

WAITANGI TRIBUNAL

Wai 2532

CONCERNING

the Treaty of Waitangi Act 1975

AND

a claim by Cletus Maanu Paul, Sir Edward Tahaikurei Durie, Kereama Pene, Tamati Cairns, Titewhai Harawira, Desma Kemp Ratima, Rihari Dargaville and Anthony Toro Bidios

MEMORANDUM-DIRECTIONS OF THE DEPUTY CHAIRPERSON

The Registrar will please enter this matter on the register of claims and give it the next available Wai number. The register should note that the claim was received on 10 July 2015.

The claimant's have applied to have their claim heard urgently by the Tribunal and this application will be dealt with in separate directions.

The claimant's should take note of the 'Wai' number reference at the top of the page. Please use this claim number in any communication with the Tribunal.

This claim has been filed by Cletus Maanu Paul, Sir Edward Tahaikurei Durie, Kereama Pene, Tamati Cairns, Titewhai Harawira, Desma Kemp Ratima, Rihari Dargaville and Anthony Toro Bidios on behalf of the New Zealand Māori Council. The claim concerns the Crown's actions and omissions in relation to the Trans-Pacific Partnership Agreement (TPPA).

The claimant's allege that Māori are likely to be prejudicially affected by the Government's ongoing negotiation of the TPPA, which is contrary to the principle of active protection in the Treaty of Waitangi. Specifically, the claimant's allege that Māori claims to natural resources, including freshwater and geothermal, are or are likely to be prejudicially affected by the TPPA negotiations.

The claimant's seek a recommendation that the Government assures Māori that the TPPA will contain provisions protecting Māori claims to natural resources and that it will negotiate with the claimant's representatives.

The claimant's may amend this claim at a later stage. In any case the Tribunal will require them to prepare a fully particularised statement of claim before the claim can be heard.

When the time comes for the claim to be prepared for hearing, the Tribunal will decide whether there are any matters in the present claim that the Tribunal may not inquire into. The claimant's need to be aware that there are some matters that the Tribunal is not allowed to inquire into, such as any Bill that has been introduced into Parliament (unless the Bill has been referred to the Tribunal under section 8 of the

Act). Also, when historical claims are settled, the settlement legislation usually forbids the Tribunal from inquiring further into the matters that have been settled.

This claim concerns an issue of national significance, and as such is classified as a Kaupapa claim. In April 2015 a memorandum-directions was issued by the Chairperson outlining the Kaupapa inquiry programme. The first Kaupapa inquiry – the Military Veterans Kaupapa Inquiry – has since commenced. Unless an urgent hearing is granted, it is unclear when the Tribunal will be able to inquire into this specific claim.

The claimant's also need to be aware that the Tribunal does not make settlements. After the Tribunal has completed an inquiry into claims, it writes a report making recommendations to the Crown. It cannot tell the Crown what to do; it may only recommend that the Crown acts to address the negative consequences of its breaches of the principles of the Treaty.

Any questions about the contents of this document should be directed to The Registrar, Waitangi Tribunal, DX SX 11237, Wellington; phone (04) 914 3000, fax (04) 914 3001; email wt.registrar@justice.govt.nz.

The Registrar is to send a copy of this direction to the claimant and to:

- Crown Law Office;
- Office of Treaty Settlements;
- Legal Aid Services;
- Te Puni Kōkiri; and
- The distribution list for the claims concerning the Trans-Pacific Partnership Agreement.

DATED at Wellington this 13th day of July 2015

A handwritten signature in black ink, appearing to be 'P J Savage', with a long horizontal flourish extending to the right.

Judge P J Savage
Deputy Chairperson

WAITANGI TRIBUNAL