) There are no proxy votes available for those who are unable to attend the hui and no postal votes will be accepted. It was regarded that it was important for those who are casting their vote on mandate to have heard in detail the mandating process, and the work of Hokotehi Moriori Trust so that they can be fully informed before their vote;

- (d) All votes will be held in the official voting box, which will then be counted and the results made known to Moriori members;
  - (e) All those who cast their votes will have their names validated against the hokopapa criteria as being of Moriori descent. This applies whether or not you are a registered member of the Trust;
  - (f) It was made clear that the vote is for the organisation – the Hokotehi Moriori Trust – and not individuals or individual trustees;
  - (g) Because a priority of the Hokotehi Moriori Trust is for trustee elections to be held as soon as possible it was envisaged that the actual negotiations with the Crown are likely to be undertaken or completed by the elected trustees, or their appointed representatives;
  - (h) All votes will be accepted right up until the end of the last hui – the ballot box is open throughout the hui and votes do not need to be cast immediately.
37. The participants at the hui-a-Moriore were asked to vote on the following resolution:

**“It is hereby resolved that Hokotehi Moriori Trust  
be given the mandate to pursue the negotiations and settlement  
of the Moriori Treaty of Waitangi claim with the Crown.”**

38. A copy of the voting paper is attached as **Appendix 7**. Copies of attendances lists for each of the three hui are attached as **Appendix 8**.

*How the votes were processed*

39. The voting process was overseen by an official scrutineer, a legal adviser to the Trust. He had possession of all voting forms. The Hokopapa Unit, a committee of the Trust, applied the hokopapa criteria contained in Appendix One of the Trust Deed to those names of those who had voted to determine that they were of Moriori descent. The results of the vote are set out in the table below.

*Voting results*

Hui	Votes Cast	Invalid	Not Moriori	Verified Moriori	For	Against
Arowhenua	35	0	1	34	34	0
Mihiroa	21	0	5	16	16	0
Te Kopinga	19	2	1	16	16	0
<b>Total</b>	<b>75</b>	<b>2</b>	<b>7</b>	<b>66</b>	<b>66</b>	<b>0</b>

40. The results were declared by the official scrutineer to the Trust, which resolved at its meeting of 29 June 2003 that the results were true and correct.

**Decision making powers and rules on eligibility for membership**



41. This Deed of Mandate recognises that all those who have suffered the grievance need to be involved in the decision making processes of the mandated body should they choose to do so, and eligible to register as a beneficiary of the settlement. Particular reference is made to the following clauses of the Deed of Trust:
- (a) In terms of the ability of descendants of those who have suffered the grievance to participate in decision making processes, refer to Clauses 9-15 of the Deed;
  - (b) In terms of those eligibility rules to register as a beneficiary under the settlement, refer to Clause 9 and Appendix 1 of the Deed.
42. The Deed of Trust provides a range of opportunities for members to participate in the decision making processes of the Trust. Membership of the Trust fall into the following categories:
- (a) Kaumatua, as members of the Kaumatua Advisory Council (clause 10);
  - (b) Youth, as members of the Rangitahi Komiti (clause 11);
  - (c) Registered Members (with voting rights);
  - (d) Affiliated members (non-voting rights);
  - (e) Whangai (non-voting rights unless they are also of Moriori descent).
43. Members of the Trust have the ability to participate in the following decision making processes of HMT:
- (a) Annual hui (clause 12);
  - (b) Special general meetings (Hui a Moriori) (clause 13);
  - (c) Other hui called by the trustees from time to time. For example in relation to the progress of negotiations with the Crown.

#### **Accountability**

44. Hokotehi Moriori Trust as the mandated body will report regularly to the wider claimant community through newsletters and hui. Hokotehi Moriori Trust will not have the authority to conclude a settlement with the Government until they have presented the proposed settlement to the Moriori claimant community and have received the ratification of the proposed settlement by the claimant community through properly notified hui and postal ballot.
45. The mandate may be withdrawn from Hokotehi Moriori Trust by the convening of a special general meeting called for that purpose under clause 13 of the Trust Deed.

**The Crown may make the Deed of Mandate and supporting material available to any member of the wider group**

46. The Trust agrees to the Crown making the Deed of Mandate known through a public notification process, and provide the Deed of Mandate, together with supporting information, to members of the claimant community or such other person(s) who may request it. The Crown agrees to consult with trustees of the Trust during this process, provide copies of all public submissions on the Deed to the Hokotehi Moriori Trust and provide the Trust with an opportunity to respond.

**Attestation clause**

This Deed of Mandate is signed by the chair of the Hokotehi Moriori Trust for and on behalf of the Interim Trustees of the Trust this 21<sup>st</sup> day of July 2003:

  
Alfred Preese  
Chair, Hokotehi Moriori Trust

**List of Appendices**

- |                   |  |
|-------------------|--|
| <b>Appendix 1</b> | Hokotehi Moriori Trust Deed of Trust   |
| <b>Appendix 2</b> | Certificate of Incorporation of Hokotehi Moriori Trust 3 June 2003   |
| <b>Appendix 3</b> | Example of the hui notification advertisement placed in newspapers   |
| <b>Appendix 4</b> | Copy of Kereare (Panui) advertising Moriori mandate hui (including the Agenda for Moriori mandate hui)                         |
| <b>Appendix 5</b> | Power Point presentation on Mandating process given to each hui  |
| <b>Appendix 6</b> | Extract from minutes of Moriori mandating hui  |
| <b>Appendix 7</b> | Copy of Voting Paper   |
| <b>Appendix 8</b> | Copies of signed attendances lists for each of the three hui (with contact details deleted due to Privacy Act considerations.) |

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Ministry of Economic  
Development



*Manatu Ohanga*

CERTIFICATE OF INCORPORATION  
of

**HOKOTEHI MORIORI TRUST**  
**(AK/1327163)**

This is to certify that HOKOTEHI MORIORI TRUST was incorporated under the Charitable Trusts Act 1957 on the 3rd day of June 2003.



*Neville Harris*

Neville Harris  
Registrar of Incorporated Societies  
6 June 2003

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## HUI A MORIORI/ANNUAL HUI

**NOTICE IS HEREBY GIVEN** by Hokotehi Moriori Trust that three Hui a Moriori/Annual Hui are to be held on the dates and venues as set out below.

### ALL MORIORI ARE INVITED TO ATTEND

As part of these Hui, Hokotehi Moriori Trust will be:

- ◆ Setting a date for the First Trustees Elections to be held later this year.
- ◆ Seeking a mandate to represent Moriori and to negotiate a comprehensive settlement of all historical Treaty claims with the Crown.

Only Moriori 18 years and over be eligible to vote. If you are not yet registered with the trust your are encouraged to do so prior to the Hui. Copies of applications for registration may be obtained by phoning toll free 0800 667 4674. Moriori who have still not registered prior to the time of the Hui can apply at the Hui.

However, any Moriori whether registered or not will be entitled to speak and to have their vote recorded regarding the Treaty settlement and mandating process that will be discussed at the three Hui.

### Places, Dates, Venues and Times of Hui

	Temuka	Hastings	Rekohu
<b>Dates</b>	Sat 22nd-Sun 23 March 2003	Sat 29-Sun 30 March 2003	Sat 12-Sun 13 April 2003
<b>venues</b>	Arowhenua Marae Huirapa Street Temuka	Mihlron Marae Paki Paki Hastings	Norman Kirk Memorial Hall Waitangi
<b>Times</b>	Start: Sat, 10am Finish: Sun, 2pm	Start: Sat, 10am Finish: Sun 2pm	Start: Sat, 10am Finish: Sun 2pm

***TE KERERE***  
***(The Messenger)***

**HUI A MORIORI/ANNUAL HUI**

**NOTICE IS HEREBY GIVEN** by Hokotehi Moriori Trust that three Hui a Moriori/Annual Hui are to be held on the dates, places, times and venues as set out in Te Kerere (Moriori for "The Messenger").

**As part of these Hui, Hokotehi Moriori Trust will be:**

- **Setting a date for the First Trustee Elections later this year**
- **Reporting and updating all Moriori on progress made over the past two years to unify the two Moriori organisations**
- **Seeking a mandate to represent Moriori and to negotiate a comprehensive settlement of all historical Treaty claims with the Crown.**

All Moriori are encouraged to attend at least one of the three Hui and to have their say. Voting by proxy will not be permitted.

Only Moriori 18 years and over are eligible to vote. If you are not yet registered with the trust you are encouraged to do so prior to the Hui. Copies of applications for registration may be obtained by phoning toll free 0800 6674674.

Moriori who have still not registered prior to the time of the Hui can apply at the Hui.

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<b>Venues</b>	Arowhenua Marae Huirapa Street Temuka	Mihiroa Marae Paki Paki Hastings	Norman Kirk Memorial Hall Waitangi
<b>Times</b>	Start: Sat 10 am Finish: Sun 2 pm	Start: Sat 10am Finish: Sun 2pm	Start Sat 10am Finish: Sun 2 pm
<b>Accommodation</b>	At the marae~ (bring own sleeping gear) or make own arrangements.	At the marae (bring own sleeping gear) or make own arrangements	Please make own arrangements

## AGENDA FOR HUI A MORIORI/ANNUAL HUI

Times/Day	Agenda Item	Comment
<i>Saturday</i>		
9-10 am	Arrival/registration	This will be a chance for people to register who have not already done so.
10.00-10.30 am	Karakii/welcome/cuppa	
10.30-11.00 am	Chairman's report/opening	
11.00-1.00 pm	Committee reports: <ul style="list-style-type: none"> <li>• Marae</li> <li>• Hokopapa</li> <li>• Education</li> <li>• Fisheries</li> <li>• Treaty</li> <li>• Conservation</li> </ul>	Reports from each of the Sub Committees covering work that has been done over the past 2 years. (Approximately 20 mins for each report).
1.00-2.00 pm	Lunch	
2.00-3.00 pm	Discussion of committee reports	
3.00-3.30 pm	Afternoon tea	
3.30-4.30 pm	Financial report/discussion of report	This will cover the period 2001-2003
4.30-6.00 pm	Consideration of proposed resolutions	Some members have submitted resolutions in writing to the Trust for consideration at the hui. Copies of those resolutions will be available at the hui.
6.00-7.00 pm	Dinner	

7.00-10.00 pm	Open discussion	
<b>Sunday</b>	<b>Agenda Items</b>	<b>Comment</b>
8.30-9.30 am	Discussion of Elections	The trustees are proposing to call the first trustee elections within months of the Hui a Moriori and would like to discuss this process with the members and get your feedback
9.30-10.30 am	Seeking a mandate for Hokotehi Moriori Trust to represent Moriori in and negotiate a comprehensive settlement of all historical Treaty claims	What is involved, how mandate to negotiate the claim will be obtained, who will do the negotiating, what are the rights of all Moriori to have their say in the process of selecting/removing negotiators etc
10.30-10.45 am	Morning tea	
10.45-12.30 pm	Open discussion	
12.30-1.30 pm	Lunch	
1.30-2.00pm	Karakii/closure	

To assist with catering and accommodation please R.S.V.P. toll free to 0800 6674 674 by March 3<sup>rd</sup> 2003.



## Moriāri Treaty Claims Process

## Historical Summary

- 1862 Moriāri Karapuna petition Governor Grey for recognition of Moriāri as the original inhabitants of Rekohu and for the return of their lands.
- 1870 Native Land Court dispossesses Moriāri of 97.3% of their lands.
- 1988 First claim filed on behalf of Moriāri in the Waitangi Tribunal.

## Historical Summary

- 1994 Claim commences hearing on Rekohu.
- 1996 Completion of hearings.
- 2001 Waitangi Tribunal releases its report.

## Main Findings and recommendations of the Tribunal.

- **Identity** – Moriāri have a right to their separate identity and representation as a people.
- **Slavery** – The Crown was aware of the enslavement of Moriāri and failed to intervene. Compensation is recommended.
- **Unjust Land Allocations** – Compensation recommended for the failure to set aside the clearly unjust allocations of land by the Native Land Court.

## Main Findings and recommendations of the Tribunal.

- **Cultural Identity** – compensation to Moriāri to facilitate their cultural reestablishment and the social, economic and cultural development of the people.
- **Land** – "a significant Moriāri land base on Rekohu appears to be a necessary long-term goal".
- **Te Whāanga** – should be re-vested in Moriāri and Ngāti Mutunga with the predominant ownership in Moriāri.

## Other Tribunal Conclusions.

- "The scientific evidence is compelling: Moriāri are the same people as Maori but, through isolation, they are unique as a Maori tribe. The Treaty of Waitangi Act 1975 provides that only Maori can bring a claim to the Waitangi Tribunal. It is obvious that that must include the Moriāri tribe – unless the Treaty of Waitangi itself excluded them" (page 22).

### Other Tribunal Conclusions.

➤ **Tangata Whenua Status** – “adopting a customary approach, we would say that Moriori are tangata whenua of Rekohu beyond all doubt, and may be described as “tangata whenua tuturu ake”. The status of tangata whenua is a fact that cannot be changed for as long as the people exist and maintain an emotional connection” (page 26).

### Other Tribunal Conclusions.

➤ **Ngati Mutunga status** – the Tribunal also considered that Ngati Mutunga are tangata whenua “by virtue of the fact that they have lived there for a long time, have buried their whenua (placenta) and their dead in the land, and now also reveal sites that are sacred to them”. They are described as tangata whenua Iho, or those who came later.

### Moriori Status and Mana: What the Tribunal had to say.

➤ “In customary terms, if a people exist today and can be seen to have mana now, through their own displays of competence, manaaki, and acknowledgement of others, then they are to be described as a people of mana. Mr Temara [The late Makarini Temara who was the kaumatua on the Tribunal] had reminded us of this and had cautioned us to observe closely what the people did during the hearing.

### Moriori Status and Mana: What the Tribunal had to say.

➤ How did Moriori treat their guests? Were they able to rally their people to support the claim (even if they stood in different camps)? Did they speak wisely when mentioning their relationships with Ngati Mutunga and Europeans? Adopting his advice on the customary approach, we left satisfied that Moriori have mana”.

### Steps in Treaty Negotiation Process.

- Mandate.
- Pre-negotiation.
- Negotiation.
- Deed of Settlement.
- Ratification by beneficiaries.

### Mandating for Negotiations. *What Is Mandating?*

- claimant group chooses their representatives and gives them the authority to enter into discussions and agreements with the Crown on their behalf.
- 1996-1998 Te Iwi Moriori Trust Board and the Moriori Tchakat Henu Association of Rekohu both obtained separate mandates from the Crown.

### Mandating for Negotiations. *What is Mandating?*

- In 2001 discussions commenced to bring about unity between the two organisations.
- Hokotehi Moriori Trust now seek a mandate from Moriori people to represent them in discussions and negotiations with the Crown for settlement of their Treaty claims.

### What happens if a Mandate Is given?

- Hokotehi will work with Office of Treaty Settlements (OTS) to prepare a Deed of Mandate.
- The Crown publicly advertises Deed of Mandate and submissions called for.
- The Crown assesses submissions.

### What happens if a Mandate is given?

- Minister in Charge of Treaty Negotiations and the Minister of Maori Affairs make a decision on whether or not to recognise the mandate.
- Hokotehi accountable to Moriori and must report on a regular basis

### Reasons to get on with Negotiating Our Claim.

- 15 years since claim was filed.
- Narrow window of opportunity. The Crown has allocated a priority to the Moriori claim but this may not last.
- Political climate.
- Necessary to advance social, cultural and economic development of Moriori.

Extract from minutes of hui-a-Moriori

**Arowhenua Marae Attendance List**

Chairman Alfred Preece, Trustees Barrie Eyles, Shirley King, Dennis Solomon, Maui Solomon, Peter Tuanui.

Denise Davis – Video Recordings  
Deborah Goomes – Personal Assistant, Minutes  
Julie Keenan – Te Puni Kokiri, Observer  
Leo Watson – Legal Advisor

Alfred Preece Snr (Bunty), Riwai Preece,  
Eyvonne Kerehoma, Sean Hamilton, Kerry Solomon, Charles Solomon,  
Irene Solomon, Sue Anderson, Hana-Maraea Solomon, Irene John, Lin  
Entwistle, Brenda Clarkson, Suzanne Brown, Judy Wheal, Paul Lucas,  
Matthew Redmond, Lois Mitchell, Pauline Hindmarsh, Verdun Nohotima,  
Helen Marshall, Greg Preece, Marie Rowley, John Solomon, Hayden  
Preece, Karl King, Julie Preece, Karen Preece, Colin McGregor, Kevin  
Solomon, Carol Smith,  
Viki Solomon, Colin Horonuku Reihana, Bill Solomon, Tina Marshall,  
Ngamare Columb, Rana Sullivan, Elizabeth Donaldson, Ashleigh  
Hamilton, Steve Columb, Rose Solomon, Julian Entwistle, Lawrence  
Rowley, Sylvia Eyles, Tina Begg, Peter Solomon, Jade Donaldson, Ray  
Solomon, Christine Solomon.

Also present but not recorded in attendance list: Julie Scrimgeour (trustee), Brett Whyte (financial adviser), May Clarkson, John Ashton, Carol Ashton, Tina Clarkson, Asleigh Hamilton, Rachel Rowley, Ysobel Amalfitano, Rawhiri Amalfitano

Apologies: Trustee Frank Harvey.

**Mihiroa Marae Attendance List**

Chairman Alfred Preece, Trustees Barrie Eyles, Shirley King, Julie Scrimgeour, Dennis Solomon, Maui Solomon, Peter Tuanui, Frank Harvey

Denise Davis – Video Recordings  
Deborah Goomes – Personal Assistance, Minutes  
Brett Whyte – Financial Advisor  
Emma Eastwood – Te Puni Kokiri, Observer  
Monique Ward – Te Puni Kokiri, Observer

Riwai Preece, Val Mete, Eileen Soanes, Lily Stone,  
May Clarkson, Ruth Brown, Elaine Goomes, John Aston, Carol Aston,  
Suzanne Brown, Lin Entwistle, Judy Wheal, Charles Solomon, Arthur  
Harvey, Paula Vercoe, Judy Watson-Fisher, Brenda Clarkson, Desmond  
Pomare, Verdun Nohotima, Donna Mete, Patricia Rudolph, Marieka Mete,

Raewyn Keating, Anthony Keating, Aryan Mete, Judith Karaitiana, Rawinia Pomare, Rebecca Patoki, Maira Kapene, Cythia Kapene, Tanya Pomare, Piripi Pomare, Te Ao Rangi Pomare, Paulette Pomarea, Jaylene Pomare, Epiha Pomare, Manu-Ariki Pomare, Ephra Arapata Pomare, Jan McKenzie, Wayne Soanes, Tony Fisher, Whetu-Miriama Pomare

Apologies: Leo Watson

Also present but not recorded in attendance lists: Winnie Pomare, Reuma Hapi, Athol Soanes, Millie Hetaraka

### **Te Kōpinga Marae Attendance List**

Trustees Barrie Eyles, Shirley King, Julie Scrimgeour, Dennis Solomon, Maui Solomon.

Denise Davis – Video Recordings

Deborah Goomes – Personal Assistant, Minutes

Monique Ward – Te Puni Kokiri, Observer

Leo Watson – Legal Advisor

Alfred Preece Snr (Bunty), Riwai Preece, Charlie Preece (Snr) May Clarkson, Val Mete, Eileen Soanes, Ruth Brown, Elaine Goomes, Ray Murphy, Pita Thomas, Tania Solomon, Tom Solomon, Ian King, Nathaniel Whaitiri, Laurence Clarkson, Terry Prendeville, Nigel Ryan, Lou Ryan, Claude Ryan, Patsy-Ann Ryan, Nick Preece, Amanda King, Arana Tuuta, Mina Reriti, Teresa McDonald, Yvette Lanauze, Paddy Lanauze, Benjian Solomon, Falcon Peni, Eyvonne Kerehoma, John Aston, Carol Aston, Charles Solomon, Sue Anderson, Lin Entwistle, Brenda Clarkson

Also present but not recorded on attendance list: Alfred Preece (chairman), Ann Thomas

**Apologies:** Trustee Frank Harvey, Brett Whyte, Toni Day, Peter Tuanui, Loretta Whaitiri, Dinec Fleming, Rodger Preece, Judy Wheal, Suzanne Brown.

#### AGENDA ITEM #10 - TREATY CLAIM AND MANDATING PROCESS

1. Trustee Maui Solomon presented a report to each hui on the status of the Treaty of Waitangi Claim and the mandating process. The powerpoint presentation is attached as **Appendix 8** to these minutes. What follows is a summary of those points and the discussion from the floor.
2. If a mandate is given at these hui, then:
  - (a) Hokotehi will work with OTS to prepare a Deed of Mandate;
  - (b) The Crown will publicly advertise the Deed of Mandate and call for submissions;
  - (c) The Crown assesses the submissions, including any objections;
  - (d) The Minister in charge of Treaty negotiations and the Minister of Maori Affairs decide whether to recognise the Mandate;
  - (e) Hokotehi is then accountable to Moriori and must report on a regular basis.

#### *Voting Process*

3. It was explained to each hui that:
  - (a) All Moriori, whether registered with the Hokotehi Moriori Trust or not registered, are entitled to vote on the issue of mandate. This is a mandatory requirement of OTS to ensure that all Moriori can participate in the granting of a mandate;
  - (b) For those who attend more than one hui, you can only vote once;
  - (c) There are no proxy votes available for those who are unable to attend the hui;
  - (d) There are no postal votes on this issue. It was regarded that it was important for those who are casting their vote on mandate to have heard in detail the mandating process, and the work of Hokotehi Moriori Trust so that they can be fully informed before their vote;
  - (e) All votes will be held in the official voting box, which will then be counted and the results made known to Moriori members;

- (f) All those who cast their votes will have their names validated against the hokopapa criteria as being of Moriori descent. This applies whether or not you are a registered member of the Trust;
- (g) It was made clear that the vote is for the organisation – the Hokotehi Moriori Trust – and not individuals or individual trustees;
- (h) Because a priority of the Hokotehi Moriori Trust is for trustee elections to be held as soon as possible, the actual negotiations with the Crown are likely to be conducted by those trustees, and appointed representatives, who are voted on by Moriori;
- (i) All votes will be accepted right up until the end of the last hui – the ballot box is open throughout the hui and votes do not need to be cast immediately.

*Presentation from Benjian Rehe Solomon – Te Kopinga Marae Hui*

- 4. Benjian addressed the Chatham Islands hui as the representative of the Wai 417 claim filed with the Waitangi Tribunal on behalf of three Moriori communities of Rekohu – Tamehana, Rehe and Nunuku ra. The representative body would be known as NURA.
- 5. Shirley King and Lin Entwistle asked questions of Benjian as to who the descendants were of Nunuku ra. Benjian replied that he was a descendant.
- 6. Benjian asked who the Wai 308 claimants were. Maui Solomon explained that in February 1988, Moriori had lodged the Wai 64 claim, followed by the Wai 308 claim in 1992. The claims were amalgamated and heard together. Maui Solomon also said that the Crown will only recognise one mandated representative body, and that the Trust would be negotiating all Moriori claims with the Crown. He welcomed Benjian as being part of that process.

*Comments from the floor*

- 7. At Arowhenua marae, Judy Wheal said that a group of former Tchakat Henu members sought accountability from that organisation for the management of their affairs, and were taking their concerns to the Attorney-General. She asked for a commitment from Hokotehi Moriori Trust to address those concerns so as to put the matters to bed and move on. Maui Solomon explained that the mandated issue was separate from the concerns held about the Tchakat Henu Association, and that time had been allocated in the agenda for Judy's issues to be voiced. Suzanne Brown had concerns that Hokotehi had not done enough to notify people of the mandated hui. Maui Solomon responded by saying that the Trust had publicly advertised and sent out panui and were conducting a series of three hui-a-Moriori, not just one.

8. At the Mīhiroa Marae hui, Eileen Soanes expressed thanks on behalf of herself and her Hawkes Bay whanau to Maui Solomon for his efforts.
9. At the Te Kōpinga hui, Nick Preece wanted Hokotehi to come back to the people constantly and regularly to update them. Maui responded that the most practical way to do this would be through panui, and to have hui at the major milestones in the negotiation process. He agreed there was a need for an efficient communication strategy. Maui explained that Hokotehi may require the input of experts to assist with the negotiation of the claim. Ann Thomas said Moriori must be recognised as tangata whenua tuturu. Alfred Preece said that because the Te Kōpinga hui was closing earlier than expected, members could still cast their votes on the mandating issue right through till tomorrow afternoon.
10. The resolution to be voted on is:
 

**“It is hereby resolved that Hokotehi Moriori Trust  
be given the mandate to pursue the negotiations and settlement  
of the Moriori Treaty of Waitangi claim with the Crown.”**
11. The voting process was overseen by an official scrutineer, a legal adviser to the Trust. He had possession of all voting forms. The Hokopapa Unit, a committee of the Trust, applied the hokopapa criteria contained in Appendix One of the Trust Deed to those names of those who had voted to determine that they were of Moriori descent. The results of the vote are set out in the table below.

*Voting results*

Hui	Votes Cast	Invalid	Not Moriori	Verified Moriori	For	Against
Arowhenua	35	0	1	34	34	0
Mīhiroa	21	0	5	16	16	0
Te Kōpinga	19	2	1	16	16	0
<b>Total</b>	<b>75</b>	<b>2</b>	<b>7</b>	<b>66</b>	<b>66</b>	<b>0</b>



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## HOKOTEHI MORIORI TRUST

Hui-a-Moriori, Arowhenua Marae, Temuka  
22<sup>nd</sup> and 23<sup>rd</sup> March 2003

It is hereby resolved that Hokotehi Moriori Trust be given the Mandate to pursue the Negotiations and Settlement of the Moriori Treaty of Waitangi Claim with the Crown.

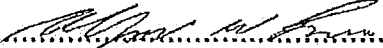
\* Tick one of the following boxes.

☒ I agree with the above resolution.

☐ I disagree with the above resolution.

Full Name: .....ALFRED PREESE.....

Date of Birth: .....22/4/54.....

Signature: ..........

Date: .....22 march 2003.....

✓  
I am a registered/unregistered member of Hokotehi Moriori Trust.

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## ATTENDANCE RECORD :

HUI-A-MORIORI : Arowhenua Marae, Temuka (22<sup>nd</sup> - 23<sup>rd</sup> March 2003)

Name	Postal/Residential Address	Phone/Fax/Email	Kaupuna/Family
Leo Watson			
Bill Solomon			
Sean Solomon			
Julie Kennedy (Pikiri)			
Tim Hasted			
Nganare (Siddy) Colmb nee Solomon			
Rana Sullivan Cnee Solomon			
Elizabeth Walden nee Solomon			
Patia Koronika Reidana			
Uki Solomons			
Ashleigh Thompson			
Steve Colmb			

HUI-A-MORIORI : Arowhenua Marae, Temuka (22<sup>nd</sup>) - 23<sup>rd</sup> March 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Relationship/Family
Mavis Rowley			
Bar Pringi Pringi			
Julie Price			
Karen + Greg Price			
Hayden Price			
Laurence Rowley			
Syvia Eyles			
Paul Lucas			
Matthew Edmunds			
Lois Mitchell			
Pauline Hindmarsh			
Jim Beag			

3

HUI-A-MORIORI : Arowhenua Marae, Temuka, 22<sup>nd</sup> - 23<sup>rd</sup> March 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuira/Family
Hana-Marewa Solomon			
Verdun Leigh Mchotima			
Ray Downey			
Quisne Solomon			
Hebe Hestrell			
Irene John (nee Solomon)			
E. R. Kerehara			
John Entwistle			
Brenda Clarkson			
Suzanne Bam			
Una Wheeler			
Wendy Solomon			

HUI-A-MORIORI : Arowhenua Marae, Temuka, 22<sup>nd</sup> - 23<sup>rd</sup> March 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuina/Family
Paul King			
Alfred Bruce			
d. Anderson			
Charlie Solomon			
Mauri Solomon			
Hoare Anderson			
Dennis Solomon			
John Kurae			
Deborah Jones			
Shirley King			
Bonnie Eyles			
Denise Davis			



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HUI-A-MORIORI : Arowhenua Marae, Temuka, 22<sup>nd</sup> - 23<sup>rd</sup> March 2003

ATTENDANCE RECORD:

[illegible]

HUI-A-MORIORI : Mihiroa Marae, Pakipaki, Hastings, 29<sup>th</sup> & 30<sup>th</sup> March 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuna/Family
Emma S. S. S. S.			
MOMI IRO WARD			
Alexia Hardsy			
Charlie Solomon			
John Peltor			
Carol Peltor			
Jan Myknaie			
Donna Mofe			
Aryau Mefe			
Morieka Mefe			
Anthony Kapeau			
Rebecca Pakom			



2

HUI-A-MORIORI : Mihiroa Marae, Pakipaki, Hastings, 29<sup>th</sup> & 30<sup>th</sup> March 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Korouina/Family
MARIA KARENE			
Paula Verece			
Judy Jackson-Fisher			
Tony Fisher			
Yvonne Fisher			
Judy Fisher			
Brenda Clarkson			
Ann Marie			
Georgina Keating			
Paula Murray			
Trish Rudolph			
Judith Kauriana			

3

HUI-A-MORIORI : Mihinoo Marae, Pakipaki, Hastings, 29<sup>th</sup> & 30<sup>th</sup> March 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuina/Family
<i>Pomare</i>			
Mihina-Marinia A			
Piripi Pomare			
Te Ao Rangī Pomare			
Paulette Pomare			
Jaglene Pomare			
Epika Pomare			
Manu-Ariri Pomare			
Tanya Pomare			
Rauina Pomare (nee Kane)			
Epika Aarapa Tijue Pomare			
Des Pomare			
Peterah Jones			

HUI-A-MORIORI : Mihira Marae, Pakipaki, Hastings, 29<sup>th</sup> & 30<sup>th</sup> March 2003

## ATTENDANCE RECORD :

NAME	Postal/Residential Address	Phone/Fax/Email	Karapuna/Family
<del>Ms</del> Suzanne Brown			
Ruth Brown			
Elaine Gosnell			
E.H. Harris			
Yvonne			
Mucci Solomon			
Frank Hetherly			
Quinn Moore			
Debra Blackwell			
Beth White			
Verdun Leigh Mcheta			
Donna Young			

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Instead please record  
your criticisms! HUI-A-

**MIL-A-MORIORI** : Mihinoo Marae, Pakipaki, Hastings, 29<sup>th</sup> & 30<sup>th</sup> March 2003

ATTENDANCE RECORD:

[illegible]

HUI-A-MORI: Te Kōwhiri, Rēkohi, 12<sup>th</sup> & 13<sup>th</sup> April 2003

ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuna/Family
Mr. [Signature]			
Mr. [Signature]			
Mr. [Signature]			
Roy Hopkins			
Mr. [Signature]			
Tan King			
Michael Hinton			
[Signature]			
Mr. [Signature]			
Mr. [Signature]			
Ms. [Signature]			
AS [Signature]			
Brenda Chasen			

U

2

HUI-A-MORIORI : Te Kopinga, Rekohu, 12<sup>th</sup> & 13<sup>th</sup> April 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuana/Family
Laurence Clarkson			
Tekey Pseudopodus			
Niccol Rivas			
Pita Williams			
Claude Ryan			
Keri Ryan			
Marguerite Ward			
Saulina James Samuel Huntley			
Patsy-Anne Ryan			
Sue Anderson			
Val Mute			
Colleen Jones			

3

HUI-A-MORIORI : Te Kopinga, Rekohu, 12<sup>th</sup> & 13<sup>th</sup> April 2003

ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karapuina/Family
Mary Toka/Isau			
Marie Meara			
Emonne R. Kerehona			
Charles Solomon			
Joe Watson			
Nick Price			
JOHN HUTTON			
Carol Aikman			
Joe Sparrow			
Michael Price			
David David			
DENNIS SOLOMON			

(4)

HUI A-MORIORI : Te Kopiranga, Rekohu, 12<sup>th</sup> & 13<sup>th</sup> April 2003

## ATTENDANCE RECORD :

Name	Postal/Residential Address	Phone/Fax/Email	Karepuna/Family
Mauri Sefoman			
Shirley King			
Bernie Eagles			
Deborah Jones			
Ariwata & Mikaele			
Amanoa King			
Arata Tuhi			
Chloe Singeaur			
Mina King			
TERESA ANDERSON (ON BEHALF OF ALAN HARVEY)			



## *APPENDIX TWO*

### *Crown's recognition of Deed of Mandate*



## **Minister in Charge of Treaty of Waitangi Negotiations**

### **Minita Nōna te Mana Whakarite Take e pā ana ki Te Tiriti o Waitangi**

19 NOV 2003

Alfred Preece  
Chairman  
Hokotehi Moriori Trust  
PO Box 188  
CHATHAM ISLANDS

Dear Mr Preece

Firstly, we would like to acknowledge the efforts of the Hokotehi Moriori Trust and its supporters to advance the historical Treaty of Waitangi claims of Moriori. Thank you for the Deed of Mandate you submitted to the Crown in July 2003. As you know, officials have publicised the Deed and sought submissions from Moriori regarding the Trust's intention to represent Moriori in Treaty of Waitangi negotiations.

Having considered the Trust's mandate, we have come to the conclusion that the Trust has considerable support from the claimant community and is an appropriate structure to represent all of Moriori in the negotiation of Moriori's historical Treaty claims. We are therefore pleased to recognise the mandate of the Trust to represent the Moriori people in direct negotiations with the Crown for the settlement of their historical Treaty claims, which are all claims relating to Crown acts or omissions prior to 21 September 1992. This recognition is subject to the Trust continuing to maintain the support of the Moriori people.

We recognise the strong support you have mustered, particularly significant given the numbers and wide dispersal of Moriori. Maintaining effective and open communication processes will assist you throughout negotiations, ensuring broad participation in elections and other decision points for the wider claimant community.

We note that you plan to hold Trustee elections in February 2004. As we are sure you will agree, elections provide an important mechanism of accountability for the mandated body. This will be the first opportunity for Moriori to decide who, as individuals, will represent them on the Trust. Until this has happened, we believe that it would be inappropriate to begin negotiations. Meanwhile, officials will be contacting you shortly to discuss the early stages of the settlement process with you, and assist you with any issues you may have in preparing for Trustee elections. They will also be able to advise you on ways to ensure that you maintain the support of your people throughout negotiations.

The negotiation and signing of Terms of Negotiation, an agreement between the Crown and Moriori on how negotiations will be conducted, is the next milestone to be achieved in the settlement process, after which formal negotiations can begin. This will be the first task of

the negotiators appointed by the Trust after elections. We look forward to celebrating this milestone with Moriori in the first half of next year.

Yours sincerely



Hon Margaret Wilson  
Minister in Charge of  
Treaty of Waitangi Negotiations



Hon Parekura Horomia  
Minister of Māori Affairs