

Relativity
speaking...



Te Rūnanga o NGĀI TAHU



Matiaha Tiramorehu

Ngāi Tūāhuriri, Ngāti Mamoe

Matiaha Tiramorehu was a Ngāi Tahu chief descended from the hapū of Ngāi Tūāhuriri near Kaiapoi. His father Karaki was a descendant of Tūāhuriri through Turakautahi, the founder of Kaiapoi Pā. His mother was Hinerukutai, of Ngāti Māmoe.

Tiramorehu is credited with first bringing the Ngāi Tahu claims to public and official notice in 1849. He called for adequate pastoral lands to be reserved for Ngāi Tahu under the terms of Kemp's purchase of 1848, and had sought a revision of Grey's Wairau purchase of 1847 which had recognised the Ngāti Toa claim to Kaiapoi and Ngāi Tahu territory to the north.

In 1857 Tiramorehu wrote a petition to Queen Victoria that was signed by all the leading Ngāi Tahu chiefs of the time:

"This was the command thy love laid upon these Governors.

That the law be made one,

That the commandments be made one;

That the nation be made one,

That the white skin be made just equal with the dark skin,

And to lay down the love of thy graciousness to the Māori that they dwell happily and that all men might enjoy a peaceful life, and the Māori remember the power of thy name."

Aoraki Matatū

Aoraki: forever standing proud,
standing tall

Relativity speaking...

For Ngāi Tahu the concept of relativity is not new. The idea of something or someone having meaning or significance in relation to someone or something else is central to our understanding of the world we live in.

Ngāi Tahu does not exist in isolation, our ability to survive and flourish has always hinged on our ability to relate with our gods, our whakapapa, our environment and ourselves.

We are seafarers who made our home in Te Waipounamu over 800 years ago. We are a resilient, entrepreneurial people who adapted quickly to this formidable southern environment. We formed settlements in coastal and inland regions supported by an intricate network of mahinga kai (customary food gathering sites). We traded pounamu and other resources regionally and nationally, and seized upon the early settler and whaler economies.

By the 1830s, Ngāi Tahu had built a thriving industry supplying whaling vessels and had become the backbone of the South Island economy. We welcomed new migrants on to our lands and into our families while at the same time retaining our autonomy.

We signed the Treaty of Waitangi in 1840, and not long after negotiated with the Crown to sell some of our land. As part of those agreements the Crown promised the creation of reserves sufficient for our people to thrive, as well as the provision of key social infrastructure including schools and hospitals. We intended to be partners in the exciting new world that was evolving around us.

History attests that the Crown did not honour its side of the bargain and the Ngāi Tahu economy was decimated and our tribal coherence sorely tested. For more than 130 years “Te Kereme—the Ngāi Tahu Claim” was the unifying cause for our tipuna.

For all those years the concepts of relativity, reciprocity, good faith and citizenship were embodied within and kept alive by Te Kereme – and seven generations of Ngāi Tahu carried on our quest for justice.

We overcame legal and practical barriers, wrote petitions to the Queen, supported our tribal leadership to become Members of Parliament and lobbied for Commissions of Inquiry and presented to the Waitangi Tribunal. In 1997 our quest for justice appeared to be at an end as we once again made a solemn compact with the Crown who undertook *“to begin the process of healing and to enter a new age of co-operation with Ngāi Tahu”*.

The settlement contained a suite of resources, opportunities and tools; it was full of symbolism from the Apology to the return of pounamu to tribal ownership – but it could never completely compensate us for the full value of the economic losses suffered by our people.

As a part of that settlement relativity took on new meaning. It became the mechanism to help mitigate our losses and future proof us against the uncertainty in the evolving treaty settlement process. The relativity mechanism was our insurance against the risk of the unknown, of being the first iwi to enter into a comprehensive Treaty settlement process with



the Crown, that future generations would believe our settlement was unjust compared to later settlements – most importantly, the risk of failing to bring an end to Te Kereme.

Today the relativity mechanism operates to sustain the hopes and aspirations of more than 50,000 tribal members. If Te Kereme is to remain at rest then the Crown must continue to act in good faith to honour the commitment made in 1997 and the courageous decision of our people to reach a settlement that would remain relative to the value all of the Treaty settlements.

It is disappointing that we are once again in a disputes process with the Crown as we test the strength of the agreements made in 1997. We are however always sustained by our tribal whakatāuki - **Mō tātou, ā mō kā uri a muri ake nei: for us and our children after us.**

Rawiri Te Mamaru

Te Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu

Te Mamaru was a contemporary and an active supporter of Tiramorehu and Te Maiharoa. He was a well respected chief and tohunga who attended the famed whare kura of Kaikōura and Arowhenua. He spent much of his life in Moeraki and Kākaunui where he was considered the kaitiaki of the region from the Waitaki River south to Matakaea (Shag Point). He was a vocal proponent of Te Kerēme and advocate for Ngāi Tahu rights.

His house at Moeraki, called O-Murahi, was well known and a popular and frequent destination for visiting Members of Parliament and tribal leaders.

He is recorded in the 1848 Blue Book (the Ngāi Tahu Census) and in 1861 was appointed a Native Magistrate. He died on 13 May 1887, aged 79, and is buried at Moeraki. Hundreds attended his tangi. The sitting of the Native Land Court in Temuka was suspended on the day of his funeral as a mark of the high esteem in which he was held.

He was buried in a lead casket which featured a glass window. The vault also had a window so that people could look upon his face and Te Mamaru could gaze upon the sun by day and the stars at night.

*In roof of vault, and coffin lid
A sheet of glass is placed, that so
The dead man's face may ne'er be hid,
Thro' summer's shine and winter's snow:
And little children, as they pass
Among the gravestones as they play,
Will push among the tangle grass,
To peep at him for many a day!
The sun will pour his fiery beams,
The moon her rays of silver hue,
But all in vain their lustre streams –
They cannot waken Mamaru.*

(excerpt from The Dead Chief,
published in the Otago Witness)



Wi (Wiremu) Pokuku

Ngāi Tahu, Ngāti Mamoe, Waitaha

Wi Pokuku married Heni Kiniwai Hampstead (née Mamaru), the daughter of Te Mamaru. Pokuku continued the traditions of his whakapapa line and was a respected chief and tohunga at Moeraki having attended whare kura at Moeraki and Te Korotuaheka at the Waitaki River.

He served as a member of the Araiteuru Native Council which was responsible for the welfare of the Māori population living south of the Waitaki River. The council advocated for council control over native reserve lands and recognition of Ngāi Tahu rights over traditional fishing grounds. He is also known to have been a guide for Sefton Moorehouse who led the first European expedition to cross the Haast Pass in 1865.

Pokuku wore the facial moko known as “Moko-a-Tamatea” a horizontal blue line across the nose and cheek from ear to ear. This was the pattern worn by Tamatea who captained Takitimu the original voyaging waka from Hawaiiiki.

Pokuku, died at Pokai-raki Kaik on Saturday, 13 July, at the age of 88 years.



David Higgins

Te Rapuwai, Waitaha, Kāti Mamoe
and Kāi Tahu

David Higgins is the great, great, great grandson of Rawiri Te Mamaru and the great-great grandson of Heni Kiniwai Hampstead (née Mamaru). David inherited the position of Upoko Rūnanga (traditional leader) of Moeraki in the 1980s upon the death of his grandfather Rawiri Mamaru Renata.

David was a member of the former Ngāi Tahu Māori Trust Board that led the tribe's claim through to settlement. He is also the Moeraki representative on Te Rūnanga o Ngāi Tahu.

A fifth generation commercial fisherman at Moeraki, David collected and gave critical evidence during the Ngāi Tahu Fisheries Settlement and was a member of the Ngāi Tahu Settlement negotiating team.

He undertook a comprehensive review of Ngāi Tahu participation in sea fishing from 1840 to the present time, interviewing many kaumātua with knowledge of Ngāi Tahu involvement in fishing.

Having been based in Christchurch for many years David has returned to live in Moeraki where he continues the work of representing the aspirations his people.



Charmaine Higgins and her daughter Mia Marama Juliet Higgins

Te Rapuwai, Waitaha, Kāti Mamoe and Kāi Tahu

Charmaine and her 15 year-old daughter Mia are, in many ways, children of the Claim – a contemporary expression of Ngāi Tahu’s bid for relativity.

Charmaine grew up in a home that lived and breathed the Claim, so it is no surprise that its legacy has left an indelible mark on her life and that of Mia, the youngest in the Higgins line. Charmaine is an HR executive for a large Australian mining company and has been based in Perth for the past 10 years. Growing up in Moeraki she was a pā kid, and frequently at her father’s side sitting through rūnanga meetings and traveling Te Waipounamu attending tribunal hearings during the settlement era.

The same can be said for Mia who has lived most of her life in Australia, but still considers Moeraki her home.

At only a few months old, Mia represented the fourth generation of the Higgins whānau in attendance at the final reading in Parliament of the Ngāi Tahu Settlement Bill 1997.

Along with her mother Charmaine, her grandfather David and great grandmother Whare Marama Leonard-Higgins. Mia represented, on that day, the promise of the Crown and what the relativity mechanism would one day help to deliver – the ability to decide her own future.

A photograph of Tiramorehu was also in Parliament that day representing the seven generations of Ngāi Tahu that carried on the work of the Claim, so that in his words, relatively speaking... *“That the nation be made one”*.



Relativity

The Relativity mechanism forms part of the Ngāi Tahu economic redress component of the Ngāi Tahu Settlement Act 1998. It is a binding contract with the Crown.

The Relativity mechanism has always been viewed as a form of 'insurance' by Ngāi Tahu. The mechanism guarantees Ngāi Tahu that if the value of all Treaty settlements between 1994 and 2044 ends up being more than \$1 billion measured in 1994 dollar terms, then the iwi is entitled to payments from the Crown to ensure its position is maintained relative to other claimants that have settled Treaty claims.

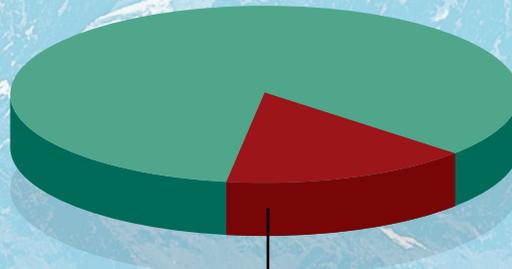


Mō tātou, ā, mō kā
uri ā muri ake nei

For us and our children after us

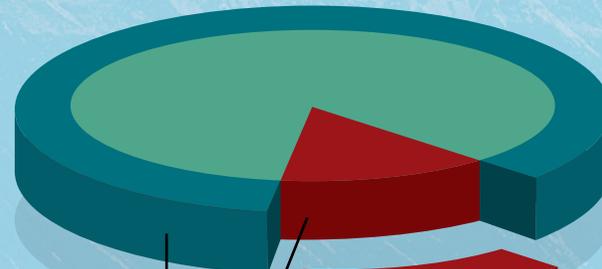
How does the Relativity Redress component work?

Scenario 1 - Present value of all Settlements is worth \$1 billion



Ngāi Tahu Slice (\$170 million)

Scenario 2 - Present value of all Settlements exceeds \$1 billion



Settlements in excess of \$170 million

Ngāi Tahu original slice (\$170 million)

Plus deferred payment

What does the mechanism say?

The mechanism provides that where the Crown transfers value to a claimant in satisfaction of an historical claim (a claim arising from or before 21 September 1992) it should be counted in the calculations for the relativity mechanism, unless it falls within a small number of exceptions.

Why are we in dispute?

The mechanism was triggered in 2012 and the Crown paid Ngāi Tahu approximately \$68.5m which represented the "undisputed" amount to date.

Each year the Crown supplies Ngāi Tahu with a statement that covers those payments made to claimants that the Crown believes should be counted under the relativity mechanism. The information contained in the statements is quite limited. Every year Ngāi Tahu has raised questions about payments made to claimants that we believe should have been counted towards the "redress amount". The Crown has yet to supply us with convincing reasons why these items have not been counted so we have decided to dispute the amount that was paid by the Crown.

How will we resolve these disputes?

We have agreed with the Crown that the way to sort out these disagreements is to let an independent third party make the decision on whether the Crown has properly accounted for all of the redress paid to other whānau, hapū and iwi. This process will take some time and much of the details of the process will remain confidential to the parties (which includes Waikato-Tainui). If we are successful this will result in further payments being made to Ngāi Tahu and Waikato-Tainui.