

Te Rūnanga-ā-Iwi o Ngāti Kahu

FAQs & ANSWERS

Q: When did our Ngāti Kahu claims start?

A: In 1984 when McCully Matiu lodged the Ngāti Kahu claim – WAI 17. Over the years, 11 other claims were joined to McCully's claim.

- WAI 16 – Reremoana Rutene for Ngati Kahu Trust Board – Karikari Complex
 - WAI 17 – McCully Matiu / Timoti Flavell for Ngāti Kahu – Taipā sewage, Ngāti Kahu lands
 - WAI 22 – as it relates to Ngāti Kahu
 - WAI 45 – as it relates to Ngāti Kahu
 - WAI 117 – Margaret Mutu for Te Whānau Moana – Karikari blocks, rating
 - WAI 284 – Margaret Mutu for Ngāti Kahu – rating
 - WAI 320 – Muriwai Popata / Steve Lloyd for Kēnana Marae – Kohumaruru Station
 - WAI 544 – Keith Tobin for Te Paatu Hapū – Takahue School and other lands
 - WAI 548 – Sid Murray / Billy Murray for Te Tahaawai, Te Paatu, Te Rarawa, Ngāti Kahu – Takahue School, Domain and Cemetery
 - WAI 736 – Riana Pai / Lloyd Popata for Pikaahu Hapu – Ōruru, Toatoa, Māheatai, Taipā and other lands
 - WAI 913 – May Coleman for Patu Kōraha Hapū – Patu Kōraha lands
 - WAI 916 – Te Karaka Karaka for Te Paatu Marae – Te Paatu lands from Maungataniwha to Hukatere and Kaimaumau
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Q: What has the Rūnanga done to progress the claims?

A: The Rūnanga has done **what its member Marae have told it to do.**

- The Rūnanga was set up and mandated by the Marae to **look after the land claims.**
- One of the first things it did was **record all the history** from our kuia and kaumātua about how the Crown had stolen our lands [1984 – 1989].
- It also supported our kuia and kaumātua to give their **evidence to the Waitangi Tribunal** [1990 – 1994].
- Before the Tribunal found our claims to be proven [1997], the Rūnanga began going around all the Marae of Ngāti Kahu and asked them **what it would take to settle** their parts of the claims [1995 – 2000].
- Then it put the Marae answers into a book of instructions (**THE YELLOW BOOK**) for their mandated negotiators to follow [2002 – 2003].
- At the same time as the YELLOW BOOK was being compiled, the Marae **reconfirmed their mandate** for the Rūnanga to take the **political route** and enter direct negotiations to try and settle their claims according to their instructions [2003 – 2006].

- From the start of negotiations [2003], the Crown showed bad faith towards Ngāti Kahu. E.g. it stole our foreshore and seabed [2004], then tried to sell part of Rangiputa [2006].
 - So when negotiations broke down in 2006 because of the Crown's bad faith, the Marae instructed the Rūnanga to take the **legal route** by going back to the Waitangi Tribunal to **get binding recommendations**.
 - When negotiations broke down again in 2011 because **the Crown walked away**, the Marae reaffirmed their directions for the Rūnanga to continue with the legal route.
 - Since 2012, the Rūnanga has been working to get binding recommendations.
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Q: Why hasn't Ngāti Kahu settled like the other Iwi in Te Hiku?

A: Basically the Crown's "full and final" settlement offer is **a ripoff** and our people refuse to be ripped off.

- The Crown's settlement offer **does not match what the Marae have instructed must be in a full and final settlement (refer to the [YELLOW BOOK](#))**
 - The Crown offer requires us to **buy back most of our own land** that it says it is willing to "return" to us.
 - The Crown has offered us \$21.4 million in cash.
 - That would buy back **less than 2% of our lands** that it stole from us.
 - If we want to **keep the money**, we will have to **forego our land**.
 - The Crown has **refused to negotiate** a truly full and final settlement with Ngāti Kahu.
 - The Crown insists that we **settle all Ngāti Kahu historical claims**, whether the claimants **agree or not**, and regardless of whether their claims have been **heard or not**.
 - The Crown requires us to **cede our sovereignty** to it. Examples include:
 - Ceding the power, control and authority of our hapū over Te Oneroa-a-Tohe in exchange for an advisory role on a sub-committee of the Far North District Council and the Northland Regional Council.
 - Gifting all our whānau, hapū and iwi lands currently administered by the Department of Conservation to the Crown in exchange for an advisory role to the Department.
 - Transforming our Iwi Corporate body into a government service agency controlled by the Ministry of Social Development.
 - There are many more examples which can be read in the article **[CEDING MANA, RANGATIRATANGA AND SOVEREIGNTY TO THE CROWN](#)**.
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Q: What's the difference between a partial settlement and a full settlement?

A: For Ngāti Kahu **a full settlement** is what is in our **[YELLOW BOOK](#)**, and anything less than that can only be **a partial settlement**.

Q: If Ngāti Kahu is not in negotiations and is not settling, what are we doing?

A: The Rūnanga is following the Marae instructions to pursue our **legal rights** through the **Courts** and through the **Waitangi Tribunal**.

- To **get back for no charge our lands**, forests, waterways, foreshore and seabed, and everything else that the Crown stole from us;
 - To **get compensation** from the Crown for stealing from us;
 - To have laws made that ensure the Crown **never steal from us again**.
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Q: What does the Waitangi Tribunal Do?

A: The Waitangi Tribunal is a government-appointed Commission of inquiry. Its job is to:

- **Investigate and report on claims** by Māori against the government for breaches of Te Tiriti o Waitangi.
 - **Make recommendations** to the government on how to fix those breaches up.
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Q: What are Binding Recommendations?

A: The Tribunal can make two kinds of recommendations – Non Binding or Binding. The government can ignore Non-Binding Recommendations, but it **cannot ignore Binding Recommendations**.

- Binding Recommendations can **force the Crown to return to us for nothing** certain kinds of lands (like the Landcorp blocks at Rangiputa, Kohumaru and Takakuri, or the forest blocks at Aputerewa, Ōtangaroa and Mangōnui).
 - They can also **force the Crown to pay compensation** to us for the trees growing on the land under the forest blocks at Aputerewa, Ōtangaroa and Mangōnui.
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Q: On a scale of 1 – 10, what is the likelihood that we will get Binding Recommendations? And how long is the process likely to take?

A: In terms of the law, our chances of success are 10/10. In terms of the Crown doing everything it can to stop us, our chances of success are 5/10.

- We estimate it will take two years to conclude the process.
 - This is based on the assumption that our case will be appealed through to the Supreme Court before returning to the Waitangi Tribunal.
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Q: Who are the current mandated negotiators?

A: Professor Margaret Mutu, Lloyd Popata and Te Kani Williams

- Past negotiators included McCully Matiu who died in 2001 and Steve Herewini who passed in 2007.
 - McCully Matiu was our first Head Claimant and Timoti Flavell is our current Head Claimant.
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Q: Is there a succession plan in place for our negotiators?

A: Yes.

- All negotiations meetings are **open for all Ngāti Kahu iwi members** to attend.
 - Additionally the negotiators mentor and **train specific rangatahi** who have shown an aptitude for the work.
 - When or if the time comes to replace a negotiator(s), there is a broad **succession pool from which to draw** made up of individuals who **know and understand what is required** to fully and finally settle our claims. That pool is being added to all the time.
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Q: Why can't Ngāti Kahu people who work for the Crown be negotiators for Ngāti Kahu?

A: Because they have a clear conflict of interest.

- Employees of the Crown can attend negotiations, but only in behalf of the Crown.
 - Employees of the Crown who are also opponents of the Rūnanga must register their conflict with their employer in writing.
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Q: Do the mandated negotiators get paid?

A: Only when we are in direct negotiations.

- There have been no negotiations since the **Crown walked away in 2011**.
 - However the negotiators **have continued to work** on our claims as instructed by the member Marae of the Rūnanga.
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Q: How much do they get paid when we are in negotiations?

A: Between \$30 – \$250 per hour, dependent on the skill level required and the type of work involved.

Q: How much has been spent to date on our claims from the Rūnanga's own money?

A: Since the Rūnanga started in 1986 it has spent \$312,500 of its own money on our claims.

- The exact amount spent in total on our claims from the beginning is not known because most of it has been covered by legal aid, or by grants either from the Crown Forestry Rental Trust, the Waitangi Tribunal and other outside agencies, or by donations from individual Ngāti Kahu Iwi members.*
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Q: How much are our claims worth?

A: Our claims are about land not money. However there is evidence they represent a liability to the government of more than \$10 billion.

- This liability is because it stole Ngāti Kahu's economic base – our lands, forests, airways, waters, etc.*
 - BERL (Business and Economic Research Ltd) has calculated that those thefts have cost Ngāti Kahu \$3.2 billion in lost income alone.*
 - The Crown settlement offer is worth \$21.4million.*
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Q: Who decides on whether we settle or not?

A: The haukainga on our Marae in the first instance, and then individual Iwi members who are registered with our Iwi.

- Because they are close to the negotiations and know the ins and outs of our claims, the Marae haukainga have the first say on whether a settlement offer from the Crown is even worth sending to individual Iwi members for a vote.*
 - Once a settlement offer has passed muster with the Marae haukainga, individual Iwi members get to vote on whether to accept it or not.*
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Q: How do Ngāti Kahu people who aren't connected to their Marae have a say on our claims?

A: Through registering with Ngāti Kahu so that they can be kept fully informed and take part in voting processes. Also via Hui-a-Iwi, email groups, social and other media.

- Ideally every Ngāti Kahu person will be connected to their Marae.*
 - But we know that not everyone can make it to their Marae hui to have a say.*
 - That is why we hold hui-a-iwi in places like Auckland.*
 - It's also why we run several social media platforms.*
 - We also have an electronic Iwi Register so that when it comes time to vote on big issues like whether or not to settle, individual Iwi members on the register can have their say through a vote.*
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Q: How does the Rūnanga work?

A: In a sense the Rūnanga is the Marae in that it is made up of 2 Delegates from each Marae plus 2 Delegates from the Taurahere, Te Iwi o Ngāti Kahu Trust.

- *The Rūnanga Delegates report progress on strategic directions (like the land claims) to their Marae.*
 - *They also seek feedback from their Marae on any major decisions (like whether or not to accept the Crown's offer of settlement and send it to Iwi members for their vote)*
 - *They bring their Marae feedback to the monthly meetings of the Rūnanga.*
 - *In between meetings the Rūnanga Delegates rely on the CEO and ops team to progress their strategic directions*
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Q: What happens if a Marae does not agree with the strategic direction set by the majority of Marae members in the Rūnanga?

A: Their disagreement is recorded.

- *Ngāti Kahu tikanga is to make decisions by consensus.*
 - *Sometimes that means decisions take a very long time to reach.*
 - *However in the rare times that a consensus simply cannot be reached, then the decision of the majority of member Marae rules.*
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Q: What happens if a Marae pulls out of the Rūnanga?

A: It is Ngāti Kahu tikanga that no Marae can tell another Marae what to do. So if a Marae decides to pull out of the Rūnanga, the rest of the Marae accept that.

- *Member Marae keep the Rūnanga door open for non-member Marae to return*
 - *Non-member Marae remain in the Constitution of the Rūnanga so that when they do return they can renew their membership without any major fuss.*
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Q: How come Marae who pull out of the Rūnanga don't get any Marae grants?

A: Because under Ngāti Kahu tikanga AND New Zealand law the Rūnanga can only pay Marae grants to member Marae.

Q: How do Marae become members of the Rūnanga?

A: They have to:

- *Call and hold a properly notified and minuted AGM.*
 - *Appoint their Marae Delegates to the Rūnanga at their AGM.*
 - *Provide the Rūnanga with a copy of their AGM minutes as well as a letter signed by the properly appointed Marae Chair confirming who their Delegates are.*
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Q: Does that mean non-member Marae miss out entirely on any Marae Grants made by the Rūnanga?

A: No.

- *The Rūnanga holds non-member Marae's grants ready for them to collect when they return to membership.*
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Q: Isn't that blackmail to force Marae to join the Rūnanga in order to receive a grant?

A: No.

- *It's standard and reasonable practice for every Charity to set criteria and rules on the payment of grants.*
 - *The criteria and rules are there to protect everyone.*
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Q: Why is the Rūnanga doing business with Carrington and Landcorp?

A: Because it benefits our Iwi.

- *The Rūnanga builds relationships with a many organisations that benefit Ngāti Kahu.*
 - *The relationship with Carrington is important because it upholds our kaitiakitanga and will generate employment and economic benefits for Ngāti Kahu.*
 - *The relationship with Landcorp is important because the lands it farms in our rohe will come back to our Iwi.*
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Q: Doesn't it undermine hapū mana when the Rūnanga does business with an organisation in their rohe?

A: No.

- *The Rūnanga has rights and responsibilities to act for the benefit of the Iwi.*
 - *The only time there is a problem is when there is division inside a hapū.*
 - *Those divisions can only be sorted out within and by the hapū involved.*
 - *They do not stop the Rūnanga from fulfilling its rights and responsibilities.*
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Q: How come the Rūnanga has member Marae who don't even have a building?

A: Under Ngāti Kahu tikanga a Marae is much more than a building which may or may not stand forever. A Marae also includes those more enduring elements such as our maunga, awa, waka, tūpuna, whakapapa, history, land and people.

- *The Rūnanga has 15 Marae named in its Constitution.*
 - *11 of our Marae are currently built on and 3 are currently bare of any building.*
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ADDENDA:

1. The YELLOW BOOK is available EITHER from Te Rūnanga-ā-Iwi o Ngāti Kahu at:

- P O Box 392
KAITĀIA 0410
- 21A Parkdale Cres
KAITĀIA
- 09 4083013
- nkceo@xtra.co.nz

OR it can be read online at <https://www.docdroid.net/Zukf4ra/remedying-the-atrocities-the-yellow-book.pdf.html>

2. The article CEDING MANA, RANGATIRATANGA AND SOVEREIGNTY TO THE CROWN is available EITHER from Te Rūnanga-ā-Iwi o Ngāti Kahu as above

OR it can be read online at <https://www.docdroid.net/u6F5yRI/ceding-sovereignty-tr-ta-nt-deeds-23feb12.pdf.html>
