

Te Rūnanga-ā-Iwi o Ngāti Kahu

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28 February 2017

Tēnā kourua, arā, koutou katoa,

MANDATE RECONFIRMATION PROJECT PLAN AND ASSOCIATED FUNDING REQUIRED

On 11 August 2016 you wrote requiring Te Rūnanga-ā-Iwi o Ngāti Kahu [the Rūnanga] to reconfirm its mandate as the body to settle Te Tiriti o Waitangi claims of Ngāti Kahu against the Crown, and laid out a five stage process as follows:

- Mandate Reconfirmation Strategy
- Mandate Reconfirmation Hui
- Voting Period
- Deed of Reconfirmed Mandate
- Crown Recognition

We have now costed the five stages, and the following brief will assist your understanding of the attached plan and funding requirements for the *Te Rūnanga-ā-Iwi o Ngāti Kahu Mandate Reconfirmation Project*:

BACKGROUND BRIEF

- *11 August 2016*: You required the Rūnanga to reconfirm its mandate as above.
- *12 August 2016*: To understand the rationale behind your requirement, the Rūnanga requested the release of all relevant documents and records from you under the Official Information Act (OIA).
- *25 August 2016*: The Rūnanga held its hui-a-marama and agreed to undertake the mandate reconfirmation process.
- *01 September 2016*: The Rūnanga notified you of that resolution and provided you with a detailed task list and timeframe to complete the five stages by June 2020.
- *27 September 2016*: You responded that you wanted the Rūnanga to complete the process in nine months on the grounds that other groups have managed to complete the exercise within that timeframe.
- *07 October 2016*: As a result of the Office of Treaty Settlements extending the response deadline to our 11 August 2016 OIA request, the Rūnanga had to wait until 7th October 2016 to receive the package of information, much of it redacted and the remainder showing there were still a number of documents missing from the package.
- *23 October 2016*: The Rūnanga made a further OIA request to you for the missing documents.
- *10 November 2016*: The Office of Treaty Settlements provided the additional documents requested.

The Runanga has now considered the very large amount of information contained in your OIA releases of 07 October 2016 and 10 November 2016 and analysed it as follows:

ANALYSIS OF OIA RELEASE PACKAGE

1. Following several failed attempts in 2015 to remove the leadership of Te Rūnanga-ā-Iwi o Ngāti Kahu and replace it with those who wish to accept the Crown's 2013 offer for the full and final settlement of all Ngāti Kahu treaty claims, the Minister of Treaty Negotiations (MOTN) sought help from the Minister of Māori Development (MOMD) on how to have Ngāti Kahu accept that offer.
2. MOTN, MOMD, Office of Treaty Settlement (OTS) staff and Te Puni Kōkiri (TPK) staff have been told that 12 marae have agreed to accept the Crown offer as a partial settlement, but have refused to consider that as an option.
3. Three of Ngāti Kahu's 15 marae, Parapara, Te Kauhanga and Haititaimarangai, have told MOTN and OTS they will settle their own hapū claims fully and finally and separately from the Rūnanga.
4. MOTN, OTS and TPK do not want to settle with individual hapū because "the available redress is not equally distributed across the rohe, so multiple settlements would result in an imbalance between the hapū and marae of Ngāti Kahu". There is no evidence in the OIA package that MOTN and OTS are considering providing redress to each and every marae or hapū or the claimants of Ngāti Kahu.
5. OTS and TPK staff know that three marae is only a minority, and that is insufficient evidence on which to claim that Ngāti Kahu does not support its Rūnanga. They also know that it is not enough of a reason to remove the Crown's recognition of the Rūnanga's mandate.
6. OTS and TPK staff have subsequently invented a reason by :
 - a. Misrepresenting the letters the Runanga sent to MOTN and MOMD;
 - b. Ignoring the Ngāti Kahu Yellow Book which sets out a full and final settlement for Ngāti Kahu's Tiriti claims;
 - c. Falsely reporting to MOTN and MOMD that the Rūnanga has said
 - i. The Rūnanga considers it has a mandate to negotiate only a partial settlement for Ngāti Kahu (that is the pre-1865 claims only); and
 - ii. The Rūnanga does not consider its mandate requires it to represent the interests of all hapū of Ngāti Kahu.

These officials have then asserted that this invented position "... is a significant departure from the mandate the Rūnanga originally sought from Ngāti Kahu and the Crown recognised in 2003." They have also gone on to falsely state that "The Rūnanga has said it will not accept a full and final settlement of all Ngāti Kahu claims." Having attributed their invented position and their false statement to the Runanga, they have then concluded there is sufficient reason for the Crown to remove its recognition of the Runanga's mandate.

7. The Crown Law Office has advised MOTN and MOMD, and their officials, to proceed with great caution and to take great care over the process they are using.
8. The Crown Law Office is providing extensive legal advice to MOTN (including the 33 redacted items above).
9. MOTN, MOMD, OTS and TPK are looking for support from those who opposed Te Rūnanga-ā-Iwi o Ngāti Kahu in the Waitangi Tribunal in 2012. It includes members of the three marae listed at 3. above.

10. OTS has told those individuals that they must represent all Ngāti Kahu and settle all Ngāti Kahu's claims.
11. OTS is advising those individuals on how to set up a new Ngāti Kahu entity to hold a Crown recognised mandate. That includes advice on the work they must carry out, steps they need to take and the goals they need to achieve so that the Crown can support them. The specific and detailed advice OTS has provided to those individuals has been redacted from the information sent to us.
12. OTS is communicating with those individuals through a Crown employee, Trevor Wi Kaitaia, who is a member of two of the three marae listed at 3. above.
13. Mr Wi Kaitaia has welcomed MOTN support for this group of individuals "to wrestle the mandate from the Rūnanga". He is reporting regularly to MOTN employee, Maureen Hickey of OTS, and asking her advice. Her responses are mostly redacted from the information the Runanga received.
14. OTS has organised at least three meetings with a few of these individuals. The organisation of at least one meeting was facilitated by Rangitane Marsden of Ngāi Takoto Rūnanga, and at least one meeting was held in Kaitāia with MOTN and another MP (Shane Reti) in attendance.
15. The OIA package has been careful to exclude any information relating either to our successful court cases against the Waitangi Tribunal or to our application for binding recommendations.

CONCLUSION

Having analysed the Crown's OIA release in order to ensure that whānau, hapū, claimants, other Ngāti Kahu rūpū and the iwi are fully and accurately informed, the Rūnanga is now very clear that it will take considerably longer than nine months to execute the very large amount of work necessitated by your requirement that it undertake a mandate reconfirmation process.

On 23rd December 2016 I wrote to advise you that, in line with your requirements, Te Rūnanga-ā-Iwi o Ngāti Kahu was preparing a Mandate Reconfirmation Project Plan and Budget which we undertook to provide to you by 29th January 2017. On 24th January I wrote to advise that we had extended the deadline to 28th February 2017 in order to ensure our Marae members were able to reasonably consider and approve the Project Plan and Budget before it was sent to you.

In fulfilment of the above undertaking, I am now pleased to provide you with this covering letter and Project Plan which contains the following information:

1. Project Background and Purpose
2. Project Timeframe and Tasks
3. Project Budget and Risks
4. Appendices

In closing, we note that commencement and completion dates for the Project are subject to availability of funds. We look forward to your response.

Noho ora mai. Nā,



Professor Margaret Mutu
Chairperson