



TE ĀTIAWA KI KĀPITI

Whakamārama

This document summarises information covered by the “Mandate Recognition” presentation made at the hui-a-iwi on 17 December 2017. Te Āti Awa ki Whakarongotai Charitable Trust called this hui-a-iwi because the Office of Treaty Settlements has invited Te Āti Awa ki Whakarongotai to consider entering the mandate recognition process. The purpose of the hui-a-iwi was to learn about and discuss the mandate recognition process as part of the wider Treaty settlement negotiations process.

What is mandate recognition?

Mandate recognition is the first step of a Treaty settlement negotiation. The Crown, through the Office of Treaty Settlements, negotiates settlements of claims made by members of what it calls a Large Natural Group. The Crown seeks to negotiate with a single entity that represents everybody in that Large Natural Group and asks that entity to carry out a process that proves it has the mandate or support of the people to represent them.

Mandate recognition refers to the Crown formally recognising the mandate of that entity to represent its people, which enables the Crown to negotiate the settlement with that entity.

The Office of Treaty Settlements has asked Te Āti Awa ki Whakarongotai to begin the mandate recognition process so negotiations can begin.

Why does the Crown negotiate settlements?

The Crown wishes to settle all historical claims made by Māori against it and restore its honour by apologising for its actions and providing redress for them. But the Crown can't do that with everybody, so instead it negotiates a settlement of groups of claims – these groups of claimants are what the Office of Treaty Settlements calls Large Natural Groups.

Is Te Āti Awa ki Whakarongotai a Large Natural Group?

Yes. The Office of Treaty Settlements has identified Te Āti Awa ki Whakarongotai as a Large Natural Group and wishes to negotiate a settlement of all claims made by members of Te Āti Awa ki Whakarongotai.

Who will represent Te Āti Awa ki Whakarongotai in those negotiations?

That is something for the whole iwi to decide. Although the Crown recognises the mandate of the entity that represents the Large Natural Group, the people are the ones who give that mandate to whoever they want to represent them. This means those representatives need to have the trust and support of the people and be properly accountable to them.

What does the mandate recognition process look like? What is the Crown asking us to do?

In summary, the mandate recognition process has 7 key steps that the entity representing the people must follow:

- Drafting a mandate strategy – this document sets out who the entity is, who they represent, and how they will prove they have the mandate to represent the people.
- Seeking submissions on the mandate strategy – the finalised document is advertised online and people are encouraged to write to the Crown about what they think of the document. If major issues are identified, the entity will need to work through them with the submitters.



TE ATIWA KI KĀPITI

- Finalising the mandate strategy – in light of the submissions the mandate strategy will be updated, and the Office of Treaty Settlements formally endorses it.
- Mandate hui and voting – the entity meets with the people it represents and holds a vote on whether or not it has the mandate to represent them.
- Drafting a deed of mandate – if the vote was successful, a deed of mandate is drafted. This document is very similar to the mandate strategy; it describes the entity, who it represents, and the process it followed to prove it has the mandate.
- Seeking submissions on the deed of mandate – the same process is followed for the mandate strategy. It is advertised and people make submissions on it to the Office of Treaty Settlements. Any major issues must be worked through.
- Mandate recognition – once major issues have been addressed, the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Development formally recognise the mandate, and negotiations can begin.

That sounds like a lot of work. How long does that take?

The time varies from group to group but a fairly typical timeline would be 18-24 months. And that's only the first step; an entire negotiation can take many years!

What about the Waitangi Tribunal and the Porirua ki Manawatū Inquiry? Will the mandate recognition process affect that?

Not really. Waitangi Tribunal Inquiries and Treaty settlement negotiations are actually two separate processes. Although a Treaty settlement extinguishes the right for a claim to be heard by the Waitangi Tribunal, a settlement of Te Āti Awa ki Whakarongotai claims is still a long way away, and the Porirua ki Manawatū Inquiry will likely be complete by that time. Beginning the mandate recognition process will not stop that Inquiry nor prevent claimants from having their claims heard and researched by the Waitangi Tribunal.

What if we don't want our claims settled by a Te Āti Awa ki Whakarongotai settlement?

The Crown's settlement policy is that all claims made by members of a Large Natural Group will be settled by a settlement negotiated with that group; the Crown does not negotiate settlements of individual claims. This means a Te Āti Awa ki Whakarongotai settlement will settle all claims made by Te Āti Awa ki Whakarongotai. While we cannot change that policy of the Crown's, we can ensure that the people who will negotiate on our behalf have our trust, know our grievances, and will do right by them. We all have a say in this process, which is why it is so important we share it with our whanaunga, our hapū, our Wai claimants, to ensure any settlement benefits us all.

The next Hui-a-iwi, general meeting for iwi is scheduled for Sunday 18 February 2018 at Whakarongotai Marae, Waikanae.