

NGĀTI RUAPANI MAI WAIKAREMOANA

NEGOTIATING GROUP

November 2018

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1.0 Introduction

Purpose of this document is to demonstrate that a collective position exists to represent Ngāti Ruapani mai Waikaremoana in Treaty settlement negotiations and to outline how that mandate may be achieved. It sets out information on the formation of the Ngāti Ruapani mai Waikaremoana Negotiating Group and the process by which it will seek a mandate to negotiate the settlement of Ngāti Ruapani mai Waikaremoana’s historical Treaty claims with the Crown. Our journey through the remaining stages of the treaty settlement process will be guided by the following kaupapa which have been fundamental principles respected by the Ngāti Ruapani mai Waikaremoana Negotiating Group:

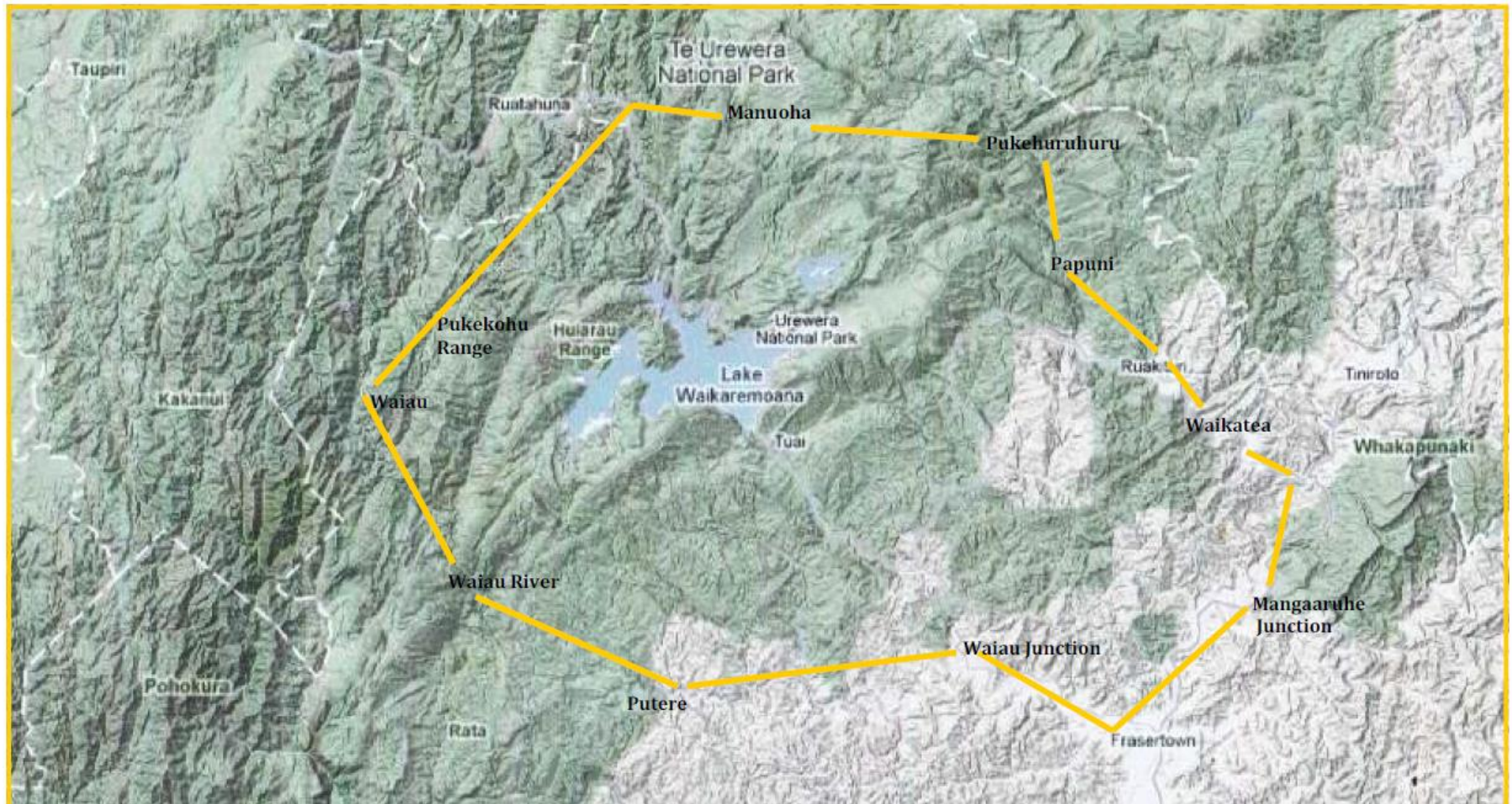
- **MĀRIRI:** Our Waikaremoana identity brings us healing
- **RITENGA:** We begin to renew our respect for each other
- **KAHA:** We are strengthened.

Large natural group	Ngāti Ruapani mai Waikaremoana
History of the Waikaremoana Working Group	<p>The Ngāti Ruapani mai Waikaremoana Working Group (the Working Group) was the original group created in 2016 to manage the establishment of the Ngāti Ruapani mai Waikaremoana Negotiating Group (the Negotiating Group) an entity to represent Ngāti Ruapani mai Waikaremoana in Treaty settlement negotiations with the Crown. The Working Group was made up of three Te Toi Kura o Waikaremoana representatives, who were Kara Dentice, Nicky Kirikiri, Kathy Peebles, and three Waikaremoana Tribal Authority representatives who were Allan Smith, Lorna Taylor, Tina Wagner. The Waikaremoana Tribal Authority and Te Toi Kura o Waikaremoana also had two ‘fill in’ representatives as alternates who were able to attend to maintain the 6 member working group. They were Pare Hill, Newton Lambert, Cindy Wills and Zoe Wilson.</p> <p>The Working Group ceased to exist once the Negotiating Group was established at the convening of the first hui of the Negotiating Group in Waikaremoana on 31 March 2018. More information relating to the Negotiation group is outlined below.</p>
Name of representative body to be elected	Ngāti Ruapani mai Waikaremoana Negotiating Group
The Mandate is to Achieve	To represent Ngāti Ruapani mai Waikaremoana in negotiations with the Crown for the comprehensive settlement of all Ngāti Ruapani mai Waikaremoana historical Treaty of Waitangi claims including all the claimant interests and claims which relate to lakes, rivers, waterways, native forest, lands, wāhi tapu, wāhi tipuna, historical raupatu, commercial and cultural redress
Limits to a recognised mandate	The mandate is to negotiate a draft deed of settlement. The mandated body will present an initialled deed of settlement and proposed Post Settlement Governance Entity (PSGE) to the claimant community for approval. The Ngāti Ruapani mai Waikaremoana PSGE will be a separate entity to the Negotiating Group and will act for the sole purpose of implementing the settlement.

2.0 Ngāti Ruapani mai Waikaremoana

Introducing the people of Ngāti Ruapani mai Waikaremoana and the claimant definition.

Ngā Tipuna (common founding ancestors)	<p>Representing the Poutokomanawa o Ngā marae o Ngāti Ruapani mai Waikaremoana: The Descendants of Ruapani:</p> <ul style="list-style-type: none"> • Hinekura • Pukehore; or • the tipuna Tuwai; • insofar as these descendants affiliate to one or all o ngā marae o Ngāti Ruapani mai Waikaremoana.
Are whānau from	Ngāti Hinekura, Whānau Pani, Ngāti Ruapani ki Waikaremoana, Ngāi Tarapāroa
Represented across all Ngāti Ruapani mai Waikaremoana marae	Te Kuha Tarewa, Te Waimako and Te Putere marae
Include the Wai claims	<ul style="list-style-type: none"> • Wai 144 – Ruapani lands claim • Wai 937 – Noa Tiwai Lakes, Lands and Other Resources. • Wai 945 – Ngāti Ruapani ancestral lands, forests and waterways claim • Wai 1033 – Te Heiotahoka 2b, Te Kopani 36 & 37 claim • Wai 1342 – Mātiria Ruawai-Taoho Wills Whānau Trust claim • Wai 2245 – Te Wiremu Waiwai and Ngāti Ruapani Lake Waikaremoana claim • Wai 1013 – Pere Kaitiakitanga insofar as it relates to Ngāti Ruapani mai Waikaremoana.
Rohe (area of interest)	See below.



3.0 Overlapping Issues

Introducing the neighbouring interests.

Neighbouring Iwi – Mana Whenua (overlapping groups)	<ul style="list-style-type: none"> • Northern: Tūhoe • Western: Tūhoe, some connection with Ngāti Hineuru and Tuwharetoa. • Eastern: Kahungunu - Te iwi and hapu o te rohe o Te Wairoa, and potentially some connection with Te Whanau a Kai, Aitangā a Mahaki, Rongowhakaata. • Southern: Ngāti Pahauwera
Current Relationships (previous engagement)	<p>The Negotiating Group offers a fresh new approach to collaboration over achieving a mandate to negotiate the Ngāti Ruapani mai Waikaremoana claims with the Crown. The Negotiating Group is founded on the will to unite the various entities and personalities that all wish for a prosperous Waikaremoana future. As such the Waikaremoana Tribal Authority and Te Toi Kura o Waikaremoana are working together with all people, entities and groups with interests in the Ngāti Ruapani mai Waikaremoana claims including neighbouring iwi and groups to progress shared goals and achieve collective outcomes. While we have not formally gauged the level of support for our renewed collaborative/collective approach, we are confident that the Negotiating Group will achieve a positive response from our neighbouring Iwi.</p>
Status of Waitangi Tribunal Inquiry	<p>Ngāti Ruapani mai Waikaremoana claims were heard within the Te Urewera Inquiry district. The Tribunal has completed and published its report.</p>

4.0 The Mandated Body

Introducing the Ngāti Ruapani mai Waikaremoana Negotiating Group.

<p>Establishing representatives on the Negotiating Group</p>	<p>The Working Group (originally formed by the Te Toi Kura o Waikaremoana and the Waikaremoana Tribal Authority) established the Negotiating Group to:</p> <ul style="list-style-type: none"> • Provide and inform Ngāti Ruapani mai Waikaremoana people on the negotiations and settlement process and approach, distributing the necessary guidelines, terms, objectives, aspirations or whatever other information that may be requested • Develop the Trust Deed and produce profile information on preferred attributes/skill sets of Trustees. • Outline the policies governing the Negotiating Group (see further information below) • Outline the Ngāti Ruapani mai Waikaremoana Marae representatives on the Negotiating Group and provide information to members when required • Provide administrative support to establish the Negotiating Group • have ongoing consideration for the availability of necessary resources
<p>The Representatives</p>	<p>The Trustees of the Negotiating Group shall be made up of:</p> <ul style="list-style-type: none"> • 2 x Te Kuha Tarewa (currently Nicky Kirikiri and Neuton Lambert) • 2 x Te Waimako (currently Tina Wagner and Te Ori Paki) • 2 x Independents, who must be uri o Ngāti Ruapani mai Waikaremoana, to represent the claimant community outside the rohe and appointed by the Working Group (currently Malcolm Tuahine and Ihakara Dentice). <p>The Marae appointed Trustees will be appointed through a properly convened hui of the Marae Trustees and only after public information hui have been held by those Marae Trustees.</p>
<p>The Structure</p>	<p>The Negotiating Group has Charitable Trust status. That Trust Deed will be developed and submitted to the Office of Treaty Settlements for input prior to enacting. The Negotiating Group will have the authority to amend the Deed of Mandate to make the management of negotiations more effective.</p>

<p>Governance Documents</p>	<p>To support the Trust Deed, the Negotiating Group have developed a range of policies governing:</p> <ul style="list-style-type: none"> • communications strategy – authorising public messages and maintaining settlement process updates to our people; • governance charter - outlining the procedure for meetings of the Negotiating Group, who may call a hui, the notice required, the contents of general Negotiating Group meetings; • finance policy – guiding the transparency of budgeting and spending and ensuring that compliance reporting is well maintained; • register policy – outlining the access to registration, the safe-handling of private information and verifying practices; and • Human Resources policy – describing the selection processes of employees and contractors and including contracting templates. <p>The draft Trust Deed is attached to this Mandate Strategy.</p>
<p>Decision Making</p>	<ul style="list-style-type: none"> • The Negotiating Group will strive at all times for unanimous decision making on matters of strategic importance being those issues that relate to the unity necessary to realise the primary purpose of the Negotiating Group (being the production of an initialled deed of settlement and the development of the PSGE Trust Deed for the betterment of Ngāti Ruapani mai Waikaremoana). These decisions may be identified by a 75% majority vote confirming the decision to be of a strategic nature. Where the Negotiating Group is unable to achieve a unanimous outcome, it should seek the input of the three marae (Te Kuha Tarewa, Waimako and Putere) to support unanimity. • Operational matters may be decided by a simple majority.
<p>Tribal Register</p>	<ul style="list-style-type: none"> • Both Te Toi Kura o Waikaremoana and the Waikaremoana Tribal Authority hold registers of Ngā uri o Ngāti Ruapani mai Waikaremoana. Both groups would need to undertake a consolidation process under the Negotiating Group to align with the interests of their marae and their Marae Trustees; and with the claimant definition. • The Negotiating Group will maintain a register of Ngāti Ruapani mai Waikaremoana members, promoting registration and access to registration for key voting opportunities. Progress on the development of the Register will be provided to the Office of Treaty Settlements and will be finalised before any mandate hui are held.
<p>Financial Accountability</p>	<p>The Negotiating Group will comply with any and all Crown Policy regarding any financial accountability measure required upon receipt of any Crown funding. The particulars of these processes will be included in the Negotiating Group’s financial policy and processes both for use and reporting.</p>

<p>Removing the Mandate</p>	<p>Disputes</p> <p>If member(s) of the claimant community have concerns about or disputes with the Negotiating Group in relation to mandate, negotiations or settlement, their respective marae or independent representatives on the Negotiating Group will make themselves available to discuss the concern in good faith. If discussion does not resolve the concern, the relevant member(s) of the claimant community may submit their concern in writing to the Negotiating Group. The Negotiating Group will take all reasonable steps and act in good faith to resolve the concern or dispute raised. The Negotiating Group will provide a written reply to the concern or dispute within 10 working days and, if appropriate, offer to meet with the relevant member(s) of the claimant community.</p> <p>Withdrawal or amendment of mandate</p> <p>This provision only applies where member(s) of the claimant community have concerns in relation to mandate, negotiations or settlement that they have attempted in good faith to resolve in accordance with the dispute resolution process set out in this mandate strategy. If they feel their concerns were not adequately addressed or resolved through the dispute resolution process and they wish to amend the deed of mandate or withdraw it from the Negotiating Group, they must, through the relevant marae tikangā and or marae charter, obtain the support of their marae to amend or withdraw the mandate. The Marae Trustees must then obtain formal resolutions of support from the other two marae through their Marae Trustees, according to their marae tikangā and or marae charters of those marae, to amend or withdraw the mandate.</p> <p>Written notice of the proposal to withdraw or amend the mandate must be provided to the Negotiating Group. The written notice must:</p> <ul style="list-style-type: none"> • identify the processes followed at each of the three Ngāti Ruapani mai Waikaremoana marae to obtain support for amending or withdrawing the mandate; • identify the level of support for amending or withdrawing the mandate in each of the three Ngāti Ruapani mai Waikaremoana marae; • name a contact person at each of the three Ngāti Ruapani mai Waikaremoana marae who is in support of amending or withdrawing the mandate; and • identify the relevant concerns. <p>On receipt of the written notice, the Negotiating Group will arrange for a meeting to be convened, within 10 working days of the date of the written notice, between the representatives in the named notice and the Negotiating Group. If this meeting does not resolve the identified concerns, the Negotiating Group will discuss the proposal to withdraw or amend the mandate with the Office of Treaty Settlements. If required, the Deed of Mandate may be amended to address the concerns identified.</p>

<p>Negotiators</p>	<p>The Negotiating Group will undertake its primary function to achieve an initialled Deed of Settlement with utmost care:</p> <ul style="list-style-type: none"> • The Negotiating Group by unanimous decision will appoint the Negotiator(s). If the Negotiating Group is unable to appoint by unanimous decision then a majority decision of 75% is required. • The same will apply for the removal of (any of) the Negotiator(s). • The Negotiator(s) will be bound by a Terms of Reference approved by the Negotiating Group. The Terms will set out the mandate of the Negotiator(s) and these will be reaffirmed in the contractual arrangement. • The Negotiator(s) will be chosen on the basis of their experience in negotiation, their reputation for integrity, their reputation for their commitment and care for the people of Ngāti Ruapani mai Waikaremoana, their availability to deliver justice to the role, their knowledge of the raupatu issues and a proven track record of building relationships with superb communication abilities. • The Negotiator(s) will report directly to the Negotiating Group and on a day to day basis with the Convener. The Negotiator(s) will be required to endorse their approach with the Negotiating Group and report against that in person on a minimum of a monthly basis.
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5.0 The Mandate Process

Our approach to running the mandate process and testing the level of trust and confidence in the Negotiating Group.

The Negotiating Group will actively seek the engagement, input, and participation of all groups and whānau members throughout the negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngāti Ruapani mai Waikaremoana. This aligns with our kaupapa of mariri, ritenga and kaha and will guide us in our approach to seeking a mandate and throughout any negotiations.

This will include the continuous encouragement and seeking of discussion and collaboration with the entire Ngāti Ruapani mai Waikaremoana community, including Te Toi Kura, Te Tatau Pounamu, Wai Claimants, and any other groups who have interests in Ngāti Ruapani mai Waikaremoana, as a minimum. For example, through hui, hui a marae, correspondence and social media platforms.

<p>The Hui</p>	<p>The Negotiating Group will hold 8 national hui in the following locations:</p> <ul style="list-style-type: none"> • Auckland • Rotorua • Taneatua (Te Waimana or Ruatoki) • Waikaremoana • Hastings
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	<ul style="list-style-type: none"> • Gisborne • Poneke • Christchurch
The Notice	<p>The notice of mandate hui will include the following as a minimum:</p> <ul style="list-style-type: none"> • Location and details of the hui • The purpose of the hui • What the voting process is all about and how to vote • The resolution to be voted on
Notification	<p>All hui will be notified through:</p> <ul style="list-style-type: none"> • Prior information hui in all locations held prior to the formal process. • Advertising in the respective newspapers at least 21 days prior to all hui. • Through website and frequent social media panui. • Through radio where relationships exist. • Through mailouts and other panui.

The Presentation	<p>As a minimum, the hui presentation will set out the following:</p> <ul style="list-style-type: none"> - The Ngāti Ruapani mai Waikaremoana claimant definition and our historical claims to be settled; - The Negotiating Group seeking mandate and explaining its Trustees; - The structure and accountabilities of the Negotiating Group; - Stating clearly that the mandate sought is to represent Ngāti Ruapani mai Waikaremoana in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngāti Ruapani mai Waikaremoana; and - That the Negotiating Group, if it achieves a mandate, will present any initialled deed of settlement to the claimant community for their ratification.
The Resolution	<p>This hui gives the Ngāti Ruapani mai Waikaremoana Negotiating Group the mandate to represent Ngāti Ruapani mai Waikaremoana in negotiations with the Crown for the comprehensive settlement of all the historical Treaty claims of Ngāti Ruapani mai Waikaremoana.</p>
Voting	<p>The vote is to occur through a secret ballot carried out by Election NZ of all those present and eligible to vote on the day at each of the mandate hui. Crown observers and invigilators may attend to undertake their own processes of scrutiny to ensure a robust mandate is achieved.</p> <p>Voting by proxy will not be permitted, however those who cannot attend the hui will be able to send letters of support/opposition.</p>