

Record of Meeting

Hui: Ngā hapū o Ngāpuhi initial information hui, Copthorne Hotel and Resort, Waitangi

Date: Sunday 19 January 2020

Present: Ngā hapū o Ngāpuhi

Opening remarks

The hui opened at approximately 1:00pm with karakia. The facilitator advised the purpose of the hui was to discuss the new mandate opportunity for ngā hapū o Ngāpuhi and what Crown support is available.

Te Arawhiti delivered a presentation however there were a number of questions and comments throughout that were answered and acknowledged (as detailed below). The specific presentation has not been recorded as it followed closely to the information on the slides.

Matters raised by ngā hapū o Ngāpuhi

He Wakaputanga, Te Tiriti o Waitangi and the Waitangi Tribunal inquiries

1. Many speakers made strong statements regarding He Wakaputanga and the Waitangi Tribunal's Stage 1 report, specifically the conclusion that ngā hapū o Ngāpuhi did not cede sovereignty. Speakers stated He Wakaputanga is not negotiable and asked the Crown to recognise ngā hapū o Ngāpuhi did not cede sovereignty.
2. Speakers highlighted how ngā hapū o Ngāpuhi have made their positions clear and shared many stories through the Tribunal inquiries and numerous hui. Speakers expressed frustration how the Crown has not responded to the Tribunal's conclusions and stated the Crown is wasting hapū time and money.
3. Te Arawhiti advised that Ministers have acknowledged He Wakaputanga is an important matter and needs to be discussed. The Minister for Treaty of Waitangi Negotiations (the Minister) has said he would like to approach it through a wānanga but has also noted hapū might want to wānanga first before commencing discussions with the Crown.
4. One speaker asserted ngā hapū o Ngāpuhi do not need a wānanga regarding He Wakaputanga and reiterated the Crown should have all the information it needs from the Tribunal's Stage 1 report and *Ngāpuhi Speaks*; the Crown just needs to respond on the sovereignty matter. Another speaker stated ngā hapū o Ngāpuhi would need to wānanga amongst themselves first.

Hapū rangtiratanga

5. Speakers emphasised hapū rangtiratanga needs to be respected.

6. Speakers questioned whether the Crown knows what hapū rangatiratanga is and asked the Crown to communicate its understanding before trying to move forward with mandate discussions.

Discontinued recognition of the TIMA mandate and views on the new proposal

7. Speakers highlighted how the previous evolved mandate process cost ngā hapū o Ngāpuhi so much in terms of money and relationships.
8. Some speakers said they feel as though the Crown is still dictating the process and they are concerned things will be no different this time around.
9. Some speakers stated the new proposal feels like a repeat of the evolved mandate process and they want the Crown to give them more confidence ngā hapū o Ngāpuhi will be listened to properly. When hapū feel they can trust the Crown then they will be ready to properly engage.
10. Some speakers noted it is an election year and consider the Crown is pushing the new proposal for this reason.
11. Some speakers acknowledged there is now a new opportunity for ngā hapū o Ngāpuhi with regards to mandating and emphasised they want a fair, open and transparent process from the Crown.
12. Speakers advised the proposed timeframes for submitting mandate proposals were unattainable and stated ngā hapū o Ngāpuhi need more time and resource to find their people, hold hui and develop mandate proposals. Te Arawhiti advised that the Crown is hoping to start receiving mandate proposals from March 2020 but if groups cannot meet the timeframes then the Crown can be flexible. Te Arawhiti reiterated Ministers' December statement that nothing is set in stone.
13. Speakers questioned how the Crown will deal with hapū who move at different paces, and if some hapū are ready to enter mandate discussions and negotiations before others will the others miss out. Te Arawhiti noted the Minister would like discussions to happen together but he is aware some hapū are ready now and others are not. It was acknowledged this will be a challenge but it is important no groups are left behind and no one will miss out.
14. Speakers expressed frustration that the regular Treaty settlement process is still being applied when they consider there have not been many efficient settlements. Speakers deemed the framework for negotiations and settlements is not right and needs to be re-looked at based on what ngā hapū o Ngāpuhi want. Te Arawhiti advised the Minister is willing to look at processes that will work for ngā hapū o Ngāpuhi and we will all need to talk together about that. Te Arawhiti emphasised officials are willing to meet with ngā hapū o Ngāpuhi to talk about proposals and share additional information and support as required.
15. It was noted ngā hapū o Ngāpuhi would do things the Ngāpuhi way and will approach the Crown when ready.
16. Some hapū signalled they were readying themselves to hui with Crown officials to discuss progressing a mandate.
17. Ngāti Manu and Patukeha invited neighbouring hapū to hui with them to discuss progressing a regional hapū grouping mandate proposal.

Collective mandate and regional hapū groupings mandate proposals

18. Speakers expressed a strong view that ngā hapū o Ngāpuhi should be able to negotiate full redress packages on a regional basis comprising financial, commercial and cultural redress.
19. One speaker indicated they consider collective discussions around He Wakaputanga, mana motuhake and tino rangatiratanga can be separate negotiations and can happen alongside redress negotiations.
20. Speakers wanted more information around the thinking behind a single collective financial and commercial redress settlement, potential quantum and the proposed sovereign fund.
21. One speaker queried whether quantum has been signalled at \$100 million and stated they oppose that amount. Te Arawhiti clarified the previously mentioned \$100 million is for the proposed sovereign fund and is not the Crown's quantum offer to ngā hapū o Ngāpuhi.

Potential redress

22. One speaker questioned what the term 'redress' means. Te Arawhiti advised that redress is what the Crown offers a claimant group to try and compensate for its breaches of Te Tiriti o Waitangi and recognise claimant groups' interests. Examples of redress were provided including financial redress, the transfer of land, co-governance arrangements and recognition of cultural associations with sites.
23. One speaker queried whether islands can be returned as redress. Te Arawhiti confirmed this is possible.
24. One speaker asked if redress can be offered with respect to environmental degradation. Te Arawhiti said this is also possible if it is important to the claimant group. For example, if moana and awa are polluted the Crown could look at how it could work with the claimant group to restore the health of such resources and support other environmental efforts.
25. One speaker requested the Crown give back full ownership of takutai moana without any limits.
26. Some speakers advised they have stated what they want back through their registered claims and during the Tribunal hearings, and sought confirmation they will get what they've sought. Te Arawhiti informed it will be the Crown's intention to provide the desired redress but noted this is not always possible. There are some things the Crown cannot provide through Treaty settlements, for example private land is usually off limits.
27. Speakers stated a lot of Crown confiscated land is now privately owned but ngā hapū o Ngāpuhi want these lands back. Ngā hapū o Ngāpuhi also want old culturally significant sites that are now leasehold lands returned with peppercorn rental rates, a moratorium on all resource consents and for these to stop until all wāhi tapu issues are resolved.
28. One speaker considered cultural redress could be offered on a collective and regional basis. There was a desire to make arrangements with the Crown on what is important for ngā hapū o Ngāpuhi.

Funding

29. Speakers stated the previous funding application process (for hui-a-hapū in the evolved mandate process) was terrible and it put strain on hapū relationships. There were queries about how funding will be protected, how the Crown will know funding is going to the right people, and whether there are conditions around the number of hui funding can be used for. Te Arawhiti acknowledged the hui-a-hapū evolved mandate funding process was not a good one for ngā hapū o Ngāpuhi. With the new process there will be funding caps but the Crown is open to considering when funding should be provided and if funding is sufficient. Te Arawhiti encouraged hapū to let officials know if the funding is not sufficient.
30. There were strong calls for funding to be provided in advance of hui and the development of mandate proposals. Te Arawhiti advised it is currently assessing whether funding can be provided to hapū upfront.
31. Some speakers highlighted how ngā hapū o Ngāpuhi need better hapū databases and queried whether the Crown could provide funding for this. Te Arawhiti said it would raise this matter with the Minister.
32. One speaker highlighted how the rūnanga had given TIMA approximately \$500,000 from hapū fisheries money and stated the Crown must not take that money off any future quantum. Te Arawhiti confirmed that money will not come off any claimant funding or quantum.
33. One speaker noted that when the Minister visited Australia in 2018 he said he would consider offering funding to help find out where Ngāpuhi are in Australia. The speaker encouraged the Crown to gather statistics in Australia with guidance from Australian based hapū members.

The proposed sovereign fund

34. Te Arawhiti clarified how the proposed sovereign fund is a state-owned investment fund. Te Arawhiti advised the proposed sovereign fund could be used to buy private land back for use in Treaty settlements amongst other things. It was noted the proposed sovereign fund does not have Cabinet approval yet.

Other feedback

35. One speaker raised a query about contemporary claims. Te Arawhiti clarified only historical Treaty claims are being resolved through this process.
36. Speakers raised questions about whether the scenario will change for ngā hapū o Ngāpuhi if there is a new government after the election. Ngā hapū o Ngāpuhi want certainty around how their claims can progress regardless of the government.
37. Speakers stated that different terminology will need to be used if the Crown wants to enter into discussions with ngā hapū o Ngāpuhi. For example, hapū want to receive reparation and restitution for their claims not a settlement.
38. Speakers advised they would like to see Te Arawhiti have a local presence, and for Te Arawhiti and Te Puni Kōkiri to work on the ground with hapū and whānau more. Te Arawhiti advised it had been thinking about basing officials locally but this will be a matter of timing.

39. One speaker noted the Crown should refer to He Wakaputanga not He Whakaputanga.
40. One speaker raised how the December 2019 open hui notes had not been distributed and queried what will happen with the notes from this hui. Te Arawhiti agreed to upload all hui notes on its website by the end of January.
41. One speaker asked the Crown to set up notification alerts on its ngā hapū o Ngāpuhi webpage so people are notified when any new information is published. Te Arawhiti said it will see if this is possible.

Closing remarks

Following all speakers, the facilitator summarised the key messages from the hui:

- Further discussions around He Wakaputanga and hapū rangatiratanga need to be had;
- Ngā hapū o Ngāpuhi want mandating and negotiation processes that work for them;
- Hapū need more time and resources to consider and develop any mandate proposals;
- The Crown is hoping to start receiving regional hapu grouping mandate proposals by March 2020 but if groups cannot meet that timeframe then the Crown can be flexible;
- Crown funding criteria needs to be flexible; and
- Crown officials are willing to come back and meet with hapū who want to further discuss progressing a mandate proposal.

Copies of the presentation, funding application form and guidance for mandate proposals were available for all attendees to take away.

The hui closed at approximately 3.30pm with karakia.