

Ngāti Hako
Mandate Strategy

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Contents	
1. Preamble	3
2. Purpose of this Strategy Document	3
3. Claimant Definition	3
3.1. <i>Claimant community</i>	3
3.2. <i>Area of Interest</i>	4
4. Representation and Accountabilities of the Negotiators	4
4.1. <i>Appointment of Negotiators</i>	4
4.2. <i>Claims Committee</i>	4
4.3. <i>Replacement and Removal of Negotiators</i>	5
4.4. <i>Negotiators' responsibilities</i>	5
4.5. <i>Reporting Process</i>	5
4.6. <i>Decision making processes</i>	5
4.7. <i>Dispute Resolution</i>	6
5. Mandating Process	6
5.1. <i>Mandating Hui</i>	6
6. The Deed of Mandate	7
Appendix 1: Map	9

Ngāti Hako Mandate Strategy

1. Preamble

In November 2009 the Crown initiated a process to establish a structure (the Hauraki Collective) with which it could negotiate the Hauraki Treaty of Waitangi Settlement. Despite its initial resistance to this Crown approach, along with that of Ngāti Tamaterā and Ngāti Tara Tokanui, in May 2010, Ngāti Hako elected Josie Anderson and John Linstead as the Ngāti Hako Interim Mandated Representatives to the Hauraki Collective to negotiate a Hauraki-wide and Individual Iwi treaty settlement.

Ngāti Hako, Ngāti Tamaterā and Ngāti Tara Tokanui are working together as an Iwi Alliance for these settlement negotiations.

On 1 October 2010, the Hauraki Collective Framework Agreement (“Framework Agreement”) was signed between the Crown and the twelve iwi of the Hauraki Collective. The Framework Agreement outlines the process for ongoing negotiations. The Crown and the Hauraki Collective acknowledge in the Framework Agreement, that the ultimate structure of a Hauraki Treaty of Waitangi settlement is not yet agreed.

2. Purpose of this Strategy Document

The purpose of this strategy document is primarily to provide information and insight into the intentions of, and the process to be undertaken by, the Interim Negotiators to obtain a mandate to negotiate a Treaty of Waitangi settlement, on behalf of Ngāti Hako. The mandate is to be achieved by way of a fair, open and robust process, that is recognised by Ngāti Hako and the Crown.

This strategy document is not for the purposes of describing specific details of either party or fully the claim nor the settlement to be sought, as these are significant matters to be further discussed, negotiated and communicated directly between the Interim Negotiators and the Crown.

The contents of this strategy are without prejudice, and should in no way disadvantage or jeopardise any claimant group nor be used as a reference for the process of negotiations or settlement. That is the right of each claimant group at the appropriate time, to disclose such information to the Crown themselves.

3. Claimant Definition

3.1 Claimant community

Ngāti Hako is one of the earliest inhabitants of Hauraki and traces its origins from Toi-Te-Huatahi. Many of the modern tribes of Hauraki whakapapa and have strong historical connections to the tūpuna, Hako.

For the purposes of this mandate, Ngāti Hako is defined as all descendants of Hako.

3.2 Claims to be settled

Ngati Hako will settle its historical Treaty of Waitangi claims and its interests in the geographic area outlined in the attached map (refer appendix 1) including the Ngati Hako interests in the following claims in so far as they relate to Ngati Hako.

Wai No.	Claim Title	Claimants
Wai 100	Hauraki Comprehensive	H Tukukino
Wai 364	General Hauraki Lands	R Tooke
Wai 373	Maramarua State Forest	T Renata Te Taniwha & others
Wai 650	Hauraki tribal lands in Athenree, Katikati & Te Puna Blocks within Tauranga Moana	T Renata Te Taniwha & others
Wai 728	Hauraki Gulf Marine Park	T Renata/HMTB

The claims maybe refined and confirmed throughout the course of the negotiations.

3.3 Area of Interest

The area of interest for Ngati Hako is contained within the Hauraki tribal boundaries as outlined in Appendix 1.

The area of interest maybe refined and confirmed throughout the course of negotiations.

It is acknowledged that this area overlaps with other Hauraki iwi and external lwi such as Tauranga Moana, Ngāti Haua, Waikato, Ngāti Te Ata, Ngāi Tamarawaho, Te Akitai, Ngāti Whātua, Ngāti Wai and Ngāpuhi

4. Representation and Accountabilities of the Negotiators

4.1 Appointment of Negotiators

Two negotiators will be appointed by a schedule of Ngati Hako hui ā-iwi as outlined below.

4.2 Treaty Team

A treaty team has been established to provide advice and support to the mandated negotiators. Team members comprise persons previously elected by hui-ā-iwi and who serve as alternates to the negotiators as required by the negotiators.

The Ngati Hako Treaty Team consists of:-

- Larn Wilkinson
- Pauline Clarkin
- Alice Anderson
- Georgina Kupa

Should a member of the Treaty Team resign or no longer be able to represent Ngāti Hako then Ngāti Hako can appoint a new member by hui-ā-iwi. As well, the Treaty team may also extend their number as agreed at hui-a-lwi.

The treaty team will meet with the mandated negotiators at least once a month.

4.3 *Replacement and Removal of Mandated Negotiators*

Should two years from the date of the appointment of the negotiators lapse before a deed of settlement on behalf of Ngāti Hako has been signed, the Mandated Negotiators will call hui ā-iwi to renew the term of the Mandated Negotiators or replace them with new ones. Should a mandated negotiator resign or no longer be able to negotiate on behalf of Ngāti Hako for any other reason, the remaining Mandated Negotiator will call a hui ā-iwi to appoint a new Negotiator.

Should members of Ngāti Hako no longer be satisfied with the performance of the Mandated Negotiators and the dispute resolution process outlined below has not resolved the dissatisfaction, a member of Ngāti Hako may apply in writing to the Mandated Negotiators to call a hui ā-iwi to replace a Mandated Negotiator by vote provided such application is accompanied by 30 signatures of other members of Ngāti Hako.

4.4 *Mandated Negotiators' responsibilities*

The Mandated Negotiators are ultimately responsible and accountable to Ngāti Hako. Responsibilities and accountabilities of the Negotiators will include:

- Regular reporting to Ngāti Hako people about the negotiation process;
- The production of regular financial accounts;
- The constant review of the negotiating team and other advisors;
- The ability to engage and remove experts / specialists contracted for the purposes of negotiations;
- Approve and sign off on key negotiation milestones, including but not limited to:
 - Deed of Mandate;
 - Terms of Negotiation; and
 - Agreement in Principle.
- Presenting an initialled Deed of Settlement for ratification to Ngāti Hako.

4.5 *Reporting Process*

The mandated negotiators will report to the Ngāti Hako community about the Treaty settlement negotiation and its progress, in a number of ways, including:

- hui called by the negotiators and attended by any members of Ngāti Hako who wish to do so;
- regular pānui; and
- via a website – www.ngatihako.iwi.nz

4.6 *Decision making processes*

The Mandated Negotiators will make decisions by way of consensus. In addition, the wider Ngāti Hako community can participate in the decision making process by attending and voting on resolutions put at the monthly meeting held by the Ngati Hako Treaty Team and at regular hui ā-iwi. All decisions made by the negotiators in relation to settlement negotiations will be made in accordance with Ngāti Hako tikanga.

4.7 Dispute Resolution

If a group or individual has a concern regarding the Negotiators' representation of their interests or any other conduct during negotiations, they should inform the Negotiators in writing. The Negotiators will seek all relevant information required from the group or individual to ensure it has a clear understanding of the nature of their concern.

Once the information has been received, the Negotiators will meet with the group or individual in question and proceed into a dispute resolution process.

If a dispute arises between the Negotiators that cannot be resolved by consensus, the matter will be referred to the Treaty Team in writing who will seek to resolve the issue through mediation with the Negotiators. If this does not resolve the issue, the Treaty Team may make a ruling that will bind the Negotiators or they may choose to take the dispute to a hui-ā-iwi for resolution.

5. Mandating Process

5.1 Mandating Hui

The mandating hui will be notified to Ngāti Hako members through:

- Negotiators and Claims Committee meetings
- Email lists
- Newspapers
- Local Radio

Notification will be placed with each of these media at least 21 days prior to the hui.

The public notice will clearly state the purpose of the hui. Specific mention will include reference to the need to obtain mandate for the Negotiators to enter into negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims for and on behalf of Ngāti Hako.

The Negotiators will be holding publicly notified mandating hui in Auckland, Hamilton, Tokoroa, Tauranga and Te Aroha from 8-13 march 2011. The Negotiators will be seeking a mandate to continue comprehensive Treaty of Waitangi settlement negotiations with the Crown.

The following resolutions will be put to the hui:

“That Josie Anderson & John Linstead be mandated to represent Ngati Hako in comprehensive negotiations with the Crown to settle the historical Treaty of Waitangi Claims of Ngāti Hako”; and

“That the terms and members of the Ngati Hako Treaty Team be confirmed”.

Mandating hui are scheduled for :-

<u>Date</u>	<u>Time</u>	<u>Venues</u>
Tue, 8 March	6pm	Te Kotahitanga Training Centre, 28 Frances St, Manurewa, AUCKLAND
Wed, 9 March	6pm	Hotel Armitage, 9 Willow Street, TAURANGA
Thurs, 10 March	6pm	Kingsgate Hotel, 100 Garnett Avenue, Te Rapa, HAMILTON Waitomo Building, HAMILTON
Fri, 11 March	6pm	Te Wananga O Aotearoa, SH1, Main Rd. TOKOROA
Sun, 13 March	10-am	Paeahi Marae, Waitoki, TE AROHA

The mandating hui will be notified in the New Zealand Herald, Waikato Times, Hauraki Herald, local radio, and other pānui and marae communication processes. Minutes will be taken and attendance registers will be available for all mandate hui. This supporting information will be attached to the Deed of Mandate.

A standard and consistent powerpoint presentation will be developed for this hui outlining the context and process of the mandate process, including: the Crown's approach to settling Hauraki; the role of the Hauraki Collective; the process to elect mandated negotiators; the nature and scope of the mandate being sought; proposed accountabilities and representation mechanisms; and the voting process. Ngāti Hako members will have the opportunity to discuss the proposal with the Interim Negotiators, and put any questions to members before resolutions affirming the mandate of the Mandated Negotiators is sought.

Te Puni Kōkiri or the Office of Treaty Settlements (OTS) will be invited to attend the hui as Crown observers. They will provide an observer report which will be made available to Ngāti Hako, and OTS. This is subject to the Official Information Act 1982 so could also be made available to others on request.

Voting on the resolution will be by a show of hands of eligible adult members of Ngāti Hako present at the hui. For consistency and clarity, there will be no postal voting process nor will proxy votes be included. These voting processes will be reaffirmed by the facilitator of the hui, including the eligibility of the voter. Members must be of legal voting age (18 years or older) to vote.

An attendance register will be taken at each hui. Knowledgeable persons of the Iwi who are in attendance may be asked to verify whakapapa, where appropriate, to confirm eligibility of members where this is challenged.

Copies of all advertisements, pānui, community notices, minutes, and attendance registers will be kept as evidence for inclusion in the deed of mandate.

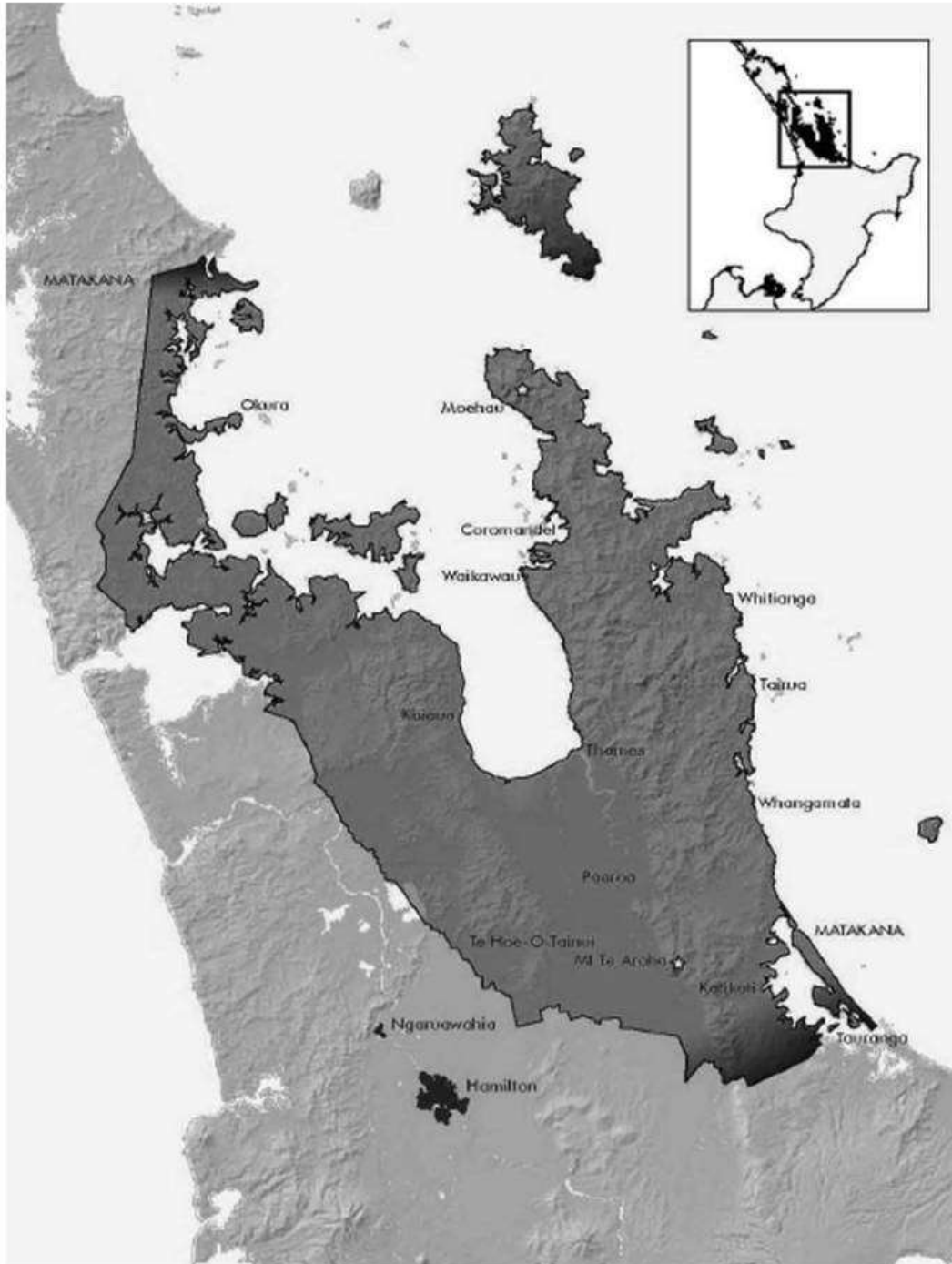
6. The Deed of Mandate

Upon completion of the Mandate Hui, the Deed of Mandate will be written and supporting evidence collated according to the guidelines set out by OTS and submitted to TPK and

OTS for assessment and for recognition from the Minister for Treaty of Waitangi Negotiations and the Minister of Māori Affairs.

It is expected that information and mandating hui will be completed by 14 March 2011 and that a Deed of Mandate is submitted by no later than 31 March 2011.

Appendix 1: Map¹



¹ Map produced by Hauraki Maori Trust Board in 2002