

Draft - Without Prejudice

**Ngāti Hei
Mandate Strategy**

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Ngāti Hei Mandate Strategy

1. Preamble

In November 2009 the Crown initiated a process to establish a structure by which it could negotiate the Hauraki Treaty of Waitangi Settlement. The Hauraki Collective (Collective) was formed from the 12 iwi of Hauraki (as registered in the Hauraki Māori Trust Board at 1988). It was agreed, at an Ngāti Hei hui ā-iwi held on 28th November 2009 that Peter Tiki Johnston, Joe Davis and Peter Matai Johnston be elected as the Ngāti Hei interim negotiators to the Hauraki Collective until a proper mandate process is conducted and mandated representatives elected.

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 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 Hei. The mandate is to be achieved through a fair, open and robust process, and that is recognised by Ngāti Hei and the Crown.

This strategy document is not for the purposes of describing specific details, part or full of the claim, nor of the settlement to be sought, as these are significant matters to be further discussed, negotiated and communicated directly between the Hauraki Collective 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. Introduction

Ngāti Hei ki Wharekaho is an autochthon tribal group positioned on the eastern seaboard, with ancient tribal ties to Kupe, Uerekehu, Turehu and Te Tini-o-Toi. Later affiliations include Ngāti Inu, Topetopetea, Turepe, Ngāti Piri and Ngāti Takaa. Ngāti Hei today are the living representatives of these ancient people, as well as the morehu of 23 other hapū who once lived on these lands.

4. Claimant Definition

4.1. Claimant community

The claimant group includes all individuals and whānau that trace descent from the tupuna, Hei, tauira of the Arawa waka. The hapū represented by Ngāti Hei ki Wharekaho today include:

Ngāti Tao, Ngāti Tuhukea, Ngāti Whakaruku, Ngāti Manukarere, Ngāti Parekaiata, Ngāti Hoko, Ngāti Taura, Ngāti Haupare, Ngāti Paua, Ngāti Matau, Ngāti Kaka, Ngāti Piri, Ngāti Taoa, Ngāti Te Ata, Ngāti Hineteao, Ngāti Taakau, Ngāti Topetopea, Ngāti Turepe, Ngāti Koheru, Ngāti Rakawera, Ngāti Rapupo, Ngāti Whinau, Ngāti Ramuri and Ngāti Inu. This will be refined and confirmed throughout the course of negotiations.

4.2. Claims to be settled

The mandate sought by the interim negotiators will include, but not be limited to:

- All historical claims which are made on the basis of Ngāti Hei whakapapa, whether registered or unregistered. It is possible that further research and preparation would need to be undertaken to properly present such issues of claim;
- Historical claims lodged with the Waitangi Tribunal, including:

Wai No.	Claim Title	Claimants
Wai 100	Hauraki Comprehensive	
Wai 110	Ngāti Hei Lands claim	Patricia McDonald and Ripeka Fleet
Wai 705	Whitianga Township and Te Whanganui-o-Hei harbour claim	The Whānu of Peneamene Tanui
Wai 969	Harrison Whānau Claim	Harrison Whānau

- Ngāti Hei “Blue Water” claim which covers the Rohe moana out to the 200 mile NZ territorial limit and beyond to the Kermadecs [Rangitahua].

4.3. Area of Interest

The area of interest for Ngāti Hei extends from Whangapoua in the North to Ohui in the south, then westwards to the main divide [Paeroa-o-Toi] the Coromandel Range, and includes the offshore islands lying adjacent to the above defined rohe. This area also includes the harbours of Tairua, Whitianga and Whangapoua, as well as their associated rivers, forests, bays, beaches, maunga, pā, and urupā.

Ngāti Hei acknowledges that the area of interest is shared with other neighbouring tribal groups along our northern boundaries: Ngāti Huarere, Patukirikiri, Ngāti Karaua and Ngāti Tamaterā. The following iwi

share overlapping interests on our southern boundaries: Ngāti Hako, Ngāti Karaua, Ngāti Maru and Ngāti Pū.

The marae located in the settlement area of interest are:

- Ko Te Ramatiti – located at Wharekaho, Whitianga
- Tauhou – located at Green point, Tairua.

5. Representation and Accountabilities of the Negotiators

5.1. Appointment of Negotiators

Three negotiators will be elected by Ngāti Hei at a hui ā-iwi to be held on Saturday, 26 February at Ko Te Ramatiti Marae at 9:00am.

5.2. Ngāti Hei Charitable Trust

The Ngāti Hei Charitable Trust, established in 1984, has been, and continues to be, the accepted entity for all matters pertaining to the affairs of Ngāti Hei. The Ngāti Hei Charitable Trust, among many aspirations, is charged with the purpose of promoting and safeguarding the spiritual, economic, social, cultural and physical well-being of the descendants of Ngāti Hei ki Wharekaho, the uri of our ancestral tupuna Hei.

The three interim negotiators are all duly elected Trustees of the Ngāti Hei Charitable Trust. Both Peter Tiki Johnston and Joseph Davis gave evidence before the Waitangi Tribunal for the Wai 110 Claim in August 2000.

The Ngāti Hei Charitable Trust, although not seeking a formal mandate, will provide assistance, where relevant, to the mandated negotiators. As the Trust is also the natural entity for dealing with Ngāti Hei issues, the trust will also provide an accountability mechanism for the mandated Negotiators and Ngāti Hei people. A copy of the Trust's constitution is attached to demonstrate that, if need be, there are processes in place to support both the mandated Negotiators and the iwi of Ngāti Hei.

5.3. Replacement and Removal of Mandated Negotiators

Should two years from the date of the appointment of the mandated Negotiators lapse before a deed of settlement on behalf of Ngāti Hei has been signed, the mandated Negotiators with the support of the Ngāti Hei Charitable Trust 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 Hei for any other reason, the remaining mandated Negotiators, with the support of the Ngāti Hei Charitable Trust, will call a hui ā-iwi to appoint a new Negotiator.

Should members of Ngāti Hei be no longer satisfied with the performance of the mandated Negotiators and the dispute resolution

process outlined below has not resolved the dissatisfaction, a member of Ngāti Hei 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 20 signatures of other members of Ngāti Hei.

5.4. *Mandated Negotiators' responsibilities*

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

- Regular reporting to Ngāti Hei people about the negotiation process;
- 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 Hei.

5.5. *Reporting Process*

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

- Approximate monthly hui called by the Negotiators and attended by any members of Ngāti Hei who wish to do so;
- regular pānui; and
- via the iwi website – www.ngatihei.iwi.nz

5.6. *Decision making processes*

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

5.7. *Dispute Resolution*

If a group or individual has a concern regarding the mandated Negotiators representation of their interests or any other conduct during negotiations, they should inform the mandated Negotiators in writing. The mandated 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 mandated Negotiators will meet with the group or individual in question and proceed into a dispute resolution process.

If a dispute arises between the mandated Negotiators that cannot be resolved by consensus, the matter will be referred to the Ngāti Hei Charitable Trust in writing who will seek to resolve the issue through mediation with the mandated Negotiators. If this does not resolve the issue, the Ngāti Hei Charitable Trust may choose to take the dispute to a hui ā-iwi for resolution.

6. Mandating Process

6.1. Mandating Hui

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

- Negotiators and Claims Committee meetings
- Email lists
- Newspapers
- Iwi 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 current interim 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 Hei.

The interim Negotiators will be holding a publicly notified mandating hui on Saturday, 26 February at Ko Te Ramatiti Marae, Wharekaho, Whitianga. The interim 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 Peter Tiki Johnston, Joe Davis and Peter Matai Johnston be mandated to represent Ngāti Hei in comprehensive negotiations with the Crown to settle the historical Treaty of Waitangi Claims of Ngāti Hei”;

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

A standard 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 Hei 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 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 Hei, 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 Hei present at the hui. For consistency and clarity, there will not be a 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 the hui and checked for eligibility by knowledgeable persons of the Iwi. Kaumātua and kuia who are in attendance may be asked to verify whakapapa, where appropriate, to confirm eligibility.

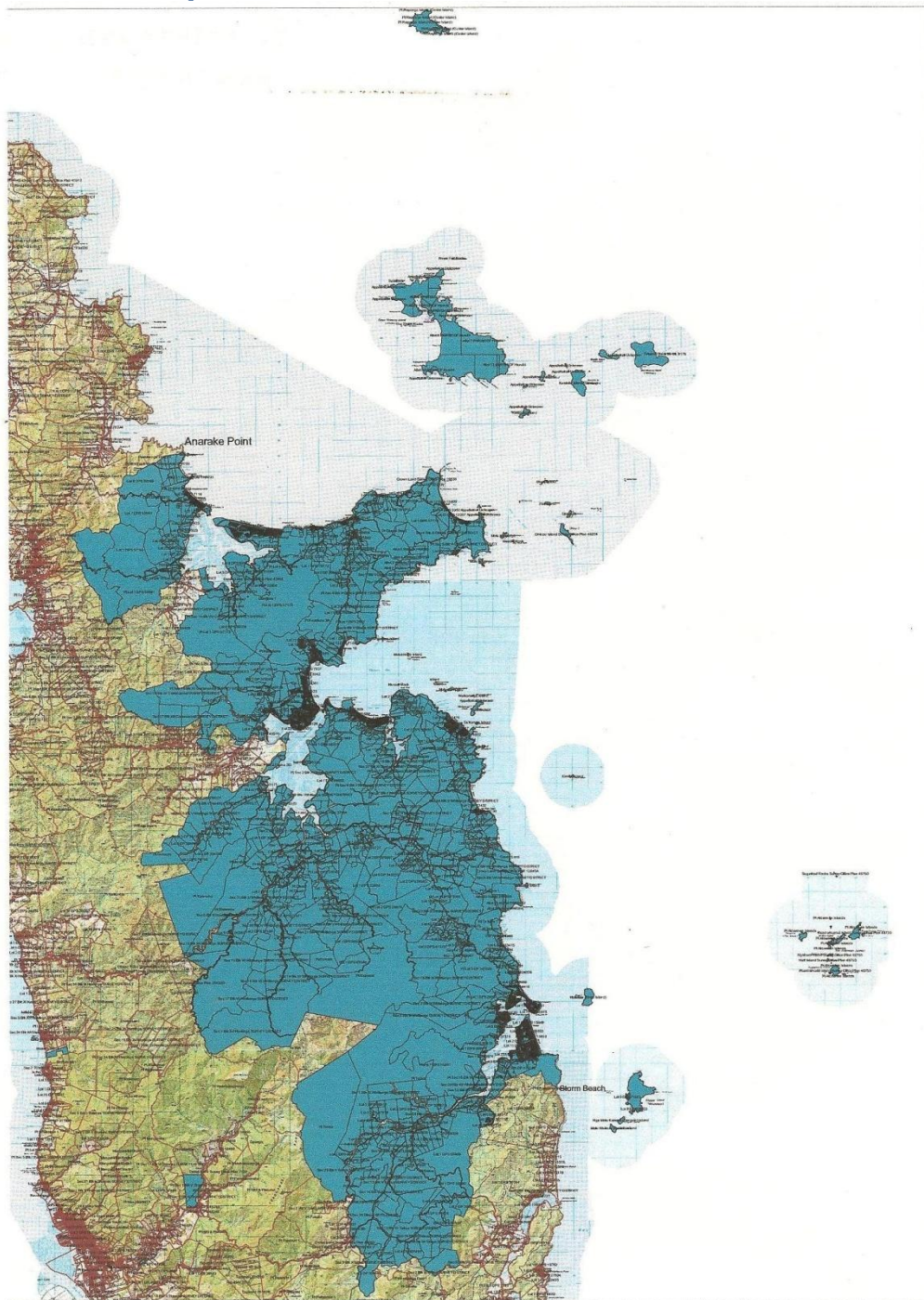
Copies of all advertisements, pānui, community notices, minutes, and attendance registers will be kept as evidence for inclusion in the deed of mandate.

7. 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 as set out by OTS and submitted to TPK and OTS for assessment, 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 27 February 2011 and that a Deed of Mandate is expected to be submitted by no later than 31 March 2011.

Appendix 1: Map



Note: Te Tipi Block, which is also part of the Ngāti Hei rohe, is not featured on this map.