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Tēnā koutou

Crown considerations following hapū withdrawal

This letter is provided to you to give clarification on what would happen if hapū seek to withdraw as we understand hui attendees have sought this clarification. This letter is intended to set out the Crown view on the consequences if a hapū was to withdraw from the Ngāpuhi mandate.

If a hapū withdraws from the Ngāpuhi mandate they would no longer be part of negotiations with the Crown. This hapū would not be able to benefit from a Ngāpuhi settlement if they remain withdrawn at the time of settlement. So long as there was an adequate level of support then negotiations with those who remain within the Ngāpuhi mandate would continue.

If the withdrawn hapū wishes to enter separate negotiations or negotiations with other hapū who have withdrawn they would need to discuss this with the Crown. They may need to work with these others and with the Crown to determine the scope of a Large Natural Group (LNG), if any. Pursuant to Ministerial recognition of a LNG the claimant community would first need to develop a mandate strategy and then a deed of mandate that meet Crown mandate policy. Further detail on Crown policy regarding LNGs and mandating is provided in *Ka tika ā muri, ka tika ā mua* (the Red Book) which is available at <https://www.govt.nz/assets/Documents/Red-Book-Healing-the-past-building-a-future.pdf>

If the Crown recognised a deed of mandate then Terms of Negotiation would need to be agreed before negotiations could commence.

If the withdrawn hapū did enter negotiations there would need to be engagement between the withdrawn hapū, Ngāpuhi and other overlapping groups regarding overlapping claims. Our experience has been this may be more challenging if parties' timeframes differ.

The ability for the Crown to engage on LNG and mandate work with hapū will depend on Crown resource and capacity at any given time. In our experience mandate work takes at least 12 months to complete. More time could be required if a proposed mandate faces challenges.

OTS currently has limited capacity, if any, for any additional mandate work. At the present time the Crown negotiations work programme is full until at least 2020. Therefore, if a mandate for the withdrawn hapū is achieved that does not necessarily mean the Crown would be able to commence negotiations immediately.

In any case, any decisions regarding the timing of commencing negotiations, in response to hapū withdrawal, would be made at that time with the information available at that time. Beyond this I am, at this stage, unable to comment on the priority that would be accorded to the above work.

Please let us know if you have any questions arising from this letter.

Nāku noa, nā

pp 

Lil Anderson

Director, Office of Treaty Settlements