

Ngāti Tamaterā

Mandate Strategy

Prepared by:

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Ngāti Tamaterā Mandate Strategy

1. Preamble

In November 2009 the Crown initiated a process to establish a structure (the Hauraki Collective) with which it could negotiate the comprehensive Hauraki Treaty of Waitangi Settlement. In May 2010, despite its initial resistance¹ to the Crown approach, Ngāti Tamaterā elected Liane Ngamane and John McEnteer as the Ngāti Tamaterā Interim Negotiators to the Hauraki Collective and the Nga Mana Whenua o Tamaki Makaurau Collective (known as “Tamaki Collective”) to negotiate a Hauraki Collective, Tamaki Collective and Ngāti Tamaterā specific treaty settlement.

On 1 October 2010, the Hauraki Collective Framework Agreement (“Framework Agreement”) was signed between the Crown and the twelve iwi of the Hauraki Collective. The Framework Agreement outlines the process for ongoing negotiations. The Crown and the Hauraki Collective acknowledge in the Framework Agreement, that the ultimate structure of a Hauraki Treaty of Waitangi Settlement is not yet agreed.

On the 12 February 2010, the Nga Mana Whenua o Tamaki Makaurau and Crown Agreement Framework was signed. This Framework Agreement, at Clause 33, provided for an invitation to be extended to Ngāti Tamaterā to sign the Framework Agreement once interim negotiators were in place. On the 18 June 2010 by way of an Appending Agreement to the Nga Mana Whenua O Tamaki Makaurau and Crown Framework Agreement, Ngāti Tamaterā signed that agreement. The ultimate structure of a Tamaki Makaurau Treaty of Waitangi Settlement and a settlement involving Ngāti Tamaterā in Tamaki Makaurau is not yet agreed.

2. Purpose of this Strategy Document

The purpose of this strategy document is primarily to provide information and insight into the intentions and the process to be undertaken by Ngāti Tamaterā, to obtain a mandate to negotiate a Treaty of Waitangi settlement, on behalf of Ngāti Tamaterā. The mandate is to be achieved through a fair, open and robust process, and that is recognised by Ngāti Tamaterā and the Crown.

This strategy document is not for the purposes of describing specific details, part or full of the claim, nor of the settlement to be sought, as these are significant matters to be further discussed, negotiated and communicated directly between Ngāti Tamaterā, the Hauraki Collective, the Tamaki Collective and the Crown.

The contents of this strategy are without prejudice, and should in no way disadvantage or jeopardise any claimant group nor be used as a reference for the process of negotiations or settlement. That is the right of each claimant group at the appropriate time, to disclose such information to the Crown themselves.

¹ Ngati Hako and Ngati Tara Tokanui also resisted the Crown approach along with Ngati Tamatera. It is noted that Ngāti Tamaterā, Ngati Hako and Ngati Tara Tokanui continue to work together as an Iwi Alliance for these settlement negotiations.

3. Claimant Definition

3.1. Claimant community

Tamatera was the second son of the eponymous ancestor Marutuahu and formed the tribe known as Ngati Tamatera. According to Ngati Tamatera tradition after Tamaterā took on his father's status, there was antagonism with his sibling that Tamaterā eventually departed, living in several districts including Ōhinemuri, Katikati and Whakatāne. Ngāti Tamaterā are a major tribe within the rohe and their leaders have been prominent in Hauraki tribal affairs for many generations.

Ngati Tamatera acknowledges its strong historical connections to Ngati Hako, Ngati Tara Tokanui and the Marutuahu tribes of Ngati Maru, Ngati Paoa and Ngati Whanaunga.

For the purposes of this mandate, the claimant group, Ngati Tamatera is defined as all members of Ngati Tamatera that trace descent from their tupuna Tamatera².

3.2 Claims to be settled

Ngati Tamatera will settle its historical Treaty of Waitangi claims and its interests in the geographic area outlined in the attached map (refer Appendix 1) including the Ngati Tamatera interests in the following claims in so far as they relate to Ngati Tamatera.

Wai No.	Claim Title	Claimants
Wai 100	Hauraki Comprehensive	H Tukukino
Wai 373	Maramarua State Forest	T Renata Te Taniwha & others
Wai 650	Hauraki tribal lands in Athenree, Katikati and Te Puna Blocks within Tauranga Moana	T Renata Te Taniwha & others
Wai 349	Hauraki Tribal Rohe claim	TWM Nicholls
Wai 720	Mahurangi-Omaha	TM Nicholls

² The descendants of Tamatera who are known as Ngati Pukeko and based in Whakatane are not covered by this claimant definition nor have interests in the tribal rohe of Ngati Tamatera.

	(Hauraki Gulf) claim	
Wai 778	Ngāti Tamaterā Lands and Taonga claim	TWM Nicholls and Te Rūnanganui A Iwi o Ngāti Tamaterā
Wai 418	Waikawau Purchase Thames Coast	Rikiriki Rakena and others
Wai 495	Marutuahu Tribal Lands	Mahuta Pitau Williams
Wai 728	Ti Kapa Moana Hauraki Gulf Marine Park	T Renata Te Taniwha and Hauraki Maori Trust Board
Wai 968	Moehau 2A2 Block	Korohera Ngapo
Wai 997	Papaaroha 1 Block	Daniel Hitchcock

The claims maybe refined and confirmed throughout the course of negotiations.

3.2. Area of Interest

Ngāti Tamaterā's rohe encompasses the area outlined in appendix one.

Ngāti Tamaterā acknowledges that this rohe overlaps with other Hauraki iwi and other iwi including: Tauranga Moana, Ngāti Haua, Waikato-Tainui, Ngāi Te Ata, Ngāi Tamarawaho, Te Akitai, Ngāti Whātua, Ngati Manuhiri, Kawerau A Maki and Ngāti Wai.

The Area of interest maybe refined and confirmed throughout the course of negotiations.

4. Representation and Accountabilities of the Negotiators

4.1. Appointment of Negotiators

Two negotiators will be appointed by hui ā-iwi of Ngāti Tamaterā as outlined in the table below:

Date	Venue	Time
Friday 11 March 2011	Nau Mai Room, Ground floor, Te Puni Kokiri House, 143 Lampton Quay, Wellington	6.00pm-9.00pm
Saturday 12 March 2011	The Ventura, 23 Clarence Street, Hamilton	11.00am-2.00pm
Saturday 12 March 2011	The Holiday Inn, 2 Ascot Road, Airport Oaks, Mangere, Auckland	6.00pm – 9.00pm

Sunday 13 March 2011	Te Pai O Hauraki Marae, Papaturoa Avenue, Paeroa	1.00pm – 4.00pm
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The Negotiators will be Ngāti Tamaterā's representatives on the Hauraki Collective and the Tamaki Collective.

4.2 Replacement and Removal of Negotiators

Should two years from the date of the appointment of the Negotiators lapse before a deed of settlement on behalf of Ngāti Tamaterā has been signed, the Negotiators will call a hui ā-iwi in the rohe of Ngāti Tamaterā to renew the term of the Negotiators or replace them with new ones. Should a negotiator resign or no longer be able to negotiate on behalf of Ngāti Tamaterā for any other reason, the remaining Negotiator will call a hui ā-iwi to appoint a new Negotiator.

Should members of Ngāti Tamaterā be no longer satisfied with the performance of the Negotiators and the dispute resolution process outlined below has not resolved the dis-satisfaction, a member of Ngāti Tamaterā may apply in writing to the Negotiators to call a hui ā-iwi to replace a negotiator by vote provided such application is accompanied by 30 signatures of other members of the Ngāti Tamaterā.

4.2. Negotiators' responsibilities

The Negotiators are ultimately responsible and accountable to Ngāti Tamaterā. Responsibilities and accountabilities of the Negotiators will include:

- Regular reporting to Ngāti Tamaterā people about the negotiation process;
- The production of regular financial accounts;
- The constant review of the negotiating team and other advisors;
- The ability to engage and remove experts / specialists contracted for the purposes of negotiations;
- Approve and sign off on key negotiation milestones, including but not limited to:
 - Deed of Mandate;
 - Terms of Negotiation; and
 - Agreement in Principle.
- Presenting an initialled Deed of Settlement for ratification to Ngāti Tamaterā.

4.3. Reporting Process

The Negotiators will report to the Ngāti Tamaterā community about the Treaty settlement negotiation and its progress, in a number of ways, including:

- bi-monthly hui called by the Negotiators and attended by any members of Ngāti Tamaterā who wish to do so;
- regular pānui; and
- via a website and other media eg facebook

4.5 Decision making processes

The Negotiators will make decisions by way of consensus. In addition, the wider Ngāti Tamaterā community can participate in the decision making process by attending and voting on resolutions put at the bi monthly hui ā-iwi. All decisions made by the Negotiators in relation to settlement negotiations will be made in accordance with Ngāti Tamaterā tikanga.

4.6 Dispute Resolution

If a group or individual has a concern regarding the Negotiators representation of their interests or any other conduct during negotiations, they should inform the Negotiators in writing. The Negotiators will seek all relevant information required from the group or individual to ensure they have a clear understanding of the nature of their concern.

Once the information has been received, the Negotiators will meet with the group or individual in question to resolve the matter by consensus or failing that proceed into a dispute resolution process which may include mediation and or they may choose to take the dispute to a hui a iwi for resolution.

5. Mandating Process

5.1. Mandating Hui

The mandating hui will be notified to Ngāti Tamaterā members through:

- Hui A Iwi
- Email lists
- Newspapers
- Local Radio

Notification will be placed with each of these media at least 21 days prior to the hui.

The public notice will clearly state the purpose of the hui. Specific mention will include reference to the need to obtain mandate for the Negotiators to enter into negotiations with the Crown for the comprehensive settlement of all the historical Treaty of Waitangi claims for and on behalf of Ngāti Tamaterā.

The Negotiators will be holding publicly notified mandating hui at the dates and venues outlined in the table below. The Negotiators will be seeking the mandate from Ngāti Tamaterā to enter into negotiations with the Crown regarding the comprehensive settlement of all Ngāti Tamaterā historical Treaty claims.

The following resolution will be put to the hui:

That Liane Ngamane and John McEnteer be mandated to represent Ngāti Tamaterā in comprehensive negotiations with the Crown to settle the historical Treaty of Waitangi Claims of Ngāti Tamaterā.

The Mandating hui will occur in the following location/s:

Date	Venue	Time
Friday 11 March 2011	Nau Mai Room, Ground floor, Te Puni Kōkiri House, 143 Lampton Quay, Wellington	6.00pm-9.00pm
Saturday 12 March 2011	The Ventura, 23 Clarence Street, Hamilton	11.00am-2.00pm
Saturday 12 March 2011	The Holiday Inn, 2 Ascot Road, Airport Oaks, Mangere, Auckland	6.00pm – 9.00pm
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The mandating hui will be notified in the New Zealand Herald, Waikato Times, Hauraki Herald, local radio, and other pānui and communication processes. Minutes will be taken and attendance registers will be available for all mandate hui. This supporting information will be attached to the Deed of Mandate.

A standard and consistent presentation will be developed for these hui outlining the context and process of the mandate process, including: the Crown's approach to settling Hauraki; the role of the Hauraki Collective and the Tamaki Collective; the process to elect Negotiators; the nature and scope of the mandate being sought; proposed accountabilities and representation mechanisms; and the voting process. Ngāti Tamaterā members will have the opportunity to discuss the proposal with the Interim Mandated Negotiators, and put any questions to members before a resolution affirming the mandate of the Negotiators is sought.

Te Puni Kōkiri or the Office of Treaty Settlements (OTS) will be invited to attend the hui as Crown observers. They will provide an observer report which will be made available to Ngāti Tamaterā, and OTS. This is subject to the Official Information Act 1982 so could also be made available to others on request.

Voting on the resolution will be by ballot cast in person at the hui by eligible adult members of Ngāti Tamaterā present at the hui. No proxy votes will be permitted. The resolution will be won or lost based on the total count of ballots cast across all hui. At each hui there shall be an Independent Returning Officer (IRO) who will count the ballots in conjunction with a member of Ngati Tamatera who shall be a kaumatua/kuia if available. For each of the hui the IRO shall be either the TPK or OTS independent observer. The results of each hui will be announced at the conclusion of the hui. Eligible voters shall be all persons 18 years or older who are of Ngāti Tamaterā descent. Voter eligibility and the voting process will be re-affirmed by the facilitator of the hui.

An attendance register will be taken at each hui. Knowledgeable persons of the Iwi who are in attendance may be asked to verify whakapapa, where appropriate, to confirm eligibility of members where this is challenged.

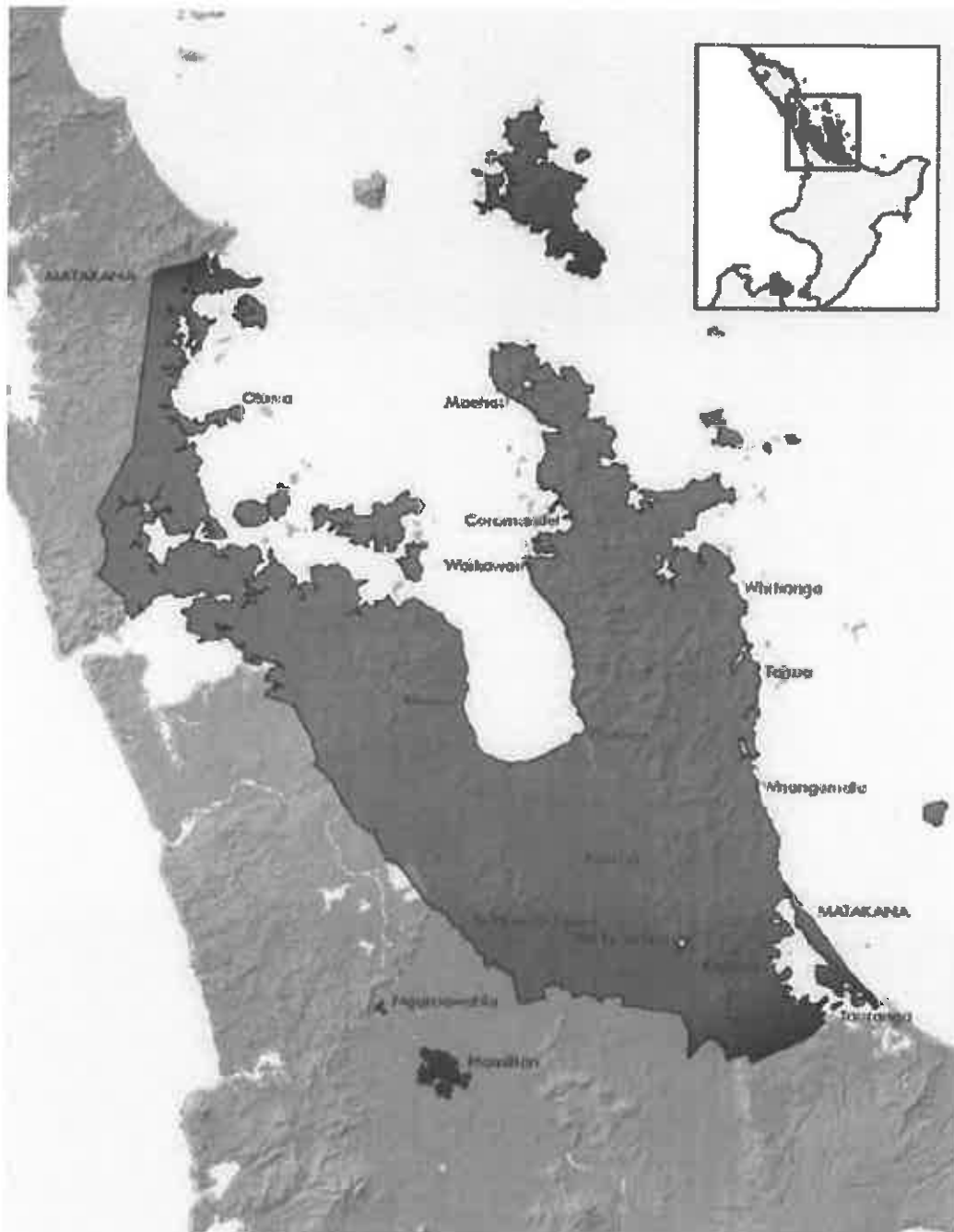
Copies of all advertisements, pānui, community notices, minutes, and attendance registers will be kept as evidence for inclusion in the deed of mandate.

6. The Deed of Mandate

Upon completion of the Mandate Hui, the Deed of Mandate will be written and supporting evidence collated according to the guidelines as set out by OTS and submitted to Te Puni Kōkiri and OTS for assessment, for recognition from the Minister for Treaty of Waitangi Negotiations and the Minister of Māori Affairs.

It is expected that information and mandating hui will be completed by 14 March 2011 and that a Deed of Mandate is expected to be submitted by no later than 31 March 2011.

Appendix 1 – Area of Interest



Source: Hauraki Maori Trust Board, 2002