

Waikato-Tainui Remaining Claims Questions

Waananga paatai

Supporting forums and groups

1. What groups are involved in the negotiations process?

There are various groups and forums that will be involved throughout the settlement process which allows for direct input and reporting to a wide range of tribal members and tribal governance. Attached as **APPENDIX A** is a diagram of the various groups which include the Oati/Kawenata Partnerships, Claims Advisory Group, the West Coast Harbours Negotiation Team (the **Negotiation Team**) and the tribal governance structures including Te Arataura, Te Whakakitenga o Waikato and the Settlement and Protection Team. The diagram displays the functions and purpose of each group and how they will integrate with the Negotiation Team.

2. How is the Negotiation Team different to the advisory groups?

The scope and function of the negotiation team is to advance and progress the WT Remaining Claims and negotiate directly with the Crown Negotiator alongside Te Arawhiti. Whereas, the Claims Advisory Group and the Oati/Kawenata forum act as a sounding board for the Negotiation Team and the Waikato-Tainui Negotiator throughout the settlement process.

These groups are an opportunity for whaanau, marae and hapuu to have direct involvement throughout the settlement process and make key decisions concerning the Harbours and the wider Waikato-Tainui Remaining Claims.

3. How do you become involved in the Claims Advisory Group and the Oati/Kawenata Forum?

Membership on the Claims Advisory group and Oati/Kawenata Partnerships is based on request from whaanau, marae and hapuu who would like to enter into an Oati/Kawenata or become a part of the Claims Advisory Group.

4. At what point are these groups required?

The Claims Advisory and Oati/Kawenata Partners meet on a bi-monthly basis and will be included throughout the entire process.

Te Arataura are required to recommend a Deed of Settlement to Te Whakakitenga. Te Whakakitenga o Waikato are required to ratify the Deed of Settlement by a special resolution.

West Coast Harbours Negotiation Team

5. How many members will be on the Negotiation Team?

The membership of the Negotiation Team will consist of 7 elected members which will include:

1. *Oati Partner – Ngaati Te Wehi representative*
2. *Oati Partner – Ngaati Mahuta (ki tai) representative*
3. *Kaawhia Harbour Representative*
4. *Aotea Harbour Representative*
5. *Whaingaroa Harbour Representative*
6. *Manukau Harbour Representative*
7. *Te Whakakitenga o Waikato Representative (Waikato-Tainui Negotiator)*

6. What is the purpose of the Negotiation Team?

The purpose of the Negotiation Team is to lead negotiations with the Crown alongside the Waikato-Tainui Negotiator and carry out tasks necessary to advance the resolution of the Waikato-Tainui Remaining Claims and the Outstanding Parts of Wai 30.

7. Why do the Oati Partners have a seat on the Negotiation Team and what is their role?

Waikato-Tainui entered into an Oati with Ngaati Mahuta in 2017 and with Ngaati Te Wehi in 2018. The Oati Partners have been included in the Negotiation Framework as recognition of their longstanding support and guidance throughout the Waikato-Tainui Remaining Claims process to date.

The Oati partners work alongside the harbour representatives and the Waikato-Tainui Negotiator to progress and advance the Waikato-Tainui Remaining Claims.

8. What is the role of Waikato-Tainui in the Negotiation Team?

In November 2017, Te Whakakitenga o Waikato voted to confirm Rahui Papa has the mandate to lead, on behalf of Te Whakakitenga and Waikato-Tainui, engagement with the Crown and other parties for the resolution of the Outstanding Claims and related settlement issues of Waikato-Tainui.

There are a number of teams within the organisation that will assist the Negotiation Team throughout the negotiations process for example, the Heritage and Identity Team, Oranga Team which includes Hapori, Taiao and Whanake Team, Educations and Pathways and the Communications and Engagement Team. In particular, the Settlement and Protection Team will assist in servicing and resourcing the Negotiation Team which includes providing technical and legal support throughout negotiations.

9. Will the Negotiation Team still proceed if there is a representative from a harbour that is not elected?

Yes, the Negotiation Team will still proceed regardless. There will be an opportunity for an elected harbour member to join the Negotiations Team right up until the initialling of the Deed of Settlement. However, we do encourage early involvement and participation from all harbour representatives within the Negotiation Team to ensure the voices of our harbour whaanau, marae and hapuu are reflected throughout the entire process.

10. How are the claimants of the Waikato-Tainui Remaining Claims represented on the Negotiation Team?

In 2019 an ordinary resolution was sought from Te Whakakitenga o Waikato to approve the mandate of Rahui Papa to negotiate the settlement of the Waikato-Tainui historical Treaty of Waitangi Remaining Claims. 49 Marae approved the resolution (74%). The Waikato-Tainui Negotiator represents the interests of all claimants whose claims remain inside the scope of the Waikato-Tainui Remaining Claims mandate as well as all interests of the 68 marae and 33 hapuu by virtue of their Wai 30 interests.

11. What if claimants don't want their claims to be represented by the Waikato-Tainui Negotiator?

Through the withdrawal and inclusion mechanisms outlined in clause 63 – clause 73 of the Waikato-Tainui Deed of Mandate, hapuu have the opportunity to withdraw or include their respective Treaty of Waitangi claims right up until the initialling of the Deed of Settlement.

Settlement process

12. What is the settlement approach for the Waikato-Tainui remaining claims?

There is a desire at an organisational level to move towards a decentralised model, post settlement, that allows for more involvement from our Harbours hapuu/marae over the management of the Harbour and settlement outcomes.

The intention with the settlement is to engage in a more holistic approach to settling harbours and the remaining claims, to change the Crown's thinking of how they address settlement redress and understanding settlement aspects from a Te Ao Maaori perspective. The below tohu outlines the three underlying principles: Mana moana, Mana whakahaere and Mana motuhake where the next layer provides the four pou: Taiao, Hapori, Whai Rawa and Kaupapa.



13. How will whaanau, marae and hapuu of Waikato remain up to date?

Regular updates are sent to all West Coast Harbours marae through their chairs, secretaries and treasurers which are held on the tribal database. There is also an opportunity for whaanau to remain updated through the tribal social media platforms such as the Facebook Page and Radio Tainui. If you would like to receive information directly please feel free to give your email to one of the Team.

14. Why are hapuu not able to settle their own claims?

The Waikato-Tainui Negotiator supports all hapuu who are wanting to remain outside of the mandate and seek their own mandate to settle their respective Treaty of Waitangi claims.

Unfortunately, the Crown have a Large Natural Groupings ("LNG's) policy where they will only negotiate with LNG's. At present, the Crown is not intending to recognise any separate LNGs to settle the Remaining and Outstanding Claims of Waikato-Tainui. This was a result of a Crown Policy change in 2012 when there was an appetite from the Crown to negotiate with smaller LNGs ie Ngaati Hauaa, Ngaati Korokii Kahukura, Ngaati Tamaoho etc.

15. How will smaller whaanau/hapuu claims be represented through the settlement process?

We understand the importance of all claims whether small or large and see this as an opportunity to work together to achieve a better outcome for everyone. Therefore, there are a number of ways



hapuu can be represented throughout the process including TWOW, the Negotiation Team, Oati Partnerships and the Claims Advisory Group.

We welcome and encourage discussions with all marae/hapuu/whaanau about how they would like their interests represented and reflected throughout the process.