

Record of Meeting

Hui: Ngāpuhi Open Hui, Copthorne Waitangi

Date: Sunday 8 December 2019

Present: **Ngā hapū o Ngāpuhi**
Facilitator - Hone Harawira

The Crown

Minister for Treaty of Waitangi Negotiations – Hon Andrew Little
Te Minita Whanaketanga Māori – Hon Nanaia Mahuta

Te Arawhiti (TA)

Deputy Chief Executive - Rachel Houlbrooke
Regional Director – Leah Campbell
Specialist Advisor - Stephen Ihaka
Private Secretary – Anna Galvin

Te Puni Kōkiri

Regional Manager (Te Tai Tokerau) - Tui Marsh
Senior Advisor - Nicole Butler

Opening remarks

Hui opened with Ministers acknowledging the relationship between the Crown and Ngāpuhi needs to be restored and made a commitment to make progress.

Minister Little:

- Acknowledged this was the start of the restoration of the relationship between the Crown and Ngāpuhi.
- Acknowledged the previous work done by the Tūhoronuku Independent Mandated Authority (TIMA) to address the mandate issues, but that in spite of this work the mandate did not have sufficient from ngā hapū o Ngāpuhi;
- Advised in January Crown officials will begin conversations with ngā hapū o Ngāpuhi about next steps;
- Considers there are issues common to all hapū such as the revitalisation of Te Reo Māori and it makes sense for these matters to be discussed collectively with the Crown;
- Recognised the importance of He Whakaputanga and that the Crown and Ngāpuhi need to find the best way to talk about this;
- Would provide funding to support Ngāpuhi to move forward; and
- Suggested putting a portion of Ngāpuhi quantum aside and start investing that now.

Minister Mahuta stated she wanted to:

- Listen to kōrero and hear the aspirations of the people of Ngāpuhi;
- Acknowledge the past two years of hard work and commitment;
- Is looking for a new way forward from here towards the future and what that looks like;
- Acknowledge this is a challenging process to engage in from both sides;
- Not happy about giving short notice for the hui but the Crown didn't want Ngāpuhi to lose out on any more opportunities.

Matters raised by ngā hapū o Ngāpuhi

Ngāpuhi cession of sovereignty and Stage 1 and 2 Tribunal reports

1. Speakers made strong statements regarding the Stage 1 findings – that Ngāpuhi did not cede sovereignty. Speakers asked when would the Crown respond to the Tribunal's Stage One report and the importance of progressing these discussions.
2. Speakers raised questions about:
 - whether a Treaty settlement would extinguish Ngāpuhi sovereignty and were clear the Crown needed to provide a response upfront on that; and
 - when would the Tribunal's Stage Two report be available, and asked the Crown to provide resourcing for this to happen as soon as possible.

Discontinued recognition of the TIMA mandate and views on proposed process

3. Strong support for the Crown no longer recognising the TIMA mandate.
4. Statements were made about the Crown learning from the TIMA mandate process and engaging in meaningful discussion with ngā hapū o Ngāpuhi and listening to what they have to say.
5. Many speakers noted the damage the mandate process has done to ngā hapū o Ngāpuhi and that ngā hapū o Ngāpuhi need the time and space for hohou te rongo amongst themselves and to meet and discuss what their needs are.
6. Proposed timeframes to submit proposals were seen as ambitious and unattainable. A longer time frame was requested so there could be meaningful engagement.
7. Whānau and hapū are fundamental to Ngāpuhi and tikanga will guide how negotiations will proceed. Hapū rangatiratanga needs to be respected, protected and enhanced in any mandate discussions.
8. There were calls to work with ngā hapū o Ngāpuhi and find a pathway forward together rather than the Crown dictating the process to them and there needs to be flexibility in the Crown process. Some speakers emphasised the need to include the voice of rangatahi, a strong role of ngā māreikura.
9. There was feedback regarding providing adequate resourcing to ngā hapū o Ngāpuhi to engage and wānanga together to develop their own approaches.

Collective mandate proposal

10. Some speakers questioned why the Crown still sought to negotiate financial and commercial redress collectively, and asked the Crown not to dictate to us what our next steps will be - in particular one commercial settlement for Ngāpuhi.
11. Some speakers raised concerns about their fisheries settlement assets being held centrally and not seeing any benefits, and questioned why they would agree to a centrally held pool of assets again.
12. Some speakers considered if the Crown requires a collective financial settlement there should be training for Marae to keep building their capacity to grow post settlement.

Regional hapū mandate proposals and cultural redress

13. There were questions over how hapū can organise themselves into regional groupings and whether the Crown would continue to dictate the process to Ngāpuhi.
14. Speakers questioned the use of the term takiwā, and indicated a preference for proposals to come from taiwhenua or hapū.
15. Some hapū were concerned they may get swallowed up by larger hapū and may not get to see the redress they desire. The point was also raised that the Crown has settled with smaller hapū before and there were questions as to why this cannot be done now.
16. The opportunity to negotiate specific cultural redress was welcomed, however, some hapū and regional groupings also want the opportunity to negotiate financial and commercial redress.
17. Requests for more information on what hapū specific cultural redress might look like.
18. Some hapū signalled they were readying themselves to hui with officials.

Proposed Sovereign Fund

19. There was tentative support for the proposed fund though there were questions about how the proposed fund would be managed, by whom and how and if this money would be distributed.
20. Clarification was sought that the establishment of the proposed fund would not limit financial and commercial redress, or claimant funding required to do mandate and negotiations work.
21. Assurance was also sought that just because the Sovereign fund was proposed to be held centrally at this point that didn't mean it would always be that way. Minister Little responded that this has not been determined yet; nothing is set in stone.
22. Questions were raised as to who would be involved in its establishment and management, and a suggestion that the Board be 50% mana wāhine.
23. Some suggested the proposed fund be bigger than \$100M.

Other feedback

24. Some speakers noted that all land that had been taken needed to be returned.
25. Some speakers asked what would happen if in the upcoming election Labour was voted out – would the settlement process continue as it is currently.
26. Different words were requested to use in place of ‘settlement’ and ‘negotiation’ to be able to fully go forward with this new process.
27. While preparing to discuss redress for grievances to do not create more grievances.

Closing remarks

Minister Little:

- the process will not be dictated to Ngāpuhi and Ngāpuhi and the Crown will be equals in negotiations;
- nothing is set in stone and this is a chance for the Crown and Ngāpuhi to move forward and have a fresh start;
- this cannot happen without comprehensive kōrero;
- wants to find a path for ngā hapū o Ngāpuhi and will walk alongside you.

Minister Mahuta:

- Heard clear kōrero including:
 - Understanding kōtahitanga aspirations
 - Taking He Whakaputanga and Te Tiriti o Waitangi discussion forward
 - Reaffirming ngā hapū underpin Ngāpuhi
 - Calls for internal hohou te rongō process
- The Crown will endeavour to work alongside ngā hapū o Ngāpuhi and support you as we move forward into a different space;
- Need to underpin this with transparency, trust and accountability between Crown and ngā hapū o Ngāpuhi.
- Want to get into the space where we are talking about aspiration, hope, kōtahitanga and opportunity.