



MAUNGAHARURU
T A N G I T U

Maungaharuru-Tangitu Incorporated Historical Treaty Claims

Moving Towards Negotiation and Settlement

MARCH 2009



14 February 2009

Tena koe

Treaty Settlement Negotiations: Mandate Proposal

Maungaharuru-Tangitu Incorporated (MTI) wishes to confirm its mandate from the hapu of Tangoio: Ngai Tatara, Ngati Kurumokihi, Marangatuhetaua (Ngati Tu) and Ngai Te Ruruku ki Tangoio (referred to together as, the Hapu). The purpose of the mandate is to authorise MTI to enter into negotiations with the Crown on behalf of the Hapu for the comprehensive settlement of all of the historical claims of the Hapu referred to in the proposal. MTI was mandated in this regard by Ngai Tatara, Ngati Kurumokihi and Ngati Tu in 2005, and the Crown has requested that this mandate now be confirmed. MTI has recently amended its constitution to include Ngai Te Ruruku ki Tangoio as members of MTI, and will seek their mandate also. This proposal is referred to as the mandate proposal.

You are a registered adult member of MTI. Therefore, you are eligible to vote on this proposal and we encourage you to participate. Voting will occur by way of a ballot at mandating hui to be held in March 2009 in Napier, Wellington and Auckland. To cast a vote, you need to attend one of those hui. This pack contains the following documents to help you to make an informed decision about the mandate proposal. Further information will be given at the hui.

1. **Moving Towards Negotiation and Settlement**

This document contains information on MTI's mandate proposal as well as information on the Crown's Treaty settlement process. The presentation that will be given at mandating hui in March 2009 will be based on this document. A copy of the slides for that presentation is also included.

2. **Mandating Plan: Information Sheet**

This document provides an overview of MTI's mandating plan, including the dates, times and venues of the mandating hui.

3. **Public Notice**

This document contains a copy of the public notice that appeared in the newspapers about MTI's mandate proposal, the mandating hui and the voting process.

Maungaharuru–Tangitu Incorporated

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4. **Voting: Information Sheet**

This document provides information on the ballot process including voter eligibility and voter rules.

At the mandating hui, MTI will give an update on its work and developments since the last mandating hui in 2005. There will also be an opportunity for Hapu members to discuss the mandate proposal before voting.

If you have any questions, please contact the Administrator of MTI:

Post: Maungaharuru-Tangitu Incorporated

PO Box 3376

Hawkes Bay Mail Centre

Napier 4142

Attention: Administrator

Phone: Free phone 0800 TANGOIO (0800 826 4646) or +64 6 835 6400

Email: info@tangoio.maori.nz

Website: www.tangoio.maori.nz

Noho ora mai

Bevan Taylor
Chairperson
Maungaharuru-Tangitu Incorporated

HISTORICAL TREATY CLAIMS

Moving Towards Negotiation and Settlement

Introduction

Maungaharuru-Tangitu Incorporated (MTI) is an incorporated society and was originally registered on 14 July 1992 under the Incorporated Societies Act 1908¹. Its general purpose is to represent, manage, promote, foster, assist and develop the affairs and interests of Ngai Tataara, Ngati Kurumokihi, Marangatuhetaua (Ngati Tu) and Ngai Te Ruruku ki Tangoio (together, the Hapu).

In addition to being the voice and representative body for the Hapu, a key object of MTI is to promote the advancement of the Hapu in Treaty of Waitangi claims and negotiations with the Crown. Since 1992, MTI has carried out the vital role of managing and participating in the claims of the Hapu through the Waitangi Tribunal process. MTI has been involved in the hearings relating to Wai 55 (Te Whanganui a Orotu / Napier Inner Harbour claim), Wai 299 (Mohaka-Waikare Raupatu / Confiscation claim) and Wai 400 (the Ahuriri purchase claim).

Over that period, MTI has established and maintained relationships with key organisations involved with preparing, presenting and negotiating the claims of the Hapu. These include the Office of Treaty Settlements (OTS), the Waitangi Tribunal and the Crown Forestry Rental Trust (CFRT).

MTI has managed the above claims on behalf of the Hapu to ensure the Hapu move forward and settle their historical claims. MTI is committed to resolving the claims of the Hapu for the benefit of the Hapu: for those tipuna who have passed on, those Hapu members living today and the future generations to follow.

What is a Treaty settlement?

A Treaty settlement is an agreement between the Crown and a claimant group to settle all of the claimant group's historical Treaty claims against the Crown. A claimant group is usually an iwi or one or more hapu who have claims against the Crown. A Treaty settlement is usually made up of three parts.

a **Historical Redress**

This part includes the Historical Account which provides an outline of historical events that are agreed between the Crown and the claimant group, Crown Acknowledgements of Treaty Breaches and the Crown Apology.

b **Cultural Redress**

Cultural redress is the method used to safeguard the claimant group's rights to customary areas. For example, the Claimant group may negotiate for the authority to manage, control or own sites, areas or customary resources on

¹ The society's original name was Maungaharuru-Tangitu Society Incorporated. It recently changed its name to Maungaharuru-Tangitu Incorporated at a special general meeting on 23 January 2009.

Crown-owned land with which the claimant group has traditional and cultural associations.

c **Financial and Commercial Redress**

This third part is made up of an overall quantum or value in dollar terms agreed between the Crown and the claimant group in settlement of their historical claims against the Crown.

The settlement is expressed in detail in a document known as a 'Deed of Settlement'. Legislation is usually required to fully implement the Deed of Settlement.

As part of the settlement, the claimant group accepts that the settlement is fair and final and settles all of the historical Treaty claims of the claimant group, whether they have been lodged at the Waitangi Tribunal or not. Both the Crown and the claimant group accept that it is not possible to fully compensate the claimant group for their grievances. Redress instead focuses on recognition of the claimant group's historical grievances, on restoring the relationship between the claimant group and the Crown, and on contributing to a claimant group's economic development.

What are the steps involved in a negotiation?

The key steps involved in a negotiation are as follows:

STEP 1: Preparing claims for negotiation	Claims	Crown agrees claims are well-founded and confirms claimants are a large natural group
	Mandate	Crown recognises mandate
STEP 2: Pre-negotiations	Terms of Negotiation	Both parties agree to ground rules for negotiation
STEP 3: Negotiations	Agreement in Principle	Agreement reached on the redress proposed for the Deed of Settlement
	Deed of Settlement	The detail of the final settlement of the claims
STEP 4: Ratification and Implementation	Ratification by claimant group members	Sufficient majority required of claimant group to sign Deed of Settlement
	Governance entity reviewed and accepted	Structure appropriate to receive settlement assets ratified by claimant group and reviewed by Crown
	Settlement legislation	Makes the Deed of Settlement operational where legislation is required to achieve this
	Implementation	Crown co-ordinates and monitors implementation of the Deed of Settlement

What is a mandate?

When a claimant group chooses representatives and gives them the authority to enter into negotiations with the Crown on their behalf, this is known as conferring a 'mandate'. The mandate to negotiate only gives the mandated representatives the authority to negotiate a draft Deed of Settlement with the Crown. The claimant group will then determine whether the draft Deed of Settlement is accepted or not.

'Mandating' is the name given to the process by which a claimant group authorises a representative group to enter into negotiations on their behalf. In this case, MTI wishes to reconfirm its mandate to negotiate with the Crown on behalf of the Hapu.

At the end of its mandating process, MTI will submit a Deed of Mandate to the Crown. The Deed of Mandate will identify the claimant group, the claim area and who has authority to represent the claimant group in negotiations. The Deed will explain how the mandated body obtained the mandate and how it proposes to be accountable to the claimant group. The Crown will need to be satisfied that the mandated body is properly mandated to negotiate on behalf of the claimant group for the settlement of their historical claims. If the Crown is satisfied, it will recognise the mandate of the mandated body to start settlement negotiations with the Crown.

What is MTI's mandate proposal?

MTI wishes to confirm its mandate from the Hapu to negotiate with the Crown on their behalf for the comprehensive settlement of all the historical Treaty claims of the Hapu. In other words, the proposal is that MTI would be confirmed as the mandated body.

MTI is the most appropriate body to represent the Hapu in settlement negotiations for the following reasons.

- a MTI is the existing representative body for the Hapu and already has a mandate from the Hapu to represent them.
- b MTI has been in existence since 1992 and is well known amongst the Hapu.
- c MTI has a positive track record in representing the Hapu and since its inception, has undertaken the vital role of managing and participating in the claims of the Hapu through the Waitangi Tribunal process. MTI has been involved in the hearings relating to:
 - i Wai 55 (Te Whanganui a Orotu / Napier Inner Harbour claim);
 - ii Wai 299 (Mohaka-Waikare Raupatu / Confiscation claim); and
 - iii Wai 400 (the Ahuriri purchase claim).MTI's work has included instructing solicitors, preparing tangata whenua evidence, commissioning expert witnesses, co-ordinating and hosting Tribunal hearings and sourcing and managing funding.
- d MTI has proven experience in establishing and maintaining relationships with the key organisations involved with preparing, presenting and negotiating the claims of the Hapu. These organisations include the Waitangi Tribunal, CFRT and (OTS).
- e There are efficiency gains to be made with using MTI given the experience of its committee members, its existing structures and administrative support.

MTI successfully sought a mandate from Ngai Tataara, Ngati Kurumokihi and Ngati Tu for settlement negotiations in 2005. That mandate has been confirmed at each Annual General Meeting since that time. The Crown has requested that this mandate be confirmed, together with a mandate from Ngai Te Ruruku ki Tangoio, at further mandating hui.

What is MTI's vision for the settlement?

The vision of MTI is to create a strategic and durable settlement for the Hapu, and in doing so, ensure that the Hapu achieve:

- a a comprehensive, robust and fair settlement of all their historical Treaty claims;
- b a settlement within as short a time as possible but consistent with the first objective; and
- c a settlement which will provide for acknowledgements, apologies and redress which properly satisfy the outstanding grievances of the Hapu.

Who would be covered by the mandate?

The Crown requires the mandated body to specify who it is negotiating on behalf of. MTI would be negotiating on behalf of Ngai Tatara, Ngati Kurumokihī, Marangatuhetaua and Ngai Te Ruruku ki Tangoio for the settlement of the historical Treaty claims of the Hapu, explained in more detail below.

The claimant group therefore includes all individuals, whanau and hapu who descend from the following tipuna.

- a Tataramoā (for Ngai Tatara and Ngati Kurumokihī).
- b Tukapua I (for Marangatuhetaua (Ngati Tu)).
- c Whakaari (for Ngati Whakaari, a sept of Ngati Tu).
- d Te Ruruku through Hemi Puna and Taraipene Tuaitu (of Ngai Te Ruruku ki Tangoio)².

What historical claims would be settled?

When entering into negotiations, the Crown will usually require the claimant group to negotiate for the comprehensive settlement of all of its historical Treaty claims. The claims to be settled on behalf of the Hapu are as follows.

- a The partial settlement of Wai 299 (Mohaka-Waikare Raupatu / Mohaka-Waikare Confiscation), inasmuch as it relates to the interests of the Hapu.
- b The partial settlement of Wai 400 (Ahuriri Purchase), inasmuch as it relates to the interests of Ngati Tu.
- c The partial settlement of Wai 201 (the Wairoa ki Wairarapa Claims), inasmuch as it relates to the interests of the Hapu.

We refer to the "partial settlement" of the above claims because there are other hapu or iwi interests involved in those claims. Therefore, only the interests of the Hapu can be, and would be, settled by MTI. Also included will be any historical Treaty claims of the Hapu which have not

² A whanau or hapu who have intermarried or live amongst Ngati Tu due to historical events involving the warlord, Te Ruruku who was gifted land (tuku whenua) by Ngati Tu.

yet been registered with the Waitangi Tribunal, as well as any claims of individuals or whanau (whether such claims are unregistered or registered with the Waitangi Tribunal).

It is proposed that the settlement of these claims will occur through two negotiations.

- i *Ahuriri Claimant Group*: Ngati Tu together with Ngati Hinepare, Ngati Mahu, Ngati Matepu, Ngati Parau, Ngai Te Ruruku and Ngai Tawhao, will join together to negotiate the settlement of their claims under Wai 55 (Te Whanganui a Orotu / Napier Inner Harbour) and Wai 692 (Napier Hospital and Health Services), and (except for Ngati Tu and Ngai Te Ruruku ki Tangoio) the other historical claims of those hapu.
- ii *Ngati Hineuru / Ngati Tu Claimant Group*: The Hapu (represented by MTI) and Ngati Hineuru (represented by Ngati Hineuru Iwi Incorporated) will form a group to negotiate the settlement of their claims under Wai 299 (Mohaka – Waikare Raupatu / Confiscation) and Wai 400 (Ahuriri Purchase), as well as all of their other respective historical claims (except Wai 55 and 692 in the case of Ngati Tu and Ngai Te Ruruku ki Tangoio, as referred to in paragraph (a) above).

What area will be covered by the negotiations?

The Crown requires the claimant group to define the area to be covered by the claims. This is known as the 'Area of Interest'.

The geographical area to be covered by the negotiations is the traditional rohe of the Hapu. The traditional rohe of the Hapu is generally described as encompassing the following boundaries:

from the Waikare River in the north, Tangitu in the east, Waiohinanga (Esk) River to Keteketerau in the south to Maungaharuru in the west.

Negotiation structure

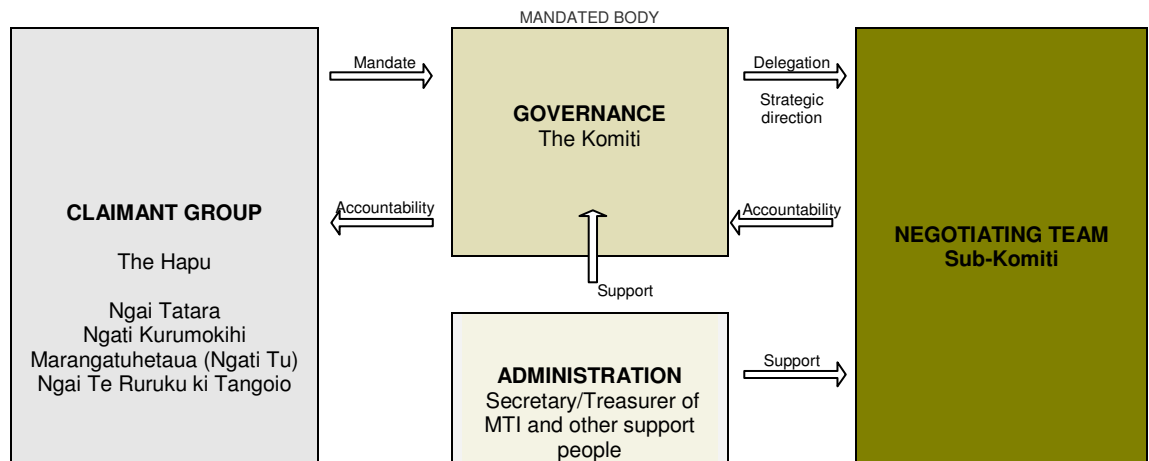
The term 'negotiation structure' is used to describe how the Hapu will organise themselves to undertake settlement negotiations. The objective of the negotiation structure is to achieve:

- a a comprehensive, robust and fair settlement of all historical Treaty claims of the Hapu;
- b a settlement within as short a time as possible but consistent with the first objective; and
- c a settlement which will provide for acknowledgements, apologies and redress which properly satisfy the outstanding grievances of the Hapu.

The development of the negotiation structure has been guided by the following principles.

- a Ensure measures and procedures honour and respect the tikanga of the Hapu.
- b Respect the autonomy and mana of the Hapu.
- c Ensure effective and appropriate representation of the Hapu.
- d Recognise the importance of the use of traditional structures and relationships.
- e Build on existing structures and processes as much as possible.
- f Ensure regular reporting to the Hapu and meaningful consideration of their views.

The diagram below illustrates the four components within the negotiation structure: the Hapu, the Komiti (which is the governing committee of MTI), Administration, and the Negotiating Team that will be established.



The Komiti would carry out a steering group type role, with responsibility for matters such as holding the mandate for negotiations and the accountability relationship with the Hapu, overseeing the process and setting the strategic direction for the negotiations.

The administration arm of MTI would be responsible for overseeing the day-to-day operation of the negotiations. It would ensure the proper implementation of policies and work plans,

compliance with statutory requirements and contractual obligations, and would also ensure that funds are managed appropriately.

For timeliness and to optimise efficiency, the Komiti would delegate the task of carrying out the negotiations to a sub-Komiti (referred to as a Negotiating Team). The Negotiating Team would be delegated the task of negotiating towards a draft Deed of Settlement.

Will there be policies and processes regarding the operation of the negotiation structure?

With regard to the operation of the negotiation structure, policies and processes have been developed in the following four areas.

Decision-making

This will occur at two levels: Komiti level and Negotiating Team level. Decisions of the Komiti are made by consensus, or failing consensus, by majority vote. With regard to the Negotiating Team, under MTI's Constitution, all acts and proceedings undertaken by a sub-Komiti shall be submitted to a meeting of the Komiti for approval. Therefore, all decisions of the sub-Komiti will be conditional upon final approval by the Komiti.

Representation

The Negotiating Team will be composed of one or more representatives from the Komiti together with expert advisors and other appointees that the Komiti determines will best represent the interests of the Hapu. The appointment, replacement and removal of members of the Negotiating Team will be carried out by the Komiti by way of resolution. The appointment of representatives to the Negotiating Team would not occur until such time that the Deed of Mandate submitted by MTI is recognised by the Crown.

Accountability

Within the negotiation structure, there are two direct lines of accountability. The first line is between MTI and the Hapu. The Komiti will have the ultimate responsibility for the negotiations, including ensuring that reporting and communication processes are adhered to. The Komiti will report to the Hapu about progress with settlement negotiations through its annual general meeting and also, Komiti members will from time to time provide reports at marae meetings and other hapu or whanau gatherings. Reporting might occur due to key milestones in the negotiation process being met or to meet a request from Hapu members. MTI would also use other communication methods such as panui and website updates so that those who are not able to attend hui can obtain updates.

The second line of accountability is between the Negotiating Team and the Komiti. The Negotiating Team will be required to provide monthly updates on progress at Komiti meetings and verbal updates when required. These obligations will be included in the terms of reference for the Negotiating Team. Also, while the Negotiating Team will have a general responsibility and duty to the Hapu, the Negotiating Team will not be directly accountable to the Hapu in terms of having specific reporting obligations.

Dispute resolution

If there is a dispute about MTI's mandate (eg if a group of Hapu members has a concern about how MTI is representing their interests in the negotiations), the group would need to follow the process below.

- a The group must inform the Komiti of MTI in writing of the dispute or concern. The Komiti would then consider the matter and seek further information as required from the group to ensure it has a clear understanding of the nature of their concern.
- b Once the Komiti has received the information it may have requested, the Komiti will consider the matter again and determine whether or not further action is required. If it is the latter, the Komiti will then meet with the group and if necessary, enter into a dispute resolution process.
- c If the matter cannot be resolved, both parties will agree on the appropriate process for formal withdrawal of the mandate.

A statement will be included within the Deed of Mandate that in the event that a dispute relating to the negotiations cannot be resolved, the Hapu may revoke the mandate given to MTI. This would be the last point of call if the issue or dispute is not able to be resolved.

MANDATING PLAN: INFORMATION SHEET

Maungaharuru-Tangitu Incorporated (MTI) is aware of its responsibility to create a transparent, fair and robust mandating process. The process by which MTI will seek to reconfirm its mandate from Ngai Tatara, Ngati Kurumokihī, Marangatuhetaua and Ngai Te Ruruku ki Tangoio (together, the Hapu) consists of the following two phases.

Phase I: Pre-hui communications

Public notice will be given to the Hapu during this period about MTI's proposal to confirm its mandate and the mandating hui where the proposal will be presented, discussed and voted on. Information about the mandate proposal will also be distributed to all adult members (18 years or over) on the MTI register and to other Hapu members who are not registered and request such information.

Phase II: Mandating Hui

MTI will hold three hui to present its mandate proposal to Hapu members who will then have the opportunity to discuss the proposal with MTI. Registered adult members of MTI will then be invited to cast their votes on whether to accept or reject MTI's proposal to confirm its mandate.

The schedule of hui is as follows:

DATE	PLACE
9:30am Saturday, 7 March 2009	Tangoio Marae, 1 Tangoio Settlement Rd, State Highway 2, Tangoio, Napier
11am Sunday, 8 March 2009	Quality Inn Manukau, 477 Great South Rd, Papatoetoe, Auckland
11am Saturday 14 March 2009	Totara Lodge Motor Inn, 68 Ararino Street, Trentham, Upper Hutt, Wellington

Voting will occur by way of a ballot at each mandating hui. All registered adult members (18 years of age and over) of MTI will be entitled to vote. Those Hapu members that are not registered will be able to participate in the vote as long as they are 18 years of age or over, they have provided a completed enrolment form to the registration desk prior to the vote, and their enrolment form has been accepted by the Komiti member staffing the registration desk. Enrolment forms will be available at the hui.

By this stage in the process, public notice will have been made about MTI's mandate proposal with a description of how the voting will occur. As well, all registered adult members of MTI will have been provided with an information pack explaining the mandate proposal in detail. Attendees at the hui will have had the opportunity to discuss the mandate proposal with MTI representatives before the vote is taken. The mandating plan has been designed so that voting members should have been provided with sufficient information about MTI's mandate proposal to be able to make an informed decision before a vote is taken at the mandating hui.

When this process is completed, MTI will submit a Deed of Mandate to the Crown.

PUBLIC NOTIFICATION



HE PANUI

Settlement negotiations for Ngai Tataara, Ngati Kurumokihi, Marangatuhetaua (Ngati Tu) & Ngai Te Ruruku ki Tangoio

Maungaharuru-Tangitu Incorporated (MTI) wishes to confirm its mandate from Ngai Tataara, Ngati Kurumokihi, Marangatuhetaua and Ngai Te Ruruku ki Tangoio (together, the Hapu). The purpose of the mandate is for MTI to negotiate with the Crown on behalf of the Hapu, for the comprehensive settlement of all the historical Treaty claims of the Hapu.

MTI will hold three mandating hui. The purpose of these hui is for MTI to give an update on its work and developments since the last mandating hui in 2005 and for Hapu members to discuss and vote on the proposal to confirm MTI's mandate. All members of the Hapu are encouraged to attend.

The schedule of hui is as follows.

Saturday, 7 March 2009	9:30am	Tangoio Marae, 1 Tangoio Settlement Rd, State Highway 2, Tangoio, Napier
Sunday, 8 March 2009	11am	Quality Inn Manukau, 477 Great South Rd, Papatoetoe, Auckland
Saturday, 14 March 2009	11am	Totara Lodge Motor Inn, 68 Ararino Street, Trentham, Upper Hutt, Wellington

Voting on the mandate proposal will occur at each hui by way of a ballot. Registered adult members of MTI (18 years and over) will be eligible to vote. The proposed resolution to be passed at the hui is:

That this hui confirms the mandate of Maungaharuru-Tangitu Incorporated (MTI) to enter into negotiations with the Crown for a comprehensive settlement of all of the historical Treaty claims of Ngai Tataara, Ngati Kurumokihi, Marangatuhetaua (Ngati Tu) and Ngai Te Ruruku ki Tangoio (together, the Hapu) against the Crown, other than Wai 55 (Te Whanganui a Orotu) & 692 (Napier Hospital and Services Claim).

This mandate is given to MTI to negotiate with the Crown separately, or collectively with other hapu or iwi, if MTI believes it is in the best interests of the Hapu.

Information packs will be distributed on 14 February 2009 to all registered adult members of MTI, ahead of the scheduled hui. The pack will include information sheets explaining MTI's mandate proposal as well as the Crown's Treaty Settlement process. If you do not receive a pack, or if you are not yet a registered member of MTI, please contact the Administrator at MTI.

Information packs and information on how to register with MTI can be obtained from MTI's website: www.tangoio.maori.nz, or by contacting the Administrator of MTI:

post: PO Box 3376, Hawkes Bay Mail Centre, Napier 4142
phone: Free phone 0800 TANGOIO (0800 826 4646) or 06 835 6400
email: info@tangoio.maori.nz.

Results of the mandating hui will be published on Saturday 21 March 2009.

VOTING : INFORMATION SHEET

This information sheet addresses various questions that are often asked about voting. If you have a question which is not covered here, please contact the Administrator of MTI on Freephone 0800 TANGOIO (0800 826 4646), or 06 835 6400 or email info@tangoio.maori.nz.

Voter eligibility

To be able to vote at one of the mandating hui, you must be:

- a member of Ngai Tatara, Ngati Kurumokihi, Marangatuhetaua (Ngati Tu) or Ngai Te Ruruku ki Tangoio;
- 18 years of age or older; and
- you must be a registered member of MTI. If you have not already registered, please contact the Administrator and request an enrolment form. In this situation, any vote cast will be referred to as a 'special vote' and will only be considered valid once the application for enrolment has been accepted.

Voting rules

Each voter can only vote once.

Voters must use the original voting paper provided at the mandating hui. If you make an error on the voting paper, you will be provided with a replacement voting paper at the hui.

The voting form must be completed and signed by the registered member and returned to the ballot box.

The votes will be authenticated by the Independent Returning Officer whose judgment will be final. A voting paper will be deemed invalid if:

- a replacement voting paper has been issued for the same number (where a replacement voting paper has been issued, the original voting paper is no longer valid);
- the vote is not clearly marked in indelible ink;
- it has been altered in such a way that the voting decision is not clear; or
- the voting number cannot be reconciled with the MTI roll.

The Independent Returning Officer is:

Kensington Swan
89 The Terrace
P O Box 10246
Wellington 6143

Phone: 04 472 7877
Fax: 04 472 2291
Website: www.kensingtonswan.com

Attention: Kim Connolly-Stone

Results

The results of the ballot process will be publicly notified on 21 March 2009 in the NZ Herald, Dominion Post and Hawkes' Bay Today, as well as on the MTI Website.