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**He Ara Hou**

**A Proposed Strategy and Pathway to Settlement**

**September 2012**

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# 1. PREAMBLE

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## 1.1 Introduction

- 1.1.1 Facilitating a collaborative approach and bringing the two warring factions, Tuhoronuku and Te Kotahitanga together was central to my involvement.
- 1.1.2 It has been a difficult process with both parties deeply entrenched in their own positions and neither side willing to give any ground. Some of the key strategies recommended in this report include - the leaders from both sides being involved in the promotion and information hui, having their technical advisers work with me on the establishment of the new mandated authority, as well as allocated guaranteed seats for both the Runanga and Te Kotahitanga on the new authority. This will ensure both parties work together in a cohesive way to have Ngapuhi's outstanding grievances settled with the Crown.
- 1.1.3 The 'them and us' confrontational position taken by both sides must end and a new era of leadership and co-operation will prevail.

## 1.2 Summary

- 1.2.1 This document addresses a number of concerns held by the Crown in relation to the mandating process undertaken by Tuhoronuku. There is a significant majority within Ngapuhi who wish to begin direct Treaty negotiations with a view to settling historical grievances through a more cohesive and integrated process. One that recognises the shared interests of all Ngapuhi hapu.
- 1.2.2 The key proposed changes include:
- The establishment of an independent mandated authority;
  - Special Waitangi Tribunal Hearings;
  - A regional hapu representation framework; and

- Options for the development of a post settlement governance entity.

1.2.3 The document outlines the key components of a revised mandating process, and representative framework. It covers:

- Establishing hapu representation through five regional areas – ‘rohe potae’;
- Establishing an independent mandated authority and a new electoral process to elect tribal representatives;
- Providing detail around how hapu and claimants will be supported and engaged in the negotiation process;
- Proposed options to streamline the tribunal hearing process so recommendations can feed directly into negotiations with the Crown;
- Two proposed post settlement governance entity options;
- The future of Te Runanga a Iwi o Ngapuhi;

1.2.4 Underpinning this proposal are three fundamental strategic objectives:

- i. To build unity and cohesion amongst hapu and between hapu groupings;
- ii. To establish a representative structure with robust, open and transparent processes; and
- iii. To develop a collaborative and integrated approach to settlement negotiations with the Crown.

### **1.3 Background**

- 1.3.1 In 2009 Te Roopu o Tuhoronuku was authorised by Te Runanga o te Iwi o Ngapuhi to begin the process of seeking a mandate for direct negotiations with the Crown. In 2010 a series of pre-mandating information hui were held around New Zealand and in Australia. In 2011 Ngapuhi were given the opportunity to participate in a mandating process. Of the 29,389 Ngapuhi who received voting packs, 23 per cent voted.
- 1.3.2 The elections were managed by an independent company who have conducted similar mandating elections for a number of Iwi and local authorities. 76 per cent of those who voted supported Te Roopu o Tuhoronuku receiving a mandate for direct negotiations with the Crown.
- 1.3.3 However, 24 per cent voted against a mandate being granted. The Crown's belief was that this was too high for it to proceed, given the inevitability of court challenges.
- 1.3.4 The future prosperity of Ngapuhi rests on its ability to pull together, not stand apart. With the majority of Ngapuhi living outside their traditional rohe, any solution must include this group being given a voice in tribal affairs. That introduces an inevitable tension, as interests diverge. But physical distance will become less important as cultural and social links are strengthened. The distinction between those who choose to live within tribal boundaries and those who do not will inevitably become less over time as 'people' triumph over 'place'.

### **1.4 Current Context**

- 1.4.1 Hapu are the building blocks of an Iwi and the driver's of economic, social and cultural development. Where the current system generates competition between Hapu, the process and structures proposed here aim to create and facilitate co-operation.
- 1.4.2 Representing the huge number of Ngapuhi who no longer live within their tribal areas is a particular challenge – one that few other Iwi have faced. The sheer

number of tribal members who live outside their traditional rohe is at least partly ameliorated by the fact that some 60 per cent live relatively nearby, in the Auckland region. How these 'Ahi Kaa mai i tawhiti' are able to participate and make their voices heard is a crucial part of the mandating process. One solution is to give them independent representation by electing 'Ahi Kaa mai i tawhiti' representatives to the Independent mandated authority. The preferred solution is that representation is achieved from within each of the regional hapu groupings.

- 1.4.3 This proposal presents a representation framework which gathers hapu into five regional groupings. These rohe potae are based on historical precedent and provide an opportunity to build unity and cohesion amongst hapu and between hapu groupings.
- 1.4.4 A new mandating process will give the Government confidence that there is broad-based support for settlement negotiations.
- 1.4.5 There is support and goodwill within Ngapuhi for settlement negotiations to commence.
- 1.4.6 What is required is a new start, a clean slate, and a fresh process to build a consensus and broad-based support. A revised electoral process, with hapu grouped, and bound, by whakapapa and history represent such a way forward.

## 2. ROHE POTAE

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### 2.1 Historical context

- 2.1.1 Historical evidence shows that pre-dating Te Whare Tapu o Ngapuhi, which came five generations after Rahiri with the advent of Tamatea, Hapu were grouped into the following 'rohe potae': Hokianga, Waimate-Taiamai ki Kaikohe, Whangaroa, Te Pewhairangi and Whangarei ki Mangakahia.
- 2.1.2 These five regional 'centres of power' evolved as confederations of hapu united in their progression of common interests as distinct, self governing, self-determining entities.
- 2.1.3 This proposal calls for these five rohe potae to form the basis of the Independent Mandated Authority's representation framework.

### 2.2 Regional Areas

- 2.2.1 The map attached at **Appendix One** provides a broad outline of the boundaries described in the following section. A list of the Hapu associated with these rohe is included at **Appendix Two**.

#### *Whangaroa*

- 2.2.2 Geographically, Whangaroa runs to Matauri Bay on its eastern boundary and south until it touches the North-Eastern tip of Nga Hapu o te Takutai Moana. To the north it is bordered by Ngati Kahu at Mangonui and by Mangamuka in Hokianga to the West. Waimate Taiamai lies to the south-west.

#### *Nga Hapu o Te Takutai Moana*

- 2.2.3 At its northern reaches it is bound by Ngati Rehia of Te Tii, whose territory runs down both sides of Te Awa o Nga Rangatira, the Kerikeri Inlet. On the eastern seaboard it includes Ngati Rahiri and Te Matarehurehu.

2.2.4 Across the bay to Kororareka (Russell) and Hapu on the Rawhiti peninsula, Patukeha and Ngati Kuta, then follows the Taumarere river and heads inland to Te Kapotai and Ngati Manu who, together with Ngati Hine, form one of the strongest alliances in the Ngapuhi Confederation. To its southern and western boundaries lie Whangarei ki Mangakahia and to the northwest it is bordered by Waimate Taiamai.

#### *Whangarei ki Mangakahia*

2.2.5 Whangarei ki Mangakahia may have some shifting borders to the northern part of the region, mainly concerning Ngati Hau from around Whakapara and north to Ruapekapeka where it shares common interests with Ngati Hine. Otherwise this region gives the best opportunity for gathering up the hapu to the south into a cohesive groups which has shared interests in the environs of Whangarei and the rural areas to the south and west. Ngapuhi interests in Mahurangi has been included within the Whangarei ki Mangakahia rohe.

#### *Waimate Taiamai ki Kaikohe*

2.2.6 This region can be seen as lying at the heart of the Ngapuhi confederation and within what is historically referred to as the Ngai Te Wake entente of Ngai Te Wake ki te Waoku, ki te Tuawhenua, ki Tai. Waimate Taiamai runs from north of Pakotai in the Whangarei ki Mangakahia region to Te Kumutu at a place known colloquially as the Twin-bridges. Waimate Taiamai would be bound in the west by Ngai Tawake ki te Waoku in Mataraua back through Te Iringa eastward to Kaikohe.

2.2.7 Along its southern edge, Ngati Moerewa and Ngati Rangi give it its boundary with the north-western reaches of Nga Hapu o te Takutai Moana. Following the southern shore of Lake Omapere it drops into the Rangiahua Valley until it meets the upper reaches of the Hokianga. Following the Whakanekeneke river inland it traces its way back up to Waimate, to Ngati Rangi at the south-eastern marker of Pouerua, the ancient pa south of Ohaeawai.

## *Hokianga*

2.2.8 Defined by the harbour, it remains the cradle of the Ngapuhi Confederation. At the northern extremity of the region is Mangamuka and Te Uri Taniwha. Its southern boundaries are defined by Te Mahurehure in Waima through to Ngati Pakau at Taheke and following the Punakitere stream to take in Ngai Tu at Otaua.

### 3. INDEPENDENT MANDATED AUTHORITY

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#### 3.1 Purpose

- 3.1.1 The purpose of the independent authority is to set the strategic direction for the overall Ngapuhi negotiation process developed into set financial and work plans to be carried out by the negotiation team and operational staff.
- 3.1.2 My report recommends that following the Crown's recognition of the Deed of Mandate currently before it, the existing membership of Tuhoronuku stand down in preparation for a fresh elections to a new independent mandated authority. There is recognition within Ngapuhi that this offers the best way forward.
- 3.1.3 The distrust by some towards Te Runanga a Iwi o Ngapuhi has become too entrenched, and too great to accept the arrangements proposed by Tuhoronuku in their present form. However, they must be included in some way. For this reason, I believe an independent mandated authority is required to give the Crown confidence that it is negotiating with an entity that has a clear and credible mandate to negotiate. I am proposing that a new entity, with a fresh mandate, be established with a broad based membership comprising of Te Runanga, Te Kotahitanga, Rangatahi, Kuia / Kaumatua and Urban representation.
- 3.1.4 The independent mandated authority would be a transitional organisation that would eventually hand over its responsibilities to a new Post-Settlement Governance Entity following acceptance of a Deed of Settlement and the passage of enabling legislation through Parliament.
- 3.1.5 The diagram attached at **Appendix Three** presents a summary of my proposed model. Once elected, the independent mandated authority would be a 'stand alone' entity charged with providing administrative support to, and management of, the negotiation and settlement process.

3.1.6 Funding to enable its operation will be provided directly to the entity by the Crown. It will be the vehicle through which advice, support and critical infrastructure is provided over the period of negotiations.

## **3.2 Transition Plan**

3.2.1 To ensure a seamless transition from the current Tuhoronuku structure through to the establishment of a new independent mandated authority it is important that both the Runanga and Kotahitanga are engaged in this process. To this end, I propose to:

- Facilitate a consultative information road show, involving Runanga and Te Kotahitanga leaders, to be taken around the regions; and
- Explain and promote the role of the new Mandated Authority and the election process.

3.2.2 I am prepared to oversee a joint project team made up of Te Runanga and Kotahitanga technical advisers to:

- Identify key tasks and priorities - tribal register, elections, establishing the new structure including for example: legal entity and financial arrangements;
- Develop a timeline and forecasted budget;
- Work to a detailed implementation plan;
- Launch a comprehensive communication and information multi-media campaign.

### **3.3 Tribal Register**

- 3.3.1 The election of the independent mandated authority will require a new registration drive to encourage Ngapuhi to nominate a principal 'rohe potae.'
- 3.3.2 A key task will be the continued development of the tribal register, which will need to be rebuilt 'from the ground up'.
- 3.3.3 The tribal register is the repository of Ngapuhi whakapapa and whanaungatanga. It also provides the means by which the tribal administration engages with its members through communications and consultation, keeping tribal members abreast of progress and key decisions.

### **3.4 Governance Roles and Responsibilities**

- 3.4.1 The 25 elected members, five from each region will make up the governance board of the mandated authority and will be responsible for setting the overall negotiation and settlement strategy, developed into set financial and work plans to be carried out by operational staff.
- 3.4.2 The first meeting of the mandated authority will include an orientation briefing outlining its terms of reference, policies such as conflict of interest and confidentiality procedures and legal and financial obligations.
- 3.4.3 The mandated authority will appoint a chairperson and deputy chairperson.
- 3.4.4 The chairperson will chair all meetings in accordance with generally accepted meeting procedure.
- 3.4.5 In the absence of the chair, the deputy chairperson will carry out this role.
- 3.4.6 The chairperson is the official spokesperson with the media on all matters concerning the mandated authority.
- 3.4.7 All members should be committed to achieving consensus decision making. If this is not possible a majority decision takes effect.

3.4.8 Voting on a resolution – one vote per member.

3.4.9 Mandated authority members will be bound by the decisions of the authority.

Where a member does not consent to a decision, he or she must signal their dissent to the chair, giving the chair an opportunity to address the members concerns before voting. The dissenting vote is recorded in the minutes. Dissenting members must abide by the majority decision. Resignation may be an option.

3.4.10 Meeting absence does not relieve a member of responsibility for the authority's decision.

3.4.11 The mandated authority will appoint a manager, who will be responsible for executing its approved strategy and to carry out the day to day operation of the authority.

3.4.12 The relationship between the chairperson and the operational manager is critical, with each having a clear understanding of their respective roles.

### **3.5 Operational Roles and Responsibilities**

3.5.1 Management must understand and support the mandated authority's strategy and have the skills and resources to implement it.

3.5.2 The manager will assess the operational needs of the organization and appoint a team of staff to execute the mandated authority's approved strategy through a comprehensive work plan with clearly defined milestones and targets.

3.5.3 The manager will be responsible for overseeing, managing and monitoring the financial performance of the organisation.

3.5.4 The manager will also be responsible for maintaining and managing all key stakeholder relationships.

3.5.5 Risk management practices, internal controls and performance indicators will be put in place to manage and monitor the teams progress towards achieving its work plan objectives.

3.5.6 The management team will:

- Provide administrative support and progress/update reports to the mandated authority;
- Work closely with the negotiation team to provide administrative support and technical advice as well as collating and developing briefing papers;
- Liaise with OTS and other local and central government agencies;
- Work with and support Waitangi Tribunal officials and staff to co-ordinate hearings in each of the regions;
- Work with individual hapu and claimants to develop their negotiation and settlement strategies;
- Work with all key stakeholders to ensure a co-ordinated and united approach to the negotiation and settlement process is maintained;
- Work with hapu and claimant groups to co-ordinate a regional wide approach;
- Engage and co-ordinate specialist advice and services including for example: research, legal, economic, environmental services;
- Implement a comprehensive communication strategy to ensure hapu, claimants and tribal members are fully informed and engaged in the negotiation and settlement process.

## 4. Rohe Potae Representation Framework

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### 4.1 Context

- 4.1.1 Political structures and processes must give expression to long-term tribal goals and aspirations and in the case of Ngapuhi the system must recognise that there is not one centre of influence, there are five.
- 4.1.2 The five natural hapu groupings are principally defined by hapu and whakapapa, rather than distinct 'territories'. The structure proposed in this report, with its emphasis on people, rather than places reduces the risk of territorial issues derailing negotiations – they are in effect, 'internalised.'
- 4.1.3 I believe a structure based on these groupings will ultimately enable claims to be 'aggregated' and hapu considerations balanced with the interests of the wider Iwi.
- 4.1.4 Size matters in a post-settlement world and regional groupings will enable them to be the drivers of economic opportunity.
- 4.1.5 The new framework must also recognise that a large proportion of Ngapuhi live outside their historical rohe and give them a voice in deciding future directions.

### 4.2 Rohe Potae Nominations

- 4.2.1 It is important that this voice come from within the five natural hapu groupings. In the new representation framework five members will be elected from each region to the independent mandated authority, each of whom bring the interests of key constituent groups to the authority.
- 4.2.2 As the 'rohe potae' regional structure is based in Ngapuhi history, it provides credibility, integrity and legitimacy to this proposed representation model.

- i. Hokianga,

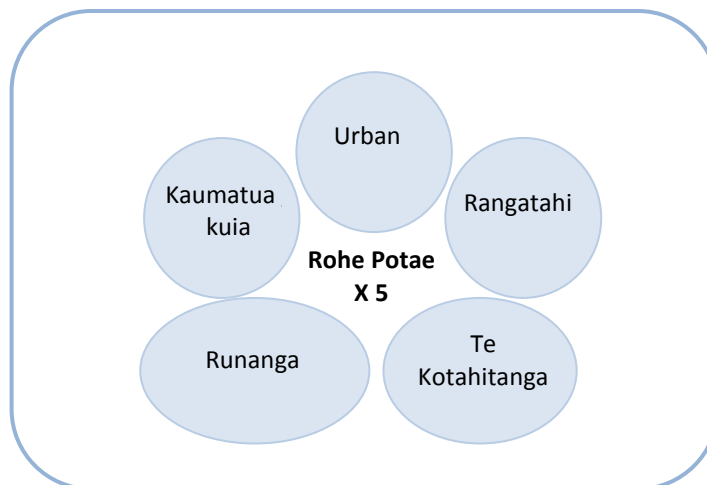
- ii. Waimate-Taiamai ki Kaikohe
- iii. Whangaroa,
- iv. Nga hapu of te Takutai Moana
- v. Whangarei ki Mangakahia.

4.2.3 Candidates must stand in one of these “rohe potae” areas. Of the five members elected from each rohe potae region, at least three of those members must live within the rohe.

4.2.4 Demographics show that 60% of Ngapuhi live in Auckland compared to 13% living in Northland. For this reason, I propose that five of the 25 positions on the new mandated authority (one from each rohe potae) are created specifically to represent the significant presence of *urban* Ngapuhi.

4.2.5 In addition two further candidates from within each rohe potae will be chosen through nominee processes run by the *Runanga* and by *Te Kotahitanga* respectively.

4.2.6 The remaining two rohe potae positions would be elected from nominations received by *kaumatua / kuia*, and *rangatahi* respectively. Demographics show that 70% of Ngapuhi today are under the age of 35 years and it is critical to the future prosperity of Ngapuhi that its rangatahi step up to play their role in the structures that will set the basis for taking Ngapuhi through into its future.



4.2.7 All candidates must whakapapa to the rohe potae in which they are standing, and in the case of kaumatua / kuia and rangatahi in particular, must also be resident in that rohe.

4.2.8 All candidates must comply with set eligibility criteria as set out below including police vetting checks. Elections would take place through a combination of postal and electronic voting.

### **4.3 Eligibility Criteria**

4.3.1 Candidates seeking nomination onto the new mandated authority would have to comply with the following criteria and may not stand for more than one position in any one Rohe. Candidates must:

- Be 18 years or over. Those standing for a Rangatahi seat must be under the age of 35 and Kuia/Kaumatumā nominees must be over the age of 55;
- Be of Ngāpuhi descent and whakapapa to the rohe they are standing for. This must be verified by hapu or Marae kuia/kaumatua;
- Consent to a police vetting check;
- Be registered on their rohe potae electoral roll (a comprehensive communication campaign will be launched to register as many tribal members as possible on their rohe potae electoral roll before the election period);
- Rangatahi, Kuia/Kaumatumā and Urban candidates must agree to attend a “meet the candidates hui” in the rohe potae area they are standing for (date and hui details will be clearly stated in the nomination information pack);
- Not be an undischarged bankrupt and not be employed by Te Runanga a Iwi o Ngāpuhi;
- Not have a conviction for a serious criminal offence, including domestic violence, child abuse or fraud;

#### **4.4 Nomination Process for the Three Contestable Seats**

- 4.4.1 The closing date for the *Urban, Kuia / Kaumatua* and *Rangatahi* nominations will be widely advertised together with election information.
- 4.4.2 All candidates must complete a nomination form and provide a photo and CV.
- 4.4.3 Agreement to attend a meet the candidates hui.
- 4.4.4 Consent to a police vetting check.
- 4.4.5 Signed verification by a hapu representative or senior kuia/kaumatua confirming the candidate's Ngapuhi descent and whakapapa to the "rohe potae" area they are standing in.
- 4.4.6 Confirming that they meet the good character eligibility criteria with no convictions for dishonesty, domestic violence/abuse or serious crime.

#### **4.5 Nomination Process for the Two Dedicated Seats**

- 4.5.1 Nominations for the *Runanga* and *Kotahitanga* positions within each rohe potae will be carried out in accordance with their respective election procedures.
- 4.5.2 They must consent to a police vetting check.
- 4.5.3 They must confirm that they meet the good character eligibility criteria with no convictions for dishonesty, domestic violence/abuse or serious crime.

#### **4.6 Skills and Competencies**

- 4.6.1 It is important to have a broad mix of skills and experience on the mandated authority. In general the following key competencies will provide balance and depth to the authority's decision making processes:
  - To think strategically and have the ability to articulate opinions clearly and logically

- To be open minded and solutions focused;
- To act in good faith with honesty and integrity;
- To have governance knowledge and experience and a keen sense of social justice
- To work effectively as a team member to achieve a collective outcome;
- To set high personal, professional and ethical standards.

## **5. MANDATED AUTHORITY ELECTION PROCESS**

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### **5.1 Independent Election Administrators**

5.1.1 The election process will be administered and monitored by an independent party.

### **5.2 Ngapuhi Tribal Register**

5.2.1 One of the most pressing needs for Ngapuhi is the creation of a comprehensive tribal register. The database currently held by the Runanga is the focus of some concern. There are issues around its accuracy (more than a quarter of voting packs were returned 'gone-no-address' during the 2011 mandating elections). Furthermore, it only comprises 40% of the voting age population of Ngapuhi.

5.2.2 The proposed new electoral system is an opportunity to address these issues through the development of a new database, which will form the backbone of a new tribal register.

5.2.3 Developing the register and maintaining its accuracy will be a key priority for the tribe moving forward.

5.2.4 The tribal register will be held centrally to enable Iwi-wide communications to be undertaken and for the purposes of consultation. As part of the registration process, tribal members would be required to identify their 'principal' rohe potae area based on natural groupings of hapu.

5.2.5 The rohe potae regional entities will be able to access and utilise the tribal register/database for their own purposes, update information and manage ongoing registration and tribal initiatives. In essence it will be 'one register-five databases'.

5.2.6 Registration will continue to be a fundamental criteria governing eligibility for grants and other assistance.

- 5.2.7 Appropriate privacy and security protocols, including opt-in/opt-out provisions will be in place and all staff accessing the database will be made aware of their privacy and security responsibilities and obligations.
- 5.2.8 On validation of the registration form the tribal member will be assigned a unique registration number
- 5.2.9 An improvement over past practice will be enabling online registration. There will still be a need for the certification page to be submitted in hard copy form, but for all intents and purposes a single online process will be available. This will improve accessibility and help remove impediments to participation. Downloading and posting registration forms in hardcopy form will still be possible.
- 5.2.10 The registration form would collect the following information:
- Name;
  - Age;
  - Gender;
  - Date of Birth;
  - Nominated Rohe potae (an included table will list each hapu and Marae under each rohe, to help make this process simple and clear);
  - Principal hapu (required);
  - Other hapu (optional);
  - Other Iwi affiliations (if applicable);
  - Current address (Physical and postal);
  - Email and mobile numbers;
  - Current Occupation (in sector categories);
  - Highest educational achievement.

### **5.3 Election Process for the Three Contestable Seats**

- 5.3.1 Candidates will attend 'meet the candidates hui' in the rohe potae region they are standing in.
- 5.3.2 The election process to select candidates will be carried out through postal and electronic voting.

### **5.4 Election Process for the Two Dedicated Seats**

- 5.4.1 The election process for the Runanga and Kotahitanga seats will be carried out in accordance with their respective election procedures.

### **5.5 Voting Process for the Three Contestable Seats**

- 5.5.1 Voters must identify their "principal" rohe potae and can only cast a vote for candidates standing for that specific rohe potae.
- 5.5.2 This process will be carried out through postal and electronic voting
- 5.5.3 Ballot votes are counted. Successful candidates advised and results published. A sample ballot paper is outlined in **Appendix Four**.

### **5.6 Voting Process for the Two Dedicated Seats**

- 5.6.1 The voting process for the Runanga and Kotahitanga seats will be carried out in accordance with their respective election procedures

### **5.7 Replacement Process**

- 5.7.1 Where a Rohe Potae member resigns or dies during their term of membership the next highest polling candidate from the category they were standing for shall replace them. If this is not practicable the Chair (in consultation with the rohe potae delegates) shall have the authority to co-opt a suitable person (compliant with eligibility criteria) to this position.

## **6. NEGOTIATION FRAMEWORK**

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### **6.1 The Role of the Independent Mandated Authority**

- 6.1.1 The mandated authority will appoint, through an Electoral College process, a negotiation team of no less than three and no more than five people.
- 6.1.2 Mandated authority members may apply for a negotiators position but if appointed, they must stand down from the authority.
- 6.1.3 The negotiation team will be accountable to the mandated authority.
- 6.1.4 Negotiation team recommendations must be agreed and signed off by the mandated authority before they report back to hapu and claimants.
- 6.1.5 Waitangi Tribunal recommendations will be collated and incorporated into the negotiation and settlement strategy.
- 6.1.6 Support for the final settlement package will be voted on by all registered Ngapuhi tribal members through a postal ballot.

### **6.2 The Role of Hapu and Claimants**

- 6.2.1 Hapu and claimants will appoint a regional representative for each of the five regions who will work collaboratively with the claims team and negotiators on a case by case basis, as and when required.
- 6.2.2 The negotiation team will meet on a regular basis with hapu and claimants.
- 6.2.3 The negotiation team will also hold meetings in the regions as well as region wide.

6.2.4 Hapu/claimant briefing papers will be included in the claims team monthly progress reports to the negotiation team.

### **6.3 The Role of the Negotiation Team**

6.3.1 The role of the negotiation team will be to achieve the best settlement outcome possible for Ngapuhi.

6.3.2 The negotiation team will provide regular reports to the mandated authority.

6.3.3 The negotiation team will negotiate directly with the Crown negotiator and Minister of Treaty Settlements only.

6.3.4 All discussions with government and OTS officials will be co-ordinated and led by the claims team. These meetings may include contracted specialists and regional hapu/claimant representatives as and when required.

### **6.4 Dispute Resolution Process**

6.4.1 All reasonable steps should be taken to resolve any disputes that may arise in connection with the negotiation and settlement process.

6.4.2 Disputes that cannot be resolved will be referred to the mandated authority for its consideration.

6.4.3 The mandated authority will determine whether the dispute requires further action.

6.4.4 If unresolved, the matter will be referred to an independent mediator.

## 7. WAITANGI TRIBUNAL HEARINGS

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### 7.1 Background

- 7.1.1 In 2010 and early 2011, more than 20 witnesses presented evidence to the Waitangi Tribunal over a period of five weeks in the first of what could become more than 30 weeks of hearings across its Te Paparahi o Te Raki (WAI 1040) inquiry. As they await the Tribunal's report on Stage One concerning the signing of the Declaration of Independence of 1835 and the Treaty of Waitangi, the claimants' focus has now shifted to the second stage of this inquiry scheduled to commence in early 2013.
- 7.1.2 The Crown has indicated its strong preference to settle all Ngapuhi historical grievances through a single settlement, and one which effectively addresses the shared interests of all Ngapuhi hapu. Te Runanga a iwi o Ngapuhi supports this view and is committed to moving into direct negotiations as soon as practicable.
- 7.1.3 For Te Kotahitanga o Nga Hapu Ngapuhi however, the imperatives in favour of participating in the Tribunal's inquiry are equally significant. The process involved in completing a district inquiry is lengthy, but for the claimants involved it is deeply felt on a number of levels. A Tribunal inquiry is seen as not only providing a means of informing proposed historical Treaty settlement negotiations, but it will also result in an accurate and impartial account of the history of their tupuna and their interactions with the Crown in the later 19th and early 20th centuries.
- 7.1.4 It is clear that all of the parties involved, including Tuhoronuku, Kotahitanga and other claimants, as well as the Crown, are committed to achieving a sustainable outcome. It is hoped that an approach which provides the people of Ngapuhi with both an opportunity to see their histories recorded as a contribution to new beginnings, and one which enables the early commencement of formal processes to redressing these histories, will earn the support of all parties, including that of the Crown.

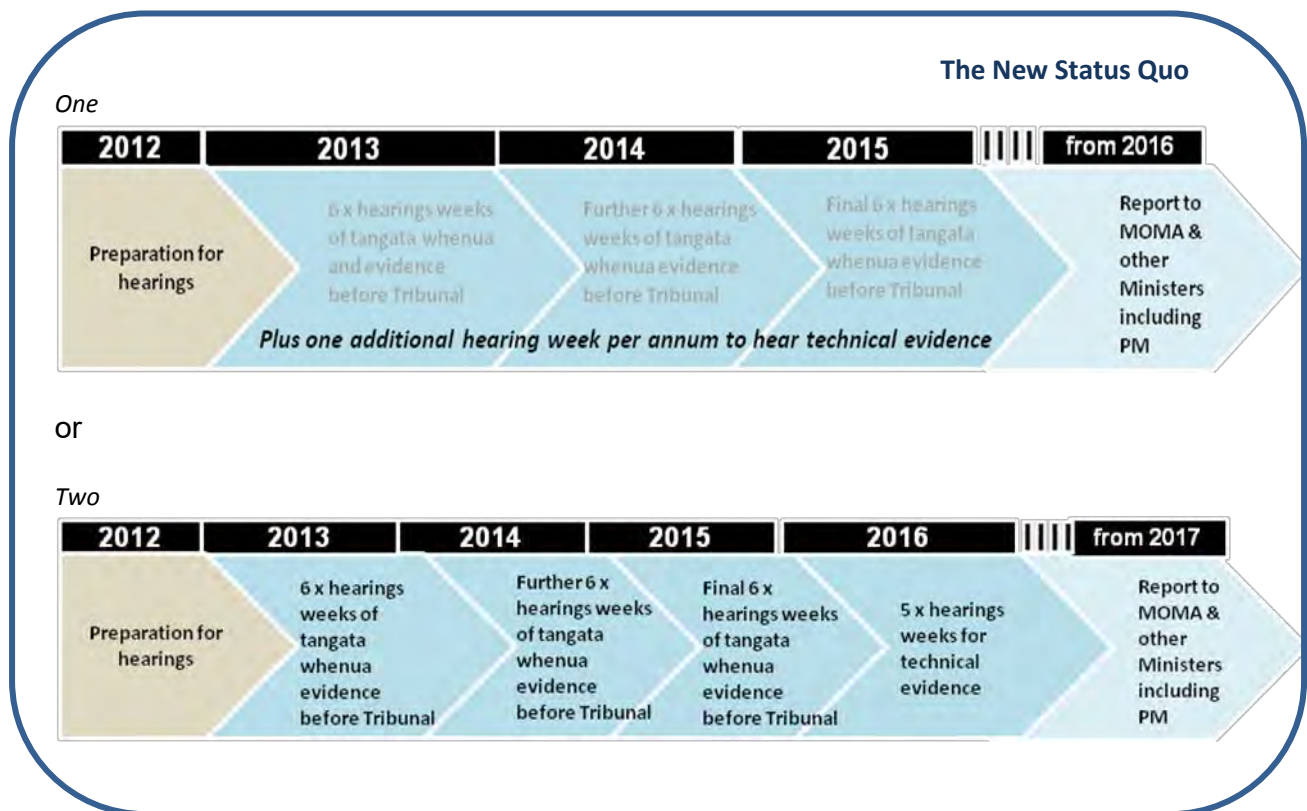
- 7.1.5 My original proposal sought to establish a Special Hearings Commission under the auspices of the Waitangi Tribunal. This contemplated natural hapu groupings potentially clustered into five regions making submissions to a Commission made up of eminent persons over (say) a six week period commencing 2013.
- 7.1.6 At the conclusion of these hearings, the Commission was to present a series of high level recommendations directly to the Minister of Treaty of Waitangi Negotiations which in turn would have informed future Treaty settlement negotiations between Ngapuhi and the Crown.
- 7.1.7 Following feedback from both parties and from Crown officials I amended my earlier proposals to advance a series of options which, if these were to be further developed, I believe have the potential to satisfy the imperatives of all of the parties involved. These include not only the imperatives of the respective groups within Ngapuhi, but also those of the Tribunal and the Crown, each of which is constrained not only by its own policy and regulatory imperatives, but also by its need to ensure the solutions arrived at for the people of Ngapuhi are fair, durable and meet the needs of the greatest number of participants.
- 7.1.8 In terms of the Waitangi Tribunal, the Treaty of Waitangi Act 1975 requires that the Tribunal must inquire into every claim submitted to it that is eligible to be heard. Until or unless the claimants concerned give notice that they wish to withdraw their claim, or the Tribunal's jurisdiction is otherwise removed by the introduction of legislation to settle these same claims, the Tribunal is obliged to hear and report upon them. The Presiding Officer of the WAI 1040 inquiry has confirmed the Tribunal's willingness to receive innovative suggestions that might assist to progress this inquiry.
- 7.1.9 To this end, and in response to claimant concerns, the Tribunal issued directions in early August 2012 confirming its agreement to bring forward its hearings into tangata whenua evidence. These had been expected to occur following the technical and generic hearings originally scheduled to take place 2013.

## 7.2 The 'New' Status Quo

- 7.2.1 The Tribunal's revised approach, which I have referred to as the "new status quo", is reflected in the diagrams below. Claimants were invited to make submissions as to possible approaches to the hearings, including both a detailed and a long-term proposed hearing plan.
- 7.2.2 I am aware of suggestions on the part of some of the parties that the Tribunal agree to hold the full 21 weeks of proposed hearings in 2013. Although at the time of writing, the Tribunal has yet to issue directions on this question, I understand that the scheduling of this number of hearings in a single calendar year would place a considerable strain on the Tribunal.
- 7.2.3 I have seen directions from the Chairperson of the Waitangi Tribunal, Chief Judge Wilson Isaac noting that there is a delicate balancing act involved in the timetabling of hearings, including the availability of Presiding Officers, Tribunal members and Tribunal Unit staff and that these constraints can not readily be addressed by the simple addition of more resources.
- 7.2.4 In addition, I believe that the members of this particular Tribunal panel would find the demands of being away from their homes for a full five months of the year particularly taxing, as would the staff, many of whom I understand are assigned to more than one significant Tribunal inquiry.
- 7.2.5 For this reason, and despite what I understand may be the preference of some claimants, I expect that the new status quo would more likely be given effect in one or other of the following ways:
- one* an agreed number of hearing weeks of tangata whenua evidence and a further week to hear technical and generic evidence up to a total of (say) 21 weeks of hearings over an estimated three years; or

two a combination of local and tangata whenua, as well as technical and generic across each scheduled week of hearings up to a total of (say) 21 weeks of hearings over an estimated three years.

7.2.6 These options are set out in the following diagram.



### 7.3 My Thoughts on the New Status Quo

7.3.1 At this time, and in the absence of any commitment to the contrary from the Tribunal, I am not confident that the approach proposed under the new status quo would result in hearings in the WAI 1040 inquiry being completed before 2015 at the earliest.

- 7.3.2 Should the Tribunal agree, however, to release an interim report including its findings in respect of the tangata whenua and local evidence, this could potentially see the claimants receiving an account of these hearings by early 2016. Although it is possible that this could still inform aspects of historical Treaty settlement negotiations, there is a risk that under this scenario, the full value of the Tribunal's report may not be realised.
- 7.3.3 I am mindful also that in their present form, the proposed Tribunal hearings are going to be costly for all of the parties involved. It has been reported that the cost of legal aid for the five weeks of Stage One hearings in 2010-2011 exceeded several million dollars and this is expected to increase considerably over the course of the Stage Two inquiry. The costs to the Tribunal of convening this number of hearings, to the Crown and to the claimants appearing before the Tribunal are also likely to increase significantly should hearings take place over an estimated four year period as opposed to the 12 months experienced under Stage One.
- 7.3.4 On balance, and assuming a degree of unity can be achieved among the various claimant parties; the Crown's support is forthcoming; and the Tribunal, which ultimately makes the decision, is in agreement, I am confident that an amalgam of the various alternative options I have been exploring have the potential to better meet the requirements of all of the players involved.

## **7.4 Alternative Options**

- 7.4.1 The options described below have been developed both in response to the feedback from my earlier hui within Ngapuhi, and further to what I understand was the Tribunal's invitation to the parties involved to present it with innovative suggestions for progressing this inquiry.

7.4.2 These options were discussed in some detail at a hui I convened in Auckland in late August 2012, attended by claimant lawyers along with some of their clients. I invited officials from the Office of Treaty Settlements to attend, and the Crown's own lawyer, Mr Irwin joined the discussions by telephone for part of the hui.

7.4.3 The first of these options examined ways in which the evidence to be heard by the Tribunal, could be presented within a shorter timeframe to enable the tangata whenua components of these hearings to be concluded and reported upon in advance of proposed Treaty settlement negotiations.



7.4.4 This option as set out in the diagram above, looks at a modified Tribunal process with claimants agreeing to a reduced hearings schedule from the original 21 to (say) six weeks of tangata whenua evidence throughout 2013.

7.4.5 If the Tribunal was to agree to release an interim report at the end of these hearings, and this was to be produced under the framework currently being applied to the preparation of urgent reports, this could in turn be relied upon to inform Treaty settlement negotiations commencing in 2014.

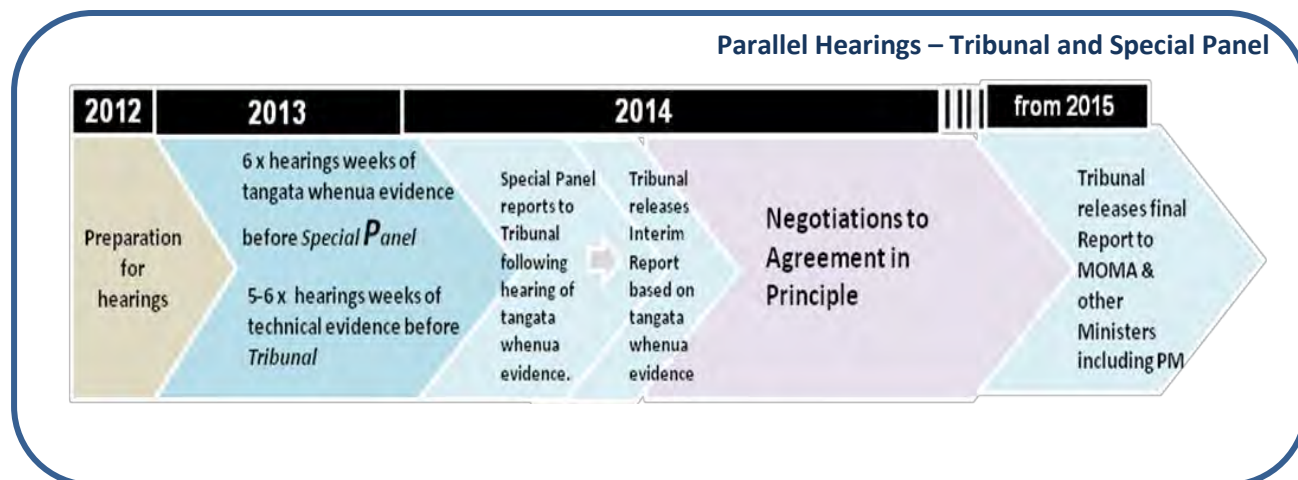
7.4.6 Subsequent hearings of generic and technical evidence involving mainly professional witnesses could subsequently take place at the same time, potentially, as the proposed Treaty settlement negotiations towards an

Agreement in Principal. While these are underway, the Tribunal could continue to complete hearings, and work towards producing its final report.

- 7.4.7 The success of this approach would rely on a number of factors, including:
- a. agreement by the Tribunal to release an interim report following the conclusion of tangata whenua evidence;
  - b. agreement from claimants to a reduced number of hearings with a focus on representative evidence among regional hapu groupings;
  - c. collaboration among claimants to develop an effective timetable that sees key tangata whenua witnesses ready to appear before the Tribunal throughout 2013; and
  - d. agreement from the Crown to support a reduced hearings timetable.

7.4.8 In respect of (d) above, I understand, the Crown has previously indicated it remains open to supporting any approach that meets both the needs of the people of Ngapuhi as well those of the Tribunal, on which the decision to proceed with and the overall success of this model would rest.

7.4.9 The next option, and this is one that I had originally favoured, looks at the possibility of holding what I have called parallel hearings. This could have seen the Tribunal meeting to hear technical and generic evidence, with a special panel appointed specifically to sit throughout the rohe of Ngapuhi to hear tangata whenua evidence and report directly on this.



7.4.10 This option outlined above, relies upon provisions in the Treaty of Waitangi Act 1975 which could see the Waitangi Tribunal agreeing to a request from the parties to refer their claims to a panel appointed to mediate a settlement under the Act.

7.4.11 The panel could meet with kaumatua and kuia representatives of regional hapu groupings, as well as other interested parties over, say, a 12 month period to receive their evidence, including advice on what might be appropriate to settle their claims. It would then report to the Tribunal on the outcome of its process, following which the Tribunal could agree to release an interim report.

7.4.12 At the same time as the panel is hearing traditional evidence, the Tribunal could agree to progress its own hearings of technical and generic evidence. Although this option could see a possible 12 scheduled hearing weeks through 2013, the workload implications for the Tribunal in particular would be reduced with the appointed panel having responsibility for at least half of these.

7.4.13 Again the success of this approach would have relied on a number of factors, including:

- a. agreement by the Tribunal to:

- i. refer the claims of traditional witnesses to a mediation panel specially appointed to hear these and to report back to the Tribunal by early 2014 on its findings and its recommendations to settle these claims;
  - ii. continue to hold hearings of technical and generic evidence through 2013 as contemplated before the Tribunal issued its Memorandum Directions on 2 August 2011;
- b. agreement of the Crown to fund the special hearings / mediation component of this approach, including the preparation of the proposed panel's report;
- c. agreement from claimants to a reduced number of hearings and a focus on representative evidence presented to the special panel by regional hapu groupings;
- d. collaboration among claimants to develop an effective timetable that sees key tangata whenua witnesses ready to appear before the special panel throughout 2013; and
- e. agreement from the Tribunal to release an interim report based upon the special panel's recommendations in early 2014, in advance of its more comprehensive final report at a later date.

## **7.5 My Thoughts on the Two Alternative Options**

- 7.5.1 My discussions with claimant lawyers in Auckland, and I emphasise that these were entirely without prejudice for all parties, provided a lot of fruitful and constructive dialogue, including how the options set out above might work.
- 7.5.2 I believe it is fair to say that the general consensus at our hui, was that the first of these, the modified Tribunal process, did not really provide much advantage for the claimants, in the face of what they would otherwise be giving up – which is the full 21 weeks of evidence hearings. The parallel option on the other hand generated a great deal of discussion, including: what this could look like; what would be required to make it work; and, what would need to come out of the end of it, to satisfy claimants expectations of a Tribunal process.
- 7.5.3 I am told the Crown is prepared to confirm its support for either of the two options I have described above to the Tribunal as an alternative to a more costly and protracted district inquiry process, if the claimants determine this is their preferred approach. I understand also that the second of these - the parallel process - also allows for additional funding support to be made available to support the hearings process, and that the Crown, through its agencies, could agree to cover the costs of the mediation hearings as well as the preparation of the proposed mediation panel's report on these.
- 7.5.4 Despite my initial thoughts that the proposed parallel process afforded the best opportunity to complete hearings within a 12 month period, I believe a further development of this model, informed largely by the feedback from my hui in late August might present an even better option if the Tribunal and claimants were to agree to it.
- 7.5.5 I must emphasise again that it is ultimately for the Tribunal, and the Presiding Judge in particular, to decide whether this approach has merit or not, and whether they would be prepared to support it. However I point to directions this Tribunal has issued in the past which note that:

“it is obviously difficult to make significant changes to how things are to progress, but sometimes modifications are necessary [and] if there is merit in a suggestion or proposal, then [the] Tribunal must certainly give it consideration”. (WAI 1040, #2.5.104)

7.5.6 I believe this is the time for modifications, and that if the parties involved can agree on a better approach going forward, they must do so and the Tribunal in turn has undertaken to give this real consideration.

## **7.6 My Recommendations**

7.6.1 I have come to appreciate during my time among Ngapuhi Kowhaorau that the historical experiences of the hapu of Ngapuhi are unique to their respective regional groupings. Any attempt to present these as a generic ‘grand narrative’ of experiences shared equally among all of the people of Ngapuhi is unlikely to reflect the distinctive historical characteristics of each of the Ngapuhi regions and will be misleading and inaccurate.

7.6.2 Accordingly my proposal, and this is based on a suggestion made by the lawyers when we met, is that the Tribunal consider appointing not one but five separate panels of eminent specialists to meet with the hapu of Ngapuhi in their respective regional groupings over one to two weeks each, to hear a firsthand account of the tangata whenua evidence. I recommend that the korero of these witnesses be supported in part by some of the various professional witnesses and specialists who have already prepared a vast number of technical reports to inform this inquiry and who will be appearing before the Tribunal at a later stage.

7.6.3 Where appropriate, the five panels who would be supported by teams of writers and historians, would also hear from the Crown on these matters.

7.6.4 Although it is apparent that the various events of the 19th and 20th centuries had significantly different implications for different hapu within Ngapuhi, to ensure some form of consistency in terms of the eventual reporting of these proceedings, I recommend the panels focus on a series of key themes (those identified in the Tribunal's draft Statement of issues provide a good starting point), around which witnesses could present their evidence.

7.6.5 These could include for example a detailed regional exploration of:

- a. Old land claims;
- b. Crown purchases to 1865;
- c. The Native Land Laws and Crown Purchasing;
- d. 20th century land administration;
- e. The cultural and social impacts on the hapu of Ngapuhi as a result of these interactions.

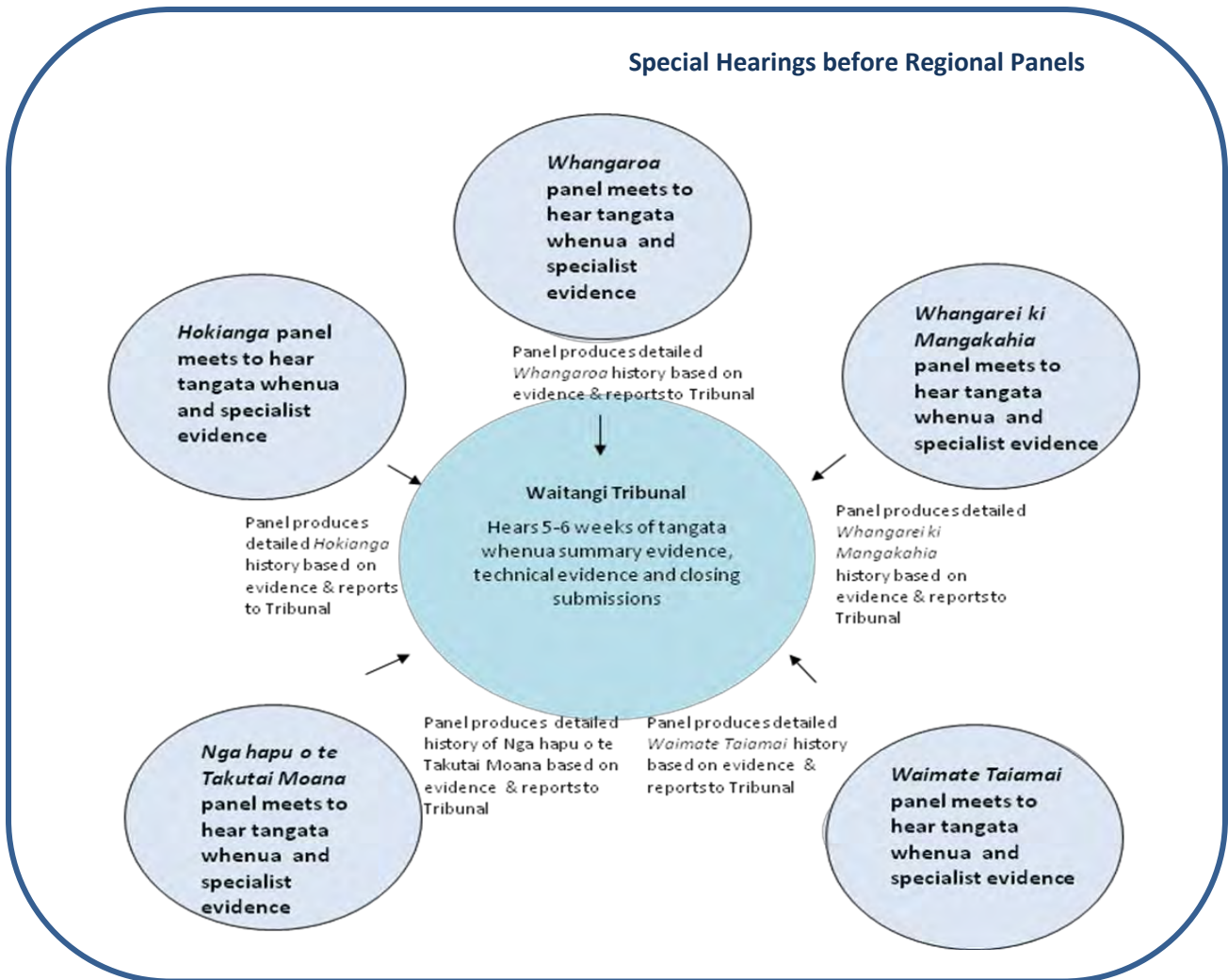
7.6.6 The lawyers could work with their clients to assist them in preparing their briefs of evidence along the lines of these themes, and the technical witnesses could then extract relevant supporting information from their current research reports to support these witnesses.

7.6.7 Obviously the balance of these hearings would be focused on the evidence of the tangata whenua witnesses. I see these however being complemented by contributions from the professional witnesses with responses from the Crown interwoven into the proceedings as appropriate, including where these might arise, any specific localised concessions the Crown might make in the context of the evidence being presented.

7.6.8 At the conclusion of each of these regional hearings, the panel - supported by its team of writers and historians - would produce a record of the proceedings including a detailed history of the region as presented by the tangata whenua witnesses and corroborated by the professionals. These hearings and the key

elements from the resulting regional narratives could potentially be used as the basis for developing a draft historical account for inclusion in a future deed of settlement between the Crown and the people of Ngapuhi.

7.6.9 As the special panels complete their regional hearings towards late 2013, the Tribunal in turn could proceed to hold its proposed 5-6 weeks of technical and generic hearings on the matters set out in its Statement of Issues. These hearings could be informed by and include a summary of the local and regional evidence presented to the five special panels, including any localised Crown concessions made during the special hearings. Closing submissions from all parties could also be heard during this time.



- 7.6.10 Once closing submissions were heard, in either late 2013, or early 2014, the Tribunal would then retire to prepare its final report. As well as being used to inform Treaty settlement negotiations as these commence in early 2014, the detailed regional histories could be further developed by the hapu of Ngapuhi, if they chose, into a comprehensive publication of the history of their tupuna in their dealings with the Crown through the 19th and 20th centuries.
- 7.6.11 As I noted previously, the special hearings option provides a more immediate possibility of injecting additional resources into the inquiry process. This includes additional members – those of the current properly constituted Tribunal, as well as the members it would appoint to the special panels; and additional funding, with the costs of the special hearings process including the personnel to support this being able to be met directly by the Crown.
- 7.6.12 At this time, I have not sought to provide figures for this purpose, and this is something the Crown would need to examine in detail if all of the parties were committed to this approach. I am confident however that the overall costs to the Crown (both directly and indirectly), and to the claimants of this approach would be considerably less than I understand the parties typically incur participating in a standard Waitangi Tribunal District inquiry, much less one of the scale and proportions that the Ngapuhi inquiry promises to be.
- 7.6.13 I accept Ministers and Crown officials will want to examine the implications of these options for the Crown in more detail before deciding what its support might look like in a practical sense, as will the claimants who would be stepping back from the option of a comprehensive 21plus weeks of Tribunal hearings if they were to support this or any of my proposed options. It is my view however that the people of Ngapuhi cannot afford to wait the five or more years a long term Tribunal inquiry might take before this Iwi's journey towards a Treaty settlement commences. With this in mind it is clear that either of the two alternative options must be preferable.

## 8. POST SETTLEMENT GOVERNANCE ENTITY

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### 8.1 Background

8.1.1 It is important that the communication strategy include a comprehensive consultation process to inform and engage tribal members in the development and ratification of the post settlement governance entity.

8.1.2 This proposal provides two models:

- Option one - based on hapu self determination through the development of five governance regions supported by a central hub for co-ordination and administrative purposes; and
- Option two - based on a re-constituted Te Runanga a Iwi o Ngapuhi structure.

8.1.3 The following section outlines the details of the structural, representation and selection arrangements for each of these proposed options, diagrams of which are also attached at **Appendices Five and Six**.

### 8.2 Option One

8.2.1 Under this option, the same 'rohe potae' structure would underpin the Post-Settlement Governance Entity. The two key principles are:

- i. Regional decision making and self-determination; and
- ii. Centralised administration, policymaking, and support.

8.2.2 There must be checks and balances in the system. And there must be a clear separation between the entity's social and commercial structures.

8.2.3 The advantage of this proposed structure is that it seeks to reinforce hapu cooperation and shared interests.

8.2.4 The development of regional capacity needs to be a gradual evolution and The temptation to duplicate functions between the regional entities must be avoided, particularly during the post-settlement phase.

8.2.5 In the short term there needs to be a central entity that provides the infrastructure and shared services needed to nurture capacity and capability through the regional entities.

8.2.6 A central entity would:

- Negotiate service contracts;
- Lobby central government on Iwi-wide issues;
- Negotiate and or/ratify Memoranda of Understandings with government agencies, local government, corporations etc, along with regional entities;
- Appoint the board of the entity to hold and grow settlement assets; and
- Administer Iwi-wide programmes on behalf of Regional Entities.

### **8.3 Proposed Structure**

- 8.3.1 The proposed structure is in many ways similar to a 'federal' system of representation. Each of the five rohe potae represent 'states' with identified areas of responsibility, with a central post settlement governance entity with clear governance systems providing overall direction and acting as a balance for competing hapu strategies.
- 8.3.2 Five regions of seven representatives each would make up the 35 member parliament.
- 8.3.3 An Executive Board of nine members would be also established. This would include the five regional chairs with a further four members appointed through an electoral college process.
- 8.3.4 The Executive Board must be capable of rising above purely hapu interests and be able to form regional policies that ensure the fruits of any settlement are distributed fairly and for the benefit of all tribal members.

### **8.4 Representation**

- 8.4.1 The representation framework comprises of seven representatives from each rohe potae, with five Hau Kainga members representing rangatahi, kuia/kaumatua and hapu and two ahi kaa mai i tawhiti members representing hapuu and rangatahi.
- 8.4.2 Under this option, the Runanga and the Kotahitanga seats would no longer exist.
- 8.4.3 Nominations, election and voting will be carried out as per the mandated authority process.
- 8.4.4 These members will form the regional governance council in each of the rohe potae areas.

- 8.4.5 They will be responsible for setting up a regional political infrastructure to manage the implementation of any co-governance arrangements over natural resources and historical sites.
- 8.4.6 They will also become the tribal interface for any local and central government accords in their region.
- 8.4.7 A four year term for both the regional and primary entities is preferred. Ngati Porou adopted a four year election cycle for their post settlement entity. Continuity and stability are primary goals. A longer electoral cycle will allow more attention to be paid to long term goals without the regular distraction and disruption of politics.

## **8.5 Appointment of an Executive Board**

- 8.5.1 Chairs from each of the five regions together with four appointed through an electoral college process will make up the nine member executive board.
- 8.5.2 There needs to be a mechanism to counter-balance strong whanau links that are intrinsic to Maori. Strong governance requires the contest for the executive to be about skills and abilities, rather than about whanau ties or popularity contests. Strong, effective and competent leadership from qualified and experienced candidates is the desired outcome.

## **8.6 Option Two**

- 8.6.1 To build on its current role as a Tribal Authority it is reasonable to consider Te Runanga a Iwi o Ngapuhi as a post settlement governance entity option. It is governance capability and presently makes key decisions on behalf of Ngapuhi and represents the tribe on all issues in relation to local and central government.
- 8.6.2 The Runanga has an established track record of managing governance, operational, social and commercial interests. It also operates within a

constitutional and legal framework which ensures compliance and accountability requirements are met.

8.6.3 Elected by the community it represents, the Board is committed to advancing the social, cultural and economic wellbeing of its tribal members.

8.6.4 To be considered as a post settlement governance entity, Te Runanga a Iwi o Ngapuhi would need to develop and ratify a new constitution which meets the legislative requirements of the Deed of Settlement.

## **8.7 Representation**

8.7.1 The PSGE composition of representation membership will include Hapu, Takiwa, Ngapuhi Rohe (Urban) and Kuia/Kaumatua:

### *Hapu Rohe:*

- Nga Hapu o Hokianga;
- Nga Hapu o Te Pewhairangi;
- Nga Hapu o Whangarei Te Terenga Paraoa; and
- Nga Hapu o Waimate ki Kaikohe.

and/or

### *Takiwa Rohe:*

- Te Roopu Takiwa o Mangakahia;
- Te Runanga o Taumarere ki Rakaumangamanga;
- Te Takiwa o Ngapuhi ki Whangarei;
- Taiamai ki te Marangai;
- Te Takiwa o Ngapuhi ki te Tonga o Tamaki Makaurau;

- Te Takiwa Ngapuhi ki Waitemata;
- Ngapuhi ki te Hauauru;
- Ngapuhi Hokianga ki te Raki; and
- Nga Ngaru o Hokianga.

*Ngapuhi Rohe:*

- Ngapuhi ki Te Wai Pounamu;
- Ngapuhi ki Poneke; and
- Ngapuhi ki Australia.

*Kuia and Kaumatua:*

- Kuia and Kaumatua.

## **8.8 Selection and Appointment Process**

### 8.8.1 All nominees must meet and accept the following criteria:

- Must be of Ngapuhi descent and aged 18 years and over;
- Hapu, Urban and Kuia/Kaumatua nominations are not required to be registered with any particular Ngapuhi entity;
- Hapu and Urban nominees must be officially endorsed (verification required) by a minimum of three Marae;
- Kaumatua Kuia nominees will be officially endorsed at a hui of Ngapuhi Kaumatua and Kuia;
- Te Runanga a Iwi o Ngapuhi Takiwa representatives must be a registered member of the Runanga and nominations must be endorsed by the Runanga Board;
- Have proven cultural leadership, commercial experience and skills;

- All candidates must accept their nomination in writing with a Curriculum Vitae attached;
- All candidates will be vetted by police background checks;
- Selection criteria will include the Charities Act 1957 (section16).

## **8.9 Process of Nomination**

8.9.1 Hapu, Urban, Kuia and Kaumatua will convene hui to nominate candidates:

- Candidates can only be nominated for one of either – Hapu, Urban or Kuia / Kaumatua positions;
- These hui will be publicly advertised 14 days in advance of hui taking place;
- The advert will include the purpose of the hui, criteria of selection, date, time and venue;
- Runanga Takiwa representatives will be appointed via the Runanga Board; and
- There is no limit of nominations that may be received for the above positions.

## **8.10 Election Process**

8.10.1 The following criteria will apply:

- Ngapuhi who are 18 years of age and over are eligible to vote;
- Voting shall be open to all Ngapuhi wherever they reside;
- Only one vote per person;
- Voting will be by ballot at a publicly advertised hui or by postal vote;
- The voting process shall be publicly advertised 21 days in advance of voting taking place;
- An independent scrutineer shall oversee the process and officially advise the mandated entity of the voting results.

## **9. TE RUNANGA A IWI O NGAPUHI**

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### **9.1 Post Settlement Governance Options**

- 9.1.1 As a result of the settlement process the role of Te Runanga a Iwi o Ngapuhi will change.
- 9.1.2 Of the two post settlement governance entity options proposed by this report, if option one was to be selected the Runanga's powers and authority would be transferred to the new governance entity. In this instance it is recommended that a change management consultant be contracted to work with the Runanga Board and staff on a transition plan.
- 9.1.3 The Runanga is, through legislation, recognized as a Mandated Iwi Organization for the management of tribal fish assets.
- 9.1.4 It may be that the board could continue this function as a subsidiary of the Ngapuhi Asset Holdings company.
- 9.1.5 Ngapuhi Iwi Social Services could also be established as a separate legal entity.
- 9.1.6 If option two was to be selected, the Runanga in turn would need to make constitutional changes to meet legislative requirements of the Deed of Settlement before becoming the tribal post settlement governance entity.

## 10. COMMUNICATION FRAMEWORK

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### 10.1 Strategy

10.1.1 The Ngapuhi experience is unique. The communications strategy must be too. The tribe's huge population and its demographic profile require a mix of old and new, therefore it will need tactics that recognise this. Also, as is frequently the case, among Maori the messenger can often be as important if not more so, than the message itself. Communications need to cater to a hierarchy of audiences and a broad range of information needs.

10.1.2 For the mandate process itself a significant print, radio and online campaign will be needed. Online communications will be particularly important – while many Ngapuhi no longer have a direct connection to their tribal rohe, they are nevertheless connected; through social media. The key is raising awareness and providing opportunities for engagement and participation in ways that are relevant and informative.

10.1.3 A robust communications strategy will need to include:

- Internal communications;
- Stakeholder engagement;
- Media relations;
- Crisis management;

10.1.4 As the mandating process, and the claims hearings proceed, the need to package and distribute information will also require a significant investment in resources.

10.1.5 The traditional forms of communication, hui and newsletters remain vital to the mix, but leveraging events where Ngapuhi gather will be just as important. Digital communications will be important given the young age profile of Ngapuhi. In a

number of surveys, Maori feature highly among a category referred to as 'early adopters' – meaning they are technologically savvy and heavy users of social media platforms such as YouTube, Facebook, Bebo.

10.1.6 Given inevitable tensions surrounding the negotiation and settlement process, the need to agree a communications strategy to support the process is critical. Communications will also need to include feedback mechanisms and a willingness to engage with audiences.

10.1.7 The diagrams attached at **Appendices Seven and Eight** provide an example of the type of communications framework I believe is required to ensure that the people of Ngapuhi retain confidence in their leadership to take them on their journey to settlement.

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
(to be further developed)

**Whangarei ki Mangakahia**

Hapu	Marae	Whenua	Rohe
Ngāti Horahia, Ngāti Te Rino, Ngāti Toki, Te Kumutu, Ngāti Whakahotu	Parahaki	Nukutawhiti	Whangarei ki Mangakahia
Ngāti Horahia, Ngāti Te Rino, Ngāti Toki, Te Parawhau, Ngāti Hine, Ngāti Moe	Te Aroha	Parakao	Whangarei ki Mangakahia
Ngāti Horahia, Ngāti Te Rino, Ngāti Toki, Te Kumutu, Ngāti Moe	Te Oruoru	Pakōtai	Whangarei ki Mangakahia
Ngāti Horahia, Ngāti Te Rino, Ngāti Moe	Te Tārai o Rāhiri / Nukutawhiti	Nukutawhiti	Whangarei ki Mangakahia
Ngāti Te Rino, Ngāti Rehia	Maungārongo	Porotī	Whangarei ki Mangakahia
Te Parawhau	Korokota	Tītoki	Whangarei ki Mangakahia
Te Parawhau, Te Uriroro	Tangiteroria / Tirarau	Tangiteroria	Whangarei ki Mangakahia
Ngāti Hau, Ngāti Hao	Akerama	Tōwai	Whangarei ki Mangakahia
Ngāti Hau, Ngāti Hine, Ngāti Kahu o Torongare, Te Parawhau	Ngāraratunua	Ngāraratunua	Whangarei ki Mangakahia
Ngāti Hau, Te Parawhau, Ngāti Hao	Pehiaweri	Glenbervie	Whangarei ki Mangakahia
Ngāti Hao, Ngāti Hau	Maraenui	Waihou	Whangarei ki Mangakahia
Ngāti Kairewa		Waihou	Whangarei ki Mangakahia
Ngāti Hau, Ngāti Hao	Te Maruata	Whangarei	Whangarei ki Mangakahia
Te Kapotai	Ōteatao Reti	Punaruuku	Whangarei ki Mangakahia
Te Parawhau, Uri o te Tangata, Uri Puha	Ōtaika	Ōtaika	Whangarei ki Mangakahia
Patuharakeke	Takahiwai	Ruakaka, Whangarei, Te Ikanui	Whangarei ki Mangakahia
Te Waiariki			Whangarei ki Mangakahia
Ngāti Takapari			Whangarei ki Mangakahia

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
 (to be further developed)

<b>Hapu</b>	<b>Marae</b>	<b>Whenua</b>	<b>Rohe</b>
Uri o te Tangata	Ōtangarei	Ōtangarei	Whangarei ki Mangakahia
Uri o te Tangata	Terenga Parāoa	Whangarei	Whangarei ki Mangakahia
	Korokota	Tītoki	Whangarei ki Mangakahia
Ngāti Aka Mau		Mangakahia	Whangarei ki Mangakahia
Ngati Tau Potiki		Mangakahia	Whangarei ki Mangakahia
Ngati Haiti, Ngati Kawau, Ngati Kahuiti		Towai	Whangarei ki Mangakahia
Ngāti Hao, Ngāti Hau	Whakapara	Whakapara	Whangarei ki Mangakahia

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
(to be further developed)

**Ngā Hapū o Waimate Taiamai ki Kaikohe**

<b>Hapu</b>	<b>Marae</b>	<b>WHENUA</b>	<b>Rohe</b>
Ngāi Tu Te Auru	Pukerata	Ōtaua	Waimate Taiamai ki Kaikohe
Ngāi Tawake, Ngati Rangī <sup>1</sup>	Kaingahoa	Mataraua	Waimate Taiamai ki Kaikohe
Ngāi Tawake	Ngāi Tawake	Mataraua	Waimate Taiamai ki Kaikohe
Ngāi Tawake	Te Huehue	Mataraua	Waimate Taiamai ki Kaikohe
Ngāti Mahia	Te Huruhi	Awarua	Waimate Taiamai ki Kaikohe
Ngāti Kura, Te Takoto Ke, Te Uri o Hua	Kohewhata	Kohewhata	Waimate Taiamai ki Kaikohe
Ngāti Mahia	Ururangi	Awarua	Waimate Taiamai ki Kaikohe
Ngāti Moerewa	Te Ringī <sup>2</sup>	Tautoro	Waimate Taiamai ki Kaikohe
Ngāti Moerewa	Te Hungāiti	Tautoro	Waimate Taiamai ki Kaikohe
Ngāti Moerewa, Ngāti Rangī <sup>3</sup>	Te Maata	Tautoro	Waimate Taiamai ki Kaikohe
Ngāti Te Awa		Tautoro, Te Iringa, Kaikohe	Waimate Taiamai ki Kaikohe
Ngāti Moerewa, Ngāti Rangī	Kohewhiti	Punakitere	Waimate Taiamai ki Kaikohe
Ngāti Pare, Te Uri o Hua	Puhi Moana Ariki <sup>4</sup>	Kaikohe	Waimate Taiamai ki Kaikohe
Ngāti Tautahi, Ngāti Ueoneone	ōkorihi	Punakitere	Waimate Taiamai ki Kaikohe
Ngāti Tipa		Punakitere	Waimate Taiamai ki Kaikohe
Ngāti Tautahi	Te Iringa	Te Iringa	Waimate Taiamai ki Kaikohe
Ngāti Hinemutu, Ngāti Tautahi	Parihaka	Te Iringa	Waimate Taiamai ki Kaikohe
Ngāti Whakaeke, Te Uri o Hua, Takoto ke, Ngati Kura	Te Kotahitanga	Kaikohe	Waimate Taiamai ki Kaikohe
Ngāti Hinemutu	Kotuku	Kotuku	Waimate Taiamai ki Kaikohe
Ngāti Hineira, Ngāti Korohue, Te Uri Taniwha	Parawhenua	Ohaeawai	Waimate Taiamai ki Kaikohe
Ngāti Hineira, Te Kapotai, Te Popoto, Te Uri Taniwha	Rawhitiroa	Te Ahuahu	Waimate Taiamai ki Kaikohe
Ngāti Kiri Pakapaka		Te Ahuahu, Parimata, Mokau	Waimate Taiamai ki Kaikohe

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
(to be further developed)

Hapu	Marae	Whenua	Rohe
Te Whiu	Tauwhara	Rangaunu, Waitangi (Te Waimate), Puketi, Puketotara, Omahuta, Pungaere, Manginangina, Wiroa, Mokau	Waimate Taiamai ki Kaikohe
Ngati Matariki / Ngati Matakiri		Te Ahuahu	Waimate Taiamai ki Kaikohe
Ngāti Hineira, Ngāi Ta Wake ki te Tuawhenua, Whanautara, Te Wahineiti	Tauwhara	Te Waimate	Waimate Taiamai ki Kaikohe
Ngāti Rangi <sup>5</sup> , Te Uri Taniwha, Ngāti Kiriahi, Ngāti Mau, Te Uri Hoatau	Ngāwhā	Ohaeawai	Waimate Taiamai ki Kaikohe
Ngati Korohue		Puketapu, Ngawha, Te Matira, Ohaeawai	Waimate Taiamai ki Kaikohe
Ngati Moko / Ngati Mokokihi			Waimate Taiamai ki Kaikohe
Te Ngare Hauata / Ngati Hauata		Tautoro, Ngawhitu, Taiamai	Waimate Taiamai ki Kaikohe
Ngāti Tautahi		Kaikohe, Waimate	Waimate Taiamai ki Kaikohe
Te Orewai, Ngāti Hau	Eparai ma Mapaki	Kaikou	Waimate Taiamai ki Kaikohe

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
 (to be further developed)

**Ngā Hapū o Whangaroa**

<b>Hapū</b>	<b>Marae</b>	<b>Whenua</b>	<b>Rohe</b>
Kai Tangata, Whanau Pani	Tu Tangata	Whangaroa	Whangaroa
Ngati Kura		Matauri	Whangaroa
Kai Tangata, Whanau Pani	Karangahape	Matangirau	Whangaroa
	Waikukupa	Kaeo	Whangaroa
	Whakaari Pukehuia	Whangaroa	Whangaroa
Ngāti Pakahi	Mangaiti	Whangaroa	Whangaroa
Ngāti Ruamahue	Wainui	Wainui	Whangaroa
Ngai Taura (poho)		Wiroa, Motuti, Te Ngaere	Whangaroa
Ngai Tupango	Te Ngaere	Te Ngaere	Whangaroa
Ngāti Pakahi	Tahawai	Whangaroa	Whangaroa
Ngāti Uru, Whanau Pani	Te Huia	Pupuke / Whangaroa	Whangaroa
Ngāti Uru	Te Patunga	Whangaroa	Whangaroa

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
(to be further developed)

## Ngā Hapū o Hokianga

Hapū	Marae	Whenua	Rohe
Ngāti Korokoro, Ngāti Wharara, Te Poukā	Maraeroa	Pākanāe	Hokianga
Ngai Tawake, Ngati Toro, Te Honihoni, Te Popoto	Mataitua	Utakura Rangiahua	Hokianga
Ngai Tawake, Ngati Toro, Ngati Hao	Piki te Aroha	Waihau	Hokianga
Ngai Tawake, Ngati Toro, Te Honihoni, Ngati Hao	Puketawa	Utakura	Hokianga
Ngai Tawake, Ngati Toro, Te Honihoni, Ngati Hao	Tauratumaru	Utakura	Hokianga
Ngai Tawake, Ngati Toro, Te Ngahengahe	Mokonuiarangi	Utakura	Hokianga
Kohatutaka, Te Uri Mahue	Ngapuhi	Mangamuka	Hokianga
Ngai Tawake, Kohatutaka, Te Uri Mahue	Mangataipa	Mangamuka	Hokianga
Ngāti Korokoro, Te Pouka, Te Roroa <sup>6</sup>	Whakamaharatanga	Waimamaku	Hokianga
Ngāti Korokoro, Te Pouka, Ngāti Wharara	Kaiwaha	Waiwhatawhata	Hokianga
Ngāti Korokoro, Te Pouka, Ngāti Wharara	Whakarongotai	Kokohuia, Omapere, Opononi	Hokianga
Ngati Pou		Omapere, Waimamaku, Mangonui	Hokianga
Ngāti Pakau, Te Mahurehure, Ngāti Rauwawe / Rouwawe	Tāhekeroa	Taheke, Moehau	Hokianga
Te Hikutu, Te Whanau Whero, Ngāti Parenga, Ngāti Kerewheti	Matai Aranui	Whirinaki	Hokianga
Te Hikutu, Te Whanau Whero, Ngāti Parenga, Ngāti Kerewheti	Mōria	Whirinaki	Hokianga
Te Hikutu, Te Whanau Whero, Ngāti Parenga, Ngāti Kerewheti	Pā Te Aroha	Whirinaki	Hokianga

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
(to be further developed)

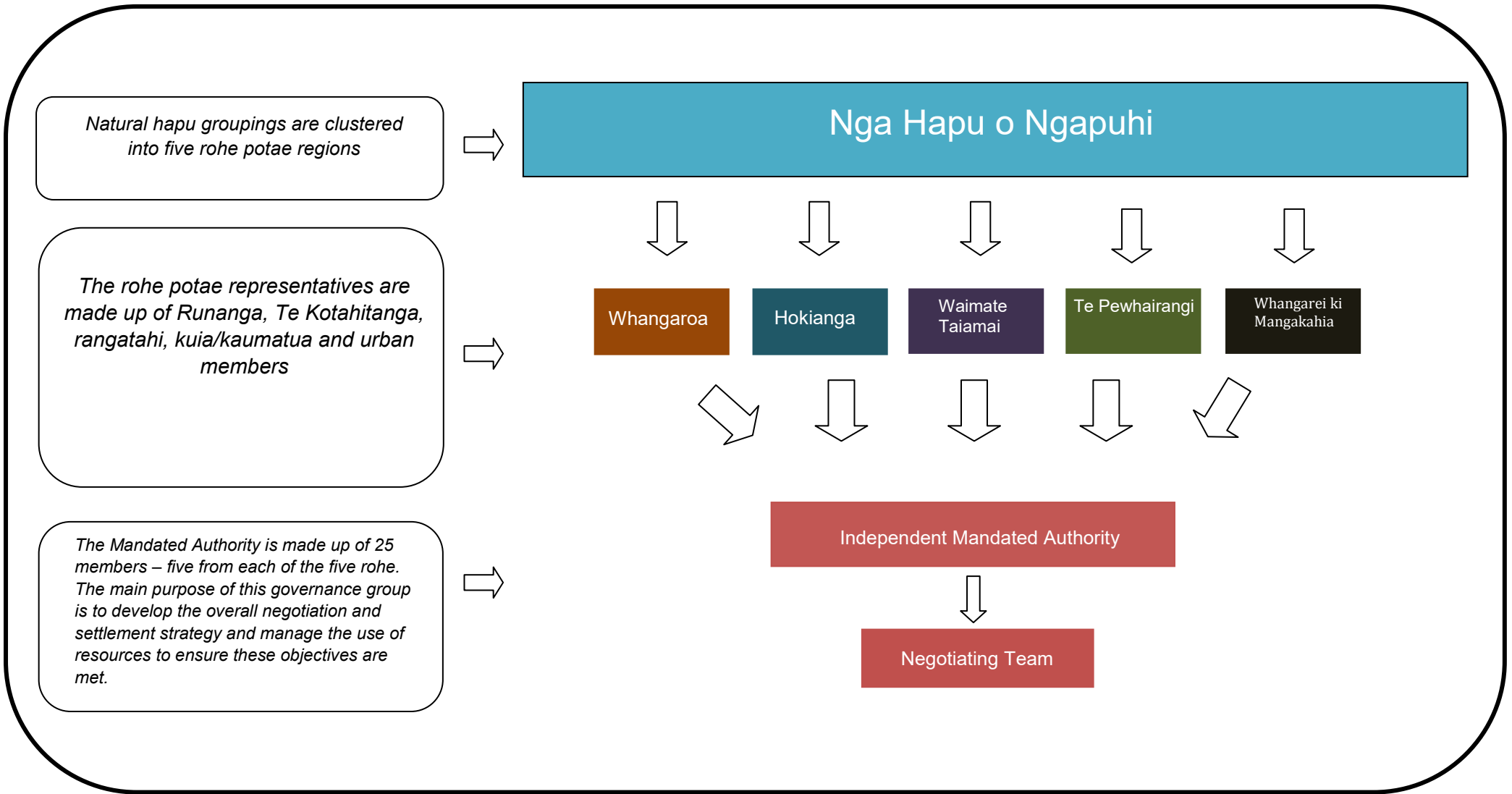
Hapū	Marae	Whenua	Rohe
Ngāti Kaihoro		Waima, Taheke, Punakitere	Hokianga
Te Mahurehure, Kohatu Taka, Ngāti Hurihanga	Moehau	Waima	Hokianga
Te Mahurehure, Te Ngahengahe	Motukiore	Horeke	Hokianga
Te Mahurehure	Otatara	Waima	Hokianga
Te Mahurehure	Tuhirangi	Waima	Hokianga
Te Mahurehure	Te Raukura	Waima	Hokianga
Ngati Kerewheti, Ngāti Te Ra		Waima, Taheke, Otaua	Hokianga
Ngati Tarahape		Waima	Hokianga
Ngāti Ue (Taoroa)		Waima, Punakitere	Hokianga
Te Ngahengahe, Ngāti Toro, Te Popoto	Te Rangatahi	Maraeroa	Hokianga
Ngāti Toro	Motukiore	Horeke	Hokianga
Ngati Here		Oue	Hokianga
Ngāti Hau, Ngāti Kaharau, Ngāti Te Pou	Te Piiti	ōmanaia	Hokianga
Te Mahurehure, Te Ngahengahe	Arohamauroa	Motukiore	Hokianga
Ngāti Pakau, Te Mahurehure	Māhuri	Taheke	Hokianga
Ngati Tu, Te Auru, Ngai Tupoto, Te uri o Te Ahu			Hokianga
Ngati Rangi			Hokianga

## Nga Hapu o te Takutai Moana

Hapū	Marae	Whenua	Rohe
Ngāti Rēhia	Te Whetu Marama	Tākou Bay	Te Pewhairangi
Mata Pungarehu		Puketi	Te Pewhairangi
Ngāti Rahiri, Te Mata Rahurahu	Waitangi	Paihia, Oromahoe	Te Pewhairangi
Ngāti Rangi, Ngāti Torehina	Parengaroa	Purerua	Te Pewhairangi
Ngāti Rēhia, Ngāti Whakaeke	Matoa	Matoa	Te Pewhairangi
Ngāti Rēhia	Hiruhārama Hōu	Te Tii Mangonui	Te Pewhairangi
Ngāti Rēhia	Whitiara	Te Tii Mangonui	Te Pewhairangi
Ngati Nanenane		Te Tii Mangonui, Waimate	Te Pewhairangi
Ngāti Torehina	Wharengaere	Purerua	Te Pewhairangi
Te Kapotai	Kororareka	Russell	Te Pewhairangi
Te Kapotai	Waikare	Waikare	Te Pewhairangi
Ngāti Kawa, Ngāti Rahiri	Oromāhoe	Oromāhoe, Waitangi, Hau o Tapiri	Te Pewhairangi
Ngati Kura, Ngāti Miru	Tāpui	Mātauri	Te Pewhairangi
Ngāti Rēhia, Ngāti Whakaeke	Matoa	Matoa	Te Pewhairangi
Ngāti Rēhia	Hiruhārama Hōu	Te Tii Mangonui	Te Pewhairangi
Ngāti Rēhia	Whitiara	Te Tii Mangonui	Te Pewhairangi
Ngati Nanenane		Te Tii Mangonui, Waimate	Te Pewhairangi
Ngāti Torehina	Wharengaere	Purerua	Te Pewhairangi
Te Kapotai	Kororareka	Russell	Te Pewhairangi
Te Kapotai	Waikare	Waikare	Te Pewhairangi
Ngāti Manu	Kāretu	Kāretu	Te Pewhairangi
Ngāti Manu	Pakaru ki te Rangi	Kāretu	Te Pewhairangi
Patukeha, Ngāti Kuta, Ngare Raumati	Kaingahoa	Te Rāwhiti	Te Pewhairangi

**Appendix Two**  
**Nga Hapu o Ngapuhi Kowhaorau**  
(to be further developed)

Hapū	Marae	Whenua	Rohe
Te Kapotai	Waihāhā or Te Turuki	Waikare	Te Pewhairangi
Te Rauwera	Te Rauwera		Te Pewhairangi
Te Uri Ongaonga	Waimango	Paihia	Te Pewhairangi
Ngāti Pare		Waikino, Waikare	Te Pewhairangi
Ngāti Hine, Ngāti Kawiti	Kawiti	Waiomio	Te Pewhairangi
Ngāti Hine	Miria	Waiomio	Te Pewhairangi
Ngāti Kahu o Torongare	Mohinui	Waiomio	Te Pewhairangi
Ngāti Rehauata		Matawaia	Te Pewhairangi
Ngai Torongare, Ngati Karahia		Motatau	Te Pewhairangi
Ngāti Hine, Ngāti Te Tārewa	Mōtatau	Mōtatau	Te Pewhairangi
Ngati Maui		Motatau	Te Pewhairangi
Ngāti Hine, Ngāti Kōpaki, Ngāti Te Ara	ōtiria	ōtiria	Te Pewhairangi
Te Orewai, Ngāti Hau	Tau Henare	Pīpīwai	Te Pewhairangi
Ngāti Hine, Ngāti Kōpaki	Te Rito	ōtiria	Te Pewhairangi
Ngāti Kōpaki	Tere Awatea	Moerewa	Te Pewhairangi
Ngāti Hine, Te Kau i Mua, Ngāti Ngāherehere, Ngati Te Hina	Matawaia	Matawaia	Te Pewhairangi
Ngāti Hine	Horomanga	Moerewa	Te Pewhairangi



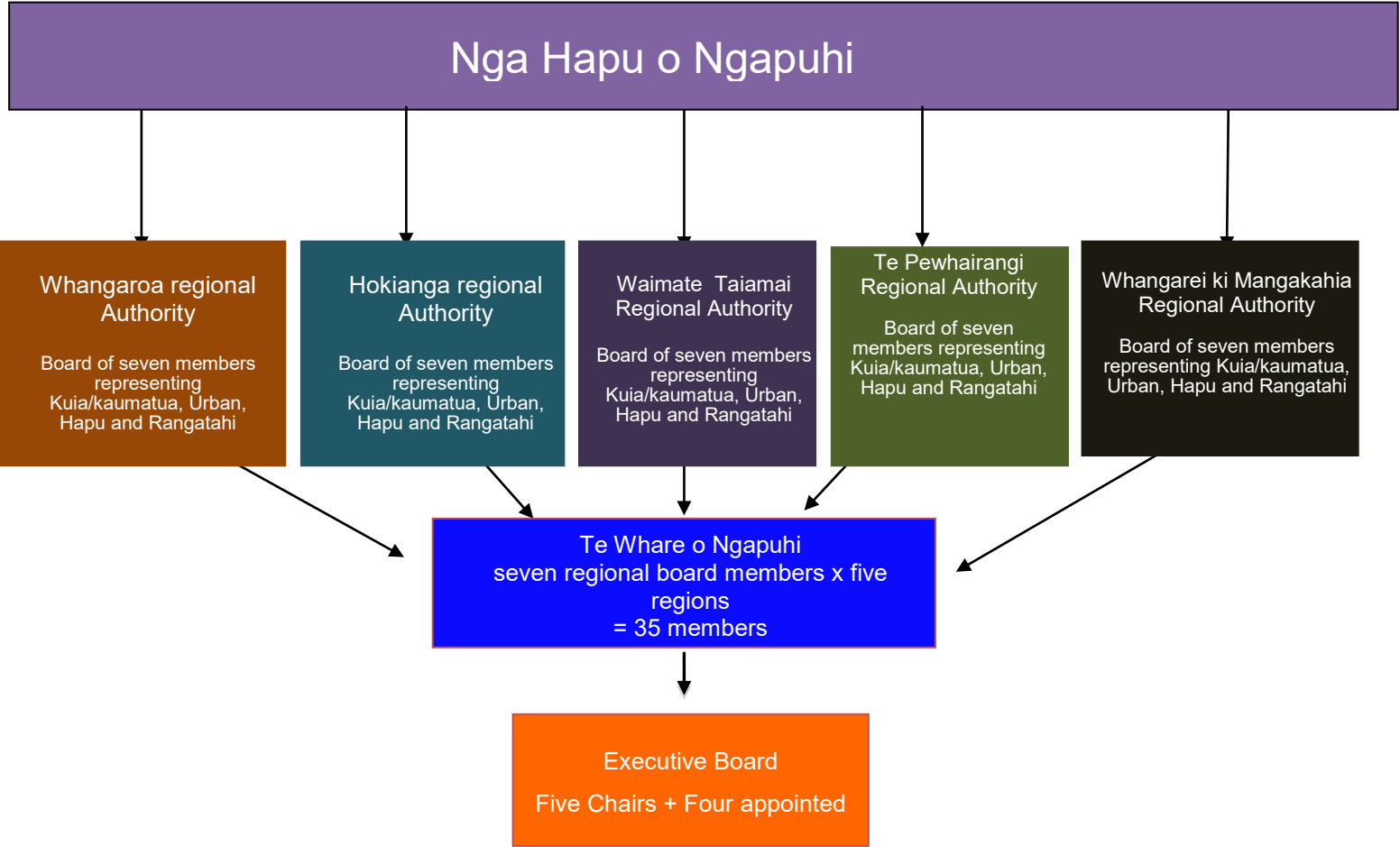
**SAMPLE BALLOT PAPER FOR HOKIANGA ROHE POTAE**

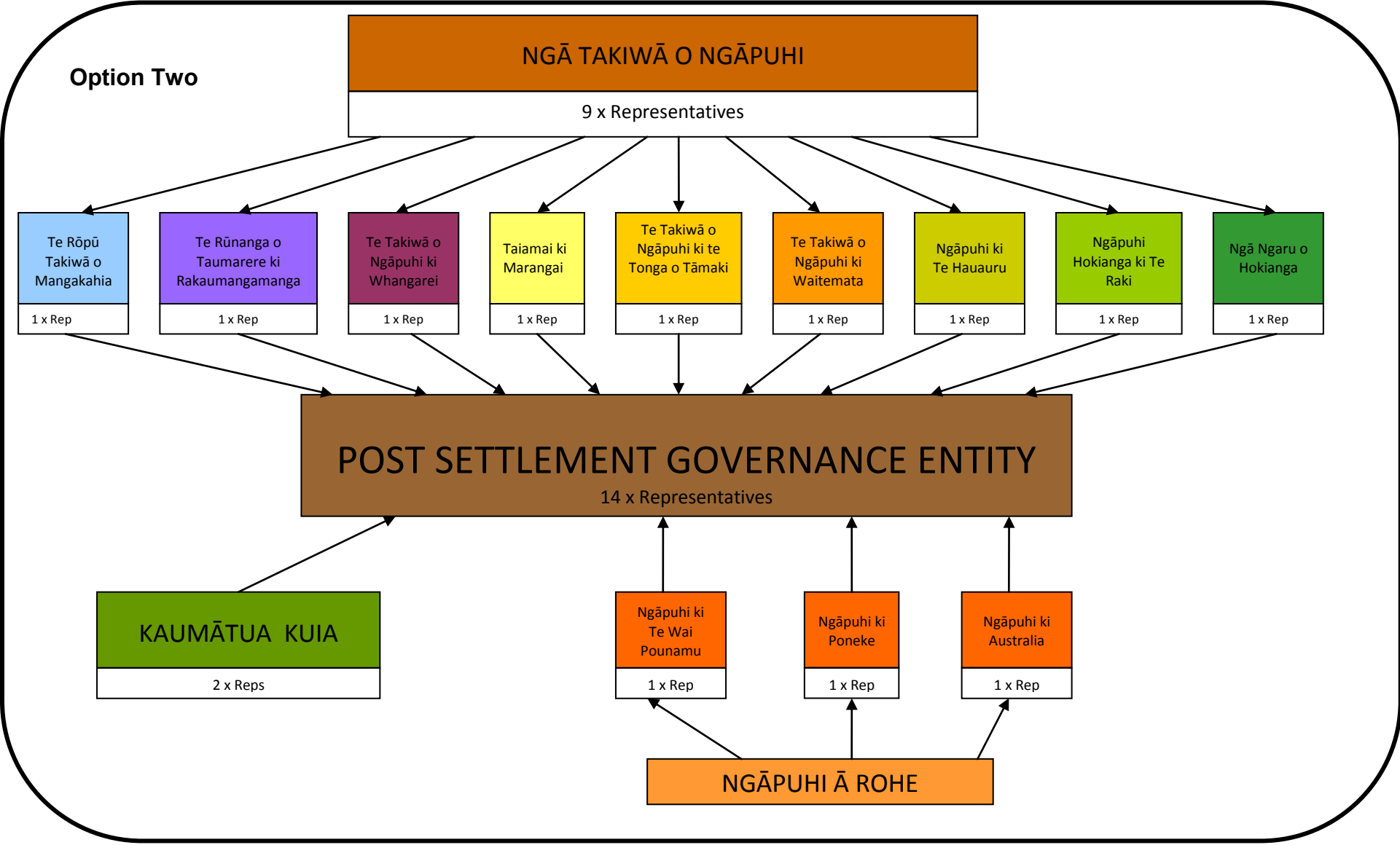
**Voting instructions**

- You may vote for only one preferred candidate in each column
- Indicate your vote by marking a cross  in the box next to the candidates name

<b><i>Urban</i></b>	<b><i>Kaumatua/kuia</i></b>	<b><i>Rangatahi</i></b>
Arthur, Bill <input type="checkbox"/>	Bevin, Elsie <input type="checkbox"/>	Anei, Kiri <input type="checkbox"/>
Bailey, Hohepa <input type="checkbox"/>	Busby, Monty <input type="checkbox"/>	Collie, John <input type="checkbox"/>
David, Leslie <input type="checkbox"/>	Urlich, Ani <input type="checkbox"/>	Devlin, Haki <input type="checkbox"/>
Key, Adam <input type="checkbox"/>	Wirihana, Arthur <input type="checkbox"/>	Hokai, Donald <input type="checkbox"/>
Henare, Roger <input type="checkbox"/>		Wedding, Mere <input type="checkbox"/>

Option One





Appendix Eight  
Communications Framework: Audiences and Channels

- Communications are inclusive and informative
- Different audiences have different information needs. Information needs to address what people want to know – not what we want them to know
- Audiences engaged in ways meaningful to them. The unique age structure with such a large proportion of young people – electronic, mobile and web-based channels will be important.
- Hui and kanohi-te-kanohi are important
- There is a high degree of confidence in the management of all processes
- Communications are responsive and effective

People

**Goal**

Communications enhance the reputation of Ngapuhi and encourages engagement and participation

**Strategic approach**

Use 'people and places' approach:  
Focus resources on identified target audiences.  
Use push and pull communications across range of media including mobile, web, print, electronic

**Objectives**

1. Nga Puhī tribal members receive regular updates on progress and have an awareness of the issues
2. An accurate database is developed and maintained
3. Communications seen as impartial and balanced
4. Information needs are met
5. Each phase of the process is understood
6. Nga Puhī tribal members are motivated to register and vote

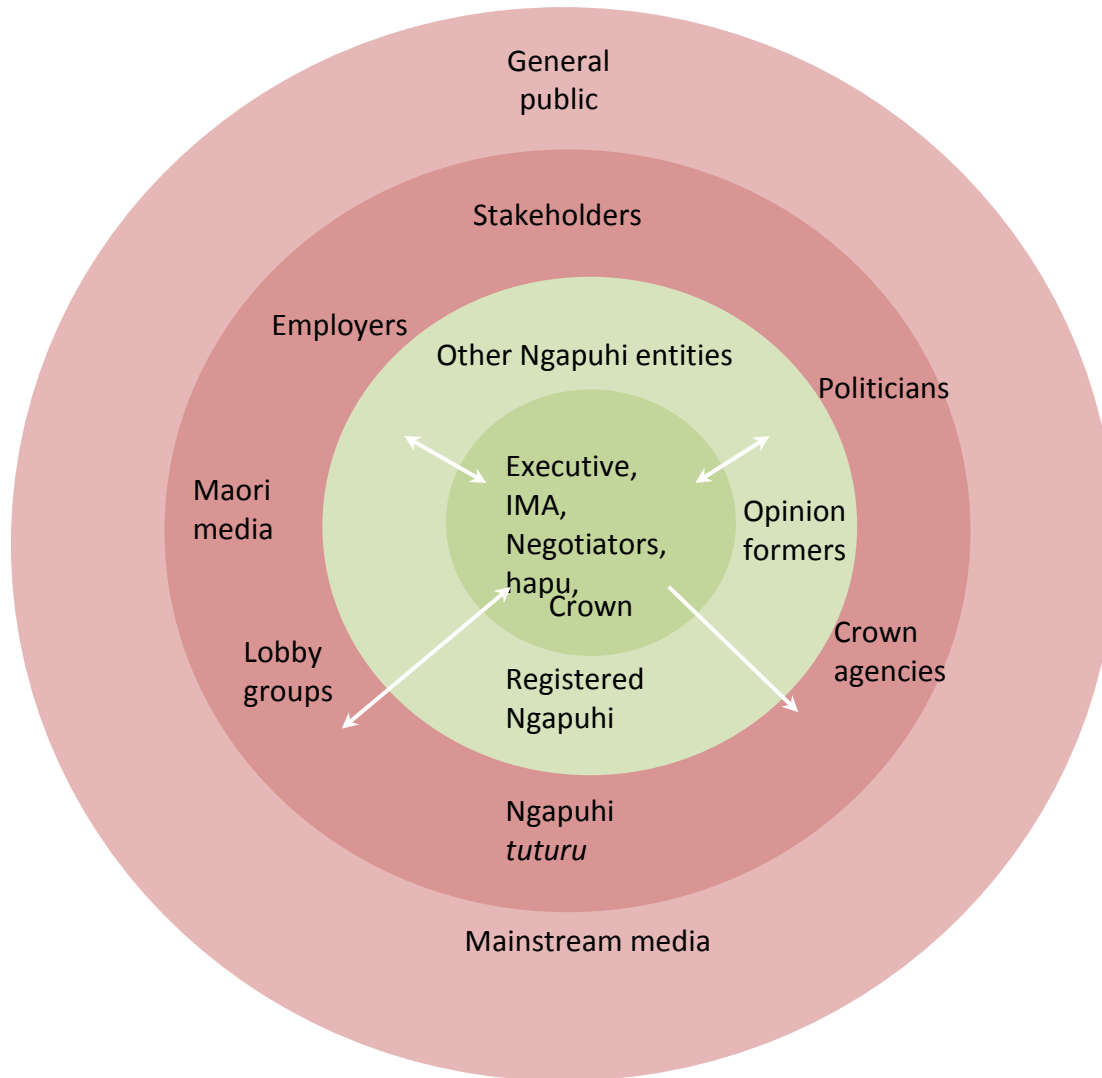
Communications  
Framework

- Communications makes use of variety of channels to enhance participation from all groups within Ngapuhi.
- Processes are seen as impartial, balanced, open and transparent.
- A well resourced communications infrastructure supports the mandating process and tribal aspirations
- Feedback loops provide opportunities for continued input into tribal processes.
- Tikanga governs strategies and implementation
- Recognise and promote regional priorities and activities
- Must be seen to have multiple access points and show reasonable effort. Actual numbers are not as important as providing multiple opportunities.

Processes

Appendix Eight  
 Communications Framework: Audiences and Channels

- 'Internal' Communications, eg:**
- Hui
  - Tribal networks
  - Websites
  - Briefings
  - Email
  - Newsletters
  - Events



- 'External' Communications, eg:**
- Hui
  - Websites
  - Email
  - Briefings
  - Newsletters
  - Advertising
  - Facebook
  - YouTube
  - Mobile/text
  - Editorial and other media
  - Events