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Ngāti Manuhiri AIP Consultation hui

Iwi / Hapū	Ngāti Manuhiri		
Location	Omaha Marae, Pakiri		
Date	20 February 2010		
Start time	~10.15am	Finish time	~1.36pm
Chair	Laly Haddon		
Observer(s)	Anania Hohaia – Te Puni Kōkiri Regional Office, Tamaki Makaurau		
Presenter(s)	Mook Hohneck & Laly Haddon		
Attendance	22 – an attendance register was circulated		
Purpose	Negotiating team to report back to the people on the Ngāti Manuhiri Agreement in Principle signed on 22 December 2009 between the Crown and Ngāti Manuhiri.		
Agenda	<p>Treaty Settlement updating hui by negotiators on Agreement in Principle with the Crown:</p> <ul style="list-style-type: none"> • VENUE: Omaha Marae • KARAKIA: Peri Watts • MIHI/WHAKATAU: Laly Haddon, Anania Hohaia • APOLOGIES: Janice, Kenneth & Mathew O'Brien, Wairoa Toko, Whaea Taki. • PRESENTATION OF AIP BY NEGOTIATORS: Mook Hohneck, Laly Haddon, Peri Watts • DISCUSSION: • FEEDBACK/QUESTIONS: • KARAKIA WHAKAMUTUNGA: Peri Watts 		
Presentation	<p>Negotiators, Mook Hohneck and Laly Haddon, went over each paragraph and elements of the Agreement In Principle (2 pages of the 17 page document):</p> <p><u>Ngāti Manuhiri Agreement in Principle (AIP)</u></p> <p>On 22 December 2009, the Crown and Ngāti Manuhiri signed a letter of offer at Auckland. The signed letter of offer takes effect as an Agreement in Principle between the Crown and Ngāti Manuhiri.</p> <p>The detail of the Agreement in Principle will be the</p>		

subject of further negotiations in 2010.

Background to Agreement in Principle

Ngāti Manuhiri is one of the 22 claimant groups involved in the current negotiations in the Kaipara, Auckland and Hauraki regions.

Ngāti Manuhiri trace their descent from tupuna Manuhiri. The 2006 New Zealand Census records 4,869 people as affiliated to Ngāti Wai, to whom Ngāti Manuhiri is affiliated.

Ngāti Manuhiri's area of interest extends along the east coast and inland from Bream Tail in the north to Whangaparaoa in the south, and includes Hauturu/Little Barrier Island. Ngāti Manuhiri is associated with Omaha Marae at Cape Rodney.

The historical Treaty claims of Ngāti Manuhiri include early Crown purchases, the Crown's acquisition of Hauturu/Little Barrier Island and the impact and operation of the native land laws.

In April 2009 Sir Douglas Graham was appointed as the Crown Facilitator to progress negotiations in the Auckland region. In June 2009 Sir Douglas proposed to iwi/hapū a new approach to negotiations.

Ngāti Manuhiri appointed interim negotiators on 11 July 2009 and signed terms of engagement with the Crown on 1 October 2009. On 16 December 2009, the Crown formally recognised the mandate of the Manuhiri Omaha Kaitiakitanga Ora Trust to represent Ngāti Manuhiri in Treaty settlement negotiations.

On 22 December 2009, Ngāti Manuhiri signed an Offer Letter from the Crown to take effect as an Agreement in Principle. The Agreement in Principle addresses the comprehensive settlement of Ngāti Manuhiri's historical Treaty grievances.

Summary of redress

The Agreement in Principle is made up of three broad elements:

- Historical Account, Crown Acknowledgment and Crown Apology;
- Cultural redress; and
- Commercial and Financial redress.

Historical Account, Crown Acknowledgment and Crown Apology

The Deed of Settlement will contain an agreed Historical Account, Crown Acknowledgements and Crown Apology. These will outline the basis on which the Crown is settling

Ngāti Manuhiri's historical claims.

The Historical Account will outline the relationship between the Crown and Ngāti Manuhiri and provide the basis for acknowledgement that certain actions or omissions of the Crown were in breach of the Treaty of Waitangi and its principles. The Crown will then offer an apology to Ngāti Manuhiri for the acknowledged breaches of the Treaty of Waitangi and its principles.

Ngāti Manuhiri and the Crown have largely agreed on the key themes and structure of the historical account.

Cultural redress

Cultural redress recognises the traditional, cultural and spiritual association of sites to Ngāti Manuhiri within their rohe or area of interest. The cultural redress packages contain the following:

Hauturu/Little Barrier Island Nature Reserve

The Crown will transfer approximately 1.2 hectares of land on Hauturu/Little Barrier Island Nature Reserve to Ngāti Manuhiri. This area of land will remain a Nature Reserve. In addition the Crown agrees to the erection of a building for customary purposes on the approximately 1.2 hectares of transferred land.

The Crown will also transfer the remainder of the Island to Ngāti Manuhiri and Ngāti Manuhiri will gift that back to the Crown. Hauturu/Little Barrier Island (2816.6 hectares) will be covered subsequently by an overlay classification.

Mt Tamahunga

The Crown will provide an over classification for Mt Tamahunga. An overlay classification acknowledges Ngāti Manuhiri's relationship with Mt Tamahunga. It also provides for specific protection mechanisms to ensure the values of Ngāti Manuhiri are protected and recognised.

Cultural redress properties

The Crown will transfer the following sites of significance to Ngāti Manuhiri subject to encumbrances:

- Leigh Recreation Reserve opposite Goat Island landing strip (approximately 6.7 ha, subject to recreation reserve status)
- Pakiri Block Conservation Area (47.4 ha subject to covenant)

Statutory acknowledgements provide for the Crown to acknowledge in the Settlement Legislation a statement by Ngāti Manuhiri of the cultural, spiritual, historical and traditional association with a particular area.

The Crown offers to explore creating statutory

acknowledgement over rivers of historical, traditional, cultural and/or spiritual significance to Ngāti Manuhiri. These acknowledgements will be non-exclusive and relate to only those Crown-owned portions of the riverbed.

Co-governance on Public Conservation Land

The Crown will explore any aspirations Ngāti Manuhiri has for co-governance with the Department of Conservation over public conservation lands that are not transferred to Ngāti Manuhiri.

Fisheries redress

A Deed of Settlement will provide for protocols setting out the way in which specific government agencies will interact with Ngāti Manuhiri in the future. A protocol will be issued with the Minister of Economic Development and the Minister for Arts, Culture and Heritage.

The Crown offers to write to Auckland Council to encourage the Council to enter into a Memorandum of Understanding with Ngāti Manuhiri in respect of matters within their area of interest.

In addition the Crown will write to domestic museums to encourage the establishment of a relationship with Ngāti Manuhiri.

Commercial and Financial redress

The Crown offers a quantum total of \$9 million, including \$500,000 to assist in the erection of a building for customary purposes on Hauturu/Little Barrier Island Nature Reserve, to be paid under the settlement.

Under the Deed of Settlement, Ngāti Manuhiri will have the opportunity to purchase the Crown's interest in South Mangawhai Forest at market valuation. If Ngāti Manuhiri chooses to purchase South Mangawhai Forest the accumulated rentals will be transferred to Ngāti Manuhiri.

Commercial redress properties

The Crown will provide Ngāti Manuhiri with the ability to purchase certain Crown properties up to a total value of 125 percent of their quantum. Of this, up to 100 percent of the quantum can be used to purchase Crown Forest Licensed land.

All properties to be made available will be subject to the agreement of Ministers and dependant on the resolution of shared interests with other iwi.

The Crown will provide Ngāti Manuhiri the ability to purchase landbanked properties. There are 8 such properties in Ngāti Manuhiri's area of interest.

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	<p>Ngāti Manuhiri will have the option to purchase and leaseback the land under the Warkworth District Court (0.0868 ha)</p> <p>Ngāti Manuhiri will also have a right of first refusal over all land held by core Crown agencies within their area of interest.</p> <p>Finally the Crown will explore the possibility to provide Ngāti Manuhiri with the ability to purchase and leaseback up to three Ministry of Education properties.</p> <p><u>Next steps</u></p> <p>The Agreement in Principle is subject to the satisfactory resolution of overlapping interests from other iwi/hapū in respect of the redress set out above.</p> <p>The Crown and Ngāti Manuhiri will now work towards a Deed of Settlement which will be subject to the ratification of their members. This means all Ngāti Manuhiri members will have an opportunity to vote on the redress offered by the Crown.</p> <p>If the membership of Ngāti Manuhiri votes to agree to the Deed of Settlement it will be implemented through Settlement Legislation.</p> <p>The settlement will be for the benefit of all members of Ngāti Manuhiri.</p>
<p>Questions and comments</p>	<p>Minutes of Ngāti Manuhiri treaty updates held 6 November 2009 at Omaha marae:</p> <p>Greg McDonald – has issues with WAI 532 being included in the AIP signed by the Crown & Ngāti Manuhiri 22Dec09. Greg and Christine Baines want to be part of the negotiating team or they wish that WAI 532 be removed from the AIP.</p> <p>Christine Baines – has issues with Ngāti Wai whakapapa affiliation to Ngāti Manuhiri whakapapa.</p> <p>Mook Hohneck – says that the Crown are aware of WAI 532 not wanting to be part of the AIP.</p> <p>John Paki – reaffirms whakapapa and reflects on tūpuna at rest in urupā. He reiterates the ongoing & current political realities and supports the current Ngāti Manuhiri negotiators.</p> <p>Jacob Tahitahi – supports the korero; his focus is on the process and detail and has the process being followed?</p> <p>Laly Haddon – wants to complete the previous minutes</p>

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	<p>and be able to update the members on the AIP and what has been achieved to date.</p> <p>Sandra Hotere – being her first hui she pointed out that the previous minutes had not recorded any resolutions; she has reservations about handing over taonga to negotiators and requests working together with the negotiators; would like decision making to reflect iwi/hapū decisions.</p> <p>Greg McDonald – reiterates that he never agreed that WAI 532 should be part of the Ngāti Manuhiri AIP.</p> <p>Christine Baines – emphasised that she has issues with the makeup of the negotiations team.</p> <p>The previous minutes are moved seconded and carried</p> <p>NEGOTIATORS UPDATE:</p> <ul style="list-style-type: none"> • Laly Haddon – reports that the Rotorua hui of Ngāti Manuhiri were supportive of the current negotiators team. • Mook Hohneck – reiterates that MOKO Trust (Manuhiri Omaha Kaitiakitanga Ora Trust) is responsible only to progress the Treaty Claims process and does not receive the Settlement monies.
Resolution(s)	<p>The Chairman moves that the members accept the AIP signed by the Crown and Ngāti Manuhiri 22 December 2009.</p> <p>MOTION PASSED: the majority of members accept the AIP</p>
Voting process	<p>The Chairman moves a motion for members to accept the AIP</p>
Voting result	<p>VOTES FOR: 15 in favour (two voters had left early, but requested that their votes be included in support of the AIP)</p> <p>VOTES AGAINST: 2</p> <p>MOTION PASSED: the majority of members accept the AIP</p>
Other comments	