

BEFORE THE WAITANGI TRIBUNAL

WAI 3325

WAI 3395

IN THE MATTER OF

the Treaty of Waitangi Act 1975

AND

IN THE MATTER OF

the Climate Change Priority Inquiry  
(WAI 3325)

AND

IN THE MATTER OF

a claim by **Pita Tipene, Moana Maniapoto, George Laking, India Logan-Riley, Donna Kerridge, Aroha Te Pareake Mead, and Maria Bargh** for and on behalf of **Ngā Toki Whakarururanga (WAI 3395)**

---

**MEMORANDUM FILING CABINET PAPER ON CRITICAL MINERALS FRAMEWORK AGREEMENT WITH THE UNITED STATES**

Dated on this 20<sup>th</sup> day of March 2026

---

**RECEIVED**

Waitangi Tribunal

**20 Mar 26**

Ministry of Justice  
WELLINGTON



**ANNETTE  
SYKES & Co.**  
barristers & solicitors

8 – Unit 1 Marguerita Street  
Rotorua, 3010  
Phone: 07-460-0433

**Counsel Acting:** Annette Sykes, Sam Vincent

**Email:** [asykes@annettesykes.com](mailto:asykes@annettesykes.com); [sam@annettesykes.com](mailto:sam@annettesykes.com)

## TĒNĀ E TE TARAIPUNARA:

1. This Memorandum of Counsel is filed on behalf of the claimants for Wai 3395, that is Donna Kerridge, Pita Tipene, Moana Maniapoto, Dr George Laking, India Logan-Riley, Dr Maria Bargh, and Aroha Te Pareake Mead, for and on behalf of Ngā Toki Whakarururanga.
2. Counsel note the decision made in memorandum-directions issued on 6 March 2026, whereby it was directed that the information sought by the claimants prior to that date on recent international critical minerals developments could be provided to the Tribunal by Mr Vangelis Vitalis, a witness from the Ministry of Foreign Affairs and Trade.
3. Crown counsel advised at the outset of Hearing Six that the Ministry of Foreign Affairs and Trade were not directly in these developments. Therefore, the Crown would file evidence on these developments from the Ministry of Business, Innovation, and Employment to be heard in Hearing Seven.
4. Counsel have now obtained a Cabinet paper<sup>1</sup> on the proposal for a critical minerals framework agreement between the United States and New Zealand. The Cabinet paper was produced before the “Global Critical Minerals Ministerial” meeting held in Washington DC on 4 February 2026, which was attended by officials from New Zealand and 54 other countries. This meeting was referred to in the memorandum of counsel filed on 12 February 2026, and discussed in the report appended as “B” to that memorandum.
5. The disclosed Cabinet paper, while heavily redacted, notes:
  - 5.1 Māori opposition to the proposed agreement following confidential consultation, at paragraphs [38] to [42];
  - 5.2 The US President’s indication that tariffs may be imposed on countries which do not agree to such critical minerals framework agreements in a timely manner, at paragraph [33];
  - 5.3 Officials’ view that the proposed agreement does not require an assessment of climate implications, at paragraph [53].
6. Counsel intend to put this document to the Crown’s witness on critical minerals developments in Hearing Seven.

---

<sup>1</sup> As provided with this memorandum.

7. This document will be included in counsel's cross-examination bundle.

**Dated** at Rotorua/Wellington this 20<sup>th</sup> day of March 2026



Annette Sykes



Sam Vincent

**Counsel for the Claimants**