

Mandate Toolkit Glossary: Ngā hapū o Ngāpuhi Settlement Negotiations

Words in *italics* are defined elsewhere in the glossary.

Term	Definition
Agreement in principle (AIP)	<p>A non-binding agreement between the <i>Crown</i> and a <i>claimant group</i>. It outlines the nature and scope of all settlement <i>redress</i>. It is also the basis for the final <i>deed of settlement</i>.</p> <p>An agreement in principle is signed by:</p> <ul style="list-style-type: none"> • <i>mandated representatives</i> on behalf of the <i>claimant group</i>; and • The Minister for Treaty of Waitangi Negotiations.
Area of Interest (AOI)	<p>An area, for Treaty settlement purposes, where an ancestor of the <i>claimant group</i> exercised customary rights predominantly in relation to that area after 6 February 1840. Customary rights mean rights exercised according to tikanga Māori, including:</p> <ul style="list-style-type: none"> • rights to occupy land; and • rights in relation to the use of land or other natural or physical resources
Association	<p>The relationship expressed by a <i>claimant group</i> to a site, area, or natural resource. The relationship could be spiritual, cultural, historical and/or traditional. Such associations might exist because of a group's customary interests. They may also exist because a site is significant in the history of the <i>claimant group</i>. For example, it might be the site of a significant event that has ongoing importance. A site might also relate to an historical <i>Crown</i> act or omission that a <i>claimant group</i> holds a grievance for.</p>

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Claimant group	<p>A description of those people whose:</p> <ul style="list-style-type: none"> claims will be settled; and who will also be the beneficiaries of the settlement and the <i>governance entity</i>.
Claimant funding	<i>Crown</i> funding provided to a <i>claimant group</i> as a contribution towards the costs they incur in negotiating their settlement.
Comprehensive negotiations	The negotiation of the settlement of all <i>historical claims</i> of a <i>claimant group</i> at the same time.
Confirmed hapū grouping	<p>A group of Ngāpuhi hapū that:</p> <ul style="list-style-type: none"> have submitted a <i>hapū grouping proposal</i> to Te Tari Whakataū; and that the Minister for Treaty of Waitangi Negotiations has agreed as appropriate to seek a mandate from the hapū members that make up the grouping. <p>This is for Treaty settlement negotiations only. It is the first step in the mandating process for Ngā hapū o Ngāpuhi. It does not mean that a hapū grouping has mandate from their hapū members yet.</p>
Crown	The executive branch of government is made up of Ministers of the Crown supported by government agencies.
Crown acknowledgements	<p>Where the <i>Crown</i> acknowledges:</p> <ul style="list-style-type: none"> the settling group (<i>claimant group</i>); <i>Crown</i> breaches of the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles; and other acts or omissions that have caused prejudice to the settling group.

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	These acknowledgements form the basis of the <i>Crown apology</i> in a <i>deed of settlement</i> .
Crown apology	<p>The <i>Crown's</i> formal expression of regret for:</p> <ul style="list-style-type: none"> • past injustices suffered by the claimant group; • for <i>Crown</i> breaches of the Treaty and its principles in relation to the claimant group; and • the prejudice it has caused.
Crown offer	<p>A letter from the <i>Crown</i> to the <i>mandated representatives</i> containing a <i>redress</i> offer. Cabinet or Ministers who have delegated authority from Cabinet approve the offer. The Minister for Treaty of Waitangi Negotiations makes the offer on behalf of the <i>Crown</i>. The <i>Crown</i> makes the offer in good faith. Acceptance of the <i>Crown offer</i> does not legally-bind the <i>Crown</i>, the <i>mandated representatives</i>, or the <i>claimant group</i>.</p>
Customary interests	<p>The expression of the traditional multi-dimensional relationship of a <i>claimant group</i> to an area or natural resource. The <i>claimant group</i> expresses this relationship according to their <i>tikanga</i>.</p> <p>Examples of physical markers or natural resources cited by <i>claimant groups</i> may include:</p> <ul style="list-style-type: none"> • tupuna maunga; • awa; • pā; • marae and kāinga; • nohanga; • mahinga kai; • urupā; or • other wāhi tapu.
Deed of mandate	<p>A formal statement prepared by the <i>claimant group</i>. It sets out who the claimant group has chosen to</p>

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	represent them in negotiations with the <i>Crown</i> . It also states how the <i>claimant group</i> approved the mandate.
Deed of recognition	<p>A deed entered into by the <i>governance entity</i> and either (as appropriate):</p> <ul style="list-style-type: none"> • the Minister of Conservation; • the Director-General of Conservation; or • the Commissioner of Crown Lands. <p>The deed concerns an area of <i>Crown</i> land covered by a <i>statutory acknowledgement</i>. It recognises the <i>claimant group's association/s</i> with the area. It also provides for consultation with the Post Settlement Governance Entity on specific matters. The Minister of Conservation, Director-General of Conservation, or the Commissioner of Crown Lands (as relevant) must have regard to their views in relation to their <i>association</i> with that area.</p>
Deed of settlement	<p>The complete, detailed, and formal settlement agreement. The signatories to the agreement are:</p> <ul style="list-style-type: none"> • the Minister for Treaty of Waitangi Negotiations on behalf of the <i>Crown</i>; • the <i>mandated representatives</i> of the <i>claimant group</i>; and • the trustees of the post-settlement governance entity.
Easement	Rights that a third party or the public may have over land. Examples are a right of way, the right to drain water over or under the land, or a right of access for specific reasons.
Eponymous ancestor	A person, after whom a people, place, or institution, is named or believed to be named.

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Exclusive redress	<i>Redress</i> that is only offered to one <i>claimant group</i> . This <i>redress</i> will not be available for other <i>claimant groups</i> .
Fee simple estate	Full legal ownership of or title to land. Also known as freehold title.
Fiscal envelope / Settlement envelope	A concept developed by the <i>Crown</i> in 1992-1994. It describes the total sum set aside by the <i>Crown</i> for the settlement of all <i>historical claims</i> . It is also called the <i>fiscal envelope</i> . The <i>Crown</i> discontinued it at the end of 1996.
Good government	"...In a Treaty context, 'good government' means government properly conducted with due regard to the range of obligations a government has to the people it governs, and particularly in regard to Treaty obligations..." (https://dpmc.govt.nz/publications/co-19-5-te-tiriti-o-waitangi-treaty-waitangi-guidance-html#section-7)
Governance entity or post-settlement governance entity (PSGE)	The representative body which receives and manages settlement assets on behalf of the <i>claimant group</i> . Also known as a 'post-settlement governance entity' or PSGE.
Hapū grouping proposal	<p>A document given to the <i>Crown</i> by a grouping of Ngāpuhi hapū that sets out their intention to seek a mandate from hapū members to negotiate a Treaty settlement of their <i>historical claims</i>.</p> <p>The proposal includes the following information:</p> <ul style="list-style-type: none"> • hapū; • hapū population; • hapū ancestors; • <i>area of interest / association</i> of each of its hapū; • Wai claims associated with each hapū; and

Term	Definition
	<ul style="list-style-type: none"> early levels of support for the hapū grouping from its individual hapū.
Hapū or whānau interests	Interests of specific hapū or whānau within the larger <i>claimant group</i> . These interests are distinct from the collective claims of the larger <i>claimant group</i> . They may receive specific recognition in a settlement.
Historical account	An agreed narrative of the historical basis for the claims settled by a <i>deed of settlement</i> . It provides the context for the <i>Crown acknowledgements</i> and <i>Crown apology</i> .
Historical claims or historical Treaty of Waitangi claims	Those claims that arise out of or relate to acts or omissions by or on behalf of the <i>Crown</i> before 21 September 1992.
Information Hui	<p>Hui held to inform the <i>claimant group</i> about the hapū grouping's process to attain mandate. Information hui are a requirement to ensure claimant communities are informed of a hapū grouping's approach to seeking a mandate and how they can participate. They may have other names (eg. Hui-a-hapū, hapū grouping hui, etc). Claimant communities need to be well informed that an information hui is happening:</p> <ul style="list-style-type: none"> The hui must be advertised at least 21 days in advance; and People must know in advance what the hui is about. <p>Resources with key details of the mandating process and strategy should be available at these hui for attendees to consider.</p>
Initialled deed of settlement	The complete and detailed settlement agreement which is initialled by mandated representatives of the claimant group and the Minister for Treaty of Waitangi Negotiations to indicate they consider the document represents an acceptable settlement of historical Treaty grievances. The initialled deed of settlement is

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	subject to ratification (approval) by the claimant group before it can be formally signed.
Large natural group	<p>A group of interests (often an <i>iwi</i> or a group of <i>hapū</i>), rather than individual <i>hapū</i> or <i>whānau</i>. The <i>Crown</i> strongly prefers to negotiate settlements with large natural groups who:</p> <ul style="list-style-type: none"> • share common interest;s • express an interest in negotiating with the <i>Crown</i>; and • whom the <i>Crown</i> are satisfied have well-founded grievances. <p>In the context of Ngā hapū o Ngāpuhi, the <i>Crown</i> refers to Large Natural Groups as “Hapū Groupings”.</p>
Lease	A contract providing for exclusive possession of land for a defined period. It creates the relationship of landlord and tenant (or lessor and lessee).
Licence	In the Treaty settlement context, this means permission from a landowner to go onto or use land for specified purposes. An example is a grazing license.
Licensed Crown Forest land	Crown forest land which is subject to a Crown Forest license granted under section 14 of the Crown Forest Assets Act 1989. A forestry licence allows a third party to grow, maintain and harvest timber on Crown land. Licensees pay a rental to the Crown; these rentals can be later transferred to recipients of the land in a Treaty settlement or following Waitangi Tribunal recommendations under s8HB of the Treaty of Waitangi Act 1975.
Mandating for negotiations	<p>The process where the <i>claimant group</i> (in the Ngāpuhi context this is the confirmed hapū grouping):</p> <ul style="list-style-type: none"> • chooses representatives; and

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	<ul style="list-style-type: none"> authorises them to negotiate with the <i>Crown</i> on behalf of the <i>claimant group</i> (see also <i>mandate strategy</i> and <i>deed of mandate</i>).
Mandate hui	<p>Hui where the <i>claimant group</i> vote for representatives and gives them the authority to negotiate with the <i>Crown</i> on behalf of the <i>claimant group</i>.</p> <p><i>Claimant groups</i> need to be well informed that a mandate hui is happening:</p> <ul style="list-style-type: none"> The hui must be advertised at least 21 days in advance; and People must know in advance what the hui is about and what they will be asked to decide (also called a resolution).
Mandate maintenance	<p>A <i>mandated entity</i> must maintain its mandate throughout the entire Treaty settlement process. This means the <i>mandated entity</i> must ensure it has the support of the <i>claimant group</i> from when it obtains a mandate until its <i>historical claims</i> are settled through an Act of Parliament. Mandate maintenance includes the ways the mandated entity tries to do this for example through regular hui, panui.</p>
Mandated representatives	<p>The entity or individuals that represent the <i>claimant group</i> in Treaty settlement negotiations with the <i>Crown</i>. They receive mandate from the <i>claimant group</i> through a voting process. This voting process must align with the <i>claimant group's</i> tikanga and be consistent with a <i>mandate strategy</i>.</p>
Mandate strategy	<p>A document given to the <i>Crown</i> by a confirmed hapū grouping. It sets out how the representatives of the hapū grouping plans to seek a mandate from the <i>claimant group</i> it wants to represent in Treaty settlement negotiations.</p>

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Memorials	Information on records of title to land currently or formerly owned by State-Owned Enterprises. These inform the landowner that the Waitangi Tribunal can make recommendations for transfer of the land to Māori. The recommendations may become binding on the <i>Crown</i> . If this occurs landowners are paid compensation by the <i>Crown</i> .
Non-exclusive redress	<i>Redress</i> that is offered to more than one <i>claimant group</i> .
Overlapping (or shared) interests	<p>Where two or more <i>claimant groups</i> assert:</p> <ul style="list-style-type: none"> • <i>customary interests</i>; or • cultural or historical <i>associations</i> <p>over an area/natural resource that is subject to historical Treaty settlement negotiations.</p> <p>Overlapping (or shared) interests can exist between a <i>claimant group</i> and other groups who are:</p> <ul style="list-style-type: none"> • in Treaty settlement negotiations; or • have yet to enter negotiations; or • have settled their <i>historical claims</i>.
Overlay classification	<p>A <i>statutory instrument</i> that applies to specified land managed by the Department of Conservation. It provides recognition of <i>claimant group</i> values in the management of the site. It doesn't alter the underlying classification of the land. For example, a National Park keeps its National Park status, even with an overlay classification in place.</p> <p><i>Overlay classifications</i> can have a name chosen by the <i>claimant group</i>. Different <i>claimant groups</i> have used different names for this instrument. Eg. Ngāi Tahu have used the term Tōpuni overlay area, while Te Uri o Hau have used the term Kirihipi overlay areas.</p>

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Protocol	A statement issued by a Minister of the <i>Crown</i> , or other statutory authority. It describes how a government agency intends to interact with a <i>claimant group</i> . This is to enable the <i>claimant group</i> to have input into its decision-making process. Protocols are a type of <i>statutory instrument</i> .
Public conservation land	Land administered by the Department of Conservation under conservation legislation.
Quantum	The total monetary value of the <i>redress</i> for cash and assets provided to a <i>claimant group</i> in settlement of their <i>historical claims</i> . It is also the total amount of financial and commercial <i>redress</i> in a settlement package.
Redress	<p>Redress is the term used to describe all the ways the <i>Crown</i> makes amends for the wrongs it has done. There are multiple forms of redress including:</p> <ul style="list-style-type: none"> • Commercial & financial; • Cultural; • Natural resources; and • The Crown apology.
Relationship agreement	Relationship agreements set out how government agencies will work with a <i>governance entity</i> . It guides how the parties work to achieve outcomes for the settling group under the agency's statutory functions. A relationship agreement may be between one or more government agencies and a <i>governance entity</i> .
Resumption	Where the Waitangi Tribunal makes a binding recommendation ordering the <i>Crown</i> to take back ownership of (resume) land. The land must be subject to a memorial.

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Right of first refusal	The right of a <i>claimant group</i> to have the first opportunity to buy specified surplus <i>Crown</i> land at market value before other potential buyers.
Section 40 offer-back	The right, under section 40 of the Public works Act 1981, of a former owner of land acquired by the <i>Crown</i> for a public work to have that land offered back at market value, should the land no longer be required for the public work.
Signed deed of settlement	The complete, detailed, and formal settlement agreement signed by <i>Crown</i> representatives and the claimant group's post-settlement governance entity following ratification. The signed deed binds the <i>Crown</i> and <i>claimant group</i> , subject only to settlement legislation being passed which implements those parts of the deed requiring legislation to take effect.
Statutory acknowledgement	<p>The <i>Crown's</i> acknowledgement of the <i>claimant group's</i> cultural, spiritual, historical, and traditional <i>association</i> with a specified area or feature. Examples of features include rivers, lakes, mountains, coastal areas, wetlands, etc.</p> <p>Statutory acknowledgements are a type of <i>statutory instrument</i>. Settlement legislation provides for the statutory acknowledgement.</p>
Statutory instruments	A generic term for <i>redress</i> options used to recognise a range of cultural interests in settlements. It refers to the use of arrangements set out in settlement legislation. An example is a <i>statutory acknowledgment</i> .
Stratum	The space occupied by the water and the space occupied by the air above the lakebed or riverbed.
Surplus land	Land that <i>Crown</i> agencies own but don't need anymore.

Term	Definition
Tenants in common	The co-ownership arrangement where two or more persons own a property together. They may own the property in equal or unequal undivided shares.
Terms of negotiation	<p>A written agreement between the <i>Crown</i> and mandated representatives of a <i>claimant group</i>. It sets out:</p> <ul style="list-style-type: none"> • the agreed objectives of the negotiations; • the actions enabled by the settlement; and • the ground rules for negotiations. <p>This is the second milestone in the Treaty settlement process, following <i>deed of mandate</i> recognition.</p>
Treaty settlements landbank	Term for the regional landbanks of properties for potential use in Treaty settlements. Land Information New Zealand - Toitū te Whenua manages the Treaty settlements landbank.
Treaty principles	The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) guide the <i>Crown</i> in Treaty settlement negotiations. They include partnership, protection, and <i>redress</i> .
Vendor agency	A government department involved in the transfer of properties in settlements or under a <i>right of first refusal</i> .
Vesting or vest	Statutory transfer of <i>fee simple estate</i> (legal title or ownership) of land to one or more <i>claimant groups</i> . There are various types of vesting available in settlements
Voting process	The <i>claimant group</i> must vote on whether to give a mandate to the representatives that want to represent them in Treaty settlement negotiations. The voting process is usually informed by the tikanga of the <i>claimant group</i> and voting methods reflect this.

