

Thursday 23 December 2021

Tēnā koe

### **The Crown's overlapping interests policy in Treaty settlement negotiations**

I am writing to advise of the publication of the 2021 policy statement on the Crown's approach to addressing overlapping interests in Treaty settlement negotiations (previously called 'overlapping claims').

In response to the Waitangi Tribunal's findings and recommendations Te Arawhiti has undertaken a review of Crown policy on 'overlapping interests'. The review was informed by engagement with the National Iwi Chairs Forum between 2018 and 2020 and reflects the Crown's commitment to best practice.

The resulting 2021 policy statement is intended to provide guidance to claimant groups, overlapping groups and Crown agencies engaged in Treaty settlement negotiations. It provides a fuller explanation of the Crown's policy, principles and processes relating to overlapping interests than previously available.

You can find the statement on the Treaty settlement webpage at <https://www.govt.nz/browse/history-culture-and-heritage/treaty-settlements/the-red-book/>. A preface, and questions and answers, are also available online.

The statement replaces:

- the overlapping interests section on pages 53,54 and 55 of the 2018 edition of the Crown's guide to Treaty of Waitangi claims and negotiations "Ka tika ā muri, ka tika ā mua – Healing the past, building a future" (commonly referred to as 'the Red Book'); and
- the 2013 Office of Treaty Settlements' policy document on overlapping claims in Treaty settlement negotiations (previously shared with groups in negotiations).

We value the work of claimant groups and the participation of other groups, whether settled or not, in the overlapping interests process. We will continue to work with groups to tailor the overlapping interests approach to the circumstances of each negotiation.

If you have any questions relating to 2021 policy statement, please contact Katherine Leask, Operational Policy Manager on 027 290 2610 or [Katherine.Leask@tearawhiti.govt.nz](mailto:Katherine.Leask@tearawhiti.govt.nz)

As part of our commitment to best practice we expect Treaty settlement policy and processes will continue to be refined over time. We are currently looking at our approach to the assessment of customary interests and associations for redress purposes. An updated mandating policy is scheduled to be published in the first quarter of 2022.

Meantime, best wishes to you and your whānau over the holiday season.

Nāku noa, nā



Warren Fraser  
Deputy Chief Executive, Strategy, Policy and Legal