

Official Information Relating to Ngāti Kahu Treaty Claims from

- 1. Minister of Treaty Negotiations Finlayson**
- 2. Minister of Māori Development Flavell**
- 3. Office of Treaty Settlement**
- 4. Te Puni Kōkiri**

Correspondence provided in relation to the decision to require Te Rūnanga-ā-Iwi o Ngāti Kahu to carry out a reconfirmation of its mandate to settle Ngāti Kahu's claims:

94 items have been listed covering 244 pages

- 33 of which have been completely redacted (blacked out) – all are claimed to be communications with the Crown Law Office including their response to an Office of Treaty Settlements referral about establishing a new Ngāti Kahu-wide representative body for Ngāti Kahu's treaty claims.
- 53 are partially redacted claiming to protect the privacy of individuals from Haititaimarangai marae and Kauhanga marae and Crown employees; to protect information provided in confidence; out of scope of the request; to protect legal professional privilege.
- A large number of items have not been included. A further urgent request for 7 of the clearly identifiable omissions has been made.

Summary of Content:

1. Following on from the failed attempt by the Minister of Treaty Negotiations in 2015 to remove the leadership of Te Rūnanga-ā-Iwi o Ngāti Kahu and have those he prefers heading it, he sought help from the Minister of Māori Development on how to have Ngāti Kahu accept his 2013 offer for the full and final settlement of all of Ngāti Kahu's treaty claims.
2. The Minister of Treaty Negotiations, the Minister of Māori Development, Office of Treaty Settlement staff and Te Puni Kōkiri staff are now working on removing the Crown's current recognition of Te Rūnanga-ā-Iwi o Ngāti Kahu's mandate because Ngāti Kahu will not accept their 2013 offer as a full and final settlement. They have been told that 12 marae have agreed to accept it as a partial settlement but are refusing to consider that as an option.
3. Three of Ngāti Kahu's 15 marae, Parapara, Te Kauhanga and Haititaimarangai, have told the government they will settle their own hapū claims fully and finally and separately from the Rūnanga.
4. The Office of Treaty Settlements and Te Puni Kōkiri 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 that they are considering providing redress to each and every marae or hapū.

5. The Office of Treaty Settlements and Te Puni Kōkiri staff know that three marae is only a minority of marae and that it is insufficient for them to claim that Ngāti Kahu does not support its Rūnanga. They know they have to find another reason to remove the Crown's recognition of the Rūnanga's mandate.
6. Office of Treaty Settlements and Te Puni Kōkiri staff have invented a reason. They have misrepresented the letters we sent to the Ministers, have ignored the Ngāti Kahu Yellow Book and have falsely reported to the Ministers that we have said
 - a. The Rūnanga considers it has a mandate only to negotiate a partial settlement for Ngāti Kahu (that is the pre-1865 claims only); and
 - b. The Rūnanga does not consider its mandate requires it to represent the interests of all hapū of Ngāti Kahu.

These officials assert "That position is a significant departure from the mandate the Rūnanga originally sought from Ngāti Kahu and the Crown recognised in 2003." They go on to falsely state "The Rūnanga has said it will not accept a full and final settlement of all Ngāti Kahu claims." They consider that is sufficient reason to remove the Crown's recognition.

7. The Crown Law Office is advising the Ministers and officials to proceed with great caution and to take great care over the process they are using. They are providing extensive legal advice (including the 33 redacted items listed above).
8. The Ministers, the Office of Treaty Settlements and Te Puni Kōkiri are looking for support from those who opposed Te Rūnanga-ā-lwi o Ngāti Kahu in the Waitangi Tribunal in 2012. It includes members of the three marae listed above.
9. The Office of Treaty Settlements has told them they must represent all Ngāti Kahu. It is advising them on how to set up a new Ngāti Kahu entity to hold a Crown recognised mandate. It 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 they provided has been redacted from the information sent to us.
10. It is communicating with those people through a Crown employee who is a member of one of those marae. He has welcomed the Ministers' support for them "to wrestle the mandate from the Rūnanga". He is reporting regularly to Maureen Hickey at the Office of Treaty Settlements and asking her advice. Her responses are mostly redacted from the information we received.
11. The Office of Treaty Settlements has organised at least three meetings with a few individuals. At least one meeting was held in Kaitiāia and included the Minister of Treaty Negotiations and another MP (Shane Reti).
12. The Office of Treaty Settlements and Te Puni Kōkiri staff did not expect the Rūnanga to agree to reconfirm its mandate.

Comment

The Official Information we have received provides the proof that the Crown and its employees are attempting to divide and rule Ngāti Kahu. They are supporting a small

number of individuals and advising them how to set up the Crown's preferred iwi entity for Ngāti Kahu with the Crown's preferred individuals. Their purpose is to have those individuals assist them to have Ngāti Kahu accept their 2013 offer to fully and finally settle all Ngāti Kahu Tiriti o Waitangi claims. They have been careful to exclude any information relating to our successful court case against the Waitangi Tribunal or our application for binding recommendations.