

**To: Office of Treaty Settlements**

**Mōkai Pātea Waitangi Claims Trust response to submissions on draft mandate strategy**

The Office of Treaty Settlements (OTS) called for submissions from the public on the Mōkai Pātea Waitangi Claims Trust (the **Trust**) draft mandate strategy. Submissions closed in January 2018 and OTS provided these to the Trust for consideration. The Trust's response on submissions on the draft mandate strategy follow. The Trust requests that OTS considers our comments and provides them to submitters.

***Response to Submissions which support the mandate***

The Trust acknowledges the many submitters who have expressed their support for the Trust's draft mandate strategy. The Trust has been working tirelessly to represent all the hapū and iwi of Mōkai Pātea and believes we have a long track record of good governance, accountability of funds, robust research on historical claims, and clear-sighted advocacy for getting the best results for this and the next generation.

***Response to Submissions that the Trust did not consult or engage with other claimants***

The Trust would like OTS to note this claim is factually incorrect. The Trust represents the interests of a large number of claimants and has formed a cluster to keep claimants informed. Additionally the Trust is fully aware of the separate claims being made by the Ngāti Hinemanu me Ngāti Paki Heritage Trust (the **Heritage Trust**) and in an attempt to bring our two groups together, we formally wrote to the Heritage Trust in January 2017 inviting them to engage with us about direct negotiations with the Crown. After several attempts, the Heritage Trust eventually agreed to meet and the two groups held two engagement hui in June 2017 and again in August 2017. The Trust put forward a proposal for the Heritage Trust to consider. There was no response. For OTS' information, after waiting for over 3 months, the Trust decided that the wider interests of the hapū and Iwi of Mōkai Pātea could not be held up any longer and the draft mandate strategy was advertised for submissions in December 2017. The Heritage Trust has made submissions on the Trust's draft strategy and continues to be consulted through that process. In addition, the Trust representatives have invited the Heritage Trust to hold further hui and we remain hopeful that the Heritage Trust will still meet with us. For your information, members of the Heritage Trust will be encouraged to participate in the upcoming consultation hui and mandate voting which is to take place in April-May 2018.

***Response to Submissions that it is better to go through the Waitangi Tribunal hearings, rather than direct negotiations now***

For OTS information the Trust agrees that for Wai claimants, changing the focus to direct negotiations is a difficult decision to be made. The Tribunal provides an important opportunity for claimants to be heard and tell their stories of grievance in a public setting. The Trust have therefore timed our direct negotiations pathway to ensure that the Mōkai Pātea claimants have that opportunity. We can advise OTS that hearings of Kōrero Tuku Iho evidence have been held; as well as evidence presented by Mōkai Pātea Nui Tonu (Rātā, March 2017); evidence about the Rangitikei River/tributaries (Pal.North, May 2017); Ngāti Whitikaupeka evidence (Taihape, Oct. 2017); Ngāi Te Ohuake/Ngāti Hinemanu/Ngāti Paki evidence (Winiata, Dec. 2017); Ngāti Hauiti evidence (March 2018); and Ngāti Tamakōpiri evidence (April 2018). In addition, extensive research has been commissioned and completed by expert witnesses, the majority of which will be fully heard and tested in the Tribunal.

Why not wait until the Tribunal has completed its inquiry and released its report? Because the hearing programme will continue into 2019 and then the Tribunal will likely take some years to reach its conclusions and write its report. It is possible that this could easily go beyond 2021.

At that point, the claimants enter into direct negotiations with the Crown anyway. Therefore the Trust considers we have achieved what we need to with the Tribunal and it is prudent to commence direct negotiations now, in order to maximise the opportunities for settlement. The Trust believes that this approach ensures the “best of both worlds” for the benefit of the whānau, hapū and Iwi of Mōkai Pātea.

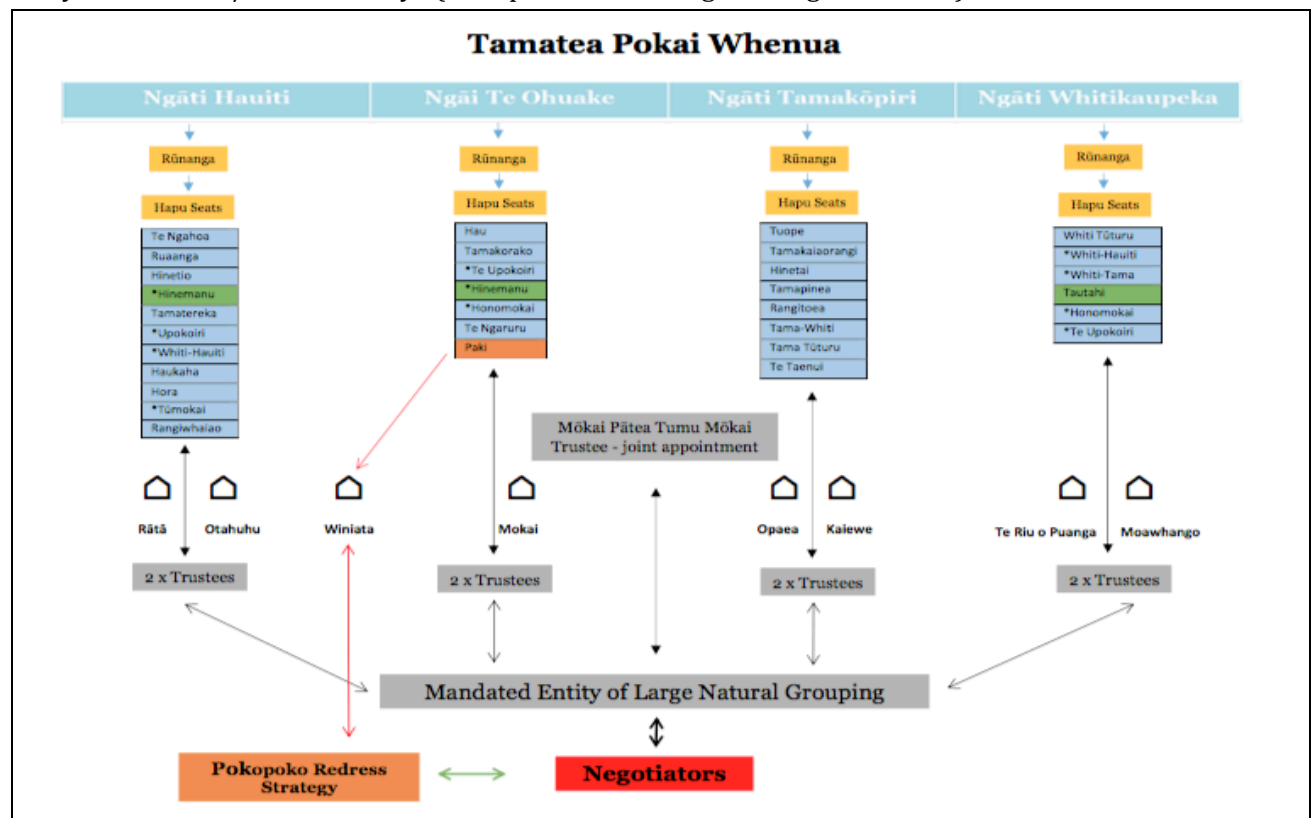
**Response to Submissions that the Crown should negotiate with more than one group in the Mōkai Pātea region – the “Large Natural Grouping” policy**

Like all Iwi around the country, the Trust is faced with a set of Crown rules for the negotiation and settlement of historical Treaty claims. Those rules have been in place for many years, including the Crown policy that it settles a claim on the basis of recognizing a “Large Natural Grouping”. We note for OTS and submitters that this is a Crown policy, not a Mōkai Pātea policy. The Crown has recognised the rohe of “Mōkai Pātea” as a Large Natural Grouping and will only negotiate with one mandated body. The Trust wants all the whānau, hapū and Iwi of Mōkai Pātea (including those who have signed up to the Heritage Trust) to be unified in negotiating with the Crown, to get the best result for our mokopuna. For those who say that the Crown should negotiate with more than one group, or negotiate with whānau/hapū separately, that is not a realistic outcome under the current rules, and it will only lead to years of stalemate. Yes the rules are forced upon us, but we are faced with a choice to either negotiate as one Large Natural Grouping, or not and miss out on the opportunity.

**Response to Submissions that the Trust is excluding Ngāti Hinemanu me Ngāti Paki**

We wish OTS to take note that this is also factually incorrect. Ngāti Hinemanu is a strong entity within the Mōkai Pātea region, and has been given recognition and representation on three of the four Iwi Rūnanga, with the ability to vote, appoint trustees to the Trust and participate fully in the negotiations and settlement process. (OTS, please see green in the diagram below).

Ngāti Paki is a hapū who have suffered terribly at the hands of the Crown after their tūpuna Winiata Te Whaaro was evicted from his lands at Pokopoko in the 1890s. Ngāti Paki is a recognised hapū of Ngāi Te Ohuake and has also been given recognition and representation on Te Rūnanga o Ngāi Te Ohuake: they are able to vote and participate in the negotiation process. PLUS the draft mandate strategy has a specific Redress Strategy to ensure that any negotiation/settlement concerning what happened at Pokopoko is done in accordance with Ngāti Paki tikanga and with full engagement with the descendants of Winiata Te Whaaro who carry that mamae/burden today. (OTS, please see orange in diagram below).



The Trust is available for all claimants, submitters or interested parties to contact us directly to receive further information on mandate issues, and to attend our consultation hui through April-May 2018.