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[]
From:

Sent: Wednesday, 6 April 2016 8:17 p.m.

To: ngapuhifeedback@justice.govt.nz

Cc:

Subject: Disestablishment process for current Tuhoronuku hapu representatives?

Tena koe Ngapuhi Feedback

Our clients (Te Mana Motuhake a Rohe o Whangarei - the Whangarei hapu claims collective) had a hui last night and the Maranga Mai (Ngapuhi Hapu Engagement Group Draft Report) was discussed

One concern was raised was if the Maranga Mai options do not go ahead, are we*"stuck with Tuhoronuku and the non-mandated **hapu representatives?*"

I think the key concern from our clients last night was implementing a process to remove non-mandated hapu representatives - it is alluded to in page 38 of the Maranga Mai draft but not clearly stated.

That said I also appreciate that there has to be some dignity inherent in a process which dis-establishes the positions of current hapu representatives (irrespective of how they got there in the first place!)

Nga mihi

Thursday, 7 April 2016

Maranga Mai Draft report

Feedback from [Arthur Ashby - Kaumatua]

- Overall the recommendations are good and I believe will come together okay;
- The right people are involved now and I am happy to support them working together;
- I support the hapu holding hui to appoint their hapu representatives. Ngati Rangi of Ngawha have already discussed having our hui and who we might put forward as our representative. The date for our hapu hui is still to be confirmed.
- I support Moana Tuwhare remaining in a leadership capacity and as a negotiator;
- Its brilliant we now seem to be getting somewhere.

My name is [redacted] no Te Hikutu Ngati Korokoro Ngati Wharara Ngati Pou Te Pouka Roroa o nga wahapu o Hokinaga (my father's side) (on my mother's side) Ngati Manu Ngati Rahiri Ngati Kawa Ngati Hine Ngati Whatua
Email address by correspondence is faster [redacted]

I am writing my comments in response to the Maranga Mai Report

Sanctioning of the Maranga Mai Report

Is there a process for sanctioning the Maranga Mai Report will there be a voting process or has the Maranga Mai Report have the mana from the hapu engagement process to continue forward this needs clarification whether this discussion is held with hapu in the up and coming hui scheduled for next week will be timely with the engagement process team at each Taiwhenua hui to facilitate the questions with hapu to engage with the korero this needs to happen to address the importance of the issue so hapu will decide what options to take.

This engagement process should have happened in the beginning of the Te Paparahi o Te Raki Hearings it could have saved all the problems we are facing today divisions in hapu time wasted dissention finance and other issues however Ngapuhi hapu is leading the way for us at present as it should be.

Overall I am happy with the progress that the Maranga Mai Report has produced by commitment and dedication of everyone involved.

Nga Mihi [redacted]

(H)

From: [redacted]
Sent: Thursday, 7 April 2016 9:03 p.m.
To: ngapuhifeedback@justice.govt.nz
Cc: [redacted]
Subject: Korero

Kia ora koutou

I have read the draft report and I have three comments to make.

If they are not immediately seen as being complimentary, arohamai, they are not negative for the sake of negativity alone. The process in which the tripartite talks is involved is of great significance; the outcomes emanating from these talks will shape the future of whanau, hapu and the Iwi o Ngapuhi.

Accordingly, the reports must be held up for rigorous examination, without fear or favour.

I absolutely accept there must be healing of the mamae, and I resonate with the comments made by an attendee at a hui, presumably with representatives of Te Kotahitanga and Tuhoronuku.

It begins "It was particularly encouraging to see for the first time...."

And goes on to describe the whakawhanaungatanga being shared between representatives of the two groups engaged in the talks with te Krauna.

This is a Good Thing, however please remember this is an experience shared between people who are part of an exclusive, or elite group who are engaged in an exciting and important process, and their experience unfortunately is not one which is shared by the vast majority of whanau and hapu. When I use the words exclusive and elite, these terms are usually taken as being pejorative or critical, but I feel I must point this reality of separation out, not because I am against the Tripartite Talks as such, but because the enthusiasm of a few who are in a representative position, cannot be automatically assumed to follow on into the wider body of Ngapuhi.

Indeed some hapu may feel that they are being dictated to, or talked down to, and the Tripartite members should take note.

Remember the expression of hapu rangitiratanga is supposedly to be foremost in this new phase of the mandating process.

These observations lead to my second observation which is around the issue of hapu withdrawal from the preferred mandate/negotiating process of Te Krauna, which is to deal with large natural hapu groupings. This view is largely supported by Te Kotahitanga and to a certain extent Tuhoronuku, at least in my reading of the Report.

Te Kotahitanga in fact has established six taiwhenua roopu which concentrate the hapu within 'natural' rohe, such as Hokianga, Whangarei etc.

This concept makes sense, however it also leads to my next point, the Report in my eyes shows a tendency to over organisation, there are too many komiti, too many roopu, too many procedures and discussions and procedures which all add to a general air of complication.

In sincerely trying to get it right the Tripartite participants perhaps need to keep in mind the maxim, "Keep it simple stupid". This is not to denigrate the mahi they are putting in, but reading the Report alone is quite an effort. I can only assume that the final Report will only feature even more complexity.

Hapu are not particularly fond of complexity, that's a bit of a Pakeha thing neh? Flow charts and pie graphs, time lines and targets. Too many hui and not enough do ee.

If the Tripartite participants make it all too complicated and abstruse tangata whenua may get a feeling they are being manipulated around. We have had precedents of such manipulation in the past.

The last of my comments is about settling differences between hapu.

An example is given of wahi tapu, with the suggestion that if a hapu has kaitiaki over such precious whenua, then there should be mechanisms put in place to reinforce their administration and kaitiakitanga.

Whakatupato! Kia tupato!

Because a hapu claims to exercise kaitiakitanga over whenua of special significance, does not necessarily mean that they have the right to mana whenua. Mana whenua trumps kaitiakitanga. If the hapu or a hapu grouping does not have the right to mana whenua, then it has no right to even claim kaitiakitanga, and in fact this is a subversion of tikanga Maori. Just because they build a fence around a place and have a government department backing them up, is no guarantee of mana whenua, in fact the opposite.

There is a case in point which is totally relevant.

In his second brief of evidence to the Tribunal in 2014, Mr. John Klaricich claims kaitiakitanga over the wahi tapu Araiteuru, and gives this kaitiakitanga as the basis of the wahi tapu be turned over by te Krauna to the Te Wahapu roopu which he represents.

The historical reality around the Hokainga South Head clearly shows that mana whenua belonged, as still belongs to this day to Ngatikorokoro hapu.

If this doctrine of using an ill founded claim to claim the right to land under the pretence of "kaitiakitanga" is unchallenged, and becomes a de facto methodology of resolving hapu differences, then it will be a sorry state of affairs.

Ae marika. That's my korero.

Nga mihi

Ko Ngatikorokoro Te Hapu.

5

From:
Sent: Saturday, 16 April 2016 3:40 p.m.
To:
Cc:

Subject: Feedback in case it doesn't come through the link.

Kia ora koutou,

Please find attached on the 2nd part of page 1 of this form and subsequent pages, feedback from the Ngati Rangī hui.

[]

Section 2 HUI REPORT

Number of Attendees: Approx. 50

Any resolutions passed /recommendations made No resolutions tabled – feedback attached.

Feedback in general from the hui (continue on a new page if required) Ngati Rangī Hapu Response to the Ngapuhi Engagement Group's Draft report "Maranga Mai"
A Hui a hapu was called by The Ngawha Marae Trustees Komiti to consider the report "Maranga Mai" on the 10th April 2014. The Hui was attended by approximately 50 whanau.
The document, its contents, and the implications of the document was explained to the hapu by an independent legally trained person and the floor opened for comment and feedback from the hui.

The following comments are provided in response to the draft report. In general, the hui supported the suggested changes, but there were some concerns raised which are outlined below:
1) Potential for settlement processes to be captured by a small number of active hapu members.
2) The lack of representation of hapu members who live outside the rohe, particularly in the cities. In this respect, some concerns were expressed by members regarding whanau who had lost their contacts with hapu, and did not particularly understand how to find and contact their representative hapu. There is a big concern that any Treaty settlement could end up being unjust because it captures and benefits a small number of active members, and that some structures need to be put in place to ensure that this does not happen.
3) There was concern expressed regarding the lack of potential lands for return to the hapu, and fears were expressed that hapu needs could not be met purely by monetary compensation. Given that Taiamai hapu have little land potentially land-banked in their Rohe, or in Crown hands, and therefore are at risk of any Treaty settlement that prefers "lands" in other hapu rohe.
4) There was a suggestion that monetary compensation might be used to purchase back "hapu lands" - but other views are that there are no well-founded mechanisms in place to ensure that any such proceeds would

end up with a fair distribution for hapu members, and settlement proceeds might get captured by a small number of “managers”.

5) The possibility of a wananga or university was mentioned

– but some hapu members are already involved in a process to agitate for a wananga in Kaikohe. Certainly the need for proactive and considered strategies as preparation for (Ngati Rangi's) negotiation with the Crown was recognised.

6) The independence of the rangatiratanga of Ngati Rangi was mentioned as an issue (as was the potential for a Te Waimate-Taiamai confederation) when discussing the representation of the interests of Ngati Rangi Hapu.

7) The large size of Ngati Rangi hapu was discussed, as was the wide geographic distribution of the hapu rohe, from Otaika in Whangarei, through to the coastal area of the Bay of Islands, to Ngawha, to Utakura, and to Tautoro and into the Mangakahia Valley. The problems of having a single-voice at the negotiation table was recognised as problematic for Ngati Rangi. There is a high possibility that should Ngati Rangi have only one voice (as proposed in the “Maranga Mai” document) then there was the possibility for group of small related hapu to have a far greater say in any negotiating outcome than Ngati Rangi hapu might enjoy. In this regard, the historic hapu of Te Uri o Hawato, the hapu of Ngati Kiriahi and Ngati Mau and Te Uri Taniwha were noted as being significant hapu for Ngati Rangi hapu.

8) Ngati Rangi hapu (let alone the collective hapu of Taiamai and Te Waimate) is of the size of many iwi in other parts of the Aotearoa, which iwi the Crown has previously negotiated with as “large natural groupings”. It was mentioned that perhaps Ngati Rangi could reorganise itself and have it recognised that it is indeed a confederation of hapu who have heavily inter-married. It should also be noted that historically Ngati Rangi extended down to Parawhau and across to Otaika in Whangarei and was regraded historically as the principal hapu of the iwi of Ngai Tahu from which Kare Ariki is descended.

9) The need for a database to identify and track hapu members for both the purposes of any settlement, and also to improve communication and participation, and an interim process is being put in place by the Ngāwhā Marae Trustee Komiti using the registration form created by Jacob Hakaraia for the 1995 Sesqui-centennial Commemoration of the 1845 Battle of Ohaeawai.

10) Recommended that a collective of wai claimants represent the interests of Ngāti Rangi in the settlement process – that this kaupapa is not driven by one person/kai korero. Sharing the role amongst a collective with specialist skill sets, maturity & discipline will provide better outcomes for Ngāti Rangi. Noted that collective members must whakapapa to hapu they claim to represent.

6

From:

Date: 16/04/2016 3:53 PM (GMT+12:00)

To:

Cc:

Subject: More feedback

Feedback from the Whangarei hui via [] []

...Although I was in and out of the hui in Whangarei yesterday some of the key points I did hear were:

- Time - e mara! - why only a few weeks for Ngapuhi hapu to decide on an issue so important - we need more time

- Tino Rangatiratanga/Sovereignty - Crown Negotiator Nigel Fyfe noted that at this years 5 February Iwi Leaders Forum held in Waitangi the Forum had requested a Crown response to the Tribunal's tino rangatiratanga finding. Economic Development Minister Steven Joyce told the Iwi Leaders Forum that the Crown would only discuss tino rangatiratanga with Ngapuhi who had He Whakaputanga. Nigel Fyfe noted that the tino rangatiratanga issue would be on the table in the Ngapuhi settlement negotiations.

7

From: I

Sent: Saturday, 16 April 2016 3:57 p.m.

To:

Cc:

Subject: Feedback

Feedback from [] from Ngati Torehina:

Te Whakatauki – Ngapuhi Kowhao Rau, Ngapuhi Taniwha Rau

As I mentioned at last week's hui, my heart breaks every time I see or hear our maunga referred to as Tokerau and my hapu feels the same way. For us it is known as Matakāa.

Dispute Resolution

For disputes within the hapu, the respective whanau of the hapu need to resolve on their own. If they cannot the matter is convened at a Regional level as per suggestion below.

Suggestion

1. Have quarterly predetermined 'DR' dates scheduled throughout the year where disputes are raised/notified in detail and in writing (hardcopy & electronic) at least 28 days before the scheduled date;
2. The hapu reps of that region meet and hold a pseudo hearing with the complainant and respondent in attendance to represent their dispute; (The rep of that hapu sits wahangu unless one of the parties).
3. A decision is made by the presiding reps (less that hapu rep).

Where a dispute arises between hapu and a satisfactory solution cannot be reached through a convention of the hapu reps then that matter is elevated to a pseudo hearing of the Regional reps who have convened at that levels predetermined 6monthly date to hear and decide the resolution. (Again those hapu reps have no involvement apart from representing the matter)

Where a dispute arises between regions the other four regions shall hear and decide on the best solution. (Again those regions in dispute are only involved to the extent of representing the matter).

The decisions are final.

Possible New Name

Given that it will be wound up and therefore temporary, and that it is designed to take all of Ngapuhi from one point into another, it could be:

"Te Arawhata", "Te Whati Toka", "Te Taura Maha"

Police Vetting

In relation to the hapu kaikorero, Yes, I think that police vetting is important and necessary as a fundamental step, but again it should come back to the hapu to make that final choice.

Some people may have old convictions and have redeemed themselves or at least demonstrated sufficient growth that gives some certainty that understand the importance of protecting/preserving their mana. In the first instance vetting of hapu kaikorero should be carried out and the results reported back to the hapu to make a final decision.

8

From:

Sent: Saturday, 16 April 2016 5:42 p.m.

To:

Cc:

Subject: Re: More feedback

Maranga Mai hui with Ngati Rua Hapu, Taupo Bay, today. Although wet and cold, the hui was well attended. A million questions were asked, but I encouraged the hapu to respond to the strategy. Some very interesting people, who support the process, so long as they are valued through the total process. Stated that the settlement deed must be in te reo Maori. Do not sign an English version.

9 8

From:

Sent: Sunday, 17 April 2016 12:44 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject: Marana Mai report

Hi there,

1. Tuhoronuku name to stay. Wider positive understand of how the name came to be marketed.
2. Hapu directly engage in youth whereby creating a youth delegate to their hapu team aged 17-23? Age up to the hapu but within the guidelines as defined by the United Nations.
3. To counter the disconnect of Ngapuhi living outside the rohe, and those that do not know their hapu, a dedicated position must be created for direct engagement. I have made myself available within Auckland should this position be created as discussed with Muureen Hickey.
4. Many Ngapuhi live outside the motu want to be included in this process. As part of the above roll, a painless pathway must bridge the gap through the above role creation. Another way is via group skype. A hui in real time as a consequence of the above role in networking and bringing Ngapuhi together all over the world. Once the connections are made to hapu, the individual and hapu korero between themselves.
5. Given the intricacy of this hapu based process, I suggest general guidelines be available on the structure of governance to hapu that would like advise. Of course this would be very general corporate based guidelines open to be modified to each hapu as they see fit.
6. To pre empt wai claimants objections perhaps a paragraph acknowledging their mahi may be explored?

That's all for now

Kiaora

10

From: |
Sent: Sunday, 17 April 2016 10:45 p.m.
To: Ngapuhifeedback@justice.govt.nz
Cc: |
Subject: Ngapuhi Engagement Group's Draft Report

Kia ora tatou,

He mihi kau atu kia koutou. Anei oku tini whakaaro:

1. I am pleased that we are constructively moving on from/ remedying the flaws identified in the Tuhoronuku IMA;
2. I agree with shifting the onus and responsibility back on to hapu to capture the views of their respective uri - including rangatahi, kaumatua and urban uri;
3. I want to see resourcing of hapu that will allow hapu to capture all of those respective views and to engage in all necessary steps and processes (including hui for appointment of representative(s), dispute resolution and withdrawal processes, hapu register and data collection, communications, PSGE hui and formation etc);
4. Please provide a budget as soon as possible with details of what will be funded, where the funding will come from (Crown/ CFRT), and how hapu can access this funding;
5. Please include maps of the regions and hapu in the report as well as the statistical data pertaining to the membership within those hapu/ regions;
6. Please include total number of Ngapuhi members (per census) in the timeline on page 10 (timeline point 2011) - re voting process for Tuhoronuku - this is an important picture to paint;
7. There seems to be a skewed view amongst the whanau of Te Kotahitanga and their relationship with Tuhoronuku - can this be fleshed out a bit more in Te huarahi o te wa - page 10-11 or elsewhere in the report? As a party in this engagement group, I think the history and whakaaro of that roopu should be brought to the fore in this report.

Observation: Hapu and iwi hui of this kind are potentially an unsafe space for representatives of the Crown notwithstanding their very valuable whakaaro - perhaps if their role/ presence can be made clear at the beginning of hui.

He mihi aroha kia koutou nga kaimahi, kaipanui, kaituhi ranei - kia kaha. Happy to discuss any of the above.

Ngā mihi | Regards,



Date: Mon, 18 Apr 2016 16:11:30 +1200
Subject: Ngā uri o Rahiri e noho i te Taone o Tamaki
To: Ngāpuhifeedback@justice.govt.nz

Tēnā anō tātou.

I have read the "Maranga Mai" report and am very worried about having sufficient representation for us whom live in the cities.

I am holding a hui at Hato Petera to find a path foward in regards to this issue. I voiced my concern at the hui held lastnite at Te Mahuruhure marae pointing out that if hapu talk for us we will be silenced and in affect will not be represented appropriately.

At this point i have at least 60+ people of Ngāpuhi decent attending hui and there is a clear concensus that representation from urban Ngāpuhi is imperative and correct to be part of the engagement and furthur process.

Nāku iti noa iho nei



From:

Sent: Monday, 18 April 2016 11:12 a.m.

To: ngapuhifeedback@justice.govt.nz

Subject: Fw: Maranga Mai report --- continued Ngapuhi Hapu Repatriation Programme

Tena koe,

Following on from my previous email I will further elaborate on my direct engagement thoughts through the Ngapuhi Hapu Repatriation Programme.

This needn't be a complicated or a costly process in fact direct engagement through a bottom up approach is necessary for Ngapuhi. Premise being, generational disconnect.

The generational disconnect has altered the depth and breath of connections between people and their hapu, as well as the nature of these connections. I can only speak for myself when I say my grandfather migrated from Kaikohe to Helensville, as was common at that time. My mum was born in Helensville. Apart from attending my grandfathers tangihanga when I was a child I have no knowledge of my Ngapuhi hapu and don't know how to connect. My mum passed years ago and I now have children of my own. We don't know our hapu.

If the goal is to unify and engage with the larger Ngapuhi audience on a transnational scale, simple notification of various hui does not inspire participation by those suffering from generational disconnect or who feel they do not have the opportunity to engage for what ever reason. We must be proactive in this process by direct engagement.

The cost of direct engagement will roughly consist of the following: full time employment of one person (6-12 months?), (car?) fuel card, light refreshments at hui, photo copies of the Marana Mai report and an advertising budget.

Social media crosses borders effortlessly and advertising on facebook would assist, but utilizing social media forums is free. In my personnel experience whanau overseas want to be allowed a pathway to participate but don't know how or if their voice even matters. While may more of the younger generation have no idea what's going on. We will reach them through social media.

Community networking. Backing the social media campaign up with community networking, the only costs would be those listed above as visiting universities, work places, community sports grounds, kohanga reo, Kura's takes one person's dedication to speak to many.

Hapu contact list. I will need the assistance of each hapu in terms of a list of contacts for this repatriation programme. In working with each hapu or region to reconnect the lost generations. Once the connection is made through the official repatriation programme I will take a step back for the two parties to engage. However, still be available to the repatriated parties should the need arise.

As demonstrated, being pro active by reaching out across borders through social media and skype these groups into hui, in conjunction with community networking will alter this unique Ngapuhi generational disconnectedness.

Kiaora

From: [redacted]
Sent: Tuesday, 19 April 2016 9:13 a.m.
To: [redacted]
Cc: [redacted]

Subject: Re: Ngāpuhi Engagement Hui Schedule (Urban districts)

Kia Ora Tatou,

After our regional hui at Parawhenua on Saturday I was invited to speak at two hui on Sunday about the Maranga Mai report. One a hui a hapu (planned sometime ago to talk about other matters) and the other a marae trustees meeting. Both these hui small but very very engaged, the most engaged I have ever experienced! I was asked to start right at the beginning as if they did not know anything about the claims process - I did this starting with He Whakaputanga and Te Tiriti o Waitangi and our tupuna from those two groups who signed. I managed, using a white board to explain the Ngapuhi process over the past 15-20 years in 20 minutes then took questions. The korero and response was interested, engaged and the rooms were lite up as the light bulbs went on for everyone.

Of the many points I shared one of the moments of clarity they all relished was an explanation about the hearings route for claims and the direct negotiations route...most did not seem to understand this and that both Te Kotahitanga and Tuhoronuku were working toward these routes, I was able to explain neither routes right or wrong and give example of other iwi - but unfortunately working the two routs together has been a terrible challenge for us in Ngapuhi and quite simple Maranga Mai is a wake up call for us all.

I have since had an an invitation to speak to Ngapuhi in Wellington (by whanaunga there who knows me and knows I go down often, he is setting up a space and people) and an invitation from a whanaunga in Aussie to go a talk to their marae committee trustees over there, her sister rang her on Sunday and told her all about what she had learned. I can and will accept the invitation in Wellington, we can talk about this ne? I'd love to pop over to Aussie and meet whanaunga over there and hear their views esp on urban representative etc, but cannot see the \$\$\$ or time stretching that far...but I will work out some way to reach them, possible video conferencing. We all need to think about how to reach our people.

HOWEVER...here are my observations and suggestions:

1. Our people are ready right now to hear and understand more - the window will not stay open and we should respond with energy and positivity right now to give them information
2. WE should be utilising social media way more than we are now...I am seriously thinking of making my own 5-10 minute presentation and uploading onto youtube for whanau that want to know more..
3. Keeping the messages simple. real, relevant to them and aimed at increasing real understanding (not taking sides) is so important, otherwise we end up contributing to the disunity and drama
4. I avoided bombarding them with the detail in the report but rather gave my own personal perspective on a couple of the points, one that I felt particularly relevant to them (because I know them well enough) and two that I could speak to with conviction. This, I think really encouraged them to take up the report and open it...you can lead a horse to water...and you know the rest. Anyway, that's my tekau heneti for the morning...something to think about and act upon.

[redacted]

From:

Sent: Tuesday, 19 April 2016 8:05 p.m.

To: |

Cc: |

Subject: Re: Ngāpuhi Engagement Hui Schedule (Urban districts)

Today, I met with whanau in Tamaki living in South who attended the hui at Mangere.

Totally supports Maranga Mai, we both believe you will receive responses after 29th April. We intend holding a hui on the 4 June to meet the 21 days required to hold a hapu hui. 18 May I am out of the country and back on the 1st June.

I'm of the same view as [redacted] to deliver Maranga Mai proposal to whanau / hapu. I know I won't have the same professional delivery as [redacted] but I'm prepared to inform our whanau / hapu the benefits of this proposal.

On the 4th June I have booked the Te Iringa marae for our hapu Ngati Whakaeke / Tautahi. Further details to follow...

From: !
Sent: Tuesday, 19 April 2016 9:14 p.m.
To:

Subject: Ngapuhi Engagement

Tena koutou

It's great to see all the work being done to progress this take. I absolutely support completing the settlement process. The amount of effort, pain, anger, frustration, and hurt suffered by our people through this process exponentially surpasses the benefits we will get from any settlement. I don't believe this settlement will make a significant difference to the lives of our people. The fisheries settlement was meant to but most would agree it hasn't. The best I hope for it that we don't spend the next 20 years in post-settlement anarchy over who gets what, distracting us from utilising the potential we have right now and from the issues we need to be giving much more attention to right now.

Mauri ora ki a tatou.



From:
Sent: Thursday, 21 April 2016 6:29 p.m.
To: ngapuhifeedback@justice.govt.nz
Cc:

Subject: Maranga mai report feed back

Kia ora,

its good to see that progress is being made and we are starting to get the wheels in motion.

However there are always points that may require clarifying that for us over here in Australia may seem trivial back home but any correspondence would be suffice to define any grey areas of the process. Such examples being;

What are the standardised rules and protocols that need to be established for transfer of information of databases. what obligations does the hapu have toward opening up sensitive information. It seems like one way traffic. You can't go into another country and demand that people play by your rules. what are members allowed to access. How are they able to update

Because we have different health systems, education systems and welfare systems here we can't access some things freely, ie te reo classes maori tv, university courses like te wananga etc

Other things such as
medicare levies, private health insurance,
Child support
Taxation
Lending, banking laws
Water management
Mining and resources laws for aboriginal title under English law
Resource Royalties
State and federal laws
Interpreter for courts here in Australia
extradition treaties within traditional hapu territories
Recognition of prior learning, as well as qualification authority reformation to making our diplomas and degrees more usable back home and abroad etc
Opening up the door to prestigious universities to place campuses on hapu land or some sort of partnership where they can raise the standards of education of indigenous peoples on their grounds. ie Havard, oxford having satellite campuses on hapu owned land to run internationally recognised courses papers etc.

these are real grey areas that really have to be brought to the table

Information transfer is a tricky one. although the net has made things easier and it has also complicated things.

The value of information as hapu databases is a highly prized commodity especially here in Australia they are like the special votes of election time. There has to be mechanisms put in place to facilitate this process to allow maximum participation.

If John keys government wants to leave a legacy this could be it

Once PSGE hapu have this information what are they allowed to do with it. What are the rules between sharing information between two countries.

Will we still be considered NZ citizens in Australia or is there going to be a whole change to our status. If not why not and how does that comply with the UNs declaration of rights of indigenous peoples. Can this dialogue be tabled for negotiable redress. The question asked is will we become dual citizens of our hapu and New Zealand and how will that change our visa status when trading and travelling on business, after all trade will be affected by this move.

What does the Government want out of the information we have collated in Australia and how can crown and Hapu both benefit from.

Is there an opportunity to utilise the crowns royal prerogative of mercy and pardon all hapu of Ngapuhi or those stated in the report of their convictions in a once off after having served there sentence so as not to impede on the future aspirations and interests of the hapu. after that a new law should be set in place to govern the affairs and limit powers to those who wish to play an active part in the next phase or process.

Meritorious and personal redemptive actions should be considered into the equation. Also a long-term intergenerational strategy should be placed across the board in all hapu to minimise systemic breakdown

Crown suggestions about having squeaky clean candidates may be ideal, however in todays current social climate stimulating that request may be a hard task fulfil.

A hapu that has policing through out its PSGE and negotiations process may be able to weather the storm. Selection of individual candidates can be a combination of 75% consensus and Government/Crown endorsement. keep it fair but inetegral.

Communication strategy a must in Australia too many members unregistered to ignore. it would be a great an injustice too ignore.

Priority should be given to re-gathering and reconnecting as many hapu members to their respective hapu within Nga puhi.

This will become a key selection criteria for any representative at any level. One is the land the other is the people.

Ngati Mokokohi and Kai tangata, Ngati Haiti are not hapu o Ngapuhi but Ngati Kahu. I think this should be considered also on which side they settle with or Ngati Kahu may have reason to litigate and sue all relevant hapu once they reach settlement or redress. Be sad to see these hapu lose all their hard earned settlement money over a little indiscretion. As far as I know title of the name and its use Ngati mokokohi, this can become a long drawn out battle when hapu become corporations. The rights to use a hapu name under another iwi umbrella I thought was a conflict of corporate interests therefore Ngapuhi and Ngati mokokohi hapu may suffer severe penalties if this gets dragged through the court system

Just saying... it has the potential there to go south very quickly..

Ngati Kawau, Kai Tangata, Ngati Mokokohi, Pikaahu, Ngati Haiti, Ngati Kawhiti, Te Hikutu,

22 April 2016

Nigel Fyfe
Office of Treaty Settlements

Tena koutou

As principals of the Ngāpuhi engagement group, please receive this submission from Te Whiu hapū on the Draft Marangai Mai Report.

This submission accompanies our various earlier submissions and feedback on the engagement process. We have previously made our views known on such matters as urban representation, rūnanga representation, and so forth and we do not feel a need to repeat those here.

In this submission, we have not responded to each and every point of proposal in the draft report. Rather, we have highlighted specific points we wish you to take into consideration because, in our view, they are either worthy of amendment or particular reinforcement. Beyond these submission points, you will please take as given that Te Whiu otherwise supports the proposals of the Draft Marangai Mai Report as presented.

Our submission points are detailed in the table that follows. But to summarise, we seek:

1. An inclusion in the final report of a statement indicating the likely responses of the Crown and Te Kotahitanga in the event that TIMA declines to amend its Trust Deed.
2. That the number of regional forums remains at five.
3. A minor correction in the final report identifying Te Rōpu o Tūhoronuku as the body engaged in Crown facilitated discussions with Te Kotahitanga in the period 2010 to 2013.
4. The reinstatement of the name "Te Waimate" for the region "Kaikohe-Te Waimate-Taiāmarī".
5. The implementation of the proposed Te Hononga Iri structure; but at the same time, we seek advice/assurance that trustees are not at risk because of lack of control over processes for making decisions that they will be bound to unquestioningly implement.
6. Confirmation in the final report of the appointment to Te Hononga Iri of one representative per each of the five regions.
7. An amendment to the final report, replacing: "employs staff as directed by regions" with: "employs staff to enable the implementation of decisions by the regions".
8. An amendment to the final report to read "Meets every six weeks or as required" (in respect of meeting frequency of Te Hononga Iri).
9. Confirmation in the final report that hapū may participate in more than one region.
10. A clear statement in the final report confirming that, whilst discussions may have commenced in some quarters, there is not at this time any expectation that Te Rūnanga ā Iwi o Ngāpuhi will transition to a PSGE.
11. The appointment of two members each by Te Kotahitanga, TIMA and OTS to a six-person transition body holding delegated authority as necessary from its member groups to implement and oversee the transition.

Ka nui tēnei mō tēnei wā tonu nei.

Mauri ora

Te Whiu Hapū Incorporated

Table detailing submission points:

| The draft report proposes that: | Our analysis is: | We seek: |
|---|--|--|
| The existing mandate be evolved and that the current mandated structure be amended to strengthen hapū rangahatanga in the settlement process. | We agree with this but, at the same time, we know that to give effect to the contemplated changes, a special majority vote (75%) is required to be passed by the TIMA board to amend its Trust Deed. In the event that such does not occur, we would not want all of this good work wasted. And we think it reasonable for the other two parties (namely, Te Kotahitanga and the Crown) to indicate their likely response to a TIMA rejection. | An inclusion in the final report of a statement indicating the likely responses of the Crown and Te Kotahitanga to TIMA declining to amend its Trust Deed. |
| There will be six regional forums. | There is no rationale for increasing the number of forums from five to six. And there is no rationale behind this proposed sixth region being Mangakahia. On the other hand, the creation of five regions were rationalised and, moreover, there is now a history of hapū working together within their respective regions. Given the above, coupled with the proposal for hapū to work across regions, this idea of creating an additional region can't be sustained. | That the number of regional forums remains at five. |

| The draft report proposes that: | Our analysis is: | We seek: |
|--|--|--|
| [On page 11] Between 2010 and 2013, the Crown facilitated discussions between the Tūhonoronuku Independent Mandated Authority (Tūhonoronuku IMA) and Te Kotahitanga o Ngā Hapū o Ngāpuhi (Kotahitanga) to address concerns raised about the mandate structure. | This is not correct. The Tūhonoronuku Independent Mandated Authority (Tūhonoronuku IMA) did not exist prior to February 2014. The entity referred to at that time was Te Rōpu o Tūhonoronuku, the runanga's sub-committee. | A minor correction in the final report identifying Te Rōpu o Tūhonoronuku as the body engaged in Crown facilitated discussions with Te Kotahitanga in the period 2010 to 2013. |
| [On page 18] The currently named region of "Kaikohe-Te Waimate-Taiāmarā" be renamed "Kaikohe-Taiāmarā". | There is no explanation offered by the draft report as to why "Te Waimate" has been dropped. Te Waimate must be reinstated in the name of this region. Amongst other things, doing so would assist the intra-regional cooperation contemplated by the draft report. | The reinstatement of the name "Te Waimate" for the region "Kaikohe-Te Waimate-Taiāmarā". |
| A legal entity, proposed to be named Te Hononga Ihi, will hold the mandate and address accountability responsibilities as well as providing administrative and logistical support to the hapū through the regions. | This construct is supported. However, we believe that there needs to be thought given to the legal responsibilities of the entity's trustees or directors. In order to meet such responsibilities, it seems to us that the trustees will require more decision making control or influence over the decisions they are required to implement. Rubber stamping whilst holding fiduciary duty can be a risky business. | The implementation of the proposed Te Hononga Ihi structure; but at the same time, we seek advice/assurance that trustees are not at risk because of lack of control over processes for making decisions that they will be bound to unquestioningly implement. |

| The draft report proposes that: | Our analysis is: | We seek: |
|--|---|---|
| In respect of Te Hononga Iū, there be one representative from each of the regions appointed as representatives" (see page 19). | <p>This recommendation is entirely sound.</p> <p>Research suggests, and experience confirms, that the optimal number of trustees on such a body as is contemplated is between 5 and 9. And the appointment of one representative per region will achieve that.</p> <p>Doubling that number, by appointing two per region, will not result in improved governance and only serves to increase for no gain the operational costs of Te Hononga Iū.</p> | Confirmation in the final report of the appointment to Te Hononga Iū of one representative per each of the five regions. |
| Te Hononga Iū "employs staff as directed by regions" (see page 21). | <p>If Te Hononga Iū is the employer, within the meaning of the Employment Relations Act 2000, it cannot be the case that Te Hononga "employs staff as directed by the regions" (emphasis added).</p> <p>This is because the employment relationship is between Te Hononga Iū and the employee(s) and in meeting its responsibilities, particularly around employing staff, in that statutory relationship Te Hononga Iū must not be subjugated by the direction of a third party, it seems to us.</p> | <p>An amendment to the final report, replacing:</p> <p>"employs staff as directed by regions"</p> <p>with:</p> <p>"employs staff to enable the implementation of decisions by the regions".</p> |
| Te Hononga Iū will meet every six weeks (see page 21). | The operational requirements of Te Hononga Iū may dictate from time to time meetings outside of a six weekly cycle. The final report should not read as being so prescriptive. | An amendment to the final report to read "Meets every six weeks or as required". |

| The draft report proposes that: | Our analysis is: | We seek: |
|--|---|---|
| [On page 22] "Hapū may participate in more than one region". | <p>This provision is essential.</p> <p>As best as we can tell, these regions and their boundaries are contemporary constructs.</p> <p>And the reality is, many Ngāpuhi hapū exercise rangatiratanga across these boundaries.</p> <p>A few examples that readily come to mind are:</p> <ul style="list-style-type: none"> ▪ Ngāli Hau, in Whangarei, Hokianga and Te Pewhairangi ▪ Te Pōpōlo, in Kaikohe-Te Waimate-Taiārai and Hokianga ▪ Te Whiu, in Kaikohe-Te Waimate-Taiārai and Te Pewhairangi. | Confirmation in the final report that hapū may participate in more than one region. |

| The draft report proposes that: | Our analysis is: | We seek: |
|--|--|--|
| <p>[On page 25] We should begin discussion on the make-up and structure of the Post Settlement Governance Entity (PSGE) or Entities as early as possible, noting that "that's a conversation for Ngāpuhi to have over the next few years".</p> | <p>We are aware of much work being undertaken by Te Rūnanga ā Iwi o Ngāpuhi, presumably at much cost, seemingly to position itself as the (transitioned) PSGE of choice.</p> <p>We do not deny the rūnanga the right to make such plans but, at the same time, it seems to us that such scheming would be preemptive and predeterminative.</p> <p>Fairly or otherwise, there is a perception that the rūnanga is jumping the gun on this conversation for positioning purposes.</p> <p>If there is one lesson to be learned from the settlement journey thus far, it is this: shoe-horning Ngāpuhi into predetermined structures delivers disharmony and dysfunction.</p> <p>The final report has an opportunity to be clear that no predetermined agendas will prevail over genuine consultation and conversation within Ngāpuhi.</p> | <p>A clear statement in the final report confirming that, whilst discussions may have commenced in some quarters, there is not at this time any expectation that Te Rūnanga ā Iwi o Ngāpuhi will transition to a PSGE.</p> |
| <p>[On page 38] The establishment of a transition working group to lead transition work.</p> | <p>It is important that the transition not be left to any single one of the tripartite parties.</p> | <p>The appointment of two members each by Te Kōhiritanga, TIMA and OTS to a six-person transition body holding delegated authority, as necessary, from its member groups to implement and oversee the transition.</p> |

Sent: Tuesday, 26 April 2016 4:35 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: 04 2604 WEBSTER D C - Feedback and questions on Maranga Mai

Ngāwhā Marae Ngāti Rangi Hapū Hui

Tena koura

On 10 April 2016 the Ngāwhā Marae Trustees Komiti held a Ngāti Rangi Hapū Hui at Ngāwhā Marae and where copies of the above report were table for distribution.

Advisor Role

As Advisor to the Ngawha Marae Trustees I was asked to present a summary of Maranga Mai to the audience and ask for questions.

To explain I have experience in developing treaty settlements and resource management policies and have advised, advocated and assisted before many forums to assist various communities in understanding the process. After reading the document more fully two-three days later I became aware of the subtleties of the proposed policies that I had overlooked.

This summary is prepared to capture those and to include comments from others who attended the meeting.

It is against that background that I prepare this summary. I have used a table format to link the commentary and questions against a specific page number.

The commentary and questions are provided to stimulate debate and to if possible gain answers for further distribution.

There is no intention to criticise the process. Rather to praise the work completed and recommendations that have been achieved and promoted.

Kia ora

(7)

MEMO

To: Ngāwhā Marae Trustees Komiti

From:

Date: 17 April 2016

Subject: Comments and questions relating to Maranga Mai (Ngāpuhi Engagement Group's Draft Report) dated 1 April 2016.

Introduction

On 1 April the Ngāpuhi Engagement Group's Draft Report 'Maranga Mai' was publicly released.

Firstly, it is essential to acknowledge the work achieved by the Engagement Group [EG] Members and those individuals who attended the meetings in various capacities over the past 4-5 months.

Ngāwhā Marae Ngāti Rangi Hapū Hui

On 10 April 2016 the Ngāwhā Marae Trustees Komiti held a Ngāti Rangi Hapū Hui at Ngāwhā Marae and where copies of the above report were table for distribution.

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As Advisor to the Trustees I was asked to present a summary of Maranga Mai to the audience and ask for questions. To explain I have experience in developing treaty settlements and resource management policies and have advised, advocated and assisted before many forums to assist various communities in understanding the process. After reading the document more fully two-three days later I became aware of the subtleties of the proposed policies that I had overlooked. This summary is prepared to capture those and to include comments from others who attended the meeting.

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There is no intention to criticise the process. Rather to praise the work completed and recommendations that have been achieved and promoted.

Kia ora

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[]

Section comments and or questions.

On 10 April I described the document as one of 'objective analysis'. Which I said to encourage readers to look ahead knowing that pathways recommended by the EG have both credibility and substance.

| Page | <i>Our journey to date</i> |
|------|--|
| 10 | March 2013. Discusses the % of those who voted. Were these 18-years and over? What is the % of adults who are eligible to vote? Were any questions asked or discussed on this matter? |
| | Should it be a hapū based process what is the likelihood that the % will indeed improve? |
| | What is the state of the hapū registrations? For instance, Ngāti Rangī is reported to have 7,500 members. What is not clear are the percentages of adults registered and those who participate? Will this perennial issue be resolved? |
| 11 | Feb 2014: Given that will Tūhoronuku evolve as suggested? |

| Page | <i>Ngāpuhi Mandate Inquiry Report</i> |
|------|--|
| 12 | These findings are very encouraging as both strengths and weaknesses were identified with options to move forward. |

| Page | <i>Engagement Process & Timing</i> |
|------|---|
| 14 | Will those hapū which chose not to engage be actively encouraged and involved with these recommendations? Should they not what will happen? Are those hapū seeking a hapū-settlement? And if so how will it affect (if any all) the global settlement approach? |
| 15 | People were surprised to learn they may now have to wait another six years before getting to the table. |
| | My response was that the Crown has acknowledged Ngāpuhi has legitimate historical grievances. |

| Page | <i>The opportunity</i> |
|------|--|
| 16 | While the strengths have been identified and acknowledged it is important to consider the weakness and the threats. The threat being that urban Māori may seek to form and settle could be explained as being a decision that could delay the decision making in the timeframe that has been identified? |

| Page | <i>How we get there?</i> |
|------|--|
| 17 | There are questions about the meaning of 'evolve'? Is it intended to remove the hard edges of the box that is used to describe Tūhoronuku to that of a circular oval? And has a timeframe been identified for this to occur? |
| | Will the existing deed of mandate be amended once evolution has occurred? |

Page 3: Commentary and questions continues.

| Page | How we do it? |
|------|--|
| 18 | Is it intended to begin the mandated secretariat in 2016? |
| | It is noted that there are now 6 regions. Are we able to understand the population of each? And also the % of members who live outside of Northland so that we can prepare business cases for funding to support the development of a data base? |
| | What will happen to the database of people Tūhoronuku currently holds? Will it be transferred without cost to the regional hapū ana their secretariat? |
| | Will funding be of a certain quantum? How will each region be assigned funding? |
| | Will the hapū and regional month meetings be held over 18-months? |

| Page | How we will represent ourselves? |
|------|--|
| 19 | The importance of hapū authority is welcomed. |
| | It must be made clear that Te Hononga Iti is only a 'holding' entity. But it is not clear for what period? More importantly it must be made clear that decisions on the final PSGE are yet to be made. |
| | Will Tūhoronuku be prevented from interfering? |

| Page | Who appoints negotiators? Roles and responsibilities? |
|------|---|
| 20 | Will there be an obligation to retain the current negotiators? |
| 21 | For what periods? Will there be annual evaluation from all regions? |

| Page | Key changes |
|------|---|
| 22 | Though these are spelling out the questions (20-21) remain. |
| 23 | Database questions on funding, current database etc |

| Page | Post settlement: how we manage our redress? |
|------|--|
| 25 | Crucial to spell out 6-year time frame as a motivator. |

| Page | Withdrawal mechanism |
|------|---|
| 26 | Crucial that work program commitments be sustained. Crucial that any hapū contemplating withdrawal be alive to these very real possibilities and make an informed decision. |
| | For smaller groups who decide to go it alone, should that opportunity be given, there is a very real possibility that they will not secure the specific redress they desire and that the settlement of their claims will be long delayed. |

(17)

Page 4: Commentary and questions continues.

| Page | New name for mandated entity? |
|------|--|
| 27 | This is welcomed. The fear is that progress may be delayed until a new name is selected. |

| Page | How will we negotiate? |
|------|---|
| 28 | A critical path showing start and finish milestones accomplished could be distributed each 6-months to achieve momentum. Suggest time and end start. |
| 29 | Crown land. Other non-Crown land. What amount is land-banked? What % has a Memorial? |
| | This section was discussed as being a matter for redress negotiations. |
| 30 | Again the use of a critical path could provide directed focus. |
| 31 | What is the timing relating to the preparations of aspirations documents? Will it be global or hapū-determined? |
| | Tools available, finance, experts, accommodation, administration. |
| 33 | Will this analysis involve land already publicly committed - viz Northland College land and geothermal resources? |
| 34 | Critical path spells out proposed timings. How many Hui are envisaged? Will each hapū Hui vote on each phase? |
| 38 | Global communications are recommended. Use of datasets, technology such Dropbox provide for online team access to large documents. Lessens need to print & distribute manually. |
| | Will funding be available for each hapū? |

| Page | FAQ |
|------|--|
| 36 | Q2: Is this 75% realistic? Why is it this %? Is it 75% of registered adults or those who voted? |
| | Q6: How will this be managed? They will only have one vote on the final outcome surely? |
| | Q8: WAI Claim - this question is not answered. |
| 37 | Q9: Funding the normal way? Will there be a global fund from CFRT for process matters which of course are duplicated? |
| | Q10: Dispute resolution? When will this be designed? |
| | Q14: Evolve question. It is not really clear how this will work. |
| | Q15: No person who has been convicted for dishonesty, civil and all criminal offences should be excluded. For them to remain results in unnecessary criticism and suspicion. |

Page 5: Comments and questions continued:

| | |
|-------------|--|
| <i>Page</i> | <i>Waitangi Tribunal summary</i> |
| 40 | Succinct, clear and welcome |
| 41 | Is it feasible the Waitangi Tribunal will take 2-years to complete its findings? |
| 41 | Hapū face Hobsons Choice. |

| | |
|-------------|--|
| <i>Page</i> | <i>Tūhoronuku IMA Structure</i> |
| 42 | The number of regions have increased from 5 to six. Why were only five chosen? |

| | |
|-------------|-----------------------------|
| <i>Page</i> | <i>Alternative Pathways</i> |
| 43 | Hobsons Choices. |

| | |
|-------------|--|
| <i>Page</i> | <i>Withdrawal Mechanism</i> |
| 45 | Hapū withdrawal. Crown must supply statement of potential consequences. What is the timing on this? 60-days? |
| | Under either scenario if Crown determines that all affected people were not given opportunity to participate could it refuse to accept to continue negotiations if the level of support is sufficient? |

| | |
|-------------|--|
| <i>Page</i> | <i>Ngāpuhi Hapū</i> |
| 46 | The list numbers 112 yet often reference is made to 140-plus. Does this list include the hapū which have chosen not to engage? |

| | |
|-------------|--|
| <i>Page</i> | <i>Waitangi Tribunal reporting times</i> |
| 47 | It may be useful to list the Waikato, Ngai Tahu and Tuhoe claims and their financial redress packages. |
| | And the times those settlements took. The populations. |
| | Ngāpuhi is on par. |

| | |
|-------------|--|
| <i>Page</i> | <i>Engagement Group Membership</i> |
| 48 | Will this Group remain in place and if so for what purpose and period? |

Fini.

18

From:

Sent: Friday, 29 April 2016 5:44 a.m.

To: ngapuhifeedback@justice.govt.nz

Subject: Maranga Mai

Kia Ora Koutou

This is one of the best things I have seen for Ngapuhi for a long time.

At last someone has pinpointed all our issues, and come up with a way forward.

This is my bit of feedback, having been to a Turewhenua Hui in Kaikohe, observed proceedings of Treaty Claims at Utakura and now read "Maranga Mai"-Draft

1. Whanau who work and live overseas, are often there because there is no work for them here. They will probably make up quite a big percentage of Ngapuhi, therefore each hapu needs to compile their own database of these whanau members-age, current residence, occupation, children and other whanau also living there. I have 5 immediate family in Australia, and that's not counting the mokos!
2. I agree that the Runanga representative on Tuhoronuku IMA Board, should go-conflict of interest!
3. Transparency is paramount in all we do. The Tuhoronuku Mandate allowed for us all to be kept in the dark. Unknown kaikorero, and some hidden agendas seem to be big problems.
4. Leave it up to each hapu to decide on their Kaikorero, Kaumatua, Kuia. This number and the people will fluctuate, depending on availability and the take being discussed at the time.
5. Great communication is going to move us forward quickly and efficiently. Need to be careful that particular people aren't getting overloaded and burnt out. Our young people are the guns on Social Media and Technology. Lets harness and encourage that.
6. It is paramount that Hapu who withdraw from the proposed mandate, accept that it is a big responsibility. I think that maybe they need to have their negotiations dealt with, alongside everyone else-not afterwards.
7. Financial Accountability-All hapu, Te Hononga Nui and Te Hononga Iti. it is important that all finances need to be transparent at all times.
8. Negotiators. A huge responsibility and we need a team of people who have expertise in the following areas:
 - a) Whenua-knowledge of Ngapuhi history, Maori land Court, High Court judgements, regions, whanau who hold land in each area.
 - b) Ngapuhi Taonga and Historical Sites
 - c) Environmental-Forests, Rivers, Harbours, Geothermal, Agriculture
 - d) Ngapuhi Tikanga-language, arts, traditions
 - e) Legal- Te Tiriti, Conveyancy, Local Government, Maori Land Court, Public Trust, IRD, etc
 - f) Business Management
 - g) Social/Welfare-Education, Government "systems", History
- 8) Communications
- 9) Multiple PSGEs a very good idea.

Kia Ora

29 April 2016

Re: Feedback on Negotiation Group Report

Tena koutou katoa,

This is a combined response from [redacted] and [redacted] has his whakapapa links with Te Rarawa, Te Mahurehure, Ngapuhi and Ngai Tupoto. [redacted] is of Ngapuhi descent, hailing from Ngati Rehia, Ngati Hau, Ngati Kaharau and Ngati Kuri.

We respond and provide feedback as descendants of Ngapuhi to the most recent report from the engagement group tasked with moving forward with the Ngapuhi Treaty Settlement process. We firstly acknowledge the unified approach taken by Te Kotangitanga o Nga Hapu o Ngapuhi and Tuhoronuku Independent Mandated Authority in finding a pathway forward towards settlement with the Crown.

We provide the following feedback in response to the engagement groups recommended pathway and strategy forward for Ngapuhi. We discuss three issues in this response.

1. Urban representation and participation within the settlement and negotiation structure.

We recognise the difficulties, particularly logistically, of hapu to form and gather a collective view where many whanau are living outside their rohe. We understand that the majority of Ngapuhi uri live in urban areas and therefore acknowledge the value of the urban voice during the negotiation processes. Due to the large number of uri living outside their rohe, we believe steps must be taken to ensure they are heard or at least have an opportunity to have their say. We believe the responsibility to ensure this happens rest largely with each hapu.

There are various ways in which we can ensure all uri of each hapu are adequately informed of settlement process.

We suggest the following options to successfully allow and provide for urban engagement.

- a) Preliminary hapu hui should be held before holding hui-a-hapu meetings to decide their representative. These meetings should be held in urban areas where the majority of each hapus descendants reside. The purpose of these hui will be informative based, to inform the uri of each hapu of the negotiation and settlement processes.

- We believe the key element here is giving as much notice of the hui to all urban whanau as possible to allow them time to be present at these hui. This can be done through standard advertisement methods, including facebook, radio, iwi newsletters, word of mouth and online.
- b) The second suggestion would be to hold several preliminary collective Ngapuhi hui, rather than separate hapu hui, across the larger urban areas. Here the engagement group can deliver a cohesive message about the history of the negotiation process, what has been discussed and the vision and pathway for Ngapuhi.
- c) Following these hui, it will be for each individual and whanau living outside their rohe to engage in the process if they desire and attend the hui-a-hapu meetings. The most important thing is to spread the korero and information about this process and pathway as far and wide as possible, to provide an opportunity for all descendants to participate and contribute.

2. Whether TRAION should have separate representation on the mandated entity;

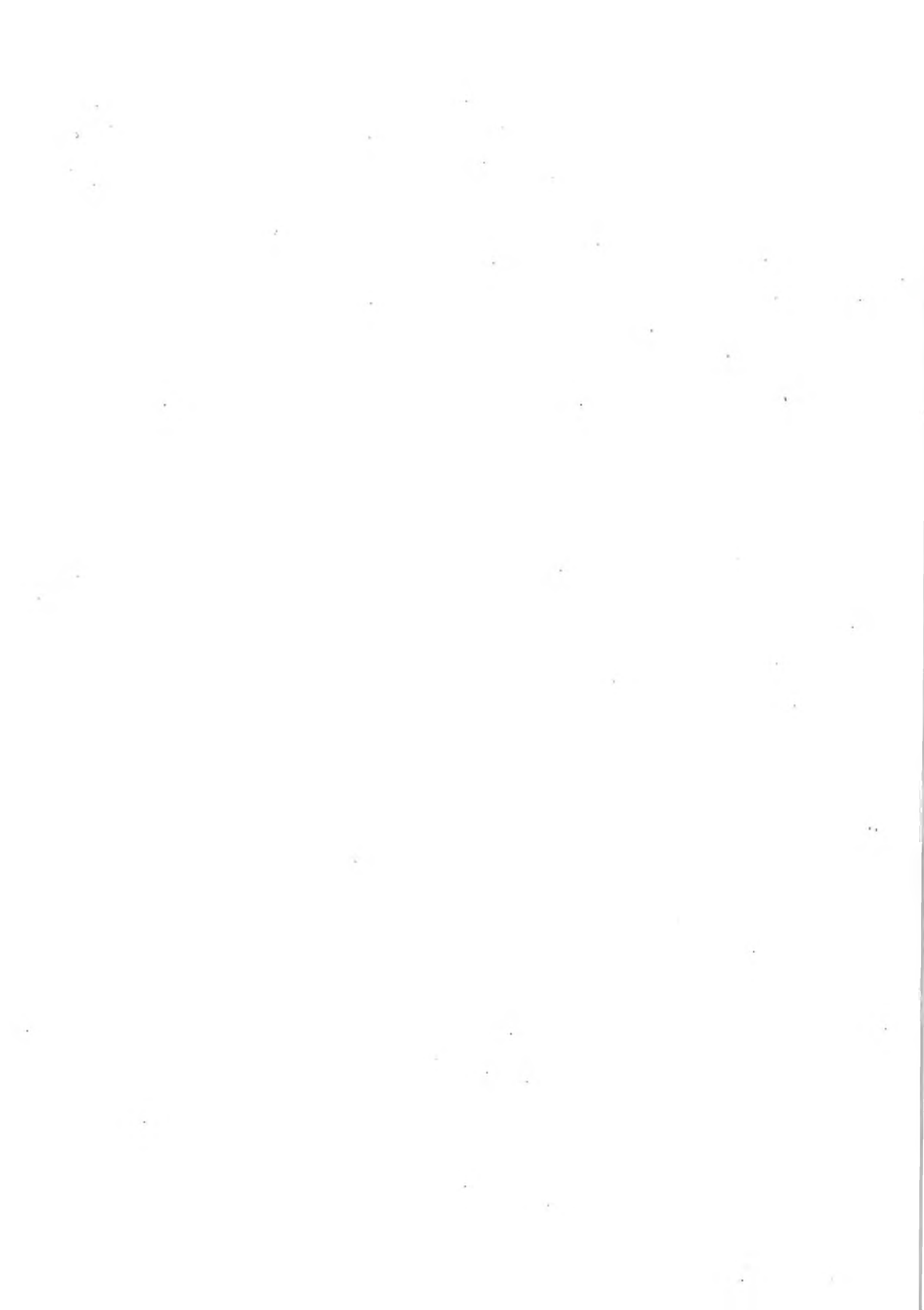
We believe TRAION should not have separate representation and therefore voting rights on the mandated entity for the following reasons:

- This will effectively give the TRAION representative(s) two voting rights.
 - The purpose of the mandated entity is to enhance hapu rangatiranga with the negotiation and settlement process driven and directed purely by hapu only.
3. Kaumatua and Kuia participation and representation within the settlement and negotiation structure.

We address the issue of how kuia and kaumatua might be represented in a negotiation and settlement process. We would like to emphasise the importance of the knowledge held by our kuia and kaumatua and the need to provide an opportunity and forum for them to be heard and be a part of the process. We raise similar points and views as those raised in the urban Ngapuhi engagement and participation discussion.

In order to ensure our Kuia and Kaumatua are heard and adequately represented, we propose the following suggestions;

- a) Kuia and Kaumatua have separate representation on the mandated entity or;
- b) Having a panel of kuia and kaumatua within the mandated entity structure. The purpose of this panel will be advisory only, where they will provide valuable guidance and knowledge for the hapu representative. This panel may have the potential to link into the suggestions of creating a robust disputes resolution mechanisms, where the hapu representatives will call on the panel to hear and discuss the disputes within the entity when necessary.



- c) Lastly, it may be that it is more appropriate for our kuia and kaumatua to have their say through their hapu. Each hapu will be responsible for ensuring the views of their kuia and kaumatua are well represented through each hapu representative. It is possible to go far as the negotiation group forming a plan around ensuring their kuia and kaumatua are well represented throughout the process.

Fundamentally, to ensure all respective uri are informed and represented, it is important that all hapu are well resourced. This is a critical component of ensuring each hapu capture the views of their uri and to enable hapu to actively and effectively engage in the process. We are of the view that developing a comprehensive and robust process and structure cannot occur without adequate and substantial financial assistance for hapu.

Nga manaakitanga,

My feedback and comments from

Tuatahi maku E mihi ana ki te Kaihanga

Tuarua E mihi ana ki a koutou katoa oku whanaunga I ngaa ringaringa mahi, Ngaa maramara o Rahiri, me raatou kei waenganui I a koutou e mate kai ana ki te Whakaoti te Kaupapa nei mo NgaaPuhi. Heoianoo, E mihi aroha ana.

Tuatoru Te kaupapa nei, Feedback, Comments.

Hapuu Rangatiratanga. This is the one word that I see emphasised thru the pages ive read. Hapuu and the support of the writings that support hapuu thoughts and desires.

My hapuu I belong to are Ngati Kuta and Patu Keha (NK.PK).

I am writing this letter in support of our hapuu feedback submissions to the Engagement group to consider.

NK.PK will draft and then send thru a submission of no confidence in this Maranga Mai NgaaPuhi Engagement Group draft report 1st April 2016.

This has been our stance from the beginning Hapuu Rangatiratanga and to continue on to the next stages.

“Tahae toku Whenua”

“Hoki whenua mai”

1. Determine our own large natural collective group to Negotiate our claims. Like stage 2 hearings of te Paparahi O Te Raki collectives eg Whangarei, Takutai Moana, Whangaroa etc.
2. Exercising Hapuu rangatiratanga a collective Deed of mandate through a hapū lead process like stage 2 hearings Te Paparahi O Te Raki, under Hapuu & Hapuu Collectives.
3. Each hapuu have a negotiator or negotiators on behalf of their hapuu. Ko te Hapuu e mahia ana.
4. Individual Hapuu redress maybe thru a potential collective redress?
5. Alternative Pathway – Attachment three. Look at 3 & 4 as an alternative Pathway for hapū of NgaaPuhi, coming from a Hapuu collective Leed process maybe?
6. Hapuu – Attachment Five. A few hapuu names but let Hapuu or collectives to sort this out.
7. Te Runanga o NgaaPuhi
 - a. No Seat for Runagna, go back to your hapū tp get elected as a negotiator or ringa mahi.
 - b. Have a role to play if hapū or Collectives are not set up to control health, welfare etc. Then Runanga who are set up could do with the extra funding to do these with positive results and outcomes.
 - c. Using the Runangas database and Contacts list
 - d. Tino Rangatiratanga should be taught to Ngaapuhi thru structures and under Te Runanga O Ngaapuhi, maybe?

8. Urban Maori

He biggie kaupapa teenei, engari, e tautoko ana ahau, Ka tukua he putea ki mgaa kamupene hou, kamupene tawhito ranei, e manaaki ana, e tiaki ana hoki I ngaa tangata e Noho ana ki ngaa taone, Ko Waipareira, Ko M.U.M.A hoki.

9. Tuhoronuku

- a. E tautoko ana ahau te ingoa tawhito nei
- b. Ehara te ingoa te hee
- c. Ko te kaupapa me ngaa Kaiarahi I raro te ingoa nei te hee, na te mea horekaa raatou I ata hakarongo atu ki ngaa hapuu.

10. Dispute Resolution – Post Settlement Manage Redress

- a. Me korero ahakoa te roa, te poto hoki I ngaa korero, me korero ki te Whakakotahi, koia te kaupapa.
- b. Ko wai e whakapaipai ana me whiriwhiri korero te hapuu, te collective raini.

11. Ngaa Hua Taketake

One Step at a time set main structure up first from the feedback process, then the group or New group can sort out the next stage? "But move fast but careful – me ata haere tere maatou"

Taku Whakarapopotongia

Hapuu Rangatiratanga

Hapuu decide participation and representations from the beginning to the end of this process.

Not the elected few in groups Hononga Nui, Hononga iti or Regional etc. but as a hapuu practising Rangatiratanga. We like the Te Paparahi O Te Raki, stage 2 format.

This is also the structure with Government for Negotiations.

Hapuu have to have structures set up to receive some money from settlements.

It was good to see some of the membership of the engagement group at the one or both meetings held in Auckland, and the presentation from some of yous.

Te Manukinuku O Hoturoa

Maureen Hickey

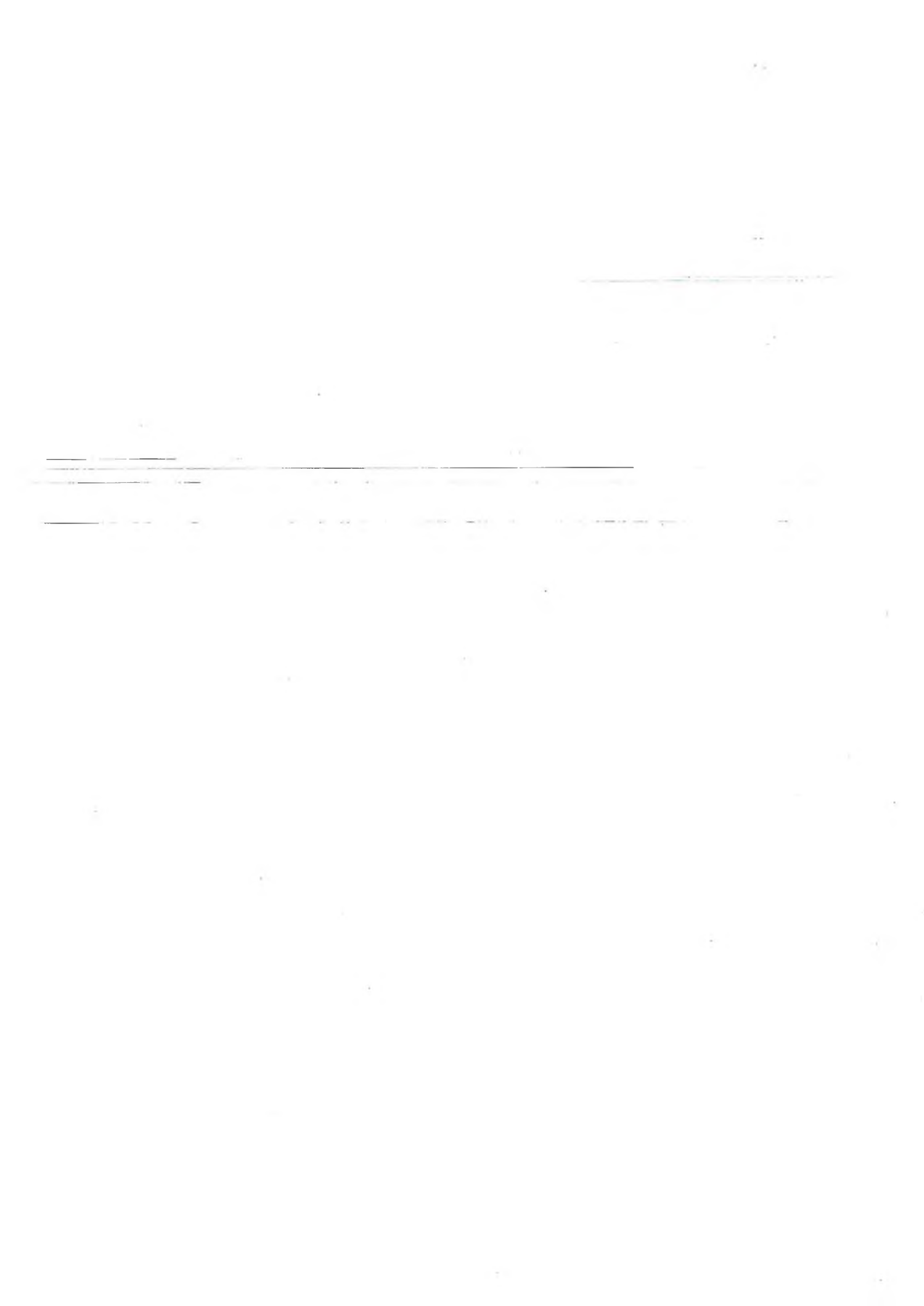
Te Mahurehure

Nigel Fyfe

Maureen Hickey

Might have forgotten some names but these are the ones that I know or introduced themselves.

Details



Subject: Feedback from 30 April hui in kaikohe

[] (Ngati Korokoro/Wharara):

Voice of rangatahi v important; need to make more explicit in the report that young people can be part of hapu teams or part of hononga nui. They have as much right to be there as kuia/kaumatua.

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30 April 2016

Ngapuhi Engagement Group

By email: ngapuhifeedback@justice.govt.nz

Tena koutou

Maranga Mai Draft Report

1. I herewith present my submission regarding the Maranga Mai draft report presented by the Ngapuhi Engagement Group on 31 March 2016.

Introduction

2. Although I am not part of Ngaphui, I have had the privilege over recent months to be closely involved in the proceedings of Tuhoronuku. My role as was established earlier this year to provide oversight and advice on the financial decisions of TIMA and contribute to the effective implementation of the cost review conducted late last year.
3. My role description specifically refers to TIMA, which – if the recommendations of the draft report are adopted – will cease to exist in its current form. I nevertheless believe that it may be useful for me to comment on the proposed new structure. However, considering my role, I will confine my comments to the financial management aspects of the recommended new arrangements.
4. Before I make some specific remarks, I would like to acknowledge the great effort made by the Engagement Group in conducting wide ranging and intensive consultations and in drafting a report that provides an important discussion document for identifying a unified way forward in the Settlement Process.

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current arrangements. This is important information for the people who are expected to devote considerable time to the successful advancement of the Settlement process.

Financial accountability

11. Both the Crown and CFRT have committed considerable amounts of funding to the settlement process. It is essential that clear lines of responsibility and accountability exist for the management and allocation of these funds. Under the current structure the accountability and liability lies with the Trustees of the TIMA Board.
12. The accountability arrangements under the proposed new model are less clear. In line with the intention to devolve decision-making power from the TIMA Board to the regions, the central body Te Honanga iti, which is a legal entity and holds the 'Mandate', is meant to be merely an administrative entity responsible for executing directives from the regions. However, the proposal suggests that this body would be the recipient of the funding from OTS and CFRT, responsible for its distribution according to funding plans, and the monitoring of the regions. Te Honanga iti would consist of representatives from the regions, whose membership would be reviewed annually, but who could be replaced at any time. The draft report does not specify whether the representatives to Te Honanga iti will have a fiduciary duty to this entity, i.e. whether they have to act in the best interest of Te Honanga iti rather than the regions they represent.
13. Although financial decision-making is meant to be the responsibility of the regions, establishing an effective accountability structure within a complex collective framework is not practical. On the other hand, Te Honanga iti cannot be held accountable unless it is able to exercise control. In order to clearly define financial accountability within the proposed new structure, the status of the Te Honanga iti representatives and the specific authority this legal entity holds with respect to claimant funding need to be clarified. Uncertainty in this regard will likely be of concern to the funders and should be remedied prior to the finalisation of the report.
14. It is my view that a workable arrangement will require a strengthening of the position of Te Honanga iti in the area of financial management. The entity should not only be the recipient of claimant funding, but also be responsible for the drawing up a budget in consultation with the regions. To ensure inter-regional consistency, funding allocations should follow common principles that apply to all regions. After joint adoption of the budget by the regions, Te Honanga iti will be responsible for distributing the funds in accordance with the budget and for ensuring that the funds are spent as intended. Once the budget has been approved, the regions cannot interfere with financial management unless they jointly agree to alter the budget. This process would be similar to the New Zealand system of government where Parliament has ultimate control over the budget. However, once a budget has been approved, the corresponding distribution of funds is responsibility of the Executive.

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15. This accountability structure – with decision-making and accountability for the funds sitting with different entities – will only function properly if certain additional safeguards are put in place.

- Firstly, the representatives to Te Hononga iti need to have the status of Trustees with fiduciary duty to that entity and with full financial accountability and personal liability. The Trustees should be elected for a fixed term. Their responsibility is not defined in terms of a goal to achieve a certain outcome, but in terms of managing the finances in accordance with the budget approved by the regions.
- Secondly, the regions can only adopt a budget where the expenditures comply with the respective OTS and CFRT claimant funding guidelines. In order to protect Trustees, who are accountable for financial management, from budget decisions imposed by the regions that do not comply, Te Hononga iti should have a tightly defined veto right. Such a veto right should also cover the case of the adoption of a budget where expenditure exceeds available funding.

16. The elevated role of Te Hononga iti in regards to financial management (but not ultimate control over the budget) would not undermine the prime influence of hapu and the regions if that is the desired core element of the new structure. In all other matters (e.g. negotiation strategy) hapu and the regions can retain their full day-to-day control and not devolve power to Te Hononga iti if that is the preferred approach. My suggested modifications to the Maranga mai report attempt to combine the aspect of devolution of control with the requirement of effective financial accountability.

Conclusion

17. I hope that my comments are viewed in the spirit they were written in – as constructive and with the intention to make a contribution to a successful outcome of the HEP. I am very happy to engage in further discussion on those matters if that would be helpful.

Naku iti noa, na

From: ngapuhifeedback@justice.govt.nz
Sent: Thursday, 5 May 2016 4:56 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: RE: MARANGA MAI SUBMISSION PROCESS

Kia ora

The answers to your questions are set out below. I hope this encourages you to make a submission - the Engagement Group would appreciate your feedback.

Ngā mihi

Maureen

- 1. **Why are hapu submissions going directly to the Crown at justice.govt.nz?**
- 2. **Why weren't Ngapuhi commissioned with the necessary technological and human resourcing?**

The Crown has provided funding for the engagement process and also offered to assist by administering the email address for feedback. All submissions are being made available to the engagement group and will be publicly released at the end of this process.

- 3. **Do Kotahitanga and Tuhoronuku have direct, unabridged access to ngapuhifeedback@justice.govt.nz?**
- 4. **Who, of the hapu, has direct, unabridged access? Who of Tuhoronuku, has the same?**
- 5. **Or will Kotahitanga and Tuhoronuku be provided with a Crown summation of submissions?**

All members of the engagement group (which consists of representatives from Kotahitanga, Tuhoronuku and the Crown) will receive all the feedback submitted to ngapuhifeedback@justice.govt.nz. The intention is also to publicly release both a summary of the feedback and all of feedback (subject to the usual privacy conventions) at the end of this process.

- 6. **What then, is the process for summation of submissions?**

Once all the submissions have been received the engagement group will meet to consider them. It will also develop a summary of them - the intention is to release this alongside the engagement group's final report.

- 7. **Who is eligible to make submissions and how is eligibility defined?**

Anyone is able to make submissions.

- 8. **Must all submissions go through the taiwhenua schedule of hui or can individuals make submissions?**
- 9. **Is the taiwhenua process the recognised process?**

No, the submissions do not have to go through taiwhenua. The feedback process has been designed to provide Ngāpuhi with the opportunity to make their views known in a range of ways. The Engagement Group (consisting of Tuhoronuku, Kotahitanga and the Crown) has independently hosted a series of hui in the rohe and around the country to provide people with an opportunity to hear about directly about Maranga Mai and ask questions. Some people have provided feedback at those hui. Funding is also available for any hapu which wishes to have a hui to discuss the Maranga

Mai report and collate hapu feedback on it. Members of the engagement group are available to attend those hui if that's useful.

Feedback can also be provided through the email address for feedback. Individuals are welcome to make a submission on the draft proposals set out in Maranga Mai.

10. What is the position of hapu who do not or have withdrawn from taiwhenua participation?

This aim of this process is to provide all hapū with an opportunity to participate (whether they participate in taiwhenua, in Kotahitanga or in Tuhoronuku). All hapu are welcome to provide feedback.

11. Will the current taiwhenua structure continue to drive the process?

12. What is the criteria and process for establishing additional taiwhenua?

The engagement process is being driven by the engagement group made up of Kotahitanga, Tuhoronuku and Crown representatives.

The draft Maranga Mai report recommends a revised representative structure for negotiations that includes hapū representatives gathering in regional forums to make decisions about negotiations. The engagement group recommends six regions in the report. It also noted "some hapū have proposed additional regions. Hapū representatives, once appointed will need to discuss the configuration and names of regions. We expect they will consider a number of factors including good reasons for adding new regions, natural alliances, budget implications and organisational efficiencies. Feedback from the hui and wānanga noted that hapu can still work together in smaller groups within regions (and negotiations) which may lessen the need to create new regions."

You are welcome to provide feedback on that recommendation.

13. If this is not a mandated process, how will consensus be arrived at in the summation of submissions based on all of the above?

Each submission will be carefully considered by the engagement group. They will be summarised in a report to go out alongside the final version of Maranga Mai.

From: :
Sent: Tuesday, 3 May 2016 9:54 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Re: MARANGA MAI SUBMISSION PROCESS

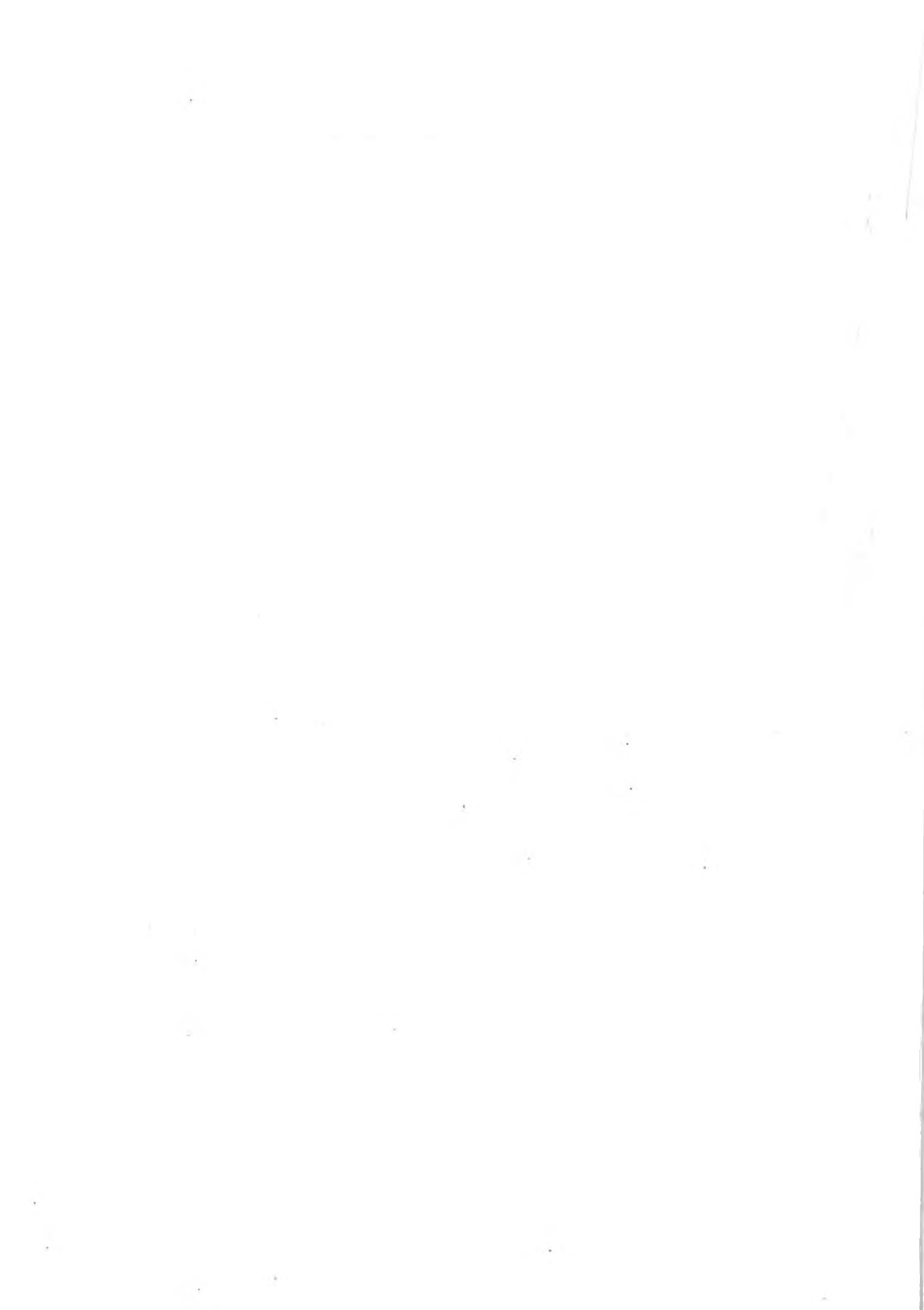
Please respond to my queries below. Nga mihi

----- Original Message -----

From:
To: [Ngapuhi Engagement Group](#)
Sent: Sunday, May 01, 2016 1:48 PM
Subject: MARANGA MAI SUBMISSION PROCESS

Receipt of notice for the extension to the closing date for Ngapuhi submissions to Maranga Mai is acknowledged. Please provide timely and easy-to-understand clarification of the following :

1. Why are hapu submissions going directly to the Crown at justice.govt.co.nz?
2. Why weren't Ngapuhi commissioned with the necessary technological and human resourcing?
3. Do Kotahitanga and Tuhoronuku have direct, unabridged access to ngapuhifeedback@justice.govt.nz?
4. Who, of the hapu, has direct, unabridged access? Who of Tuhoronuku, has the same?
5. Or will Kotahitanga and Tuhoronuku be provided with a Crown summation of submissions?
6. What then, is the process for summation of submissions?
7. Who is eligible to make submissions and how is eligibility defined?
8. Must all submissions go through the taiwhenua schedule of hui or can individuals make submissions?
9. Is the taiwhenua process the recognised process?
10. What is the position of hapu who do not or have withdrawn from taiwhenua participation?
11. Will the current taiwhenua structure continue to drive the process?
12. What is the criteria and process for establishing additional taiwhenua?
12. If this is not a mandated process, how will consensus be arrived at in the summation of submissions based on all of the above?



From:

Sent: Monday, 9 May 2016 6:48 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject: Draft Report Feedback.

Kia ora koutou katoa,

Ko I tōku ingoa. He uri whakaheke ahau ki a Eruera Maihi Patuone, te rangatira o te iwi o Ngapuhi, ko ia te tama mataamua o Tapua te rangatira o NgātiHao. Kaiwaowao o te whakataunga o Tāmaki Makaurau, he hoa pono ki a Kuini Wikitoria o Ingarangi me ōna māngai kawanatanga nō roto Aotearoa. Arikinui o te whakaminenga o NgāPuhi me ngā kotahitanga o ngā iwi o NgāPuhi. Kaitiaki o ngā Pākeha me ngā whakaurunga o te Tiriti o Waitangi.

I was present at the Hui at Hoane Waititi Marae in Glen Eden/Oratia and listened intently to the korero from both sides regarding the Draft Report presented to us...I immediately took it home and read thru it thoroughly. The following weekend I journeyed up north to the Hokianga and shared it with a number of respected individuals at marae and engaged in further korero about the report and our respective issues.

These issues I will attempt to articulate thusly:

- There is no reasonable excuse for Ngapuhi Hapu and Whanau settlements to be lumped together as one. NgaPuhi have a long and colourful relationship with each other and with the crown. All in different facets and all in different degrees. It is completely unfair and poorly presented, to have NgaPuhi effectively fighting amongst each other, after the fact, to get their just due. We emphatically demand that each issue be taken into it's own merit by the crown.
- There seems to be a very selective history being referenced for this report and the settlement itself. Allow me to hopefully add some perspective:

Our Tupuna, Rahiri, from whom we are all related, moved from current Northland to Te Aroha. Making this NgaPuhi Hapu. This is why Thames became the second 'town' in New Zealand and a bustling trade settlement – it was because of Patuone, Hongi Hika and Waka Nene's relationship with Ngati Rahiri Tumutumu and this relationship was solidified when Patuone married Takarangi, sister of the Ngati Paoa chief Te Kupenga. This was about 1828. Thereafter, Patuone moved his base to the Hauraki area of South Auckland, maintaining *estates* at Whakatiwai on the Hauraki Gulf south of present-day Auckland and at Putiki on Waiheke Island. These estates, lands and relationships were prior to the Treaty of Waitangi and existed post Treaty, also but these territories are all missing from your report.

Further, Waitemata, 5 generations prior to the arrival of the Pakeha married into NgaPuhi. This marriage of Tuiti, son of Ngati Tupoto chief Tupoto – who united the Hokianga Hapu in what was to be the first move toward the Confederation of NgaPuhi and the United Tribes of New Zealand perhaps the most important aspect of enabling the Treaty to ever occur – Tuiti married Marohawhea, daughter of the chief of Waitemata, making Waitemata a Ngapuhi Hapu. This marriage angered Ngati Whatua who had commissioned Tupoto and Ngapuhi to kill Waitemata in its entirety because Ngati Whatua wanted their lands. With Tuiti's marriage, Ngati Whatua sought revenge and 2 generations later – with the aid of Rotorua – slaughtered all of NgaPuhi south of Whangarei save Tuiti and Marohawhea's grandchildren, one of whom was Wharetoru, Great Grandmother of Hongi Hika, and Great, Great Grandmother of Patuone and Waka Nene all of whom exacted revenge for this action and under the desire of the Crown to want Auckland lands for a city, they pushed Ngati Whatua into the sea at Devonport and back to the point of extinction, save for Tainui's threat of interruption. This is how NgaPuhi and the United Tribes of New Zealand gained Tainui's agreeance and signatures for the Declaration of Independence in 1835 – NgaPuhi agreed not to destroy Ngati Whatua and Tainui signed. NgaPuhi in turn gave Ngati Whatua the Kohimarama section of Auckland to live in peace. The Crown then purchased from NgaPuhi a 30km radius area of what is central Auckland, the Kohimarama section of Auckland returned to Ngati Whatua and the balance of land – NgaPuhi.

As you can see just these actions make the land area in question quite significant and incredibly large in relation to the areas presented in the report. And The Crown benefitted from all of these dealings and all of these areas NgaPuhi obtained whether by the spear or by marriage. So they retain a huge impact on the impending settlements. The entire landscape of New Zealand and current economical position of NZ on a world stage, are because of these actions.

What's more is that Hongi Hika's war party that claimed these lands that still to this day, benefit The Crown, continued south, with the aid of Ngati Paoa and Ngati Rahiri Tumutumu, exacting revenge on Rotorua and then further south to the Hawkes Bay and Taupo, conquering Tuwharetoa and more. Now, by the time the Treaty of Waitangi was signed, NgaPuhi had stretched from Cape Reinga to the northern Hawkes Bay, and just south of Gisbourne. This is all poignant information as it all pertains to the context of the Treaty of Waitangi as I will explain:

The 3rd Article of The Treaty of Waitangi says

'In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.'

Although in the Second article our Taonga are protected and Hongi Hika in 1818 translated Taonga as 'That which is obtained or achieved via the tip of the spear'. During Hongi Hika's war, a constant flow of slaves were being sent to NgaPuhi from his conquests. In 1772, however, Lord Mansfield's judgement in the *Somerset's Case* emancipated a slave in England, which helped launch the movement to abolish slavery. By 1840 the Slavery Abolition Act (1833) was already signed and slavery frowned upon. A condition of us signing the Treaty of Waitangi under the Third Article was explained that all slaves had to be freed. Hongi Hika himself did not live to see the Treaty signed, but those that fought with him did. They understood the importance of respect and in that regard returned not only the slaves to those southern Iwi, but also their lands, too.

I am sure I am not telling your researchers anything they may not know already, but the point is to articulate the fact that we also know. We know what we are worth and we know what is important.

- My next issue is with the interpretation of the Treaty itself. There is this inaccurate attention being spent on the word 'Sovereignty' and not on it's context. At the time of the Treaty, dictionaries had not been authored – this occurred in the late 1800's. Instead, the Treaty was written by what was commonly or is commonly referred to as Shakesperian English – as its authors were taught it during their schooling. Shakespere himself created over 150 words and defined them himself. Guess what one of those words happened to be? Sovereignty.

To correctly gauge the Shakesperian definition of 'Sovereignty' we must look at another word invented in what is now called 'Victorian English' which was coined and defined when dictionaries were authored in the late 1800's at the end of Victoria's reign. That word is 'JURISDICTION'. Allow me to explain further: If you read the Treaty with 'Sovereignty' defined as it is currently, in modern English, Articles 1

'The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.'

and 2,

'Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually

possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.'

Contradict themselves in 3 places.

But if you replace Sovereignty and its definition with that of Jurisdiction, the document flows perfectly. Further, the rise of the Tories (The NZ Company whom committed the crimes against the Treaty were a Tory derivative) occurred because of political freedom in the colonies – this best exemplified with Jamaica, a British colony. The Queen was the sovereign ruler of the Realm upon Jamaica being inducted/conquered into the Empire, BUT despite having outlawed slavery in 1833, Jamaica didn't abolish slavery until the 1880's...Why? Because the Queen even though the sovereign ruler of the realm, had no JURISDICTION to impose British laws upon Jamaica. This was the entire purpose of the Treaty of Waitangi, to impose British laws upon British subjects to avoid them from being victims of cultural misunderstandings (and to tax them).

This issue may not be a problem or a concern with your report, but it is valid in all arguments and concerns relative to Treaty settlement. It proves that we have been systematically undone by deception and fraud. And compensation must never be light. In fact it heightens our distrust for those in control of writing documents that impact our direct futures and those of our future generations. It also fuels the fire for us to be guaranteed the ability, freedom and right to have a Maori Parliament like we had in the late 1800's promised to us in the 1877 Constitution Act of NZ as well as the Treaty of Waitangi under Article 1 "...Rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof." which states we are law makers, law enforcers and authors of our own destiny within our own lands and for our own people.

- My next concern is that the report proposal puts too much obligation on Hapu -- Hapu have to locate all of their members, then internally vote, then put together a council of representatives, then they have to vote once more and then a decision is theoretically made. This process seems drawn out and confusing and totally corruptible. If we as a nation and our Government can put forth \$26 million to vote not once, but twice for a flag we all emphatically did not want, but make sure those ballots reached every home, then they – the ones who committed the crimes and the ones who hold the proverbial purse strings can in good faith and as a token for wanting resolution, can spend the money to ensure all Hapu members have equal voice. Each one gets one vote and we count the votes equally. Simple solution.

Further to the above, the subject of 'compensation' or 'reparations' are a big part of the driving force for NgaPuhi in terms of settlement and the process of getting there.

I believe settlement has little to do with attaining land – though important – but more to do with gaining a position of influence to steer the country and render the Treaty of Waitangi the partnership it was meant to be all those years ago. Due to the fact the current Government wish to settle and their use of language is such that they want 'resolution' shows they have absolutely no intentions of upholding the Treaty of Waitangi. So in order to avoid future deceit and treachery, we must accumulate power and influence. Lest we forget that it was Meri Te Tai Mangakahia of NgaPuhi who via the Maori Parliament enabled women around the world the right to vote. Currently we do not have a system in place to make such monumental impacts on the world today.

Which brings me to several things I think for the good of NgaPuhi and all Iwi, need to be attained in any settlement. These things are guaranteed to us via The Treaty of Waitangi as well as other contracts with

the Crown, which should render them essential settlement pillars and thus be the absolute bare minimum of any proposed settlement.

1. We require the Maori Parliament to be re-established. To meet at Waitangi regularly as was promised to us, and implemented by us under the Treaty of Waitangi up until the first World War in which NgaPuhi gave selflessly again to the Crown and the rise of Influenza which claimed many more NgaPuhi lives. With this Maori Parliament, we will seek control over Forests, Fisheries, Lands, Housing, Education, Health, Welfare, Tourism and any and all other internal policies and departments of Government. These points and positions guaranteed under Article 2 of the Treaty. The Maori Parliament will consist of representatives of each Iwi, and one representative of each Hapu. The findings and work of this Parliament will be overseen by the Minister of Maori Affairs, effectively making this Minister a second – equal – Prime Minister. Making Article 1 of the Treaty become actuality.
2. Likewise, all Local Government be made up equally of Hapu/Iwi members and Crown representatives.
3. Further, the education system will need to be addressed and true history be actualised. The Crown will teach children what exactly the Crown did to Maori. How land was taken by deceit and how this endeavour was systematically conducted. In addition, children will learn how and why lands and compensation were redistributed to disenfranchised people. They will learn Maori committed no wrong doing.
4. We will adopt an immigration policy not unlike the USA or Australia, where by new citizens in an effort to become naturalised New Zealanders will learn the Treaty of Waitangi word for word. Will learn Maori protocol and will see all peoples of New Zealand as equally valued.
5. An apology will be issued by the Crown to all New Zealanders and in front of the Human Rights Commission of the United Nations, where the apology will state exactly what the Crown had done to Maori, how many New Zealanders exist on stolen lands illegally obtained and how Maori tradition, language and culture have been muted and subdued for centuries to de-power and cripple a people who were to be partners in a new country for the good of all.
6. Dealing with the dispersion of Hapu members around the nation, a new communications company will be formed this companies purpose will be to power all Marae with solar power, this power can be stored, dispersed or distributed around the Rohe as it is available. Additionally, cellular connectivity will link all Marae around the country for free use ensuring no Hapu or Iwi member is out of communication with another, despite their often remote location.
7. Every place name, street sign not already in Te Reo to be subtitled in Te Reo (and those in Te Reo now, subtitled to English). This is referenced in Article 2 of the Treaty. This will help nationally and internationally to re-establish Te Reo as an equal language to English.
8. Each New Zealand Embassy around the world will have fluent Reo speakers and culturalists positioned to reference and to advise foreign nations of our history, our cultural diversity and opportunities for their citizens wishing to visit to embrace Maori culture – this will create jobs for our people and global awareness. Additionally, each Embassy will have a Marae on its grounds and any distressed NZ citizen travelling abroad will be provided free space to accommodate – just like Marae here.
9. Maori terms, clear definitions, definitive values and paths to restitution and resolution be included in our nations laws (terms like Taonga, Whanau, Kaupapa defined etc). This will work to strengthen ties between peoples of the land and avoid miscommunications and bigotry thru perceived 'special treatment'.
10. This article was published last week regarding a crime against NgaPuhi and Patuone whanau land: http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11634965 Such crimes will be punishable under Maori law as protected under Article 1 and Article 2 of the Treaty of Waitangi. Thus, such criminals should forfeit ALL of their lands to NgaPuhi.

Following these items, we can then begin to roll out the issue of cash and land compensation as how the settlement structure stands now, no matter how much land we get we are extremely limited in what we can do with it. The Government has made sure of creating legalities to prevent us capitalising on our

lands with competitive industries. We cannot build resorts. We cannot build freeways/highways, we cannot build much without their constant consent and permission which defeats the purpose.

I thank you for your time and trust you have read this thoroughly. I look forward to reading a response.

Kind regards,

Questions for Regional HDL - Marjorie Hill

Administrative Feedback

1. What evidence do you have that regional needs manifested?
 - a. median average
 - b. address power issues
 - c. limit ability to negotiate collective needs
2. If so, can your supply us with that evidence so we can make our own assessment of that? If none, why not?
3. Why does the draft report perceive it as only a negative that regions negotiating at different times?

Unintended Consequences

4. Under the process to be developed for HDL seeking behavioral when the number of HDL is required to hold the paper but not at least two but with the regional community and the cost of addressing these?

HDL Issues and Needs

- No process outlined as to HDL's ability to participate in more than one regional forum.
- e. What is the basic whereby a HDL can have representation in more than one regional forum?
 6. What if that is decided?
Excellence
- No clear process for how these people are to be appointed and how many are proposed. Seems odd that there is no recommendation for this.
7. Is it to be a certain number per region - or do the HDL reps represent the entire group of regions?

Conflict of interest

8. Under TMA, trustees cannot be negotiators, what is the empowerment group position on that - that is, can regional representatives, who are the trustees of TH be negotiators?

Inter-regional group decisions making

Draft report proposals:

- decisions are made at the regional level
- TH does not have any decision making power
- TRN does not have any decision making power.

Mention of development of development of a charter (2008) and a process for dispute resolution (07) as to how things will happen work together.

However the draft report makes no recommendations as to how pan-regional decision making process would work.

9. Was there any discussion in the group as to how this might work?

10. If so, surely the group should have made some recommendations?

11. If not, this is a big hole in the process, don't you think?

12. Without knowing how disputes might be resolved, what happens if one or more regions have a different view on how negotiations go forward?

Transition Group

This group is mentioned only in passing (308)

13. Who appoints the members of this group?

14. How is it funded?

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TE ROPU KAUMATUA KUIA O NGAPUHI RESOLUTION

At the Kaumama Kūia o Ngāpuhi hui held at Te Kūnanga-a-iwi o Ngāpuhi Conference Facility on 14 April 2016 the following resolution was put to the meeting supported by the undersigned:

That the Ngāpuhi Kaumatua Kūia Rōpu instruct Te Rōpu o Tuhoroauka Independent Mandated Authority to complete an independent assessment of the Marāngai Mai draft report.

The assessment will analyse the Marāngai-Mai draft report against the following:

1. Te Rōpu Whāiri Report;
2. The Tūku Morgan Report;
3. Concessions to the Deed of Mandate which were proposed by the Crown and agreed to by TIMA; and
4. The Waitangi Tribunal recommendations from the Urgent Inquiry - WAI number 2490 - The Ngāpuhi Mandate Inquiry.

The Outcome of the Independent Assessment

The Ngāpuhi Kaumatua Kūia Rōpu are keen to ensure Ngāpuhi are treated with respect and that the mandate, which Ngāpuhi voted on, is not ignored.

The outcome of the assessment will provide:

An analysis on the process to arrive at the recommendations of the Tripartite report - Marāngai Mai draft report and will also compare the process Tuhoroauka completed to arrive at the TIMA structure, representation and Deed of Mandate.

Analyse the role of the Crown as a member to the tripartite process and the usefulness of the Crown's involvement. The Ngāpuhi Kaumatua Kūia Rōpu are particularly keen to understand whether or not the Crown's involvement influenced, hindered or benefited the draft report recommendations.

Lib Signatories. 12/05/2016

The analysis will identify whether or not the engagement process went outside the brief of the engagement process Terms of Reference and the Waitangi Tribunal's recommendations from the Urgent Inquiry.

The Ngapuhi Kaumatua Kiia Ropu request this information to enable us to make informed decisions and meet the tight timeframe for submissions, demanded by the Crown.

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From: [redacted]
Sent: Wednesday, 11 May 2016 8:27 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: FW: Ngapuhi feedback - Poneke

Kia ora nga Kai Rangahau
Please accept my feed-back.

1. That a data base of Ngapuhi iwi and hapu be generated. It is not to comprise of another iwi not of Ngapuhi, nor another hapu not of Ngapuhi
2. That the Ngapuhi move ahead swiftly with the claim
3. That Hapu nominated figurehead to represent Hapu have to be approved and signed by hapu marae kaumatua (at least 4-5 qualified signatories).
4. Noted that the appointed Wellington spokesperson (through online vote system) be disestablished. Reason Since her appointment of 18 months she had not called meetings or informed the Wellington Ngapuhi affiliate groups about Ngapuhi claims. Her travel has been paid to attend hui in Te Taitokerau, and it is no excuse as to not having any money to hold a meeting of sorts to hear our voices and views. Definitely she is representing herself at Te Tai Tokerau hui. Absolutely, no relationships with Wgtn Ngapuhi. One can hold hui without money. Its how it is managed. Person has no idea or intent.

Definitely, have to sort this matter once and for all.

5. Wellington need to replace our Tai Tokerau spokesperson with someone who understands and speaks Maori and have demonstrated relationships and connections with Ngapuhi iwi in Poneke.
6. I recommend that [redacted] be the spokesperson for Wellington. A meeting (Tuhoronuku figureheads) needs to be mooted to address this concern of ours at the earliest opportunity
7. Ngapuhi Wai Negotiators – Do the original 3 remain as negotiators or is there going to be new appointments given there is a meeting of minds with Tuhoronuku
8. Ngapuhi Wai claim should be one face one waka, and we don't want to hear from the Ngapuhi group who came to Pipitea Marae the melding of two fractions. Some of us had attended the first Tuhoronuku hui in Wellington some years back. Those in attendance still hold the view and value that Tuhoronuku was and still is the official agency for Ngapuhi... Happy to retain its name. Why should Tuhoronuku be usurped by a small group of agitators to get their way.

Thank you be happy to discuss further if need be.
Kia ora mai [redacted]

From:

Sent: Friday, 13 May 2016 4:44 p.m.

To: I

Cc:

, RAYO RANGI,

ngapuhifeedback@justice.govt.nz; '

Subject: Re: My Feedback from Te Waimate Taiamai ki Kaikohe Regional Hui

Kia ora hone

The hapu of Ngati Rangi in Tautoro and Ngati Rangi in Taiamai are to my understanding 2 different hapu...

Ngati Rangi ki Tautoro claim heke from the Ngapuhi tupuna Rangi heke tini whilst we in Taiamai claim heke from Hine Puu kohu rangi down through Tahuhu nui o Rangi several generations prior to Rahiri.

Rangi heke tini is an uri of Rahiri whilst his wife Ahua iti is an uri of Tahuhu nui o Rangi... a more ancient civilisation of Taiamai before Rahiris arrival..

Also their son Uenuku took Kare Ariki whose a direct uri also of Tahuhu nui o Rangi..

Kare Ariki' s parents were Tahuao and Ope nga iti whose koiwi are interred at Te Tapu o Tahu ao... the burial caves at our wahi tapu Otahua where the BOIWWMS and council currently have their shit running through it....

16 May 2016

Ngāpuhi Engagement Group
By email: ngāpuhifeedback@justice.govt.nz

Ngāpuhi Engagement Group

RE: *Maranga Mai: The Ngāpuhi Engagement Group's Draft Report*

Introduction

1. My name is (PI) and I am the named claimant for the (PI) My descent lines include:

- Ngāti Awa of Te Taitokerau;
- Ngāti Whakahotu of Mangakahia;
- Ngāti Rangī, the ancient hapu of Ngai Tahu;
- Ngāti Pou o te Taitokerau including Te Ngare Raumatī;
- Ngāti Tawake – descent from Tawakehaunga via Rauahine;
- Te Horo of Kaitiaki;
- Whanau Whero of Whirinaki; and
- Te Uri o Hau.

2. Most of the above listed hapu are recognised by the Ngāpuhi Engagement Group as Ngāpuhi hapu.¹

3. I have read the document *Maranga Mai: The Ngāpuhi Engagement Group's Draft Report* and I would like to provide the following feedback.

A proportional voting system would ensure equity of representation

1. The proposed structure in *Maranga Mai* for Ngāpuhi representation allows hapu representatives to exercise the vote of their hapu in the regional forum.² This suggests that, regardless of size, each hapu will have the same voting power and therefore the same influence.
2. I am concerned that small groups, made up of a number of members from different small hapu (and perhaps often the same people) will have the potential to act in concert

¹ *Maranga Mai: The Ngāpuhi Engagement Group's Draft Report*, 1 April 2016, Attachment Five.
² *Ibid.*, pages 18-21.
 fom533-001_168.docx

and use their votes to override a larger hapu which might only have one vote. This has the potential to produce unfairness.

3. I suggest a proportional voting system. This means that a hapu gets a certain number of votes in proportion to their membership. Smaller hapu will therefore have fewer votes while large hapu will have more votes. This proposal would ensure equity in terms of influence on decision-making.

Urbanised Ngāpuhi need better representation

4. Under the current Tūhoronuku Independent Mandated Authority (Tūhoronuku IMA) structure, urbanised Ngāpuhi are represented by four urban seats on the Tūhoronuku IMA Board. These seats represent Auckland, Wellington and the South Island. As pointed out in *Maranga Mai*,³ there are significant drawbacks to this approach, including:

- exclusion of urbanised Ngāpuhi outside of these regions;
- the quality of representation that can be provided by just one representative for each of these regions; and
- control and influence residing with hapu inside the Northland rohe.

5. I do not support the new proposal as laid out in *Maranga Mai*. Under the proposed structure, it is for each hapu to decide how to incorporate those living outside their rohe within their hapu representation.⁴ This does not resolve the issues above. Urbanised Ngāpuhi may be disconnected from their hapu, or they may have different concerns to those of their hapu. If the latter is the case, they will be subject to the will of the majority and their concerns may be ignored. Thus they will continue to be inadequately represented, marginalised and ignored. These are the very problems the Te Tiriti claims process is supposed to be rectifying.

6. I think this issue needs further attention. The urbanisation of Maori is a trend that is likely to continue. In 2013, 84% of Maori lived in urban areas.⁵ While many continue to associate with their hapu and rohe, one in six people of Maori descent did not know their tribal affiliation at this time, and regarded themselves as "urban Maori".⁶ This is true of Ngāpuhi. Urban Ngāpuhi need to be enabled to actively participate.

7. I would like to note that my suggestion at paragraph 3 of a proportional voting system would go some way towards improving this situation. Hapu members will be forced to re-establish connections with their urban whanau if they want to increase their influence and voting power. This would help to maintain links between hapu and separated whanaunga.

Record-keeping needs to be improved

8. I would like to see the creation of a database where claims are recorded against specific individuals, whanau and their descendants. This database should also record whakapapa linkages and current and historic land ownership. This will help to ensure that settlement redress will:

3 *Ibid.*, page 23.
 4 *Ibid.*, page 23.
 5 <http://www.teara.govt.nz/en/urban-maori/page-1>, accessed 12 May 2016.
 6 <http://www.teara.govt.nz/en/urban-maori/page-1>, accessed 12 May 2016.

- be aimed at particular grievances; and
- go to the right people.

9. This will also help to ensure that the right people have a say in the management of settlement assets, and that a thorough auditing process can be implemented.

10. I am concerned that without such a database, more vocal groups within a hapu may get the control and management of settlement redress, while smaller, less vocal groups from the same hapu who have an equal right under whakapapa and tikanga to the redress will miss out. These minority groups may have well founded claims and have a real and current need for settlement redress, but can be sidelined by the more vocal groups who accept the settlement redress on behalf of the entire hapu. A database would provide an independent record which can be relied upon to prevent such Intra-hapu theft.

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ROM:

TO: Hapu Engagement Project group

DATE: 17 May 2016

RE: Response to "Maranga mai"

Tena koutou.

Firstly I acknowledge the work done by the engagement group in putting this proposal together. I am well aware that it is much easier to criticise a proposal than it is to put a proposal together. Nga mihi nui ki a koutou katoa.

On my first reading of the Maranga mai report, I felt positive about it. I was pleased to see the emphasis placed on Hapu involvement and the probability that negotiations and settlement would be through regions.

I appreciate that the Engagement group is approaching this with a whole of Ngapuhi perspective, however on applying some of the actions and recommendations with my specific hapu in mind, some of the areas don't gel.

There are three major areas of the report that I make comment on:

- 1 Tuhoronuku Independent Mandated Authority
- 2 Hapu engagement and management
- 3 Regional management and responsibility

1 Tuhoronuku Independent Mandated Authority

a) Since the decision made by the Minister to establish the tripartite engagement group, there have been views expressed that TIMA will be "wiped out" while other peoples perceived views are that the Minister will not take the mandate from TIMA.

As a claimant and as a person who went into the Tuhoronuku process as a Mandated Hapu Kaikorero to protect Whangaroa interests, and also, as a person who works within our region, I believe that the Minister should say NOW whether or not TIMA will continue to hold the Ngapuhi mandate.

b) If it is the case that TIMA will continue to hold the mandate with the changes that have been recommended, let us know now so that we can prepare our forward mahi with at least some assurance of relative continuity. I believe that retaining the TIMA board is the most reasonable decision. The current TIMA board already has in place a facility with personnel and equipment carrying out the operational activities required. It makes no sense to remove this group simply to replace it with another group that will need to firstly define an agreed process for its establishment, then determine who would replace the human and other resources that the current Board employs.

c) Remembering that it was at Te Kotahitanga's insistence that there are three regional representatives on the TIMA Board, I agree that there should be a reduction in the number of representatives. This can be done with relative ease by requiring those regional Mandated Hapu Kaikorero who voted the three members onto the current Board, to meet and reduce those numbers by either one or two as required.

d) While there have been calls for the mandated hapu kaikorero to stand down immediately, this cannot happen until the Crown has varied the Tuhoronuku mandate. The currently elected Mandated Hapu Kaikorero were elected according to a legal process - however inappropriate it was - and until that legality has been reversed, those hapu kaikorero are legal representatives within this Ngapuhi mandate. Whether or not the currently elected Mandated Hapu Kaikorero stay in place is up to their hapu to decide. There should be no requirement that hapu hold a hui to replace the existing kaikorero: it should be for the hapu to decide whether or not a hui is called to confirm or replace the existing hapu kaikorero.

e) Should the Minister decide to remove the mandate from Tuhoronuku, I believe that the mandate should then be given to each of the nominated regions so that we can each set about managing our own processes within the overarching requirements that are agreed to.

f) To establish a new body to hold the mandate, and to hold numerous hapu hui to replace the existing hapu kaikorero, will add further expense to an already over expended process; and that expense will be deducted from whatever redress is negotiated for settlement. Why should we go on adding more and more expense to a process that is not seeing us progress with the actual settlement of our claims?

Hononga iti

g) I believe that TIMA should continue as the proposed Te Hononga Iti, at least until the hapu have been given adequate time to get some of their processes in place to carry out the functions that are expected of them: TIMA has the systems and personnel in place to do this. This will mean that the transitional phase of this process can begin almost immediately.

h) I do not agree with a name change from Tuhoronuku. I opposed the whole Tuhoronuku process, however, whatever the connotations are in the name, this whole debacle is our history; changing its name will not change that history. To change the name Tuhoronuku is akin to saying that your tupuna is no longer valid to you because of an act he or she committed that you do not agree with. In my view that is a travesty against your history and you need to get over yourself and live with it, just as we all continue to live with the deeds of Hongi Hika that we are still being reminded of by other iwi who suffered at his hands.

2 Hapu engagement and management

a) I have a strong belief that for Ngapuhi to become the entity that it could become, and that many expect from this settlement, we need to get our whanau, within their hapū working productively and cooperatively; in turn we will then get our regions to develop for the benefit of all, and this will then ultimately, see Ngapuhi growing to be the Iwi that it could be.

b) Maranga Mai proposes some requirements that are an absolute necessity: a register of members (beneficiaries) and identified tikanga specific for their hapu to follow. However, to state that meetings will follow hapu established tikanga and then to specify that certain meetings must give 21 days notice and as well, identify possible voting processes, is an indication that there is lip service being given to what tikanga is and should be.

c) While the regions are specifically identified, the hapu are given a license to float around all over Ngapuhi. This process is the final part of settling the grievances that have been

identified in the claims of our people. Hapu should be based in the region where their claim is based because these claims are about their mana wairua, their mana moana and their mana whenua.

d) I acknowledge that some hapu exist in more than one region of Te Taitokerau. Where this occurs and the hapu show that they have mana whenua in that region, those regions and hapu need to agree that they may establish their own hapu grouping. As an example Ngati Pou, who moved from Taiamai to Whangaroa and then to Hokianga, could have a hapu roopu in Taiamai and in Hokianga, and as well as in Whangaroa where the Tuhoronuku process has identified it to be. It would then be up to each grouping of Ngati Pou to communicate with each other, but not to interfere in the work of each region.

Hononga nui

e) Whether or not and when, hapu engage with the wider Ngapuhi hapu groupings as identified in the Hononga nui forum, is surely for each region to decide. Hapu need to focus first and foremost on their region and its activities.

f) If a Hononga nui is to be established, who and how will this be managed? Is it intended that there will be an administrative entity established to facilitate and coordinate this? I hope not.

I perceive Hononga nui as being a replication of Te Kotahitanga O Nga Hapu O Ngapuhi as at present and while this has been a positive forum for some issues, in my opinion in other areas it has not been so.

g) In my view this is not a good type of forum for engagement on specific issues where firm and informed recommendations will need to be made. I would expect that each region would have the capability to determine who from their region have the skills and expertise to contribute to discussions on specific issues and that those people would be engaged to participate in such forum as and when required by their regions. If a region has no one interested or do not wish to participate, far better that they keep out of the way rather than be a hindrance to those who want to make positive progress.

h) To have a forum such as that proposed is simply giving people a place where they can take their nawe and create disruption and dissention. We are all fully aware that we have individuals who will attend any meeting that is being held, and force their personal agenda onto the meeting. In my view, the current Te Kotahitanga process has unwittingly contributed to the fragmentation of our regions because individuals can attend the wider Kotahitanga hui and bitch and bellyache about others in their own region, without needing to let the region know what the accusations are that they are making.

i) If one hundred and twenty thousand people identified as Ngapuhi over past years; are they suddenly going to say that they are no longer Ngapuhi? The regions should be able to identify where and when they can work together, or with another region as Ngapuhi. Between 2003 and 2011, the regions worked together collaboratively yet independently, without any directives given by anyone. We need to have faith in each other and in ourselves and desist from trying to control what others should do and how they should do what it is that they need to do.

j) Withdrawal process

I note that the process is onerous. I also note that while a hapu can withdraw, a claimant or hapu cannot withdraw a registered Waitangi Tribunal claim. This then is an indication that claims will be settled with or without their claimant's participation in the final process. Is this what Ngapuhi wants to happen without the full knowledge of the claimants? Is this not one of the major complaints that we of Te Kotahitanga had against the Tuhoronuku process?

k) It is disappointing and an error that Maranga Mai gives no recognition to the Waitangi Tribunal claimants or their claims. We need to remember that this whole process is the settlement of the claims of grievance against the Crown that have been lodged with the Waitangi Tribunal. To give no acknowledgement of this in the negotiations process is a serious oversight. The claimants, in particular those who hold Wai numbers, must be seen to be part of the negotiations process, otherwise they could legitimately, in my view, complain that their grievances have not been addressed when it comes to settlement.

Representatives on the Engagement group who have been long time members of Te Kotahitanga will recall that the greatest consternation from our people wasn't the lack of hapu involvement in the Tuhoronuku proposals, but the fact that all of our claims had been included in those proposals without our prior knowledge and agreement. So why are those claims now being cast aside as though they are of no consequence?

l) Within the recommendations going forward, there must be acknowledgement of the claimants by each hapu, or at least hapu participation recognizing those of their members who have registered Waitangi Tribunal claims against the Crown. Claimants will give essential information to negotiators.

3 Regional management and responsibilities

a) The Maranga mai proposal recommends that administration of the hapu is the responsibility of Te Hononga iti – as it currently is under the present TIMA process.

b) The administration point of the hapu must be the regions, because that is where the base is for the hapu: that is where their claims are based: that is where their monitoring needs to happen: that is where we will begin to develop negotiations and actual settlement and go forward. We cannot build our regional progress if those who are key and crucial to our regions – araa nga hapu – are fragmented through their administrative control and requirements.

c) As with the hapu, the decision making processes of the regions need to be established by the regions and could be based on tikanga if this is the region's choice. If we expect our hapu to establish tikanga processes, then the regions should also follow tikanga of their region where and when it applies.

d) Maranga mai gives no indication as to how the Regions will be managed and administered. The Regions are currently effectively administered and managed under the CFRT process. This process should continue with the interaction for negotiations activities being between the Regions and the Office of Treaty Settlements unless and until the mandate is given to the regions at which time interaction would likely continue with CFRT. At this point a legal regional entity would need to be established by each region.

e) Hapu representation on the Regional body is not likely to be effected until hapu have been given reasonable time to establish themselves, their registers and their tikanga. The regions should be able to continue as they are through this transitional phase. Already they are under the control of the claimants, most of whom are hapu based. A transition from one to the other should not pose difficulties if there is an acceptance of a willingness to work together within a region.

e) To say that hapu decide how they are represented in their regions is an anomaly. Regions should determine how hapu are represented within their region.

Negotiators

f) There needs to be an option that there will be one negotiator appointed from each region working as a collective team towards settlement. Each region could have a team that will assist the negotiator while not making decisions that are the premise of the negotiator.

g) While the negotiators are the primary interface with the Crown, it needs to be stated that this is only for the purpose of negotiations.

CLOSING

This is not the first time that an attempt has been made to “bring Ngapuhi together”; by my count it is the fourth time – the first being in 2001 by CFRT through [redacted] this was not accepted by Ngapuhi. Then in 2003 again by CFRT through [redacted] this had a level of success until 2005 when a call was made to the Waitangi Tribunal to hear Ngapuhi’s claims and the Ngapuhi Design Group was formed.

I would here correct an error in the Maranga Mai document in that the Ngapuhi Design Group did not recommend that it replace the five hearing districts for Northland with a single inquiry. The recommendation was that there be one inquiry district but that the eight regions that existed at that time within the CFRT process, would each have their own hearings – the understanding being that there could be eight settlement districts.

We should not be rushed through a transitional phase from what we are now, to what we need to be to go forward. Each grouping, our hapu, our regions, the body that holds the Ngapuhi mandate, need to be given time to exercise due diligence in their decision making: not to change what is finally determined, but to ensure that its application is the best possible that it can be.

Naaku noa,

From: [redacted] PI
Sent: Thursday, 19 May 2016 6:19 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: individual submission in support of the Te Ngare Hauata Hapū submission,

This is an individual submission in support of the Te Ngare Hauata Hapū submission, from [redacted] of Te Ngare Hauata. PI

- I found the document lacking in balance, with explanations and rationale missing in key areas. It was an extreme concern to me at the hui I attended last month that the facilitator argued for and against ideas and concerns from the floor. This political influence would have been minimised had there been clear rationale for each and every recommendation.
- The suggestion of dissolution of Urban Reps..leaves those Ngapuhi, who are at a distance and adrift from their hapu, disenfranchised with no clear pathway to involvement and reconnection. It also allows for small, loud local minorities at home to dominate and benefit from decisions made. I earnestly hope this recommendation is removed for the sake of generations of Ngapuhi who are economically trapped in cities away, from their hapu, as a result of generations of oppression
- No budgeting : this is a huge deficit. How can we tell if the recommendations are affordable? We have spent years spending money solving our internal issues and we have a way to go now to finish the process. There is an urgent need for strength-based forward planning based on actual statements of legal and financial responsibility.

PI

From: []
Sent: Thursday, 19 May 2016 7:17 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Ngapuhi submissions

I wish to submit a personal submission in support of the Te Ngare Hauata Hapu

From [] of Te Ngare Hauata

Te Pewhairangi: Maranga Mai Draft Report

He Mihi:

He kororia ki Te Atua, he maungarongo ki te whenua, he whakaaro pai ki nga tangata katoa.

E mihi ana ki te hunga kua whatu ngarongaro, I hāpaitia nūtia ai te hikoi o Ngāpuhi i te wā i a ratou e kopikopiko kaha ana i runga i te mata o te whenua. Hoki atu ra koutou ki te kāinga tuturu kua oti te whakarite mo tātou mo te tangata, haere, haere whakaoti atu.

E mihi ana hoki ki a tātou ki te hunga ora, otiira ki te hunga i kawea haeretia ai te kaupapa ki runga i o tātou marae kāinga i roto i nga mararama nuarua tata ake nei. Ahatia i āhua rereke tonu te whakaputanga o te kaupapa ki ta nga whakatakoto i whakatakotia ai i te oroko timatanga ra ano ko te mea nui i whaia kia mau te kotahitanga o te wairua he mea paihere na te rangimārie.

Ko te tumanako ia kia tuituia kahaia te kupenga whakaaro kua whakairihia nei e Ngāpuhi ki runga ki te tārawa o te korero kia kotahi te reo, kotahi te hikoi a te iwi a nga ra kei mua i a tātou.

Kia ora huihui mai tātou.

Foreword:

We reflect and offer time to acknowledge the strong and tireless efforts of every one of our people, leaders and Rangatira who work diligently to unite Ngāpuhi, both now and into the future, and to all the great ones who have now passed and are resting.

We believe that necessary in all considerations relating to the collective settlement of Ngāpuhi, is the patience to forecast likely ramifications and outcomes from all actions taken. The slogan of "Hapū Rangatiratanga" that has been used, can sometimes result in our own preferences (or, the preference of one's own hapū), being imposed on our whole collective and affecting others unduly. Perhaps it is better that these matters are most appropriately approached under the unitary thought of simply "Rangatiratanga".

What are those actions and outcomes that will truly be best for all our people?...Let this precept alone lead our thinking.

Our feedback provided within this correspondence is largely modelled around the concept of following successful examples or "winning formulae". We insist that any recommendations carried forward stemming from the draft report should be based upon examples where

successful outcomes have been previously attained. We are adverse to reinvention of the wheel not from fear, but from an understanding that the majority of untested solutions/enterprises or models are statistically found to be unsuccessful. This understanding will lead us to steer clear of all undefined "ideas" or conceptual models which are not supported with strong rationale and evidence, that is, those which are not based on examples of similarly designed models working in good order. We feel this is an appropriate level of caution and diligence with which to consider and approach those matters of importance, discussed within the Maranga Mai report.

The Waitangi Tribunal's Urgent Inquiry could have recommended that the Crown withdraw its recognition of the Ngāpuhi mandate, and that the mandating process be re-run. Although this was urged by some claimants, it was carefully considered that this line of action would be neither practical or constructive. Broad support for settlement within Ngāpuhi was recognised, although flaws were noted, once remedied the Tribunal endorsed that Tūhoronuku will be capable of leading a negotiation on behalf of hapū.

The Maranga Mai draft report recognises the significance of this recommendation and suggests building on the existing mandate to achieve a unified Ngāpuhi settlement. It is therefore proper that we fully recognise the extensive prior work which has been diligently and arduously prepared by standing and past members of the Tūhoronuku Iwi Mandated Authority (IMA). It must be understood that when reference is made to this existing (standing) mandate, by association, one is also referencing the standing members of the Tūhoronuku IMA and the elected Kaikorero which represent the majority of hapū o Ngāpuhi. The Rangatira, leaders and people already standing together in unity for the betterment of our people should be offered the full regard with which they deserve, and their mana should be preserved and held intact throughout this process of adjustment.

We must soon arrive at the destination of unity if we are to collectively settle our grievances with the Crown. It is vitally important we settle our differences and make adjustments, before deciding the final shape of our structures with which to move ahead.

This is a crucial step. We can go no further without certainty that our Mana is upheld and our full rights preserved. Notwithstanding our full commitment to activating a united Ngāpuhi, ngā hapū o Te Pewhairangi can only agree to move together as one where the following requirements are satisfied.

Where we are in agreement:

Communications:

Recommend development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi.

Waitangi Tribunal endorsement:

Tūhoronuku will be capable of leading a negotiation on behalf of hapū.

Te Hononga Nui:

Concept of Te Hononga Nui is compelling but there is a lack of detail. All processes should be first mapped, deliberated and ultimately agreed to by the Tūhoronuku IMA.

Hapū Teams:

We agree there is merit in providing for more than one representative providing certain conditions are met.

Hui ā Hapū: Selecting Representatives:

We agree where appropriate, this process should be further refined.

Disputes Resolution: Suggestions called for:

We agree that a dispute resolution process should be researched and developed.

Withdrawal:

That an agreed withdrawal mechanism be enacted which limits the ability to withdraw to a specific timeframe.

Negotiators

The suggested process to appoint negotiators is agreeable and already provided for within Tūhoronuku.

Unity

Vitally important we settle our differences, make adjustments and decide the final shape of structures to move ahead (together) within.

Taumata

Kuia Kaumātua absolutely should inform all hapū decisions. Kaikorero should operate in unity with their Taumata Kuia Kaumātua.

Me tū kotahi tātou

That agreed amendments be made to Tūhoronuku, contingent on Te Kotahitanga represented hapū declaring their election(s) of Kaikorero representatives onto Tūhoronuku.

Executive Summary:

1. Increased number of regions represented:

Response(s):

Number of sub-regions to be left unchanged.

Reason(s):

No rationale has been provided, explaining clearly, why an extra sub-region is recommended.

2. Hapū may participate in more than one region:

Response(s):

Current protocol to be left unchanged.

Reason(s):

There is no provision of clear rationale or examples, explaining why, such potent additional rights be suggested for some hapū.

3. Te Hononga Nui:

Response(s):

Concept of Te Hononga Nui is compelling, but lack of detail leaves many questions unanswered.

Reason(s):

That all processes be first mapped, checked by experts in the field and ultimately agreed to by the Tūhoronuku board.

4. Te Hononga Iti:

Response(s):

Governance board to be left unchanged and fully equipped to act as nexus and trouble shooter for inter regional issues as well as Ngāpuhi settlement issues which do not relate directly to individual Hapū or sub-regions.

Reason(s):

Apart from the attempt to diminish authority exercised by Tūhoronuku, all the proposed outcomes sought through reinventing Tūhoronuku are already satisfied in the current standing configuration.

5. Hapū Teams:

Response(s):

We see merit in providing for more than one representative providing certain conditions are met.

Reason(s):

Potential to improve/ increase participation.

6. Hui ā Hapū: Selecting Representatives:

Response(s):

Where appropriate, this process should be refined.

Reason(s):

Hapū should be allowed to disengage, engage or replace representatives.

7. Kuia and Kaumātua: Representation

Response(s):

Kaumātua Kuia representation is to be retained.

Reason(s):

The current structure does not prevent Kaumātua Kuia from participating in their hapū affairs or Ngāpuhi hui. Some hapū have no living elders which are politically active or versed in the old ways of Ngāpuhi. Representation provides advocacy for Ngāpuhi Kuia Kaumātua forums and their perspective is paramount within the tikanga of Ngāpuhi and this should be the basis for any significant action or decisions for Ngāpuhi as opposed to any Crown endorsed process.

8. Urban Rohe: Representation

Response(s):

Recommend development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi.

Reason(s):

Communication from Ngāpuhi to our urban and hapū whanau must be strengthened with necessary resourcing due to many whanau not having the expertise and resourcing needed to achieve desired outcomes.

9. Database Development:

Response(s):

We do not endorse the collective resourcing for development of hapū databases.

Reason(s):

This is an exercise which should be handled by hapū themselves as it is hapū alone who will to derive benefits from possessing the contact details of their own people. Another issue is cost (undefined) to achieve outcomes (also undefined).

10. Te Rūnanga-Ā-iwi-O-Ngāpuhi:

Response(s):

Recommend that TRAION representation be retained.

Reason(s):

TRAION representation in Tūhoronuku has through association provided back-up cash flow where shortages have frequently occurred and there is strong possibility such occurrences will persist. With the largest official Ngāpuhi database, TRAION has a registered membership of over 55,000. It is widely agreed that this important resource is highly valuable for the collective benefit of Ngāpuhi communications.

11. Disputes Resolution: Suggestions called for:

Response(s):

We suggest that one of the prioritised projects for Tūhoronuku operations staff, once properly financed, should be the research of all similar protocols (dispute resolution processes) developed throughout prior settlements.

Reason(s):

Allow the suggestion of tested solutions which best suit our circumstances.

12. Withdrawal:

Response(s):

That an agreed withdrawal mechanism be enacted which limits the ability to withdraw to a specific timeframe.

Reason(s):

If after first understanding the latest configuration and direction of Tūhoronuku, hapū (as a collective) decide to withdraw their support and fight the battle of settlement alone, then they should do so early as possible so as not to place unnecessary burden on the resources of our collective.

13. Post Settlement Governance Entity (PSGE) :

Response(s):

Early discussions should be encouraged without the interference of Tūhoronuku IMA who have a responsibility to facilitate the process not interfere with the development – Tūhoronuku IMA are to remain neutral in this process.

Reason(s):

Until we have fully stabilised the IMA, early PSGE conversations are not a priority. We must first settle the design of processes which will enable future PSGE discussions. Effective processes will lead to optimum results.

14. Name for the mandated structure:

Response(s):

Name to remain unchanged - Unless determined through proper process.

Reason(s):

The name Tūhoronuku contains a "mauri" which the majority of Ngāpuhi have embraced. Determined through proper process and consultation (Tikanga) with Te Rōpu Kaumātua Kūia o Ngāpuhi. Any proposed change should be based from consultation with them as opposed to any Crown endorsed process.

Further, an appropriate juncture to place time and energy in collectively deliberating on a new name will be at the formation of the Ngāpuhi Post Settlement Governance Entity.

15. Communications:

Response(s):

Recommend development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi.

Reason(s):

To ensure hapū members living outside the region(s) are kept up to date and have opportunities to contribute to hapū interests and aspirations.

Decision-making:

Increased number of regions represented:

We have some concerns that no rationale is provided explaining clearly why an extra Taiwhenua sub-region has been suggested to be included into the overall framework for Ngāpuhi settlement (an increase from 5 regions to 6). The additional region has the net effect of diminishing representation of hapū o Te Pewhairangi and other hapū, watering down our level of representation at the Governance level of Ngāpuhi (in relation to settlement).

This is because our Taiwhenua (along with any influence we might have within it) will reduce from having a 1-in-5 consideration at the joint governance level to a 1-in-6 consideration or even 1-in-7 if the other proposed sub-region is also created.

After analysing the proposed changes we cannot ignore that these suggestions (unchecked) would certainly equate to more voting rights for specific hapū who reside inside or beside the newly proposed Taiwhenua.

Hapū may participate in more than one region:

It is somewhat vaguely suggested that cumulative voting rights be provided for hapū which can demonstrate active links across Taiwhenua boundaries. This suggestion would effectively provide increased voting rights to specific groups. This is framed and mirrors the administrative governing structure within Te Kotahitanga.

It may well be that for those "in the know" such a suggestion as this makes complete and obvious sense. For the benefit of all Ngāpuhi it would perhaps have been wise to provide clear rationale/ reasoning and even examples as to why it would be suggested, that such potent additional rights be granted to *some* hapū?

In the current structure decision making is with the hapū. The hapū kaikorero is the conduit and has direct access to negotiators.

Hapū Kaikorero have not been given the opportunity to develop their hapū profiles with their hapū members. We therefore feel that to imply the suggested model changes, will somehow improve a process that has not yet fully commenced; or been properly resourced is premature and potentially misleading.

Discussion:

Te Hononga Nui:

Although the concept of Te Hononga Nui is compelling the lack of detail provided for how such a wide arching and integral part of the suggested framework could actually be implemented leaves many questions unanswered. Is it proper that we should be corralled to move towards an undefined "aspirational" structure and asked to abandon a fully functional structure with clearly defined processes, with the inference that we must choose either, or? In the absence of some much needed detail and groundwork study we strive to imagine how such a forum might function and achieve the stated unifying outcomes. We offer the following considerations.

We recognise that a virtual approach was probably not what was envisioned but in the absence of clear detail we've included this response to cover all positions. If an internet based approach was envisioned, we offer the following. Without delving into deep detail, such frameworks (of any merit) take a great deal of resourcing in both time and specialist design services. As previously stated, due to the principles of design, novel approaches are most often left wanting of even flat failures. Based from industry practice a project build of this nature would incur not only substantial financial costs (also likely running past all set timeframes) but further require an innate level of ease dealing with technology that many of our people, particularly our more senior members, do not have. It follows there are many shortcomings with a virtual (internet based) model.

More likely envisioned is the development of pan-regional hui.
The following questions then arise:

Where would these important gatherings physically convene?

What would be the tikanga or protocol implemented to ensure *all* kaikorero have equal opportunity and consideration to present their points of view in a manner which respects the time and tikanga of our people?

In our history, with smaller numbers in attendance, these affairs could last days stretching through nights. How would this forum be managed differently and be enabled to effect regular structured gatherings (if at all)?

Is this an untested, poorly considered construct?

If such a forum is to receive our support and conditional on the feedback from our related hapū, we would recommend the following conditions be met before we could countenance supporting and participating within such a forum.

1. The physical place where such deliberations should most appropriately be convened being at Waitangi or Kaikohe.
2. That a strong protocol be collectively agreed to addressing:
 - Length of presentations i.e. protocols prescribing presentation rules

- Setting of agenda for such gatherings - who would hold this authority?
- Speaking rights
- That hapū be prepared *before* such gatherings with their korero pre ratified, insuring internal squabbles do not disrupt the collective

3. That the projected costs be weighed and agreed by the Tūhoronuku board.

4. That all related processes be first mapped, iterated (based from close hapū engagement), rigorously checked by experts in the field and ultimately agreed to by the Tūhoronuku board.

Mandate and Accountability:

Te Hononga Iiti:

We hold concern that an undue level of confidence is placed in the ability of our regions to not only work through all internal issues but also interface smoothly with all other regional representatives through either an undefined (untested) Ngāpuhi wide forum of some description, or a disempowered board consisting of 5-6 members (who may or may not be elected kaikorero).

The level of detail provided describing the future vision for this segment of the proposed framework, is worrying.

It is difficult for us to imagine how there could be any nexus between the hapū o Ngāpuhi without a strong well resourced governance board to diligently apply attention and care to all manner of *Ngāpuhi wide* issues, as they arise.

The insistence that such matters can be handled via a vaguely described Ngāpuhi parliament, while optimistic, could also be indicative that thorough research and visioning in terms of the actual application of the suggested structure, has not occurred.

Accordingly we place greater faith in a model which we know works (flaws and all) in which we have detailed processes, rather than in an illustrated model, with a few attached paragraphs promising for "a robust negotiations process across all the necessary levels". We believe it is prudent for us to avoid agreeing to a governance structure through promises that the nuts and bolts will be "worked out" as we go, with vague inference that things will work better if we but first deconstruct the status quo.

Once a workable withdrawal mechanism is agreed for hapū, in good faith, hapū awaiting to include themselves within Tūhoronuku should do so. As more detailed information can be communicated to Ngāpuhi through the current governance board, then a transition team can begin to put forward proposals to "step" Tūhoronuku into any iteration which most captures the ideals and processes which the majority of Ngāpuhi are seeking to view within our collective settlement body. We believe this is the correct procedure by which these iterations should be enacted if at all, as this allows for communication, consideration and time needed to properly stage such proposed changes.

Apart from the attempt to diminish the Authority exercised by the Tūhoronuku IMA Board, all the proposed outcomes sought through reinventing Tūhoronuku are already satisfied in the current standing configuration. Pretending a new organisation is somehow to achieve different outcomes is misleading and wasteful in that it requires an increased (and unknown) use of resources to achieve what is essentially the same function. Apart from financial resourcing, of most importance is the human capital and existing relationships and prior work that the proposed situation would entail disrupting significantly (re-name/ re-organise/ re-elect). In terms of continuity and momentum the described rationale is illogical. It is better to build on what is present as a foundation than to demolish and reconstruct with the end outcome to achieve an ideal which not all hapū o Ngāpuhi necessarily share. The current structure in place is the only structure which has stood and been tested with a Ngāpuhi wide voting process.

Of note, it became apparent some parties to the Hapū Engagement Process had little understanding of the Tūhoronuku organisational structure (design) and yet were collaborators in drafting a proposal to supposedly strengthen and improve the design. How could this situation lead to a truly improved design iteration being produced?

Under the current structure hapū make their decisions and advise the Tūhoronuku IMA Board whose function it is to understand the issues and ensure any corrective measures are followed through with.

This was clearly communicated during pre-mandating and mandating rounds and accepted by the majority of Ngāpuhi who voted, and the Crown.

Representation:

Hapū Teams:

We see merit in providing for more than one representative to enact the role of Kaikorero on behalf of hapū, conditional on appropriate funding being provided for.

A further caveat is that while engaging within regional forums (and a Ngāpuhi wide forum should it ever eventuate) only one kaikorero should be used to deliver messages representative of their hapū.

Although there could be some exceptions, in general, we feel that only a single voice should be used to broadcast hapū positions and responses.

We would further insist inside of an agreed protocol it be communicated that any internal deliberations/ discussions should already have transpired, before representative(s) broadcast their Hapū positions and statement release(s).

We hold value in the maintenance of a secure standardised protocol (such as the current hui a hapū procedure) which can be viewed by all and easily understood as applying to one and all. We take issue with the suggestion that such matters as these should be made

flexible, mouldable and easily modified at will. Tūhoronuku is *mandated* to provide a robust consistent framework which builds certainty, familiarity and ultimately trust.

Agreeing that only one Kaikorero is tasked to speak on behalf of Hapū in any given setting ensures that those hapū who maintain a single kaikorero voice are not in any way disadvantaged by the choice of some hapū to use multiple team members. It helps ensure that equal consideration is shared across all representatives that convene for deliberation and that some voices are not swamped by others.

For logistical purposes there should be a set upper limit of attending Kaikorero hui and as we cover, a communication protocol agreed and adhered to.

Hui ā Hapū: Selecting Representatives

Tūhoronuku provides for hapū choosing their representatives through hui ā hapū.

Where appropriate this process should be refined and hapū should be allowed to disengage, engage or replace representatives with the vision aimed towards full participation.

Tūhoronuku has provided and must continue to provide for this.

Kuia and Kaumātua: Representation

The current structure does not prevent Kaumātua Kuia from participating in their hapū affairs nor does it prevent Kaumātua Kuia from participating in Ngāpuhi hui nor does it prevent hapū from having Kaumātua kuia involved and in fact, this is encouraged to strengthen hapū negotiations.

The decision of participation – when, where and in what capacity is with the individual.

Kaumātua kuia have a role of imparting wisdom, knowledge and grounding to this process. Positions of Tūhoronuku Kaumātua/ Kuia representatives have a stabilising influence within Tūhoronuku Trust Board Members.

Kuia Kaumātua absolutely should inform all hapū decisions. Kaikorero should operate in unity with their Taumata Kaumatua Kuia. Dedicated seats provide advocacy for Ngāpuhi Kuia Kaumātua forums as their perspective is paramount. These are important representatives *elected* amongst their peers. They are mouthpieces to a collective voice. It would have been beneficial to attempt to explain *how*, removal of a dedicated voice for both Kaumātua and Kuia *will* empower hapū and *why* the suggestion to remove these voices would more closely connect Kaumātua and Kuia with their hapū and increase their participation.

Frankly, if hapū do not already respect and hold their Taumata as the primary decision holders then there already exists a serious flaw in that hapū's integrity and this can only but provide more reason to ensure Ngāpuhi is lead from the forefront with dedicated Kaumātua Kuia voices mandated to speak on behalf of the Taumata forums already in strong force within Ngāpuhi.

Hapū empowerment can only be increased by these voices being included in the

conversation, not the other way around. It must be clearly understood and recognised that some hapū have no living elders which are politically active or versed in the old ways of Ngāpuhi. Providing for these hapū is one instance where Rangatira thinking is needed to make considerations for others outside the boundaries of one's own people and provide for the needs of others.

Urban Rohe: Representation

We fully endorse the establishment of (effective) processes and structures to ensure hapū members living outside the region(s) are kept up to date and have opportunities to contribute to hapū interests and aspirations. Due to many not having the expertise and resourcing needed to achieve this important outcome we suggest that Tūhoronuku strongly consider authorising and facilitating funding for the following:

1. Development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi hapū available as a printable download, accessible readily online (video etc) framed as simply as possible; sharing practice guides and examples covering:

Email list management and etiquette (best practice)

Facebook implementation

Video collaboration techniques

Hapū profiling and how to develop an effective communication strategy

Communication principles and process design

Successful working examples we can quickly model

Database Development:

One issue the engagement group fixated on as a priority was the development of a database that can be flexible enough to be used for multiple purposes and specifically for hapū. It was recommended that this be developed as a separate project running parallel to the negotiations and be ready to support post settlement governance arrangements.

In response; we can not endorse the collective resourcing and collation of hapū databases on behalf of hapū. This is an exercise which should most properly be handled by hapū themselves as it is hapū alone who will derive benefits from possessing the contact details of their people.

We have at our disposal an extensive database which in terms of the stated rationale "reaching and communicating with all our people" can and has been used by Tūhoronuku to reach tens of thousands of our people.

In terms of maximising the reach of Ngāpuhi communications and in consideration of all legal limitations the most efficient line of action is to continue support toward increasing the current Ngāpuhi database as it sits within Te Runanga a Iwi o Ngāpuhi (TRAION) and to maintain the strong ongoing relationship in place between TRAION and the Ngāpuhi IMA. Given the inequity of some hapū (in size) compared to others it is difficult to rationalise that

collectively resourcing separate database collation activity will produce the same beneficial outcomes for all hapū within Ngāpuhi.

Larger hapū would require greater resourcing than smaller ones and would receive unequal benefits which cannot be equally shared among all. Within the context of past inter hapū relations and dialogue and in the absence of firm commitments from (select) Ngāpuhi hapū ensuring that a unified Ngāpuhi Post Settlement Governance Entity (PSGE) will maintain our unity, it is plausible that a selection of individual groups will attempt to organise separate PSGE(s). One resulting effect then (foreseeably) from collectively resourcing of separate hapū database lists is that we (ourselves) will be resourcing the dissection and dismemberment of our own body (Ngāpuhi). We regard that scenario as another way in which the Crown divides and conquers promising leadership groups resources and full autonomy in return for fracturing our collective.

This scenario entails a future which insists that every living member of Ngāpuhi declare which hapū grouping they belong to. Arduously dragging our entire population through registration form after another and creating a mess of bureaucracy where we race and war to count and calculate our human capital, all for the end goal of separation.

The energy and resourcing expenditure required by many, as a result of a few pursuing separatist outcomes, would be vastly extensive. The time and uphill work in this cost should not be underestimated. Database development is challenging and specialist work. Would it be acceptable that we consider these pathways only because we could not arrange ourselves into a stable governing council?

It must surely be more agreeable that a true unified approach is best for us, once strong protocols have been laid and agreed and a shared vision raised together? In the very least, extended discussions should continue to occur.

There are many differing views on this matter but we would forward the following points. In terms of communicating with our people near and far, specialist knowledge is needed. It is most proper that the only people who should actively engage with and communicate with our own people, are ourselves. Assistance with communication know-how guides will help achieve this outcome.

If hapū are to take on the responsibility of developing and maintaining databases then all will have to acquire capacity and capability that most do not have. A comprehensive communications strategy strengthened with shareable communication guides can help this outcome.

The current process of representation and participation, with assistance from the database housed within TRAION, enables Ngāpuhi in urban rohe to participate, including Ngāpuhi who do not affiliate to (are unsure of) their respective hapū. This is surely an important provision to maintain for all our people abroad.

Te Rūnanga-Ā-iwi-O-Ngāpuhi:

TRAION representation in Tūhoronuku has through association provided back-up cash flow where a shortfall has occurred and there is strong possibility such occurrences will persist. With the largest official Ngāpuhi database TRAION has a registered membership of over 55,000. It is widely agreed that this important resource is highly valuable for the collective benefit of Ngāpuhi communications and as a platform from which to develop further links to our people re: settlement issues.

In response to inferences made referencing TRAION's involvement within our IMA we offer the following considerations.

| Inferences | Consideration |
|---|--|
| 1. Without a dedicated Runanga seat it could be possible to consolidate Ngāpuhi's assets currently administered by TRAION, into the post-settlement governance entities. | 1. Tūhoronuku has no mandate or authority to execute this and this is well outside the scope provided to the hapū engagement process, via the urgency hearing findings. |
| 2. Without a dedicated Runanga seat it could be possible to communicate to those registered on the Rūnanga database. | 2. Only TRAION's authority can provide this. Legally, this authority may be impossible to share or provide to any other entity. |
| 3. Participation of the Rūnanga doesn't require representation and would enhance collaboration and reduce competition between processes and entities. | 3. No supporting rationale was found to be provided which could substantiate this claim. |
| 4. Flexibility also provides for other Rūnanga and Ngāpuhi trusts and organisations if they wish e.g. Te Rūnanga o Whaingaroa, Te Rūnanga o Ngāti Hine, Te Rūnanga o Ngāti Rēhia, Whatitiri Reserves Trust, and others. | 4. The cash assets available for contribution and the size of registration databases of all entities mentioned are insignificant, contrasted with Tūhoronuku requirements. |

In terms of the distrust and antipathy that some individuals harbour (and demonstrate) towards TRAION, it has become evident from the discourse of past years that antitrust sentiments stem from frustration of some being unable to make changes from within TRAION that would suit their individual agenda. There are also personal grudges which develop between personalities. These frustrations in some instances have coloured the way in which a number view involvement of TRAION in our settlement environment. It is unfortunate that these resentments do exist in some quarters but these cannot impede good judgment and we cannot allow such motivations to detriment the quality of the settlement body and structure which we will support, to carry our people towards Settlement.

In lieu of TRAION offering all above mentioned benefits up for the Tūhoronuku IMA without a dedicated seat required, we must recommend that TRAION representation be retained.

Dispute resolution:

Suggestions called for:

In terms of an adequate disputes resolution process we suggest that one of the prioritised projects for Tūhoronuku operations staff once properly resourced, should be the research of all similar processes (dispute resolution) developed throughout prior settlements in Aotearoa or through similar circumstances abroad. Findings should be collated to a succinct report recommending options where process designs resulting in the most successful outcome(s) be presented as the most suitable option(s) for Ngāpuhi. The team to make sure our circumstances appropriately fit with all test models studied and that any alterations made to allow the suggestions to best suite our circumstances, do not stray too far from tried and tested processes which have historically worked well.

Withdrawal:

That an agreed withdrawal mechanism be enacted which limits the ability to withdraw to a specific timeframe so that our collective resources are not spent frivolously. That is to say that when entering battle, no ally should first ask to be given a pass to leave the field if ever the desire should arise. It should be understood that we must stand together and strengthen the collective and be prepared to defend our ideals and thinking to the scrutiny of our peers. If after first understanding the new configuration and direction of Tūhoronuku, hapū (as a collective) wishing to withdraw support and fight the battle of settlement alone should do so as early as possible so as not to place unnecessary burden on the resources of our collective. Once committed, the ability to withdraw should eventually be revoked to help ensure that the energy which will be expounded by all towards unity and for our collective benefit, will be energy kept.

Post-settlement governance:

Our view is that the responsibility of Tūhoronuku IMA is to facilitate the Ngāpuhi consultation process and ratification process. Those who are interested in planning towards the Post Settlement Governance Entity are entitled to do so independently of Tūhoronuku IMA. Until we have fully stabilised the IMA, early PSGE conversations are not a priority. We must first settle the design of processes which will enable future PSGE discussions. Effective processes will lead to optimum results.

Name for the mandated structure:

The name Tūhoronuku contains a mauri which the majority of Ngāpuhi have embraced.

Determined through proper process and consultation (Tikanga) with Te Rōpu Kaumātua Kūia o Ngāpuhi. Any proposed change should be based from consultation with them as opposed to any Crown endorsed process.

Given the history and mana and deep sentiment attached to the name Tūhoronuku, we strongly suggest the most appropriate juncture to place time and energy in collectively deliberating on a new name will be at the formation (and collective naming) of the Ngāpuhi Post Settlement Governance Entity.

It is at this opportunity where the fully unified hapū of Ngāpuhi can exercise our united voices (and forums) to collectively deliberate on a name which will contain the Mauri of what will be our most important collective entity.

Communications

Communication from Ngāpuhi to our urban and hapū whanau must be strengthened with necessary resourcing to achieve this. We fully endorse the establishment of (effective) processes and structures to ensure hapū members living outside the region(s) are kept up to date and have opportunities to contribute to hapū interests and aspirations.

As stated, we recommend the development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi hapū. We do not endorse the collective resourcing or collation of hapū databases on behalf of hapū.

Our concerns: Proper processing and communication

Rationale Missing:

It is referenced in the Maranga Mai draft report (Page.14/ Column.3) that feedback was sought based on a number of pre-conceived discussion points including the number of regions that should be represented in any Ngāpuhi settlement structure.

We find no evidence that this was ever documented or formally presented as a discussion point at any of the mentioned discussion wananga. No mention of this topic is made in any of the official Tūhoronuku draft releases or discussion papers yet a suggestion has been formally lodged in this draft report purporting that on this matter, feedback was sought from hundreds.

We question the sense in casually suggesting that the precise number of future sub-regions can be decided later by hapū as this is clearly difficult and virtually unworkable in practice. These matters are appropriately set before embarking, that is, the design of the waka is always decided and laid out before being crafted, and finally, used. It is for these reasons full rationale should be provided as to why an extra subregion was suggested and carried through as an official recommendation, while other recommendations have not seen the light of day.

Furthermore we find no evidence that the suggestion that "hapū might participate in more than one region" was ever presented at feedback wananga for discussion. If these points ever were presented for discussion amongst our people, then the question must also be asked as to how discussion points were weighted in terms of relevance and priority and how the above mentioned points were given gravity and included into the final draft report suggestions list while other suggestions and discussion points provided at feedback hui, have appeared nowhere in this final report.

Given the gravity of these proposed changes and in consideration of the likely sources and potential motivational basis for these recommendations affecting all Ngāpuhi, we must question the methodology used through which these suggestions have been put forward.

Alongside the reservation some hold as to the representative makeup and unorthodox mandate expressed by Te Kotahitanga (that it is a body representing the Taiwhenua o Nga hapū o Ngāpuhi) we hold most caution against the practice of providing authoritative recommendations which impact our collective *without* the provision of accompanying clear and well reasoned rationale.

Amongst the other examples where clear rationale has not been included in this report we find no other alternative but to strongly insist that Tūhoronuku in all the areas where we explicitly state, be left unchanged upon the understanding that Ngāpuhi has already spoken. We caution that any non-mandated changes to our collective IMA would be tantamount to breaches of Te Tiriti o Waitangi.

Imposed Response Time Limits:

In addition to reservations we hold due to the lack of clearly communicated rationale being included with a number of the draft report (Maranga Mai) recommendations we also note the timeline shown to enact the proposed changes. The resourcing and re-alignment that would be necessary to enact all recommended changes (if full agreement was obtained) within the proposed timeline, would be great indeed.

On the back of all the rationale we have provided and in witness of the poor judgment already shown in terms of time allotted to Ngāpuhi for analysing and responding to these proposed changes, we have strong reason to doubt the efficacy of the proposed changes within the associated timeline.

Where we stand firm:

The only party with a mandate to represent Ngāpuhi is Tūhoronuku; The Waitangi Tribunal Urgent Inquiry report comments that it is the crown who has erred in their processes. Te Kotahitanga o Nga hapū o Ngāpuhi have no mandate or accountability to any particular Ngāpuhi hapū. Te Kotahitanga o Nga hapū o Ngāpuhi is still to confirm with Ngāpuhi whom they represent and how they arrived at a mandate to speak on behalf of their representatives.

The mandate process for Tūhoronuku representation was both arduous and robust executed with a high degree of rigor. Tūhoronuku had to ensure their representation of individual hapū followed a rigorous process and required all hapū claiming representation to be publicly named. Te Kotahitanga o nga hapū o Ngāpuhi has no such requirement.

What must be of concern is that there has been many instances where press releases have been provided under the name of Te Kotahitanga o nga hapū o Ngāpuhi promoting a name which purports that this group speaks on behalf of the hapū of Ngāpuhi, yet the only readily accessible information about the group seems to be a Facebook page with a very spartan description.

The page directs visitors to a website www.Ngāpuhi.net which leads to a blank page. Essentially, this group provides next to no information about who they are yet have engaged to make changes to a structure which has been mandated by Ngāpuhi. The free and easy way in which this mandated structure has been treated by the Crown and by Te Kotahitanga is vexing in that it demonstrates a lack of respect for Ngāpuhi processes. We feel it necessary to emphasise our concern that the same individuals who appear to represent Te Kotahitanga o Nga hapū also represent Ngāi Hine and they continue to stand outside the process without making any commitment to uniting and remaining united with Ngāpuhi. The question has been asked – do Te Kotahitanga o Nga hapū o Ngāpuhi have any mandate to interface on these issues from those whom they purport to represent.

Closing Statement:

The current Tūhoronuku structure and representation provides for hapū to deal with these matters directly between each other, directly with negotiators if required and with the support of their respective Kaumātua Kūia if desired. The proposed structure changes make no substantive strengthening to the current structure or mandate.

We will not countenance any degradation of our mana or voting rights within the body of Ngāpuhi inasmuch as the restoration of our people and lands are tied to our positioning and collaboration with wider Ngāpuhi. If we are impeded or marginalised in any way in achieving this outcome we must respond accordingly.

We will pursue in every measure any and all action required to preserve the full hereditary rights inherited by the descendants of ngā hapū o Te Pewhairangi from our ancestors. In closing, it is our sincere wish that ongoing dialogue and debate will be established to determine and rectify any outstanding differences that may exist between a settlement model which we will countenance and an organisational framework we consider untenable.

We have every confidence that with communication and commitment we will reach full understanding as to the form in which we as Ngāpuhi will unite.

Naku noa, na

Ngāti Rēhia Statement: Maranga Mai Draft Report

He Mihi:

He kororia ki Te Atua, he maungarongo ki te whenua, he whakaaro pai ki nga tāngata katoa.

E mihi ana ki te hunga kua whatu ngarongaro, I hāpaitia nuitia ai te hikoi o Ngāpuhi i te wā i a ratou e kopikopiko kaha ana i runga i te mata o te whenua. Hoki atu ra koutou ki te kāinga tuturu kua oti te whakarite mo tātou mo te tangata, haere, haere whakaoti atu.

E mihi ana hoki ki a tātou ki te hunga ora, otiira ki te hunga i kawea haeretia ai te kaupapa ki runga i o tātou marae kāinga i roto i nga marama ruarua tata ake nei. Ahatia i āhua rereke tonu te whakaputanga o te kaupapa ki ta nga whakatakoto I whakatakotoria ai i te oroko timatanga ra ano ko te mea nui i whaia kia mau te kotahitanga o te wairua he mea paihere na te rangimārie.

Ko te tumanako ia kia tuituia kahatia te kupenga whakaaro kua whakairihia nei e Ngapuhi ki runga ki te tārawa o te korero kia kotahi te reo, kotahi te hikoi a te iwi a nga ra kei mua i a tātou.

Kia ora huihui mai tātou.

Foreword:

We reflect and offer time to acknowledge the strong and tireless efforts of every one of our people, leaders and Rangatira who work diligently to unite Ngāpuhi, both now and into the future, and to all the great ones who have now passed and are resting.

We believe that necessary in all considerations relating to the collective settlement of Ngāpuhi, is the patience to forecast likely ramifications and outcomes from all actions taken. The slogan of "Hapū Rangatiratanga" that has been used, can sometimes result in our own preferences (or, the preference of one's own hapū), being imposed on our whole collective and affecting others unduly. Perhaps it is better that these matters are most appropriately approached under the unitary thought of simply "Rangatiratanga".

What are those actions and outcomes that will truly be best for all our people?...Let this precept alone lead our thinking.

Our feedback provided within this correspondence is largely modelled around the concept of following successful examples or "winning formulae". We insist that any recommendations carried forward stemming from the draft report should be based upon examples where

successful outcomes have been previously attained. We are adverse to reinvention of the wheel not from fear, but from an understanding that the majority of untested solutions/enterprises or models are statistically found to be unsuccessful. This understanding will lead us to steer clear of all undefined "ideas" or conceptual models which are not supported with strong rationale and evidence, that is, those which are not based on examples of similarly designed models working in good order. We feel this is an appropriate level of caution and diligence with which to consider and approach those matters of importance, discussed within the Maranga Mai report.

The Waitangi Tribunal's Urgent Inquiry could have recommended that the Crown withdraw its recognition of the Ngāpuhi mandate, and that the mandating process be re-run. Although this was urged by some claimants, it was carefully considered that this line of action would be neither practical or constructive. Broad support for settlement within Ngāpuhi was recognised, although flaws were noted, once remedied the Tribunal endorsed that Tūhoronuku will be capable of leading a negotiation on behalf of hapū.

The Maranga Mai draft report recognises the significance of this recommendation and suggests building on the existing mandate to achieve a unified Ngāpuhi settlement. It is therefore proper that we fully recognise the extensive prior work which has been diligently and arduously prepared by standing and past members of the Tūhoronuku Iwi Mandated Authority (IMA). It must be understood that when reference is made to this existing (standing) mandate, by association, one is also referencing the standing *members* of the Tūhoronuku IMA and the elected Kaikorero which represent the majority of hapū o Ngāpuhi. The Rangatira, leaders and people already standing together in unity for the betterment of our people should be offered the full regard with which they deserve, and their mana should be preserved and held intact throughout this process of adjustment.

We must soon arrive at the destination of unity if we are to collectively settle our grievances with the Crown. It is vitally important we settle our differences and make adjustments, before deciding the final shape of our structures with which to move ahead.

This is a crucial step. We can go no further without certainty that our Mana is upheld and our full rights preserved. Notwithstanding our full commitment to activating a united Ngāpuhi, Ngāti Rēhia can only agree to move together as one where the following requirements are satisfied.

Where we are in agreement:

Communications:

Recommend development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi.

Waitangi Tribunal endorsement:

Tūhoronuku will be capable of leading a negotiation on behalf of hapū.

Te Hononga Nui:

Concept of Te Hononga Nui is compelling but there is a lack of detail. All processes should be first mapped, deliberated and ultimately agreed to by the Tūhoronuku IMA.

Hapū Teams:

We agree there is merit in providing for more than one representative providing certain conditions are met.

Hui ā Hapū: Selecting Representatives:

We agree where appropriate, this process should be further refined.

Disputes Resolution: Suggestions called for:

We agree that a dispute resolution process should be researched and developed.

Withdrawal:

That an agreed withdrawal mechanism be enacted which limits the ability to withdraw to a specific timeframe.

Negotiators

The suggested process to appoint negotiators is agreeable and already provided for within Tūhoronuku.

Unity

Vitally important we settle our differences, make adjustments and decide the final shape of structures to move ahead (together) within.

Taumata

Kuia Kaumātua absolutely should inform all hapū decisions. Kaikorero should operate in unity with their Taumata Kuia Kaumātua.

Me tū kotahi tātou

That agreed amendments be made to Tūhoronuku, contingent on Te Kotahitanga represented hapū declaring their election(s) of Kaikorero representatives onto Tūhoronuku.

Executive Summary:

1. Increased number of regions represented:

Response(s):

Number of sub-regions to be left unchanged.

Reason(s):

No rationale has been provided, explaining clearly, why an extra sub-region is recommended.

2. Hapū may participate in more than one region:

Response(s):

Current protocol to be left unchanged.

Reason(s):

There is no provision of clear rationale or examples, explaining why, such potent additional rights be suggested for *some* hapū.

3. Te Hononga Nui:

Response(s):

Concept of Te Hononga Nui is compelling, but lack of detail leaves many questions unanswered.

Reason(s):

That all processes be first mapped, checked by experts in the field and ultimately agreed to by the Tūhoronuku board.

4. Te Hononga Iti:

Response(s):

Governance board to be left unchanged and fully equipped to act as nexus and trouble shooter for inter regional issues as well as Ngāpuhi settlement issues which do not relate directly to individual Hapū or sub-regions.

Reason(s):

Apart from the attempt to diminish authority exercised by Tūhoronuku, all the proposed outcomes sought through reinventing Tūhoronuku are already satisfied in the current standing configuration.

5. **Hapū Teams:**

Response(s):

We see merit in providing for more than one representative providing certain conditions are met.

Reason(s):

Potential to improve/ increase participation.

6. **Hui ā Hapū: Selecting Representatives:**

Response(s):

Where appropriate, this process should be refined.

Reason(s):

Hapū should be allowed to disengage, engage or replace representatives.

7. **Kuia and Kaumātua: Representation**

Response(s):

Kaumātua Kuia representation is to be retained.

Reason(s):

The current structure does not prevent Kaumātua Kuia from participating in their hapū affairs or Ngāpuhi hui. Some hapū have no living elders which are politically active or versed in the old ways of Ngāpuhi. Representation provides advocacy for Ngāpuhi Kuia Kaumātua forums and their perspective is paramount within the tikanga of Ngāpuhi and this should be the basis for any significant action or decisions for Ngāpuhi as opposed to any Crown endorsed process.

8. **Urban Rohe: Representation**

Response(s):

Recommend development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi.

Reason(s):

Communication from Ngāpuhi to our urban and hapū whanau must be strengthened with necessary resourcing due to many whanau not having the expertise and resourcing needed to achieve desired outcomes.

9. **Database Development:**

Response(s):

We do not endorse the collective resourcing for development of hapū databases.

Reason(s):

This is an exercise which should be handled by hapū themselves as it is hapū alone who will derive benefits from possessing the contact details of their own people. Another issue is cost (undefined) to achieve outcomes (also undefined).

10. **Te Rūnanga-Ā-iwi-O-Ngāpuhi:**

Response(s):

Recommend that TRAION representation be retained.

Reason(s):

TRAION representation in Tūhoronuku has through association provided back-up cash flow where shortages have frequently occurred and there is strong possibility such occurrences will persist. With the largest official Ngāpuhi database, TRAION has a registered membership of over 55,000. It is widely agreed that this important resource is highly valuable for the collective benefit of Ngāpuhi communications.

11. **Disputes Resolution: Suggestions called for:**

Response(s):

We suggest that one of the prioritised projects for Tūhoronuku operations staff, once properly financed, should be the research of all similar protocols (dispute resolution processes) developed throughout prior settlements.

Reason(s):

Allow the suggestion of tested solutions which best suit our circumstances.

12. **Withdrawal:**

Response(s):

That an agreed withdrawal mechanism be enacted which limits the ability to withdraw to a specific timeframe.

Reason(s):

If after first understanding the latest configuration and direction of Tūhoronuku, hapū (as a collective) decide to withdraw their support and fight the battle of settlement alone, then they should do so early as possible so as not to place unnecessary burden on the resources of our collective.

13. Post Settlement Governance Entity (PSGE) :

Response(s):

Early discussions should be encouraged without the interference of Tūhoronuku IMA who have a responsibility to facilitate the process not interfere with the development – Tūhoronuku IMA are to remain neutral in this process.

Reason(s):

Until we have fully stabilised the IMA, early PSGE conversations are not a priority. We must first settle the design of processes which will enable future PSGE discussions. Effective processes will lead to optimum results.

14. Name for the mandated structure:

Response(s):

Name to remain unchanged - Unless determined through proper process.

Reason(s):

The name Tūhoronuku contains a "mauri" which the majority of Ngāpuhi have embraced. Determined through proper process and consultation (Tikanga) with Te Rōpu Kaumātua Kuia o Ngāpuhi. Any proposed change should be based from consultation with them as opposed to any Crown endorsed process.

Further, an appropriate juncture to place time and energy in collectively deliberating on a new name will be at the formation of the Ngāpuhi Post Settlement Governance Entity.

15. Communications:

Response(s):

Recommend development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi.

Reason(s):

To ensure hapū members living outside the region(s) are kept up to date and have opportunities to contribute to hapū interests and aspirations.

Decision-making:

Increased number of regions represented:

We have some concerns that no rationale is provided explaining clearly why an extra Taiwhenua sub-region has been suggested to be included into the overall framework for Ngāpuhi settlement (an increase from 5 regions to 6). The additional region has the net effect of diminishing representation of Ngāti Rēhia and other hapū, watering down our level of representation at the Governance level of Ngāpuhi (in relation to settlement).

This is because our Taiwhenua (along with any influence we might have within it) will reduce from having a 1-in-5 consideration at the joint governance level to a 1-in-6 consideration or even 1-in-7 if the other proposed sub-region is also created.

After analysing the proposed changes we cannot ignore that these suggestions (unchecked) would certainly equate to more voting rights for specific hapū who reside inside or beside the newly proposed Taiwhenua.

Hapū may participate in more than one region:

It is somewhat vaguely suggested that cumulative voting rights be provided for hapū which can demonstrate active links across Taiwhenua boundaries. This suggestion would effectively provide increased voting rights to specific groups. This is framed and mirrors the administrative governing structure within Te Kotahitanga.

It may well be that for those "in the know" such a suggestion as this makes complete and obvious sense. For the benefit of all Ngāpuhi it would perhaps have been wise to provide clear rationale/ reasoning and even examples as to why it would be suggested, that such potent additional rights be granted to *some* hapū?

In the current structure decision making is with the hapū. The hapū kaikorero is the conduit and has direct access to negotiators.

Hapū Kaikorero have not been given the opportunity to develop their hapū profiles with their hapū members. We therefore feel that to imply the suggested model changes, will somehow improve a process that has not yet fully commenced; or been properly resourced is premature and potentially misleading.

Discussion:

Te Hononga Nui:

Although the concept of Te Hononga Nui is compelling the lack of detail provided for how such a wide arching and integral part of the suggested framework could actually be implemented leaves many questions unanswered. Is it proper that we should be corralled to move towards an undefined "aspirational" structure and asked to abandon a fully functional structure with clearly defined processes, with the inference that we must choose either, or? In the absence of some much needed detail and groundwork study we strive to imagine how such a forum might function and achieve the stated unifying outcomes. We offer the following considerations.

We recognise that a virtual approach was probably not what was envisioned but in the absence of clear detail we've included this response to cover all positions. If an internet based approach was envisioned, we offer the following. Without delving into deep detail, such frameworks (of any merit) take a great deal of resourcing in both time and specialist design services. As previously stated, due to the principles of design, novel approaches are most often left wanting of even flat failures. Based from industry practice a project build of this nature would incur not only substantial financial costs (also likely running past all set timeframes) but further require an innate level of ease dealing with technology that many of our people, particularly our more senior members, do not have. It follows there are many shortcomings with a virtual (internet based) model.

More likely envisioned is the development of pan-regional hui. The following questions then arise:

Where would these important gatherings physically convene?
 What would be the tikanga or protocol implemented to ensure *all* kaikorero have equal opportunity and consideration to present their points of view in a manner which respects the time and tikanga of our people?
 In our history, with smaller numbers in attendance, these affairs could last days stretching through nights. How would this forum be managed differently and be enabled to effect regular structured gatherings (if at all)?
 Is this an untested, poorly considered construct?

If such a forum is to receive our support and conditional on the feedback from our related hapū, we would recommend the following conditions be met before we could countenance supporting and participating within such a forum.

1. The physical place where such deliberations should most appropriately be convened being at Waitangi or Kaikohe.
2. That a strong protocol be collectively agreed to addressing:
 - Length of presentations i.e. protocols prescribing presentation rules

- Setting of agenda for such gatherings - who would hold this authority?
- Speaking rights
- That hapū be prepared *before* such gatherings with their korero pre ratified, insuring internal squabbles do not disrupt the collective

3. That the projected costs be weighed and agreed by the Tūhoronuku board.

4. That all related processes be first mapped, iterated (based from close hapū engagement), rigorously checked by experts in the field and ultimately agreed to by the Tūhoronuku board.

Mandate and Accountability:

Te Hononga Iti:

We hold concern that an undue level of confidence is placed in the ability of our regions to not only work through all internal issues but also interface smoothly with all other regional representatives through either an undefined (untested) Ngāpuhi wide forum of some description, or a disempowered board consisting of 5-6 members (who may or may not be elected kaikorero).

The level of detail provided describing the future vision for this segment of the proposed framework, is worrying.

It is difficult for us to imagine how there could be any nexus between the hapū o Ngāpuhi without a strong well resourced governance board to diligently apply attention and care to all manner of *Ngāpuhi wide* issues, as they arise.

The insistence that such matters can be handled via a vaguely described Ngāpuhi parliament, while optimistic, could also be indicative that thorough research and visioning in terms of the actual application of the suggested structure, has not occurred.

Accordingly we place greater faith in a model which we know works (flaws and all) in which we have detailed processes, rather than in an illustrated model, with a few attached paragraphs promising for “a robust negotiations process across all the necessary levels”. We believe it is prudent for us to avoid agreeing to a governance structure through promises that the nuts and bolts will be “worked out” as we go, with vague inference that things will work better if we but first deconstruct the status quo.

Once a workable withdrawal mechanism is agreed for hapū, in good faith, hapū awaiting to include themselves within Tūhoronuku should do so. As more detailed information can be communicated to Ngāpuhi through the current governance board, then a transition team can begin to put forward proposals to “step” Tūhoronuku into any iteration which most captures the ideals and processes which the majority of Ngāpuhi are seeking to view within our collective settlement body. We believe this is the correct procedure by which these iterations should be enacted if at all, as this allows for communication, consideration and time needed to properly stage such proposed changes.

Apart from the attempt to diminish the Authority exercised by the Tūhoronuku IMA Board, all the proposed outcomes sought through reinventing Tūhoronuku are already satisfied in the current standing configuration. Pretending a new organisation is somehow to achieve different outcomes is misleading and wasteful in that it requires an increased (and unknown) use of resources to achieve what is essentially the same function. Apart from financial resourcing, of most importance is the human capital and existing relationships and prior work that the proposed situation would entail disrupting significantly (re-name/ re-organise/ re-elect). In terms of continuity and momentum the described rationale is illogical. It is better to build on what is present as a foundation than to demolish and reconstruct with the end outcome to achieve an ideal which not all hapū o Ngāpuhi necessarily share. The current structure in place is the only structure which has stood and been tested with a Ngāpuhi wide voting process.

Of note, it became apparent some parties to the Hapū Engagement Process had little understanding of the Tūhoronuku organisational structure (design) and yet were collaborators in drafting a proposal to supposedly strengthen and improve the design. How could this situation lead to a truly improved design iteration being produced?

Under the current structure hapū make their decisions and advise the Tūhoronuku IMA Board whose function it is to understand the issues and ensure any corrective measures are followed through with.

This was clearly communicated during pre-mandating and mandating rounds and accepted by the majority of Ngāpuhi who voted, and the Crown.

Representation:

Hapū Teams:

We see merit in providing for more than one representative to enact the role of Kaikorero on behalf of hapū, conditional on appropriate funding being provided for.

A further caveat is that while engaging within regional forums (and a Ngāpuhi wide forum should it ever eventuate) only one kaikorero should be used to deliver messages representative of their hapū.

Although there could be some exceptions, in general, we feel that only a single voice should be used to broadcast hapū positions and responses.

We would further insist inside of an agreed protocol it be communicated that any internal deliberations/ discussions should already have transpired, before representative(s) broadcast their Hapū positions and statement release(s).

We hold value in the maintenance of a secure standardised protocol (such as the current hui a hapū procedure) which can be viewed by all and easily understood as applying to one and all. We take issue with the suggestion that such matters as these should be made

flexible, mouldable and easily modified at will. Tūhoronuku is *mandated* to provide a robust consistent framework which builds certainty, familiarity and ultimately trust.

Agreeing that only one Kaikorero is tasked to speak on behalf of Hapū in any given setting ensures that those hapū who maintain a single kaikorero voice are not in any way disadvantaged by the choice of some hapū to use multiple team members. It helps ensure that equal consideration is shared across all representatives that convene for deliberation and that some voices are not swamped by others.

For logistical purposes there should be a set upper limit of attending Kaikorero hui and as we cover, a communication protocol agreed and adhered to.

Hui ā Hapu: Selecting Representatives

Tūhoronuku provides for hapū choosing their representatives through hui a hapū. Where appropriate this process should be refined and hapū should be allowed to disengage, engage or replace representatives with the vision aimed towards full participation. Tūhoronuku has provided and must continue to provide for this.

Kuia and Kaumātua: Representation

The current structure does not prevent Kaumātua Kuia from participating in their hapū affairs nor does it prevent Kaumātua Kuia from participating in Ngāpuhi hui nor does it prevent hapū from having Kaumātua kuia involved and in fact, this is encouraged to strengthen hapū negotiations.

The decision of participation – when, where and in what capacity is with the individual. Kaumātua kuia have a role of imparting wisdom, knowledge and grounding to this process. Positions of Tūhoronuku Kaumātua/ Kuia representatives have a stabilising influence within Tūhoronuku Trust Board Members.

Kuia Kaumātua absolutely should inform all hapū decisions. Kaikorero should operate in unity with their Taumata Kaumatua Kuia. Dedicated seats provide advocacy for Ngāpuhi Kuia Kaumātua forums as their perspective is paramount. These are important representatives *elected* amongst their peers. They are mouthpieces to a collective voice. It would have been beneficial to attempt to explain *how*, removal of a dedicated voice for both Kaumātua and Kuia will empower hapū and *why* the suggestion to remove these voices would more closely connect Kaumātua and Kuia with their hapū and increase their participation.

Frankly, if hapū do not already respect and hold their Taumata as the primary decision holders then there already exists a serious flaw in that hapū's integrity and this can only but provide more reason to ensure Ngāpuhi is lead from the forefront with dedicated Kaumātua Kuia voices mandated to speak on behalf of the Taumata forums already in strong force within Ngāpuhi.

Hapū empowerment can only be increased by these voices being included in the

conversation, not the other way around. It must be clearly understood and recognised that some hapū have no living elders which are politically active or versed in the old ways of Ngāpuhi. Providing for these hapū is one instance where Rangatira thinking is needed to make considerations for others outside the boundaries of one's own people and provide for the needs of others.

Urban Rohe: Representation

We fully endorse the establishment of (effective) processes and structures to ensure hapū members living outside the region(s) are kept up to date and have opportunities to contribute to hapū interests and aspirations. Due to many not having the expertise and resourcing needed to achieve this important outcome we suggest that Tūhoronuku strongly consider authorising and facilitating funding for the following:

1. Development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi hapū available as a printable download, accessible readily online (video etc) framed as simply as possible; sharing practice guides and examples covering:

Email list management and etiquette (best practice)

Facebook implementation

Video collaboration techniques

Hapū profiling and how to develop an effective communication strategy

Communication principles and process design

Successful working examples we can quickly model

Database Development:

One issue the engagement group fixated on as a priority was the development of a database that can be flexible enough to be used for multiple purposes and specifically for hapū. It was recommended that this be developed as a separate project running parallel to the negotiations and be ready to support post settlement governance arrangements.

In response; we can not endorse the collective resourcing and collation of hapū databases on behalf of hapū. This is an exercise which should most properly be handled by hapū themselves as it is hapū alone who will to derive benefits from possessing the contact details of their people.

We have at our disposal an extensive database which in terms of the stated rationale "reaching and communicating with all our people" can and has been used by Tūhoronuku to reach tens of thousands of our people.

In terms of maximising the reach of Ngāpuhi communications and in consideration of all legal limitations the most efficient line of action is to continue support toward increasing the current Ngāpuhi database as it sits within Te Runanga a Iwi o Ngāpuhi (TRAION) and to maintain the strong ongoing relationship in place between TRAION and the Ngāpuhi IMA. Given the inequity of some hapū (in size) compared to others it is difficult to rationalise that

collectively resourcing separate database collation activity will produce the same beneficial outcomes for all hapū within Ngāpuhi.

Larger hapū would require greater resourcing than smaller ones and would receive unequal benefits which cannot be equally shared among all. Within the context of past inter hapū relations and dialogue and in the absence of firm commitments from (select) Ngāpuhi hapū ensuring that a unified Ngāpuhi Post Settlement Governance Entity (PSGE) will maintain our unity, it is plausible that a selection of individual groups will attempt to organise separate PSGE(s). One resulting effect then (foreseeably) from collectively resourcing of separate hapū database lists is that we (ourselves) will be resourcing the dissection and dismemberment of our own body (Ngāpuhi). We regard that scenario as another way in which the Crown divides and conquers promising leadership groups resources and full autonomy in return for fracturing our collective.

This scenario entails a future which insists that every living member of Ngāpuhi declare which hapū grouping they belong to. Arduously dragging our entire population through registration form after another and creating a mess of bureaucracy where we race and war to count and calculate our human capital, all for the end goal of separation.

The energy and resourcing expenditure required by many, as a result of a few pursuing separatist outcomes, would be vastly extensive. The time and uphill work in this cost should not be underestimated. Database development is challenging and specialist work. Would it be acceptable that we consider these pathways only because we could not arrange ourselves into a stable governing council?

It must surely be more agreeable that a true unified approach is best for us, once strong protocols have been laid and agreed and a shared vision raised together?
In the very least, extended discussions should continue to occur.

There are many differing views on this matter but we would forward the following points. In terms of communicating with our people near and far, specialist knowledge is needed. It is most proper that the only people who should actively engage with and communicate with our own people, are ourselves. Assistance with communication know-how guides will help achieve this outcome.

If hapū are to take on the responsibility of developing and maintaining databases then all will have to acquire capacity and capability that most do not have. A comprehensive communications strategy strengthened with shareable communication guides can help this outcome.

The current process of representation and participation, with assistance from the database housed within TRAION, enables Ngāpuhi in urban rohe to participate, including Ngāpuhi who do not affiliate to (are unsure of) their respective hapū. This is surely an important provision to maintain for all our people abroad.

Te Rūnanga-Ā-iwi-O-Ngāpuhi:

TRAION representation in Tūhoronuku has through association provided back-up cash flow where a shortfall has occurred and there is strong possibility such occurrences will persist. With the largest official Ngāpuhi database TRAION has a registered membership of over 55,000. It is widely agreed that this important resource is highly valuable for the collective benefit of Ngāpuhi communications and as a platform from which to develop further links to our people re: settlement issues.

In response to inferences made referencing TRAION's involvement within our IMA we offer the following considerations.

| Inferences | Consideration |
|---|--|
| 1. Without a dedicated Runanga seat it could be possible to consolidate Ngāpuhi's assets currently administered by TRAION, into the post-settlement governance entities. | 1. Tūhoronuku has no mandate or authority to execute this and this is well outside the scope provided to the hapū engagement process, via the urgency hearing findings. |
| 2. Without a dedicated Runanga seat it could be possible to communicate to those registered on the Rūnanga database. | 2. Only TRAION's authority can provide this. Legally, this authority may be impossible to share or provide to any other entity. |
| 3. Participation of the Rūnanga doesn't require representation and would enhance collaboration and reduce competition between processes and entities. | 3. No supporting rationale was found to be provided which could substantiate this claim. |
| 4. Flexibility also provides for other Rūnanga and Ngāpuhi trusts and organisations if they wish e.g. Te Rūnanga o Whaingaroa, Te Rūnanga o Ngāti Hine, Te Rūnanga o Ngāti Rēhia, Whatitiri Reserves Trust, and others. | 4. The cash assets available for contribution and the size of registration databases of all entities mentioned are insignificant, contrasted with Tūhoronuku requirements. |

In terms of the distrust and antipathy that some individuals harbour (and demonstrate) towards TRAION, it has become evident from the discourse of past years that antitrust sentiments stem from frustration of some being unable to make changes from within TRAION that would suit their individual agenda. There are also personal grudges which develop between personalities. These frustrations in some instances have coloured the way in which a number view involvement of TRAION in our settlement environment. It is unfortunate that these resentments do exist in some quarters but these cannot impede good judgment and we cannot allow such motivations to detriment the quality of the settlement body and structure which we will support, to carry our people towards Settlement.

In lieu of TRAION offering all above mentioned benefits up for the Tūhoronuku IMA without a dedicated seat required, we must recommend that TRAION representation be retained.

Dispute resolution:

Suggestions called for:

In terms of an adequate disputes resolution process we suggest that one of the prioritised projects for Tūhoronuku operations staff once properly resourced, should be the research of all similar processes (dispute resolution) developed throughout prior settlements in Aotearoa or through similar circumstances abroad. Findings should be collated to a succinct report recommending options where process designs resulting in the most successful outcome(s) be presented as the most suitable option(s) for Ngāpuhi. The team to make sure our circumstances appropriately fit with all test models studied and that any alterations made to allow the suggestions to best suite our circumstances, do not stray too far from tried and tested processes which have historically worked well.

Withdrawal:

That an agreed withdrawal mechanism be enacted which limits the ability to withdraw to a specific timeframe so that our collective resources are not spent frivolously. That is to say that when entering battle, no ally should first ask to be given a pass to leave the field if ever the desire should arise. It should be understood that we must stand together and strengthen the collective and be prepared to defend our ideals and thinking to the scrutiny of our peers. If after first understanding the new configuration and direction of Tūhoronuku, hapū (as a collective) wishing to withdraw support and fight the battle of settlement alone should do so as early as possible so as not to place unnecessary burden on the resources of our collective. Once committed, the ability to withdraw should eventually be revoked to help ensure that the energy which will be expounded by *all* towards unity and for our collective benefit, will be energy kept.

Post-settlement governance:

Our view is that the responsibility of Tūhoronuku IMA is to facilitate the Ngāpuhi consultation process and ratification process. Those who are interested in planning towards the Post Settlement Governance Entity are entitled to do so independently of Tūhoronuku IMA. Until we have fully stabilised the IMA, early PSGE conversations are not a priority. We must first settle the design of processes which will enable future PSGE discussions. Effective processes will lead to optimum results.

Name for the mandated structure:

The name Tūhoronuku contains a mauri which the majority of Ngāpuhi have embraced.

Determined through proper process and consultation (Tikanga) with Te Rōpu Kaumātua Kuia o Ngāpuhi. Any proposed change should be based from consultation with them as opposed to any Crown endorsed process.

Given the history and mana and deep sentiment attached to the name Tūhoronuku, we strongly suggest the most appropriate juncture to place time and energy in collectively deliberating on a new name will be at the formation (and collective naming) of the Ngāpuhi Post Settlement Governance Entity.

It is at this opportunity where the fully unified hapū of Ngāpuhi can exercise our united voices (and forums) to collectively deliberate on a name which will contain the Mauri of what will be our most important collective entity.

Communications

Communication from Ngāpuhi to our urban and hapū whanau must be strengthened with necessary resourcing to achieve this. We fully endorse the establishment of (effective) processes and structures to ensure hapū members living outside the region(s) are kept up to date and have opportunities to contribute to hapū interests and aspirations.

As stated, we recommend the development of a comprehensive communication guide (assembled within clear terms of reference and budget) to be distributed throughout Ngāpuhi hapū. We do not endorse the collective resourcing or collation of hapū databases on behalf of hapū.

Our concerns: Proper processing and communication

Rationale Missing:

It is referenced in the Maranga Mai draft report (Page.14/ Column.3) that feedback was sought based on a number of pre-conceived discussion points including the number of regions that should be represented in any Ngāpuhi settlement structure.

We find no evidence that this was ever documented or formally presented as a discussion point at any of the mentioned discussion wananga. No mention of this topic is made in any of the official Tūhoronuku draft releases or discussion papers yet a suggestion has been formally lodged in this draft report purporting that on this matter, feedback was sought from hundreds.

We question the sense in casually suggesting that the precise number of future sub-regions can be decided later by hapū as this is clearly difficult and virtually unworkable in practice. These matters are appropriately set before embarking, that is, the design of the waka is always decided and laid out before being crafted, and finally, used. It is for these reasons full rationale should be provided as to why an extra subregion was suggested and carried through as an official recommendation, while other recommendations have not seen the light of day.

Furthermore we find no evidence that the suggestion that “hapū might participate in more than one region” was ever presented at feedback wananga for discussion. If these points ever were presented for discussion amongst our people, then the question must also be asked as to how discussion points were weighted in terms of relevance and priority and how the above mentioned points were given gravity and included into the final draft report suggestions list while other suggestions and discussion points provided at feedback hui, have appeared nowhere in this final report.

Given the gravity of these proposed changes and in consideration of the likely sources and potential motivational basis for these recommendations affecting all Ngāpuhi, we must question the methodology used through which these suggestions have been put forward.

Alongside the reservation some hold as to the representative makeup and unorthodox mandate expressed by Te Kotahitanga (that it is a body representing the Taiwhenua o Nga hapū o Ngāpuhi) we hold most caution against the practice of providing authoritative recommendations which impact our collective *without* the provision of accompanying clear and well reasoned rationale.

Amongst the other examples where clear rationale has not been included in this report we find no other alternative but to strongly insist that Tūhoronuku in all the areas where we explicitly state, be left unchanged upon the understanding that Ngāpuhi has already spoken. We caution that any non-mandated changes to our collective IMA would be tantamount to breaches of Te Tiriti o Waitangi.

Imposed Response Time Limits:

In addition to reservations we hold due to the lack of clearly communicated rationale being included with a number of the draft report (Maranga Mai) recommendations we also note the timeline shown to enact the proposed changes. The resourcing and re-alignment that would be necessary to enact all recommended changes (if full agreement was obtained) within the proposed timeline, would be great indeed.

On the back of all the rationale we have provided and in witness of the poor judgment already shown in terms of time allotted to Ngāpuhi for analysing and responding to these proposed changes, we have strong reason to doubt the efficacy of the proposed changes within the associated timeline.

Where we stand firm:

The only party with a mandate to represent Ngāpuhi is Tūhoronuku; The Waitangi Tribunal Urgent Inquiry report comments that it is the crown who has erred in their processes. Te Kotahitanga o Nga hapū o Ngāpuhi have no mandate or accountability to any particular Ngāpuhi hapū. Te Kotahitanga o Nga hapū o Ngāpuhi is still to confirm with Ngāpuhi whom they represent and how they arrived at a mandate to speak on behalf of their representatives.

The mandate process for Tūhoronuku representation was both arduous and robust executed with a high degree of rigor. Tūhoronuku had to ensure their representation of individual hapū followed a rigorous process and required all hapū claiming representation to be publicly named. Te Kotahitanga o nga hapū o Ngāpuhi has no such requirement.

What must be of concern is that there has been many instances where press releases have been provided under the name of Te Kotahitanga o nga hapū o Ngāpuhi promoting a name which purports that this group speaks on behalf of the hapū of Ngāpuhi, yet the only readily accessible information about the group seems to be a Facebook page with a very spartan description.

The page directs visitors to a website www.Ngāpuhi.net which leads to a blank page. Essentially, this group provides next to no information about who they are yet have engaged to make changes to a structure which has been mandated by Ngāpuhi. The free and easy way in which this mandated structure has been treated by the Crown and by Te Kotahitanga is vexing in that it demonstrates a lack of respect for Ngāpuhi processes. We feel it necessary to emphasise our concern that the same individuals who appear to represent Te Kotahitanga o Nga hapū also represent Ngāti Hine and they continue to stand outside the process without making any commitment to uniting and remaining united with Ngāpuhi. The question has been asked – do Te Kotahitanga o Nga hapū o Ngāpuhi have any mandate to interface on these issues from those whom they purport to represent.

Closing Statement:

The current Tūhoronuku structure and representation provides for hapū to deal with these matters directly between each other, directly with negotiators if required and with the support of their respective Kaumātua Kuia if desired. The proposed structure changes make no substantive strengthening to the current structure or mandate.

We will not countenance any degradation of our mana or voting rights within the body of Ngāpuhi inasmuch as the restoration of our people and lands are tied to our positioning and collaboration with wider Ngāpuhi. If we are impeded or marginalised in any way in achieving this outcome we must respond accordingly.

We will pursue in every measure any and all action required to preserve the full hereditary rights inherited by the descendants of Ngāti Rēhia from our ancestors. In closing, it is our sincere wish that ongoing dialogue and debate will be established to determine and rectify any outstanding differences that may exist between a settlement model which we will countenance and an organisational framework we consider untenable.

We have every confidence that with communication and commitment we will reach full understanding as to the form in which we as Ngāpuhi will unite.

Naku noa, na

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NOTICE of EXIT WITHDRAWAL From TUHORONUKU IMA MANDATE

To the ATTORNEY General & Minister of TREATY Settlements & the WAITANGI Tribunal also the OFFICE of Treaty Settlement and The HON Chris FINLAYSON and the TUHORONUKU IMA Trust & Trustees - TE RUNANGA A IWI O NGAPUHI Trust & Trustees - TE KOTAHITANGA O NGA HAPU TAIWHENUA and HON Ururoa FLAVELL the Minister of Maori DEVELOPMENT

Back ground to Action On the 09 09 2015 & the 12 09 2015 the Presiding OFFICER of the URGENCY Hearing for NGAPUHI Judge Sarah REEVES & the WAITANGI Tribunal made Directions That HAPU & WAI Numbers Should either EXIT & WITHDRAWL from the TUHORONUKU IMA Trust & TE RUNANGA A IWI Trust Mandate By Aggrieved HAPU & WAI Numbers caught in this situation So a TRILATERAL Engagement Process was developed by The Three Parties TUHORONUKU IMA Trust + TE RUNANGA A IWI O NGAPUHI Trust and OFFICE of Treaty Settlements also the Aggrieved Party TE KOTAHITANGA O NGA HAPU NGAPUHI - TAIWHENUA IT is noted that MAHURANGI Gulf & Islands was left out & Not Included The Engagement Group then Agreed that HAPU & WAI Number wishing to EXIT WITHDRAWL May EXIT From the 1st April 2016 to the 30th April 2016 It was Extended to the 23rd of May 2016 Also a foot note that On the 22 09 2015 Chief Judge ISSACS Has sent a Memorandum that Auckland Central & South Auckland will be having WAITANGI Tribunal Hearing

RESOLUTION

1) This Is a NOTICE to the above Party's that [redacted] & HAPU of MAHURANGI Gulf & Islands Hearing District of NGAPUHI WAI Claimants Have by RESOLUTION on the 13 04 2016 at [redacted] at 2 pm

2) By Resolution That [redacted] & HAPU will EXITED & WITHDRAWN From the TUHORONUKU IMA Mandate in the MAHURANGI Gulf & Islands Hearing District as to the Decision of the Presiding OFFICER for the NGAPUHI Urgency Judge Sarah REEVES On the 09 09 2015 & the Tribunal on the 12 09 2015 and the Trilateral Engagement Group made up of Six TAIWHENUA and including MAHURANGI Gulf & Islands NGAPUHI Claimants Committee

Moved [redacted] Second [redacted] Resolution carried

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Moved [redacted] Second [redacted] Resolution carried

Contact [redacted]

NOTICE of EXIT WITHDRAWAL From TUHORONUKU IMA MANDATE

6] By Resolution Supports the HAPU & WAI Claims of NGAPUHI to the Auckland Super City Also into Mercer the Boarder of WAIKATO and NGAPUHI and into HAURAKI also to Whangape to the North

Moved Second Resolution carried

7] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant should have a Separate Mandate for a Partial Settlement

Moved Second Resolution carried

8] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant Have NGAPUHI HAPU & WAI Numbers In the MAHURANGI Gulf & lands Hearing District to be heard

Moved Second Resolution carried

9] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant Have NGAPUHI HAPU & WAI Numbers In the AUCKLAND Central Hearing District to be heard

Moved Second Resolution carried

10] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant Have NGAPUHI HAPU & WAI Numbers In the South AUCKLAND Hearing District to be heard

Moved Second Resolution carried

11] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant and NGAPUHI HAPU & WAI Numbers Were left Out of the TRILATERAL Engagement and Letter of Complaint will go to the Presiding OFFICER Judge Sarah REEVES for the UREGENCY NGAPUHI Hearing

Moved Second Resolution carried

12] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant Have been Section 6 of the Treaty of WAITANGI Act 1975 & the Principles of the Treaty of WAITANGI 1925 & 1987 Also the TIRITI o WAITANGI [Maori Version] DG D2 1840 Been Prejudiced against to Present Evidence in the MAHURANGI Gulf & Islands Hearing District Have Made be to a Aggrieved Victim have been caused Harm & Hurt

Moved Second Resolution carried

NOTICE of EXIT WITHDRAWAL From TUHORDNUKU IMA MANDATE

13] By Resolution & HAPU moves That MAHURANGI Gulf & Islands NGAPUHI Claimant Have NGAPUHI HAPU & WAI Numbers in Auckland Super City Meaning we are Not a URBAN Claims We are a MANA WHENUA Claim Precedence set by NG& MANA WHENUA O TAMAKI MA KAURAU and WAI HAPU Claim being NGATI WHAATUA KI OSAKEI TE TAQI [NGARIKI TE TAQI NGATI MARUA and URI O HAU] NEA OHO and URI NGUTU & NGAPUHI Being recognized as MANA WHENUA in the North Shore Ward - TE RAKI PAEWHENUA - MAHURANGI Gulf & Islands

BELOW are the NGAPUHI HAPU in the Greater Auckland Super City Boundary WAITANGI Tribunal District Hearing

| | |
|------------------------------------|--|
| <u>TE NGARE KAWERAU [1]</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI POU</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGAITAHUHU</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI TITAHU</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI WHAKAEKE</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI TAUTAHU</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>TE URI O HAU</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGAI TAWAKE</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI KUTA</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI REHIA</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI TORO</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>TE POPOTO</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI HAO</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI POPOTO</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>TE NGARE RAUMATI</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>TE NGARE PUHI</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>URI O MURIWAI</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>URI O WAIRAKA</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>URI O KAUAE TE TOKI</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>URI O KAWERAU [2]</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI RAHIRI O TE RANGI [1]</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI RAHIRI O TE RANGI [2]</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI RAHIRI O TE RANGI [3]</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |
| <u>NGATI WAI TAUTAHU</u> | MAHURANGI Gulf & Islands & Auckland South & Central Hearing District |

Moved [] Second [] Resolution carried

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To the Attorney General & Minister of the TREATY Settlements & the WAITANGI Tribunal also the OFFICE of Treaty Settlement - The HON Chris FINLAYSON and the TUHORONUKU IMA Trust & Trustees - TE RUNANGA A IWI O NGAPUHI Trust & Trustees - TE KOTAHITANGA O NGA HAPU TAIWHENUA and HON Uruora FLAVELL the Minister of Maori DEVELOPMENT

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- NGATI RAHIRI O TE RANGI [3] MAHURANGI Gulf & Islands & Auckland South & Central Hearing
- NGATI WAI TAUTAHU MAHURANGI Gulf & Islands & Auckland South & Central Hearing District

Moved Second Resolution carried

(57)

From: [redacted]
Sent: Saturday, 21 May 2016 12:42 a.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Te Tahaawai Hapu feedback

Kia Ora Koutou,

Please find notes from our Hapu as feedback on the Maranga Mai Report and accept that at short notice this is all we could provide.

1. That more time be given for more consultation with our wider whanau overseas and afar.
2. That more resources be made available for Hapu Development ie; Hapu database.
3. That there be confirmation of what a natural grouping consists of ie; one Hapu of 5000 people on their database would constitute a natural grouping or five Hapu would also consist of a natural grouping.
4. That a process be implemented to oversee the Hapu engaging with Hapu and the processes they use, to ensure actual engagement is taking place.
5. incorporate He Whakaputanga in this process.
6. We do not support any incorporated societies or government organisations involvement in this process for Ngapuhi Hapu negotiating for Ngapuhi eg Runanga or Trust Board organisations.
7. A withdrawal process should give Hapu the opportunity to withdraw without discrimination or disadvantages and still be dealt with at the same time as the wider Ngapuhi Hapu Roopu.
8. Suggestion that the name **Urban** as in Urban whanau be changed to **Taurahere**. as the word Urban gives the impression our whanau are separate from us, Taurahere binds and keeps our ties with them.
9. Suggested names for Ngapuhi Claims are; Te Korowai O Ngapuhi, Ngapuhi Tu Tonu, Ngapuhi Ko Whaorau, E Tu Hapu.

We hope our feed back can contribute to the betterment of Ngapuhi Nui Tonu moving forward and thank those involved for getting us to this stage.

Kia Ora Ra

21 May 2016

Submissions on Maranga Mai: The Ngāpuhi Engagement Group's Draft Report

1. Preliminary remarks

My acknowledgement to those who contributed to the Hapū Engagement Project including the Tuhoronuku Independent Mandated Authority, Te Kotahitanga o Nga Hapū o Ngāpuhi Taiwhenua, The Office of Treaty Settlements and Te Puni Kokiri. Their hard work, commitment and knowledge of Ngāpuhi tikanga gives the Maranga Mai report its authority.

My hope is that Maranga Mai progresses the settlement of Ngāpuhi grievances. I acknowledge the tupuna who have gone before me and honour their memory. My mother, [redacted] worked hard all her life to build constructive relationships with our Pākeha neighbours and she did her best to forget the grievances of the past. Mum wanted to end the suffering experienced by her whanau and make an honourable settlement of our historic grievances with the Crown.

A unified pathway towards Ngāpuhi settlement demands open communication, accountability and transparency especially as hapū develop terms of reference, set up budgets, determine dispute resolution procedures, decide funding allocations and put in place administrative support.

2. Te huarahi o te wā: Our journey to date

Pages 10-11 outlines key milestones and notes how for 'almost a decade we've debated how we'll organise to represent ourselves in negotiations with the Crown.' Although page 38 recommends a set of steps and indicates a time frame, this framework is indicative, not prescriptive.

The new structure, with its emphasis on hui-ā-hapū on marae to determine how the representatives will be chosen, may result in interminable and unacceptable delay. As the Waitangi Tribunal's *Ngāpuhi Mandate Inquiry Report* noted, hapū autonomy makes up Ngāpuhi identity. Full expression of hapū autonomy may lead to unresolved disputes about how best to represent hapū interests and who are the best hapū representatives. Unreasonable delay as the result of internal hapū wrangles is unsatisfactory because of the enormous economic cost to Ngāpuhi people of not making progress towards reaching final settlement with the Crown.

At a pre-determined and agreed point, difficult decisions must be made. In the event that hapū remain locked in dispute after rejecting reasonable alternatives it is better for the majority that intractable hapū negotiate with the Crown as separate entities.

2.1. Recommendations

- a. Negotiations between hapū and the Crown move forward in a timely and efficient way.
- b. Standardised time frames for the end of hui-ā-hapū and the appointment of hapū representatives are put in place.
- c. When all alternatives are exhausted a decision is made that uncompromising hapū can negotiate with the Crown as separate entities.

3. *Dispute resolution processes*

Page 25 of Maranga Mai accepts the importance of a dispute resolution process. It is desirable that close attention is given to how dispute resolution will take place, especially disputes between hapū when territories overlap.

Where practical the dispute resolution procedures should be reconcilable with Ngāpuhi tikanga. The mana of people involved in the dispute must be respected. All of the dimensions of the dispute, including the financial and commercial aspects, must be thoroughly examined. Interested parties must have some opportunity to examine factual evidence and present any alternative interpretations. A panel of experts without any conflicts of interest must be appointed to hear the dispute and they must give reasons for its decision.

3.1. Recommendations

- a. A dispute resolution process that supports Ngāpuhi tikanga to be established.
- b. Any dispute resolution process will also be compatible with established principles of mediation.

4. *How we do it: the representative structure*

On pages 18-19 the Maranga Mai report outlines the structure that is designed to shift the 'roles, responsibilities and power' from the Tuhoronuku IMA to the hapū and regions. This submission next addresses the structure of the new representative group.

4.1. *Te Hononga Iti*

4.1.2. *Financial implications of the proposed structure*

This entity will hold the legal responsibility for the mandate and execute the decisions of the hapū. It is expected to meet six weekly and have between one and three representatives from

each region. Maranga Mai notes that the ‘roles and responsibilities of the representatives will be limited because hapū in the regions, will retain control of the entity through their decision-making process.’

Overall the new structure is complex and has multiple layers of decision-making. It is an established business maxim that the more complex the structure then the more expensive it is to implement and support. Greater expenditure on administration, staff, travel and accommodation is an expected outcome. The financial implications of Te Hononga Iti, regional hapū teams and Te Hononga Nui must be considered in more detail before the structure is adopted.

It is difficult to reconcile the concepts of accountability and transparency, which implies open communication and accessibility of information, with this fragmented and diffuse model. The implication is that Te Hononga Iti must accept decisions made at hapū regional forum.

As an independent legal body and accountable to outside regulatory bodies, Te Hononga Iti must also take full legal responsibility for its decisions. As the holder of the mandate Te Hononga Iti may disagree with the hapū regional forum over matters such as funding, appointment of key personnel, performance reviews and the terms of negotiation. This model not only sets up false expectations that hapū will be in charge of the process, but it also allows Te Hononga Iti to avoid direct responsibility for its mistakes—to hide behind the false premise that it obeyed the directions of the hapū regional forum or Te Hononga Nui.

Furthermore this model confuses which group is responsible for financial decisions and the appointment of expert advisors, researchers and administrative staff. If Te Hononga Iti followed established governance practices, then it will be responsible for contractual agreements, payments, schedules and termination of any contracts. Maranga Mai infers that the hapū decides what contractual support it requires and in turn it instructs Te Hononga Iti. This proposal is unworkable, vague and unclear. It leaves open to speculation the vital question of which group has to account for expenditure against key results.

It follows that safeguards need to be put in place so that detailed accurate and timely information is readily available to all parties who have a legitimate interest. Furthermore the level of financial investment, if the new structure is to have adequate support, needs to be explored in depth before the recommendations in Maranga Mai are accepted.

4.1.3. Recommendations

- a. That a draft budget be prepared in order to reassure Ngāpuhi that Te Hononga Iti is workable.
- b. That the relationship between Te Hononga Iti, hapū representatives and Te Hononga Nui is clarified with a view to increasing the accountability and transparency of all these bodies, particularly Te Hononga Iti.

4.1.4. Representation on Te Hononga Iti

If Te Hononga Iti is to be an efficient decision-making body, its size is important. Te Hononga Iti needs only one representative for each region. Proxy votes on Te Hononga Iti

should be disallowed. Nor should alternate trustees be considered because diffuse voting structures blur accountability.

Maranga Mai proposes annual review of representation. Annual review is undesirable given the complexity of its mandate, the importance of developing a small skilled governance group and the finite nature of the settlement process. It is unwise to allow regions to replace representatives at any time (page 19) unless defined events trigger resignation, because it could give disgruntled hapū members permission to discredit individuals.

4.1.5. Recommendations

- a. Te Hononga Iti is comprised of one representative from each region. Proxy voting and alternate trustees is disallowed.
- b. There is no requirement for annual review of representatives on Te Hononga Iti.

5. *Hapū representatives and regions*

Maranga Mai states that hapū representatives will exercise the vote of the hapū in regions. It provides for six regions. In this regard the main difference between the present Tuhoronuku hapū kai korero representation and the new regional structure is that Whangarei and Mangakahia each receive separate representation. Without convincing evidence for the addition of the Whangarei region, it is difficult to be persuaded that the proposed change best serves Ngāpuhi.

The Whangaroa region is included as an additional region. Whangaroa is a separate iwi and has been engaged in talks with Tuhoronuku to have a separate negotiation and post governance process. It is best if Whangaroa is not included in the new structure.

5.1. Recommendations

- a. More evidence is required before Whangarei is included as a separate region.
- b. Consideration is given to removing Whangaroa from the regional structure.

6. *Urban representation*

Marangi Mai states that hapū decide who will represent their interests and will 'establish processes and structures to ensure hapū members living outside the region are kept up to date and have opportunities to contribute to the hapū interests and aspirations.'

The report makes no definitive provision for urban representation and there is no requirement that hapū engage in consultation with urban Ngāpuhi. Instead Maranga Mai recommends that each hapū decides how to incorporate those who live outside the rohe (page 23). Whether hapū will be offered assistance to ensure that members living outside the rohe can connect with, and participate in, negotiations towards the Ngāpuhi settlement is unclear.

Certain erroneous and ideological assumptions seem to underpin this recommendation, such as the idea that hapū would be strengthened by 'encouraging re-connection of our people no

matter where we live.’ As a statement of intent this may be encouraging. It is not, however, convincing.

Urbanisation of Ngāpuhi has taken place over many generations. The hapū links for many in urban centres may be weak and, on some occasions, not known. In addition Ngāpuhi who live at a distance from Te Whare Tapu O Ngāpuhi may be limited by financial constraints, family obligations and geographical distance. There may also be darker personal reasons preventing closer relationships with hapū such as whanau sexual abuse and violence, sexual orientation and disputes over Māori land. For all of these reasons urban Ngāpuhi may be unable to make meaningful connections with their hapū. It is wrong to exclude urban Ngāpuhi from any reliable, measurable and collaborative participation.

Moreover, Maranga Mai does not acknowledge the tensions between local hapū communities and the larger urban population who comprise Ngāpuhi. It is unfair and unjust that the largest group of Ngāpuhi has no designated role in the Treaty settlement. The structure proposed by Maranga Mai is oppressive. It risks creating an aggrieved and angry Ngāpuhi urban population. It marginalises the Crown’s duty to actively protect the rangatiratanga of Ngāpuhi urban communities. If urban Ngāpuhi have their voices silenced and their unique contribution ignored, how can any settlement be durable and fair?

In summary Maranga Mai gives insufficient weight to the financial, budgetary, personal and practical constraints that face urban Ngāpuhi members when seeking a connection with their hapū.

6.1. Recommendations

- a. Urban representation is taken into account in any structure that represents Ngāpuhi people.
- b. The hapū regional structure is broadened to include urban representation and include designated urban representatives in Hononga Iti.
- c. Representation on the regional structure includes urban representatives from the main urban centres, Auckland, Hamilton, Wellington and Christchurch.

7. Appointment of negotiators

Maranga Mai asks ‘who appoints the negotiators’, but does not indicate how the hapū will guarantee a rigorous and robust process. At page 21 reference is made to regional representatives establishing an overall negotiations plan and setting up negotiations tables and appointing negotiators (in consultation with hapū).

As described this process is loose and untidy. It leaves room for the appointment of charismatic, assertive and engaging hapū members without provision for an objective assessment of their character and skills. The selection of negotiators must take account of their knowledge, skills, experience and their reputation within the wider Ngāpuhi community. Previous Treaty settlement negotiations demonstrate how negotiating skills determine the outcome: in particular whether or not an iwi considers that the final result was honourable.

In general terms it is desirable that hapū teams approve the negotiations plan and provide detailed instructions to negotiators. Some issues, however, will embrace the whole of Ngāpuhi such as iwi relationships with local government, fresh water, the foreshore and seabed, the decline of marine mammals and deep sea mining. These matters will require the assistance of specialist advisors and negotiators.

7.1. Recommendations

- a. Negotiators are appointed according to best practice and their appointment is decided according to established human resource processes.
- b. Hapū teams approve the negotiations plan, conditional upon recognizing that some issues demand specialist advisors and negotiators.

8. *A new name for the mandated entity to represent a new stage?*

The name Tuhoronuku carries the mana of our tupuna and located in our whenua. It is a proud Ngāpuhi name of symbolizing unity and iwi whakapapa.

8.1. Recommendation

The mandated entity is known as Tuhoronuku.

9. *Te Hononga Iti as holders of the mandate and as negotiators*

The appointment of Te Hononga Iti as the holders of the mandate and also as negotiators appears to not have been considered. Instead the Tuhoronuku model of the separate appointment of negotiators has been adopted. It is arguable that the separation of trustees and negotiators in the Tuhoronuku model was not successful. If Te Hononga Iti represents hapū rangatiratanga it is logical that the same representatives lead the Ngāpuhi negotiating team.

9.1. Recommendation

- 1. The representatives on Te Hononga Iti are appointed as negotiators.

10. Leadership

The vexed question of leadership has been omitted from Maranga Mai. The report provides no guidance on how leadership is to be determined, but leadership is a key issue for the Ngāpuhi settlement given that the Tuhoronuku model has been shown to be problematic.

If Ngāpuhi is made up of autonomous hapū, it follows that one leader will be never be able to represent the confederation of Ngāpuhi. It is also questionable whether traditionalists within hapū are ready to accept different models of traditional 'strong' leadership such as leadership that builds networks and support among the diverse groups that make up Ngāpuhi. Leadership within Tai Tokerau has generated widespread mistrust and anger. The result has discouraged powerful Ngāpuhi business leaders, politicians and skilled professionals from getting involved.

For a lengthy period Tuhoronuku dealt with fractious and unresolved relationships with other hapū leaders. The resulting stalemate showed how a single leader reserved the right to allocate all tribal resources and distribute tribal rewards among loyal supporters.

Moreover gender bias has continued unabated and unchallenged because hapū are conservative and marae protocols are deterministic. In the new millennium it is an inappropriate interpretation of Ngāpuhi tikanga to privilege a male leader when women may be better qualified to lead. An alternative model of leadership is to have separate leaders for each regional group and joint male and female chairpersonship of Te Hononga Iti.

10.1. Recommendation

2. Hapū and urban representatives consider alternative models of selecting leadership.

11. *Te-Rūnanga-Ā-iwi-o-Ngāpuhi representation*

Maranga Mai recommends the removal of the Rūnanga seat (page 24). On balance the removal of the single Rūnanga representative is not objectionable, but Maranga Mai does not address the practical consequences of this decision.

The Maranga Mai report acknowledges the current dependence on the Rūnanga database. This vital technological tool depends on the goodwill of Te-Rūnanga-Ā-iwi-o-Ngāpuhi. The mandated body will have no established channels of communication with the Rūnanga when an essential tool is held under its dominion. Developing an alternative data base will take time and resources. The new entity faces limited budgets and short time frames. As a result the Rūnanga data base may be the only access to enrolled Ngāpuhi for the foreseeable future. An agreement needs to be re-negotiated with the Rūnanga about costs, maintenance and access to the data base.

At present a loan agreement exists between Te-Rūnanga-Ā-iwi-o-Ngāpuhi and Tuhoronuku IMA. The Independent Auditor's Report for the year ending 30 June 2015 advised that the loan balance outstanding at that date was \$524, 322. Repayment of the debt and/or negotiating with Te-Rūnanga-Ā-iwi-o-Ngāpuhi with a view to writing off the debt in full or in part, are options which must be considered in any transition process.

Furthermore Rūnanga representatives may become members of Te Hononga Iti. Joint membership and/or employment could put them in conflict with decisions taken within Te-Rūnanga-Ā-iwi-o-Ngāpuhi. Conflict will intensify when negotiations occur about the loan and when assets currently held by Te-Rūnanga-Ā-iwi-o-Ngāpuhi could be transferred to the new post settlement governance entity. One suggestion is to require representatives on Te Hononga Iti to resign from any positions they may hold on Te-Rūnanga-Ā-iwi-o-Ngāpuhi.

11.1. Recommendations

- a. The implications of removing the Runganga seat on Te Hononga Iti are considered with more rigour.
- b. The long-term reliance on the Runanga database is recognised and that the agreement with the Runanga is renegotiated.

- c. The loan facility with the Runanga is recognised and steps are taken to repay the loan.
- d. Concerns around the potential conflicts of interest by hapu representatives who are employed or elected members of the Runanga are addressed.

Conclusion

I conclude my submission with grateful thanks to the Hapu Engagement Team and to the support they received for their important task from administrators, Kaumatua and Kuia and Ngāpuhi marae committees.

Ngāpuhi ki Ōtautahi

Response to the Ngāpuhi Engagement Group's Draft report "Maranga Mai"

We were hopeful that this report would lead the way for all Ngāpuhi to support a path to settlement of all Ngāpuhi historical claims and crown breaches against Te Tiriti o Waitangi. The draft report has a number of positives.

However, in our view it has a major and significant flaw in regards to representation of urban Ngāpuhi that does not allow us to give it our support at this time. It will require a significant change in the urban representative model for Ngāpuhi ki Ōtautahi to support the final report.

Urban Representation

The concept of reengagement between urban Ngāpuhi and their hapū is an aspirational goal and has merit.

However, in our view it is unrealistic to propose a model, as the report does, that seeks to reengage those links within the limited time frame of a treaty settlement process and at the same time ensure urban Ngāpuhi aspirations and goals are adequately represented when

- no analysis has been done of the capabilities, cost, time frame required or willingness of hapū to take part
- no compulsion on hapū to initiate such a process
- no right of redress by urban Ngāpuhi who identify a lack of willingness on behalf of hapū to represent their interests
- many urban Ngāpuhi identify themselves as being non-aligned to hapū
- has had little success with other iwi
- shows little understanding of the modern context in which the majority of Ngāpuhi live

Such an exercise would be best left to be dealt with as a priority for PSGE entity when adequate funding and time frame can be determined.

As the tribunal said, "...it is crucial to the ultimate success of the settlement process that the negotiating structure is robust and has the full support of those whom it claims to represent and whose grievances it intends to put to rest." ¹

Alienating/disenfranchising urban Ngāpuhi by removing direct representation puts at risk the very outcome this process sets out to achieve.

A better option would be to create urban regions along the same lines as the proposed rohe regions.

- Ngāpuhi urban groups appoint representatives to go forward to regional forum
- Regional forums - all Ngāpuhi urban groups within a designated region e.g. Te Waipounamu, send representatives to this forum who act in same capacity as rohe regions. Urban regional forums will nominate representatives to go forward to Te Hononga iti.

In adopting this model we have a real opportunity to encourage the establishment of more urban based groups stimulated by a model that is seen to be inclusive of all Ngāpuhi.

Urban Ngāpuhi or bodies that represent them should not be seen as being in competition with hapū but complimentary and a way forward to a settlement process that is inclusive of all Ngāpuhi.

We look forward to our proposed option being given due consideration enabling Ngāpuhi ki Ōtautahi to give its full support to the final report

¹ 5.3.4 Concluding remarks

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From:
Subject: Re: DRAFT Ngāpuhi Engagement Report
Date: 21 May 2016 at 4:51:38 PM NZST
To:
Cc:

Tena koe

Thank you for forwarding the report to me. I apologise for my late response but wished to provide a voice from some of the kuta-here in Murihiku. I have forwarded the report to the Ngāpuhi contacts I have and truly hope that our whanaunga participate in providing feedback to you. I have contacted some of our whānau directly and have explained my thoughts on the report and they have allowed me to speak on their behalf as well. I have included them in this email and sincerely welcome them to add or amend any comments that they may have if they have differing views.

We would like to congratulate Te Kotahitanga, Tuhoronuku and the Crown for the time and mahi that has been carried out to date. We certainly appreciate the attention and dedication that has been undertaken to get us to this point. Also to ensure not only our voices are heard but those of our tupuna for the benefit of our mokopuna.

We agree with the proposed negotiation and settlement process as set out in the report with some added thoughts.

Hapu representation

I am contemplative at this time as it was always an important feature that it be our processes and political structure that we as Ngāpuhi Whānui follow within the contemporary constraints that necessitate a common language to be understood for the benefit of the Crown. Ensuring that it is the hapū that bears the responsibility and autonomy to speak for itself is an important indication that we retain a semblance of how we as Ngāpuhi functioned i nga wa o mua - mā ngā hapū anō ngā e kōrero.

Urban representation

As kutahere living away from Tai Tokerau it is important that we retain our connections to our marae and hapū. By promoting hapū participation through hapū representation we can maintain stronger connections to our respective marae and hapū. If an Urban Representative was to remain in the model there would be challenges to ensure fair representation for each area. For Murihiku we have challenges and strengths that Otautahi may not possess let alone Otepoti, Tau Ihu, Hokitika, Motupohue etc etc. Therefore, one representative to be a universal voice for 'urban' Ngāpuhi in each rohe would not necessarily provide any substantial or balanced contribution to the wider framework. Promoting Ngāpuhi whānui to maintain their connection to their marae, maunga, awa, urupa can be achieved through Hapu representation but it is strongly recommended that sound communication processes be established using networks already established (e.g. Ngāpuhi Whānui ki Murihiku) and technology.

Te Runanga a Iwi o Ngāpuhi Representation

Understanding that Ngāpuhi only comes together at the behest of the collective hapū and what its role is in carrying out the activities that the hapū require of it is an important understanding too. As the administrative body for receipt of the Te Ohu Kaimoana putea it was worrisome that there was a position allocated for a representative from TRAION under the original structure as this would suggest that they have powers outside of what functions they are mandated carry out.

Final thoughts

Let us learn from what other Iwi have experienced. Let us not settle for what it is we are told to do, think or say by others but reflect on how our tupuna conducted themselves and the korero that they passed down through the generations to us. Let us ensure that our focus is not turned inward to what we can possess now but turned outward for the generations to come.

Kia tu to mana,

EXIT and Withdrawal of HAPU & WAI Numbers from the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate Meeting Held at 2 Vanguard Road Auckland at 4 pm by the PRINCIPLE & HAPU Members on the 13 05 2016

RESOLUTION

1] By Resolution that the HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate and also not Engage with the TRI LATERAL Draft Document called the MARANGA MAI Draft for MANDATE Settlement of NGAPUHI and that it is preferred that A PARTIAL Settlement Will serve the Descendant s more than a FULL & FINAL Settlement And that MAHURANGI Gulf & Islands Hearing District being the NGAPUHI WAI Claimants and HAPU Should Engage with the OFFICE of Treaty Settlements Separate from a Proposed Draft Document to be called MARANGA MAI

Moved Second Resolution Passed

2] By Resolution that TE NGARE KAWERAU I I HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved Second Resolution Passed

3] By Resolution that NGATI POU HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved Second Resolution Passed

4] By Resolution that NGAITAHUHU HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved Second Resolution Passed

5] By Resolution that NGATI TITAHU HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved Second Resolution Passed

6] By Resolution that NGATI WHAKAEKE HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District Moved

Second Resolution Passed

Contact:

P

7)] By Resolution that NGATI TAUTAHU HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

8)] By Resolution that NGATI KUTA HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

9)] By Resolution that TE URI O HAU HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

10)] By Resolution that NGATI AWAKE HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

11)] By Resolution that NGATI REHIA HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

12)] By Resolution that NGATI TORO HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

13)] By Resolution that TE POPOTO HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

14)] By Resolution that TE POPOTO HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Contact

15]] By Resolution that NGATI HAQ HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

16]] By Resolution that NGATI POPOTO HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate in the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

17]] By Resolution that TE NGARE RAUMATI HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

18]] By Resolution that TE NGARE O PUHI HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

19]] By Resolution that URI O MURIWAI HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

20]] By Resolution that URI O WAIRAKA HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

21]] By Resolution that URI O KAUAE TE TOKI HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

22]] By Resolution that URI O KAWERAU [2] HAPU & WAI Number s being Will EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved () Second () Resolution Passed

Contact ()

23]] By Resolution that NGATI RAHIRI O TE RANGI [1] HAPU & WAI Number s being [] Will
EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O
NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved [] Second [] Resolution Passed

24]] By Resolution that NGATI RAHIRI O TE RANGI [2] HAPU & WAI Number s being [] Will
EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O

Moved [] Second [] Resolution Passed

25]] By Resolution that NGATI RAHIRI O TE RANGI [3] HAPU & WAI Number s being [] Will
EXIT & WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O
NGAPUHI Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved [] Second [] Resolution Passed

26] By Resolution that NGATI WAITAUTAHI HAPU & WAI Number s being [] Will EXIT &
WITHDRAW From the TUHORONUKU IMA Trust & Trustees also the TE RUNANGA A IWI O NGAPUHI
Trust & Trustees NGAPUHI Mandate In the MAHURANGI Gulf & Islands Hearing District

Moved [] Second [] Resolution Passed

Submission on the Report **Maranga Mai**

Executive Summary

1. The Crown is too involved in resetting Ngapuhi's negotiations process. Ngapuhi needs to reclaim design, planning and leadership of the Ngapuhi settlement and then it must go back out to the people for re-mandating.
2. Identifying our core challenge as a lack of trust allows us to look for unique solutions rather than tinkering with the model that has already failed us, as suggested in Maranga Mai.
3. The hundred thousand plus hapu members who live outside of Te Whare Tapu o Ngapuhi must be represented fairly on the Governing Board.
4. Whangaroa should lead their own independent negotiations and settlement.
5. A new quality of leadership is required to take Ngapuhi forward. The election process as proposed will not deliver this. If this settlement is to be progressed within the next 2-3 years then a leader with the right skills and mana should be appointed to chair the Governance Board and to lead the negotiations.
6. The proposed decision-making model in Maranga Mai is totally unworkable. Following reasonable consultation the significant decisions must be made by the governance board. This is what people expect and it is the most efficient.

Feedback

1. To begin, I am concerned that we Ngapuhi have handed this process over so easily to the Crown. It will be a challenge to have a Ngapuhi led settlement with so much Crown involvement prior to negotiations. I am unhappy to be making this submission to a Crown mailbox and that the Crown will obviously continue to be involved in assessing feedback on Maranga Mai and consequent decisions. We first must reassume ownership and leadership over this settlement process and outcome.
2. I do not believe that the proposals in Maranga Mai make the degree of change required, in fact in some places the recommendations will take us backwards.
3. In searching for a solution to the Ngapuhi settlement process it is useful to identify the core problem so that the right solution can be applied. From observation I believe that the underlying issue, particularly for those who live

- back at home is a lack of trust. So any proposal that does not address the lack of trust will fail.
4. It is not the function or form of the negotiating body that will get this cracking, or how many hapu are represented, nor is it about consultation and decision-making processes.
 5. It is about confidence and trust. When Ngapuhi is confident and trust is present then unity will emerge.
 6. Trust requires confidence that the right thing is being done on behalf of all interested parties. While trust takes time to build it can be bolstered through the confident leadership of someone with the right competence, skills and mana. This is a rare type of leadership and is unlikely to emerge from a further round of nominations and voting.
 7. The challenge of settling the last significant land based Treaty settlement, and rightly the largest, is a monumental task that requires a greater level of skills and fortitude than has been evident in this process to date.
 8. To build the trust and to get the change we require we need to be bold and do something more than play around with a representative model that has already failed us. We need something more than a new format with the same players. Most importantly we need a vehicle that is led and driven by an individual who has the skills, grit and endurance to take this through to the end.
 9. While representation is essential to ensure inclusion in this process, the flawed model of democracy we continue to rely will not deliver what we require. I propose that we strengthen the democratic approach with the addition of meritocracy in the form of a selected Chair/Chief Negotiator - that person with the integrity, skills and mana to build trust and confidence.
 10. As proposed in Maranga Mai there is sense to having 6 regional representatives from within Te Whare Tapu O Ngapuhi, namely one from each of:
 - i. Mangakahia ki Whangarei
 - ii. Pewhairangi
 - iii. Hokianga
 - iv. Ngati Hine
 - v. Taiamai/Waimate
 - vi. Kaikohe
 11. And additionally, to ensure the representation of our urban whanaunga and their interests there should be at least three urban representatives, which logically would be from Auckland, Wellington and the South Island. Thus totalling nine elected representatives.
 12. Note that this excludes Whangaroa. The people of Whangaroa clearly see themselves as an independent Iwi and are looking to have their 'share' of the

Ngapuhi settlement returned directly to them for their own management. This has the potential to undermine the Ngapuhi settlement and any post-governance entity that will follow. Whangaroa should rightly pursue their own settlement using their own resources.

13. The biggest challenge in appointing a Chair/Chief Negotiator is the process for appointment. I propose that a panel of experts with a proven track record in tribal/Maori matters and/or settlement processes be appointed to make the selection and that this panel be made up of Maori leaders from around the country. The type of people who might be on the selection panel should be of the ilk of

Five members would be an efficient and workable number for the selection panel.

14. Maranga Mai proposes a convoluted model of decision-making that is certain to undermine any Ngapuhi settlement process, no matter the structure or representative model. Our tribal nature is founded on a multiplicity of opinions and positions. The role of the representatives is to confidently consider options and critical points and to then make decisions. The proposed decision-making model in Maranga Mai will lead to confusion and encourage further fragmentation. The decision-making model should be simple and transparent. While ongoing consultation at an appropriate level should always be an integral part of the process it is the 9 person panel led by the Chief Negotiator/Chair that carry the mantle of strategy and decision-making.

15. And a strong board deserves the support of an experienced senior manager with the qualifications to drive the operations and efficient and thorough business practices necessary to serve the people and underpin the negotiations.

To conclude, wherever this new structure lands, before any change occurs it must go back to the whole tribe to be re-mandated in the same fashion that Tuhoronuku was originally mandated.

Saturday, 21 May 2016

On Saturday 21 May 2016, a hui a hapu was called and held for Te Uri Taniwha and Ngati Hineira. These are only two hapu from the Te Ahuahu area, those of us in attendance relate to other hapu, but as this hui was called specifically for Te Uri Taniwha and Ngati Hineira, these two are referred to in this feedback.

The following people were in attendance:

The hui begun at 11.00am and closed at 4.00pm. We collectively provide the following feedback and recommendations on the Maranga Mai Report.

1. Overarching feedback

Our hui resolved that we support the Maranga Mai report, the hui calls for fresh leadership that reflects the spirit and intent of Maranga Mai.

We provide our specific feedback on issues below.

2. Regions

It is proposed in the Maranga Mai report that, Taiamai Kaikohe is one of the six Regions. We understand that these regions are primarily administrative structures to organise our negotiations, however our hapu are mindful that participating in negotiations is only the next step, beyond negotiations there will be ongoing activities such as the PSGE, so we respond to this proposal with the following recommendation:

Te Uri Taniwha and Ngati Hineira hapu hui recommend that:

A region named 'Taiamai' be created that includes the people, lands and resources of the following hapu:

- Te Uri Taniwha
- Ngati Hineira
- Ngati Korohue
- and any other hapu who can and wish to unite within this regional group for these purposes

The rationale for this recommendation is based on the following principle:

We are the living hapu who cooperate, tautoko and collaborate today based on our historical evolution, kinship, whakapapa, geographical land and seascapes, natural resources and ahi ka tonu.

2. Withdrawal Mechanism

Maranga mai proposes:

'We recommend a process for hapu to withdraw from the mandate'

Te Uri Taniwha and Ngati Hineira hapu hui do not agree with the availability of a withdrawal mechanism from the Maranga mai process. We state that if our hapu join and support the Maranga Mai structure we will not be looking to withdraw at all. We will be joining and supporting this structure going forward 'pou te kaha'.

However we are keen to see a withdrawal mechanism for regions. The ability for regions to seek their own mandate to negotiate their own settlements with the Crown is at this stage not preferable for us, but if Maranga Mai does is not successful, we will be seeking our own mandate as our own region.

3. Alternative Pathways

Currently the Maranga Mai report proposes:

There are elements within the alternative pathways we see as positive and workable. We certainly see options 2, 3, 4 & 5 are alternative routes we could work with should Maranga Mai not succeed.

No reira, tena koutou katoa,

Thursday, 19 May 2016 and Friday 20, May 2016

A hui a hapu was held on Thursday, 19 May 2016 for Ngati Korohue and Ngati Pou ki Taiamai and Friday, 20 May 2016 for Te Wahineiti–Te Whiu and Ngati Miru ki Taiamai.

The following people are related to other Taiamai hapu but were in attendance for the specific hapu mentioned above:

Our hui resolved that we support the Maranga Mai report and would like to submit feedback on the issues contained therein.

1. Regions

The Maranga Mai report notes the **Kaikohe Taiamai** as one of the six regions. We understand that the regions were created primarily as administrative structures to organise our negotiations. We note the ongoing activities such as the PSGEs, so we respond to this proposal with the following recommendation:

Ngati Korohue, Ngati Pou ki Taiamai, Te Wahineiti-Te Whiu and Ngati Miru ki Te Waimate Taiamai recommend that:

A region named "Taiamai" be created that would include the people, lands and resources of the following hapu:

Ngati Korohue, Ngati Pou ki Taiamai, Te Wahineiti--Te Whiu, Ngati Miru ki Te Waimate Taiamai, Te Uri Taniwha, Ngati Hineira, Te Whanau Whero ki Taiamai

And other hapu who are associated with Taiamai to unite within this regional group for these purposes.

We are the living hapu who co-operate, tautoko and collaborate today based on our historical kinship, whakapapa, geographical land and sea scapes, natural resources and ahi ka tonu.

2. Withdrawl Mechanism

Maranga Mai Report proposes:

"We recommend a process for hapu to withdraw from the Mandate"

The hapu do not agree with the availability of a withdrawal mechanism for the Maranga Mai process. We state that if our hapu join and support the Maranga Mai structure we would endeavour to abstain from withdrawing at all. We will support this structure going forward "pou te kaha".

However we are keen to see a withdrawal mechanism for regions. The ability for regions to seek their own mandate, to negotiate their own settlements with the Crown, is at this stage not preferable for us; if Maranga Mai is not successful, we will be seeking our own mandate for our region.

3. Alternative Pathways

The Maranga Report proposes:

‘There are elements within the Alternative Pathways we see as positive and workable’.

We certainly see options 2, 3, 4 and 5 as alternative pathways we could work with, should Maranga Mai not succeed.

No reira, tena koutou katoa.

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28 April 2016

To
Maranga Mai
Ngāpuhi Engagement Group
Ngāpuhifeedback@justice.govt.nz.

Maranga Mai Engagement Draft Report – feedback

Following is the feedback from the Whakapara Marae Trust Board. In general we acknowledge the huge amount of work that the Engagement Group has done to produce this report and to provide an alternative approach to the Ngāpuhi Settlement process. There was a lot to digest in the draft report however we have endeavoured to relay some of the comments from our people.

- Not enough detailed information about the model to make informed decision for example how are each of the three groups Te Hononga Iti, Regions, Te Hononga Nui (TRT) accountable to each other. It will be necessary to have some comprehensive rules and guidelines so everyone is clear on what their role is and how they work together.
- PSGG is a big issue that needs some people with specific skills to develop and recommend the options and to bring these to fruition.
- The issue around Rangatiratanga under the Treaty of Waitangi and the fact that Ngāpuhi did not cede sovereignty, where is that in relation to the Treaty Settlement.
- Need to develop some criteria for skills required for the different roles in each of the three groups (TRT). It is one thing to say that each hapū is free to choose their own representatives however what guidelines are there to make sure that people with appropriate skills are chosen rather than someone's whānau or someone that might be popular but that doesn't have the right skills. Whoever is chosen has to work with people from other hapū and if they don't have the right skills or demeanour then it makes it difficult to progress things.
- Administration of hapū reps, urban, overseas members, and the ability to chop and change between hapū will be very difficult to manage. Will need some clear guidelines and processes. It is one thing to have a fluid process that allows people and hapū to decide who and when they want to develop relationships with however these changes also affect other relationships they may have had. It could cause friction and interfere with progress and timeframes.
- Disputes resolution process will be necessary. Will be a challenge to design, there are many occasions where disputes might arise, and the disputes process will need to be flexible to adapt to the different situations. The process will only work if everyone agrees to it.
- Te Hononga Iti would have accountability back to the Crown for the administration of the mandate and finances. It will be difficult for them to do this unless there are some clear guidelines, and processes in place. They need to have a level of authority to question the direction they are being given from the regions and the hapū if there is a possible conflict relating to accountability. Who would want to put their hand up to work in a legal entity when they don't have the control over it.
- Even though it looks simple this is a very complex model. There needs to be clear guidelines and accountability processes. The Te Hononga Nui side needs to have accountability processes as well as the Te Hononga Iti side.
- Each hapū needs to decide what they want to do e.g. stay with the Tuhoronuku model, endorse this new model, go it alone. Whichever option is chosen it is clear that hapū will need to do some work to establish their own register of members, and strengthen their administrative, communication processes to make sure they are engaging with their own people. Who and how



will this be monitored.

- Hapū rangatiratanga – deciding on regions, boundaries or going with natural alliances and groupings. Some hapū will have alliances in a number of regions. Making boundaries is an artificial line, this is not natural as there are often cross overs between hapū.
- There are 110 hapū identified by Tuhoronuku, 110 kaumatua and kuia if each chooses one (probably more) for their hapū – how will this all work?
- Regions provide administrative base however still a need for hapū autonomy to decide for themselves where they fit.
- Process to appoint negotiators. Need the best people for the job. How does this affect the negotiators that are already chosen? Need to have transition plan.
- Name change for the adjusted mandate? Do people think there should be a name change? What criteria to use to decide the name e.g. traditional name that relates to all of Ngapuhi, generic name that relates to the time and focus of the Settlements?
- Withdrawal clause – is this adequate? What issues might this raise?
- Is there a need for a steering group, leadership group to make sure everything still progressing. Is this the role of Te Hononga Iti? Without a steering group the whole process could be derailed. This will be a fulltime job for some people, will there be funding for this?

Please contact us if you need anything clarified.

Hei konā



NGĀTI HAU TRUST BOARD & HUI A HAPU
FEEDBACK – MARANGA MAI PAPER

1. Preamble:

Ngāti Hau have attended meetings as individuals and as a group in relation to this matter. It has been debated in detail and at length and given the complexities of it as an issue, our position is that we really need more time to consider the implications of the process and the potential outcomes for Ngāti Hau. This submission is therefore made in order to satisfy a deadline set at 4:00pm on Monday, 23 May, 2016, however, the debate in Ngāti Hau will continue as we seek to ensure that our *rangatiratanga* is in no way compromised, that it continues to be articulated forcefully and that as trustees and beneficiaries of Ngāti Hau, we are following our absolute duty and obligations to look after our people and their interests above all.

We will continue to respond to developments arising from this engagement process, applying our *rangatiratanga* as the key test of all and exercising our *kaitiakitanga* over both process and outcomes.

Another critical issue is that, while the Crown has undertaken and concluded many settlements with different *iwi* groupings, and while it claims this as evidence of its capacity to do so, none has been on the scale or of the complexity inherent within Ngāpuhi. Ngāpuhi has some key characteristics, which sit outside settlement processes related to all others:

- 1.1 It is by far the largest and most complex *iwi* grouping
- 1.2 *Rangatira* of the *hapū* of Ngāpuhi who signed Te Tiriti o Waitangi did so as *rangatira* of their respective *hapū* and not as a collective

of Ngāpuhi. The Te Tiriti o Waitangi document itself makes this absolutely clear

1.3 *Rangatira* of the *hapū* of Ngāpuhi did not cede their *rangatiratanga* to the Crown and yet have been treated always as if they had. The text of Te Tiriti o Waitangi, signed at Waitangi, at Waimate and at Mangungu by our *tūpuna*, makes it very clear as to what they were signing, agreeing, understanding and accepting

1.4 The Crown must deal with the matter and fact of *hapū rangatiratanga* as part of any negotiation and settlements process. This *hapū rangatiratanga* collectively is Ngāpuhi *rangatiratanga*.

2. **The Background to the Hapū Engagement Plan (HEP) Process:**

The issue arose from two key factors:

2.1 Dissatisfaction within the Te Kotahitanga membership and in instances, within individuals and *hapū* about the Tuhoronuku structure, processes and mandate and its overall perceived illegitimacy, whatever the accuracy of this perception

2.2 The findings of the Waitangi Tribunal as a result of the Urgency Hearing application by twelve claimants into the Tuhoronuku Mandate.

3. **Concerns of Ngāti Hau About the HEP Process Leading to Maranga**

Mai:

Key concerns cited were:

- This was a Crown initiated and directed process
- The process has failed to unify Ngāpuhi even if different sides are talking to each other
- Tuhoronuku representatives were forced to work within a Te Kotahitanga model and mindset
- Te Kotahitanga had no base alternative model to that of Tuhoronuku: Tuhoronuku was the departure point and the Tuhoronuku Mandate was not under serious question or challenge

- There was much misinformation with the result that people were drawing conclusions which were incorrect²
- The results of the engagement process are too confusing and complicated
- There are too many loose ends
- The Crown were party to *hui* when it was for Ngāpuhi to sort out
- Maranga Mai hui indicated a range of views which were often in conflict and contradictory, regardless of an attempt to make presenters follow a standard line in feedback and consultation *hui*
- Members of the HEP group still represented Tuhoronuku, Te Kotahitanga and the Office of Treaty Settlements (The Crown) and still represented the views of each party, along with their own views, this overall being a complicated mix
- Te Puni Kokiri were also involved in hui as an apparent, extramural body
- The matters raised by the Waitangi Tribunal and covered in the Maranga Mai report appear to exceed what was actually required by the orders of the Waitangi Tribunal.

4. **The Review and Analysis Process of Submissions Received:**

Concerns were expressed about:

- Who would be reviewing the submissions and their balance, capacity and independence
- How the results of the review of submissions would be handled and revealed
- The ramifications for the *hapū* of Ngāpuhi and concerns in having something imposed upon them.

5. **Tuhoronuku:**

² A key one circulated was that Ngāpuhi would take control of all WAI numbers and that hapū interests would be subsumed into an overall Ngāpuhi settlement package.

Regardless of the views people hold in relation to Tuhoronuku and, however these views might have been developed and reached, there were some key observations made:

- Tuhoronuku was developed by Ngāpuhi as a Ngāpuhi model with widespread and extended consultation with Ngāpuhi people all over Tai Tokerau, Aotearoa and Australia and led by Ngāpuhi *kaumātua* and *kuia*
- The model wanted and needed was one deemed to be "safe" for Ngāpuhi in that Ngāpuhi exercised control
- Tuhoronuku had the capacity to be responsive to feedback and to make changes to the model. This in fact did occur
- Tuhoronuku was open to all *hapū*, including those who identified with Te Kotahitanga. There was never a closed door: many simply chose not to walk through it
- Tuhoronuku as a name, is extremely powerful for Ngāpuhi, symbolising the sacred kite which Rahiri used to divide the land between his first-born son, Uenuku and his second born, Kaharau. So, it should not be changed.
- Ngāti Hau initially were strongly Te Kotahitanga and were not at all receptive to Tuhoronuku and consultative hui, however, in the best interests of Ngāti Hau it was eventually deemed to be important that a place be taken up at the Tuhoronuku table. However, Ngāti Hau also remained part of Te Kotahitanga and hosted and took part in Te Kotahitanga *hui* and indeed, other *hui* where the rights and rangatiratanga of hapū were held to be paramount
- Ngāti Hau went through an election process for their Mandated Hapū Kaikorero, there being four candidates from whom the final selection was made by Ngāti Hau people, exercising their voting rights
- There had been early discussion within Ngāti Hau about a Negotiations Team rather than an individual and indeed, this remains a Ngāti Hau commitment agreed to yet again at a *hui a hapū* on 21 January 2016. This of course requires that there be a

final and properly constituted and agreed Ngāpuhi structure and process in place within which the *rangatiratanga* of Ngāti Hau is paramount. Currently, this is not the case.

6. What will be part of any settlement:

Under its *rangatiratanga* and *kaitiakitanga* Ngāti Hau has a responsibility to articulate precisely its expectations in any settlements model and process. Ngāti Hau continues in the process of articulating what its position is. This includes:

6.1 The absolute bottom line for Ngāti Hau including:

- The Ngāti Hau Te Tiriti o Waitangi Negotiations Team – who and how
- Its *rangatiratanga* absolute

6.2 Definition of what Ngāti Hau expects to be part of negotiations, including:

- Forestry
- Water
- Waterways
- *Wahi tapu*
- *Maunga*
- Sites of significance
- *Takutai moana*
- Harbour interests
- Department of Conservation lands
- Confiscated and resumed lands, lands taken under compulsory acquisition.

7. Ngāti Hau initiatives:

As a part of exercising its *rangatiratanga* and *kaitiakitanga* and in debating and developing views and preferences on the best settlement model for its interests, Ngāti Hau is currently engaged in:

7.1 Developing alliances with associated *hapū* groupings who in many instances have shared *whakapapa* and interests.

- 7.2 Identifying and classifying interests which are:
- Specific to Ngāti Hau
 - Shared with other *hapū*
 - *Iwi*-wide and *hapū*-wide but which also impact on Ngāti Hau – te *reo*; harbours, foreshore and ocean areas
- 7.3 Reviewing Ngāti Hau representation on local authorities and other bodies and organisations. Such representation might also be formalised as part of a settlements process, given the status of Ngāti Hau and wider Ngāpuhi interests in relation to their *rangatiratanga* status never having been ceded to the Crown or anybody else.

8. Conclusions:

Ngāti Hau offers these comments as part of an ongoing review, consultation and feedback process. It was felt that:

- 8.1 More time is required for Ngāti Hau to develop a comprehensive position which responds to every issue and alternative raised within the Maranga Mai summary report
- 8.2 Ngāti Hau will continue with the debate and on the pathway of developing its preferred position and that which serves its collective interests best
- 8.3 Work should be done on making improvements to the Tuhoronuku model in that the Maranga Mai proposals are not a radical departure and not a new structure but more a tweaking of what was already in place. The required changes could have been more efficiently implemented in a shorter time frame
- 8.4 The more complex a structure, especially when given the proposals related to *Hapū*, *Regions*, *Hononga Iti* and *Hononga Nui*, as outlined in Maranga Mai, requires real funding in order for it to be developed and tested to see if it is actually workable. There were doubts expressed that something on paper might be totally unworkable in reality

8.5 While Ngāti Hau would probably agree after considered debate and discussion that representation for *kaumātua/kuia* and those living away from their traditional areas is required on any governance structure, this was not formally debated and therefore cannot be offered up as Ngāti Hau being in favour. As Ngāti Hau we are conscious of the rights of all our people and that these do not apply only to those living at home on traditional Ngāti Hau lands and in the wider Ngāti Hau region.

Signed and submitted for and on behalf of Ngāti Hau

Date: Sunday, 22 May 2016

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RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū

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TE RUNANGA O NGATI HINE

Post Office Box 36, Kawakawa 0243

22nd May 2016

To the Ngāpuhi Engagement Group

RE: Feedback on the draft Maranga Mai Report

Tena koutou katoa,

The following resolutions were made by Ngati Hine at a hui held on Saturday 21st May 2016 at Miria Marae, Waiomio.

1. We reaffirm in our submission:
 - a) Our Ngati Hine Rangatiratanga - that we did not cede our sovereignty
 - b) That we are a large natural grouping in our own right (as acknowledged by the Waitangi Tribunal)
 - c) A principled approach to Settlement
 - d) Our Pae Tawhiti (Vision statement) – "Ma Ngati Hine ano a Ngati Hine e korero, ma roto i te whanaungatanga me te kotahitanga"
2. That Ngati Hine support in principle the Maranga Mai Report.
3. That Ngati Hine is seeking Ngati Hine specific settlement redress as well as collective redress through this process.
4. That we are prepared to work in a unified and coordinated approach, however if we find it does not work for us, we will seek to withdraw and seek our own large natural grouping status, mandate, negotiations and Settlement.

Naku noa na

← also at 12

Sunday, 24 April 2016

Tena Koutou Katoa,

Tunahi ka hoki nga maumahara ki a matou matua fupuma kua wheturangitia, e mae ra koutou i roto i te Ariki, huri ana ki a tatou te huinga ora, tena ka koe, tena kourua, tena tatou katoa. Raou ki a matou; tatou ki a tatou, tena ra koutou katoa.

I submit this feedback on the draft Maranga Mai report for consideration.

Firstly, my thanks and congratulations to the Engagement team who have been working so hard to get to this point. I am very grateful for the hard work that everyone has put in.

My feedback and comments on the process and report are as follows.

GENERAL COMMENTS:

1. I am in support of the Maranga Mai recommendation to negotiate collectively without restarting the the mandate process. I support the report in general, and there are some specific areas I would like to comment on, but these initial comments are general comments about moving forward.
2. Overall the Maranga Mai report represents and signifies the arrival at a very important cross roads for Ngapuhi-ot-tonu. One that is signalling a second chance, the possibility for a different way forward, possibly one of unity and probably new leadership. My hope is that as many people as possible take the option of a second chance to get the representation, participation and leadership right for us to be able to move forward toward the successful and fulfilling end of the hearings process and on the successful road toward settlement.
3. In my view, the problem with this proposed structure is this will not, on its own, influence the current proportions of Ngapuhi people who can be broadly grouped as, unaware, not interested in that stuff never will be, aware but disinterested, was interested now turned-off, interested spectators, engaged people actively involved in activities at some level, including keeping self informed, some Te Kotahitanga and Tuhoronuku stalwarts who believe there can not be unity between the two and those who strongly believe unity is the only way forward.
4. These proportions will not change as a result of this or any new structure. What we also need, is something that will influence these groupings positively so that the new structure attracts and increases the numbers of people who are engaged and are actively participating in the activities ahead of us. Key to this I strongly believe is the way in which the process is led. I believe that this is by far the greatest challenge Ngapuhi face right now.
5. Only Ngapuhi can address and fix this problem, and in the face of all the work and challenges ahead with the Crown, it seems a daunting an almost impossible task, but one I think we (Ngapuhi) need address as we move ahead in the coming weeks and months. I believe, if we have not found the right people and mix of people to inspire and lead us forward by the end of this year, we should most certainly expect further significant disengagement from wider Ngapuhi.

6. While sitting at a cross roads does provide us with a choice, the situation over the recent years has already had a devastating effect for tui and hapu unity, engagement and unity. I believe that for any positive, forward movement for Ngapuhi, we must improve the way our people are being led at all levels. The only way we can increase engagement is to improve the leadership overall.
7. The right leaders exist in our communities, but (in my own experience) most Ngapuhi people, let alone many of our community, whanau and marae leaders have been written off, overlooked, silenced, bullied, intimidated, lied to and discouraged from participating in our claims, hearings, negotiation and settlement processes.
8. Ngapuhi needs an inspirational, energetic, empathetic and unifying leadership now. That is unlikely to come by way of one person. But these are qualities that are essential if we are to move forward. These are descriptions I have not heard in the Ngapuhi vernacular, although I have heard people refer to the generation of Sir James Henare as possessing these qualities. These were qualities I valued in Erima.
9. The challenge of getting people on board was already a challenge before the set up/ division between the two entities Te Kotahitanga and Tuhoronuku - but has been made harder as a result of the recent divisive and toxic behaviour of some of our front line leaders.

SPECIFIC COMMENTS

GROWING ENGAGEMENT, SUPPORT, ACTIVE PARTICIPATION AND REPRESENTATION

10. For the new proposed structure to work effectively, it requires increased engagement, support, active participation so that representation is as honest, effective and authentic as possible.
11. An important and immediate exercise is to survey why, where, who and what the levels of engagement and disengagement are at for Ngapuhi people. We need to be able to demonstrate/prove that in going forward our engaged population is increasing. This will be one key measure of our success.

HAPU CAPACITY:

12. I agree with the decision making power being place firmly within the control of 'hapu'. However, I think we need to be honest about the limited capacity and capability within some of our communities to effectively manage this. If we were all thriving, healthy and functioning hapu communities, this model would be fail-proof, but we are certainly not, thriving, healthy and function and a large part of that is a direct result of our experience of colonisation and all of the issues we are bringing before the Tribunal, we need to bare this in mind and not fool ourselves that hapu tikanga will be clear enough or strong enough to manage things like dispute resolution processes.
13. While there are a handful of hapu who will be able to step up and into this structure and begin functioning and contributing from day one, there are many more who are not in this position, but desire to be. Carefully designed assistance for these hapu (or other representative group) to get on their feet before they can support and participate is a must, and will require leadership and resource that can, with care and consideration, draw out the solutions, concerns, desires, hopes and worries of those groups that need that help.

ACCURATE AND RELEVANT DATA ABOUT NGAPUHI AND DATABASE

I strongly believe that a very focussed survey/census of Ngapuhi is required. One that is designed for Ngapuhi to plan and strategise with over the next 50-100 years. One that looks name, describe, record and measure all things that are fundamentally important to living kōinga, marae, communities, whānau, groups and hapu who describe themselves as members of the Ngapuhi iwi. The data we currently draw on is designed for someone else's ends, not ours. The framing, the questions, the measures are not first and foremost for Ngapuhi, they are at best, for Ngapuhi in terms of the rest of the country, Ngapuhi in terms of health and education spending and investment etc, Ngapuhi in terms of incarceration, numeracy and literacy level - but numeracy and literacy according to who and levels according to who or what - certainly not a Ngapuhi iwi or hapu view of the world.

I am disturbed by some of the talk I have heard over recent years as to what the settlement should be spent on, people are coming up with solutions and remedies that do not even match an identified problem relevant to anyone else but themselves.

Along with an inspirational, energetic, empathetic and unifying leadership, we must have accurate and relevant data to profile who we are so we can plan for what we can become.

COMMUNICATIONS

A robust communications plan is another key to moving forward. I must say, I have been totally disappointed by the lack of good communications that have been produced and paid for by Tokarouku. In my eyes those communications were totally ineffective and if they have done anything, they have turned people off.

There is a suggestion on page 35 that, 'hapu working in the regions commence development and begin to implement a cost-effective and efficient communications plan.' There are so many things out of touch with this 'suggestion'. The words suggest there are hapu working in the regions and that they have the capability and capacity to develop and implement a robust comms plan, and that they have the resource to chose a cost-effective option.

My point here is that the plan, suggestions and recommendations are all good ones, but they don't always match up with what is on the ground today, which is actually what we have to work with, which is bigger all. So we need to be careful about suggesting things and ways of achieving things that are in fact, out of reach for many of our people and communities.

URBAN REPRESENTATION

I don't think that the description 'urban' is suitable for our people living away from Ngapuhi, as not all of those living away are urban dwellers, yes a large number are, but not all. For those who are not city dwellers, their issues will no doubt be different to those in the cities. Issues for those living overseas will be different again. So consideration for a better description for those who want to connect or stay connected to their Ngapuhitanga should be given. I do not have a suggestion, but perhaps some of our people mohiu pōā te reo a Ngapuhi can develop a much better term for our whānau.

Consideration should also be given to those groups of people or whānau who moved away together to seek work throughout last century, for example businessmen to Ngāiti Parōu and the King Country, the mill in Tokoroa, trade-training schemes around the country, the gardens in Ohakune to name a few places that I know are of particular relevance to my community in Te Ahuahu. As far as I know, all of the whānau that moved away from home in the years of the migrations to cities and other towns for work, have maintained

their Ngapahitanga. Many have married in to those other areas, but still come home, and many still bring their tapapakā home and so on. We need to identify those whānau and ask them about how they wish, especially for their wāhi to remain contributors and beneficiaries as members of our hapu people. I know some wonderful progressive work has been done around these issues by current academics, some of them are leading the field, Melissa Williams from Pungu and Aroha Harris from Mangamūka to name two.

For the few I have spoken with that live in and around Te Ahuahu, there is a strong view that the mana of our hapu, Te Uri Tautūwhā, Ngāti Hineira, Ngāti Korohua and Te Whānau Whānau is most potent here in and on the whenua of our tūpuna who established our mana here in Te Ahuahu Tāiāma. Many, in fact most of our people live away from our ancestral home Tāiāma, but this does not make them any less a members of these hapu, they will always have a link as will the unborn generations yet to come, it is their birthright, however our hapu identity cannot be defined in relation to other landscapes or environments, both natural and built. The birthplace, te wākeinga, te keinga where for our hapu is in Tāiāma, not Sydney, Manurewa or Dubai. So while it is incumbent on those developing this process to provide the links and opportunities for people to latch onto, it is up to those who live away to get connected, stay connected and get involved if they want to participate in, benefit from, contribute to and enjoy the full benefit of being a member of our hapu from Te Ahuahu Tāiāma from anywhere in the world.

POOL OF EXPERTS

There are a couple references in the report to experts and expertise in the report. I'd like to recommend that a workshop be held to identify all of the areas we need to look at for our negotiations (themes and specialist areas such as water management, ECE, mental health, commercial investment vs cultural, revitalisation of te ao, forestry management, sustainable micro industries, etc etc) and all the experts in those fields, whoever and wherever they are.

I know some are of the mind that we should just get the settlement monies in the bank then figure out how to use it. The few that I have heard and seen shaping solutions and ideas for negotiations are not well informed nor do they think they need to be. This is a go nowhere strategy. We must bring as many of our people with us from here on in and to assist this the kaupapa must commit to seeking and engaging nothing but the best advice and expertise available to us. Whether that advice operates in teams of expert advisors with work plans within timeframes to develop models and provide advice on what should be negotiated for and or form teams of expert negotiators to negotiate directly, I am unsure, but we do need people who know about and are experienced in the issues and remedies we seek.

RANGATAHI REPRESENTATION

This issue is not represented strongly in the report, but one believe needs attention and I know from the Kohewhaka and Parawhenua hui recently this is an issue of importance. I would like to see a Ngapuhi Rangatahi Runanga established and resourced. Rangatahi are, and have been totally overlooked in this conversation, I believe in them, they have voices and they are more than capable (than some of us even!) with our support to contribute, and in some aspects lead this process.

KAUMATUA KUIA REPRESENTATION

In my experience kaumatua and kua know their status and their role in our area, as do those of us who respect them. Those cultural roles are different to representation roles. If a hapu think their kaumatua and or kua are the best ones to represent their interests at the next levels up - kei a matou ano teia.

I do not think we need a kaumatua and a kua role on the structure.

EQUALITY - MEN AND WOMEN

This issues is one of many large elephants in Te Whare Tapu a Ngāpahi. I would like to put this on the table for consideration now, in our P5GE that balance of men and women should be a key topic for discussion.

THE NAME TUHORONUKU

I have no strong views here other than, that special name, Tuhoronuku, the stories and the tupuna attached to it are special, I don't think they are magic and can fix this mess we are in nor make it worse, only we can do that. It's up to us to get on with the things that need repairing so we can move forward.

I am pleased to take this opportunity to send some of my thoughts in and have them registered as a part of the public record alongside other formal feedback I have submitted over the years.

Heoi ano ra, ko nui enei korero maku mo tenei wa. Ko te huaranga, ma te Atua tatou katoa e arahi e manaaki.

From: PAMELA
Sent: Monday, 23 May 2016 9:00 a.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Maranga Mai Submission - A member of Tekau I Mua

Kia ora Team

My submissions for Maranga Mai are very short and to the point:

We need to unite and move forward as one into the negotiation process.

Hapu ***Have to be represented by a blood member of that Hapu***

Funding for the development of of a Iwi Database, which each Hapu can also administer, this has to occur now

I'd like a team from each Hapu to be funded to do the work required through this process in a collaborative approach.

Keep the Tuhoronuku model

Nga mihi nui

RESPONSE TO MARANGA MAI

Kia ora koutou,

It is encouraging to see Ngapuhi discussing this kaupapa in a collective manner. We may not have ironed out all the kinks but from my observations it appears there is a growing amount of support for this model going forward to negotiations and more importantly in my view, achieving ratification.

Without the tautoko from Ngapuhi, we will not advance to Redress/Settlement stage, so am fully supportive of the proposed recommendations from the Tribunal and as has been outlined in Maranga Mai.

Some thoughts and observations that I have are as follows.

Hapu Representation

As this has been one of the main contentious areas, I tautoko that Hapu will have authority to appoint those whom they wish to represent them in regards to their interests and aspirations.

Current TIMA Hapu Kaikorero Representatives will in due course be required to stand down, should this model inclusive of any amendments goes forward.

Hapu will make their decisions based on tikanga and not ture.

Regional Representation

The most significant change here is giving autonomy back to the regions.

Consideration needs to be given to empowering and utilizing the current CFRT approved client infrastructure already established throughout the regions, either with extra personnel and/or funding as needed to facilitate the workstream towards negotiations.

Will Mahurangi be considered as an autonomous region ?. My understanding is that their Tupuna reach right across Ngapuhi nui Tonu, Whangaroa included.

Empowering each region with the ability to develop it's own PSGE will create impetus to advance towards this objective.

Hononga Iti

I tautoko that a legal entity is required to hold the mandate.

I note Hononga Iti will take it's directives from regional reps and will have an advisory and monitoring role on regional accountability.

This ropu despite having limited power, however appears to have all the implications and responsibility of legal liability and accountability for decisions which will be essentially enacted outside of their control, so an indemnity clause should be considered to counter any such issues should they arise.

Hononga Nui

I agree a forum needs to be available so that matters of shared interest whether it involves Hapu boundaries or generic issues of grievance, can be discussed and more importantly mutual agreement on a pathway forward.

Negotiators

Doesn't state that regions can have the option of putting forward their own negotiators.

The TIMA model allowed for up to 6.

Kaumatua Representation

I tautoko the new proposal. The voice of our kaumatua/kuia have always taken precedence at every hapu hui I have attended. Their whakaaro is valued greatly and this process enhances the opportunity for all Kaumatua of Ngapuhi to participate and be heard.

Urban Representation

I tautoko this proposal as well.

In regards to my own whanau who whakapapa to our tupuna, Te Paoro Hoori, we number in the many hundreds of whom many we have contact for. So it is not unreasonable to think that all Hapu members have some means of contacting their whanau as well.

Hapu registers should be able to be developed, one whanau at a time. It would be more

beneficial if a person was employed at regional level to facilitate this mahi with objectives and milestones to ensure that this ropu is well informed and represented.

Withdrawal Mechanism

There is still dissent out there. Those still advocating this option, I am unsure if they speak with the mandate of their hapu or whether they refer to themselves or their Wai claims. No doubt further discussions will take place with these groups or individuals in due course, to ascertain why they believe their issues are not being addressed within this model. The withdrawal process does look quite daunting.

Wai Claimants

There have been expressions of non support from members of this group stating that they feel excluded in this model. The large number of claimants within the Te Paparahi o Te Raki inquiry district have collectively amassed a vast amount of research and evidence, and have identified a multitude of grievance issues. The claimants long standing and dedicated mahi needs to be appropriately acknowledged and not presumed that their efforts are readily available for hapu to uplift and use.

It would be an oversight if they are not included.

The term "parallel process" has often been quoted but in my view has not yet aligned to a point whereby the Hearings and Negotiations process compliments the other.

Legal Counsel Representation

Will whanau/hapu/claimants still have access to legal advice and how will Counsel be accommodated in this model going forward ?.

Stage One Report

There have been questions raised as to why the Stage One report has been removed from negotiations. A reason I have heard is that it will be discussed at a later date, as a "take" of it's own.

being the case in Maranga Mai.

I did not see mention of that

In my

view it should be where it was previously, the first item for negotiations.

Ngapuhi did not cede Sovereignty, is a statement that must underpin all of Ngapuhi's grievances.

To continue negotiations without addressing this issue first, gives the impression that Ngapuhi accepts the status quo, when we know for a fact, that is far from the case and also our grievances will not be given their "due weight".

Runanga Rep

I agree that in this model there is no longer a requirement for the role that they held. However we should not discount the willing support and contribution that they have already given to advance Ngapuhi forward. Building and maintaining relationships with all parties will be vital if we are to succeed into the future.

Name Change

I tautoko a name change for a new structure going forward.

The tupuna name Tuhoronuku has taken quite a bashing of late. It should not be disrespected any further as it has significant historical value to Ngapuhi and should remain so.

Conclusion

My thanks to all members of the HEP team for your dedication and hard work to enable us to arrive at this point. It has been an awesome experience to work alongside each one of you and has been uplifting to see comradeship shine through, during some quite challenging times. It has been a privilege also to see and interact with the human side from our OTS colleagues, which has been great PR for the Crown and has given much more accessibility than ever before. I look forward to that relationship continuing right through the negotiations process. One group that perhaps does not receive due mention in this report is our Rangatahi.

Thankfully they have not been encumbered with issues of historical grievance or seeking compensation or justice, their focus is mainly centred around the vibrancy of youth and opportunity. It is our responsibility to ensure that any structure going forward provides a platform for them to be in the forefront as our flagbearers of the future.

Regards

2.1

Same do (46)

(51)

2 p.1

From:
Sent: Monday, 23 May 2016 12:07 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

- We oppose a Ngāpuhi wide Single Deed of Mandate
- We support a Regional Deed of Mandate and Negotiations process
- Alternative Pathways – no real consideration given to alternative pathways
- The Maranga Mai Report asserts that Regional mandates;
- weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- likely mean that less would be achieved through settlement
- severely limit ability to negotiate collective redress
- We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach
- Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
- Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū

Submissions on the behalf of Ngati Toro

Ngati Toro supports the tenure of the report with the inclusion of our submissions.
motion carried.

Hokianga should be able to appoint their own negotiators through their own Hononga nui reps, those negotiators should be accountable straight back to Hokianga.
motion carried.

Ngati Toro supports a mechanism be provided for Taiwhenua withdrawal.
motion carried.

Ngati Toro living outside the hapuu and Kuia & Kaumatua, return to Ngati Toro to enrich and speak through their hapū
motion carried.

Ngati Toro would like a more robust discussion prior to any development of a database which will be held exclusively by Ngati Toro.
motion carried

SUBMISSION TO HAPŪ ENGAGEMENT PROCESS

Tēnā rā koutou the following is my submission based on the recommendations made by the Waitangi Tribunal:

The Waitangi Tribunal Report addressed its findings to the Crown and made the assumption that the Crown was remiss in leading the Independent Mandated Authority of Tūhoronuku to the conclusion that its mandate sought from Ngāpuhi was robust and fit for service to Ngāpuhi. I am still of the opinion that the mandate of the Tūhoronuku Independent Mandated Authority (TIMA) accepted by the Crown is still fit for the purpose of negotiating a settlement for Ngāpuhi with the Crown. However, I disagree with the majority of its findings but agree that the mandate can be strengthened by some of its recommendations.

We must be cognisant of the fact that we are in the 21st Century and that constructs of the 19th century do not fit today's constructs. I have said this many times before and will continue to do so viz. 'Ngāpuhi's present social and political realities should not be re-engineered to suit an 1840 construct.' by mistakenly thinking that the 'Hapū' political mechanism is alive and well throughout Ngāpuhi, this is a falsity. There would only be about three Hapū at most that have the infrastructure and resource capability to fulfil the operation level that is required for sustainability into the future.

The Waitangi Tribunal made the following recommendations for the Crown to address in terms of strengthening the mandate. It also did not make the recommendation to remove the mandate from TIMA.

1. That a withdrawal mechanism be addressed to allow Hapū the option of withdrawing from the mandate.
2. To strengthen Hapū participation

The proposed wholesale dismantling of the mandate by the HEP process has exceeded the intent of the Waitangi Tribunal Report. These proposed changes are a re-visit of the Rōpū Whāiti Report, the Tukuroirangi Morgan Report as well as the Jim Bolger effort to make changes to the Deed of Mandate Strategy, which was rejected by Ngāpuhi when Ngāpuhi voted in favour of the Mandate. This is a repeat of ground that has already been explored extensively.

I agree that a robust withdrawal mechanism should be worked out but also caution as to the outcomes for those withdrawing to be spelt out quite clearly.

I see that a revisit of the appointment and voting system will help strengthen Hapū participation where this can be worked out to a certain degree of satisfaction. This clearly will fulfil the demands of the recommendations of the Waitangi Tribunal Report.

If all the recommendations of the HEP report were to be implemented then this will be a substantive divergence from the existing mandate signalling that a new mandate will need to be sought from Ngāpuhi.

The majority of Ngāpuhi are urban dwellers approximately 80% of its population, thus if the recommendation to dismantle urban representation is to go ahead, it will result in the

silencing of the majority of Ngāpuhi. This cannot be allowed to happen, in fact there should be an increase in urban participation in the process and representation.

The Kuia and Kaumātua representation shows that Ngāpuhi still respect our sages. Kuia and Kaumātua have been the mainstay of the structure of Ngāpuhi Whānau, Hapū and Iwi, so therefore it is important that this sector of our community maintains its representation. Kaumātua and Kuia have a wealth of accumulated knowledge through life experience that they could bring to the board. These opinions will benefit the board by fostering stability and imparting wisdom within the board. The value of having such a font of wisdom available for advice no matter how simple or complex is incalculable.

The value of retaining Te Rūnanga-Ā-Iwi-O-Ngāpuhi is also incalculable as the Rūnanga has a database of approximately 55,000 who need representation.

It is important that an independent body be engaged to vet all submissions to ensure transparency of process. Unreliable results may be the outcome as well as trust comes into question.

I wish to be able to speak to my submission during this process.

Nāku noa nā

A.1

Ngare Hauata Te Hapū



Kiwikiwi Whanau Charitable Trust

Te Ngare Hauata Hapū

Response to the Ngāpuhi Engagement Group's Draft report
"Maranga Mai"

The Maranga Mai recommendations go a significant way towards finding a way forward. However, in our view it has a number of areas that require reconsideration and or further work.

1. Structure of the report

The opening statement summary records that this report is partly in response to the Waitangi Tribunals inquiry report. As readers we found it hard to determine what formal recommendations (without referencing other material) have been addressed in "Maranga Mai". We believe it would be useful to include in an executive summary a precis of the formal requirements and those addressed in this report.

2. Rationale of recommendations

All recommendations should be accompanied with the rationale behind them. Examples where no rationale are given are

- 1) the increase in regions from current 5 to 6.
- 2) removal of the name "Te Waimate" from "Kaikohe-Te Waimate-Taiāmai" region

In terms of the two examples given we see no justification for these changes. The regions should stay as per Tuhoronuku model.

3. Urban representation

The loss of direct representation of hapū-members, who live outside the rohe, particularly in the cities is a significant change from current structure. In regards to this aspect, recommendation that reengagement with urban Ngāpuhi through their hapū is the answer to ensuring urban Ngāpuhi can be represented through the treaty settlement process is unrealistic in terms of hapū capability, time frame involved and the modern context in which urban Ngāpuhi live.

There is a big concern that any Treaty settlement could end up being unjust because of capture of the benefits of a small number of active members, and that some structures need to be put in place to ensure that direct urban representation is maintained.

We recommend that urban should be represented as a separate region or regions much the same as rohe regions in the Maranga mai model.

The Te Hononga Nui equivalent to be made up of representative urban groups. In doing so we have a real chance to achieve the goal of Ngāpuhi katoa embarking on the settlement journey together.

4. Te Hononga iti

More thought needs to be given to the legal responsibilities of the entity's trustees or directors who according to the report will have "legal liability". A rubber stamping body of decisions made by the regions as is envisaged by the report appears at odds with current legal requirements of trustees and directors.

It needs to be ensured that they have the power to meet their fiduciary duties both legally and from a financial management perspective. It also needs to ensure that it meets criteria of both funding agencies CFRT and the crown. The role of this body in terms of employment of staff as recommended by the report also seems at odds with Employment Relations Act 2000.

Both these matters require specialist legal advice and should be sort prior to the final report.

Regional representation on Te Hononga iti should be set at no more than 2 representatives

5. Meeting schedule

Setting a pre-determined meeting schedule at this time is likely to result in unnecessary cost. This should be determined from one meeting to the next on an as needs basis dependent on work plan.

6. Budgeting to available funding

As no budgeting is included in the report it is very hard to determine if the recommendations are viable from a cost vs. funding perspective. What is apparent is that the model proposed appears to have more cost than current Tuhoronuku structure and in addition transition costs. This does raise major risks that the recommendations could over promise and under deliver.

We recommend that at a high level cost, income and time frame analysis be carried out before the final report is issued.

7. Data Base

We recommend that rather than start from scratch with a new data base we suggest this is an opportunity to work with bodies such as Te Rununga A iwi O Ngāpuhi and others to expand/merge existing data bases. This will not only take advantage of work already done but likely to be a less costly exercise.

8. Hapū representative appointment process

The appointment process is very unclear as to how distant hapū members participate in the process. The draft report does not provide for hapū to involve distant members which appears at odds with the tribunal findings. This aspect requires a more definitive recommendation.

55

From:
Sent: Monday, 23 May 2016 2:21 p.m.
To: ngapuhifeedback@justice.govt.nz
Cc:
Subject: Maranga Mai Feedback

Tena koutou

Anei taku whakaaro mo te Maranga Mai tuhituhi

So I would like to see this process opened up to everyone that has been denied WAI numbers by the WAI number gatekeepers therefore the option to put forward their claims for settlement redress consideration to be recorded as part of the process. How do these people achieve redress?

Decision -making

The proposed model of Treaty teams is an ideal model that would work well for hapu that are working well together. That is not the case with our hapu who are fragmented. Tuhoronuku process was a more transparent process. I would like to see the Tuhoronuku voting process restarted. I support the Tuhoronuku process as it requires the accountability and transparency via whakapapa and it allows Ngapuhi everywhere to participate. The proposed Hapu selection process does not. In fact it even identifies the cities that urban representatives must be allocated. that is not inclusive of all Ngapuhi.

An independent voting process = transparency

Hapu Rangatiratanga process

If you are the chosen Rangatira then wouldnt you expect to get the most votes in a transparent process.

I would prefer a very higher representation of Te Mahurehure Treaty claims. I would like to see some of our smartest people at the table but that will not happen.

Change of name Tuhoronuku

I do not agree with changing of the name of the process from Tuhoronuku but I think thats a decision that should be made by our koroua and kuia especially those that selected the name in the first place.

I enjoyed the engagement hui with [redacted] The hui allowed open discussion and indepth analysis. I enjoyed the hospitality at all the hui, thank you

Hapu in more than one region??

Our whanau have lands in Poroti which should be included in claims. We are Te Mahurehure but not all Te Mahurehure are associated with our lands that were given to our tupuna (Mohi Tawhai).

[redacted] I should have the mandate to represent these lands.

Mangakahia Taiwhenua

Feedback

Negotiator/s to be picked by Hapu at hapu hui

MARANGA MAI feedback

My Principal Iwi/Nga Hapuu within 'Ngapuhi,' and with whom I personally participate, include:-

Ngati Whatua (Rawhitiroa – TePopoto), Ngati Korokoro/Wharara, Te Poaka (Rangatira Moetara te tupuna),
Utakura – Te Popoto (inclusive of 15 other subtribes of Utakura) – Toenga Pou me Muriwai Tu Take taku tupuna
Ko Tupoto and Ngati Rangitiniā – inclusive of all Ngai Tupoto affiliates – Te Raumahi Kaharau te tupuna whaia

Whakarāpopototanga Summary

1. I express my congratulations for the collaborative effort of the release of this 1st draft of Maranga Mai Report. I consider it is a great response to the recommendations. Thank you, keep up the good work!! I look forward to the 2nd draft with anticipation.
2. Our recommended pathway - I agree that the existing mandate and the Tohoronuku structural toolbox needs to be evolved because:- I attended an election process for Tohoronuku, where the voting for Chair - an 11 for and 10 against was carried. Standing orders like that are a joke really, and needs at least a 75% majority to stand, in my opinion - at least for a board of 22.
3. I also support the recommended '**not preferred options**' as described on pages 43 and 44 of the report.

There are many more items I would like to address within the Maranga Mai Report, but the restricted time for feedback constrains my full consideration.

Personally, I consider a ten-year run-up to this point in time, for 'Ngapuhi' would have been a better scenario – because all this whole process has highlighted, for me, is how ill-prepared my whanau/nga hapuu are for any fair or just resolution to the quest for Settlement/Grievance/ Redress between 'Ngapuhi' and the Crown.

Sincerely

Hapu hui to appoint their representatives

Each hapu to have Hononganui / PSG

Agree with withdrawl clause – hapu need to know what the consequences are if they pull away from Maranga Mai

Name change

~~Process to remove non-mandated hapu representatives.~~

Police vetting – this process should happen for all Hapu Kaikorero, and the Hapu should also be made aware of the results

Nga mihi

P-1

Ngāpuhifeedback@justice.govt.nz

P.1

23rd May, 2016

RE: Maranga Mai Draft Report Response.

I, [redacted] Ngati Pakahi ki Mangaiti, Whangaroa, submit to the Ngāpuhi Engagement Group on behalf of my brothers and sister, [redacted] and our children (eligible voting age) numbering 25. We also include the children of our deceased brother [redacted] and our deceased sister [redacted] (8)

P.1

With a great sense of relief I express our heartfelt appreciation of the work being done to bring Ngāpuhi together as claimants, non-claimants and just as hapu in the regions of Ngāpuhi for the settlement process.

Our entry into this process at this point has been met with lots of enthusiasm from whanau spread far and wide, of those of the whanau of Mangaiti marae. As a hapu we went through the election process of electing a hapū kaikorero for Ngati Pakahi. This process and the election of me as the elected Tuhoronuku hapu kaikorero met with a negative and positive response.

We agree that this process will be more inclusive of Ngati Pakahi marae in the region of Whangaroa and hopefully quell mistrust that exists within our region.

Our responses have also been direct and responding to the recommendations within the draft report.

- We support the focused engagement process of Te Kotahitanga o Ngā Hapū Ngāpuhi Taiwhenua and the Tuhoronuku Mandated Authority (TIMA) to work toward a unified pathway forward that enhances our hapu rangatiratanga and supports whanaungatanga towards settlement with the Crown.
- We support the recommendation to evolve the existing mandate to be amended to strengthen hapū rangatiratanga in the settlement process.
- We support in principle the proposed process re: decision making by consensus and/or tikanga, or vote (75% majority)
- However, we would need to discuss the hapu one vote in the region and the impact of Hapū participation in more than one region.
- We support in principle the collective forum for hapū representation to make recommendations to the regions.
- We support the accountability of the Mandated entity for negotiations on behalf of the people and hapū of Ngāpuhi.
- We support the proposal that hapū will decide who will represent their interests, how many representatives they want. Hapū will decide how to incorporate urban, kaumatua to develop feasible means of communication to be kept up to date.

The Proposed Negotiations Framework.

- We support in principle that a negotiation framework be used as determined by the hapū representative/s working with the negotiator/s.
- We support that the timeframes, allocation of funds and working group/s can be determined at the regional level.
- We support that the approval must be sought from the individual hapu to ensure it meets their interests and aspirations for the negotiations process.
- The unification and integrity of the hapū, region is maintained throughout the process.

How will we negotiate?

- We accept the proposals in part detailing unification of hapū within the region.
- We endorse that the strength in numbers will enable us to test the boundaries stipulated by the crown during negotiations to achieve the best possible outcome for our region and hapu.

However, an agreement must be established that all parties accept;

- Tikanga of the hapū has been eroded sadly, due to the lack of leadership on our marae. We know that it is important but have of recent times had 'law' and 'lore' bandied around on our marae to confuse whanau. Hopefully this divisive behaviour stops so that we can decide as a collective whether we have the other options so we can all participate in this process with clarity.
- All discussions, debates must be conducted in a professional and respectful manner.
- Any conflict/s relating to interests or aspiration of the hapu must be handled in a sensitive manner with the integrity and mana of the hapū paramount.
- All avenues for an amicable resolution must be exhausted.
- In the event, a resolution is unattainable then an exit plan must be devised keeping in mind the sensitive nature of this matter.

How we bring this all together

Our aim as a whanau, within a marae within a hapū will be to work diligently as a cohesive group striving for the 'common good' in all matters relating to the interests and aspiration of the hapu, and the region.

4.

We strongly support the retention of the name 'TUHORONUKU'.

In regards to, the proposed redress issues we do not accept a Crown Apology.

We support compensation not settlement.

Te Runanga Iwi O Ngāpuhi representation will be dependent on what hapu decide their relationships with the Runanga or other such entities should be.

5. How we do it:

The proposed structure is a blend of the structuring of both Te Kotahitanga and Tuhoronuku the independent mandated authority which from our perspective offers a good starting point for uniting Ngāpuhi.

The region that we are connected to still needs to consider what the options are for us and we are hopeful that the region will speak through its hāpu.

We are confident that hāpu will make good decisions to ensure we progress forward with the best intentions for Ngāpuhi.

These are the responses from my Whanau. These are not responses from me as the TIMA

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Submissions and Comments on Maranga Mai

1. These submissions address the draft Maranga Mai report concerning the entity to represent the hapū of Ngapuhi in negotiations for settlement of its claim.
2. These comments are offered on behalf of the following claimants and their claimant groupings:
 - [] on behalf of himself and others, including Ngāti Toro (Hokianga);
 - [] on behalf of herself Te Uri o Te Pona, Ngati Haiti, Ngati Kawau, Ngati Kawhiti, Ngati Kahu o Roto Whangaroa, Ngāitupango, Te Uri o Tutehe, Te Uri Mahoe and Te Uri Tai and Te Uri o Te Aho, (Whangaroa);
 - [] on behalf of himself and Whangaroa hapū, including Ngāti Uru (Whangaroa);
 - [] on behalf of herself and Te Uriroroi, Te Mahurehure ki Whatitiri, and Te Parawhau ki Whatitiri (Mangakahia);
 - [] on behalf of herself and Te Uri o Te Pona, Ngati Haiti, Ngati Kawau, Ngati Kawhiti, Ngati Kahu o Roto Whangaroa, Ngāitupango, Te Uri o Tutehe, Te Uri Mahoe and Te Uri Tai and Te Uri o Te Aho (Whangaroa);
 - [] a claim by [] (deceased) Te Maramatanga Napia; [] and [] on behalf of Te Whiu (Te Waimate Taiamai ki Kaikohe);

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- -A claim by [redacted] (Te Waimate Taiamai ki Kaikohe);
- -a claim by [redacted] and on behalf of the descendants of [redacted] and [redacted] (Te Waimate Taiamai ki Kaikohe);
- -a claim by [redacted] (deceased); [redacted] (Te Waimate Taiamai ki Kaikohe);
- -a claim by [redacted] (deceased); [redacted] (deceased); and [redacted] (Te Waimate Taiamai ki Kaikohe);
- -a claim by [redacted] (deceased) and [redacted] (Te Waimate Taiamai ki Kaikohe);
- -a claim by [redacted] and [redacted] (Te Waimate Taiamai ki Kaikohe);
- -a claim by [redacted] regarding the Mohinui development scheme lands regarding the Mohinui development scheme lands (Whangarei/ Waiomio); and
- -a claim by [redacted] regarding the Mangakaramea blocks (Whangarei).

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3. We have reviewed the *Maranga Mai* document with our clients and at some of the taiwhenua hui.
4. Our review of *Maranga Mai* began with a comparison to the recommendations of the Waitangi Tribunal in the Ngapuhi Mandate Report:

First the Crown must halt its negotiations with the Tuhoronuku IMA to give Ngapuhi necessary breathing space to work through issues that have been identified.

Secondly, hapū must be able to determine with their members whether they wish to be represented by the Tuhoronuku IMA.

Thirdly, those hapū that wish to be represented by the Tuhoronuku IMA must be able to review and confirm or otherwise the selection of their hapū kaikorero and hapū representatives, so that each hapū kaikorero has the support of their hapū.

Fourthly, Ngapuhi hapū should have further discussions on the appropriate level of hapū representation on the board of the Tuhoronuku IMA.

Fifthly, the Crown should require as a condition of continued mandate recognition that a clear majority of hapū kaikorero remain involved in the Tuhoronuku IMA.

Sixthly, there must be a workable withdrawal mechanism for hapū who do not wish to continue to be represented by Tuhoronuku IMA.

Finally, if they exercise their choice to withdraw, hapū must be given the opportunity and support to form their own groups.¹

Breathing room:

5. Our clients have felt rushed throughout this process. The details and implications of the report were not digestible down through the hapū level in the time between the report's issuance and the date the working parties (tri-partite or otherwise) began.

¹ *Ngapuhi Mandate Report*, pp. 97-98

6. After an extended period where the voice of hapu and whanau has been drowned out by others it has not been as simple as just holding a hapu meeting to begin to repair the damage done. It will take time and patience for hapu to once again begin to speak with a united voice.
7. There is no argument that time is an important factor, however this process has been crammed into just a few months. There is no compelling justification for such haste.
8. Detailed proposals and organisation charts are not easily digested, and their implications for the future of the mandate and negotiations process are not necessarily evident at first glance.
9. For those who have attended hui to vote on resolutions without korero with their hui is meaningless as a misrepresentation of broad support.
10. We anticipate that the Crown is behind the move to push this take ahead quickly. Our discussions with Crown representatives support this. Crown personnel have pointed out their view that hurry is necessary to conclude this settlement as quickly as possible to avoid financial prejudice. These same communications have stressed that there is a specified quantum and it will not change regardless of the negotiations process. Public statements are contrary, stating that the quantum can be enlarged under some circumstances.
11. It is evident that the economic stimulus aspect of this claim is a strong motivator for the Crown's feeling of urgency about settlement. Respectfully and with the well-being of Ngapuhi in mind, we suggest that the Crown's obligation under good government (including Northland economic well-being) should not be dependent on settlement of Treaty claims.

12. Our clients do not object to the effort to determine what a unified way forward would look like, but they have not agreed to be represented by anyone in the process. It has always been of interest to the people we represent that their takiwa or taiwhenua discuss the possibility of progressing through settlements as a smaller large natural group than the settlement as Ngapuhi as a whole, as we the Tribunal has recognised would be of interest.
13. This concern is highlighted by language of the *Maranga Mai* document² citing portions of the Tribunal report to support the notion that unified settlement is preferable. However, *Maranga Mai* has failed to include the entire recommendation that hapū be able to meet together to determine how they wished to proceed. The omission of this leaves the conclusion of unified progress to settle is simply a repetition of the process that brought us to the urgent hearing in the first place.
14. The language seems to assume that the issues of proceeding separately have been discussed and discarded by the hapū. This has not happened, particularly in Mangakahia, Whangaroa, and Te Waimate Taiaimai-Kaikōhe. For these takiwa or taiwhenua to abandon the possibility for separate settlement would suggest that there has been serious discussion and decision-making. This would certainly entail collective hui of the hapū in the particular area as well as hui a hapū of the same group.

Representation by Tuhoronuku:

15. It is not clear where *Maranga Mai* fits into the determination of representation by Tuhoronuku. If *Maranga Mai* is part of deciding how Tuhoronuku is going to work, we seek confirmation that there will be time after deciding the form of Tuhoronuku for hapū to decide whether they wish to proceed under Tuhoronuku, rather

² *Maranga Mai*, p 17

than assuming that Tuhoronuku will proceed to represent all Ngapuhi.

Hapū kaikorero

16. It appears that hapū kaikorero selection will basically begin again, even if the resulting representatives are the same as those identified earlier. We support the idea that hapū tikanga be identified and described earlier. While some may view this as an impingement on hapū rangatiratanga, we believe that whatever the tikanga is should be identified by the hapū early on so it is not abused or misunderstood.

Hapū on the Board:

17. Although Maranga Mai identifies Tohonga iti as the "board" its relationship to the hapū (regions and Tohonga nui) is not clear. Our clients object to the notion that the Tohonga iti actually holds the mandate as we see that as a basis for abuse and attenuation from hapū rangatiratanga. It has been said at several hui that the hapū hold the mana and the Tohonga iti is merely its slave. This is not evident from the Maranga Mai document and should be stated clearly and in the strongest of terms. There should be some sort of constitutional safeguard to protect hapū control. If Tohonga iti is not meant to be superior to the hapū, it seems inappropriate for it to actually hold the mandate. If it does hold the mandate, we fail to see how it will be accountable to the hapū.
18. It also seems a bit ungainly for the hapū to function in a large group without some form of leadership, or delegation amongst the hapū (before we even get to the Tohonga iti). If there is no leadership structure, for instance, who is going to even call the meetings to order. If not Tohonga iti, then who? These issues need to be clarified before our clients can support this model.

Mandate maintenance and withdrawal

19. These two issues are related. Our clients are concerned about withdrawal. First of all, the hapū withdrawal should not require lengthy consultation or mediation. Hapū should have the right to withdraw and any restrictions imposed should be merely for the sake of establishing that such a decision has actually been made.
20. The language of Maranga Mai misstates the Tribunal findings on the withdrawal mechanism. At page p. 26, Maranga Mai states that the lack of an adequate withdrawal mechanism contributed to the Crown's failure to protect timo rangatiratanga.
21. This understatement misrepresents the Tribunal's views on the withdrawal mechanism.
22. In fact, the Ngapuhi Mandate Report bluntly stated that the lack of a withdrawal mechanism constituted a Treaty breach itself:

We are led to the inescapable conclusion that the failure to include a workable withdrawal mechanism in the deed of mandate, despite the wishes of claimants, is a breach of the Treaty principle of partnership and the duty of active protection. . . .

The support of hapū should have been tested as part of the process leading up to the Crown's decision.³

23. Moreover, the language of Maranga Mai discourages hapū withdrawal by pointing out that "hapū by hapū negotiations and settlement is not a realistic expectation. . . ."⁴

³ *Ngapuhi Mandate Report*, p 92

⁴ *Id.*, at 89.

24. This language, however, ignores the potential for realignment of another group as described in the next paragraph:

For our part, and subject to the recommendations we make below, we strongly encourage claimant groups to proceed together. This may involve them in negotiating with the Crown as one entity, or in parallel but with a unified and coordinated approach, and in either case with the knowledge that several settlement packages can be created.⁵

25. However, the Tribunal said

Finally, we recommend that the Crown support hapū which withdraw from the Tuhoronuku IMA to enter into negotiations with the Crown to settle their Treaty claims as soon as possible and preferably at the same time as other Ngapuhi negotiations. This will involve the Crown supporting and encouraging hapū, through the provision of information and financial support, to form into large natural group(s), and to obtain mandate(s) from their members.

26. A simple clear withdrawal mechanism, for hapū and claims alike can produce an indication that the majority of hapū kaikorero are no longer participating in Tuhoronuku. A burdensome and unworkable withdrawal mechanism will make it difficult to make such a determination, thus propping up the Tuhoronuku mandate. The formation of another group can further illuminate the scope of Tuhoronuku representation.

Urban representatives:

⁵ Id, at 90.

27. Our clients support the withdrawal of urban representatives per se. They feel that the hapū should be able to represent their urban people through the hapū rather than as urban representatives. Our clients are concerned, however, about those urban Ngapuhi who are disconnected from their hapū, even to the extent of being unaware of their hapū origins. To place the onus on the hapū to engage in burdensome and extensive "heir search" type processes is unlikely to be as successful as giving the disconnected urban Ngapuhi the ability to seek out their own ancestry.

28. To this end, we suggest a Ngapuhi "help desk" type of function that would allow Urban Ngapuhi to make themselves and their knowledge of their ancestry (maybe only to one generation) known to allow knowledgeable people to help them re-connect with their hapū. This allows for greater participation in the settlement process and for reconstruction of missing hapū people.

Kaumatua representatives:

29. Our clients support the removal of kaumatua representatives per se and support their appointment and participation through the hapū.

Negotiators

30. Our clients feel that a conflict of interest could easily arise if negotiators are not accountable to individual taiwhenua. They foresee a strong potential for the interests of one taiwhenua to be traded off against another in a negotiation process. For this reason, we suggest that each taiwhenua have a negotiator accountable to it.

Role of Waitangi Tribunal Claims

31. We note that the understandable preoccupation with hapū has nearly completely eliminated the claims from the process. Many

claims were not brought by hapū or perhaps better said, a number of claims were brought on behalf of hapū but without the hapū itself sanctioning any of them as "hapū claims." While the claims form the basis for the entire inquiry, their role in this process is very very limited and obscure. To disenfranchise the claimants from a clear role in this process raises problems for the scope and durability of any settlement.

Te Waimate Taiaimai concerns

32. Claimants in the Te Waimate Taiaimai ki Kaikohe taiwhenua have been participating in development of the Maranga Mai report. They are anxious to explore the possibilities for settlement of their grievances, however express concern that the process may be becoming too similar to the Tuhoronuku process.
33. Claimants noted that the Maranga Mai is still very much a planning document, and they were prepared to participate so long as their right to withdrawal remained open should they feel that the process has been co-opted by others or goes awry in another way.
34. Of particular concern to some claimants is the idea that redress may go to the hapu or Iwi as a whole, when it has been individual whanau or hapu that have been fighting for generations to see the prejudice done them righted. The flipside of this is that claimants have concerns that the Crown will prefer to deal with parties eager to reach a deal at almost any cost. Settlement is not inevitable even if it may be desirable. The Crown must work with claimants in good faith to ensure that parties aspirations are met.

Conclusion

35. We cannot support the Maranga Mai proposal. We object to its terms and the process, both of which have not fully implemented

the recommendations of the Ngapuhi Mandate tribunal. Our clients wish to hui with their hapū and the hapū in their area before they opt to settle as part of a unified Ngapuhi settlement or as a smaller Large Natural Group. More time is required.

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Te 23 o Haratua 2016

Tēnā tātou e ngā hapū o Ngāpuhi-taniwha-rau

Ki ngā mate maha o te kāinga, ko ngā mate o te pare kawakawa, ko ngā rau aituā, ko ngā tīpare i taka, moe mai rā koutou katoa. He whakaaro pai ki a hiki ai tā tātou te hunga ora, ā, me te mihi nui atu ki a koutou kua tuituia i ngā whakaaro, i ngā hiahia anō hoki. Tēnā tātou koutou.

1.0 TE KUPU WHAKATAKI

This submission brings together some of the voices of the hapū of Ngāpuhi that currently reside in Te Whanganui-a-Tara.

As a group we met numerous times to discuss, debate and reflect on the Maranga Mai report and agreed to submit a collective submission, noting that others will also submit individual submissions.

In summary our submission discusses the following points:

- a. We concur and support the point that we must set a clear kaupapa that underlines the aspirations of our values and vision for Ngāpuhi.
- b. It is also imperative that there is effective leadership at all levels of the engagement process for Ngāpuhi, and inherent throughout that we preserve and uphold the aspirations of our tūpuna.
- c. Our group unanimously agrees that we work effectively together. We note that division and mistrust between the crown and iwi and in fact within ourselves has previously been a hindering point for us progressing a Tiriti settlement.
- d. This submission also notes and agrees that we have in place a set of rules and protocols to engage with one another.
- e. We welcome and support that Ngāpuhi regroup to further enhance and realise the “tino rangatiratanga” and “whanaungatanga” of Ngāpuhi.

2.0 TE TINO RANGATIRATANGA O NGĀ HAPŪ

Mei kore ake te ahi kā, ka kore ake mātou. Ko rātou, ko mātou. Ko mātou, ko rātou. Ahakoa kei hea tātou e noho ana, ahakoa kei hea tātou e mahi ana, ahakoa te aha, he uri tātou katoa o Rāhiri, waihoki he uri tātou o ngā hapū katoa o Ngāpuhi.

We welcome, agree and unreservedly support the premise of the report Maranga Mai - to strengthen hapū rangatiratanga and whanaungatanga. We also support progress towards a settlement for Ngāpuhi.

We want to acknowledge the many we have lost through this Tiriti journey, those same people who have spent most of their life seeking settlement. We are committed to not pass this burden on to another generation to our tamariki, mokopuna. May they not also give their life's seeking settlement for our people.

It is important to note ahi kā and hapū. We, no matter where we are located, belong to our hapū, each of us are active in our whānau and our hapū, and frequently travel home to contribute, participate and support hui and kaupapa of our whānau and hapū.

On the basis of strengthening tino rangatiratanga o ngā hapū o Ngāpuhi the Maranga Mai report refers to hapū.

We are passionate and participating hapū members in that process however the report refers to those hapū living in Te Taitokerau, our ahi kā. The Maranga Mai report does not include or account for the strength of hapū members living away out of Te Taitokerau.

We want to highlight our commitment of tautoko, of tino rangatiratanga, of hapū, particularly our ahi kā and we acknowledge and that it is because of them that we are able to continually be at home and share with our wider whānau.

We do not intend to question this focus or the need for hapū to make decisions pertaining to us, however it is this difference that this report emphasises that relationship be with ahi kā, our hapū and whānau who live at home.

Notable demographics:

- a. Ngāpuhi is the largest tribe in Aotearoa.
- b. The 2013 Census records Ngāpuhi as having a population of 125,000.
- c. Approximately 80% of Ngāpuhi living in Aotearoa/New Zealand reside outside of Te Taitokerau.
- d. That accounts for approximately 100,000 of our hapū members living away from our whenua.
- e. This does not include whānau living in Australia, Canada, the United Kingdom and other countries.

Two main questions arise:

1. Where is the place for hapū, approximately 100,000 who live outside of Te Taitokerau to participate, to have a voice, to support and engage? There is also an assumption that our hapū have the resources to know where all their uri are, that they have all their contact details and database's to manage this information. Each of us is clear, our hapū don't have this resourcing.
6. 2. Ngāpuhi has many talented, skilled and experienced whānau – both at home and living away. For us to build whanaungatanga (not including the 100,000 that live outside of Te Taitokerau). This engagement process is not creating meaningful opportunities and participation of our members. It does little to encourage the strengthening of whanaungatanga nor does it enable us to draw on the collective skills and expertise of our wider Ngāpuhi group.

Recommendation 1:

That we as hapū through our whanaungatanga and tino rangatiratanga uphold the aspirations of our tūpuna. We call for the Tiriti to be honoured. We tautoko the inclusion of hapū rangatiratanga and ahi kā. We also tautoko a regional voice be represented to work together on issues of collective interest.

3.0 TE TINO RANGATIRATANGA O NGĀ HĀPU (NOHO TĀONE)

He aha te kai o te rangatira? He kōrero, he kōrero, he kōrero.

In considering how Ngāpuhi (noho tāone) will be represented in the Tiriti negotiations four issues remain:

7.

- a. Maranga Mai does not go far enough to represent the collective interests of our regional constituencies in Auckland, Wellington and Christchurch. Ngāpuhi is growing in numbers, we are a dispersed population, and we are diverse with many of our people who have inter-married with other iwi, cultures and people. With our increasing demographic, our unity and strength as iwi through kinship is growing stronger.

8.

- b. It is important that there is an option in the decision-making process that includes an elected regional representative body from Auckland, Wellington and Christchurch who would work with our hapū representatives on an overarching view.

9.

- c. With this in mind decisions will be made together. Each representative is to make decisions pertaining to their own constituency. Whether takes the form of a council of representatives or confederation of rangatira tasked with shaping and forming the collective view of the iwi, the decision must be made as one.

10.

- d. That each representative have the same amount of rights, equality and autonomy to decide on issues affecting their part of the wider collective group. That their presence is of the same status as hapū representatives.

11.

- e. We must not forget the knowledge of our forebears and the knowledge they have passed onto us as whānau away from home.

12.

Recommendation 2:

That we harness the skills and talents of Ngāpuhi. That elected regional bodies (Auckland, Wellington, and Christchurch) are included to work with our hapū representatives. We believe in close participation, engagement and a voice of those hapū members living outside of Te Taitokerau.

4.0 TE TINO RANGATIRATANGA O NGĀPUHI

13.

***'Mā Ngāpuhi te Tiriti e pikau'. Mā tātou te kokoraho e whakatau.
Mā ā tātou tamariki mokopuna ngā hua e whakaturu.***

14.

15. We are deeply concerned that the tāngata Māori partners (Kotahitanga and Tūhoronuku IMA) in the Tiriti relationship have handed the “focused engagement process” over so easily to the Crown.

16.

17. It is, and will continue to be, a huge challenge to have an Ngāpuhi-led settlement with so much Crown involvement prior to actual negotiations. In fact, we are perturbed and surprised to be making this submission to a Crown email address and that the Crown will continue to be involved in assessing feedback on Maranga Mai and consequent decisions.

18.

19. We propose that the hapū of Ngāpuhi must first reclaim ownership and reassume leadership over their part of the settlement process and desired outcome. The kaupapa is bigger than any one person – tāngata Māori or Pākehā. All of our efforts and energies must be concentrated and focused on creating a clear vision to get a settlement for the future of our tamariki and mokopuna.

20.

21. We are the 'kaitiaki' of Te Tiriti and therefore we have a responsibility and duty of care to hand te Tiriti to the next generation in good or better condition than what it is at present. Ngāpuhi needs one voice for us to further enhance and establish a more meaningful Tiriti relationship with the crown.

22.

Recommendation 3:

That Ngāpuhi support the hapū having the autonomy to reclaim and reinforce hapū rangatiratanga in Tiriti negotiations. That our hapū consider developing an agreed set of guidelines on how they wish to engage with one another, and with the crown. That we put in place a positive platform where our people can meet, discuss and talk as one voice under Ngāpuhi.

5.0 MAHI TAHI ME TE KARAUNA

***Kua tawhiti rawa tō tātou haerenga ake kia kore e haere tonu.
He tino nui rawa tō tātou mahi kia kore e mahi nui tonu.³***

It is essential that this process be respected. Negotiation protocols need to be developed to protect the mana of hapū and the kāwanatanga of the Crown. It is the Crown's duty of active protection of Ngāpuhi interests that should be preserved in a constructive and meaningful negotiation process with their own.

We reinforce this idea that crown officials should be duly reminded of their duty of responsibility and active protection of our iwi interests regarding Tiriti discussions.

³ Tā Hēmi Hēnare

Whilst we respect that the crown should have some interest in the process it is inappropriate for a crown negotiator to be present at a meeting of kuia and kaumātua or hapū members speaking to pre Tiriti negotiations.

It is inappropriate for crown negotiators to pre-empt issues before the iwi has had a chance to discuss and agree these principles before a Deed of Settlement is reached.

That our kuia and kaumātua are respected, they are our cherished taonga and carry with them knowledge and mana. We support a process whereby the tikanga of our speaking rights are observed. Our kaumātua and kuia and will affirm our mana tāngata and mana whenua over these lands in that process.

That we engage the Office of Treaty Settlements to develop a clear set of protocols to define the role and responsibility of crown officials engaging with iwi.

Recommendation 4:

That the Office of Treaty Settlements develops a core set of protocols in order to define how the crown relationship with hapū representatives and tikanga will be best preserved. It is also acknowledged that these protocols are to be made freely available to hapū and iwi representatives.

6.0 NGĀ KUPU WHAKAKAPI

Hāpaitia te ara tika pūmau ai te rangatiratanga mō ngā uri whakatupu.

In conclusion our representation in this negotiation must include a regional voice. Our voice is one of many and if to make a real difference for the future generations of Ngāpuhi to come we must include representation at the right levels. I liken this scenario to that of a patu, without the strength of a strong hand holding the patu in place; the patu will become powerless.

Ngāpuhi must be a unified people with one voice working together for the common good of all Ngāpuhi. We must lay the foundation and set the first building block of te Tiriti relationship with the Crown and people of New Zealand.

Kotahi ki reira ki Ara-i-te-uru, kotahi ki reira ki Niua. Ā homai he toa, he kaha, e aua taniwha, ki a Ngāpuhi.

This submission is presented by hapū members of Ngāpuhi living in Te Whanganui-a-Tara, namely:

Note

We are proud Ngāpuhi and proud and active members of our respective hapū and whānau. We wish to emphasis that these are our views only and we do not propose that these views represent either those of our hapū or any other Ngāpuhi residing currently in Te Whanganui-a-Tara.



23 May, 2016

Ngapuhi Settlement Engagement Group
ngapuhifeedback@justice.govt.nz

Submission on the draft Maranga Mai Report

Tena koe, koutou ra hoki.

The following resolutions come from the Ngati Te Tarawa hapu hui held on Sunday 15th May 2016 at the Motatau marae, where a presentation was delivered on the draft Maranga Mai Report:

1. That we support the Draft Maranga Mai Report and its direction
Carried Unanimously
2. That we support Ngati Te Tarawa and Ngati Hine progressing as part of the Pewhairangi region
Carried Unanimously
3. That we support the aspect of the Draft Maranga Mai Report that Urban participation be made through each hapu
Carried Unanimously

Naku noa na

R1

(61)

NGĀPUHI KAUMĀTUA KUIA SUBMISSION

ON THE MARANGAI MAI DRAFT REPORT 1 APRIL 2016.

23 May 2016

BY EMAIL: ngapuhifeedback@justice.govt.nz

E ngā mana, e ngā reo, e ngā huihuinga tangata, ngā kai hākawā, tēnā koutou katoa. Tuatahi ka mihi kōwhiri ki te huanga kua niro ki te tapoko o te Rangī. Ngā Kaumātua Kua kua whakawhiri kē i te awa tapokopoko a Tāwhaki – haere atu koutou haere, haere, haere atu rā. Ka hoki mai ngā rārangi kōrero ki a tātou ngā mahuetanga iho o tātou, mauri ora.

Ko ngā hākāro ēnei ā ngā Kaumātua Kua o Ngāpuhi e pākau ake ana ki te riposta Maranga Mai, kua puta i te Rōpū kaitirotiro i te mana motuhake e pūpuri tonu nei i a Tūhoronuku Independent Mandated Authority.

By way of resolution at a Hui called by Te Rōpū Kaumātua Kua O Te Whare Tapu o Ngāpuhi (20 May 2016), this submission is filed by Te Rōpū Kaumātua Kua o Ngāpuhi (Te Rōpū) on behalf of Ngāpuhi regarding the Maranga Mai draft report developed by the Tripartite Engagement Process. [Refer appendix two – Te Rōpū Kaumātua Kua O Te Whare Tapu o Ngāpuhi Pānui]

Resolution dated 20 May 2016.

That the Kaumātua Kua approve the submission regarding the Maranga Mai draft Report, 1 April 2016.

Moved

Seconded:

Unanimous

GENERAL COMMENTS

Although this submission is on the Maranga Mai draft Report, given Te Rōpū concerns with the treatment of Ngāpuhi, particularly the Crown's involvement and influence, this submission also comments on related matters where appropriate.

The Waitangi Tribunal Urgent Inquiry Recommendations

The Waitangi Tribunal found that the Crown's decision to recognise the mandate of the Tūhoronuku Independent Mandated Authority (Tūhoronuku IMA) was not predetermined.

Despite intense engagement over a number of years, more than any other iwi, the Waitangi Tribunal found that the Crown failed to protect the ability of hapū to exercise their rangatiratanga in deciding how and by whom they would be represented in settlement negotiations.

The Waitangi Tribunal also found that the structure and process denies hapū any effective means of withdrawing.

Te Rōpū Kaumātua Kuia o Ngāpuhi (Te Rōpū)

Te Rōpū have been involved in the negotiation settlement process from the beginning (2009). They have exercised their kaitiaki role, ensuring Ngāpuhi are informed and actually represented throughout this process thus far, in a fair and democratic manner.

At times the role of Te Rōpū has been questioned. Often by those who are ignorant and more recently, by crown officials, who have expressed their opinions that they prefer to recognise other groups of Ngāpuhi Kaumātua Kuia. Those groups have never been identified.

The manner in which Te Rōpū arrives at decisions is dependent on the information placed before them. That is, Te Rōpū have been informed by Ngāpuhi on the settlement negotiations pathway and they have endorsed the direction for Ngāpuhi to enter negotiations with the Crown.

Te Rōpū actively participates in all forums concerning matters of importance to Ngāpuhi. There are also larger forums and specific hapū forums. It is permissible for Te Rōpū to hui and make a decision that is binding. It is not for the crown to determine which Kaumātua Kuia forum is more important than another.

When crown officials comment on Ngāpuhi with little knowledge or appreciation of the nuances that underpin Ngāpuhi, it is arrogance in its most unsophisticated form.

Te Rōpū have been actively voicing their position on the settlement negotiations process through different avenues and forums. We caution crown officials that it is not for them to decide how Ngāpuhi organise themselves.

Background to Te Rōpū Kaunātua Kuia O Ngāpuhi

It is useful to understand the genesis of Te Rōpū relative to this kaupapa to appreciate the commitment and passion with which they responded to the presentation by the engagement group on Thursday 14 April 2016 and again, on 20 May 2016.

The Ngāpuhi Te Tiriti o Waitangi claims process had been slowly progressing for some ten or so years whilst other iwi throughout Aotearoa were completing settlement negotiations with the Crown. This concerned Te Rōpū enough to raise it at the 2008 Annual General Meeting of Te Rūnanga Ā Iwi O Ngāpuhi, whilst discussing the status of Te Tiriti o Waitangi claims. Following that discussion, Te Rōpū directed Te Rūnanga Ā Iwi O Ngāpuhi to explore how Ngāpuhi could settle its outstanding grievance and claims against the crown. This initiative was not at the Crown's behest.

Te Rūnanga Ā Iwi O Ngāpuhi put in place an interim working group to consider the issues that needed to be addressed. This working group recommended to the board of Te Rūnanga Ā Iwi O Ngāpuhi that an independent sub-committee be established to focus on the goal of settlement negotiations and what that might mean for Ngāpuhi.

In March 2009, that sub-committee became officially known as Te Rōpū o Tūhoronuku. At the further direction of Ngāpuhi Kaunātua and Kuia, Te Rōpū o Tūhoronuku then went about consulting with Ngāpuhi, exploring the prospect of a settlement of crown breaches against Te Tiriti o Waitangi that affected Ngāpuhi.

On 25 July 2009 Te Rōpū o Tūhoronuku reported back to Ngāpuhi Kaunātua and Kuia who unanimously supported the following resolution:

Me Haere Te Rūnanga-ā-iwi o Ngāpuhi ki te kōrero ki a Ngāpuhi ki te pātai, ma wai e pūpuri i te mana hei whākatau i ngā kereme o Ngāpuhi.

Moved:

Seconded:

I hākāe te katoa

It has always been Te Rōpū who have received initial reports from Te Rōpū o Tūhoronuku following the completion of major milestones. It has always been Te Rōpū who have considered these reports and by way of resolution, directed Tūhoronuku to continue with its work.

Hence, the importance of Te Rōpū to the overall settlement of Crown breaches against Ngāpuhi and Te Tiriti o Waitangi. This must not be minimised when considering this submission.

Tripartite Agreement – Parties to the engagement process

The parties to the engagement process are bound by Terms of Reference – a tripartite agreement.

The only legitimate party to these Terms of Reference is Tūhoronuku. Of the three parties to this agreement:

- a. The only party with a mandate to represent Ngāpuhi is Tūhoronuku.
- b. The Waitangi Tribunal Urgent Inquiry report, comments that it is the crown who has erred in their process. Reference to this can be found in the Waitangi Tribunal report.
- c. Te Kotahitanga o Ngā Hapū o Ngāpuhi have no mandate or accountability to any particular Ngāpuhi hapū. Te Kotahitanga o Ngā Hapū o Ngāpuhi, is still to confirm with Ngāpuhi who they represent and how they arrived at a mandate to speak on behalf of whoever it is they purport to represent. This question within Ngāpuhi is six years old and has never been answered.

We feel it necessary to emphasise our concern that the same individuals who appear to represent Te Kotahitanga o Ngā Hapū also represent Ngāti Hine and they continue to stand outside the process without making any commitment at all. These same few people are now leading the consultation on a change to what Ngāpuhi has already voted on.

The crown must explain how one party is able to participate with no mandate while the other party has undertaken a robust process to receive a mandate from Ngāpuhi.

Tripartite engagement process

If striving for meaningful Ngāpuhi engagement, the parties to this process fall well short. Having considered responses from Mr Nigel Fyfe to queries put to him at the hui held with Te Rōpū, 14 April 2016, we are of the opinion that the process is flawed.

To be advised that there had to be changes or crown recognition of the mandate would be withdrawn confirmed this. This is obstructive of the direct relationship guaranteed by Te Tiriti o Waitangi which is between Rangatira and the Crown and is indicative that the tripartite group's accountability is not to our Ngāpuhi kaupapa.

In addition to this, the engagement process undertaken to arrive at the Maranga Mai draft report is largely based on the coalescence of individuals. This has brought with it accusations of collaboration between Crown officials and members of the engagement parties.

It is against this backdrop that Te Rōpū consider the process to be nothing more than a process for the crown to report to the Waitangi Tribunal demonstrating that the Crown has made all efforts to address the Tribunal's recommendations. No other iwi has been treated like this.

The inequity and overt disadvantage to Ngāpuhi is the impact.

Tūhoronuku Independent Mandated Authority (Tūhoronuku IMA)

The Tūhoronuku IMA is structured to enable Ngāpuhi to achieve what they desired and voted on, a single Ngāpuhi settlement. It provides for representation and engagement of all Ngāpuhi hapū and individuals where ever they reside, to participate and contribute to an Ngāpuhi settlement. It has always been possible within this current structure to take a regional approach to negotiations and given the chance, enable hapū to seek specific redress.

Ngāpuhi sought the express view of the crown to ensure the pre-mandate process, the development of the mandate strategy and the development of the representative structure was within Crown Policy. At the same time, Te Rōpū instructed those responsible for this process to ensure that representation was as fair and wide reaching as practically possible. This was done.

Because the Waitangi Tribunal takes a different view to that of Ngāpuhi doesn't necessarily mean that the Tūhoronuku structure and representation has failed Ngāpuhi. What it does mean, is that Ngāpuhi have taken a direction that enables all to participate, within crown policy which is now being disputed.

Tūhoronuku tested the mandate strategy in 2011 by providing the opportunity for Ngāpuhi to vote – yes or no – giving Tūhoronuku the mandate to negotiate a settlement on behalf of Ngāpuhi. The voting process allowed all Ngāpuhi aged 18 years and over, where ever they resided, to vote. The decision to participate was with individuals. It was voluntary and democratic, the vote could have gone either way.

The Ngāpuhi mandate was recognised in February 2014, some three years later, following further scrutiny by the crown, including Te Rōpū Whaiti, the engagement of Tukoroirangi Morgan and the concessions the crown placed before Tūhoronuku before the crown recognised the mandate conditionally.

The Crown Position

Te Rōpū are mindful that the crown is likely seeking to engineer a Treaty partner in its own image that is subordinate to it, by embarking on an engagement process with likeminded individuals who choose to ignore the vote of Ngāpuhi and the wisdom of Ngāpuhi Kaumātua Kuia.

The most unsettling area is the expressed view of the crown that *Ngāpuhi must accept changes to the mandate or recognition will be withdrawn.*

The significance of key factors has been ignored. Along with this, the view of Kaumātua Kuia, is being ignored for a popular stance that suits the crown agenda, view and biased position.

The actions of crown official's shows that the crown have not moved too far from 1840. The process of crown approval by officials reflects the patterns of the Native Land Court and highlights a more obvious demotion of Ngāpuhi decision making.

Te Kotahitanga o Ngā Hapū o Ngāpuhi

Of concern is the emergence of a group without a mandate being able to determine the position of Ngāpuhi on fundamental issues.

To date, Te Rōpū have never received a response to the question placed before Te Kotahitanga o Ngā Hapū o Ngāpuhi six years ago – what hapū do they represent and how are they mandated? The crown accepts this loose arrangement while at the same time placing demands on Tūhoronuku.

The question must be asked – do Te Kotahitanga o Ngā Hapū o Ngāpuhi have the mandate to interface on these issues from those whom they purport to represent on these matters. Te Rōpū encourage parties to disclose their mandate process of representation.

Destruction of a robust mandate

No other iwi can demonstrate having adopted a more robust and transparent process to arrive at a mandate. The Tūhoronuku IMA mandate has been challenged in various manners and environments:

- a. Te Rōpū Whaiti by instruction of the Crown;*
- b. The Crown engagement of Tukoroirangi Morgan;*
- c. The Waitangi Tribunal; and*
- d. The Tripartite Engagement Process by instruction of the Crown.*

Leading up to the mandate vote and crown recognition (2009 to 2014), those facilitating this process ensured the crown was fully informed and more importantly, they ensured Ngāpuhi were fully informed. More so than any other iwi. This has now lost its way to the recommendations set by the Waitangi Tribunal Urgent Inquiry Report.

Hapū Negotiations

Te Rōpū accepts that there are parameters required to ensure a fair and equitable negotiations process. We fail to see how funding regions who are not united will ensure a fair and durable Ngāpuhi settlement.

The nuances of negotiation settlement processes inevitably involves overlapping boundaries and cross claims. To suggest that regionalising hapū into formal rohe will enable hapū to

deal with these matters more efficiently ignores the fact that whether there are regions or not, hapū will deal with their issues the way hapū determine is best for them.

The current Tūhoronuku structure and representation provides for hapū to deal with these matters directly between each other, directly with negotiators if required and with the support of their respective Kaumātua Kua if desired.

The role of the Tūhoronuku IMA board is not to make any decisions until hapū are satisfied that they (in discussions with formally appointed negotiators), have arrived at a position that is acceptable to them (hapū).

It is to be noted, Hapū Kaikōrero were only just starting to embark on developing their hapū negotiating profiles. The opportunity to build on this and to communicate with their wider hapū communities was denied as a result of the Waitangi Tribunal recommendations being imposed on Ngāpuhi by the Crown.

To be noted also, negotiations are not specific to hapū. There will be areas of negotiations that are of a broader nature that benefit Ngāpuhi which hapū will not deal with specifically. The Tūhoronuku IMA structure, representation and mandate makes provision for these matters. The Waitangi Tribunal has overlooked this provision.

CONCLUSION

Overall, it seems the Maranga Mai draft report is to be the principal mechanism to facilitate the recognition of an unconditional mandate. It is the view of Te Rōpū that this is a poor substitute for Tūhoronuku IMA who have in place robust systems, policies and processes to carry this kaupapa.

And specifically, Te Rōpū are concerned that the proposed changes are a significant shift from the mandate and representation structure that Ngāpuhi voted on. They are also concerned that the proposed changes extend well beyond the Waitangi Tribunal recommendations.

Te Rōpū would like to be heard by this Committee in person.

Te Rōpū Kaumātua Kua o Te Whare Tapu o Ngāpuhi

Marunga Mai draft report proposed key changes – Feedback and Recommendations

Feedback and recommendations are provided based on the Marunga Mai draft report and key changes as presented to Te Rōpū on the 1st April 2016 and 20th May 2016.

| ISSUE | COMMENT | RECOMMENDATION |
|---|--|--|
| <p>1. STRUCTURE</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - The proposed structure makes no substantive strengthening to the current structure or mandate. - The current structure caters for all Ngāpūhi, including Ngāpūhi hapū katoa | <p>i. The structure of Tūhoronuku Independent Mandated Authority to be retained</p> |
| <p>2. MANDATE ACCOUNTABILITY</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <p>The current structure provides for this.</p> <ul style="list-style-type: none"> - Under the current structure, Hapū make their decisions and advice the Tūhoronuku IMA; - Board who ensure these matters are followed through; - This was clearly communicated during pre-mandating and mandating rounds and accepted by the Crown. | <p>i. That the structure and representation of Tūhoronuku Independent Mandated Authority to remain</p> |
| <p>3. DECISION MAKING</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - In the current structure, decision making is with the hapū, the Hapū Kaikōrero is the conduit and has direct access to negotiators. - Hapū Kaikōrero have not been given the opportunity to develop their hapū profiles, with their hapū members. So to say that this improves a process that has not commenced is premature. | <p>i. That the status quo of decision making to be retained - with Ngāpūhi hapū</p> |
| <p>4. DISCUSSION</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - The current structure provides this. - The hapū negotiations profile Process provides for the exact same outcome | <p>i. That the status quo of discussion is retained - with Ngāpūhi hapū</p> |

| ISSUE | COMMENT | RECOMMENDATION |
|--|---|--|
| <p>5. HAPŪ REPRESENTATION</p> | <p>At the time of writing this submission 65 of the 110 hapū listed in the Mandate are on board.</p> <ul style="list-style-type: none"> - There is merit having more than one hapū representative per hapū; - The crown is to commit to ensuring that those taking up this important mahi are adequately remunerated; - Te Kōpū are satisfied that the current process of nomination ensures all Ngāpuhi (where ever they reside) have the opportunity to participate; - The proposed process minimises this opportunity. | <ul style="list-style-type: none"> i. Retain the current process of nomination and appointment to ensure Ngāpuhi where ever they reside are able to participate by choice; ii. To increase hapū representation per hapū as long as this is what hapū desire; iii. A maximum number of hapū representatives to be confirmed; iv. The crown to ensure that this process, implementation and maintenance of participation is fully resourced. |
| <p>6. KAUMĀTUA KUIA REPRESENTATION</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - Kaumātua Kūia representation is to be retained. - The current structure does not prevent Kaumātua Kūia from participating in their hapū affairs, nor does it prevent Kaumātua Kūia from participating in Ngāpuhi hui, nor does it prevent hapū from having Kaumātua Kūia involved, in fact, this is encouraged to strengthen hapū negotiations. - The decision of participation – when, where and in what capacity is with the individual. - Kaumātua Kūia have a role of imparting wisdom, knowledge and grounding to this process. | <ul style="list-style-type: none"> i. Kaumātua Kūia representation to be retained |

| ISSUE | COMMENT | RECOMMENDATION |
|---|---|--|
| <p>7.</p> <p>URBAN ROHE REPRESENTATION</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - Urban rohe representation is to be retained. The mandate is based on Ngāpuhi wherever they reside being given the opportunity to participate. - Representation was developed following three rounds of Hui – Ngāpuhi living outside of Te Whare Tapu o Ngāpuhi are to be represented; - This does not remove the responsibility for hapū to encourage their members to participate. At the same time, there is no guarantee that people will participate if they haven't already; - To ensure participate it is proposed that hapū develop and maintain their databases a means to ensure those residing outside of Te Whare Tapu o Ngāpuhi are able to participate; - A database does not guarantee participation rather it enables another outlet for communications albeit in this instance it would be specific to hapū; - The development and maintenance of databases would require significant funding; - A database does not guarantee registered membership and participation. If hapū are to take on the responsibility of maintaining databases for example, then all will have to acquire capacity and capability that most do not have; - The current process of representation and participation enables Ngāpuhi in urban rohe to participate; - At the same time, hapū are to be encouraged to reach out to their members. | <ul style="list-style-type: none"> i. Urban Rohe representation to be retained to represent Ngāpuhi living outside Te Whare Tapu o Ngāpuhi; ii. Urban Rohe representatives are to be fully resourced in the same capacity as Hapu representatives. |

| ISSUE | COMMENT | RECOMMENDATION |
|---|---|--|
| <p>8.</p> <p>TE RŪNANGA Ā IWI O NGĀPUHI</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - Representation is to be retained; - Te Rūnanga Ā Iwi O Ngāpuhi has a registered membership of over 55,000. The Board has a responsibility to their members to represent them in all major decisions affecting Ngāpuhi; - Te Rōpū recommend two representatives | <ul style="list-style-type: none"> i. Te Rūnanga Ā Iwi O Ngāpuhi representation is to be retained and increased to two. |
| <p>9.</p> <p>DISPUTE RESOLUTION</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <p>Te Rōpū consider this will strengthen the mandate and advise that this is one key reason that Kaumātua Kuia representation at a board level is necessary.</p> | <ul style="list-style-type: none"> i. That the status quo of discussion is retained – with Ngāpuhi and Ngāpuhi hapū. |
| <p>10.</p> <p>WITHDRAWAL</p> | <p>The current withdrawal allows for the Hapū Kaikōrero to withdraw not the hapū. Crown policy required all Ngāpuhi hapū be included in the mandate. The crown also confirmed that there will be one Ngāpuhi settlement.</p> <p>Under the current mandate:</p> <ul style="list-style-type: none"> - All Ngāpuhi will benefit including those hapū who are not participating; - The door remains open for those hapū to come on board; - It is accepted that hapū may disengage during negotiations. - Kaumātua Kuia take the view that the Crown policy is to be adhered to, that hapū must not be excluded from the mandate however, and the Hapū Kaikōrero is able to withdraw. <p>Kaumātua Kuia are keen to see the detail to the withdrawal process and what happens to those hapū who withdraw. For example, would those hapū who withdraw then be entitled to their own settlement negotiations? How will hapū who withdraw be included in the process – what mechanism is in place to ensure they benefit.</p> | <p>Before endorsing a withdrawal process, the detail of the withdrawal process need to be provided clarifying:</p> <ul style="list-style-type: none"> i. What happens to those hapū who withdraw; ii. If those hapū who withdraw are entitled to their own settlement negotiations and settlement; iii. How will hapū who withdraw be included in the process; iv. What mechanism is in place to ensure these hapū benefit; and v. Those Hapu who intend to withdraw are to identify themselves early in the process. |

| ISSUE | COMMENT | RECOMMENDATION |
|--|---|--|
| <p>11.</p> <p>POST SETTLEMENT GOVERNANCE ENTITY</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - Commencing early discussions is provided for in the current mandate and structure. The Tūhoronuku IMA must facilitate and resource this; - The Tūhoronuku IMA is charged with the responsibility of taking options out to Ngāpuhi for consideration - It is the view of Te Rōpū that the responsibility of the Tūhoronuku IMA be to facilitate the Ngāpuhi consultation process and ratification process. - Those who are interested in developing a Post Settlement Governance Entity be entitled to do so independently of the Tūhoronuku IMA. | <ul style="list-style-type: none"> i. The early discussions to be encouraged without the interference of the Tūhoronuku IMA who have a responsibility to facilitate the process not interfere with the development – the Tūhoronuku IMA is to remain neutral in this process. |
| <p>12.</p> <p>NAME CHANGE FOR THE MANDATED STRUCTURE</p> <p>(NOT RECOMMENDED BY THE WAITANGI TRIBUNAL)</p> | <ul style="list-style-type: none"> - Te Rōpū do not support a name change for the following reason/s. - The name Tūhoronuku is one with a history of settling internal conflict and this is not the first relaunching of Te Manu Aute ā Rāhiri. [<i>Refer appendix one – Eleven Generations after Kupe</i>] | <ul style="list-style-type: none"> i. To retain the name Tūhoronuku Independent Mandated Authority ii. Te Rōpū take this matter very seriously and ask those in adjudication of these submissions to give this point the weight that it deserves. |

Te Rōpū also recommends

There is to be broader provision for dealing with Ngāpuhi that recognises the wider Ngāpuhi community beyond that of Te Whare Tapu o Ngāpuhi and Ngāpuhi Hapū:

- a. The government focus on addressing their policies and apply them consistently to all iwi;
- b. The government is to resource a communications programme that enables Ngāpuhi to be informed throughout the negotiations process;
- c. The government recognise Ngāpuhi cultural values underpin everything;
- d. The government acknowledge that Ngāpuhi Kaumātua and Kuia are the kaitiaki of matters that concern Ngāpuhi; and
- e. The government confirm how Te Kotahitanga o Ngā Hapū o Ngāpuhi received a mandate to interface on these issues and what hapū they represent.

Eleven Generations after Kūi

Rāhiri te Tūpuna is born. Ngāpahi are defined as, ngā maramara o Rāhiri or all descendants claim whakapapa to our tūpuna Rāhiri.

All Ngāpahi waka landed in Hokianga and spread out from there. We Ngāpahi-nui-tomu claim a tribal area known as Te Whare o Ngāpahi, whose boundaries are described in the following whakatauki:

Te Whare o Ngāpahi, Tāmaki Makaurau ki Te Reranga Wairua. Ko ngā pāhu ko Ngāi Whātua, Te Rarawa, Te Aupōuri, Ngāti Kahu, Ngāpahi ki roto. Ko ngā Rāurangi Maunga ngā Poutokomanawa i hikia te Tāhuhu o Te Whare o Ngāpahi

Ngāpahi shares rohe boundaries with Te Rarawa, Ngāti Kahu, Ngāti Wai, Ngāti Kuri, Te Aupōuri, Ngāti Whātua o Ōrakai, Kawarau a Maki, Ngāti Te Ata, Ngāi Tai ki Tānaaki, Ngāti Tamaoho, Te Aki Tai, Ngāti Paoa, Ngāti Māru, Ngāti Whanaunga, Ngāti Tamaterā, Hawaki, Te Uri o Hau, Ngāti Rango, Ngāti Rongo, Ngāti Whātua Tūturu, Te Tao U, Ngāti Manuhiri, Ngāti Wai Ki Aotea, Te Roroa and Ngāi Takoto.

The Tūhoronuku IMA itself takes its name from a seminal event in Ngāpahi history.

Rāhiri was born at Whiria, the son of Tautamoko and Te Hauangiangi. With his first wife, Āhuaiti, Rāhiri had a son named Uenuku. With his second wife, Whakaruru, Rāhiri had a second son named Kaharau.

Having lived with his mother's people from an early age at Pouerua, Uenuku went to Whiria upon reaching adulthood. There, he and his half-brother Kaharau fought, and Rāhiri brokered a peace between them. Rāhiri told Uenuku and Kaharau to plait a flax rope long enough to go around Whiria mountain from the top to the bottom. That rope was then attached to Rāhiri's manu aute (kite), named Tūhoronuku, which was launched and came to rest against the mangroves at Whirinaki. E whakawhirinaki ana a Tūhoronuku ki te taha o te mānawa (which place Rāhiri then named Whirinaki).

Tūhoronuku was re-launched and came to rest at Tāhuna, in Kaikohekohe. Rāhiri then set a boundary along the path of Tūhoronuku's flight, naming the lands west of that line as Kaharau's and the lands east of that line as Uenuku's. Later, Kaharau's son and Uenuku's daughter would marry. The following saying expresses the ongoing unity, despite that infighting of Ngāpuhi, as shown in that marriage

The following Whakatauki reminds us all of our whanaungatanga (geneological) ties to each other:

*Ka mimiti te puna ki Hokianga ka tōtō te puna ki Taumāwera, ka mimiti te puna
ki Taumāwera ka tōtō te puna ki Hokianga.*

This Whakatauki speaks about the strong blood ties between the East and West coasts despite the turbulence between teina and makana, Kaharau and Uenuku at that time. It also reminds us that when the East is vulnerable the West would rise up in support and vice versa.

Te Rōpū take this matter very seriously and ask those in adjudication of these submissions to give this point the weight that it deserves as Ngāpuhi wrestles with itself over the best possible way forward for the iwi.



Kia TU Tika Aī Te Whare Tapu O Ngāpuhi

“Uniting together, providing greater power and better outcomes for Ngāpuhi”

Tēnā Koe

HAERE MAI, HAERE MAI, HAERE MAI

E mihi kau atu ana ki te hunga kua kākahutia ki te Korowai o te wairuatanga, ā rātou kua niro atu ki te Pō, ki te Pō Uriuri, ki te Pō Tangotango, ki te Pō I ara aī rātou I te moe. Nā reira e ngā mate haere, haere, haere.

Kia koutou ngā rau Rangatira o te Whare Tapu O Ngāpuhi. Tēnei te mihi kia koutou, tēnā koutou, tēnā koutou, tēnā rā tētou katoa.

To ensure Ngāpuhi Kaumātua and Kuia are kept informed of what is happening within their rohe, Te Rōpū Kaumātua Kuia O Te Whare Tapu o Ngāpuhi will be convening a Hui to be held:

Hui Date: Thursday 19th May 2016 (subsequently date changed to Friday 20 May 2016)

Time: 10.00 am with a whakatau

Venue: The Board Room

Te Rūnanga Ā Iwi O Ngāpuhi

16 Mangakahia Road

Kaikohe 0440

Te Kaupapa o te Hui:

1. Maranga Mai Consultation Hui
2. Maranga Mai Feedback
3. Kaumātua Kuia Submission

Please share the Hui date with any Kaumātua Kuia you feel may be interested in attending.

Mauri ora.





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This submission is made on behalf of the whanau of [] [Ngati Kaharau/Ngati Hine] and [] [Te Orewai/Te Uriroro/Ngati Te Tarawa/Ngati Te Ara/Ngati Whanaunga].

Maranga Mai Report

1. The Maranga Mai document proposes a structure in which Ngapuhi is able to progress the settlement process forward where all hapu of Ngapuhi are able to engage. This submission supports the following:
2. That the document be accepted in principle until such time that all feedback is carefully deliberated over and changes are reflected in the final document;
3. That hapu are all afforded the same rights regarding their ability to feedback into the region;
4. That like our tupuna before us who did not cede sovereignty, we as their uri will not do the same – nor is their sovereignty to be used as a bargaining chip with the Crown. This proposition has been affirmed by the Waitangi Tribunal in November 2014.
5. This submission also raises the following concerns:

Region

- a. It appears that the regions have more mana than the hapu – the report seeks to create the illusion that the voice of hapu is valued however once representatives are chosen it is they who have the ability to determine who the negotiators will be [p.20].
- b. This raises the question as to how are negotiators meant to have a direct link to the hapu and therefore be accountable to hapu? It is important that at every level accountability is to hapu and that the hapu voice is not watered down or superseded by the region.

Ngati Hine as its own region

- a. Ngati Hine is made up of 8 hapu: Ngai Tai [Kaikou]; Ngati Ngaherehere and Tekau I Mua [Matawaia]; Ngati Te Ara, Ngati Kopaki; Ngati Te Tarawa; Te Orewai; Te Uriroro. Every other hapu that are listed at [p.46] of the Maranga Mai document are afforded the ability to decide among themselves and according to their tikanga to choose their representatives and to feed directly into their respective region;
- b. Hapu ririki of Ngati Hine will NOT be afforded that right. There is no equality in that assertion nor is it hapu empowering as the Maranga Mai document purports to encourage;
- c. The assertion that Ngati Hine being in their own region will undermine the ability of for Ngati Hine to settle cross-over claims with other hapu outside their own region is simply untenable. There is the potential for cross-claims to be inter-regional. Therefore Ngati Hine will be able to discuss those claims with individual hapu outside of their region.

- d. Not to afford the same privilege to nga hapu niri of Ngati Hine that every other hapu of Ngapuhi will enjoy is not mana-enhancing.
- e. **Withdrawal Mechanism**
- f. The proposed withdrawal mechanism proposed in the Maranga Mai document is not based on sound tikanga principles;
- g. The withdrawal process should be mana empowering not continuously question whether hapu have made the right decision – just as it is their decision provided they have followed their own tikanga to choose among them who will be the appropriate representatives to represent them at the regional level then so should it be according to their own tikanga regarding their withdrawal.
- h. A further statement is that the current withdrawal mechanism proposed by the Maranga Mai document flies in the face of hapu rangatiratanga as it is expected for hapu to engage in a process that is external to their own tikanga – this is evident in the many steps that hapu are required to fulfil before they get to the point of withdrawing.

Thank you for your diligent consideration and we look forward to the final draft.

Nga mihi,

WHANAU OF HOHAIA PARAONE KAWITI OF NGATI TE ARA

18th May 2016

Maranga Mai Document

1. Our Whanau support the Ngati TeAra/Ngati Kopaki Ngati Kopaki the (5) five resolutions made on Saturday 14th of May 2016 and presented on 21st of May 2016 at Te Rapaunga Marae. These were subject to amendments.
2. Our Whanau will forward our submissions by closing date Monday 23rd May 2016.

See attached submissions and addendums.

SUBMISSIONS

RANGATIRATANGA

The whanau of [redacted] of Hohaia Paraone-Kawiti of Ngati Kopaki wish to stand on our own mana.

Our Mamai is is the Ngati Te Ara and Ngati Kopaki have been split by the claims process. Ngati Te Ara and Ngati Kopaki are one people therefore the two Hapu stand together under the Whakapapa and Whakatauki ake ake tonu. We are more than just a natural group, "We are one people!" Again we wish to stand under our own mana.

We wish to stand alongside Ngati Hine in a region of our own.

We do not wish to be part of Peiwhairangi as it is too large, we would be subsumed by the numbers of hapu and "our voice would be lost!" If Ngati Hine does not acquiesce we will remain Ngati Te Ara and Ngati Kopaki hapu under our own rangatiratanga. Our tikanga and whakapapa and natural grouping give us this right – "Nothing about us without us!" See addendum

THE ENGAGEMENT PROCESS

The engagement process model at the moment does not accommodate our right for our voice to be heard at the top (final Level) and not extinguished (as per model) at the bottom (first level).

Yes we must have our negotiators but each hapu must remain with it's voice. When negotiations reach agreement – the hapu must have a vote. A hapu thread must run throughout the engagement process model. The Marangamai model as presented is all about Hapu determination. See addendum

CLAIMANTS

Our whanau see the claimants now under this model being sidelined by the hapu. By this we mean that the claimants who have fought the battle for years and are absolutely conversant with the issues in the claims will be denied the right to continue the battle to fruition, ie: to negotiation level under the claims. Already we are seeing hapu members who have never been to hearings and don't know what claims issues mean taking over the auspices of hapu just because they can. This is most unsatisfactory! All claimants must be included in hapu discussions to produce the best negotiators. The Marangamai documents must recognise claimants

WITHDRAWAL

The Withdrawal process is not better than the present unpleasant one. Hapau have been encouraged to stand upon their rangariratanga and yet we see the withdrawal process under the new model is onerous and unfriendly to those hapu that exert their mana therefore the exit process must allow hapu to exit with respect and mana!

Page 3

WITHOUT PREJUDICE

- **Rangatiratanga and the Engagement Process Affecting our Hapu.**

Ngatai Te Ara/Ngati Kopaki has supported Ngatihine efforts to become an Iwi under the fisheries, therefore:

Ngatihine (persay) should not hesitate when NT/NK ask to stand alongside Ngatihine collective hapu in a Ngatihine region of our own.

It is so simple. We are not asking for an Iwi but a "Region of Ngatihine" with our own collective hapu and kaikorero.

- **The Engagement Process Affecting Our Hapu.**

Our whanau see that even though the Ngatihine Kaikorero say the claims don't define us in future korero. (Debateable see below). Unfortunately the Crown has defined us for this process which means an Automatic Roopu who takes our place and like the Crown: acting as a "parent" for us.

NB: Ngati Te Ara/Ngati Kopaki are older than the Ngatihine alliance should we wish to go there.

- **The Marangami Document.**

This document is having a tremendous impact on NT/NK relationship with the rest of the rest of the Hapu of Ngatihine (not Ngatihine persay) History shows that, like it or not, the Marangamai document will set a precedent for the future. It is a yardstick that will sway the future conduct and decisions of all of us as a Ngatihine collective Hapu. Therefore not just in the claims but in everything that is of great importance to us.

We are bound by whakapapa to resist or agree and to stand on our own Tino Rangatiratanga.

- **"We did not cede our Rangatiratanga.**

Page 4

WITHOUT PREJUDICE

Te Rapunga Hui Mandate

1. For beginners 2. For Ngatihine debate

As advertised for Saturday 21st May 2015

It came to our notice that a mandate had been passed by those present at the Te Rapunga Hui on Saturday. Namely that Ngatihine will stay in the Peiwharangi Region as per the model and not as a separate Ngatihine Region.

We respectfully ask who is Ngatihine when the Korero begins? Is it the collective hapu real voice or just a few speakers who are using random hapu members as numbers on seats to tautoko decisions which seem pre-emptive.

Again we ask, was it the beginners from the first meeting who made the decision? Or were all the collective hapu of Ngatihine present with their kaikorero to make this decision. It was imperative that Ngati Te Ara be notified that a "mandate" and not a debate as advertised was to happen on that day. As practiced all hapu members, kaumatua –Kuia or hapu korero of each of the collective hapu of Ngatihine be called to Te Rapunga with their submission to collectively debate (as advertised) and then make a final decision. (Under the instruction of each hapu) and the numbers game has been played contrary to hapu rangatiratanga. We are still wondering who is really talking for the hapu of Ngatihine. Of those present at the meeting who had hapu instruction?

We need reassurances that this first process under the Marangamai Model is actioned correctly and is tika and pono. We ask these questions respectfully and if the rangatira or chosen kaikorero of each of the ngatihine gave their decision to the meeting or were present at the meeting to make their respective decisions, we will respect this as this is our tikanga under our rangataratanga.

As Ngati Te Ara our faith in our own self-determination has been shaken.

Ngati Te Ara/Ngati Kopaki will meet again.

Arohamai

From

64

- Cross
#46



Wed 4 May 2016

**SUBMISSIONS FROM NGATI KUTA AND PATUKEHA
RE: MARANGA MAI, DRAFT REPORT OF ENGAGEMENT GROUP.**

INTRODUCTION

1. We make these submissions on behalf of the two hapū and the and claimants.
2. We make these submissions with a sense of sadness and of opportunity lost. After the experience of the last few years of:
 - a) opposing the granting the Deed of Mandate to Tuhoronuku (TIMA);
 - b) the Ngāpuhi Urgency Inquiry hearings;
 - c) the release of the Waitangi Tribunal's Report which endorsed our view that hapū rangatiratanga was trampled on by the Crown and that hapū should be able to withdraw from the TIMA Deed of Mandate;
 - d) the work we had undertaken together with other hapū of Te Takutai Moana towards seeking a regional Deed of Mandate; and
3. we had looked forward to engaging with the Crown, regionally to pursue a regional Deed of Mandate and negotiation process. That was the consensus achieved in September last year.
4. As well the Tribunal Report, in our view, was the time for Ngāpuhi to tell the Crown that we would be determining how negotiations proceeded from this point.
5. However, the Crown continued to push its agenda to continue to negotiate under the current single Deed of Mandate. It is well documented that this Government and the current Minister for TOWN still seek a speedy settlement of Ngāpuhi claims over all other considerations, despite what has occurred over the last few years and the discord that has created amongst us.
6. This led to a situation where, after the release of the Tribunal's Report certain individuals from these claimant groupings engaged in discussions with individuals from TIMA, without the knowledge of or the consent of our hapū and without the knowledge of or the mandate of Nga Hapū o Te Takutai Moana (NHOTTM) and Te Kotahitanga o Nga Hapū Ngāpuhi (TKONHN).

7. Without our consent and without any consultation beforehand, these people committed NHOTTM to a three-way engagement⁴. From the claimant perspective the process was sold - after the deal was done - as “stealing the TIMA mandate” and from the TIMA perspective the process was promoted as “bringing in the groups who took the Urgency Claims under the TIMA umbrella”.
8. That is what, unfortunately this draft Report *Maranga Mai*, promotes: “evolving the existing Deed of Mandate.”
9. Therefore our position has not changed. We seek a regionally based Deed of Mandate alongside hapū that share our areas of interest. We have no faith in the Engagement that has gone on between the parties because of the way in which it was entered into, the outcomes produced in this draft report *Maranga Mai*, and because we do not and have never supported TIMA or any other single entity negotiating all of Ngāpuhi’s historical claims with the Crown.

ALTERNATIVE PATHWAYS

10. The draft report states that the engagement group met 22 times between December 2015 and the publication of this report.⁵ There were three written reports to the so-called stakeholders.⁶
11. We had hoped that there would be robust assessment of alternative pathways (including regional settlements) by this group. They were certainly well canvassed in the Urgency Inquiry, where the successful models such as Ngāti Kahungunu regional settlement, the Muriwhenua settlements, with collective redress options were well canvassed.
12. However, we cannot find in any of these three reporting back documents evidence that the engagement group carried out itself or was provided with any objective assessment of the aforementioned possible alternative pathways. They certainly have not reported on any consideration of them and the pros and cons.
13. Yet in the draft report at Attachment three⁷, there are two pages of summary of five alternative pathways. The analysis in the draft report is cursory and lacks evidence or support to back up the statements made.
14. In relation to regional mandates (both options of negotiating in parallel and separately), the report asserts that these two options:⁸
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown;
 - b) likely mean that less would be achieved through settlement;
 - c) severely limit ability to negotiate collective redress; and/or
 - d) may mean those in negotiations first effectively set the settlement agenda.

⁴ letter to Minister from Pita Tipene 22 September 2015.

⁵ page 14, *Maranga Mai*.

⁶ 14 December 2015, 18 January 2016, 2 February 2016

⁷ page 43, *Maranga Mai*.

⁸ pages 43 and 44, *Maranga Mai*.

15. An effective assessment of the many examples around the motu of the many regional settlements where iwi have negotiated collective redress would have shown the positive benefits from regionally based settlements or come to an evidence-based conclusion. We conclude from this lack of evidence of any such assessment that the group never intended to provide the possible alternatives serious consideration.
16. We attach (marked "A") the relevant pages of a brief of evidence of Professor Margaret Mutu⁹ in the Urgency Inquiry in 2012 into the various Te Hiku Deeds of Settlement. Here she identified the benefits the other Te Hiku iwi received (all of whom were separately mandated) from what Ngāti Kahu had developed and then the other iwi capitalised upon when working together as a group but still as individually mandated groupings.
17. These were just the commercial benefits. There were other non-commercial benefits that were financially beneficial but harder to quantify. It is no wonder that the Crown is anxious to avoid this occurring again.
18. Further the draft report views it as a negative that regions negotiate at different times, that it may take longer to settle all claims, and that there is a need to act quickly to settle grievances. This was the view that TIMA presented to the Tribunal in the Urgency Inquiry.¹⁰ As Shirley Hakaraia stated in her evidence in response to that viewpoint:¹¹

(...) Those of us who have been working on this for some years, those of my kaumatua and kuia who have been working on this for many years, we acknowledge that it has taken a long time to get where we are now, but we are also prepared for the fact that it might still be some time until we can settle in a robust and sustainable way. The Crown is not offering any quick fixes either in a single settlement process for Ngāpuhi so that argument does not have any traction.
19. Our evidence and that of other claimants in the Urgency Hearing, was that any settlement needs to be sustainable not rushed. It is not the job of Ngāpuhi to solve the socio-economic issues concerning our people here in the North. No settlement absolves any Government of doing its job in relation to jobs, health and education. We pay our taxes for that. We have waited for many years to have our claims heard and we made it clear to the Urgency Tribunal that we were prepared for it to take as long as it took.
20. The draft report, however, provides no evidence of its views on separate mandates.

⁹ Wai 45, #R17, 2 July 2012.

¹⁰ See evidence of Raniera Tau, Wai 2341, #A25, 4 June 2014, [3.39].

¹¹ Wai 2490, #A059, 7 November 2014, para 45.

27. No process is outlined as to a hapū's right to participate in more than one region. Is it, for example, exclusive mana whenua or areas of shared interest? And if there is a dispute who determines that?
28. We are unclear as to the purely "administrative role" of the proposed regional representatives/trustees on Te Hononga Iti (THI), the mandated entity. The recommendation is for a very small number of representatives (one/region). This group is responsible for employment of THI staff and the resources that THI will receive for the negotiation process. This is hardly without power and there is no clear process of reporting and accountability set out in the draft report.
29. No recommendations are made as to the number of negotiators recommended, a recommended appointment procedure and whether negotiators can hold other representative positions at any level. We would have expected that the group would at least make recommendations or provide some options on these matters and what it considers workable and appropriate.

Representative structure

30. Accountability and decision making is unclear as between the different proposed structures.
31. The draft report proposes that decisions are made at the regional level and that neither THI/THI trustees nor Te Hononga Nui (THN) has power to make decisions. However what we have observed occurring is that a small group of individuals have run off and made decisions that whilst, not binding, are presented as fait accompli. This is what will occur under this proposed structure.
32. Further the draft report makes no recommendations as to how pan-regional decision making is made. The report does mention in passing the development of a charter and dispute resolution process.¹⁴ However, surely it would be crucial to have these in a more developed form for consideration.
33. The need for a forum like this was foreshadowed in the report of the engagement group of 18 January 2016¹⁵ but no further recommendations appear to have been made. To expect hapū to buy into in a process where the most crucial part of the decision making is yet to be developed, is astonishing. It leads us to believe, that the group put it in the too hard basket.

Withdrawal Mechanism

34. Our position remains that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN.

¹⁴ page 38, *Maranga Mai*.

¹⁵ page 2.

21. However all the Crown can come up with publicly is that it causes claimant groups to have disagreements.¹² We are the ones to have those discussions, not the Crown. We know there will be shared interests and overlapping claims. The Crown should step back and let us work through those processes. It has in other rohe.

22. We do not disagree with the idea of coming together with other taiwhenua to negotiate redress where taiwhenua share interests. However we want to negotiate for ourselves where we are mana whenua/mana moana. And that is what happened in Tamaki Makaurau and in Muriwhenua. Separate mandates for separate redress and collective negotiation for collective redress.

23. It may take longer for regions to settle and it may require measurements to be put in place to address collective redress and overlapping claims. However, there are sufficient workable precedents in other recent settlements for this for us to be able to utilise, learn from and improve on. It seems to us that it is only because the Crown finds those require more negotiation resources, take longer and are, we suggest, more expensive that these are being dismissed so quickly.

24. As Shirley Hakaraia stated in her evidence for our hapū in the Urgency Inquiry:¹³

Our hapū have suffered grievances at the hand of the Crown and it is these grievances that we seek redress for. No other hapū can advocate on our behalf and understand our pain and suffering.

We believe that the Ngāpuhi wide settlement proposed by Tūhoronuku is too large and unwieldy. Smaller hapū like ourselves will become subsumed and marginalised in large groupings as per this proposed model.

Amendments to the TIMA Deed of Mandate

25. We have reiterated our position of support for regional mandates and regional negotiation. We want our representatives at the negotiating table with the Crown. These amendments do not achieve any of this. We do, however, make the following comments about the changes suggested.

Representation

26. The changes to representation, that is:

- a) how hapū appoint their representative(s);
- b) the number of representatives on the regional forum (with one vote per hapū);
- c) the ability for one hapū to be represented at more than one regional forum; and
- d) the removal of urban/kaumatua and kuia/TRION representation on the mandated authority trust.

These are changes that do not bring our hapū any closer to the negotiation table than they were under the TIMA mandate.

¹² feedback from [redacted] from hui at Te Mahurehure, 17 April 2016.

¹³ Wai 2490, #A.17(b), 4 June 2015, paras 66-67.

35. Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū. We have written over and over to the Crown and TIMA expressing this position.
36. This process puts all the onus on the hapū with none of the power. The hapū has to advertise, hold various hui and all the time, the Crown holds the Damocles sword over the head of the hapū with the ability to effectively veto the withdrawal by advising its view in a "*statement of potential consequences*" as to whether the hapū is in negotiation and/or a large natural grouping".
37. There is no provision in this draft report for funding for groups caught within the mandate who wish to progress the withdrawal mechanism. There needs to be funding available for this, if there is to be such an arduous process which we firmly reject.
38. There have been veiled threats made in this draft report¹⁶ and specifically in verbal feedback at hui, that the Crown will not negotiate with hapū. We are not looking to negotiate on our own we are looking to negotiate with others, and we note there is precedence for this.¹⁷ We find these threats patronising and demanding we should all fall in line with this proposal without question.

Transition Group

39. This group is mentioned in passing but has not been heralded before. There is no mention of who appoints this group, how it is funded and what authority and accountability it has.

Conclusion

40. After the release of the Urgency Report, we claimants had the opportunity to determine for ourselves the shape the future of negotiations to best suit the circumstances of Ngāpuhi, the largest iwi, in the country. Our hapū were pleased that NHOTTM had a clear vision that it wanted to progress its own mandate. In our view the engagement group went into this process with a premeditated view instead of looking at all possible options in an objective manner. This of course suited the Crown and TIMA.
41. Apart from window dressing, what this process offers, is TIMA with another, yet to be decided, name.

¹⁶ citing from Urgency Inquiry report, p26.

¹⁷ Ngāti Whatua Orākei, Te Uri o Hau, Ngāti Makino and others.

10



link to → (46) (64)

7 Mar 2016

Tena koe e Nigel

We write to you to respond to:

- a) matters raised at our meeting with yourself and Maureen Hickey late last year (December 16 2015); and

23.

- b) the request from the “Engagement Group” who has presented its proposal for progressing negotiations following its three month engagement process at hui around the Ngāpuhi rohe.

Terms of Engagement - Three Way Engagement Process

We are aware that this process between Te Kotahitanga o Nga Hapu Ngāpuhi (TKONHN), Tuhoronuku Independent Mandate Authority (TIMA) and the Crown has almost come to an end.

You will be aware that our Wai claimants (for Wai 1307 and Wai 1140) and our two hapū Ngāti Kuta and Patukeha have withdrawn from the taiwhenua Nga Hapu o Te Takutai Moana (NHOTTM) and Te Kotahitanga o Nga (TKONHN) and have never been part of TIMA. Therefore we have not participated in this process.

We have had serious concerns about the terms of engagement which set the parameters of these meetings over the last months. The basis for that concern is as follows:

1. Our two hapū have always stated (that was until September last year), that we wish to progress the settlement of our claims through NHOTTM and a regional settlement approach.

24.

2. Our two hapū have always objected to, and still object to, any form of engagement that involves TIMA. We filed our application for Urgency contesting the TIMA Mandate to set out that we did not support that entity negotiating our claims and the Tribunal found in favour of Hapu rangatiratanga and in favour of hapū determining the entity that negotiates their claims.

25.

3. The terms of engagement for this process outlined in the background/key issues sections provides a summary of the findings of the Wai 2490 Urgency Inquiry Report that skews the objective of the engagement process towards a single settlement underneath the existing TIMA Deed of Mandate (DOM), without ever seriously considering other viable options for negotiation. To clarify, the Tribunal said that:

26.

Miria Marae supports that:

- Ngati Hine never ceded our sovereignty
- Kaumatua and kuia are active across all aspects of the process and therefore hapu choose whether or not they want kaumatua kuia representation.
- Abolish the urban-representatives and invest in effective communications with kuta here/taura here. Hapu will choose whether or not they want their whanaunga residing outside of the rohe to represent them.
- Ngati Hine stay within the current rohe collective, in the Pewhairangi region.

- a. the Crown must support hapū, that choose to withdraw from the Tūhoronuku IMA in their efforts to form alternative large natural groups.¹⁸
- b. hapū involvement has to be a matter of choice.¹⁹
- c. it recommended that *“the Crown support hapū which withdraw from the Tūhoronuku IMA to enter into negotiations with the Crown to settle their Treaty claims as soon as possible, preferably at the same time as other Ngāpuhi negotiations. This will involve the Crown supporting and encouraging hapū, through the provision of information and financial support, to form into large natural group(s), and to obtain mandate(s) from their members”*.²⁰

27.

4. The point is that the Tribunal envisaged the possibility of negotiations with multiple groups and multiple mandates not just one.

28.

5. The emphasis in the terms of engagement and the process that followed was, and is still, on maintaining one Deed of Mandate – the existing one. That continues to be the view as stated publicly by TIMA, by you in our meeting and by other spokespeople for NHOTTM and TKONHN over the last months. This is unacceptable.

29.

6. We also have serious concerns about the funding of this engagement process and those involved in it. The group of people appointed ostensibly by TKONHN has no mandate from our hapū. TKONHN itself has no authority to bind anyone or frankly to engage in the process. It is not a legal entity, it has no basis in tikanga and was a loose group of Ngāpuhi claimants that met together purportedly to progress the claims in Te Paparahi o Te Raki in the Waitangi Tribunal. These people on this group are no more our representatives than the so-called hapū kaikōrero and Trustees on TIMA.

30.

Feedback on the Engagement Process

The engagement process, after a three month series of meetings, has come back with one option: come into the fold of the existing TIMA Mandate and we will call the body another name. All that appears up for negotiation is whether the Runanga is still involved or not and whether there is urban and kuia/kaumatua representation or not and a slight reshaping of hapū representation.

Ngāti Kuta and Patukeha reject this option that has been presented and are disappointed to say the least that after all this discussion no serious investigation into any other options has been undertaken.

There are precedents for other completed settlement options and they have occurred for groups that are much smaller in geographical and demographic size than Ngāpuhi. Some of the funding could have been spent on research into those options given the funding and other resources available and the other examples.

The Crown is digging in its heels and telling us that this single settlement model is all they will tolerate and we should just accept that. There is no other justification for this other than for economic reasons and that it involves less work for the Crown.

¹⁸ The Ngāpuhi Mandate Inquiry Report, Waitangi Tribunal, Wellington 2015, xi.

¹⁹ Ibid

²⁰ Ibid, p83.

We are also disappointed that the other Ngāpuhi parties to this engagement have not sought proper research into other options, in particular given the work NHOTTM has previously done on its own draft Deed. What else was the funding for?

~~Given what has occurred since the publication of the Tribunal's Urgency Report, Ngāti Kuta and Patukeha have no confidence in this Engagement Process going forward or that it will come up with conclusions that we can support.~~

We say: stop this process, go back to the drawing board and start afresh.

What do we want?

We have begun discussions with claimants and hapū who are located in our region and who have similar interests in seeking to progress settlement of our claims with the Crown.

We are meeting together to discuss how to move this forward and following that hui we will make further responses to the Engagement Group.

Mauri Tau

SUBMISSION TO NGA PUHI

I forward this submission on behalf of myself, my sixteen children and all of my mokopuna inclusive of those who have not yet entered into the realm of Te Ao Marama nei, and are domicile throughout the world.

P1

Ko oku maunga kei roto I te Whare O Ngapuhi
Ko oku awa e rere ana ki te Hokianga Moana
Oku Marae ko Okorihi, Te Kotahitanga, me Te Iringa
Ko Ngati Ueoneone, ko Ngati Whakaeke, ko Ngati Tautahi.

I heke ihoa ia

Titikura = Whare

Akaripa = Heni Whare

Tirare = Tiki Pounamu

Akaripa = Heni Whare

Akuhata = Roka

Erika = Hera

Ngawai = Ngatote

Te kai tuhi Henare = Debbie

Firstly I support the submission as presented as a collective by Ngapuhi Ki Otautahi. It gives a perspective of Urban Ngapuhi which is not too dissimilar to other Iwi who have left their traditional homelands as young people to seek employment and search for financial prosperity with the intention of one day returning home. The main focus of the combined submission by Ngapuhi Ki Otautahi is that there is appropriate representation at the table and be an integral part of the settlement process. This point is very relevant, given the percentage of Ngapuhi living in an urban areas.

I submit the following for your consideration:

1. *I have been living outside the Ngapuhi boundaries since 1964 having resided in Otautahi Ki Te Waipounamu for the past 46 years. I frequently travel back to my marae in Kaikohe as a response to mate within our hapu. I am fortunate I am able to do this as this strengthens and maintains my ties back to my marae. This regrettably is not the case for many of our Ngapuhi whanaunga who have not engaged with their hapu. Mainly these are 2nd, 3rd, 4th and even in some cases 5th generation Ngapuhi who have been born in the cities.*
2. *I believe that it is imperative that the process which is implemented by the settlement team who will negotiate on behalf of Ngapuhi, that the claim*

put forward with regards to Te Tiriti o Waitangi is inclusive and appropriate for all those who whakapapa to Ngapuhi.

- 3. The wrongs, atrocities and breaches of Te Tiriti o Waitangi that were forced upon my tupuna are of immense degradation. However, for convenience and to expedite a settlement, the process has been influenced and determined by the crown. I feel strongly that the negotiating team on behalf of Nga Puhi must be inclusive and further represents the views and aspirations of urban Nga Puhi. This is particularly important given the population of Nga Puhi whanau who currently reside in urban areas.*

66

P1

Submission on Draft Maranga Mai Report

23rd April 2016

My submission will be brief because most of the debate will probably occur once the final report is drafted and publicised.

I am hoping for a clear and transparent process for engagement with Ngapuhi over the current mandate.

The Tuhoronuku mandating process took 6 years before it was recognised so I hesitate to support significant changes to the mandate without clear support given by Ngapuhi nui tonu.

I am not convinced by the Maranga Mai model at this stage, it is a very high level conversation at present with no real detail. Whereas the Tuhoronuku model is very specific with important details so you understand how it functions.

The proposed model under Maranga Mai briefly outlined below:

Te Hononga Iri – holds the legal mandate and administrative role to execute decisions of hapu.

Regions – Hapu Representatives gather in regional forums – decision making and negotiators. Meet monthly.

Te Hononga Nui – space for hapu representatives to have discussions only recommendations. Meet bi-monthly.

I recommend the proposed model requires more detail so Ngapuhi understands what is on offer. Also a longer submission timeframe is needed so real debate can happen among the people. The present timeframe though extended still did not provide enough time for whanau, hapu, marae to debate this proposed model. I have spoken to many Ngapuhi who have struggled to meet this timeframe.

In respect to removing the Kaumatua/Kuia representatives, the Urban Representatives, the Runanga Representative.

I do not support the removal of the aforementioned representatives because Ngapuhi nui tonu supported this Tuhoronuku model with 76% vote of support for those that voted. Also over the 4 years leading up to the mandate vote, Ngapuhi were consulted on how they wanted to be represented. The removal of these representatives is changing significantly the mandated model.

Kaumatua/Kuia representatives, they meet as a ropu to oversee the business of Ngapuhi like Kaitiaki.

Te Runanga A Iwi O Ngapuhi – have supported the Settlement process from the start. I support the representative.

Urban Representatives – Ngapuhi have been forced to migrate to the cities for employment and so on. A majority have been disconnected from their hapu. They are entitled to a voice particularly when their numbers are being counted as part of the quantum. The 17% of Ngapuhi that reside in Te Whare Tapu o Ngapuhi do not speak for those who live in the cities. Tamaki Makaurau has the

largest population of Ngapuhi and is considered to be part Ngapuhi nui tonu. I do not believe the urban voice can be represented by hapu.

As was discussed in one of the Hapu Engagement hui at Te Mahurehure marae, generations are connected when they leave home but say over one, two or even three generations the connections are lost in some cases to their hapu.

I think Ngapuhi need a longer conversation over how we want to be represented and how this will happen.

This is my humble submission for now.

Naku noa,



P.1

Ngati te Ara, Ngati Kopaki hapū
Maranga Mai feedback submission



23rd May 2016

HAPŪ POSITION:

This feedback submission is provided against the following resolutions:¹

1. Ngati te Ara, Ngati Kopaki hapū maintain that Ngapuhi did not cede our sovereignty.
2. Ngati te Ara, Ngati Kopaki hapū support the proposition of a Ngati Hine region within the current model.
3. [Kei a] Ngati te Ara, Ngati Kopaki hapū tona ake rangatiratanga.

¹ Ngati te Ara, Ngati Kopaki hapū meeting held 14 May 2016, Otiria marae.

4. Ngati te Ara, Ngati Kopaki hapū support the Maranga mai draft document in principle subject to amendment.

MARANGA MAI:

1. Page 17 Our Recommended pathway:

"The pathway we recommend is to evolve the existing mandate, by making changes to address the issues identified by the Waitangi Tribunal, which will enable us to proceed together to negotiations with the Crown in a regionally co-ordinate way, driven, directed and owned by hapū".

a) The position of Ngati te Ara, Ngati Kopaki hapū is that:

- Recommendation is not accepted.

A regional mandate should be obtained (as seen in previous claims such as Ngati Kahungunu) – despite inferences from the engagement group that negotiating leverage would be weakened in taking this approach. The Maranga mai draft document did not go far enough to discuss the implications or potential consequences of this approach; and therefore was not widely discussed at a hapū level except in agreeing that regional mandates should be obtained.

This position is further supported by the resolution of 14 May 2016 that 'Ngati te Ara, Ngati Kopaki support the proposition of a Ngati Hine region within the current model'.

2. Page 18 The recommended representative structure for organising negotiations – Proposed Structure:

"... this structure is for organising our negotiations and will be wound up at the completion of that project".

a) The position of Ngati te Ara, Ngati Kopaki hapū is that:

- Recommendation is not accepted.

The proposed structure indicates that hapū may be kept at a distance from the final negotiation 'table'. This prejudicial to hapū rangatiratanga and the assertion thereof.

b) Page 21 indicates Hononga nui as being a forum "to make recommendations only to regions for the regions to ultimately decide".

The position of Ngati te Ara, Ngati Kopaki hapū is that:

Hononga nui recommendations should in all instances be referred to regions for hapū to ultimately decide.

3. Page 22 Naa Rereketanga – Key changes to the mandated representative structure and appointment processes:

"these proposal would mean a number of important changes to the existing mandated representative structure. The key change is that it shifts roles, responsibilities and power from the Board and moved decision making to the hapū and regions"

a) Hapū representation:

The position of Ngati te Ara, Ngati Kopaki hapū is that:

- Recommendation is agreed.

The appointment of hapū representation as proposed is agreed. However, we submit that the allocation of one vote per hapū within the proposed structure is disproportionate in regards to hapū membership. The concern here is that larger hapū will be unfairly disadvantaged by having the same voting rights as much smaller hapū (and vice-a-versa). Further discussion on this point would assist with clarification.

b) Kuia and Kaumatua / Urban / Te Runanga a iwi-o-Nga Puhi representation:

The position of Ngati te Ara, Ngati Kopaki is that:

- Recommendation is agreed.

These additional representative roles are to be determined by hapū according to their own tikanga.

4. Page 25 Post-Settlement:

"the structure we are recommending will have a short lifespan. It is a vehicle to get us to the point where the best possible settlement redress for the hapū of Ngapuhi is agreed and delivered".

The position of Ngati te Ara, Ngati Kopaki is that:

- The recommendation is not accepted.

As indicated earlier, the position is that each region procure individual mandates. It then follows that this approach will also ensure that the appointment of hapū negotiators and consequent PSGE can be managed at a hapū level.

5. Page 25 Dispute Resolution:

"There is a need for a dispute resolution process that addresses disputes... further workable dispute resolution processes will need to be developed."

The position of Ngati te Ara, Ngati Kopaki is that:

- Recommendation is agreed.

A dispute resolution process is required that can be consistently applied to all forums within the proposed structure. However, at this time we are unable to provide an exemplar and suggest that further discussion be held to determine the appropriate tikanga based dispute resolution process.

6. Page 26 (and Attachment Three) Withdrawal Mechanism:

"The existing mandate sets out that the mandate conferred on Tuhoronuku by the people of Ngapuhi can be withdrawn through a process as robust and thorough as the process by which the mandate was conferred."

The position of Ngati te Ara, Ngati Kopaki is that:

- Recommendation is not accepted.

The proposed withdrawal mechanism is far too onerous and time prohibitive. This does not encourage respect for those hapū who may wish to withdraw and their inherent right to do so, without duress from a mandated structure or Crown. Further discussion on this matter is required to determine an alternative withdrawal mechanism.

7. Page 27 Name change:

"As Tuhoronuku... it reminds us of the story of how our tupuna Rahiri settled the dispute and united Ngapuhi through his two sons, Uenuku and Kaharau. It serves also as a metaphor for the dreams and aspirations of the Ngapuhi nation."

The position of Ngati te Ara, Ngati Kopaki is that:

The name of the proposed structure should be changed, largely due to the stigma which is now attached to Tuhoronuku and the claims process thus far. We are of the opinion that a new name ought to be selected that encourages healing; and also to properly reflect an honest inclusion of hapū and the aspirations of Nga Puhī going forward.

[NB: a Ngapuhi wananga could be held for this purpose].

8. Page 28 Proposed Negotiations Framework:

"It is important to note that our hapū representatives, working through regions and with our negotiators, will have the opportunity to design the negotiations process and determine what the negotiating tables are and what working groups will be required to support them."

The position of Ngati te Ara, Ngati Kopaki hapū is that:

- Recommendation is not accepted.

We fundamentally disagree that there should be only one full and final settlement; and insist that the negotiations framework ought to allow for multiple settlements with multiple groups.

9. Page 35 Communications:

"We recommend there is a robust communications plan."

The position of Ngati te Ara, Ngati Kopaki hapū is that:

- Recommendation is agreed.

We support the dissemination of information and enhanced hapū participation through various face-to-face and digital platforms.

Submission to Maranga Mai – The Ngapuhi Engagement Group Draft Report

Nā: Mohinui Marae, Kawiti Marae, Miria Marae – Waiomio

Tēnā koutou katoa,

We acknowledge that Waitangi Tribunal Claims settlement will go a long way to assisting with growing the aspirations of our Iwi, Hapu and whānau.

Miria, Mohinui and Kawiti marae gave mandate to Te Runanga o Ngati Hine and Te Kotahitanga to take care of our claims process. We put our faith in the team and continue to expect that they will see us through to settlement. We acknowledge that the road is not an easy one to take and that we will not always get it right. However our mandate stands today and we support the process outlined in the Maranga Mai document.

As marae within Waiomio we will continue to grow the relationships between one another, invest in the regeneration of our Marae and whānau. Our rangatahi have demanded that te reo me ngā tikanga o Ngati Hine be at the forefront of our aspirations, therefore we will uphold that whainga and use it to steer our way forward.

"Here tangata here whenua, ka tu te po, ka tu te ao"

Marae within Waiomio reside in an area with multiple hapū representation. The following reasons are given to support that Ngati Hine reside within the Pewhairangi rohe:

- So that we may support the aspirations of Mohinui marae and their claims.
- To acknowledge that our neighbors are our whanaunga.
- Staying within the rohe strengthens our argument against the Tuhoronuku model.
- It also is an action that supports the notion that Te Kotahitanga and Ngati Hine are true to an equitable approach in supporting hapu aspirations.
- A Ngati Hine wide submission demands that Ngati Hine negotiate our own redress. Therefore it does not diminish our mana or our redress aspirations to sit within Pewhairangi.

"Me Whakaiti, me whakaiti, me whakaiti"

Staying within the Pewhairangi model requires us to be in relationship with other hapu. If we are to be principled in our practice, then resolving our internal issues is a must. Whanaungatanga is a key value.

It concerns us to hear arguments to establish our own rohe are because we are disliked by our neighbors. If that is the case, then the work needs to go into resolving the root issue, not cutting our ties in a claims process.

"Ma Ngati Hine ano Ngati Hine e korero i roto i te whanaungatanga me te kotahitanga"

To: Ngāpuhi Hapū Engagement Team
From: Ngāpuhi ki Waitematā

Recommendations

- A THAT Submissions be assessed and reviewed by an independent panel to ensure that there is transparency and accountability when reporting back to Ngāpuhi and The Crown.
- B THAT No changes be made to the Tūhoronuku Independent Mandated Authority model on the bases this takiwā is confident in the due diligence and consultation work of the administrators to produce its structure and substance.
- C THAT Should there be substantial structural and administrative changes to the Tūhoronuku Independent Mandated Authority, a new mandating process is conducted.
- D THAT Ngāpuhi ki Waitematā (The takiwā) be allowed to speak to these submissions.

Authorisation

This submission was sanctioned by the takiwā in a resolution passed on Thursday 19th May 2016 at Piringa Tahī o te Maunga Rongo marae. The takiwā is the representative body of Te Runanga ā Iwi o Ngāpuhi (TRAION) in the Te Raki Paewhenua (North Shore), Tāmaki Makaurau (Auckland Central) and Waitākere areas.

1. Overview

- 2. In September 2015 The Waitangi Tribunal reported back on urgent claims by hapū and hapū collectives that the Crown breached the principles of The Treaty of Waitangi when recognising the mandate of the Tūhoronuku Independent Mandated Authority (the Tūhoronuku IMA) to enter settlement negotiations with the Crown on behalf of all Ngāpuhi.
- 3. The Tribunal recommended that:
 - 31.
 - a. Any entity seeking to represent Ngāpuhi in settlement negotiations had to produce clear evidence of hapū support for its mandate.
 - b. The Crown delay its negotiations with the Tūhoronuku IMA to give time and space for Ngāpuhi needed to address the issues identified.
 - c. The Tribunal did not recommend the mandating process be re-run but did recommend that Ngāpuhi hapū be given the opportunity to confirm whether they wish to be represented in settlement negotiations with the Crown by the Tūhoronuku IMA.

- d. While supporting a united approach to their settlement negotiations with the Crown, the Tribunal states that this must be a matter of choice for Ngāpuhi hapū.
- e. The Crown had a primary Treaty duty to actively protect the rangatiratanga of Ngāpuhi hapū in deciding how and by whom they would be represented in settlement negotiations.

4. Hapu Engagement Team (HET)

- a. In March 2016, the Ngāpuhi HET consisting of members from Te Kotahitanga o Ngā Hapū Ngāpuhi Taiwhenua (Kotahitanga), the Tūhoronuku IMA and the Crown commenced a series of consultation meetings.
- b. Just one meeting was held outside Taitokerau at Te Māhurehure Marae on April 20th 2016. At the time, it is thought, this was to be one of only two meetings in Tāmaki.
- c. The tenure of these meetings was facilitators selling the new model for consideration. Generally Ngāpuhi in Tāmaki feel they have voted on the matter in favour of TIMA to the tune of 76% and do not want to change this decision.
- d. It was stressed by attendees at that meeting that the removal of Urban Ngāpuhi Representation must be debated properly in line with the recommendations of the Waitangi Tribunal (See point 2.2 above).
- e. The Ngāpuhi HET group subsequently decided to increase the number of engagement meetings with Ngāpuhi in Tāmaki, Hamilton, Wellington and Christchurch between the 16th and 27th April 2016.
- f. This signals clearly the HET group misread the wishes of the people and appear to be disconnected from the current dynamics of Ngāpuhi. Planning has since been rather erratic and reactive.
- g. It also shows a degree of clumsiness in failing to budget for these important HET discussions in an analytical and transparent manner.
- h. The involvement of The Crown's lead Negotiator is a political folly and contrary to fair business practice as it gives a sense Ngāpuhi is being set up.
- i. Tūhoronuku in contrast took video evidence of all public meetings and recorded the names of attendees. Opponents of these meetings populated attendance in a clear effort to block that process despite being invited at every point to participate positively. All is archived prepared for a judicial review, should that be necessary.
- j. Dissenting hapu should climb aboard the Tūhoronuku organisation as there is little difference to an earlier model. This model however has since moved on to a more sophisticated and democratic model via open and interactive dialogue.
- k. An analysis of the two models follow.

5. Model Comparison

| Waitangi Tribunal Recommendation Matrix | | |
|--|--|---|
| | Hapu Representation Strengthened | Unity and Rangatiratanga Achieved |
| Tūhoronuku IMA | <ul style="list-style-type: none"> ▪ All Ngāpuhi are descendants of a hapu - Yes ▪ Recognises every Ngāpuhi member ▪ Needs work on the hapu withdrawal mechanism ▪ More ponder time and space for Ngāpuhi is needed to decide on an appropriate model ▪ Te Runanga a Iwi o Ngāpuhi owns the only ratified Database with over 50,000 names ▪ A radical departure from this model will require a new mandate process ▪ Disengaged Tāmaki Ngāpuhi may be able to initiate contact via an interim body similar to Tatai Hono then onward to engage with their hapu by arrangement ▪ It is surprising most hapu have not developed a Database at this point further highlighting their capacity and ability | <ul style="list-style-type: none"> ▪ Based on our submissions - Yes ▪ Waitangi Tribunal supports a united approach to which this group best models ▪ Rangatiratanga is not solely resident in Taitokerau ▪ Rangatira in urban settings is enhanced in this model ▪ Any model should consider devolution and/or centralisation contingent to politico-economic change ▪ Scale of Economy should be considered as a major influencer for iwi in future asset growth ▪ Tūhoronuku was underwritten by TRAION to the point of mandate, an act of unification for all hapu ▪ TRAION is a creature of the Māori Fisheries Act 2002 (Repealed) with all its legal implications connected to its Database |

| | |
|---|---|
| <ul style="list-style-type: none"> ▪ Yes – to the greater iwi’s detriment ▪ Mainly at expense of those outside Taitokerau ▪ Leaves 81% at mercy of haukāinga ▪ Only a select few hapu have a known Database ▪ Ngātihine had to recently review its criteria ▪ Questioning hapu capacity in Taitokerau must not be avoided – Ngāpuhi’s talent base is outside Taitokerau ▪ Hapūtanga and kotahitanga is an incongruent idea in the context of this discussion ▪ Te Whakaputanga and TToW was signed by Rangatira with a wider future-proofing view of their changing world even back then ▪ This model constrains Ngāpuhi signatories to an idea they were fettered to Taitokerau and unable to participate fully in the international arena ▪ Ngāpuhi were entrepreneurial and world focused ▪ This model states hapu can make decisions on major financial matters with a 75% vote. For the vast majority of hapu without a Database, what number are they relying on – those present at a meeting or some other criteria. This appears to be just a number based on the MFA 2004 and its rules therein | <ul style="list-style-type: none"> ▪ Unity is definitely dismantled by this regime - No ▪ Rangatiratanga is compromised for urban Ngāpuhi within the context that they must rely on being invited to hapu hui ▪ Again not suited for the majority of Ngāpuhi whānui ▪ Connectivity & data basing has clearly not been well articulated in this document; Nor are the legal ramifications ▪ This adds The Crown’s already heavily advantaged negotiation position which is unfair to say the least–hapu should be supporting hapu throughout the process not in a fragmented and disorganised structure ▪ The Crown must seek an enduring settlement which will not be achieved with such unfair interference ▪ Theoretically, Ngāpuhi may be separated in to six entities, each with their own PSGE ▪ Scale of Economy and capacity will be sorely tested ▪ For example TRAION have scoped for CEO’s and Directors resulting in a small pool of available and qualified candidates ▪ Smaller entities looking for governors, administration and workers in such a limited pool of talent must be seen as a serious risk in this model |
|---|---|

6. Ngāpuhi ki Tāmaki

- a. Ngāpuhi’s boundaries extend right down to Tāmaki or more correctly the Bombay Hills. The limits are encapsulated in the two whakatauki: Ngāpuhi, Matakoho ki Te Rērenga Wairua; and Te Whare o Puhī. Both are commonly quoted references for Ngāpuhi Nui Tonu. 43% of the Ngāpuhi population live in Tāmaki.
- b. According to the 2013 NZ census report 81% of the Ngāpuhi population reside outside Taitokerau. The proposed HET document removes the two Tāmaki takiwā representatives from the structure leaving constituents without a designated voice on the proposed new board. This is untenable in a democracy.
- c. If anything, Ngāpuhi ki Waitematā want more representation than that in the current Tūhoronuku IMA Model to reflect a more democratic process. The number could be ratified similar to a federal system, or a hybrid of this, and the current rūnanga structure. Either way this point requires closer scrutiny but is outside the scope of this paper.
- d. Ngāpuhi ki Waitematā wish to ensure that every single eligible person of Ngāpuhi descent are able to participate fully in the settlement process.

- e. The takiwā also want to remain distinct from the Urban Maori Authority conversation. This is also beyond the scope of this discussion.
- f. The HET has failed to meaningfully engage and model Ngāpuhi where their numbers reside. Tūhoronuku on the other hand considered the larger communities of Ngāpuhi as a serious stakeholder by adding specific representation and holding more than 25 meetings in Tamaki between 2009 and 2016 when coming to the conclusion of adding urban representatives to the model.
- g. HET have not. They have not formally engaged with our two Tāmaki takiwā at this juncture relying instead on public notifications and word of mouth.
- h. The takiwā also want to ensure those members otherwise disenfranchised have the ability to participate at any future point of the process, and post settlement.
- i. All Ngāpuhi living outside Taitokerau are still members of their respective hapū. Their inclusion therefore cannot be any loss of hapū enhancement at this tier. Ngāpuhi in both Manukau and Tamaki are frustrated with the constant delays in going through this process once-more. They believe this is an unnecessary extension that is wasting time and energy at the behest of a few naysayers.

7. What is in a Name

- a. The HET group were never asked to consider a name change. Tūhoronuku holds the mandate and is the correct and most appropriate name to hold this status.
- b. Maranga Mai was written by Piripi Cope for the specific purpose of encouraging Ngāpuhi to stand and support Te Reo Māori.
- c. Tūhoronuku on the other hand was a strategy by Rāhiri to unite his feuding sons Uenuku-kuare and Kaharau during times of need. ‘Ka mimiti te puna ki Hokianga, ka toto te puna ki Taumarere’, Hokianga being the seat of Ngāpuhi settlement, indeed of Māori in Aotearoa. The reciprocating and balancing proverb acknowledged the support each brother was obligated to uphold in this story of Unity.

8. Kaumatua and Kuia Representation

- a. Again, the HET group were not asked to consider the removal of Kaumātua and Kūia representation. This takiwā believe the guidance of our elders is necessary in the sense of keeping us culturally safe.
- b. There are many examples where our elders provide stability when there is conflict or disarray too numerous to number here.
- c. Whatever structure we have as a PSGE or interim body, they will all be Māori entities. It beggars belief that turning your back on this vital aspect of Māoritanga would be ignored and treated with such disdain.
- d. This is distressing to the takiwā.

9. Independent Review of Submissions

- a. This process must be fair and transparent to avoid risking a settlement that will not endure and one without mana for either The Crown or Ngāpuhi.
- b. There are suspicions amongst Ngāpuhi caused by comments made by the Crown's Lead Negotiator, Nigel Fyfe, where it appears he has a predetermined favour with HET/Maranga Mai. If this is the case there appears to be a conflict of interest in choosing one over the other before submissions have been properly considered.
- c. With this in mind, and in the interests of transparency, the takiwā strongly recommend an independent person(s) be appointed to consider the submissions.
- d. Such a biased position being announced before the submissions process has been completed is alarming and unfair to say the least.
- e. A radically amended structure and model must result in a new mandate process. Given 76% of Ngāpuhi who voted favoured TIMA it is almost certain fresh litigation will result. The Crown has been placed in an unenviable position by continuing complaints by individuals who will not engage in spite of recorded invitations to do so.

10. Te Rūnanga a Iwi o Ngāpuhi Representation

- a. The rūnanga underwrote proceedings for the mandate up to this point in an attempt to make a unified stand with Ngāpuhi. At every stage individual hapu were invited to participate in a positive and transparent manner. This was all documented.
- b. Certain hapu opposing the process attended meetings with an express will to disrupt and undermine the process. The Crown made several attempts to assuage and assist in bringing parties together.
- c. The rūnanga has the only comprehensive Database showing whakapapa and hapu affiliation. The information belongs to the rūnanga and is protected via legislation and Trust Deed.
- d. Ngāpuhi have, by 76% voted to accept the Tūhoronuku mandate and are unhappy with being asked to go through this process again.
- e. Moreover, the rūnanga has the capacity to assist procedures moving forward by offering service level agreements in Communications, financial administration and governance.
- f. The whole process was monitored and audited by one of the highest sought auditor in NZ.

REFERENCES

Statistics NZ (2013)

Maori Fisheries Act (2004)

Old Land Claims (1815-1840)

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Te Rūnanga a Iwi o Ngāpuhi Annual Report 2016

ElectionNZ

(Warwick Lampp 2016)

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SUBMISSION FROM WHĀNAU OF TE HIKUTU AND CLAIMANTS

RE: MARANGA MAI, DRAFT REPORT OF ENGAGEMENT GROUP.

INTRODUCTION

1. My name is [redacted] and as agreed upon at our Te Hikutu Hapu hui on Saturday 21st May 2016 at Moria Moria, Whirinaki, I make this submission on behalf of our whānau of "Te Hikutu" hapū (including Te Whanau Whero, Ngati-Kairewa, Te Kerewhiti, Ngai Tupango and Ngati Parenga), and with the Wai 700 claimants.
2. We make this submission with commitment, communication and continuance that this submission is "part of ongoing consideration of measures contributing to successfully complete reviewing the proposed document"¹ "Maranga Mai. The Ngapuhi Engagement Group's Draft Report. 1 April 2016", aimed at ensuring that Te Hikutu are included with participating in the Crown's imposed process of Settling Historical Treaty of Waitangi Claims, that Te Hikutu engaged in over 40 years ago.
3. Te Hikutu acknowledge and gives thanks to Kotahitanga members, Pita Tipene and Rowena Tana for their attendance, presentation and engagement.²
4. Te Hikutu acknowledge and gives thanks for apologies received from Tuhoronuku members Moana Tuwhare, Helene Leaf, and Te Tuhi Robust.³
5. Te Hikutu acknowledges and gives thanks to Crown representative, [redacted] of Te Puni Kokiri for attendance, representation, clarification and engagement.⁴
6. Te Hikutu acknowledges and gives thanks for apologies received from the Engagement Group members,

Just confirm
you want to
release these
names?
-Pete Kerepe
Clare Morgan

¹ Te Hikutu Hapu. (21 May 2016). "Te Hikutu Whānau-Hapū Hui: Te Anga Whakamau". Panui, 21 May 2016.

² Te Hikutu Hapu. (21 May 2016). "Maranga Mai Report Te Hikutu Hapū Hui. Moria Marae, Saturday 21 May 2016. Hui Attendance" Hui Attendance Register, 21 May 2016.

³ Ibid.

⁴ Ibid.

⁵ Ibid

7. Te Hikutu acknowledges and gives thanks for the Hapū-centric "legal lens" provided by Tū Pono Legal Ltd for attendance, clarification, participation and engagement.⁶
8. Te Hikutu acknowledges and gives thanks to all whānau for apologies & attendance, communication, commitment, calmness, enquiring, participation, engagement, feedback and continuance.⁷
9. Te Hikutu identifies a series of recommendations to achieve better clarity and shared understanding of outcomes through applying a clear process of "Ma Tika Mai" and "Maranga Mai".
10. "Ma Tika Mai" specifically focused on providing our whānau of Te Hikutu, with the opportunity to receive reflections from the following members of the Engagement Group or "Tri-partite Arrangement":
 - a) Kotahitanga;
 - b) Tuhoronuku; and
 - c) The Crown.
11. Upon establishing, clarifying, and considering the presentations and reflections presented, "Maranga Mai" is the process our whanau-hapu used to describe the following recommendations:
 - a) That, Te Hikutu acknowledge absent whanau members.
 - b) That, Te Hikutu acknowledge and continue with the legacy created over 40 years ago by Te Hikutu tūpuna under claimant Wai 700, clarifying that historically Te Hikutu includes Te Hikutu O Te Motu, Te Whanau Whero, Ngati-Kairewa, Te Kerewhiti, Ngai Tupango and Ngati Parenga, and need to consider the "overlapping" boundaries and "working relationships" are required where historical and contemporary boundaries exist.
 - c) That, Te Hikutu did not cede sovereignty, and therefore highlight and consider that Te Hikutu hapū have been herded, bullied and cajoled by the Crowns institutionally racist acts of parliament, policy and procedures to meet their deadlines and/or their prescribed doctrine needs to stop.

⁶ Ibid.

⁷ Ibid.

- d) That, Te Hikutu will seek redress for "whenua riro atu, whenua hoki mai", and need to determine bottom-line nego
- e) That, Te Hikutu conditionally support in principle the Process outlined in the "Maranga Mai. The Ngapuhi Engagement Group's Draft Report. 1 April 2016", that Te Hikutu will commit to communication and continuance for Te Hikutu to participate in a Review Process of the proposed document, "Maranga Mai. The Ngapuhi Engagement Group's Draft Report. 1 April 2016" to be completed by 2018.
- f) That, Te Hikutu propose a series of co-ordinated and collaborative wānanga engaging Te Hikutu whānau (including urban whanau), under the auspices of our taonga whenua and maunga tapu "Te Ramaroa" over a "two-year" period to account for the capacity required to continue with the current Hearings process and completion date of 2018.
- g) That, Te Hikutu need capacity of time, funding and resources, and capability of legal expertise to consider and review our decision-making process, make-up of Te Hikutu representation, dispute resolution process, withdrawal process, post-settlement governance, and the name and clarify the "mandate" or loss of mana to the Mandate the Structure.
- h) That, Te Hikutu have identified and share understanding of "Representation" of "one voice – one vote", and that Te Hikutu need to review and clarify representation of the "75%" voting voice mechanism identified in the report.
- i) That, Te Hikutu having considered the absence of Tuhoronuku representatives, and will engage and conduct our Review Process inclusive of all Tri-partide members where possible.
- j) That, Te Hikutu accept the offer of the Crown to apply for financial assistance to coordinate and collaborate the wānanga series of the Review of the proposed document, "Maranga Mai. The Ngapuhi Engagement Group's Draft Report. 1 April 2016" to be completed by 2018.
- k) That, Te Hikutu develop a Communications and Engagement Strategy for the purposes of maintaining the "Voice" of Te Hikutu moves forward as "One Voice".
- l) That, Te Hikutu understands that this process is not about maintaining Political Sovereignty, but understands that historically the Crown and its Agents have consistently continued to breach all terms developed and acted upon in 'good faith' by Te Hikutu through mechanisms of institutional racism.
- m) That, Te Hikutu are committed to putting a voice to this draft Report *Maranga Mai*, and the mechanistic approach promoting "institutional racism" and evolving *the existing Deed of Mandate* ceases until the voice of Te Hikutu is given culturally fair and culturally just process as is promoted by Te Hikutu above (as

identified in the coordinated and collaborative approach to complete the Review by 2018).

MA TIKA MAI

- 12. In considering the purpose, position and role of the Tri-partidite Arrangement, Te Hikutu invited members of the each of these parties to attend our hui to present their voice.
- 13. The purpose of this process is specifically focused on providing our whānau of Te Hikutu, with the opportunity to receive reflections from the following members of the Engagement Group.
- 14. More importantly, this process provides Te Hikutu with the opportunity to share their reflections, their challenges, become informed, create a shared understanding and present their informed discussion for a pathway moving forward.
- 15. We appreciate their input and attendance even at such late notification, and present the following mind-map that highlights of the "Kotahitanga" story presented by



- 16. Te Hikutu considered the biggest challenges faced during this process include: the 'fractionalisation' of our own people of Te Hikutu who were engaged into either

Kotahitanga or Tuhoronuku with the "voice" of the people being heard, and that the mechanisms of institutional racism created an abyss of animosity, ill-mannered and at times violent engagement between the two groups.

17. Bidding relation against relation purely as the Crown continued to push its agenda to continue to negotiate under the current single Deed of Mandate. This is well documented that this Government and the current Minister for TOWN still seeks a speedy settlement of Ngāpuhi claims over all other considerations, despite what has occurred over the last few years and the discord that has created amongst us.

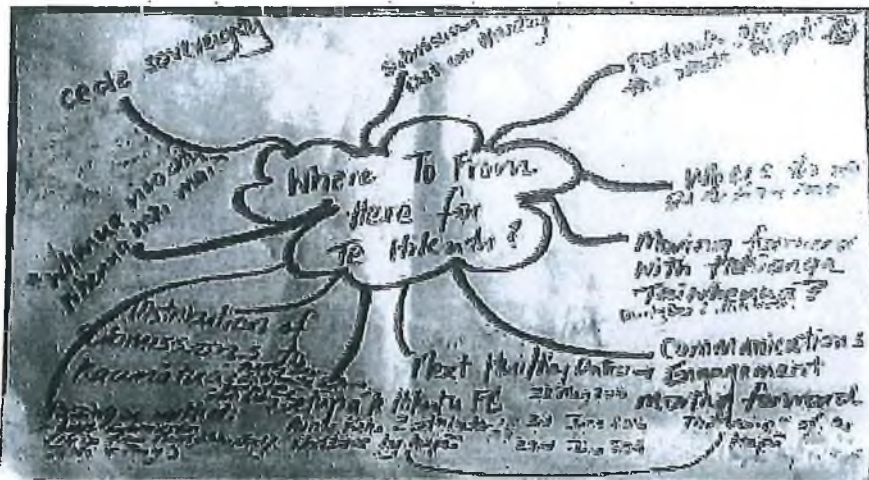
18. This was also acknowledged by [redacted] member of the Engagement Group who openly and honestly shared her experiences of the discomfort, division and disrespect within the Tri-partite Team.

19. In the absence of Tuhoronuku representatives, [redacted] provided reflections of the Tuhoronuku position.



20. For many of Te Hikutu, this was the first time that our whanau received this message and they were not aware of the Tuhoronuku position. That is, that Tuhoronuku were seeking settlement directly and exclusively with the Crown behind closed doors.

26. Considerations identified by Te Hikutu, included, representation is back with the hapū, inclusivity approach of representation, removal of issues and risk for the hapū, structural reformation issues that this hui cannot afford the time to review, the differences of Settlement and Reparation, the premature objective to meet the Release of Final Report by 3rd June 2016 without developing culturally fair and culturally just processes to be inclusive of a 75% Te Hikutu population in moving forward, and the premature nature of establishing a Post-Settlement Group without first prioritizing, identifying and clarifying the bottom-line thresholds to be negotiated by Te Hikutu in absence of Tuhoronuku, 75% populace, and a Strategic Approach and Plan for the development of sustainable inter-generations.



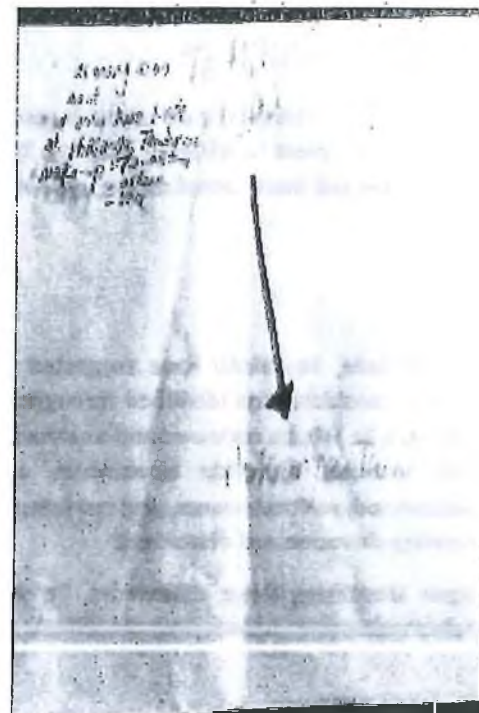
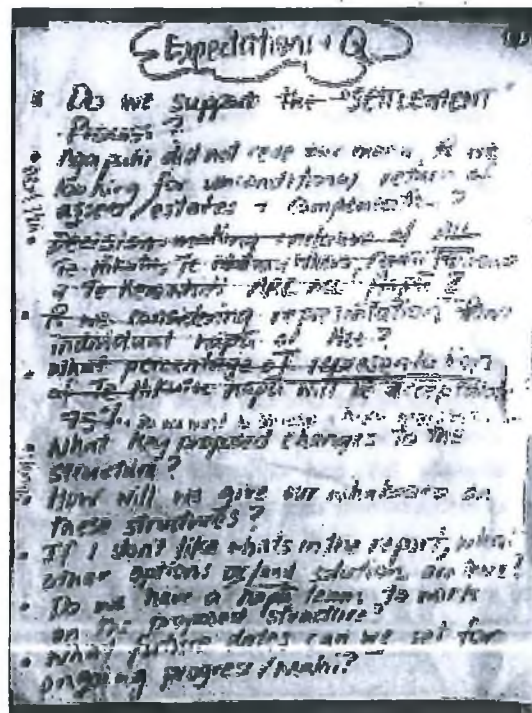
27. Therefore, Te Hikutu should move forward at a pace not driven by meeting the Crown's settlement timeframe. After all, 200 years of inter-generational alienation, oppression and institutional racism, cannot be solved by a one-month deadline.

CONCLUSION

28. To conclude, Te Hikutu have suggested several recommendations aligned with several considerations identified throughout the process of the one-day Hapu hui whereby Te Hikutu reviewed and analyzed historical trends, with current tensions with whānau, tripartite agreements, and culturally fair and culturally just nationhood, political nuance, and consistent use of institutionally racist mechanisms creating discourse and discontent.
29. Upon identifying these differences, Te Hikutu suggested pragmatic yet soundly robust recommendations, that not without reflecting upon our experience of the last

few years that has seen many pass on, while we commit to consolidate, continuance and communicate to develop a collaborative working relationship with all parties.

30. Therefore, we present mind-maps in sequence of facilitation, that assisted Te Hikutu with facilitation of our process to develop our considerations and recommendations by Te Hikutu, but also to provide as evidence and validation of our hui.



31. Finally, as well the Urgency Hearing achieved all of the outcomes that Te Hikutu were seeking, it is our view, that the Crown can put aside childish decisions and behaviours that diminish their mana further, but can also adeptly and maturely engage with the preferred mechanisms that will uphold the process recommended by Te Hikutu.

(71)

NGATI UE AND NGATI UEONEONE HAPU HUI

Saturday, 14th May 2016

On Saturday 14th May 2016, a hui a hapu was called and held for Ngati Ue and Ngati Ueoneone.

Attendees:

One more

1. Hapu to make decisions
2. Can consider joining with other hapu
3. Keep urban whanau informed which is the whanau's responsibility with support from hapu
4. Kuia/kaumatua to be determined by hapu
5. Must whakapapa to the hapu
6. Hapu to determine best representation whether a committee or single
7. Te Runanga a Iwi o Ngapuhi should have no representation

RESOLUTION:

We the above signed members of Ngati Ue and Ngati Ueoneone, support the proposals put forward in the Maranga Mai Draft report at the meeting held in the

[] 14th May 2016.

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From:
Sent: Monday, 23 May 2016 7:57 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Ngapuhi consultation

Ngati Hine should have its own region within the framework. This submission is made on behalf of the whanau of Ariki Taki Hoterene, further info to come...

[]

General Manager : Nga Tirairaka o Ngati Hine
Indigenous Diplomacy : World Indigenous Festival Tamaki Makaurau Auckland 2019
Co-chair : Pacific World Network of Indigenous Land & Sea Managers
Traditional Knowledge : Kauri Dieback Management Programme

Nga Tirairaka o Ngati Hine
Offices:
Post:
Facebook:

23 May 2016

NGAPUHI KI TE HAUAURU TAKIWA SUBMISSIONS

COMMENTS AND RECOMMENDATIONS ON THE MARANGA MAI DRAFT REPORT DATED 1 APRIL 2016

BY EMAIL: ngapuhifeedback@justice.govt.nz

1. This report is submitted by [redacted] as the Trustee of Ngapuhi ki Te Hauauru Takiwa (the Takiwa) for and on behalf of all our Marae within this Takiwa.
2. We wish to be heard in respect to the Maranga Mai draft report developed by the Tripartite Engagement Parties.
3. Specific comments and recommendations are provided on page seven (7)

INTRODUCTION

4. The Takiwa is affiliated to Te Runanga-a-iwi o Ngapuhi that is an incorporated charitable trust established by a Deed of Trust, signed on or about 28 April 1989 pursuant to the Charitable Trust's Act 1957.
5. The stated strategies of Te Runanga-a-iwi o Ngapuhi are to lead the cultural, social and economic growth of Ngapuhi by encapsulating the vision "*kia hi tika ai te whare tapu o Ngapuhi*". These strategies a naturally what drives the Takiwa.
6. The Runanga, and by affiliation the Takiwa, is also guided by the principles and powers embodied in the Trust Deed and is accountable to our constituent members.
7. Clause 3.1 sets out the purposes for which the Trust is established:
'to receive, hold, manage and administer the Trust Fund for every charitable purpose benefiting Ngapuhi'

SUMMARY STATEMENT

8. The Takiwa has reviewed the Maranga Mai draft report in order to assess the impacts of this report on the engagement of Ngapuhi, Ngapuhi Hapu and our whanau and Marae.
9. The Takiwa contributes a large number of constituents to the Te Runanga-a-iwi o Ngapuhi membership database of more than 55,000 and has a dedicated interest in Ngapuhi affairs ensuring that the economic and social benefits that the Crown has

asserted will occur as a result of settlement negotiations and any subsequent developments.

10. Despite the Crown's unwillingness to recognise the decision making powers of Ngapuhi, the position of the Takiwa continues to be that Ngapuhi should be the decision makers over Ngapuhi matters.
11. Te Tiriti o Waitangi must be at the heart of Ngapuhi – Crown relationships. There should exist mutually acceptable long-term solutions and good faith engagement on settlement negotiation issues. To date there has largely been an absence of good faith engagement.

Ngapuhi ki te Te Hauauru Takiwa

12. The Takiwa is conscious of the fact that Te Ropu o Tuhoronuku went to extraordinary lengths to ensure that the outcome of any mandate was well within crown policy. That is, Ngapuhi engaged early with the Crown to ensure that processes were within Crown policy.
13. In 2009, Te Runanga-a-iwi o Ngapuhi was the driver to engaging Ngapuhi in settlement negotiations with the crown. Our initial steps were to ensure that entering negotiations was in fact what Ngapuhi desired. The result of pre-mandating inu indicated that entering negotiations was to commence and was not to interfere with the Waitangi Tribunal hearing process Ngapuhi was embarking on. It is our considered view that this has been the case.
14. Te Ropu o Tuhoronuku, an independent sub-committee of the Runanga at that time, was established and were supported by the Runanga in the mandate process.
15. In 2014, the government recognised the Ngapuhi mandate voted on in 2011. By agreement, the sub-committee became a stand-alone entity known as Te Ropu o Tuhoronuku Independent Mandated Authority (TIMA), independent of the Runanga.
16. Today the crown considers any financial support or resourcing via the Runanga translates into Tuhoronuku IMA having a dependency on the Runanga and has gone further to instruct Tuhoronuku IMA to cut financial ties with the Runanga.
17. The Takiwa is of the opinion that it is not the business of the Crown to determine how Ngapuhi is supported and because a minority of people is opposed to the support of the Runanga does not necessarily make it wrong.

Crown assurance

18. The Crown will need to assure the Takiwa that it is funding this process in a fair and equitable manner, that the resources for Ngapuhi mirror that of the Crown. This may

eliminate the support and resourcing the Runanga provides Ngapuhi but then Ngapuhi via Tuhoronuku IMA become dependent on the state. Our preference is that Ngapuhi be supported by Ngapuhi via the Runanga and not be a state dependent entity.

19. The Takiwa is keen to understand what measures have been taken by the Crown to ensure that their internal checks and balances are in place. The crown need to take responsibility for these matters and stop the nonsense discussion that poor planning and financial management is the fault of the mandated entity.
20. If the Waitangi Tribunal and the Crown are of the view that hapu autonomy is denied, then we need to question the decisions of the crown to deny Ngapuhi their autonomy to make decisions.

Waitangi Tribunal and the Crown Influence

21. The influence of the Waitangi Tribunal and the Crown distorts the position held by Ngapuhi that there is one Ngapuhi and there will be one Ngapuhi settlement. The crown's policy to settle with large natural groups is supported by Ngapuhi not so that hapu are alienated or to deliberately oppose a fixed set of ideals. It is supported because if a regional approach were to be taken it is likely that regions with the most need will be richer for the experience but poorer on settlement.
22. The effect of external pressures has driven a significant wedge between regions. There are very different development pressures in different rohe. The Takiwa is concerned that the overall focus of negotiations is based on these pressures and while we submit the view that one size does not fit all, we hold true to the paradigm that it is for Ngapuhi to decide how Ngapuhi matters will be sorted, and it will be Ngapuhi who will determine how Ngapuhi organise themselves.

Constructive Engagement

23. Constructive engagement is necessary – on any proposed changes to this mandate. This consultation process undertaken by the tripartite parties has not been long enough or consistently applied to enable valid input. Consultation is especially important given the draft report proposes significant changes to the mandate Ngapuhi voted on. For example, representation of Ngapuhi Kaumatua Kuia, urban rohe and Te Runanga-a-iwi o Ngapuhi.
24. The pre-mandate period to engage Ngapuhi on their thoughts of representation was done over a number of hui. To ignore this process and then implement another consultation process is unconscionable and incomparable to any other iwi.

Regionalising

25. The Maranga Mai draft report glosses over the impact that regionalising hapu will have on a process that hapu are more than capable of engaging in via the current

structure. There has never been an issue with hapu being able to negotiate those matters that are relevant to them.

26. Regionalising and promoting the formation of large natural groups within Ngapuhi would mean disjointed strategies, competing interests, uncoordinated distribution of funding and resources, multiple governance structures with varying standards of capability and purpose and, duplicated management expense.
27. The Takiwa are also conscious of the potential effects on regions should the Crown continue to take the view that resourcing and funding will remain limited, controlling the manner by which negotiations take place.
28. To contextualise the point above it is our understanding that between 2005/6 to 2013/14 Legal Aid services expenditure on legal counsel for claimants in the Northland Inquiry cost \$24,363,930. None of this went to Ngapuhi hapu, Marae or whanau. This funding went directly to lawyers. We request the Crown that the same level of investment be afforded to Ngapuhi for settlement negotiations.

Large Natural Groupings

29. The Takiwa is concerned with the view of the Waitangi Tribunal that there are potentially a number of large natural groups within Ngapuhi that could be mandated to settle with the Crown.
30. The Takiwa is keen for the Waitangi Tribunal to advise what constitutes a large natural grouping, which hapu they consider to be large natural groupings and how they arrive at this view.

RECOMMENDATIONS

31. The Takiwa considers a number of the proposed changes in the Maranga Mai draft report are unrelated to the Waitangi Tribunal recommendations and therefore questions appropriateness of introducing them through this process. These are:
 - Structure
 - Decision Making
 - Discussion
 - Dispute Resolution
 - Post Settlement Governance Entity
 - Mandate Accountability
 - Te Runanga-a-iwi o Ngapuhi Representation
 - Kaumatua Kuia Representation
 - Urban Rohe Representation
 - Name change for the Mandated Structure
32. We also want it recorded that the Ngapuhi Kaumatua Kuia submission has the full support of the Ngapuhi ki Te Hauauru Takiwa.

CLOSING COMMENTS

33. The Waitangi Tribunal view is that a united Ngapuhi is preferred. We consider this to be an aspiration all iwi strive for within their respective rohe. We are realistic to know that unity in the eyes of some does not necessarily meet the threshold of others. We are also well aware that very few iwi have been united in a negotiations settlement process.
34. We are interested in hearing from the Waitangi Tribunal exactly what it is that this 'unity' looks like.
35. The Waitangi Tribunal are also of the view that how unity is arrived at is for Ngapuhi hapu to determine. Our response to that, is as above. In fact, we would go further to remind the Waitangi Tribunal and the Crown that Ngapuhi have determined how they wish to be organised. And this has been ignored.
36. The Takiwa disagree with the Waitangi Tribunal that the Tuhoromuku model does not allow for hapu autonomy. The structure and representation enables hapu autonomy. The Waitangi Tribunal Urgent Inquiry has denied hapu the ability to realise their autonomy.
37. If strengthening the mandate means increasing the number of Hapu kaikorero per hapu, this is supported. However, the number of kaikorero a hapu has is for that hapu to determine and is to be fully resourced by the Crown.
38. The withdrawal of hapu is a discussion still to be had. It is our understanding that it is crown policy for all hapu to be included in the mandate. There were meetings held with Ngapuhi Kaumatua Knia, the crown and members of Tuhoromuku IMA to determine and agree who the hapu to be included.
39. The Waitangi Tribunal is now recommending that there be a withdrawal mechanism for hapu from Tuhoromuku IMA. It is our considered opinion that this recommendation will provide a less than desirable outcome for Ngapuhi. We are however keen to explore how this impacts on the mandate and whether this indeed strengthens the mandate.
40. The Takiwa understand the Waitangi Tribunal considers the crown recognised an empty vessel. We fail to see how following the advice of our legal counsel and that of the Crown results in the crown recognising an entity that didn't exist. If this is in fact the case, then the recognition is with the Te Runanga-a-iwi o Ngapuhi sub – committee Te Ropu o Tuhoromuku. We are not an empty vessel.
41. In the event that the proposed changes in the Maranga Mai draft report are adopted, The Takiwa will consider the crown to be in breach of articles one, two and three of Te Tiriti o Waitangi.

42. We expect measures to be taken to ensure the engagement process and recommendations in the Maranga Mai draft report is not a departure from the mandate Ngapuhi voted on in 2011.

43. It is not for the Crown or the Waitangi Tribunal to determine the affairs of Ngapuhi.

44. An independent body must oversee the assessment of these submissions on the DRAFT Maranga Mai Report as we have already heard the position of some HEP members and the Crown. These views are pre-conceived and the bias must be eliminated. An independent body is the only way to address this.

45. The Takiwa wish to speak to this submission.

Mauri ora

Specific Comments and Recommendations to the Maraunga Mai draft report, 1 April 2016

COMMENT RECOMMENDATION

| COMMENT | RECOMMENDATION |
|---|--|
| <p>1. Hapu Kaikorero Representation</p> <p><i>Ngapuhi ki Te Hauauru Takiwa considers increasing the representation of hapu kaikorero to be beneficial to hapu.</i></p> <ul style="list-style-type: none"> - The Takiwa notes that funding and resourcing provisions have not been confirmed by the Crown or the Crown Forestry Rental Trust on the proposed increase in hapu representation and related activities. - In terms of the type of provisions proposed and the extent of their impact, The Takiwa questions whether this process provides for a back-up solution. It is the view of the Takiwa that this could detrimentally impact on settlement negotiations. And we remind the audience to this submission that the Crown has instructed Ngapuhi that Te Runanga-a-iwi o Ngapuhi is not to support this process by way of funding. | <ul style="list-style-type: none"> a. Hapu are to be given the option of having more than one hapu kaikorero b. Funding and resourcing is to be confirmed in advance of a final agreement to increasing hapu kaikorero representation. c. Funding and resourcing should be analysed against the current structure and representation as to whether the processes proposed and the outcomes anticipated will be realised and achieved. |
| <p>2. Ngapuhi Participation</p> <p><i>The mandate process for Tuhoromuku representation was arduous and required a rigor never before demanded by the Crown. Tuhoromuku had to ensure their representation of individual Hapu followed a rigorous process and required all Hapu claiming representation to be publically named.</i></p> <ul style="list-style-type: none"> - Given the provisions of the Waitangi Tribunal and the Crown to introduce additional hurdles and considerations, which ultimately result in additional uncertainty, time and cost, the Takiwa is concerned that the proposed changes dis-incentivise Ngapuhi participation and consequently hinder settlement negotiations. - Within the current structure, at an operational level, Ngapuhi will see greater efficiencies in the management of the negotiations process than what is proposed in Maraunga Mai draft report. | <p>The current Tuhoromuku IMA structure provides for representation of Ngapuhi - Te Whare Tapu o Ngapuhi, Ngapuhi Nui-tonu and urban rohe. The proposed changes have the opposite effect by doing away with representation of Kaumatua Kuia, Urban Rohe (Auckland, Wellington and the South Island)</p> <ul style="list-style-type: none"> a. The representation of Kaumatua Kuia, Urban Rohe and Te Runanga-a-iwi o Ngapuhi to be retained. |
| <p>3. Te Kotahitanga o Nga Hapu o Ngapuhi</p> <p><i>The Takiwa is not satisfied that all parties to the Tripartite agreement and process attend with a recognised mandate from Ngapuhi or the hapu that they purport to represent</i></p> <ul style="list-style-type: none"> - Individuals involved who do not have a mandate will leave the process open to legal challenge. - Te Kotahitanga o Nga Hapu o Ngapuhi has no mandate despite being asked to confirm who they represent and how they arrived at this representation. - The Crown has insisted on Ngapuhi having a mandate to represent Ngapuhi to engage in settlement negotiations. This was achieved. The Crown should therefore be engaging with this entity and only this entity. - The Takiwa is being asked how it is possible for a group of | <p>There is speculation that the Waitangi Tribunal and the Crown are influencing this process by introducing parties to engage who do not have a formal mandate.</p> <p>Ngapuhi did not give a mandate to multiple entities.</p> <ul style="list-style-type: none"> a. The Waitangi Tribunal and The Crown to provide certainty that all parties to this process are able to confirm how they are mandated and by whom. |

| | |
|--|---|
| <p>people from the same hapu to be able to participate and represent Ngapuhi Hapu without a mandate. Ngapuhi have given a mandate to one entity and it isn't Te Kotihitanga o Nga Hapu o Ngapuhi.</p> | |
| <p>4. Te Rumanga-a-iwi o Ngapuhi Representation</p> <ul style="list-style-type: none"> - The representation of Te Rumanga-a-iwi o Ngapuhi makes provision for those Ngapuhi who are registered members. This numbers 55,000 and the mandate by which this is given is by way of the Trust Deed. | <p>a. The representation of Te Rumanga-a-iwi o Ngapuhi is to be retained</p> |
| <p>5. The Maranga Mai draft report</p> <p>The Takiwa note that the Maranga Mai draft report is intended to be a solution to the recommendations of the Waitangi Tribunal.</p> <ul style="list-style-type: none"> - It is the view of the Takiwa that the report extends beyond the Waitangi Tribunal recommendations and that parties to this process have taken liberty to explore yet again agendas which have already been dealt with via the Te Ropu Whaitiri report, the report by Tukuroirangi Morgan, concessions imposed on Tukorouku and more recently the Waitangi Tribunal Urgent Inquiry Report. | <p>a. The Maranga Mai draft report to be independently reviewed in order to assess the impacts to Ngapuhi, the current mandate and mandated entity re the proposed infusion of activity associated with the number of changes being promoted.</p> <p>b. If after considering the factors of an independent review, Tukorouku EMA board are of the view that the implications of the proposed changes are such that they do not strengthen the mandate the proposed Maranga Mai draft report should be discounted.</p> |
| <p>6. Transition Phase</p> <p>The Takiwa note that the Maranga Mai draft report includes a transition phase that includes those who are involved in the tripartite engagement process;</p> <ul style="list-style-type: none"> - It is the view of the Takiwa that it is not possible to design a transition phase unless the decision to proceed has been made regardless of the feedback and recommendations process. Making this process a 'tick the box' process that enables the Crown to report to the Waitangi Tribunal that the Tribunal's recommendations have been considered. | <p>The transition phase pre-empt an outcome of the draft report.</p> <p>a. It is recommended that if a transition phase is required, that the process and parties to this transition be considered once the final report and recommendations have been considered and accepted by the mandated entity and the crown.</p> |

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Te Orewai Hapu Submission

Maranga Mai Report

Tena koutou,

The following submission provides an account of the issues that were raised at the two Te Orewai hapu hui held on 30 April and 21 May 2016 at the Tau Henare Marae.

The five points as raised below are concerns that we believe require greater thought, dialogue and consideration.

1. While the Maranga Mai discussion document has been a marked improvement on the former Tuhoronuku mandate there remains continued concern as to how hapu rangatiratanga is tangibly managed, retained and enacted in the model and in the decision making processes. Maintaining a one vote, one hapu process undermines hapu rangatiratanga.
2. Te Orewai have concerns regarding the time frames and the way in which we are being pushed as hapu and claimants to hui and make decisions concerning the maranga mai model. Our rohe is under immense pressure with multiple hui taking place on important Kaupapa. Settlement is very important to Ngapuhi and we believe that further time needs to be given to our people to make wise and informed decisions. Therefore it is recommended that this time be extended to ensure that all hapu are well informed and understand the propositions that are being presented and the implications of these decisions.
3. Te Orewai claims that Ngati Hine should assert and exercise their rangatiratanga in terms of the settlement process rather than being dictated to by the crown. Te Orewai proposes that in the best interest of Ngatihine we should have the opportunity to define the settlement process on our own terms and in relation to our Ngatihinetanga and tikanga. Te Orewai recommends that a single Ngatihine mandate be sought and also purports that Ngapuhi as the largest iwi cannot have regional mandates like other iwi. We would like this to be explored as an option.
4. We are uncertain and unclear on how hapu can have representation in more than one rohe and how this is determined. We seek clarification on this matter and ask that this be responded. Hapu have limited capacity to engage generally, therefore representation across multiple regions for some hapu could prove difficult and prohibitive.
5. There is no clear indication of funding for building hapu capacity and capability, nor funding of a hapu withdrawal from the process. We require the Crown to provide funding for hapu to meet, complete its own hapu led process as to whether to engage in this process or into the future. Should hapu decide to withdraw we require the Crown to resource the process for them to withdraw.

Te Orewai passed and reaffirmed the following resolutions in our hapu hui:

Maranga Mai Report -

Resolution One: Te Orewai supports Ngati Hine having its own region to represent its own redress.

Moved:

Second:

Resolution Two: Te Orewai requests a Ngati Hine hui to discuss Ngati Hine redress and a Ngati Hine Region.

Moved:

Second:

Hapu Representation Resolution: Te Orewai Hapu Kaikorero for the purposes of redress and settlement are:

Hapu Kaikorero are endorsed to convey and advocate the Te Orewai position within Ngati Hine and local regions.

Te Orewai wish to clarify its position on the position statements which resulted from Ngati Hine Hui a Hapu was held at Miria Marae on 21 May. We abstained from the resolutions from that hui as did not agree to the process nor the outcome. We remain steadfast in advocating a Ngati Hine region within the proposed model, and should hapu wish to join Ngati Hine – the door is open.

Due to the management of the Ngati Hine Hui a Hapu and outcomes, Te Orewai now need to hui and clarify its next steps.

In closing I wish to refer to a Te Orewai Hapu member who reminded those who gathered at the Ngati Hine Hui a Hapu that in engaging in a crown settlement process that is dictated to by the crown negates our potential to negotiate a process that affirms our Ngati Hine Rangitiratanga. She reminded us that being akin to such a process entraps us as Ngati Hine in a colonised reality that removes our mana and reaffirms our position as colonised parties experiencing a doomed reality.

Te Orewai maintains that if we are to make the settlement process work, then we need to reclaim this process on our own terms and navigate a process that is framed within a Maori world view encompassing tikanga maori as guiding practices and principals.

If we choose to refrain from such a process we become the oppressor and we take up the position of our pakeha a partner which is already present and taking hold. This mentality is demonstrated by the behaviours and intentions to get and take whatever we can by whatever means is required.

The proposed actions and decisions discussed within this document will influence and determine our future and our rangatiratanga. Therefore it is imperative for rigorous discussions to be continued with skilled facilitators who can seek clarity and positive resolutions.

Te Orewai requests to speak to its submission with the engagement group.

Noho ora mai,

Submission to Maranga Mai – The Ngapuhi Engagement Group Draft Report

Nā: Papatuanuku Kokiri Marae – Mangere

Tēnā koutou katoa,

We acknowledge that Waitangi Tribunal Claims settlement will go a long way to assisting with growing the aspirations of our Iwi, Hapu and whānau.

I speak on behalf of our Ngati Hine Whanau who affiliate themselves to our urban Marae located here in the urban setting of Mangere, Tamaki Makaurau.

Where we live and practice the beliefs and values our Tupuna from our hau kainga, our turangawaewae.

Papatuanuku Kokiri Marae was built in 1986, the moemoea of Kaumatua and Kuia from across the country, that followed their tamariki and mokopuna to the urban settings of Tamaki Makaurau. Over time witnessed the colonial impact on their beliefs and values as a whanau, the dilution of our reo, the racial assaults on our children and the impact of drugs on the whanau, they hapu as a whole.

Many of our kaumatua from Ngati Hine were among those that stated “Ko mutu tenei hara, ko paruparu to matou tikanga, ki raro te ringaringa o te pakeha, me mahitahi tātou, me whakaoti tenei kaupapa”

Today we stand like a “green stone among the rocks” where we strive for excellence in everything we do, and that’s because to take our guidance from our whanau back in the hau kainga, our kaumatua and Kuia who have walked the talk. Our Hapu is our Pito, where we have always taken our nourishment from in times of need, and in times of celebration. They have guided us today, and they will always guide us tomorrow, aha koa no hea matou...

We gave our mandate to Te Runanga o Ngati Hine and Te Kotahitanga to take care of our claims process. We are answerable to them and they are answerable to us, those of us that live outside our rohe because of employment, education and intergenerational shifts of our ancestors as they travelled out in search to fill our kete of matauranga to take home to the hau kainga when that time is right for each individual.

We acknowledge the strength of unity, the karanga of our whanau that nurture the soils of our whenua.

We acknowledge that many are still in search for that call hence why we are making a stand to ensure that the karanga comes from the Hapu, for they and they alone can appoint the representation of our people.

They need to walk the lands of Ngati Hine, feed the people of Ngati Hine and service their needs through humility before they can speak on our behalf.

We come from a long line of Chiefs and they were selected through these process.

We totally support the submission of Miria Marae with full force from our Urban Stand.

Our reo me ngā tikanga o Ngati Hine be at the forefront of our aspirations, therefore we will uphold that whainga and use it to steer our way forward.

"Here tangata here whenua, ka tu te po, ka tu te ao"

The following reasons are given to support that Ngati Hine reside within the Pewhairangi rohe:

- So that we may support the aspirations of Mohinui marae and their claims.
- To acknowledge that our neighbors are our whanaunga.
- Staying within the rohe strengthens our argument against the Tuhoronuku model.
- It also is an action that supports the notion that Te Kotahitanga and Ngati Hine are true to an equitable approach in supporting hapu aspirations.
- A Ngati Hine wide submission demands that Ngati Hine negotiate our own redress. Therefore it does not diminish our mana or our redress aspirations to sit within Pewhairangi.

"Me Whakaiti, me whakaiti, me whakaiti"

Staying within the Pewhairangi model requires us to be in relationship with other hapu. If we are to be principled in our practice, then resolving our internal issues is a must. Whanaungatanga is a key value.

It concerns us to hear arguments to establish our own rohe are because we are disliked by our neighbors. If that is the case, then the work needs to go into resolving the root issue, not cutting our ties in a claims process.

"Ma Ngati Hine ano Ngati Hine e korero i roto i te whanaungatanga me te kotahitanga"

Papatuanuku Kokiri Marae supports that:

- Ngati Hine never ceded our sovereignty
- Kaumatua and kuia are active across all aspects of the process and therefore hapu choose whether or not they want kaumatua kuia representation.
- Abolish the urban representatives and invest in effective communications with kuta here/taura here. Hapu will choose whether or not they want their whanaunga residing outside of the rohe to represent them.
- Ngati Hine stay within the current rohe collective, in the Pewhairangi region.

Ngāti Korokoro, Ngāti Wharara, Te Pouka Submission 1 Maranga Mai Draft Report

Whakamau te titiro ki runga te tikitiki o te rangi a Te Ramaroa a Kupe
 He pou kapua i te ao, he pou kapura i te pō
 E ihi ake nei te tapu, te mana, te ihi, te wehi o te kura wānanga
 Tū mai a Whiria ko te paiake o te riri ko te kawa o Rāhiri
 Koia te pou i poua te fumu whakarae mō Ngāpuhi ē
 Ko Tauramoko ki runga rā
 Ka ū a Kaharau ki te Tai Tamatane, Ka ū Uenuku ki te Tai Tamawahine
 Ko Te Kauae te kūpu putatahi i puta ai
 I heke iho ai a Korokoro, i heke iho ai a Te Rapahuamutu
 I ranga mai ai te tāua o Ngāti Korokoro, o Ngāti Whārārā me Te Poukā
 Ka whakahiwaia te whenua ka whakahiwaia te moana
 Whitiirere te titiro ki runga o Tangikura, ki te reo tapu o Ruānui a Tāne
 Rere iho ana a Waiarohia punawai whakaora o ōku tūpuna
 Tau ana te kanchi ki runga o Te Hūnoke, ki a Kaiatewhetu i te tuauru
 Maunga tū te ao, maunga tū te po
 E hoki komuri mai te titiro ki te rua tanīwha e
 Ki a Araiteuru, ki a Niua e kurupae mai rā i te paepae onepū o te Kaiwaka
 Ko te Moana Tāpokopoko a Tāwhaki ki tata, Ko te Moana nui a Kiwa ki tāwhiti
 Ngā tai tapu i hoea e ōku tūpuna
 He uri mātou nō ngā tūpuna heke ūka mai ki te āhuetanga o tēnei kaupapa he whakapapa i
 tātaihia mai i a Korokoro, i a Te Rapahuamutu, kia Te Hunga, kia Mauhena, kia Kahi, kia
 Rewha. Ko wēnei pou herenga mō mātou kia tau ai te ki he uri anō nō Ngāti Korokoro, no Ngāti
 Wharara, no Te Pouka, nō Ngāpuhi tūturu hoki. He tātai anō mō mātou ki ngā iwi katoa o te Tai
 Tamatane mai i te hauāuru i waho ra i te Hokianga nui a Kupe, puta noa i te rohe o Te
 Taitokerau.

He timatatanga korero:

Ngāpuhi has spent the last six years attempting to organise our claimants and hapu leadership around a functioning mandate that could progress our negotiations to settle our historical Treaty claims against the Crown. Throughout much of this period the hapu of Te Wahapu o Hokianga, Ngāti Korokoro, Te Pouka and Ngāti Wharara have been preparing our people for the work ahead of us. Much of our foundation work has already been completed by our kaumatua and we have been patiently waiting for an acceptable mandate to the rest of Ngāpuhi to begin our discussions with the Crown.

We believed the initial changes made to the Tuhoronuku mandate were workable and could deliver on the aspirations of our people, albeit the details about how we would achieve these outcomes was still to be developed. Many of the recommendations outlined in the Maranga Mai report seem to add valuable clarity to the processes that Ngāpuhi would take through negotiations to achieve a fair and durable settlement of our collective claims.

Ngati Korokoro, Ngati Wharara, Te Pouka Submission 2 Maranga Mai Draft Report

However, there are a number of concerns we have in terms of the proposed changes to the mandate which we would like to raise through this submission process, in regards to the representative Ngapuhi structure. –Some of the efforts to respond to the varying hapu interconnectedness through regional clusters as described in Maranga Mai is cumbersome. Establishing and maintaining hapu representations in an authentic way is a key aspect for our hapu and there are several other aspects to the proposed mandate changes and their implementation that we wish to raise in our submission.

Increasing the Number of Regions

We note that an additional region has been added to the original five region Tuhoronuku model, with the premise that more may be needed. Given our tightly interwoven areas of interest which are founded upon whakapapa connections and hapu histories, which has already resulted in hapu being represented in more than one region in the current five region Tuhoronuku model, additional regions will only add to a potentially confused and divided conversation and negotiation process for these hapu and regions.

Our hapu could also quite rightly, if we so desired, lodge a strong case for our Te Wahapu alliance of hapu with Ngati Korokoro, Ngati Wharara, Te Pouka and Ngati Pou to be recognised within the mandate as a stand alone region from Pakanae to the West Coast. We may well pursue this approach if other sub-regions are added and recognised within the mandate.

However where would this ultimately end and how far closer does this bring Ngapuhi towards settlement. What is required is a workable model that tightens the connections between hapu and regions, rather than dividing it further. Our hapu supports the maintenance of the existing five region model and opposes the addition of further subregions which will in our opinion only fracture the discussions and unnecessary complicate the negotiations.

Hapu Response: Opposes additional regions being added to the mandate and cautions that our hapu may consider seeking regional autonomy with other te wahapu hapu if the mandate fractures further in this manner.

Te Hononga Nui

The concept of Te Hononga Nui is consistent with the five region 'Taiwhenua' model that Tuhoronuku is already operating under. The proposed changes add details, dedicated layers of responsibility, accountability and resourcing to the regions and hapu representation.

The Te Hononga Nui relationship with Te Hononga Iti requires more consideration and detail, however this could be worked through collectively as Ngapuhi within the process of implementation. This proposed changes should add much needed structure and regional capacity to the negotiations process for Ngapuhi. These aspects are supported.

The strength or weakness however of this model will rely on the strength or weakness of the

Ngati Korokoro, Ngati Wharara, Te Pouka Submission 3 Maranga Mai Draft Report

individual hapu mandates. The basis of establishing mandate on hapu foundations though cultural and historically sound, in a contemporary and practical sense is somewhat limited. Most hapu have little or no infrastructure in place and are operating primarily in the context of claimants, taumata, marae or regional representatives. Though much development is currently underway in this regard as a response to the mandating requirements, establishing a mandate on a hapu foundation which is primarily under development in most cases represents considerable risk.

Our hapu in Te Wahapu o Hokianga would not wish to participate in a regional forum where individuals representing only themselves or whanau interests held the same influence over regional decisions as the positions we have carefully developed with our people over many years. One element that our hapu would need to see in such a model is a demonstrable establishment and maintenance process of a hapu mandate across the Te Hononga Nui.

The participation of the established and already recognised hapu leadership within the mandated hapu representation would be a key indicator for our hapu of the strength of mandate within Te Hononga Nui. Our hapu leadership knows the regional leadership well within the Hokianga having interacted with them over many years.

Further the proposed Te Hononga Nui model has not considered our two neighbouring settled iwi in Te Wahapu o Hokianga of Te Roroa and Te Rarawa which make up part of the cultural fabric of our hapu identity. Both of these iwi hold statutory recognitions within their settlements in areas of shared interest in the Hokianga with our hapu in te wahapu. Establishing a workable mechanism with these iwi within the proposed Te Hononga Nui structure would be a prerequisite for our hapu to offer its support to this model.

The naming of these regional collectives as Te Hononga Nui is an unnecessary fabrication. The attempt to cleverly link the name of the Maranga Mai Report, to Piripi Cope's waiata and the name of the waiata collection called Te Hononga has missed the mark. Hokianga is Hokianga and we as Ngapuhi should avoid trying to cleverly adopt terms and names out of context. The concept of a Taiwhenua for Hokianga was just an alien a term to many of our local Ngati Korokoro kaumatua and kuia. Let's just keep it simple. Hokianga is Hokianga and we know what that is.

Hapu Response: Support the strengthening of regional representation, processes and specific resourcing as long as hapu mandates are properly established and maintained, with participation of recognised local leadership. Our hapu whanaungatanga relationships with Te Roroa and Te Rarawa need to be factored into any regional mechanisms to progress the settlement negotiations in areas of shared interests for our hapu. Rejects the adoption of the term Te Hononga Nui for a Hokianga regional collective of hapu and Ngapuhi regionally.

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Te Hononga Iti

The role currently being conducted by TIMA administering high level iwi responsibilities and negotiation priorities needs to remain at the core of the Ngapuhi mandate model. Limiting the function currently held by TIMA to an administration role only weakens the Ngapuhi structure to pursue the constitutional issues raised in the Stage One hearings. What is required is a united Ngapuhi voice to advance a collective approach to the big settlement issues.

This proposed changes will advantage the Crown position in their negotiations of the Ngapuhi settlement, but it certainly does not prepare Ngapuhi to enter negotiations on these fundamental issues. A split regional discussion will not and can not advance a Ngapuhi nation debate with the Crown over the most important of issues.

The lower functions of Te Hononga Iti are a given for any collective single Ngapuhi mandate, however much more is required at a Ngapuhi level. More work is required to consider how Ngapuhi will enter into the higher level discussions with the Crown to ensure our iwi representation is securely in place, and supported in a manner which provides the best foundation for this aspect of our settlement negotiations. Weakening Ngapuhi politically at our collective core in this manner is not supported by our hapu.

The same comments regarding the naming of Te Hononga Nui can be applied to Te Hononga Iti. Keep it simple, Ngapuhi is Ngapuhi, and at the moment our mandate is called Tuhoronuku.

Hapu Response: We oppose limiting the function of the collective Ngapuhi component to the mandate to an administrative role, and advocates to maintain a Ngapuhi higher council where iwi wide and constitutional aspects to the settlement negotiations can be debated and decided.

Hapū Teams:

Ngati Korokoro, Te Pouka and Ngati Wharara have already adopted this approach to our work on the ground with our people. Formalising hapu team representation in this manner within the mandate is supported by Ngati Korokoro.

Hapu Response: Hapu teams supported

Hui ā Hapū: Selecting Representatives:

We note the selection of hapu representation has been advocated for in a number of ways throughout the pursuit of a Ngapuhi mandate, both through hapu wide voting and a hui ā hapu. What is required is that the hapu mandate is supported by the recognised and current hapu leadership whilst also representing and including the wider hapu constituency.

Across Ngapuhi this established leadership is already well known. The risk to any process of selecting representation is the undermining of haukainga leadership and checks and balances need to be put into the mandating process to ensure this is not the outcome, otherwise the

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mandate will be drawn into conflict as local level hapu representation is contested.

Hui a Hapu should be just one aspect of selecting representation, however the underpinning principles of recognising and accommodating established mana whenua haukainga leadership needs to be ensured through whichever selection process is utilised.

Another consideration is the selection of hapu representation is the skills and experience of the candidates. Ensuring hapu representatives have the experience and acumen to undertake these roles needs to also be factored into any selection process to ensure hapu are well represented.

Hapu Response: Hui a Hapu supported as one element of selecting representation. Participation of established haukainga leadership essential to any hapu selection process, along with the appropriate skills and experience to represent hapu.

Withdrawal Mechanism:

Ngapuhi whakapapa is highly interconnected across whanau and hapu, as is our hapu histories and interests. The addition of a withdrawal mechanism into such an interconnected iwi and hapu negotiation is problematic in terms of establishing a means by which an individual interest could attempt to withdraw. Any mechanism needs to make provisions that will protect individual hapu interests whilst maintaining a collective negotiation framework.

Such is the nature of an iwi like Ngapuhi whose hapu live so closely together in a relatively confined geographical area and who have strategically for many generations and methodically strengthened hapu and whanau alliances across the Taitokerau landscape and within Te Whare Tapu o Ngapuhi. The real burden of a withdrawal mechanism would unfairly fall on whanau to choose sides, and potentially severe traditional interests and established connections in a way that would undermine their whanaungatanga relationship which have carefully been established by tupuna over many generations.

Challenges to our hapu foundations in this manner have already arose locally for us through the mere drafting of the Maranga Mai report and this is contrary to our very essence. The addition of a withdrawal mechanism also provides a means by which a single hapu negotiator or hapu team could hold a region or Ngapuhi as a whole to ransom, should they so wish to.

On the other hand local hapu mana should not be undermined by the will of the collective, be it regional or iwi wide. In place of a withdrawal mechanism, our hapu supports the development in consultation with other hapu of a number of underlying principles by which Ngapuhi, the Crown and other hapu agree to uphold; principles which will recognise and affirm local hapu mana whenua interests in the negotiations and settlement of our historical claims.

Ngati Korokoro, Ngati Wharara, Te Pouka Submission 6 Maranga Mai Draft Report

Hapu Response: Opposes hapu withdrawal mechanism and advocates for the establishment of agreed principles for negotiations and settlement that recognise and affirm local hapu mana whenua.

Ngapuhi Kuia and Kaumatua Representation:

This Ngapuhi matapuna of ancient matauranga deserves recognition within the mandating process. Providing a forum and process for Ngapuhi elders to consider and debate issues and have these represented directly into the mandating process is a valuable contribution that should not be removed from the mandating structure.

However the challenges to the processes and administration of this contribution from Ngapuhi kaumatua and kuia also warrants further consideration. It is true that for an iwi of 120,000 people, 40 or 50 representatives can not adequately represent all views and interests. Notably this was recognised in the manner in which our kaumatua and kuia were selected for Tuhoronuku in an iwi wide vote.

What is required is a more robust system of administering and supporting our kaumatua and kuia contributions. This support mechanism must also be closely aligned to the mandate, to ensure whichever ropu of kaumatua and kuia that wish to contribute are given an opportunity in the discussions and any decision.

A specific function within the mandate, accountable to the mandate, through the Hononga Ihi and Hononga Nui, could administer regional and potentially urban kaumatua and kuia input in a manner which works for the various ropu of kaumatua and kuia.

This would provide useful information, insights and opportunities for the kaumatua and kuia representatives on the mandate to consult widely and in a number of different ways with a fully representative kaumatua and kuia constituency, which could not be manipulated or dominated by individuals or interest groups, as it would be served directly by and through the mandate.

Hapu Response: Maintain Ngapuhi kaumatua and kuia representation, administer directly through the mandate, widen kaumatua and kuia consultation groups and strengthen processes.

Urban Representation

Ngati Korokoro have whanau living all over the world, many who have spent the majority of their lives living away from home in an urban setting. As the hapu representatives we support their rights as member of our hapu and iwi to express their thoughts on representation as they have their own mana and are in the best place to determine how they wish their views to be represented.

Ngati Korokoro, Ngati Wharara, Te Pouka Submission. 7 Maranga Mai Draft Report

Hapu Response: Our hapu supports the mana of their whanaunga living away from the haukainga to choose the manner in which they want their interests to be represented in the process.

Database Development

The structure and function of the Ngapuhi database will in many ways determine the ultimate shape and function of Ngapuhi heading into the future. Currently the database is founded on an 'all of Ngapuhi' basis and is not set up to meet the needs or aspirations of Ngapuhi hapu, marae or whanau. Nor is the database particularly well suited to meet the needs of our subsidiary Ngapuhi service providers who are working to uplift the wellbeing of our people.

The Ngapuhi database requires a complete overhaul so that the system can serve the future needs of hapu and marae and connect them with their many whanau members. This work should be led through the mandating process to ensure the rebuild is based on hapu aspirations as well as fitting the needs of the wider iwi.

Hapu aspire to have unencumbered access to their whanau on the iwi database so that they can include them in their initiatives at a hapu, marae, whanau and regional level. A high level commitment within the mandating process to recognise and affirm local hapu mana whenua interests would underpin and lead the development of the Ngapuhi database.

Hapu Response: Our hapu supports the development of the Ngapuhi database to meet the needs of hapu, marae and whanau.

Te Runanga a Iwi o Ngapuhi

Currently Te Runanga a Iwi o Ngapuhi is the only representative entity for our iwi and all of Ngapuhi. Our kaumatua played significant roles in helping to establish this iwi waka and as such we have a legacy to play our role to ensure their vision for our people and hapu locally and across all of Ngapuhi is realised.

Further there is an absolute need for a properly constituted iwi waka that accurately and fully represents our hapu interests and voices to be established. The constitutional aspects of the Ngapuhi settlement will require such a vehicle to be established and our hapu are committed to ensuring that this occurs.

The best way to achieve this is to have TRAION actively involved in the transition process so that the Runanga can be redesigned to play it's role, whatever form that takes from the mandated representatives on the new iwi waka.

Ngati Korokoro, Ngati Wharara, Te Pouka Submission 8 Maranga Mai Draft Report

Our Runanga is also the only entity with a mandate to resource and support Ngapuhi when the inevitable shortfalls occur through this process.

Hapu Response: Opposes the removal of TRAION representation on the mandate on the grounds that significant changes to the current Ngapuhi iwi structure are required and are more easily achieved from within, when understood, developed and supported by TRAION representation. Also supports TRAION participation as it is the only current iwi waka that is mandated and resourced to support the negotiations and settlement journey for Ngapuhi.

Post Settlement Governance Entity

Discussions around the Ngapuhi Post Settlement Governance Entity are pivotal to ensuring a robust, fair and enduring settlement is achieved for all of Ngapuhi. The constitutional nature of the issues Ngapuhi have brought to the Tribunal will require, on the back end of settlement negotiations, a significant realignment of the current Ngapuhi iwi governance entity and model to adequately meet the requirements and aspirations of our hapu and local leadership.

As already raised through the various attempts over the years to solidify and secure a united Ngapuhi mandate, initiating PSGE discussions early in the negotiations process is seen as a necessity. Though many are focused on ensuring a fair distribution of settlement outcomes is achieved through this approach, Ngati Korokoro is more concerned about getting the model right so that the hapu voice provides a foundation upon which an authentic local regional mana and authority can contribute to a gathering and strengthening of Ngapuhi representation at a iwi level.

A component to these early discussions however also need to focus on the distribution mechanisms for the Ngapuhi settlement. These aspects should touch on the cultural, commercial and relationship redress within a potential settlement package for Ngapuhi. Further inter-iwi relationships and protocols are also of a high priority for Ngati Korokoro as our whanaungatanga relationships and whakapapa to the settled iwi of both Te Rarawa and Te Roroa are highly valued and part of the fabric of our local hapu identity.

These many aspects to the development of the PSGE for Ngapuhi will require early and careful consideration over an extended period of time to ensure that the PSGE is fit for purpose and meets the needs of Ngati Korokoro and the other hapu of Te Wahapu o Hokianga.

Hapu Response: Our hapu supports initiating work on the development of the PSGE early in the negotiations settlement process and outlines a number of key considerations that our hapu wishes to resolve in any potential model prior to settlement.

Mandate Name

Ngati Korokoro, Ngati Wharara, Te Pouka Submission 9 Maranga Mai Draft Report

As kaitiaki of Rahiri's pa Whiria, Tuhoronuku holds particular cultural significance for our hapu in Pakanae and te wahapu. We see the name and the legacy of Tuhoronuku as a taonga that we are obliged to protect.

Saying that, our hapu are intimately aware that the mandate name has a lifespan that will transform upon settlement and perhaps it is time for our hapu and Ngapuhi to revisit whether that time has arrived.

As kaitiaki for the Tuhoronuku name we urge caution if these discussions to ensure that should Ngapuhi decide the time has come to change the name that the mana of the Tuhoronuku name and legacy is protected. The name is also now closely associated with many leaders across Hokianga and Ngapuhi and this also warrants care in dealing with any potential name change.

We request close consultation with our hapu in this regard to ensure we are able to fulfil our ahika and kaitiakitanga responsibilities in any decision about the use of the Tuhoronuku name for the mandate, whether it is retained or otherwise.

Hapu Response: Supports a Ngapuhi discussion and decision about the name of the mandate. Urges caution about the manner in which these discussions are held and as kaitiaki hapu of Whiria where Tuhoronuku was launched from in Pakanae requests close consultation and participation in any decision and process to change the name of the mandate.

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From:

Sent: Friday, 15 April 2016 7:56 a.m.
To: ngapuhifeedback@justice.govt.nz
Subject: In reviewing the proposed report and attending hui

thus far, there still needs to be clearer explanation or definition or clarification of the mandate evolving from it's present state to a proposed expectations, ie: single to multiple state.

We offer up to the proposed and final report that urban Ngapuhi and we don't mean hapu out side of hau kainga whom know their hapu we refer to those who don't, to have their own region as recognised hapu o Ngapuhi newly formed from the 1800 extinguishment of their lands.

To be continued.

From:

Sent: Wednesday, 27 April 2016 7:01 a.m.
To: ngapuhifeedback@justice.govt.nz
Subject: I have read this proposed report and expect that the Police vetting be removed from the process for two reasons(of coarse there is always two reasons) here we go,1,Police vetting is not in any way Tikanga maori nor is it the Ngapuhi way 2, We are tired...

From:

Sent: Wednesday, 27 April 2016 7:19 a.m.
To: ngapuhifeedback@justice.govt.nz
Subject: P.S.G.Es although this seems to be undoubtedly a matter that needs to be sorted asap it is an area in which needs much discussion among haapuu, time frames are tight however information and transparency of redresses are a must, the frame work essential...

From:

Sent: Monday, 2 May 2016 7:27 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: The haapuu withdraw process needs to be simplified, especially for haapuu whom did not permit TIMA to put their haapuu in to the Tuhoronuku mandate process in yet a one person policy allowed TIMA to accept that person and then entrapped the individual ...

From:

Sent: Tuesday, 3 May 2016 1:47 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Name change for Ngapuhi treaty settlement "Ngapuhi"

From:

Sent: Tuesday, 3 May 2016 1:53 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Attachment three: 3 not 4 and the use of 6 the adaptation of the Muriwhenua report of the kawanata

From:

Sent: Tuesday, 3 May 2016 4:59 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject:

A must, I submit that documents put together in this report or any documents to do with Ngapuhi and the Crown must state at the bottom of each page, signed or unsigned in print "Haapuu o Ngapuhi are not seeding sovereignty to the Company of NZ ie: the settler parliament in Wellington NZ nor to the Crown of England

From:

Sent: Friday, 20 May 2016 8:43 a.m.

To: ngapuhifeedback@justice.govt.nz

Subject: The Tuhoronuku model diagram of the regions should remain with some changes. 1: the runanga seat to be removed however the runanga should be kept in the loop or to the side. 2: the kaumatua kuia seat should be removed however it must be explained that ...

From:

Sent: Monday, 23 May 2016 8:39 a.m.

To: ngapuhifeedback@justice.govt.nz

Subject: I have had the privilege this weekend gone to witness multiple haapuu mandated reps/ rep attend a Maranga Mai hui where everything turned out unexpectedly. The multiple team idea just like the individual rep can, has and will be overruled by the majori...

From:

Sent: Monday, 23 May 2016 12:31 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject:

Due to the kaumatua/ kuia hui 20-5-2016 at Kaikohekohe, it is a shame after two hui, a handful of kaumatua/ kuia have decided to continue to work with the Tuhoronuku process, even after it was made quite clear by O T S head Nigel Fyfe, rep for the crown.

That the Tuhoronuku process is no longer working for all of Ngapuhi and that the wider Ngapuhi want to make changes.

That the mandate requires full participation of the claimants.

The Maranga Mai report appears to find favor at this point in time with Ngapuhi, however the recommendation of the Waitangi Tribunal urgently hearing outlines, that the failings in the Tuhoronuku mandate and other issues need to be remedied.

I can foresee a split and litigation on the horizon.

I submit that the mandate be removed from Tuhoronuku and be placed into the Maranga Mai process. (Now!)

From:

Sent: Monday, 23 May 2016 2:33 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject: To give fair representation to all Ngapuhi, we submit the urban seat remain but have two seats on it only, one for the North Island and one for the South Island.and be fully equipped for communicae and resourced for it. No Ngapuhi is to left behind or ...

From:

Sent: Monday, 23 May 2016 3:03 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject:

The establishment process and structures for haapuu living outside the rohe is the responsibility of the urban seat reps on the urban seat,(which should only be two), in agreed

cooperation with haapuu in each region, therefore releases that burden,(the burden of setting up and or doubling processes and structures at haapuu level), in each region that's five regions of hau kainga therefore five of everything and one outside of hau kainga. Incorporating Ngapuhi outside the regions of Hau kainga into its regions will naturally and systematically occur according to Tikanga.

From: I

Sent: Monday, 23 May 2016 3:43 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject:

We believe a submission has been submitted or soon will be by the I M A Tuhoronuku, to request an independent panel, assessor or other, be appointed to compile the Ngapuhi feedback for the final Maranga Mai report (so there is no bias or crown involvement with the report). This is partly correct in the manner that the Kotahitanga team job description of their mandate is to observe and report back to the taiwhenua only and that they have gone beyond the scope of their mandate and that the Tuhoronuku team felt in one case conflicts of interests others betrayal against their own and vice versa We propose that a rep,(yes only one rep) whom is outside of the two factions Te Kotahitanga and Tuhohoronuku however inside Ngapuhi and hakaapa to Rahiri whakarongorua, one whom is from the contentious Urban Ngapuhi sector, is put before both factions for acceptance, one whom is unbiased however has enough nowse to know this will be a difficult and thankless job and will not be swayed or paid in any way or by any means. Naku Na.

From:

Sent: Monday, 23 May 2016 3:49 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject:

We need a clear perspective on how the negotiators for the T O N will be elected a suggestion was to consider the six Rangatira from each of the regions be the negotiators along with their legal and kaumatua and so we submit this.



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pl

From:

Sent: Tuesday, 24 May 2016 12:58 p.m.

To: ngapuhifeedback@justice.govt.nz

Subject: Hi, Kia Ora

After reading the Maranga Mai document for an Engagement Group I agree with the time frames and

set out of this draft.

I would also like to add - use of the Mangakahia river by farmers, boaties, fishermen that it be recognised as a taonga and we ,Ngatihorahia are Custodians of this resource, Kai tiaki in our part of this mighty awa.

I agree with the withdrawal process and Reps for Ngapuhi being reliable, faithful and honest as per negotiations on the Settlement.

I agree that I now support the Kotahitanga model/ group to carry this important mahi and be recognized as the mangai for our takiwaa.

Heoi ano, naa
amendments.

we look forward to your hui and recommendations,

I grew up in Mangakahia

near the forestry and return to the area every year.

Report Summary of the Hui held on Friday 29 April in Auckland for Ngati Pakahi.

The main purpose of the hui was to inform the whānau o Ngati Pakahi ki Tamaki of the current transition that was happening in Ngapuhi with regards to the Ngapuhi Treaty Settlement.

This would involve bringing us up to speed on the Maranga Mai document and what we were being asked to do in regards to this document i.e. make written submissions and responses.

Our engagement through our hapū kaikōrero was to bring us up to speed on the many dynamics that we needed to be aware in terms of the Maranga Mai document and respond to this document in writing individually, collectively to make our views, wishes and desires known with regards to the issues raised in this document.

The main driving theme in our discussion was Hapū Tino Rangatiranga and what that could look like and what did we want it to look like, i.e. our hopes and dreams for Ngati Pakahi ki Whangaroa.

One of the main outcomes was the lack of a current database that represented our hapū. That in itself would have a direct impact on how and what was being shared, debated, understood and set up on our behalf to fairly represent our collective views.

We became aware that we had strong positive connections with other hapū i.e. Ngati Rēhia, Ngati Uru that were willing to share the extensive work that they had done on the Maranga Mai document to assist our responses.

Networking with our whānau at a whānau level became an important task to foster. It had its challenges but Kura kept us on track with the positives of what we needed to achieve from this exercise which was to strengthen our hapū.

Final comments: One month later, we are in a very different position, moving forward with more confidence, more knowledge of our collective decision as a hapū. Acutely realistic of the challenges that are ahead of us as Ngati Pakahi and as Ngapuhi nui tonu. We are ready to cherish our Whangaroatanga. There have been numerous whānau hui skype sessions with whānau in Australia and abroad that have taken place as a result of this hui we held in Tamaki.

My personal reflection is that we are trying to focus back on our place in Mangaiti that we call our centre in the universe right now and make a plan to restore, repair and develop our turangawaewae. Maranga mai has prompted us to look at ourselves, move forward through choosing a leadership that has been neglected which is to reinstate our Matriarchal whakapapa and restore our mana as a hapū.



23 May 2016

Office of Treaty Settlements
38 Bowen Street
DX SX10088
Wellington 6011

For: Maureen Hickey

BY EMAIL: ngapuhifeedback@justice.govt.nz

Tena koe Maureen,

PATUHARAKEKE FEEDBACK ON THE MARANGA MAI REPORT

1. We write in response to an invitation to provide feedback and comment on the Maranga Mai Report ("MMR") 2016. This document has been prepared on behalf of Patuharakeke Te Iwi Trust Board ("PTB"), the mandated authority acting on behalf of Patuharakeke, the hapu.
2. The following feedback stems from the inherent right of hapu to exercise tino rangatiratanga as guaranteed under Te Tiriti o Waitangi and therefore all comments and questions have been written with that position in mind.
3. We also note that on 10 December 2015 the Whangarei Taiwhenua, of which Patuharakeke is a part of, passed a resolution that they as a whole did not support the Engagement Process in principle, until such time as all hapu in the Whangarei Taiwhenua had a chance to decide their position. Further, the Whangarei Taiwhenua decided that its chosen engagement representatives Mr Hona Edwards, Mr Te Raa Nehua and Ms Ruiha Collier could continue to attend Te Kotahitanga Working Party meetings as the Whangarei Taiwhenua representatives, however, given the non-support of the engagement process

by the Whangarei Taiwhenua, it is unclear as to the level of input the Whangarei Taiwhenua and its respective groups have fed into the MMR.

Concern with evolving the single mandate

4. In 2014, PTB on behalf of the hapu participated in the WAI 2490 Ngapuhi Mandate Inquiry into the Crown's recognition of the Tuhoronuku Deed of Mandate. As such one of the main claims made by PTB was against the Crown's preference for a single mandated body.¹
5. The recommended pathway as set out in the MMR is *evolving the existing mandate, by making changes to address the issues identified by the Waitangi Tribunal.*² PTB is not satisfied that the current proposal outlined in the MMR resolves the fundamental issues raised in the WAI 2490 report.
6. The issues raised by the claimants in essence related to the flaws and failures of the Large Natural Grouping ("LNG") policy which the Crown has relied on to pursue single mandate settlements in line with its own targets and milestones.
7. PTB maintains that it should not have to make concessions on who holds its mandate particularly when the LNG policy is not Te Tiriti o Waitangi compliant and does not produce outcomes that enable hapu to exercise their tino rangitiratanga in direct negotiations with the Crown. We note that the Tribunal in the Ngapuhi Mandate Inquiry Report reiterated the finding of the *Te Anawa Mandate Report* and stated that,

... the principle of active protection in the circumstances of Ngapitahi demands that hapu are given the opportunity to collectivise in the natural group of their own choosing. To deny them that right, even for their own

¹ Wai 2490, #1.1.14 at 3.

² Ngapuhi Engagement Group, *Maranga mai, The Ngapuhi Engagement Group Draft Report*, April 2016, pg 6.

supposed good, by forcing all into the largest "natural" group possible, is a breach of that principle.¹

8. There is also a concern that if the mandate evolves to a new group, it will lack integrity given that the original mandate was voted on by Ngapuhi in the form and on the terms originally proposed by the Tuhoronuku Independent Mandate Authority ("TIMA").
9. To assist our clients, we seek clarification of the following:
 - a. How will the Crown improve the LNG policy in light of the findings and recommendations of the WAI 2490 report in order to reflect the principle of active protection of rangatiratanga?
 - b. Why has the Crown applied the LNG policy inconsistently when allowing hapu settlements for some (Ngati Hineuru, Ngati Manuhiri, Ngati Rehua, Rongomaiwahine) and not others like Patuharakeke?
 - c. What is the proposed process for ratifying the evolution of the single mandate that was voted on by registered individuals of Ngapuhi (under Te Runganga o Ngapuhi) to a new entity?
 - d. What will happen to the mandate given to TIMA should hapu not choose to have the mandate evolved?
 - e. What is the Crown's position should hapu not agree to the recommendations in the MMR and the option of a single evolved mandate? Will the Crown continue with TIMA?
 - f. What timeframe does the Crown have for settling the claims of Ngapuhi hapu?

¹ Waitangi Tribunal, *The Ngapuhi Mandate Inquiry Report*, (Wellington: Legislation Direct, 2015), p.89.

Lack of fairness across regions

10. PTB considers that there will be significant issues as to the fairness and integrity of redress items in some regions, particularly where some Tiriti grievances have affected some hapu more than others in those regions. While it is acknowledged that PSGE structures are yet to be formed, they will inevitably, under the proposed structure, be informed by what is determined at the regional hapu level.
11. Where hapu have cross-claims or overlapping interests in more than one region, there is potential for outcomes to be directed in favour of hapu within a region that have lobbied (and are resourced to lobby) in a particular way.

Concerns with the Hapu representation structure and process

12. One of the main concerns in relation to the structure is the practical ability of hapu that are under resourced both at a personnel level and at a funding level to hold hui a hapu at a rate that ensures robust outcomes within relatively short timeframes.
13. For Patuharakeke, a large number of those that affiliate to Patuharakeke reside not only in the urban centres of Aotearoa, there is also a large number of Patuharakeke that reside in Australia. Ensuring that information has been distributed prior to hui, fulfilling notification timeframes and hosting hui are all very costly factors for hapu and also those travelling to the hui.
14. Agreeing to terms of negotiation (or a "negotiating brief") is something that should have a high level of ratification by the respective hapu, yet the MMR points to the establishment and negotiation phase of the process as being relatively swift leaving an inadequate amount of time to organise the various hui-a-hapu that is needed.

15. Essentially, it is felt that a tension would inevitably arise, in Patuharakeke's case, between the need to participate in the various structures and the ability to participate under the proposed single mandate model.
16. In order to understand these issues better, we seek clarification of the following questions:
- a. Will there be resourcing for hapu to publicly advertise and hold hui-a-hapu?
 - b. Will there be resourcing for connecting to hapu members living outside of the regions to their hapu?
 - c. Will there be resourcing for hapu to establish a member register?
 - d. Will there be resourcing of bi-monthly hui a hapu?
 - e. On significant issues that have been discussed by hapu at a hui, will there be a requirement that decisions are passed by a transparent and recorded voting process?
 - f. What is the process for ratification of the "Negotiating Brief" by all hapu?

Protection of Hapu rangatiratanga at the negotiation phase

17. There is concern around the level of feed in that the MMR structure allows hapu to have at the negotiations stage, particularly in terms of ensuring that their specific interests are being addressed effectively in order to achieve the appropriate redress.
18. We understand from our reading of pages 28 to 34 of the MMR that hapu will have an opportunity to feed into the "Negotiating Brief" or the interests and

aspirations document. That document will then be used by the Ngapuhi negotiators.

19. Given the unique make-up of Ngapuhi, we seek clarification of the following questions:

- a. Has the engagement team considered a structure that allows for the appointment of hapu specific, or at least region specific negotiators?
- b. Will there be a process in place whereby hapu ratify the criteria for appointing negotiators and what will that process be?
- c. Will there be a process in place whereby hapu ratify and the appointment of negotiators and what will that process be?
- d. What accountability measures will be put in place to ensure that the negotiators are adequately and effectively promoting the interests of hapu?

Lack of robust ratification and decision making processes.

20. It is unclear as to how hapu are to decide what their decision making process is and how the final Post-Settlement Governance Entity (PSGE) will be decided. Accordingly, we seek clarification of the following questions:

- a. Will the final structure account for situations where hapu are unable to agree on a decision making process i.e. will there be a default process for hapu to rely on?
- b. How will the final PSGE(s) be ratified by the hapu?

Hapu withdrawal issues

21. There is no confirmation in the MMR that the WAI claims of hapu who want to negotiate directly with the Crown will not be included in another settlement. It appears that when a hapu chooses to withdraw from the mandate the consequences for doing so as outlined at page 45, will leave those hapu claims either in limbo for as long as the Crown determines or those claims are deemed to be outside the scope of the non-treaty compliant LNG policy or worse still, settled, by virtue of another claimant with no mandate to settle those claims.
22. In relation to Attachment Four to the MMR that refers to Hapu withdrawal, we seek confirmation of the following:
 - a. Does a claimant that affiliates to a particular 'withdrawing hapu' but does not hold the mandate of the 'withdrawing hapu' retain the right to make decisions about redress and issues that affect the hapu as if the claimant did represent the 'withdrawing hapu'?
 - b. How will the Crown protect the tino rangitiratanga of hapu that exercise its right to withdraw?

Conclusion

23. It is unfortunate that options 3 and 4 of the 5 alternative pathways at attachment three are not considered as preferred options by the engagement group given options 3 and 4 in particular, provide hapu with a greater level of tino rangatiratanga.
24. Consequently, it is felt that the options and recommendations set out in the MMR do not provide for Patuharakeke tino rangatiratanga to the extent that they desire nor are they satisfied that the 'evolved' single settlement structure provides them with the potential for an enduring settlement for the hapu.

25. We look forward to receiving your response, please do not hesitate to contact us should you have any queries.

Noho oia mai

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23 May 2016

Ngāpuhi Engagement Group

By email: Ngāpuhifeedback@justice.govt.nz

1. We act for and write on behalf of the following claimants:

2. These submissions are made in response to the Maranga Mai Document ("the Document").¹
3. The Claimant's submissions are on the following points:
 - a. there should be no negotiations until Stage 2 of the Tribunal hearings are completed and the Report is released;
 - b. the recognition of tino rangatiratanga should be the focal and first point of any settlement discussions and these settlement discussions must be between the Crown and a Ngāpuhi Hapu Rangatira Taumata Council on behalf of Te Whare Tapu o Ngāpuhi;

¹ Maranga Mai: The Ngāpuhi Engagement Group's Draft Report dated 1 April 2016.

- c. hapu hold rangatiratanga over land and resources and therefore settlement negotiations should be conducted by hapu and any redress should be devolved to hapu; and
- d. a proper hapu structure which is representative of whanau and hau kainga must be adopted by the hapu.

4. Each of these issues is elaborated upon in turn in the remainder of this document.

A: Negotiations

5. The Document states that:

We have the opportunity to design a unique negotiations process, led by our hapū, for the benefit of all of us. It can also help build and strengthen the hapū and Ngāpuhi katoa and connections with each other wherever we live.

The work that has gone into mandating gives us the opportunity of entering into negotiations with the Crown, within a relatively short timeframe, to settle our historical claims. The next 5 years could be some of the most important in our history.

We should not be rushed, however each passing month and year we delay entering settlement negotiations means we miss real Cultural and Economic opportunities for our hapū and people in terms of:

- Having significant influence and decision-making over what happens in our rohe;
- Exercising Kaitiakitanga over natural resources;
- Growing and using the quantum and commercial assets we will receive as redress;
- Taking advantage of business opportunities that constantly arise and are taken up by others in our rohe; and
- Using settlement resources to aid the development of our people.

We believe it is our collective view as Ngāpuhi katoa that it is now time to embark on the settlement journey together. That will allow us to ensure that when we pass the baton on to our future generations it is lighter, not heavier.²

²Ibid, p.18.

6. Firstly, it should be noted that the consistent view expressed at the Ngapuhi Mandate Inquiry Hearings against the Tuhoronuku Mandate was that there should be no negotiations before the Waitangi Tribunal Te Paparahi o Te Raki hearings had ended and their Report received.
7. It is therefore integral that this position is retained. The Claimants do not want negotiations to begin until after the hearings have ended and a report is available.
8. The Claimants understand the benefits listed on page 17 of the Document as to why negotiations should be commenced. However, equally important is a fair and just, and therefore durable settlement. The Crown has not demonstrated that they have even accepted the tino rangatiratanga outcome of the Stage 1 Inquiry, let alone be in a position to discuss a way forward. Moreover, the Claimants do not see any reason why these negotiations should be rushed into, given that the Stage 2 Inquiry is still yet to be concluded. The Claimants are firmly of the view that their position will be strengthened if they await the outcome of the Stage 2 Inquiry before commencing with negotiations.

B: Tino Rangatiratanga

9. The Stage 1 Inquiry focussed predominantly on the Claimant's tino rangatiratanga and the fact that this was never ceded to the Crown upon signing to Tiriti o Waitangi/the Treaty of Waitangi ("the Tiriti/Treaty") in 1840. Despite this, nowhere in the Document is tino rangatiratanga mentioned. Instead, the Document merely parrots the Crown's usual redress options. For instance, see page 28 which sets out the redress categories as "Commercial, Cultural, Historical Account and Other Redress". Constitutional and sovereignty issues are not even mentioned. The Tribunal's Report in Stage 1 of the Inquiry was a landmark report, not just for Ngapuhi but for the entire country, yet the very important matters raised in it are all but invisible.
10. The Claimants are of the view that, given the importance of tino rangatiratanga to them, it should be the first thing to be discussed with the Crown. All other issues for negotiation will follow from this one overarching right, which stems from the fact that, and as affirmed by the Waitangi Tribunal, our sovereignty was never ceded in 1840.
11. Tino rangatiratanga should not be an afterthought and should certainly not be left out of the framework completely. This right should be the first and focal point of any discussions with the Crown.

12. Moreover, the Claimants consider that a Ngapuhi Hapu Rangatira Taumata Council, comprising Ngapuhi kaumatua, occupying Te Whare Tapu o Ngapuhi ought to be the body conducting any discussions with the Crown in relation to tino rangatiratanga. This should occur before the other negotiations begin, which the Claimants agree should be hapu based.

C: Hapu Rangatiratanga

13. In accordance with the Claimant's tikanga it was hapu who held rangatiratanga over land and resources. So far, the Crown's Tiriti/Treaty settlements have been handed on to a large natural group as opposed to hapu, namely the Post Settlement Governance Entity ("PSGE"). The usual process is for the PSGE to receive redress, only to keep it, with no meaningful and viable system of distribution of land and/or other resources amongst hapu.
14. The current framework does not help the Claimant's hapu, nor does it help Maori to develop their autonomy or economic potential. As the Claimant's position is that hapu are to receive this redress, it follows that hapu ought to be represented directly in the negotiations.
15. The Claimants would like all settlement redress, whether it is in relation to land or money, to be devolved progressively to hapu. The Claimants have asked for it to be devolved progressively because some hapu are not in a condition so as to be able to receive money because of conflict or other issues caused by the colonisation process that have rendered them virtually dysfunctional.

D: Representative Structure

16. Hapu must properly represent whanau and hau kainga. A proper structure which is representative must be adopted by the hapu. As there is so much reliance on hapu, and as is indicated throughout the Document, each hapu must have a proper structure based on whanau and hau kainga groups, not on individual votes. In some instances, hapu have been taken over by a minority of whanau. These situations must be worked through and hapu must be properly funded for this. It is imperative that funding be made available for this structure to be worked out.
17. The Document stresses multiple times that the future of these negotiations is in the hands of hapu and that hapu alone can decide the best way forward. Yet, many hapu are still currently dealing with problems rooted in the colonisation process, which affect their ability to run fairly and efficiently. The Claimants

propose that hapu are funded, and assistance and specialised expertise, are provided to enable them to agree to such a structure.

E: Next Steps

18. The Claimants request an urgent meeting with the Ngapuhi Engagement Group to discuss these submissions.

Yours sincerely,

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P1

Maranga Mai Report Feedback

Position: Chairperson of Ngati Korokoro Hapu Trust

Crown should deal directly with hapu

OTS will only deal with large groups not individual hapu, if you want to carry on as individual hapu, OTS (and others) will make the withdrawal process as time consuming and as much of painful as they possibly can.

How can hapu decide on matters when there is internal friction within the iwi?

Maureen Hickey mentions that there is a Ngapuhi wide mandate, not hapu specific mandate. This is the catalyst of internal hapu friction. I wouldn't rule out taiwhenua as a group that creates friction too, after what I saw after our meeting at the Te Mahurehure marae

Negotiation Structure is a Pyramid of Power taking away from Hapu

The proposed report shows the final negotiation structure.

I see this as a pyramid of power, dictatorship and democracy. I also foresee Maori tussling together, vying for positions on the pyramid.

Power – shows rangatira mana diminishing
Dictatorship - hapu alienation
Democracy - tino rangatiratanga diminishing

This is a clear Treaty breach. It is treason as rangatiratanga is not recognised in the Maranga Mai report structure. It is treasonous and shows hapu giving away their sovereignty, despite our tupuna never ceding sovereignty.

Hapu tino rangatiratanga are deliberately held hostage allowing the Crown through Office of Treaty Settlements to demand their intentions of how they proceed to negotiations.

Large Natural Groupings

The Office of Treaty Settlements places an emphasis on hapu not being large natural groups.

I find this bewildering as evidence that hapu and its registered beneficiaries can fulfil the Crown's policy of a large natural grouping. There are thousands in Ngati Korokoro alone and when compared to other iwi sizes they are very similar in number. The Crown has settled with entities with the same number of beneficiaries as Ngati Korokoro, so why not deal directly with the hapu? This is not pono.

Nigel Fyfe by being appointed and tasked in pushing Ngapuhi into settlement will make history for the Crown. OTS is doing this by putting a musket to hapu heads and demanding that this is what the Engagement Group are going to do for Ngapuhi.

Finally, Hapu are not ineffectual, they are and always will be the opposite as they are the building blocks of Maori society in the North.

In summary, I want to emphasise that:

1: Hapu are the large natural groups that the Crown should be dealing with. Ngati Korokoro beneficiaries which as stated in our deed of mandate fall into the category of OTS approval.

2: This is where hapu can follow what Ngati Korokoro hapu trust have done.

3: The draft report of OTS needs to be drastically amended.

4: Tino Rangatiratanga will need to be preserved in the report for it to work.

Kotahitanga should be inherent in the structure, placing an emphasis on hapu.

The negative reaction to my feedback will come from those who see where they would like to position themselves on the pyramid. I, for Ngati Korokoro, want Ngati Korokoro to stand alone and separate in negotiations with the Crown.

(82)

Ngati Korokoro Hapu Trust

Trustees Meeting

Meeting Held at

26 April 2016

Meeting began: 1:00 pm

Apologies:

Present:

Opening Meeting as opened by a karakia.

Maranga Mai Report

Discussed the Maranga Mai Report for feedback. She provided a brief outline of the process and the changes between the draft report and the earlier proposal that was circulated. before she left at 2pm.

Counsel provided an overview of the report highlighting the changes in structure that were made as a result of feedback received. In summary, the structure that was initially presented to the Ngati Korokoro committee and was discussed at the Ngati Korokoro meeting with Office of Treaty Settlements in Auckland has been modified in light of the feedback. The changes include (but are not limited to) the following: Hapu to have one vote at regional level. Decisions are made at regional level. Decisions are discussed in the Hononga Nui group and then taken back to the relevant region where decisions are made. Hononga Iti is the administrative body. More detailed process on how to hold hui-a-hapu and elect representation, a requirement to give adequate public notice, have sufficient recordkeeping, hapu to decide on the number of representatives (flexible), hapu to decide on how hapu will participate in region(s) with other hapu, and hapu to determine Kuia and Kaumatua and urban representation. Also, there is no Runanga representation, there is a proposal to change the name of the entity. Counsel emphasised the need for hapu development as a key component of this structure and a need for the hapu to meet and discuss hapu aspirations so they can be advocated for in the negotiations phase. Counsel outlined the proposed stems for the recommended hapu withdrawal and mandate withdrawal mechanisms.

Counsel was unable to collate feedback so requested that the hui record their feedback and provide this to counsel via email.

Action: Hui to collate Ngati Korokoro feedback and send to Counsel [redacted] asap.

Discussion:

General Responses to the Maranga Mai Paper were discussed. A summary of these are provided below.

1. **Breach** because it was taking away our hapu Tino rangatiratanga
2. **Breach** because there was no individual hapu hui input.
3. **Breach** hapu elected representatives have been left out of the engagement process

At Ngati Korokoro hapu hui it was endorsed by the members that the 3 elected representatives proceed to engage with OTS as set out in "Appendix B: Terms of Engagement Process under 'd. Any other party to the urgent Inquiry who agreed to engage in this process. Attached are signed documents by the representatives.'

The representatives have been stopped from carrying out what the hapu tasked them to do because the Engagement process group have not recognised 10d

A meeting with [redacted] with the representatives of Nagti Korokoro Hapu Trust has still not been acknowledged in writing or the outcome of that visit.

At page 22 of Maranga Mai paper, Ngati Korokoro have completed that process. We agreed that these processes are important, and that it allows hapu to formulate a legal entity to allow hapu be in control of their own hapu matters.

How many hapu have done the process with OTS present.

Kaumatua Kuia are [redacted] and the 5 Trustees of Ngati Korokoro hapu Trust.

Hapu develop their own disputes clause within their own deeds.

Negotiators elected by hapu want someone who knows what, where, who, how, and when

Communications data base required to encourage urban maori to become involved.

[redacted] Endorses the above discussions.

[redacted] Endorses the above discussions.

Action: Ngati Korokoro to review Ngapuhi Mandate Urgency Report and relate to above responses.

Ngati Korokoro to collate feedback and provide to Counsel to give directly to OTS

Meeting ended: *** pm.

Next Meeting:

(82)

NGATI KOROKORO HAPU TRUST

Minutes of hui held 14th May 2016 at Rowandale Primary School, Manurewa

Karakia by []

Meeting started 1.30pm.

Present:

Apologies:

Correspondence:

Hui were invited to view all correspondence during the break or at the end of the Meeting.

Minutes: Due to absence of written Minutes the Secretary read her notes. The hui was held at Whakarongotai Marae Omapere on the 27th February 2016. The hui accepted these on the understanding that copies be presented at the hui on July 4th 2016.

Chair persons Report:

[] gave his report. The question was asked about Kaumatua and kuia and the response was that the Trustees had taken up these positions.

Move : [] Second : [] Carried

Financial: The treasurer gave her report verbally this was accepted by the hui but the written report will need to be produced for our next meeting 4th July. A suggestion was made to start up a koha account . The treasurer will need to action.

Moved: [] Seconded: [] Carried

Maranga Mai: The Secretary read the minutes of Trustee meeting held 26th of April 2016. The floor was opened for beneficiaries for their responses. Hapu had no input into Maranga Mai paper, women not allowed to speak, Tikanga maori, Kaumatua and Kuia have a position to uphold. [] spoke about funding and stage 1 report. it was resolved that the minutes from the Trustee meeting be the response to the Maranga Mai from the hui.

Moved: [] Seconded: [] Carried

Wai 1857 Update

Engagement Process:

The 3 representatives spoke about the meeting they had with [redacted]. The Representatives were in agreeance although Ngati Korokoro followed the process, that OTS were not honouring Clause 10d of the Engagement Process. There were discussions from the floor and [redacted] gave a brief explanation how the hui in November 2015 had adopted clause 10d of the Engagement Process and mandated the 3 representatives to act on behalf of Ngati Korokoro.

Moved: [redacted] Seconded: [redacted] Carried

Report:

The report is a preliminary report meaning it is to be left open in the event further information may be needed. Several beneficiaries indicated they will be attending the hui on Sunday 15th May 2016 at Pakanae Marae. [redacted] would stand to report this at the hui on Sunday.

Ngati Korokoro Hapu Trust:

A brief explanation was given on how the Trust was formed and who it was for.

Adding the Ngati korokoro hapu Trust to Wai 1857 Claim.

1. There are two claimants [redacted] representing Ngati Korokoro and Te Pouka.
2. If the Ngati korokoro Hapu Trust is added to the claim the trust then the beneficiaries are able to support her and the claim.
3. Ngati Korokoro Hapu Trust is open to all people of Ngati Korokoro
4. By adding Ngati Koro koro Hapu Trust to the claim they can proceed forward and it then can give relief to the other hapu listed on the claim to set themselves up and when they are ready to add their own entity to the claim.

Resolution

It was unanimously resolved that the Wai 1857 Statement of Claim be amended to [redacted] for and on behalf of Ngati Korokoro Hapu Trust and its beneficiaries.

Moved: [redacted] Seconded: [redacted] **No objections**

General Business

The hui objected to the meeting taking place on Sunday 15 May 2016 with [redacted] and others due to no consultation or advertising to the wider hapu.

Moved: [redacted] Seconded: [redacted] Carried

The hui ended at 3:30pm with karakia offered by [redacted]

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The next meeting will be held 4th July 2016, Kokohuia Marae at 11:00am (booking to be confirmed).

Maranga Mai Feedback

Tūhoronuku Mandated Process

Firstly I would like to acknowledge the huge amount of work, time and energy that has gone into bringing this document together. I know you have all worked hard, and at pace, to take us to the next stage. Nā reira, ngā mihi nunui ki a koutou e pīkau nei te kaupapa mō tātou, ngā uri o Rāhiri.

1. My name is [redacted] and I write from home, [redacted]. I am a relative new-comer to living at home, this year in June will begin my fifth [redacted] year. In this short time I have come to understand that Whangaroa is diverse and unique, in both its human landscape stories and its physical landscape. We are both land and [redacted] sea people. Through our *kōrero tuku iho* we know we were here when the whenua was [redacted] being formed.
2. What drives me is the belief that one day Whangaroa will become a free and independent state again, whereby *tangata whenua* will be living on our whenua, either through *hoko, riro or tuku*; and our *kaitiakitanga* roles will be normal and natural. I dream Whangaroa will be a place of peace and sustainable living practices, and its forests will be returned to the places where most needed, and our harbour and seas will become our domain again. I believe what we do in this process can help this dream of mine and [redacted] others. I looked at the *Maranga Mai* document through this lens and wondered whether it could be achieved through the process and structures you propose.
3. Having read a number of the briefs of evidence from Whangaroa I noted three key themes. One, there is *mamae* to be healed. Two, land alienation through individualization has created almost irreversible divisions between *whānau* and *hapū*. And three, the usurpation of our *rangatiratanga* by *kawanatanga* has left us in a weakened state. My responses are therefore influenced by what Whangaroa claimants said, and again I considered how the processes outlined in *Maranga Mai* could help us.
4. I have identified only some areas in the *Maranga Mai* document for comment and hope [redacted] the value of feedback and feedforward will contribute to an improved understanding of [redacted] what will best suit the diverse needs of a people in transformation. My views are offered [redacted] in response to the engagement team's invitation to provide feedback.

Constraints of the Process

5. I was disappointed the document was constrained in its process and content. The [redacted] document seemingly simply responds to the Tribunal matters arising from the already [redacted] developed Tūhoronuku model, and it proposes ways by which to address the issues [redacted] raised. I appreciate this was the foundation upon which the engagement team decided [redacted] was an appropriate way by which to forge ahead, even though personally I would have [redacted] liked for the team to have considered an approach that was more founded in *tikanga Māori*, as opposed to a rules and regulation type framework. While I agree that most [redacted] people living at home would like to see historical injustices settled, and prosperity for [redacted] *tangata whenua* happening as soon as is possible. I believe we should tread with [redacted] caution, lest we create another reason to litigate. From the consistent and robust reports [redacted] we received I appreciate how hard the engagement team worked to achieve this. However in the negotiating process and structure too much emphasis is placed on the [redacted] process and not enough on the principles.

Who Designs the House?

6. In conversations with others about *Maranga Mai* many of us would have preferred a more visionary approach be undertaken, rather than a fix up of Tūhoronuku. My tension is that we are straddling two world views, and one of those world views is overriding the other. The framework for this whole process is Crown driven and we are merely making the most of what we think is the only choice we have. We have other choices and we must explore them. Starting from our own homes. Those of us who are lucky enough to be living at home during this very special time, have a very different view to those who are not living at home. Living away from home, realities are not the same as the ones at home. The job of ahikā is a big one, having to look after ourselves, each other, our marae, our place, our environment and our stories. When I lived away from home I had no idea of these realities. Looking after the things we value most at home is going to take visionary and courageous leadership. We are lucky in that we have some very skilled people, but it is crucial our leadership teams go forward with integrity based on what is important to us. And even though individuals will be representing their collective group they will also be equally representing every other hapū. This is not made explicit.
- How often I have heard the lack of belief in this process and including some of the people, continues to plague the success of this campaign. Building a house on foundations that are not of our making influences a lot of thinking. The proposed structure has been described as being too similar to that of the first model put up by Tūhoronuku.

Cultural Relevancy

7. My disappointment is mostly to do with the process the engagement team followed, which led to the content and as a result we have a document that for all intents and purposes does not sound or feel Māori. By this I mean it deals with a number of critical issues such as mandate, representation and negotiations process as if they are non culturally bound, or specific. I believe culturally binding processes and relevancy are critical to an acceptable model. I think it is important therefore we spell out the cultural imperatives rather than wait for it to happen, because some of the people are Māori. Ngāpuhi and it's many hapū should feel confident that the people who are talking on their behalf have got the right thinking to do so, because having the right structure does not always guarantee this will happen. Hoping that the right *hapū kaikōrero* will be elected is a mistake. The election of persons who are able to support the advancement of our people is critical to the success of your proposal for settlement. You make next to no suggestion about this critical element, as you deal with the process and ignore how to help our people think about what is important. As a think piece document it was too light in this area. It is likely therefore we will get persons elected who may not have the right thinking skill set such that we can be confident of a great outcome for everyone.

What Matters?

8. As we move into the next part of settling our grievances it is vitally important we get a process that is *tika*. *Tika* to the people and *tika* to our environment. *Maranga Mai* is process focussed and so addresses the issues of structure from that level. It does not however address the issues of 'why' nor 'what' very well. Knowing why we do the things we do are fundamental to making good decisions. If this is not explored in depth it has the potential to disable growth. Just as important is knowing what we are fighting for, or what the goal is, we are striving for. The Crown's hell bent focus on settling with Ngāpuhi as a whole has meant at *hapū* and *rohe* level we have had too little opportunity to explore whether in fact we do want the same thing Ngāpuhi wide. I don't believe this was explored sufficiently enough so that we could decide whether your proposal has those elements covered in the

design of the structures you have proposed. Indeed while many of us have been preparing evidence to put before the Tribunal, another group have been deciding our fate, with far too little talk held at the *hapū* and *whānau* level. We have to be careful we don't carry on the same injustices that has become commonplace for many of the under served, and the disaffected, they are also sometimes some of the most vocal, or, they are the silent voices.

Proposed Structure

9. In the proposed structure I note that as the teams get smaller so too does where key decisions are made. I would like to think this group had a vision (I believe you could have asked the vision question at the regional hui, and you could have used some of that important information gathering in this report. Especially as it is this structure which will likely be the choice. You do not articulate what will be the key drivers in making some of the important decisions representatives will be required to make. Far too little attention is paid to what representatives will be required to do, and therefore what sorts of thinkers we will need around the table. I could not decide whether the structure is appropriate or not because of that.

10. At the very least the structure must be culturally relevant, appropriate and inclusive of everyone. Importantly it must also be recognizable to us, underpinned by our belief systems, our processes and our goals. It should respond to our sense of feeling '*right*' to, and for us. It made me wonder what a '*tikanga model*' looked like in this space. By a '*tikanga model*' I mean a model that is underpinned and driven by our *tikanga*. If a '*tikanga model*' had been pursued what would it have looked/felt like? If it's not a '*tikanga model*' we are following, what are we following and does that matter? What would it take to move the model you are proposing into a '*tikanga model*'? The model presented is similar to years of documents that we have been dished up as being good for us. Led in the main by people who over time become blind to what works and what does not. The fisheries settlement is one such example. People have lost faith and just don't believe justice will ever be served, and it is really hard to get people to believe otherwise. I don't think this report goes far enough in helping people see it is different from past experiences with the Crown and/or their appointees.

11. Having followed a process that addressed the Tribunal issues meant '*our*' issues were although considered, were largely ignored. It feels like a house has been built without the people. The foundation being largely determined by the crown, the walls by the Tribunal and the materials by a small group.

Representation

12. Representation whether of one's *hapū*, or *rohe* I believe was not addressed adequately enough. Emphasis was on **who** they represent, rather than what they are representing and why it matters I believe would have been necessary to outline.

Engagement Team Regional Hui

13. I think the questions that were posed at the regional hui were for the most part inconsequential to the big picture, and left people unsatisfied with the direction the next phase was going. Instead of asking people how this can work, we were asked if the *rūnanga* should have a place on the board, if *kaumatua* should have representation on the board, or whether the organization should be renamed. These questions took us away from the real issues at hand.

The Regions

14. Little is said about the regions in *Maranga Mai*, instead more emphasis is placed on *hapū*. This lack of regional recognition can potentially disturb the regions development. While theoretically focussing on *hapū* makes sense, in reality it may create divisions among the *hapū* of our region. For example *hapū kaikōrero* will be directed to get the best deal for *hapū* (similar to what happens on our *rūnanga*). Our region cannot afford to go with this model as we are small and we are reliant on each other for survival and development. The set up of the structure is important, and how we manage the issues of representation (i.e. who, why, what, and how) will be the difference between a good outcome and a bad one. It is not good enough to give us the means by which to choose without the will by which to do it. At various *hapū hui* I have attended it is an insular approach they mainly take, forgetting their alliances to each other. Too little attention is being given to building our '*rangatiratanga*' (including *hapū rangatiratanga*, *tino rangatiratanga*, and the role of *rangatira*), within a modern world, by leveraging off what is known about it. It feels like a skeleton is being built without flesh or spirit. I believe this to be a weaknesses in the report.

The Claimants

15. The tireless work of a number of claimants over a number of years has been silenced in *Maranga Mai*. Not much has been said about them. While I understand their work was for the greater good of the people it nevertheless is the voice that got us to this point.

Commercial redress

16. The commercial redress for the whole of Ngāpuhi may be appropriate, especially given the quantum is greater and therefore affords us greater opportunities. Commercial redress however is not the key driver of discussions. The return of lands, the nature of poverty and the lack of genuine participation in society tend to be. While commercial redress can support our continuing development as *tangata whenua* what uses it will be put to will be an important question. While I realise this document was building the how, the answers to that question will nevertheless be what will determine whether gains will be made by all, some, or a small few. The ability to buy *whenua* back is at the forefront of some people's minds, while for others, jobs and being able to live at home are. Having a pool of money that targets certain gains is good. I suppose it goes without saying that the people who will be charged with looking after, growing and distributing this resource will need a particular set of skills. Is that what the role of the Te Hononga Iti is?

17. We need a process that will inspire our people to participate. Asking who should represent us when most of our people have not participated is fraught with concerns.

18. The process we are asking people to engage in is about '*Tino Rangatira*' but that is not talked about. The process we are following, potentially is leading to further division and competition between our people.

19. I wonder if we were to look inside your proposed structures asking some of the questions I have posed could we design a pathway that truly reflects **who** and **what** we stand for, and **why** it matters.

Thank you again for this opportunity.
Nāku iti noa nā

[]

P1

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From:]

Date: 25 May 2016 09:43:13 NZST

To:]

Subject: Maranga Mai Ngapuhi Report Response

Unable to download document, this is the general info;

1. Urban Representatives:

I would not support any Urban reps, all reps must participate through their Regional Hapu groupings.

2. Tuhoronuku Rep

I do not support a Tuhoronuku rep as Tuhoronuku is not a hapu .. end of story

3. Kaumatua Representation

The journey for Ngapuhi to this position has been mainly kaumatua. I believe they should be congratulated and thanked for their dedication, their historical knowledge, their tenacity and at times their bloody mindlessness. However I feel its time to rest and hand the mantle o our your whanau to manage and control our Ngapuhi waka to its conclusion.

I however would support a Kaumatua advisory team whose role is only to advise when requested and not participate in negotiations or key decisions

4. Representation requirements

I would support a position where any member who has a criminal record of any kind be declined. I believe that all members must have clean records in the past and moving into the future.

willow I'm having major problems with my computer so hopefully this gets through. There is an attachment which I tried to delete but no luck.

Keep up the great work

85

[Redacted]

NgatiToki te Hapu

To Whom it May Concern: Maranga Mai Feedback

TIME – this process does not give Hapu enough time to study, undersdtand, comprehend the issues within the report.

Show the process until hearings finish and wait for tribunal report.

Change the name – current 1 is confusing the people. People suspect mandate not really over and is still there.

Suggestion: Nga Tapuwai Hapu o Te whare Tapu O Ngapuhi

We do not need TRAION representation at all.

Police Vetting should be a given, we don't want to be dictated too by crooks and criminals.

I live in Takanini Sth Auckland my Hapu is NgatiToki, I don't consider myself an Urban, I am Hapu, Ngapuhi te Iwi.

I support maranga Mai so get on with it.

26 May 2016

Ngāpuhi Engagement Group

By email: ngāpuhifeedback@justice.govt.nz

Ngāpuhi Engagement Group

RE: *Maranga Mai: The Ngāpuhi Engagement Group's Draft Report*

Introduction

1. This submission on *Maranga Mai: The Ngāpuhi Engagement Group's Draft Report* is made on behalf of the Wai 1940 Claimants. The Wai 1940 Claimants are Jane Mihingarangi Ruka Te Korako and Robert Kenneth McAnergney on behalf of themselves, Ngati Pakau and the Grandmother Council of the Waitaha Nation.

2. The Wai 1940 Claimants are of Ngāpuhi descent. Specifically, Ngati Pakau is a recognised hapu of Ngāpuhi.¹

Time period for submissions

3. We understand that the Ngāpuhi Engagement Group has already given interested parties a substantial extension to provide feedback on *Maranga Mai*. The original deadline for feedback was 29 April 2016. The new deadline was 23 May 2016. We appreciate the extra time that was given.

4. However *Maranga Mai* only came to our attention on 2 May 2016 after we received a copy from counsel. This was because we were not included on the Hokianga Taiwhenua Resource Centre email distribution list. We have since asked to be included.

5. We also have additional challenges to overcome in providing feedback on *Maranga Mai*. We are a large group of kaumatua and kuia spread around the country. Time is therefore required for adequate consultation and finalisation of our feedback. We also initially had trouble understanding some of the recommendations provided in *Maranga Mai*, and had to seek advice for this purpose.

6. We sought an extension on 23 May 2016 through our counsel. We were advised the following day that no extensions would be granted. However it was indicated that our submission may still be considered if it could be submitted within the next few days.

7. We therefore provide this submission in the hope that it will still be given due consideration by the Ngāpuhi Engagement Group. Arohamai koutou.

Rangatiratanga of Ngati Pakau and Waitaha

8. Although the deadline for feedback has expired, *Maranga Mai* raises some issues of concern that Ngati Pakau and Waitaha and the Executive Council of Grandmothers will continue to debate. We retain our rangatiratanga to be able to do so. We are adamant on this point. We also exercise kaitiakitanga on behalf of Ngati Pakau and the Iwi of Waitaha, and consider it our duty to continue to input into these issues.

The unique characteristics of Ngāpuhi

9. Another critical issue is that while the Crown has effected and concluded many settlements with different iwi groups, none have been on the scale of problems inherent in Ngāpuhi. Ngāpuhi key characteristics, namely the emphasis on hapu rangatiratanga, sit outside the settlement process.

10. Ngāpuhi is the largest and most complex iwi grouping.

11. Rangatira of the hapu of Ngāpuhi who signed Te Tiriti o Waitangi did so as rangatira of their respective hapu and not as a collective of Ngāpuhi. Te Tiriti o Waitangi document itself makes this absolutely clear.

12. Rangatira of the hapu of Ngāpuhi did not concede their rangatiratanga to the Crown. Yet they have always been treated as if they had. The text of Te Tiriti o Waitangi signed at Waitangi, at Waimate and at Mangungu by our tupuna makes it very clear as to what they were signing, ——— agreeing, understanding and accepting.

13. The Crown must deal with the matter and fact of hapu rangatiratanga as part of the negotiation and settlement process. This hapu rangatiratanga collectively is Ngāpuhi rangatiratanga.

Hapu engagement process

14. We are dissatisfied with the Kotahitanga membership. We are also dissatisfied with individuals and hapu in the Tūhoronuku Independent Mandated Authority (Tūhoronuku IMA), their processes, mandate, and its overall perceived illegitimacy, whatever the accuracy of this perception.

15. We tautoko the recommendations of the Waitangi Tribunal in the *The Ngāpuhi Mandate Inquiry Report*. The Tribunal concluded that the Crown had failed in its duty to actively protect the rights of Ngāpuhi hapu to determine how and by whom the settlement of their historical claims will be negotiated. Instead the Crown had recognised the mandate of Tūhoronuku IMA - an entity that undermines the authority of Ngāpuhi hapu and their leaders.

16. The Tribunal also recognised, however, that there is broad support for settlement within Ngāpuhi and said that momentum towards settlement should not be stopped dead in its tracks. The Tribunal did not recommend the Crown withdraw its recognition of the Tūhoronuku IMA mandate. Instead it stated that once the issues identified in their report had been remedied, the Tūhoronuku IMA will be capable of leading a negotiation on

behalf of Ngāpuhi. The Tribunal therefore recommended that negotiations with Tūhoronuku IMA be put on hold until the issues have been remedied.

Concerns of Ngati Pakau and Waitaha with the process leading up to *Maranga Mai*

17. We have a number of concerns regarding the process leading up to *Maranga Mai*. These are as follows.

- This was a Crown-initiated process.
- The process has failed to unify Ngāpuhi, even if different sides are talking to each other.
- Tūhoronuku representatives were forced to work within the Kotahitanga model and mindset.
- Kotahitanga had no base alternative model.
- The Tūhoronuku mandate was not under serious question or challenge.
- There was much misinformation with the result that people were drawing conclusions that were incorrect.
- The results of the engagement process were confusing and complicated.
- There are too many loose ends, and issues that are just not addressed.
- The Crown were included in the hui, when it was for Ngāpuhi to sort out these problems.

Maranga Mai indicates a range of views that are often in conflict and contradictory, regardless of an attempt to make presenters follow a standard line in feedback and consultation hui.

Members of the Ngāpuhi Engagement Group still presented Tūhoronuku, Kotahitanga and the Office of Treaty Settlements (Crown) views, resulting in a complicated mix.

Te Puni Kōkiri were also involved in the hui as an extramural body.

The matters covered in *Maranga Mai* appear to go beyond what was actually required by the Waitangi Tribunal in *The Ngāpuhi Mandate Inquiry Report*. As recorded in *Maranga Mai Attachment One*, the Tribunal recommended essentially only three things to enable Tūhoronuku IMA to lead negotiations on behalf of hapu:

- 1) the improvement of hapu involvement and consultation;
- 2) the creation of a workable withdrawal mechanism for hapu; and
- 3) the clear majority of hapu kaikorero remaining involved in Tūhoronuku IMA.

However *Maranga Mai* creates a whole new structure.

There is no specific mechanism for recognising and redressing the Treaty claims currently being heard in the Wai 1040: Te Paparahi o Te Raki Inquiry, such as Wai 1940, that this process is supposed to settle.

The Tūhoronuku Independent Mandated Authority

18. Ngati Pakau and Waitaha accept that the Tūhoronuku IMA was developed by Ngāpuhi as a model but the Wai 1940 Claimants did not tautoko the mandate of Tūhoronuku

IMA. Nor did the Wai 1940 Claimants agree to Wai 1940 being included against our wishes.

19. The name Tūhoronuku has historical importance to Ngāpuhi and its tupuna Rahiri. We support the continued use of the name.

20. Unless the Crown provides another mandate governed by a new group, Ngati Pakau and Waitaha accept that we need to negotiate with the Crown in this form.

Ngati Pakau and Waitaha expectations in settlement

21. The absolute bottom line for Ngati Pakau and Waitaha requires two things:

1. that our rangatiratanga remain absolute; and
2. that we have access to the Te Tiriti o Waitangi negotiations team.

22. Ngati Pakau and Waitaha expect that the following issues will be part of negotiations.

Forestry

Water

Waterways

Wahi tapu

Maunga

Sites of Significance

Takutai Moana

Harbour Interests

Department of Conservations lands; and

Confiscated and resumed lands, and lands taken under compulsory acquisition.

23. Ngati Pakau and Waitaha also expect representation on any bodies and organisations resulting from and recognised by the settlement process. This results from our rangatiratanga status never being ceded to the Crown or anyone else.

Ngati Pakau and Waitaha initiatives: rangatiratanga and kaitiakitanga

24. Ngati Pakau and Waitaha are currently engaged in developing alliances with other hapu groups who in some instances have shared whakapapa and shared interests.

Conclusion

25. More time is required for the Wai 1940 Claimants to respond to every issue raised within *Maranga Mai*.

26. Ngati Pakau and Waitaha will continue to debate and develop its preferred position on the issues raised in *Maranga Mai*.

27. Improvements should be made to the Tūhoronuku IMA model in keeping with the Waitangi Tribunal's recommendations, rather than creating an entirely new structure

28. The new bodies, *Te Hononga Iti* and *Te Hononga Nui*, will likely require considerable resourcing to make them viable but in any case, we find it difficult to see how this structure would work in practice.


29. Ngati Pakau and Waitaha agree that representation for kaumatua/kuia and those living away from their rohe ("urban Maori") should be the responsibility of those in the Ngati Pakau and Waitaha negotiating team.

Questions of clarification

30. At this point we would like to pose the following questions.

- Who are the people reading and analysing the submissions on *Maranga Mai*?
- Who is overseeing this process?
- What are the next steps in the process?

Signed and submitted by

 of Ngati Pakau and Waitaha

Mangakahia Taiwhenua

Feedback

1. Negotiator/s to be picked by Hapu at hapu hui
2. Hapu hui to appoint their representatives
3. Each hapu to have Hononganui / PSG
4. Agree with withdrawal clause – hapu need to know what the consequences are if they pull away from Maranga Mai
5. Name change
6. Process to remove non mandated hapu representatives
7. Police vetting – this process should happen for all Hapu Kaikorero, and the Hapu should also be made aware of the results.

Mangakahia Taiwhenua are happy with the process thus far, and tautoko the Engagement group and fully support Maranga mai

Na reira

Mangakahia Taiwhenua

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From:

Sent: Thursday, 26 May 2016 8:27 a.m.

To: ngapuhifeedback@justice.govt.nz

Subject: Re: Draft Report Feedback.

Tēnā koe

Considering it was put to us, NgaPuhi, an ultimatum of simply 10 days after the Hoane Waititi Marae hui to read and respond to the report it apparently took 8 years to put together.

Detail to us WHY this history was purposely not included in the report. Why our lands and our standing within the formation of this country were purposely smudged and purposely left out.
Please explain.

I look forward to your in depth and detailed explanation.

89

From:
Sent: Friday, 27 May 2016 3:58 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Maranga Mai -

Motion made from a hapu hui held on Friday 20th May 2016, at

Maranga Mai

Motion; That we support the Maranga Mai proposal with the following conditions;

1. That there be a withdrawal clause for Tai whenua
2. That each Tai whenua have its own negotiator

Moved: [] Seconded: [] All Agreed

[] abstained from the vote

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27 May 2016

Ngāpuhi Engagement Group

Via email: ngapuhifeedback@justice.govt.nz

RE: FEEDBACK SUBMISSIONS ON:

Maranga Mai: The Ngāpuhi Engagement Group's Draft Report

The Maranga Mai Draft Report sets out the proposed settlement framework for upcoming Ngāpuhi settlement negotiations. We have been instructed by clients participating in the Wai 1040 Te Paparahi o te Raki Inquiry to provide feedback submissions on the draft report. This document sets out the concerns we have been instructed to convey in respect of the proposed settlement model. We propose here that certain aspects of the model need to be reworked and clarified before any settlement negotiations can be initiated.

1) The Model

The model itself raises three concerns, namely:

a) Conflict of interest

The fact that a single hapū representative can represent more than one hapū¹ raises concerns about the potential conflict of interest that might arise during the development of settlement proposals. An example is where an individual representing multiple hapū is required to consider specific cultural redress benefiting one hapū against the interests of another hapū in an increase in overall quantum. In that situation, decisions will have to be made that favours one hapū over another, despite the individual being required to represent both hapū's interests.

In effect, also, multiple hapū representation by individuals means that a small number of individuals might ultimately be making decisions affecting the whole region. This risks undermining hapū rangatiratanga.

b) Meaning of 'affected'

Where there are cross-regional issues, only those hapū "affected" by an issue will be involved in the decision making in respect of that issue.² Given

¹ The Ngāpuhi Engagement Group *Maranga Mai* at 36.

² At 36.

the potential of all hapū to be affected by an issue raised in settlement discussions, the proposed meaning of affected needs to be clarified.

c) Reliance on dispute resolution processes

Under the proposed model, it appears to us that recourse to a dispute resolution process may be a common feature of the settlement process.

We identify the following situations as leading to a need to invoke a dispute resolution mechanism:

- (i) Where a region is unable to reach agreement, either through consensus or a 75% majority; and
- (ii) Where regions are unable to reach agreement [between regions], despite the use of working groups.

The potential recurrent need for dispute resolution is a major concern we have with the proposed model. The fact that any matter of serious contention will result in the use of dispute resolution is unsatisfactory due to the delay it will cause in settlement negotiations, increased cost, and lingering grievances that will likely result.

2) Dispute Resolution Process

Given the reliance of the model on dispute resolution, a clear and workable dispute resolution mechanism is important. Currently, the report calls for submissions on a dispute resolution mechanism but there is no positive proposal for what such a mechanism will be.³ Given the likely recourse to dispute resolution under the proposed model, this is a concern.

It also highlights a further issue: it is unclear how disputed decisions will be made prior to the determination of a dispute resolution process. An example of such may be the dispute resolution itself. The draft report proposes that a dispute resolution process will be decided through the same consensus/majority decision making process outlined in the model. This would mean that deciding on a dispute resolution process will be subject to the same constraints and concerns identified for the model itself, with no process in place for resolving impasses. Until the dispute resolution mechanism is determined, this procedural failing will attend any decision that cannot be made conclusively through the processes outlined in the proposed model. As submitted above, this scenario may well be unacceptably common.

3) Hapū Withdrawal Mechanism⁴

The hapū withdrawal mechanism raises three concerns, namely:

³ At 25.

⁴ At 26.

a) The mechanism is excessively onerous

To withdraw from the mandate, hapū are required to advertise and undertake two individual hui-a-hapū and also hui with the region, collective forum and Te Hononga Ihi. It is our view that the requirements of multiple hui, a right of response on behalf of the region and a focus on "resolving issues" seems geared towards questioning the resolve of hapū and would thereby undermine hapū rangatiratanga. A simplified version of the mechanism, whereby the Crown and mandated entity are satisfied that hapū have made a decision according to their iikanga and are aware of the consequences of withdrawal, should be sufficient. This could be achieved with a far less involved process than is currently proposed.

b) Withdrawal may affect a hapū's ability to reach settlement

Notwithstanding a hapū's decision to withdraw, according to the proposal, the Crown would retain the ability to choose whether or not to recognise that withdrawal. Further, the Crown can choose whether to negotiate separately with the group who has withdrawn or whether "their claims will continue to be covered by the negotiations".⁵ For the Crown to continue to include those claims within the negotiations fundamentally undermines the hapū's resolve to withdraw, seriously impacting on hapū rangatiratanga. Those parties who do not wish to be represented by the mandated entity must be afforded the opportunity to form a group that will engage with the Crown in parallel negotiations.

c) Withdrawal is discouraged

In conjunction with the excessively onerous nature of the proposed hapū withdrawal mechanism, the threats of non-recognition and the model's reiteration of the potential impact on a hapū's ability to reach settlement amounts to strong discouragement of hapū withdrawal manifest in the proposal. The tone of the section reflects this discouragement and is excessively threatening towards hapū who may not wish to be represented by the mandated entity. It is acknowledged that the Crown's current failure to provide a settlement option for such groups is a relevant consideration, but the proposal's heavy-handed emphasis on this gives the appearance of stand-over tactics. The proposal should also emphasise the Crown's duty to actively protect hapū rangatiratanga, which would include attending to settlement options for those groups who have withdrawn from the mandated entity.

4) Terms of Negotiation

The terms of negotiation signed on the 22 May 2015 were not reached by the mandated entity acting pursuant to its yet-to-be-determined model. As such, they cannot be representative of Ngāpuhi and will need to be readdressed before undertaking negotiation. The proposal does not address this matter, in our

⁵ At 45.

submission, the need for renegotiation of the terms of negotiation must be clearly acknowledged.

5) Summary

In summary, the lack of detail and specificity in the proposed settlement model process raises serious concerns around how the settlement model will work in practice while successfully maintaining hapū rangatiratanga. There is a need for the Engagement Group more clearly to articulate the processes involved, and address the concerns we have raised, in order to ensure that the model has sufficient hapū support and the ability to maintain it. In its current form, the proposed model is insufficient for proceeding to settlement.

Should you have any questions regarding the contents of this letter, please do not hesitate to contact us on

Yours sincerely,

Maranga Mai 2016 Feedback

Background.

This is feedback from Whanau within Tekau I Mua who did not attend a Tekau I Mua hui that was called at Matawaia Marae as we did not know about it until after it was over, and wondered who called it.

As far as we know, only [redacted] has been the Hapu Kaikorero representing us anywhere, after being challenged in the Tribunal. Now that \$500 was available for a Hapu hui, how come that money went to an unknown and not through our Hapu Kaikorero?

After hearing about the hui that was called, we rang [redacted] and she said she did not know about it until the Friday- two days before the hui on the Sunday. By then she had already committed herself to taking the korero on Maranga Mai to Hamilton and then to South, and West Auckland. [redacted] said she would enquire as to who called that hui, request the attendance list, the minutes and the accounting for the \$500 allocated for the Hapu to hold hui. We are awaiting her reply. We had not been notified of anyone else representing us.

We are now requesting the Hapu Engagement Team account to us as to how and why it dispersed the money for our Hapu in the way it did.

As a result of our not having had a properly informed and advertised Hapu hui, this feedback has not been through a Tekau I Mua Hapu hui yet. We will now look to holding a Hapu hui after the Final Report is out.

Maranga Mai Issues.

Below are the issues as identified within the Report, and our position or views on them.

First issue is that the timing of consultation, feedback, reporting back and then more feedback within two months has created more confusion and now we are asking more questions we would like answers to. Eg. Who will make the call as to what is BEST for Ngapuhi? How is it, that we have not seen the Kotahitanga model and their visions for a Ngapuhi Settlement prior to the Maranga Mai model we are now being asked to adopt?

Hapu Rangatiratanga

What is the Ngapuhi definition for this actually?

For those Hapu that identify with Mana whenua in having their own lands, community and Marae- they can rightly claim this.

This would be enhanced when they also communicate with each other and enjoy the regularity of hui/wananga, decision making and whanaungatanga. It shows they have capacity.

What of those Hapu who have lost their lands?

Until they receive their settlement, they have no where to stand or exercise their Mana Whenua.

How can these two different cultural starting points be reconciled under a single definition of Hapu Rangatiratanga when their positions are so unequal?

It may be that the Rangatiratanga of a Hapu resides outside of what *was* their Hapu boundaries –

Is Maranga Mai inclusive of them?

Is Tuhoronuku inclusive of them?

Is Ngapuhi ready for this?

Urban Reps

In looking back to Hapu Rangatiratanga, the sentiment being expressed is especially relevant to Ngapuhi living outside their rohe, referred to as ‘Urbans’. They may only have a limited cultural identity by reason of the loss of their lands - the subject of these Claims. In fact they are the casualties of the Crown’s actions.

Will they be further dispossessed by way of having to belong to a Hapu for their input to be valued? **We all belong to Ngapuhi.**

That should be our starting point. Muri mai ko te mahitahi. Then, we work together.

shared with us, korero from Hamilton where two women were sent as representatives for Ngapuhi living in Tauranga and Tokoroa. They know their Hapu but could not afford to travel home to them to actively participate as much as they would like. Their solution was to form a ‘**Hub**’ – getting together as Ngapuhi in their area and participating via technology.

We support that inclusivity of Ngapuhi no matter where they live in the world. The majority of our own Hapu members live outside our Rohe, and we want them to be able to participate. Then as people identify their Hapu, or the Hapu identifies them as belonging to us, then we can gather them in for the Hapu matters, and the Hapu database.

Regions

We are supportive of the Tuhoronuku Rohe, which allows for natural groupings amongst Hapu who wish to do that either on whanaungatanga or kaupapa based.

We did talk about the ‘Urban’ Representatives as perhaps coming together as a Region. I korero noiho matou.

Other Representation

In terms of **Kuia**, **kaumatua** representation and their own roopu, we would welcome them all. Horekau I te mea hou! Sometimes it is better to have korero with others in your own age bracket to get a clearer understanding of matters. Also the counsel of older and wiser heads are invaluable in situations that arise from time to time, and their experience will guide us. However it should be a decision Ngapuhi needs to vote on should there be any change to the Mandate.

TRAION has a role to play throughout this process, not necessarily to be represented. He pononga ke ra hoki na te Iwi. Again that is a decision Ngapuhi needs to make, as it was voted on to the Mandate.

Our view is to encourage participation as Ngapuhi. Hence we would invite a **voice for youth representative** (suggest a 17 – 30age group) onto any Board going forward.

Hapu Representation

There is criticism of as our ‘Hapu Kaikorero’. Matawaia Marae held a hui after she had been nominated, and the day before she left to go overseas. She promised to call a hui

when she returned, and if the Hapu voted against her, she would step down. She did advertise her hui (albeit on the stormiest day of the year!) at _____, and only a minority voted against her.

In our view, the Hapu Engagement Team responsible for Maranga Mai should have spent time giving Hapu some guidelines to assist them going forward instead of highlighting a negative which will work itself out as we progress, and the people understand the requirements of this process. It is also Tika that a Hapu Kaikorero may change according to the kaupapa, but that is a part of our Rangatiratanga.

We are fully in favour of a **Hapu team supporting our Hapu Kaikorero**. There should also be some criteria and/or milestones that show clear pathways as to what must be achieved by the Hapu team, to ensure the Hapu are kept up to date as active players in the process. Nui rawa te mahi mo te tangata kotahi.

Having said that, we recognise that some Hapu may need to be carried by others from time to time, either through mahitahi or whanaungatanga. We support that too, on the understanding that those Hapu being assisted are empowered to take responsibility for making their own decisions.

Regional Representation

There is a lot of korero about Hapu Rangatiratanga. In our view, to then set up Regional Representation undermines Hapu.

We as Tekau I Mua are a good example of being constantly undermined by the Runanga O NgatiHine. There has been no respect shown by the leadership of NgatiHine towards our Tekau I Mua Hapu Rangatiratanga during this process. They do not represent us as our Hapu, nor have they consulted with us as a Hapu. We understand the concept of the Runanga and supported it when it was established, but not presently in its behaviour, its representation, its current leadership and how it has rewritten our Hapu History. **We do not support the Maranga Mai proposal of Regional Representation.**

Hononga Nui

The model as proposed is very complex with layers that seem unnecessary. Tikanga will, or should, dictate when a forum for wider discussion is required. Accordingly, Hononga nui may simply be a hosting by a Hapu eg. the korero may be about shared Hapu boundaries. It makes sense to have Hapu hui at the places where the matter arises.

It may also be a place designated for Hononga nui which could mean the place for those issues or take which involve ALL of Ngapuhi.

In our view it is the flexibility and transportability of the concept of Hononga Nui which is important rather than the 'designated' place.

Hononga Iti

The legal entity. There is no way representatives should be expected to serve here without leadership and decision making roles, especially around the mandate, accountability and transparency, as well as overseeing the timetabling of the whole process.

We support the current Tuhoronuku model in that it was not criticised by the Waitangi Tribunal. Seeing some of the work that has been undertaken to this point eg.

Communications Strategy, Negotiations Tables (not just those proposed for Hapu, but also for requests to CFRT and OTS for putea for the ongoing costs for governance and planning), it does not make sense to start anew now. That does not 'strengthen the mandate'.

Database

We are willing to get on board any initiatives and or training to make this a reality for us, so we can talk to ourselves, and get to know ourselves as well.

Name Change

We do not support a name change and view this as a distraction. We just want us to move on through this stage as the big mahi is yet to be done. We respect the name and the process undertaken before this name was decided upon. We are thankful for all those who made it possible.

Decision making

We would just like to reiterate that each Hapu be empowered to make decisions and take responsibility for them. These decisions should not then be subject to Regional displacements. Rather that each Hapu actively engages through tikanga according to the kaupapa of the day.

We fail to see how individuals are being encouraged to participate in every Hapu they belong to without a proper process. We view that as being problematic if Hapu are going to be steered down the process of one Hapu one vote.

Dispute Resolution

We agree there can be some general guidelines set for some anticipated situations. However we would like to encourage the practise of our Tikanga prior to other forms of resolving issues.

The Operations

In the Tuhoronuku model, the Board requires a high level of expertise in the management of the Operations team. Our expectation is that that would continue for the Board/Hononga Iti as well as for the Rohe and assisting Hapu on an as needs basis.

Resourcing

This is such a big hurdle for our Hapu.

We would request an undertaking from the Crown that they will fund the Hapu teams, our Operations and all our needs going forward, to a realistic amount to achieve a fair and just settlement.

Withdrawal Process

The proposed process is in our view quite onerous and appears to want to be punishing Hapu for withdrawing. We support in principle, but not in this way.

Conclusion

The proposal by Maranga Mai has become more onerous as time goes by, instead of getting simpler. We cannot support it in its entirety.

We do mihi to all who have tried to do what they perceive as their best for Ngapuhi. Nga manaakitanga.

KIA ORA.

Me wetahi atu o nga Whanaunga o to matou Hapu

Handwritten text at the top of the page, possibly a title or header.



From:
Sent: Thursday, 2 June 2016 11:39 a.m.
To: ngapuhifeedback@justice.govt.nz
Cc:
Subject: Feedback on Maranga Mai

Tena tatou

I represented a number of hapu groups who initiated and participated within the Waitangi Tribunal Inquiry into the way in which Crown Settlement Policy and the creation of Tuhoronuku impacted on the Ngapuhi and its constituent hapu.

I understand that feedback was due on this issue last week, however, for a number of those I represent, for various reasons (most particularly the number of tangi that happened around the deadline) they were not able to send in their feedback.

This should not be taken to mean that they were not interested in the proposed structure, or that they did not meet to discuss it, they just that they did not have the opportunity to respond.

I inform that I was personally required to attend meetings with various hapu who would have made submissions. Those include Ngati Hau me Ngati Kaharau, Ngati Pakau, Ngati Te Rauwawe and Ngati Toro. These are all Hokianga hapu.

These hapu asked that I send in this email to encapsulate their views.

On the whole, these hapu supported the progress made by the Maranga Mai team. In noting this point in this submission, I would like to direct attention to a potential flaw in the engagement process which called for submissions on the proposed model.

Such a process invariably leads to a submission process that highlights perceived deficiencies from various perspectives as those who are happy with aspects generally do not make submissions on those aspects.

For instance, the hapu above were highly critical of the way in which urban and Kaumatua/kuia representation was separated from the hapu base in the Tuhoronuku model and made this clear throughout their opposition and within the Waitangi Tribunal. They are now unanimously in favour of the proposal that has been presented that shifts the urban representation back to the hapu requiring them to engage with their hapu rather than being provided with a platform that allows displaced hapu members to speak across them. This was a key theme emanating from the meeting of Ngati Toro at Utakura who felt that their hapu participation would be enhanced if hapu members returned rather than speaking from outside.

This was also a key theme emanating from Ngati Pakau and Ngati Te Rauwawe when they had their meeting. What needs to be considered in the expression of this key theme, was that many of those participating in these hui on the marae currently live away from the rohe. Many of them said that the issues of distance could now be dealt with by technology. A meeting from Taheke can now be streamed interactively to Marae in Auckland, Rotorua, Wellington, Australia etc allowing those attending remotely to participate. This would enhance the hapu connections strengthening the wider fabric of Ngapuhi as a whole. It would also solve the rather ad-hoc way that Urban Participation has been constructed which has resulted in a spread of representation that does not match the demographic spread of Ngapuhi. The fact that the solution suggested does not align with the demographic problem that it was created to solve renders the solution irrational. It therefore cannot be imposed for the purposes of a settlement.

Those I represent, the meetings I attended also expressed the need to strengthen the autonomy of the various taiwhenua. If a taiwhenua approach is to be achieved then particular uniqueness needs to be able to reflected by the negotiators. In this regard, it was thought that Taiwhenua should be responsible for the appointment of particular negotiators to represent them and those negotiators or teams should be accountable back to the taiwhenua. In this way, autonomy could be achieved under the single mandate.

The ability of hapu to withdraw is supported, however, the ability of a Taiwhenua withdrawal should also be considered. This should not be an easy task, however, where less than half of the hapu remain within the model, they should not necessarily be seen to represent the taiwhenua as a whole. This would enhance the process and align it with the ideals of ko whao rau.

Ultimately, the majority of those that I represent and that I have interacted with have expressed strong support for the progress that has been made despite the ongoing levels of mistrust that linger.

While I understand that a final report would be completed following this feedback process, I would suggest that another iteration might be required to consider the amendments to the proposal consulted on. Future engagement should be efficient and focussed on areas of disagreement, however, the chance to comment on any changes ought to be provided as the model is refined. I do not say this to increase the time taken, indeed many are already growing weary of the topic, however, it is a case of ensuring that the platform upon which we commence is as robust as possible.

Director

From:
Sent: Thursday, 9 June 2016 6:06 a.m.
To: ngapuhifeedback@justice.govt.nz
Cc:
Subject: Te Kopatai submission
Attachments: submison June.doc

Kia ora

Please find submission



(93)

Thursday, 09 June 2016

Submission from the Waikare Maori Committee on behalf of nga uri o Te Kapotai

The Waikare Maori Committee held its monthly meeting on Wednesday 1 June 2016 at Waikare marae where we considered and discussed the Draft Maranga Mai Report. The Draft Maranga Mai Report was also discussed at the April and May meetings and a Ngapuhi Engagement Hui was held at our marae on 15 April 2016.

Resolutions:

1. Our current position remains, that is, we are opposed to the Tuhoronuku Deed of Mandate.
2. Our hapu kaikorero for our Te Tiriti o Waitangi Claims are
3. We support the Draft Maranga Mai Report in principle.
4. Te Kapotai will make a decision once the final report is released.

Nga mihi,



94 46/2

From:
Sent: Monday, 23 May 2016 12:49 p.m.
To: ngapuhifeedback@justice.govt.nz
Cc:
Subject: Signed Submission to Maranga Mai Report
Attachments: submission signed.jpg



RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Hōhū Kula and Patuteha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilize collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangaitiāanga. Hapū Rangaitiāanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism – Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTA or TKOIHNI

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



10/5/16
(95)

RE: SUBMISSION TO MARANGA MAI REPORT

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(96) 0/0/0

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(217) 2/6/5

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98 4/6/16

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4/17
99

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46/8
100

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4/6/9
101

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We support a Regional Deed of Mandate and Negotiation process where hapu have a direct input into their claim settlement

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6. References – We have seen too many failures where less than satisfactory outcomes have been made. Two immediate examples include the Crown's support for the failed leadership model of Tuhoronuku and the Maori Fisheries Settlement where decisions of convenience took precedent over sound commercial decision making.

Therefore it is our position that we want to settle but in the right way as a Tai Whenua or Regional grouping and not have to go through any such process of a single negotiating entity on our behalf. We the claimants hold the claims on behalf of the whanau/hapu



102 4/6/10

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To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngapuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiation process where hapū have a direct input into their claim settlement

2. Alternative Pathways – there has been no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than what TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga, whānau/hapū claimants work by consensus not a show of hands or ballot box alternative measures. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN
6. References – We have seen too many failures where less than satisfactory outcomes have been made. Two immediate examples include the Crown's support for the failed leadership model of Tuhoronuku and the Maori Fisheries Settlement where decisions of convenience took precedent over sound commercial decision making.

Therefore it is our position that we want to settle but in the right way as a Tai Whenua or Regional grouping and not have to go through any such process of a single negotiating entity on our behalf. We the claimants hold the claims on behalf of the whānau/hapū



46/12
104

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



105 4/6/13

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



06/14
106

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



46/15
(107)

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū

4/6/16
(108)

From:
Sent: Monday, 23 May 2016 3:28 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Fwd: SUBMISSION TO MARANGA MAI REPORT

----- Forwarded message -----

From:
Date: 23 May 2016 at 12:06
Subject: SUBMISSION TO MARANGA MAI REPORT
To: "Ngapuhifeedback@justice.govt.nz" <Ngapuhifeedback@justice.govt.nz>

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

- We oppose a Ngāpuhi wide Single Deed of Mandate
- We support a Regional Deed of Mandate and Negotiations process

- Alternative Pathways – no real consideration given to alternative pathways
- The Maranga Mai Report asserts that Regional mandates;
- weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- likely mean that less would be achieved through settlement
- severely limit ability to negotiate collective redress

- We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

- Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

- Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

- Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN



46/17
109

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



46/18
110

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/19
111

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/20

112

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/21
(113)

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



46/22

114

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/23
(115)

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



46/24
116

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/25
117

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/2/16
118

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/29
119

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



46/28
(120)

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukoha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways - no real consideration given to alternative pathways

The Maranga Mai Report asserts that Regional mandates:

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation - the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did

4. Decision Making - we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)

5. Withdrawal Mechanism- Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NFIOTTM or TKONHIN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/29
121

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;

- a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
- b) likely mean that less would be achieved through settlement
- c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. Kahungunu Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

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Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū





440/30
122

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

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Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/1/21
123

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways

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Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū



4/6/32
124

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

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We support a Regional Deed of Mandate and Negotiations process

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46/33
125

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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7



46/34
126

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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46/35
127

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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46/36

128

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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46/37
129

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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06/28
130

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

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46/39
134

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

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06/00
132

RE: SUBMISSION TO MARANGA MAI REPORT

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20/04/16
633

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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134

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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04/03
(135)

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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136

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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4/1/16
137

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

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4/16/16
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RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

1. We oppose a Ngāpuhi wide Single Deed of Mandate

We support a Regional Deed of Mandate and Negotiations process

2. Alternative Pathways – no real consideration given to alternative pathways
The Maranga Mai Report asserts that Regional mandates;
 - a) weaken the negotiating leverage/difficult for us to utilise collective leverage against the Crown
 - b) likely mean that less would be achieved through settlement
 - c) severely limit ability to negotiate collective redress

We ask you to provide evidence to substantiate these statements as our research shows that this is not true. The Muriwhenua/Te Hiku Settlement saw greater benefits for both the individual groups and the collective through a regional mandate approach

3. Hapū Representation – the changes to Hapū representation do not bring our hapū any closer to the negotiation table than TIMA did
4. Decision Making – we do not support a report where the decision making process is not transparent e.g. a) the process to select negotiators is not clear b) decisions by a voting process is not Hapū Rangatiratanga. Hapū Rangatiratanga means Hapū have absolute authority, therefore Hapū must have the right to veto any decision and not be marginalized through a voting process (Stage 1 Report)
5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū

[



139
4/14/16

RE: SUBMISSION TO MARANGA MAI REPORT

To: Director of Office of Treaty Settlements

On Sat 9 Apr and Sat 14 May 2016 Hapū hui it was unanimously decided by Ngāti Kuta and Patukeha whānau, that we oppose the Maranga Mai Report for the following reasons:

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We support a Regional Deed of Mandate and Negotiations process

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5. Withdrawal Mechanism - Our position remains, that we the hapū and we the claimants have never provided any authority to anyone to negotiate our claims and historical grievances. That includes TIMA, this proposed entity, NHOTTM or TKONHN

Therefore it is our position that we do not have to go through any such process. The claimants hold the claims on behalf of the hapū

5/4 + (140)

From: []
Sent: Monday, 23 May 2016 1:51 p.m.]
To: ngapuhifeedback@justice.govt.nz
Subject: Submission to Maranga Mai report
Attachments: Te Ngare Hauata submission to Maranga Mai.docx

Tena koutou, this is an individual submission in the name of [] of Te Ngare Hauata in support of the Te Ngare Hauata hapū submission]

Nga mihi

54

(12)

From:
Sent: Thursday, 19 May 2016 7:17 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Ngapuhi submissions

I wish to submit a personal submission in support of the Te Ngare Hauata Hapu

From [redacted] of Te Ngare Hauata

Sent from Mail for Windows 10

542

✓ (142)

From:
Sent: Monday, 23 May 2016 3:28 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Te Ngare Hauata submission

This is an individual submission in support of the Te Ngare Hauata submission from
of Te Ngare Hauata

547

From:
Sent: Monday, 23 May 2016 3:16 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Submission

(143)

This is an individual submission in support of the Te Ngare Hauata submission from
of Te Ngare Hauata

54+

164

From:
Sent: Monday, 23 May 2016 3:11 p.m.
To: ngapuhifeedback@justice.govt.nz

This is an individual submission in support of the Te Ngare Hauata submission from [] of Te Ngare Hauata

542

From:
Sent: Monday, 23 May 2016 3:11 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Te Ngare Hauata Submission

(145)

This is an individual submission in support of the Te Ngare Hauata submission from
Ngare Hauata

of Te

547

146

From:
Sent: Monday, 23 May 2016 3:01 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Te Ngare Hauata Submission

This is an individual submission in support of the Te Ngare Hauata submission from
Hauata

of Te Ngare

54 +

(1487)

From:
Sent: Monday, 23 May 2016 2:54 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Te Ngare Hauata Submission

This is an individual submission in support of the Te Ngare Hauata submission from
Hauata

of Te Ngare

~~39/12~~

From:
Sent: Monday, 23 May 2016 3:29 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: NgaPuhi Ki Otautahi submission

(148)

This is an individual submission in support of Ngapuhi ki Otautahi submission from []
of Te Ngare Hauata.

29

From:
Sent: Monday, 23 May 2016 3:17 p.m.
To: ngapuhifeedback@justice.govt.nz

1249

This is an individual submission in support of Ngapuhi ki Otautahi submission from
of Te Ngare Hauata.

397

150

From:
Sent: Monday, 23 May 2016 3:09 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Ngapuhi ki Otautahi submission

This is an individual submission in support of Ngapuhi ki Otautahi submission from Ngare Hauata.

of Te

39/1

151

From:
Sent: Monday, 23 May 2016 3:07 p.m.
To: ngapuhifedback@justice.govt.nz
Subject: Ngapuhi ki Otautahi submission

This is an individual submission in support of Ngapuhi ki Otautahi submission from [] of Te Ngare Hauata.

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152

From:
Sent: Monday, 23 May 2016 2:57 p.m.
To: ngapuhifeedback@justice.govt.nz
Subject: Ngapuhi ki Otautahi submission

This is an individual submission in support of Ngapuhi ki Otautahi submission from [] of Te Ngare Hauata.