

Record of Meeting

Hui: Ngā hapū o Ngāpuhi initial information hui, Kaikohe Memorial Hall, Kaikohe

Date: Sunday 19 January 2020

Present: Ngā hapū o Ngāpuhi

Opening remarks

The hui opened at approximately 1:00pm. The facilitator advised:

- an attendance list was in circulation;
- a speakers list was also in circulation for those who wished to speak during the hui however this did not restrict anyone's ability to speak; and
- Te Arawhiti would present a slideshow and answer any questions throughout.

The slideshow was presented in full followed by questions and comments (as detailed below). The specific slideshow has not been recorded as it followed closely to the information on the slides.

Matters raised by ngā hapū o Ngāpuhi

He Wakaputanga, Te Tiriti o Waitangi, the Waitangi Tribunal inquiries and hapū rangatiratanga

1. Speakers made strong statements regarding He Wakaputanga, Te Tiriti and hapū rangatiratanga and advised these issues are bottom lines for ngā hapū o Ngāpuhi and not negotiable. Speakers considered these issues should be resolved before moving forward with mandating and negotiations.
2. Speakers stressed ngā hapū o Ngāpuhi did not cede sovereignty and did not agree to be governed by the Crown. In addition, He Wakaputanga should be part of their constitutional documents. One speaker asked for the Minister for Treaty of Waitangi Negotiations (the Minister) to sit down with ngā hapū o Ngāpuhi and discuss sovereignty.
3. Te Arawhiti advised the Minister is willing to discuss He Wakaputanga, and the Crown has conceded in the Waitangi Tribunal inquiries that it breached Te Tiriti. The Minister wants to get into negotiations to provide redress.
4. One speaker questioned what the Crown is doing with the information and findings from the Tribunal hearings, and when the Crown will respond to the conclusions. Te Arawhiti advised the Crown uses the information from the hearings as a basis for negotiations. Te Arawhiti restated the Crown has admitted it breached Te Tiriti and wants to get into negotiations to provide redress if ngā hapū o Ngāpuhi want.

5. There is frustration the Tribunal's Stage 2 report has not been released and speakers asked if the Crown could request for the report be released quicker. Te Arawhiti advised the Tribunal is independent from the Crown and runs its own processes.

Discontinued recognition of the TIMA mandate and views on the new proposal

6. Speakers stated one of the biggest mistakes the Crown made was talking to ngā hapū o Ngāpuhi as if they had one chief, the Tūhoronuku Iwi Mandated Authority (TIMA). Speakers asked for more time and resources for the proposed new approach.
7. One speaker advised they fought against the TIMA mandate and it created all kinds of tension. The speaker expressed they just want their land returned without having to jump through any more hoops. Other speakers also stated the Crown should just return the land it took without ngā hapū o Ngāpuhi having to negotiate redress.
8. Speakers expressed frustration that despite 20 years of research and 8 years of Tribunal hearings, the Crown has dictated another process that appears similar to the last one.
9. Te Arawhiti acknowledged the frustration for ngā hapū o Ngāpuhi caused by all of the processes to date. Te Arawhiti reiterated it wants to get into negotiations with ngā hapū o Ngāpuhi to provide redress. However, the Crown needs to know that whoever is being put forward to negotiate on behalf of ngā hapū o Ngāpuhi is supported by hapū and will represent all hapū interests.
10. There were concerns the proposed new approach would cause conflict between hapū. It was also noted that throughout the processes to date, some Ngāpuhi have passed on and some have lost interest so there are less people at the wheel.
11. Statements were made about how the Crown should know what to do from all the Treaty settlements it has reached so far, but ngā hapū o Ngāpuhi do not feel listened to and do not feel like the Crown is working in partnership with them. Te Arawhiti advised while there have been a lot of Treaty settlements none of them are the same. There are different contexts and aspirations for each claimant group. The Crown is mindful ngā hapū o Ngāpuhi have distinct wants, for example ngā hapū o Ngāpuhi are the holders of He Wakaputanga, and past approaches will not work.
12. Speakers advised they feel like they're being pushed into a settlement. They want the Crown to be honest and transparent.
13. One speaker asked hapū not to rush into developing proposals and to take the time to talk amongst one another. The speaker said hapū need to think about all of the things they want redress over and move at the same pace.
14. Speakers questioned how the Crown will deal with hapū who move at different paces, and whether hapū who are ready to enter mandate discussions and negotiations will have to wait until all hapū know what they want to do. Te Arawhiti advised that Ministers have not established a position on this yet, but in the past the Crown has taken the view it is unfair to hold up groups who are ready to go. Te Arawhiti noted some potential challenges such as dealing with overlapping interests if some hapū are not mandated or in negotiations.
15. Speakers advised that ngā hapū o Ngāpuhi want to know what the Crown can do and what it cannot do within the scope of negotiations.

16. Speakers informed the proposed timeframes for submitting regional hapū grouping proposals were unfeasible and queried if the Crown had consulted the rūnanga. Te Arawhiti advised that Ministers would like to start receiving regional hapū grouping proposals from March 2020 but this is not a hard deadline. It was noted the Crown did not consult the rūnanga on the new opportunity but the rūnanga is aware of it.
17. One speaker acknowledged that a new opportunity has been created for ngā hapū o Ngāpuhi to set up their own structures and processes, and they wanted ngā hapū o Ngāpuhi to consider submitting proposals and getting things done.

Potential redress

18. One speaker noted there is a moratorium on private land but queried what can happen if private properties become available for purchase. The speaker also noted Hone Heke Hill is owned by the Council and there are puna there which hapū have no say over. Hapū have to get consent from the Council to get their own water and are asking themselves as kaitiaki if this is equitable. Hapū want to discuss this with Ministers. Te Arawhiti advised the Crown is currently looking to establish a sovereign fund to acquire private land so it can be used in Treaty negotiations. Te Arawhiti also advised Council owned sites are often negotiated and returned, and the Crown expects management of natural resources such as water to be part of ngā hapū o Ngāpuhi negotiations.
19. Te Arawhiti's response about being able to return private and Council land was challenged and the speaker asked if the Crown was making statements it could not follow through on. The speaker advised that the Council owns some of the airport land (with the surrounding buildings being Crown and privately owned but all on the one title). The Council land was to be given back to hapū but this was never honoured and the land has not been returned.
20. Another speaker noted how in the past Northland College Farm was purchased for £20,000 and the College Board has made improvements to the farm which indicates this site may no longer be Crown owned and therefore not up for negotiation. The speaker indicated the farm was now worth \$4 million and a valuable Crown asset that is no longer available for Crown use. Concerns were shared how there is no other valuable Crown land and schools seem to be the only commercial assets. Te Arawhiti advised the Minister would be willing to enter into talks about these kind of properties and see if something can be worked out.
21. One speaker highlighted how trees were taonga and historically 6800 ship loads of trees were taken out of Hokianga Harbour at £17,000 per ship however hapū received no money. The speaker asked whether this would be compensated for and queried what type of redress could be provided (e.g. an apology, cultural redress, financial restitution).

Funding

22. Speakers said they needed funding and resources to meet and discuss the new mandate opportunity. Te Arawhiti advised funding is available.
23. Speakers queried who they should send their funding applications to. Te Arawhiti advised it will process all funding applications.

Other feedback

24. Speakers questioned who Te Arawhiti is, what role the officials at the hui play, whether the officials serve the Crown and why ngā hapū o Ngāpuhi have to answer to officials. Te Arawhiti explained how Te Arawhiti was formed and that present officials are Crown representatives who provide advice to Ministers. Te Arawhiti also clarified the Minister is the Crown representative and government delegate for Treaty negotiations. It was noted the Minister cannot attend all Treaty related hui but officials do report back to him.
25. There were calls for hapū to define their own areas of interest and for council boundaries to be disregarded. Speakers stated ngā hapū o Ngāpuhi know their areas of interest and where the overlaps are.
26. Speakers stated the word “settlement” should not be used with ngā hapū o Ngāpuhi. Te Arawhiti noted this message had also been raised at the other hui and the Crown is comfortable using different terms.
27. Speakers conveyed the Crown needs to speak to hapū and not the rūnanga.
28. Speakers raised some of the key issues they consider ngā hapū o Ngāpuhi are facing, including loss of land, culture, te reo, partnership, council representation, incarceration rates, housing, homelessness and children in state care.
29. One speaker asked what will happen with the feedback from the initial information hui, will there be changes to the proposed approach following the feedback from hui, and will there be further hui. Te Arawhiti advised the hui feedback will be published on its website, it is up to ngā hapū o Ngāpuhi to submit mandate proposals that will work for them, and officials are willing to have further hui if requested.

Closing remarks

Following all speakers, Te Arawhiti summarised some of the key messages heard by the Crown and summarised the next steps including:

- Further discussions around He Wakaputanga, Te Tiriti and hapū rangatiratanga need to be had;
- The Waitangi Tribunal’s Stage 2 report needs to be released;
- Ngā hapū o Ngāpuhi still consider the Crown is dictating processes;
- The Crown should be transparent about what it can do, and what it cannot do, within negotiations;
- Hapū need more time and resources to consider and develop mandate proposals;
- Crown officials are willing to come back and meet with hapū who want to further discuss progressing a mandate proposal.

Copies of the presentation, funding application form and guidance for mandate proposals were available for all attendees to take away.

The hui closed at approximately 3.45pm.