

5 May 2011

Judge Craig Coxhead  
Waitangi Tribunal  
PO Box 5022  
**WELLINGTON**

By email

Tēnā koe

I am writing to you in my capacity as the Spokesperson for Te Rōpū o Tūhoronuku to provide you with an account of progress made on settlement negotiations, specifically, pre-mandating activities.

I understand a Judicial Conference is to be convened 9 May 2011 in Waitangi. In light of this, I wish to provide the Waitangi Tribunal with some key points to inform you and readers of the position of Te Rōpū o Tūhoronuku regarding Stage II Waitangi Tribunal Hearings and Ngāpuhi settlement negotiations.

The role and establishment of Te Rōpū o Tūhoronuku is in complete accord with the recommendation arrived at by the 2008 Annual General Meeting (AGM), where by way of unanimous resolution, Te Rūnanga-Ā-iwi o Ngāpuhi was directed to get involved with the claims process. Following the 2008 AGM, an interim working party was put in place to consider what that involvement might be. The interim working party recommended that the Rūnanga not get involved in the hearings process but seek the guidance of Kaumātua and Kuia who resolved that the Rūnanga consult with Ngāpuhi as to what capacity the Rūnanga should assist Ngāpuhi to move forward.

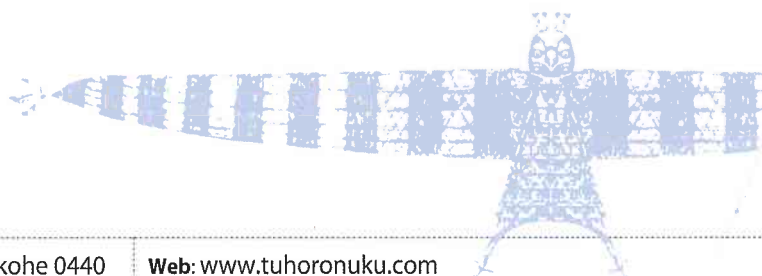
In 2009, after two rounds of consultation with Ngāpuhi, the Rūnanga was directed to support the hearings on He Whakaputanga and Te Tiriti o Waitangi, to get on with negotiations and to ensure that Deed of Mandate was sought from Ngāpuhi at the completion of the Initial Waitangi Tribunal hearings concerning He Whakaputanga and Te Tiriti o Waitangi.

In 2010, a third round of Information Hui with Ngāpuhi was completed. This round of hui focused on discussing a Deed of Mandate strategy and representation structure.

#### **TE RŌPŪ O TŪHORONUKU GOVERNANCE & MANAGEMENT STRUCTURE**

Te Rōpū o Tūhoronuku operates in accordance with the Trust Deed and operational policies of Te Rūnanga-Ā-iwi o Ngāpuhi. The objective of which is to assist in overseeing the negotiations of a comprehensive Ngāpuhi settlement. The intention is that settlement will provide an enduring resolution to Ngāpuhi historical Te Tiriti o Waitangi grievances.

In carrying out this objective, Tūhoronuku has a commitment that it will be informed by Ngāpuhi acting through their appointed representatives to Te Rōpū o Tūhoronuku and will include Ngāpuhi irrespective of where they reside.



The structure of Tūhoronuku is based on Ngāpuhi representation and will be in place until negotiations have concluded. Once a Deed of Settlement is signed by Ngāpuhi (not Tūhoronuku), a structure that is designed and approved by Ngāpuhi will be put in place to receive and manage those assets. What this structure looks like will be decided by Ngāpuhi. It is important to highlight that it is Crown policy to not return settlement assets to a Charitable Trust. This point is highlighted because Te Rūnanga-Ā-iwi o Ngāpuhi will not necessarily receive and manage settlement assets.

Tūhoronuku has a four layered representative structure to progress settlement negotiations.

The first layer is representative of all of Ngāpuhi including all Hapū and individuals.

The second layer represents the mandated Hapū Kaikōrero. Hapū have begun to appoint Kaikōrero to speak for their Hapū on matters of settlement. There are no limits to numbers of Kaikōrero and Hapū Kaikōrero may represent more than one Hapū.

The third layer represents the membership of Te Rōpū o Tūhoronuku. Detail of membership is discussed below.

The fourth layer represents the negotiators, who will be officially appointed by Te Rōpū o Tūhoronuku

#### **HAPŪ REPRESENTATION**

The role of Hapū Kaikōrero is an important one. Hapū Kaikōrero are responsible for communication of information up to Hapū and back down to Hapū Representatives sitting around the Tūhoronuku table.

Hapū Kaikōrero are also responsible for ensuring matters of importance or significance to Hapū are tabled for discussion by Tūhoronuku for inclusion in the settlement negotiation process.

Hapū Kaikōrero may be Kaikōrero for both the Tribunal and the settlement processes or two separate Kaikōrero may be appointed by Hapū. This decision is for Hapū to make.

These Hapū Kaikōrero will convene at Hui of mandated Hapū Kaikōrero to appoint seven Hapū Representatives to the third layer of the structure - Te Rōpū o Tūhoronuku.

#### **DECISION MAKING**

Terms of Reference for Tūhoronuku have been approved by the Board of Te Rūnanga Ā Iwi O Ngāpuhi and adopted by Tūhoronuku. It is to be noted that the Terms of Reference clearly state that the Rūnanga cannot veto decisions made by Tūhoronuku.

#### **TE RŌPU O TUHORONUKU MEMBERSHIP**

Te Rōpū o Tūhoronuku has a membership of fifteen representations. At the time of writing this letter, ten members have been appointed with five hapū kaikōrero positions remaining:

- Kaumātua representative – John Klaricich
- Kuia representative – Titewhai Harawira
- Te Rūnanga Ā Iwi o Ngāpuhi Board representative – Carol Dodd
- Te Rūnanga Ā Iwi o Ngāpuhi Board representative – Sonny Tau
- West/Central Auckland Rohe representative – Denis Hansen
- South Auckland Rohe representative – Hōne Sadler
- Wellington Rohe representative – Ben Dalton
- South Island Rohe representative – Tana Cooper
- Hapū Kaikōrero representative – Kyle Hoani
- Hapū Kaikōrero representative - Toko Tahere



### **DEED OF MANDATE STRATEGY**

In January 2011, the Crown endorsed the Deed of Mandate Strategy submitted by Te Rōpū o Tūhoronuku, noting the strategy was 'sound' and 'in line with Crown criteria for a robust and transparent mandating process'.

### **PUBLIC SUBMISSION PROCESS**

The strategy was then published on the Tūhoronuku website [www.tuhoronuku.com] and by agreement on the websites of the Office of Treaty Settlements and Te Puni Kōkiri. The public and specifically Ngāpuhi were invited to provide submissions on the strategy. While not mandatory to seek submissions, Tūhoronuku were of the opinion that it would be useful to provide an opportunity for individuals and groups to provide their feedback on the strategy.

The timeframe for submissions to be received was from the 26 January 2011 – 2 March 2011 (a six week period). During this six week period, Tūhoronuku received a total of 20 submissions; these included written and verbal submissions and were primarily from claimants and legal counsel on behalf of their clients who are participating in Te Paparahi o Te Raki inquiry.

An analysis of submissions can be found on the Tūhoronuku website.

### **MANDATING HUI SCHEDULE**

The strategy detailed a timeframe for mandating hui to commence in April 2011. Tūhoronuku have considered the submissions and resolved to extend the timeframe to seek Deed of Mandate from April to July and August to allow an opportunity to discuss these issues with a view to ensuring a united Ngāpuhi mandate.

We have heard the concerns of some hapū and have given our commitment that we are sincere in wanting to engage with them so as to find a way forward together.

### **HEARINGS AND SETTLEMENT NEGOTIATIONS – PARALLEL PROCESS**

Tūhoronuku wish to reiterate their support for claims to be heard by the Waitangi Tribunal. In doing so, Tūhoronuku also remain committed to securing a mandate for the road to settlement.

In December 2010, three members of Te Rōpū o Tūhoronuku, Raniera (Sonny) Tau, Titewhai Harawira and Hōne Sadler, submitted a memorandum in support of hearings outlining a possible solution to a hearings schedule.

We note in the Crown memorandum of 16 December 2010 that the Crown is open to entering into Treaty settlement negotiations while a Tribunal process is underway. This view is further reiterated in the Crown memorandum on Stage II process of 3 May 2011.

The timetabling of hearings is in the Tribunal's hands; however, it would be advantageous to ensure maximum benefit is gained from these hearings that enable Ngāpuhi to engage in settlement negotiations while claimants have their issues heard.

I am available to discuss this further with yourself and Waitangi Tribunal staff if you wish to. Thank you for your consideration.

Heoi anō



Raniera (Sonny) Tau  
**Spokesperson**  
**Te Rōpū o Tūhoronuku**

