

Information Sheet 1 - The Mandate To Negotiate The Settlement Of Ngati Porou's Historical Treaty Of Waitangi Claims – Frequently Asked Questions

What are historical claims?

Historical claims are claims to the Waitangi Tribunal that relate to grievances arising from Crown actions or omissions that occurred before 21 September 1992.

Why direct negotiations with the Crown now?

The process to settle Ngati Porou's historical claims is a slow one. There have been some changes in settlement policy which means that the Government is aiming to settle all historical Treaty claims by 2020. The exploratory discussions¹ have shown that the Crown is committed to addressing the grievances of Ngati Porou and its hapu and that those grievances and the resolution of them are long overdue. The Runanga considers that for a number of reasons including those set out by Minister Burton, it is in the best interests of Ngati Porou to enter into direct negotiations as soon as possible.

What is a mandate?

A mandate is the process by which the claimant group mandates a representative group and gives them the authority, or mandate to enter into discussions and agreements with the Crown on their behalf. In this instance, the Runanga is seeking the mandate of Ngati Porou. It is noted that the Crown's commitment to negotiating with the Runanga to settle Ngati Porou's historical Treaty claims is conditional upon the Runanga gaining a mandate from the Ngati Porou claimant community.

Mandating claimant representatives to negotiate is an important stage in the Treaty settlement process. Please note that a mandate to negotiate only gives the mandated representatives the authority to negotiate a draft Deed of Settlement. Once we have reached this stage, all members of the claimant group must then have a vote on whether the Deed is accepted or not. Control over settlement assets is known as post-settlement governance and involves a particular legal entity for this purpose. As with the Final Deed of Settlement, the governance entity is subject to ratification by the claimant group.

Who will be the mandated body?

It is proposed that Te Runanga o Ngati Porou, as the existing entity established to represent the interests of Ngati Porou, be the mandated body and therefore responsible for the overall conduct of the negotiations. However, the direct supervision of the negotiation process would be delegated to a sub-committee comprising of three Runanga representatives and seven hapu representatives. Each representative is appointed by their respective hapu cluster, (who appoints advisory trustees to the Porou Ariki Trust). *This structure will provide for greater and more direct hapu involvement in designing the negotiation outcome(s).*

What about the Waitangi Tribunal hearing process?

The Runanga has considered whether or not to proceed through the Waitangi Tribunal's East Coast Inquiry, or forego the Tribunal process in favour of entering into direct negotiations with the Crown. In deciding to favour entering direct negotiations, the Runanga has taken into account the written commitment from Minister Burton in his letter of 18 December 2006², and information that if Ngati Porou decides to continue through a full Tribunal Inquiry, a settlement is unlikely until 2011 at the earliest (according to the letter) or possibly even 2015 (as suggested by CFRT in their latest business plan). This additional delay, bearing in mind that the Wai 272 claim for instance was filed in 1992 (15 years ago) and the age of many Ngati Porou pakeke (elders) is in the Runanga's view unacceptable for Ngati Porou.

The Runanga is also of the view, and the Crown has confirmed, that adequate historical research exists to enable settlement negotiations to begin. Direct negotiations will allow targeted research to assist in any settlement negotiations.

¹ Refer letter from Chairman, Apirana Mahuika, to Ngati Porou's 'Mandate for Negotiations'

² Refer Letter from Minister Burton dated 18 December 2006

The Runanga has also taken into account the following statement from the Crown:

“It is also important to recognise that completing a Tribunal process will not increase the amount of redress the Crown offers to Ngati Porou through a treaty settlement. The Crown must be consistent in its treatment of similar types of claims, regardless of whether or not a claimant group has completed a Tribunal inquiry. Maintaining fairness between claimant groups is essential to ensure Treaty settlements are durable.” (emphasis added)

What this means is that the Crown is saying that any redress offered by them to Ngati Porou through a Treaty settlement will not increase as a result of going through a Tribunal process which will add many years to the process and add a considerable cost both financially and to the scarce resources of Ngati Porou to complete.

As a result of all of this, the Runanga believes that entering direct negotiations now, subject to a successful mandate process, is the preferred option.

In the event of a successful mandate Te Runanga o Ngati Porou also intends to ask the Waitangi Tribunal to place the East Coast Inquiry on hold whilst negotiations are proceeding. This will enable Ngati Porou to focus on the negotiations and would be in accordance with usual practice of groups involved in direct negotiations.

How do people of Ngati Porou descent ensure that they can participate?

If you are of Ngati Porou descent and would like to participate in the process, we urge you to enroll onto the Ngati Porou beneficiary register via the Runanga’s website at www.ngatiporou.iwi.nz. This will ensure that relevant information including a voting pack is sent to you.

Do I have to participate?

No, Ngati Porou descendents do not have to participate. However Te Runanga O Ngati Porou strongly encourages all members of Ngati Porou to participate. This is an important stage for Ngati Porou to help build a strong future for Ngati Porou. Your active participation in the path ahead is welcomed by:

- Registering on the Ngati Porou register at www.ngatiporou.iwi.nz;
- Contacting any other Ngati Porou who you think may be entitled to participate and advise them to register;
- Attend any of the mandate information hui
- Participate in the postal vote to be conducted amongst registered adult Ngati Porou members.

Further information – where do I go?

For further information contact the Runanga website www.ngatiporou.iwi.nz or call 0800 676 768 (0800 NPOROU)