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Teena koe

Proposed Waikato-Tainui remaining claims mandate and Crown large natural group policy

The purpose of this letter is to clarify the Crown's large natural group policy in relation to the proposed Waikato-Tainui remaining claims mandate.

Crown large natural group policy

The Crown strongly prefers to negotiate settlements with large natural groups of tribal interests rather than individual hapuu or whaanau. This helps navigate overlapping interests and allows for more comprehensive settlements with wider redress options. The Crown looks at a number of factors when considering large natural groups including, but not limited to, population, claimant definition and organisational structure.

Waikato-Tainui remaining claims large natural group

In 2012, the Minister for Treaty of Waitangi Negotiations and the Minister of Māori Affairs recognised Waikato-Tainui remaining claims as a large natural group for the purposes of historical Treaty of Waitangi settlement negotiations. The Crown's position then, which remains unchanged, was that the remaining claims settlement would cover Waikato-Tainui at an iwi level and encompass all 33 hapuu and the whaanau who make up Waikato-Tainui.

I acknowledge the Crown has recognised 7 Waikato-Tainui hapuu as large natural groups to negotiate separate settlements outside of the wider Waikato-Tainui remaining claims. Specific circumstances existed at the time which led to the Crown taking that approach. The Crown does not consider circumstances exist now which justify further settlements at a hapuu level.

The Minister for Treaty of Waitangi Negotiations and Minister for Māori Crown Relations: Te Arawhiti recently endorsed your proposed Waikato-Tainui remaining claims mandate process. The Crown will need to be assured the claimant community has demonstrated sufficient support for the mandate before the proposed mandate is formally recognised by the Crown.

Implications of not participating in the Waikato-Tainui remaining claims large natural group

If a hapuu decided they did not want their claims to be settled as part of the Waikato-Tainui remaining claims large natural group, and the Crown recognised the Waikato-Tainui negotiator's mandate, the claims of that hapuu would not be part of the mandate or negotiations with the Crown. So long as there was an adequate level of support for the Waikato-Tainui remaining claims large natural group and for the mandate of the negotiator, the negotiation process would continue.

The Crown has no current plans to recognise any further large natural groups in Waikato. Should a hapuu wish to enter separate negotiations, they would need to discuss this with the Crown. They may need to work with the Crown to determine the scope of a large natural group, if any. Pursuant to Ministerial recognition of a large natural group a hapuu would first need to develop a mandate strategy and then a deed of mandate that meet Crown mandate policy. Further detail on Crown policy regarding large natural groups and mandating is provided in *Ka tika ā muri, ka tika ā moa* (the Red Book) which is available at <https://www.govt.nz/dmsdocument/2428-the-red-book-healing-the-past-building-a-future>.

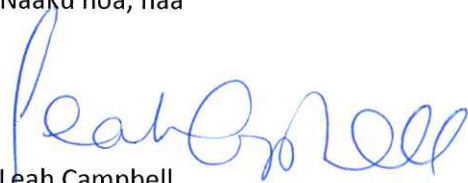
If the Crown recognised a deed of mandate, then terms of negotiation would need to be agreed before negotiations could commence. If negotiations commenced there would need to be engagement between Waikato-Tainui and other overlapping groups regarding overlapping claims. Our experience has been this may be more challenging if parties' timeframes differ.

The ability for the Crown to engage with them would depend on Crown resource and capacity at any given time. In our experience mandate work can take at least 12 months to complete. More time could be required if a proposed mandate faces challenges.

The Crown currently has limited capacity for additional mandate work. At the present time the Crown negotiations work programme is full until at least 2020. Therefore, if a mandate is achieved that does not necessarily mean the Crown would be able to commence negotiations immediately. Any decisions regarding the timing of commencing negotiations would be made with the information available at that time. Beyond this I am, at this stage, unable to comment on the priority that would be accorded to the above work.

Please let us know if you have any further questions arising from this letter.

Naaku noa, naa



Leah Campbell
Regional Director, Te Arawhiti