

Summary of Key Themes/Issues

Waikato-Tainui Mandate Information Hui 2019

24th May 2019

Overview

Provided in this document is a summary of the key themes and issues raised, as well as any key outcomes (if applicable) from each of the Waikato-Tainui Remaining Claims Mandate Information Hui recently undertaken. These hui provided an opportunity for our marae, hapuu and tribal members to be informed and engage in discussions on the Waikato-Tainui Remaining Claims Mandate Strategy, and the outstanding and remaining claims of Waikato-Tainui.

The formal mandate information hui were held (mostly at marae) across Taamaki, Te Puaha o Waikato, Kaawhia, Aotea, Whaingaroa, Kirikiriroa, our Taurahere regions in Wellington, Christchurch and Dunedin and at the Te Whakakitenga o Waikato Chambers at Hopuhopu. A workshop was also run at Hopuhopu as a part of the mandate information hui round to provide an opportunity for Te Whakakitenga o Waikato representatives to be informed and engaged on mandating and claims issues.

To precede any discussions at each of the hui, the Waikato-Tainui Negotiator Rahui Papa presented the following information:

- Background information to provide context to the Waikato-Tainui settlement history, and an explanation of the Wai 30 outstanding claims, and Waikato-Tainui remaining claims;
- An overview of engagements was provided (including direct marae or hapuu engagement) from 2017 to date and the identified issues that arose out of these, as well as how these issues have been addressed or resolved. Engagement has been a priority for the Negotiator and the team, and it was made clear at the outset of this process that requests to meet directly to discuss claims issues were welcomed, and would always be accommodated;
- Explanation was provided as to the different aspects of the Waikato-Tainui Remaining Claims Mandate Strategy document, and the process ahead in seeking the recognition of a mandate to negotiate, including the submissions process;
- The draft Negotiations Team Framework was presented, which sparked some discussion around equality and representation at the negotiations table;
- Avenues and means were set out, by which tribal members can engage on these issues, and be included in the negotiations and settlement process.

Key themes/issues/outcomes from each Mandate Information Hui

1. Auckland Central Mandate Information Hui – Te Puea Marae

Wednesday 20th March 2019

What is the role of Te Whakakitenga o Waikato in regards to the Negotiations Team Framework?	<p>The role of Te Whakakitenga o Waikato (“TWOW”) is to approve the Harbours recommendation. The process to appoint members onto the Negotiations’ Team is determined by the Harbours hapuu/marae themselves according to their own tikanga. At this stage, the Neogtiations Team Framework is only a proposal and the team is open to any feedback or whakaaro on the development of this Framework.</p> <p>(A suggestion was given that TWOW only approve the structure, and not representatives).</p>
Has there been any thought around post-settlement aspirations and how these aspirations will be recognised in a possible post-settlement entity?	<p>It is premature to think about post-settlement at this phase as this will be a key discussion to be had once a mandate has been recognised not only by the Crown, but by the people of Waikato-Tainui. It will be a matter of creating a model that fits the aspirations and unique characteristics of this settlement, building the capabilities of our marae and hapuu who will then be charged with delivering the settlement redress and outcomes.</p>
How will smaller whanau and hapuu be represented in this settlement process?	<p>TWOW is representative of 33 Waikato hapuu and 68 marae. Hapuu, marae and whanau of Waikato-Tainui will be represented through their respective TWOW representatives. We understand the importance of hapuu rangatiratanga in this Treaty settlement process. A Negotiations Team Framework is being developed that promotes collaboration, and will reflect and represent the interests of those hapuu, marae and whaanau claims that sit within the mandate. There is also an opportunity for hapuu to be involved and meaningfully participate through an Oati Partnership where Waikato-Tainui and our Oati partners work collaboratively towards achieving collective settlement outcomes and aspirations.</p>
What is the Large Natural Groupings (“LNG”) policy?	<p>The LNG policy is the Crown’s current policy and approach to resolving Treaty claims - it is not a TWOW or Waikato-Tainui policy. The LNG policy encourages settlements at an iwi level which allows for small claimant groups to come within this proposed Waikato-Tainui mandate to work together to settle the Waikato-Tainui outstanding and remaining claims.</p>

2. Manukau Harbour Mandate Information Hui – Puukaki Marae

Sunday 24th March 2019

How will whaanau claimants benefit from this settlement?	<p>It is too early to determine the specific benefits or redress that might be included in this settlement, as the development of redress will be undertaken in the next phase of this process. There is a diverse range of claims included in the remaining claims mandate strategy and we encourage claimants, hapuu,</p>
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	<p>marae and whanau to work together with the team to express their settlement aspirations, and to assist in the development of redress. This will be a key function of the Negotiations Team once it is finalised and established.</p>
<p>What is the process to appoint members onto the Negotiations Team?</p>	<p>The intention at present (and as it is proposed) is for each Harbour to craft their own process for appointment of representatives. In short, the process will therefore be a tikanga driven process, and determined by the Harbours hapuu, marae and whanau themselves. Maa te moana, te moana e koorero.</p>
<p>How will the interests of Waikato-Tainui in relation to Waitemata and Hauraki Gulf be negotiated?</p>	<p>These two harbours include various interests which are distinct from the West Coast Harbours (Kawhia, Aotea and Whaingaroa) where there are only Tainui interests.</p> <p>There will be overlapping interests that will need to be addressed in negotiations, therefore these harbours will be negotiated separately to the others.</p>

3. Taamaki ki te Tonga/Te Puaaha o Waikato Mandate Information Hui – Oraeroa Marae

Monday 27th March 2019

<p>How will the submissions received be reflected in the Mandate Strategy Document given the short timeframes set?</p>	<p>The Mandate Strategy Document (“MSD”) was published on the 1st February 2019 and submissions closed on 22nd February 2019. The MSD was updated to reflect some of the issues raised by submitters from the first round of submissions. It was then decided that we submissions would be re-opened and extended to give a better opportunity to submitters to express their views. The close date was therefore pushed out to 10th May 2019. Feedback, issues and outcomes from both the submissions and mandate hui will be incorporated and reflected in the Deed of Mandate that will be developed after the Te Whakakitenga o Waikato mandate vote on the 25th May 2019.</p>
<p>Will any settlement redress/mechanisms established supersede the rights and mechanisms that hapuu may already have in place?</p>	<p>Waikato-Tainui seek to solidify any settlement mechanisms and rights into law and to do this we will need to have these enacted through settlement legislation. We therefore hope to assist and strengthen these existing mechanisms. It is not a matter of superseding, rather a matter of working collaboratively and entrenching those rights (if this is the wish of the hapuu/marae).</p>
<p>What is the process to withdraw claims from this mandate?</p>	<p>Hapuu have an option to withdraw their claims from the Waikato-Tainui mandate. This process (formally) is being developed and will be outlined in detail in the Deed of Mandate. Waikato-Tainui will attempt to resolve and address all issues and concerns raised by hapuu prior to any withdrawal, however, there will be an option/process to withdrawal claims at a hapuu level, and there are a number of hapuu who have already expressed their desire to sit outside of the mandate.</p>
<p>What funding is available to claimants who have resourced their own claims thus far?</p>	<p>There is claimant funding available, however in order to be eligible you must be a recognised ‘Large Natural Grouping’. Waikato-Tainui also has to self-resource any internal and external claims related activities in this process, and Crown funding is not guaranteed. Our team is working with the relevant funding agencies, and believe</p>

	that the Crown should provide funding at all levels for these kaupapa.
How can tribal members/hapuu/marae whaanau participate in this process without going through the relevant TWOW representative?	There are many opportunities for marae, hapuu and even individuals to participate directly, including attending any of the formal mandate information hui to engage in discussions, or raise any concerns in relation to claims matters. There is also a submissions process where anyone can write a submission whether it is in support, not in support or simply to seek clarification. Alternatively, the Negotiator and team is always open to meeting directly, and have met with over 50 individuals/hapuu/marae/claimant groups to date.
What is the threshold (if any) of agreeance from remaining claimants in order to move forward/recognise a mandate?	There are currently 94 remaining claims within the Waikato area. 76 of these claims currently sit within the Waikato-Tainui mandate strategy. On the 25 th May 2019, Te Whakakitenga o Waikato will vote on whether they believe there is a sufficient mandate to proceed to negotiate the outstanding and remaining claims. It is then up to the Minister to decide whether to recognise/ratify this mandate. There are several factors that the Minister will consider including the level of engagement, feedback from submissions and from the mandate hui, and the result of the TWOW vote. As we understand, unlike other mandating processes, there isn't a set threshold that needs to be met.

4. Wellington Mandate Information Hui – Wharewaka Function Centre

Thursday 4th April 2019

Are Kuia and Kaumaatua consulted with before submissions are put in?	It will depend on who provides the submission, and whether they have chosen to seek the guidance, views and advice of their respective kaumatua before submitting on behalf of their hapuu, marae or whaanau. The submissions process is open to anyone, and how they wish to write their submission is entirely up to the individual/group. In short, sometimes kaumaatua are not consulted with before a submission is developed and submitted, but it is important that the submissions process is independent. In saying this, we encourage submitters to seek the views of their kaumaatua beforehand.
What are the pros and cons of putting in a submission?	The submissions process is an opportunity for individuals, iwi, hapuu, marae, claimants, or any member of the public to input any whakaaro or raise any concerns or issues relating to the mandate strategy directly to Te Arawhiti, who then relays this information to the Minister in consideration of whether to confirm the mandate. It is therefore a direct avenue of communication to express any views that one might have.
How can hapuu withdraw or include their claims from the mandate and what is the criteria?	Hapuu have an option to withdraw their claims from the Waikato-Tainui mandate. This process (formally) is being developed and will be outlined in detail in the Deed of Mandate. Waikato-Tainui will attempt to resolve and address all issues and concerns raised by hapuu prior to any withdrawal, however, there will be an option/process to withdrawal claims at a hapuu level, and there are a number of hapuu who have already expressed their desire to sit outside of the mandate.

	In terms of inclusion, hapuu can decide to include their claims also. The specific clause will set out a process whereby a hapuu can withdraw or include claims. There will be a deadline for this, so that the development of redress is not hindered, or stalled.
How will internal hapuu disputes be resolved?	Waikato-Tainui seek to resolve internal hapuu/marae disputes in accordance with our own tikanga process, and seek to maintain relationships in such a process that is mana enhancing for all.

5. Whaingaroa Mandate Information Hui – Raglan Town Hall

Sunday 14th April 2019

How can the narrative of Whaingaroa hapuu be retained?	Waikato-Tainui support each hapuu and the retention of their unique narrative. This settlement will be unique, and will promote kaupapa like these on the ground. It is not for Waikato-Tainui to subsume the narratives of hapuu, but to support them in their efforts to maintain and keep these alive.
The collective aspires to negotiate their own claims. How can Waikato-Tainui support us to do this, without impinging on our rights to address our grievances directly with the Crown?	The claims of the Whaingaroa Collective are currently excluded, and Waikato-Tainui are happy to support Whaingaroa in whatever pathway they choose to pursue. If, however the claims of the Whaingaroa Collective were included in the mandate, it will be through equal representation on the Negotiations Team that claims will be addressed, and grievances will be raised with the Crown.
How can trust be re-gained between Waikato-Tainui and the Whaingaroa collective hapuu? (Past Treaty settlements have only diverted resources and control to a central iwi entity)	Waikato-Tainui seek to understand the settlement aspirations of the hapuu along the West Coast, and would ideally like to work together to craft this settlement, the redress that will be sought, and how it will be dealt with post-settlement. Unlike other settlements, we hope that this settlement is more of a devolved model, with on the ground solutions and outputs, that are hapuu and marae led.
How does the Negotiations Framework fairly represent the harbours hapuu when the Negotiator is sitting at the top?	The Framework at present is only a draft proposal and these hui are an opportunity to engage and consider feedback such as this, that we can take on board. The team will consider this feedback in finalising the Negotiations Framework.
Why is TWOW approval necessary for the Negotiations Framework?	As stated above, the framework at present is only in draft form. Feedback like this will assist the team to develop and finalise it. The team will consider this feedback.
Would TWOW consider supporting a parallel mandate system?	The Negotiator and team are always open for discussion on any claims matters, and how we might be able to work together, or support.
How can marae on the West Coast who are not currently sitting in TWOW be represented for settlement purposes?	Waikato-Tainui reiterate that all marae within our rohe can whakapapa to one of the 33 hapuu of Waikato-Tainui, and one of the affiliate 68 marae. However there is a process, for marae to apply to be added to TWOW. Another option in a negotiations context is coming on board as an Oati Partner. Again, anything further can be discussed directly with the Negotiator and team.

<p>When will thought be put into the development of a post-settlement entity? and</p> <p>Will there be opportunities to develop entities that support the realisation of the harbours hapuu aspirations?</p>	<p>Again, these will be key tasks of the Negotiations Team (with support from the claims team) once this is established, and in the next phase of the process i.e. once (and if) the mandate is recognised by the Minister.</p>
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6. Hopuhopu Mandate Information Hui – Te Whakakitenga o Waikato Chambers

Wednesday 17th April 2019

<p>How can individual claims issues be realised and addressed in this process?</p>	<p>The team have looked at the detail of each claim in the mandate strategy, and claims issues are vast and cover many different kaupapa. The focus in the next stage of the process is translating this into redress for a settlement. Some claims issues however, may be able to be addressed and provided for before a settlement and outside of a claims space. Again, we welcome direct engagement on any issues.</p>
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7. Aotea Mandate Information Hui – Okapu Marae

Saturday 27th April 2019

<p>Why are hapuu unable to settle their own claims independently, as previously done by Ngaati Kororki-Kahukura and Ngaati Hauaa?</p>	<p>Previously in 2012 when these hapuu settled the Crown was open to working with smaller hapuu to achieve independent settlements. This is longer the case, and the Crown now has an LNG policy. Although Waikato-Tainui are operating under this policy to achieve a mandate, we will be working to develop a more devolved settlement model so that, like other hapuu, outputs and redress will be visible on the ground.</p>
<p>How should we deal with an individual who purports to act on behalf of our marae and hapuu, but does not have a mandate to do so?</p>	<p>It is important that both the Crown and Waikato-Tainui are informed of these sorts of issues. This will assist in properly understanding who holds a mandate to speak on behalf of a hapuu or marae, and the necessary dynamics.</p>

8. Kaawhia Mandate Information Hui – Maketu Marae

Sunday 28th April 2019

<p>How can we find practical ways to craft a future that promotes the best interests of Ngaati Hikairo, and as Tainui, as a whole?</p>	<p>In the first instance, and as has been expressed to other groups, it would be beneficial to discuss these matters directly. In the current proposed model as it stands, the Negotiations Team will be the platform for Waikato-Tainui and hapuu such as Hikairo to work together every step of the way to develop ways to craft the settlement to ensure that the best interests of Hikairo and Tainui are met. This will be the forum where settlement aspirations are discussed and fleshed out, negotiations strategies are set, and the details of any post settlement arrangements are worked through. Again, the team is open to any feedback on this model, and appreciate the input of our hapuu, marae and whaanau.</p>
<p>What are we going to do if we achieve settlement (together)?</p>	

How do we shape a settlement to both manage and protect the moana, as well as uphold our responsibility to develop it into the future?	Again, the above question applies. It is too early in the piece to provide detail on this, but a framework for participation is being developed to ensure that these conversations will be undertaken.
How could the negotiations and settlement of Kaawhia pan out/be managed given the Maniapoto overlapping claims?	It is important that all those with interests in Kawhia work together to find a collective solution. We will keep the communication channels open between ourselves and Maniapoto in the hope that we can find a solution that works for everyone.

9. Otautahi/Christchurch Mandate Information Hui – Te Runanga o Ngai Tahu Offices

Sunday 5th May 2019

How will the perspectives and views of Harbours' hapuu be considered in post-settlement discussions?	Waikato-Tainui propose to co-design settlement outcomes with the harbour representatives through the Negotiations Team framework. The focus for this settlement will be developing a devolved model where redress options are directed towards local issues.
Will Te Whakakitenga o Waikato have to approve the Harbour Representatives for the Negotiations Team Framework, or just the Negotiations Framework?	An abundance of feedback has been received in relation to the proposed Negotiations Team Framework. Taking on board the feedback, it is now proposed that TWOW does not approve any individuals who are chosen but may have a role in approving the final framework once it is developed.

10. Otepoti/Dunedin Mandate Information Hui – Distinction Hotel

Monday 2nd May 2019

How will Harbours people be represented pre and post settlement?	Waikato-Tainui will work with harbours' representatives on the Negotiations Team to co-design post-settlement outcomes focused on a devolved model rather than a centralised model. Another avenue is via our Oati Partnerships where the team work closely with a number of our hapuu to co-design a lot of the key documentation and concepts, and work in partnership in this process.
What is an Oati Partnership and how does it work?	An Oati Partnership is a formal commitment to work together collaboratively and co-design settlement outcomes for the West Coast Harbours mandate. Waikato-Tainui currently have Oati Partnerships with Ngaati Te Wehi (Aotea harbour hapuu) and Ngaati Mahuta (Kaawhia harbour hapuu).

11. Hopuhopu Hui -aa-Iwi – Te Whakakitenga o Waikato Chambers

Saturday 4th April 2019

How will the Manukau harbour/Taamaki issues be dealt with in this settlement?	At this stage, the Manukau Harbour will be discussed separately to the West Coast Harbours. In terms of Taamaki, and like other matters such as the development of redress, we are unsure how this will be dealt with at this stage, but this will be worked through as a next step in the process.
What are the implications for hapuu who oppose the mandate?	The majority of groups that oppose the mandate/who have expressed that they oppose the mandate are already excluded. There is an option for them to include their claims, should they decide later on that would like to join.