

**Final Report from the Te Ropu Tuhono Technical Advisers  
On the Outcomes of the Endorsement Process & Next Steps  
20 December 2018**

This report relates to the outcomes of the Endorsement Process and the next steps that the Crown and the Tuhoronuku Independent Mandated Authority may consider.

The Crown was not supposed to be a part of the decision making in the Endorsement Process so this report has been written by Willie Te Aho and Jason Pou for Hone Sadler, Rudy Taylor and Raniera Tau.

This final report was due on 17 December 2018. This was on the basis that we would receive the provisional information from Electionz.com and the provisional Endorsement Hui a Hapu results by no later than 14 December 2018. Te Ropu Tuhono and the technical team received both sets of information from OTS in the Ministers offices midmorning on 17 December 2018. We did not receive other key information until the afternoon of 19 December 2018.

### **1. Outcomes of the Ngapuhi Hapu Endorsement & Ngapuhi Tangata Vote on the Evolved Mandate**

The Ngapuhi Hapu Endorsement and Ngapuhi Tangata vote have failed to reach the respective 65% and 75% threshold that Te Ropu Tuhono set for the Endorsement process.

The report from Electionz.com is attached at *Appendix 1* and was publicly released by the Office of Treaty Settlements on 17 December 2018. This shows that 51% voted in support of the evolved mandate.

Appendix 2 shows the breakdown of the overall vote by hapu. This includes some adjustments that we have made where we believe that the decisions reached were unsafe. This attachment is different to the information released by the Office of Treaty Settlements on 17 December 2018. Regardless, it is clear that only 30% of the hapu actively supported the evolved mandate.

Without undermining in anyway the hapu decisions made, we are not entirely satisfied that hapu tikanga was at times undertaken in a way that was consistent with the requirements of the Waitangi Tribunal to ensure transparent accountability. This includes the reliability or viability of hapu and their decisions when made by 1 to 5 people coupled with the rejection of the Ngapuhi Tangata vote. This entire issue of hapu tikanga requires a separate detailed assessment and discussion for future Endorsement or mandating processes. As do the issues of registering, verifying and engaging with more Ngapuhi to participate in the decision making processes of hapu and/or individual voting.

The use of social media created an additional level of complexity and careful thought will need to be given to the proactive use of this platform within any process moving forward.

### **2. Overarching Reasons for the Outcome**

There has been criticism from different people or groups over the makeup of Te Ropu Tuhono, the Technical Advisers, the lack of the representation of wahine, TIMA leadership or lack of it, the lack of trust, the ongoing conflict and lack of settlement progress, the pace of the engagement/endorsement process, the failure of the evolved mandate proposal to address rohe being able to negotiate commercial redress, the failure of the Crown to provide a stronger guarantee on Ngapuhi not ceding sovereignty, the whakapapa validation process and the failure to truly acknowledge hapu tikanga.

In our view these issues may be relevant but the primary reason for the voting outcome is twofold. There is a clear lack of trust in the existing structures, leadership and systems for both the iwi and the Crown. Secondly, there is a clear preference for direct negotiations from taiwhenua, hapu clusters and individual hapu with the Crown on all settlement matters including commercial redress.

### **3. Next Steps**

#### (1) TIMA (Tuhoronuku Independent Mandated Authority)

TIMA has a provisional mandate. But regardless of the decisions to be made by TIMA and those hapu who supported the evolved mandate, it is clear to us that those hapu who did not support the evolved mandate cannot be a part of the mandate anymore and do not need to withdraw from it.

Also, it is important that anything that TIMA does is completely separate and may be without the support of the Crown until the Crown has made its decisions on its next steps.

Willie Te Aho will provide separate advice to TIMA to complete his obligations to TIMA.

Given the results of the Endorsement process, it could be argued that TIMA has failed to maintain its mandate and that the TIMA mandate is defunct. The clear options for TIMA are either (1) wind up the TIMA trust or (2) constitutionally restructure the trust to be the mandated vehicle solely for those hapu who confirmed their support for an evolved mandate.

If the latter option is taken then the 31 hapu who supported the evolved mandate would need to, in accordance with the proposed milestones, confirm their kaikorero by 24 January 2019. Then confirm the new reconfigured mandate constitution with new officers on 25 January 2019. The next step will be to look at reconfiguring the claimant definition and combined Areas of Interest to specifically align with this collective of Ngapuhi hapu by the end of February 2019. This will then result in the production of a reconfigured Deed of Mandate for this collective of hapu, and the new legal entity with perhaps new leadership by mid March 2019.

Once this process has been completed then the reconfigured mandated entity specifically for these hapu who have said "yes" can approach the Crown in March 2019.

It needs to be understood by TIMA that under this option, the reconfigured mandate will no longer be a whole of Ngapuhi mandate.

#### (2) Crown

We, as technical advisors, supported and advocated for the evolved mandate because it, in our view, provided the greatest hapu resourcing opportunity, financial redress leverage for Ngapuhi and the best opportunity for all hapu who wanted to enter in to negotiations to settle under a clear timeline together. It was an option that would allow Ngapuhi to move together as one, while providing autonomy within the structure to provide for the exercise of hapu rangatiratanga on a regional basis. No other alternative put to us met this.

The critical issue that the Crown needs to confirm is whether it wants a single Ngapuhi settlement (with 6 or more parts) or a 6 regions/Hapu clusters approach that negotiates all aspects including commercial redress and constitutional transformation.

We agreed that while 6 separate negotiations would perceptively provide for more autonomy within the negotiations, we did not agree that this will achieve the best hapu resourcing, financial redress and ensure all hapu achieve settlement together.

What has become clear also, is that the 6 regions as proposed by Maranga Mai is not a complete solution as well. Not every hapu agreed with being confined to 6 regions. Some hapu want different alliances outside the 6 regional boundaries. It is also clear that groups like Ngati Hine and Ngati Manu have expressed a desire for an individual hapu settlement – not a regional settlement. Irrespective of the regions or clusters, some hapu either want to wait for the Tribunal process to be completed and/or want a guarantee that the Crown supports Te Wakaputanga and accepts that Ngapuhi did not cede sovereignty. Although this was expressed by hapu throughout Te Whare Tapu o Ngapuhi, it was strongly outlined in Whangarei and Whangaroa.

What is apparent is that the views of hapu as to the way forward do not align and it would seem that the aspiration of a single Ngapuhi approach might be illusive.

With the above in mind, the two real options for the Crown are:

- (1) To try to keep to a single Ngapuhi approach and wait until the Tribunal has completed its second report. Then look at the mandating process based on the next Waitangi Tribunal report; or
- (2) Take a similar approach that it took in its last term of government with Te Arawa. Move forward with those who are ready able and willing to proceed. In that case the Crown initially wanted a whole of Te Arawa settlement but ended up proceeding initially with the Te Arawa Affiliated Hapu/Iwi with less than 36% of the land mass and population of Te Arawa. 90% of Te Arawa – including the lakes settlement - have now settled as at 2018. Ngati Whakaue (part settlements) and Ngati Rangitahi are the only two historical claims that remain.

Both of these options will require further research and analysis from the Crown's perspective.



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**Jason Pou**



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**Willie Te Aho**

## Appendix 1



### 2018 Ngāpuhi Evolved Mandate Proposal Voting Process

#### FINAL RESULT

I hereby declare the final results for the Ngāpuhi Evolved Mandate Proposal voting process that closed at 12 noon on Friday 7 December 2018. I confirm that the official result was determined after the scrutiny of the electoral roll was completed, validity of all vote determined, and all valid votes counted.

##### Question 1

*Do you support the Evolved Mandate proposal, as set out in the accompanying Endorsement Information Booklet, to represent Ngāpuhi including ngā hapū o Ngāpuhi in negotiations with the Crown for the comprehensive settlement of all Ngāpuhi historical claims and Crown breaches against Te Tiriti o Waitangi.*

	Votes Received	Percentage
YES	3,168	51.29%
NO	2,963	47.97%
INFORMAL	0	0.00%
BLANK VOTING PAPERS	46	0.74%

##### Question 2

*Representation of Te Rūnanga Ā Iwi Ō Ngāpuhi on the Mandated Ngāpuhi Authority.*

	Votes Received	Percentage
YES	2,524	81.11%
NO	580	18.64%
INFORMAL	0	0.00%
BLANK VOTING PAPERS	8	0.26%

##### Question 3

*Representation of Ngāpuhi Taura Here on the Mandated Ngāpuhi Authority. [Ngāpuhi who live outside the tribal area.]*

	Votes Received	Percentage
OPTION 1	1,770	57.19%
OPTION 2	1,298	41.94%
INFORMAL	5	0.16%
BLANK VOTING PAPERS	22	0.71%

##### Question 4

*Kuia/Kaumātua representation*

	Votes Received	Percentage
OPTION 1	1,097	35.56%
OPTION 2	1,060	34.36%
OPTION 3	909	29.47%
INFORMAL	5	0.16%
BLANK VOTING PAPERS	14	0.45%

The voter return percentage was 19.30%, being 6,177 valid votes received from 32,005 eligible voters, of which 58.78% voted online and 41.22% voted by post.



Warwick Lampp  
Independent Returning Officer – Ngāpuhi Evolved Mandate Vote  
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## **Appendix 2: Results of the Endorsement Hui a Hapu**

The process for Endorsement Hui a Hapu was confirmed by Te Ropu Tuhono on 11 and 25 October 2018. While intending to respect hapu tikanga for decision making, the process was also underpinned by the transparency and accountability requirements outlined by the Waitangi Tribunal in their September 2015 report.

Fifty (50 ) Endorsement Hui a Hapu were held for 105 hapu with hui numbers ranging from a single hapu to 10 hapu in a single hui.

Our assessment was completed on the evening of 19 December 2018 after we had received all of the independent observer reports (and queried them) together with hui attendance lists by the afternoon of 19 December 2018.

There were 3 hui that we determined should be recalled. The reasons for the recall were:

1. Parawhenua Hui: The outcome of the hui, as recorded by TPK, was not implemented following the hui.
2. Pakanae Hui: According to TPK there was no clear outcome.
3. Matawaia Hui: According to TPK, the proposed hapu tikanga for determination was not accepted by the hui.

For the first two hui, we are satisfied that the process carried out in the recalled hui was consistent with the Te Ropu Tuhono process. For the 3<sup>rd</sup> hui recalled by us in the Flames International Hotel, we do not accept the outcome. We do not believe that the issue of specific whakapapa to Te Kau i Mua hapu versus Ngati Hine whakapapa in general is something that we can or should determine. And we believe that this issue in general needs to be clarified for all similar situations.

Accordingly the outcome of the Te Kau I Mua hui is simply noted as a no result.

On the last day of hui there is one further result that we queried with both OTS and TPK. That was the hui for Te Uri o Hua, Te Takoto Ke, Ngati Whakaeke and Ngati Kura.

Our concern with this Endorsement Hui a Hapu is that the voting results included the voting results of an earlier hui that did not have independent observers. As noted above, we did not accept the results of hui where the proper process as determined by Te Ropu Tuhono was not followed. For this specific hui, we therefore cannot accept the inclusion of an earlier hui that was not run in accordance with the Te Ropu Tuhono process. But, with those votes set aside, we still cannot accept the outcome of this Endorsement Hui a Hapu. Some people who voted on 8 December 2018 did not register on the 9<sup>th</sup> of December 2018 because they understood that their earlier vote would count.

Accordingly the outcome of the Te Uri o Hua, Te Takoto Ke, Ngati Whakaeke and Ngati Kura Endorsement Hui a Hapu is set aside as a no result as well.

The other 48 Endorsement Hui a Hapu were consistent with the Te Ropu Tuhono process and accordingly their results stand.

For future hui there needs to be an acceptable thresh hold for participants. We did not challenge the results from Endorsement Hui a Hapu where only 1 to 5 people attended. But this is an issue.

## KAIKOHE-WAIMATE-TAIĀMAI

Hapū name	Result
Ngāi Tūteauru	<b>No – 41</b> Yes – 23
Ngāti Hineira*	<b>No – 170</b> Yes – 119
Ngāti Korohue*	<b>No – 100</b> Yes – 57
Ngāti Rangī	<b>No – 88</b> Yes – 43
Ngāti Tautahi	<b>No</b>
Ngāti Ueoneone	<b>No – 29</b> Yes – 4
Te Pōpoto*	<b>No – 190</b> Yes – 178
Te Uri Taniwha*	<b>No – 209</b> Yes – 181
Te Wahineiti*	<b>No – 42</b> Yes – 33
Te Whiu*	<b>No – 95</b> Yes – 75
Whānautara	<b>Yes – 31</b> No – 11
Ngāi Tāwake	<b>Yes – 45</b> No – 7
Ngāti Hinemutu*	<b>Yes – 84</b> No – 29
Ngāti Kiriahi*	<b>Yes – 80</b> No – 25
Ngāti Mahia*	<b>Yes – 124</b> No – 68
Ngāti Mau	<b>Yes – 23</b> No – 11
Ngāti Moerewa*	<b>Yes – 191</b> No – 102
Te Ngare Hauata	<b>Yes – 17</b> No – 0
Te Pōtai	Did not hold hui
Ngāti Whakaeke	Result set aside by TAs
Te Takoto Kē	Result set aside by TAs
Te Uri O Hua	Result set aside by TAs

## HOKIANGA

Hapū name	Result
Kohututaka	<b>No – 75</b> Yes – 9
Ngāi Tupoto	<b>No – 61</b> Yes – 8
Ngāti Hurihanga	<b>No – 70</b> Yes – 10
Ngāti Korokoro	<b>No – 96</b> Yes – 21
Ngāti Pākau	<b>No – 34</b> Yes – 9
Ngāti Rahuwhakairi	<b>No – 50</b> Yes – 0
Ngāti Rangihana	<b>No – 5</b> Yes – 0
Ngāti Rauwawe	<b>No – 37</b> Yes – 1
Ngāti Whārara	<b>No – 76</b> Yes – 20
Te Ihutai	<b>No – 15</b> Yes – 13
Te Māhurehure	<b>No – 32</b> Yes – 7
Te Ngahengahe*	<b>No – 144</b> Yes – 114
Te Pouka	<b>No – 57</b> Yes – 17
Te Uri Māhoe	<b>No – 63</b> Yes – 8
Te Whānau Whero	<b>Yes – 22</b> No – 13
Ngāti Hao	<b>Yes – 9</b> No – 4
Ngāti Hau ki Omanaia	<b>Yes – 13</b> No- 0
Ngāti Kaharau	<b>Yes</b>
Ngāti Kerewheti	<b>Yes – 21</b> No – 9
Ngāti Parenga	<b>Yes – 27</b> No – 9
Ngāti Toro	<b>Yes – 61</b> No – 13
Ngāti Tuapango	<b>Yes – 20</b> No – 8
Te Hikutu	<b>Yes – 27</b> No – 20
Ngāti Kairewa	<b>Yes – 26</b> No – 14
Te Honihoni*	<b>Yes – 109</b> No – 105
Ngāti Patutaratara	Did not hold hui



## MANGAKĀHIA

Hapū name	Result
Te Kumutu*	No – 57 Yes – 26
Ngāti Te Rino*	No – 74 Yes – 72
Ngāti Horahia	Yes – 61 No – 42
Ngāti Pongia*	Yes – 41 No – 37
Ngāti Toki*	Yes – 174 No – 50
Ngāti Whakahotu*	Yes – 68 No – 25
Ngāti Moe*	Yes – 32 No – 27
Ngāti Whakamaunga*	Yes – 28 No – 26

## TE PĒWHAIRANGI

Hapū name	Result
Ngāre Raumati	<b>No – 15</b> Yes – 0
Ngāti Hine	<b>No – 212</b> Yes – 4
Ngāti Kopaki	<b>No – 88</b> Yes – 3
Ngāti Kuta	<b>No – 61</b> Yes – 0
Ngāti Manu	<b>No</b>
Ngāti Miru	<b>No – 14</b> Yes – 4
Ngāti Ngāherehere	<b>No – 83</b> Yes – 0
Ngāti Te Ara	<b>No – 93</b> Yes – 9
Ngāti Te Tārawa	<b>No – 94</b> Yes – 0
Patukeha	<b>No – 61</b> Yes – 0
Te Kapotai	<b>No – 76</b> Yes – 4
Te Uri Karaka	<b>No</b>
Te Uri O Ratakitaki/ Te Uri Rata	<b>No – 76</b> Yes – 4
Te Uri Ongaonga	<b>No</b>
Te Matarahurahu	<b>Yes – 19</b> No – 10
Ngāti Kawa	<b>Yes – 30</b> No – 2
Ngāti Rāhiri	<b>Yes – 27</b> No – 17
Ngāti Rehia	<b>Yes – 27</b> No – 9
Ngāti Pare	Did not hold hui
Ngāti Tipa	Did not hold hui
Ngāti Torehina	Did not hold hui
Te Kau i Mua	Result set aside by TAs

## WHANGĀREI

Hapū Name	Result
Ngāi Tai	No – 43 Yes – 3
Ngāti Hau	<b>No – 100</b> Yes – 13
Ngāti Kahu O Torongare	<b>No – 69</b> Yes – 0
Ngāti Taka	<b>No – 48</b> Yes – 0
Te Waiāriki	<b>No – 48</b> Yes – 0
Te Uri o Rauwera	<b>No</b>
Patuharakeke	<b>No – 35</b> Yes – 0
Te Parawhau	<b>No – 52</b> Yes – 7
Te Orewai	<b>No – 43</b> Yes – 3
Te Uriroro	<b>Yes – 37</b> No – 22

## WHĀNGAROA

Hapū Name	Result
Kai Tangata	<b>No – 46</b> Yes – 4
Kaitore	<b>No – 33</b> Yes – 1
Ngā Uri O Te Pona	<b>No – 37</b> Yes – 1
Ngāi Tū Pango	<b>No – 16</b> Yes – 0
Ngāti Haiti	<b>No – 44</b> Yes – 1
Ngāti Kahuiti	<b>No – 1</b> Yes – 0
Ngāti Kawau	<b>No – 55</b> Yes – 1
Ngāti Kawhiti	<b>No – 38</b> Yes – 1
Ngāti Kohu	<b>No – 37</b> Yes – 1
Ngāti Miro	<b>No – 47</b> Yes – 1
Ngāti Mokokohi	<b>No – 37</b> Yes – 1
Ngāti Pakahi	<b>No – 43</b> Yes – 2
Ngāti Ruamāhue	<b>No – 35</b> Yes – 3
Ngāti Uru	<b>No – 52</b> Yes – 1
Te Aeto	<b>No – 14</b> Yes – 0
Te Tahawai	<b>No – 54</b> Yes – 3
Te Uri Kai Whare	<b>No – 70</b> Yes – 10
Te Uri o Te Aho	<b>No – 28</b> Yes – 0
Whānaupani	<b>No – 68</b> Yes – 0
Ngāti Pou	<b>Yes – 41</b> No – 19
Ngāti Tu*	<b>Yes – 73</b> No – 73
Ngāti Kura	Result set aside by the TAs