

FILE NOTE

To:

From: [Name]

Date:

Subject:

Kia ora

I have compared the models that have been discussed with the Crown and have compared them to the structure that has been proposed within the Maranga Mai Report.

I found it difficult to follow the Crown proposal as it applied to the Negotiation space, so in the comparison with Maranga Mai I felt it necessary to draw from the modelling of the 'Potential PSGE World'. For the purposes of structures, the matters referred to relating to the way in which any settlement assets might be held, and/or what is a cultural asset as opposed to a cultural property were also ignored.

The other significant matter that is ignored for the purposes of this exercise is the need to include an ability for hapu exclusion or withdrawal. This is an important issue, but not one that impacts on structure.

Both of the proposed models contemplate a regional representational approach, where each region is driven from the hapu level. As such, they both seem to be reflective of the expressed desire to create a structural group that will allow for the expression of hapu autonomy within a collective process.

Both Models contemplate that the regions would work together some way in a collective decision making process, and that one legal body would be created to hold the responsibility for the mandate.

If anything, the Crown proposal probably provides for higher separation by contemplating separate regional negotiations that could take place without necessarily providing for the inter-regional co-ordination of decision making that is proposed by Maranga Mai.

Maranga Mai doesn't necessarily contemplate such a separation but requires that wider discussion among the iwi informs decisions that are made at the regional level to be executed by a mandated group that through the processes above is accountable to the hapu.

A similar approach is contemplated by the Crown, which sees the establishment of a Mandated body that would be subject to a Negotiation Protocol that would determine its makeup and role. I think it is important to note that my understanding is that the 'Negotiation Protocol' would be one that would be determined by the regions, and not one in which the Crown would necessarily have input into other than to the extent that it would be examinable.

Within the Maranga Mai proposal, it would be logical for the decision making process and the way in which Te Hononga Iti executed decisions would be subject to some sort of internal accord to allow for transparency of decision making and implementation.

So whether it be by protocol or accord, it does seem that the models put forward are two different ways of saying the same thing.

In the main, therefore, the concern that probably arises is in the way in which the Crown have set out an expectation of a centrally negotiated quantum. In my view, this arises through a misconception of what quantum is and how it potentially informs, and maybe limits the nature and scope of any negotiation.

I have always taken the approach that the quantum negotiations are really about informing the space to move and potential allocation that might be available within any negotiation. Whether assets are negotiated collectively should not necessarily restrict the way in which they are held.

The point is that some assets might end up being held by particular regions, some assets might be held collectively by some of the regions, some by all of the regions together. How this ends up (and how that informs value) will of course be a hot topic within the scope of the negotiations and will remain an ongoing topic for Ngapuhi to discuss. There does however, need to be some co-ordination.

It is with this in mind that I am of the view that the proposals are closer to each other than we think and what is required is an initial ratification process that provides for some discussion around the implementation moving forward. This process is perhaps the most important if any wide ranging trust in the process is to be developed.

In terms of process, I can't understand, given the similarities, why this can't be locked down within an implementation process such as the one that is envisaged at p51 of the Maranga Mai report.

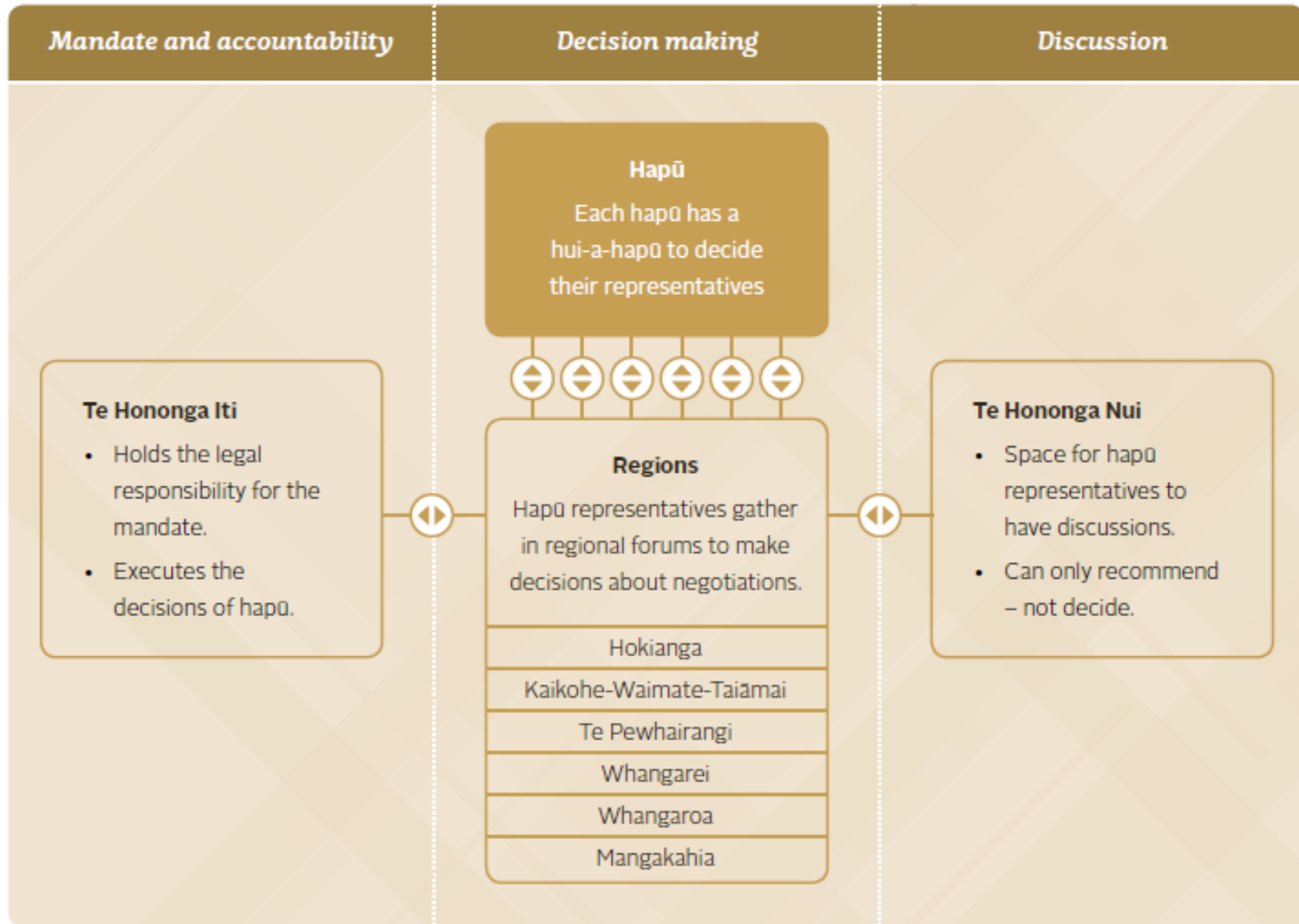
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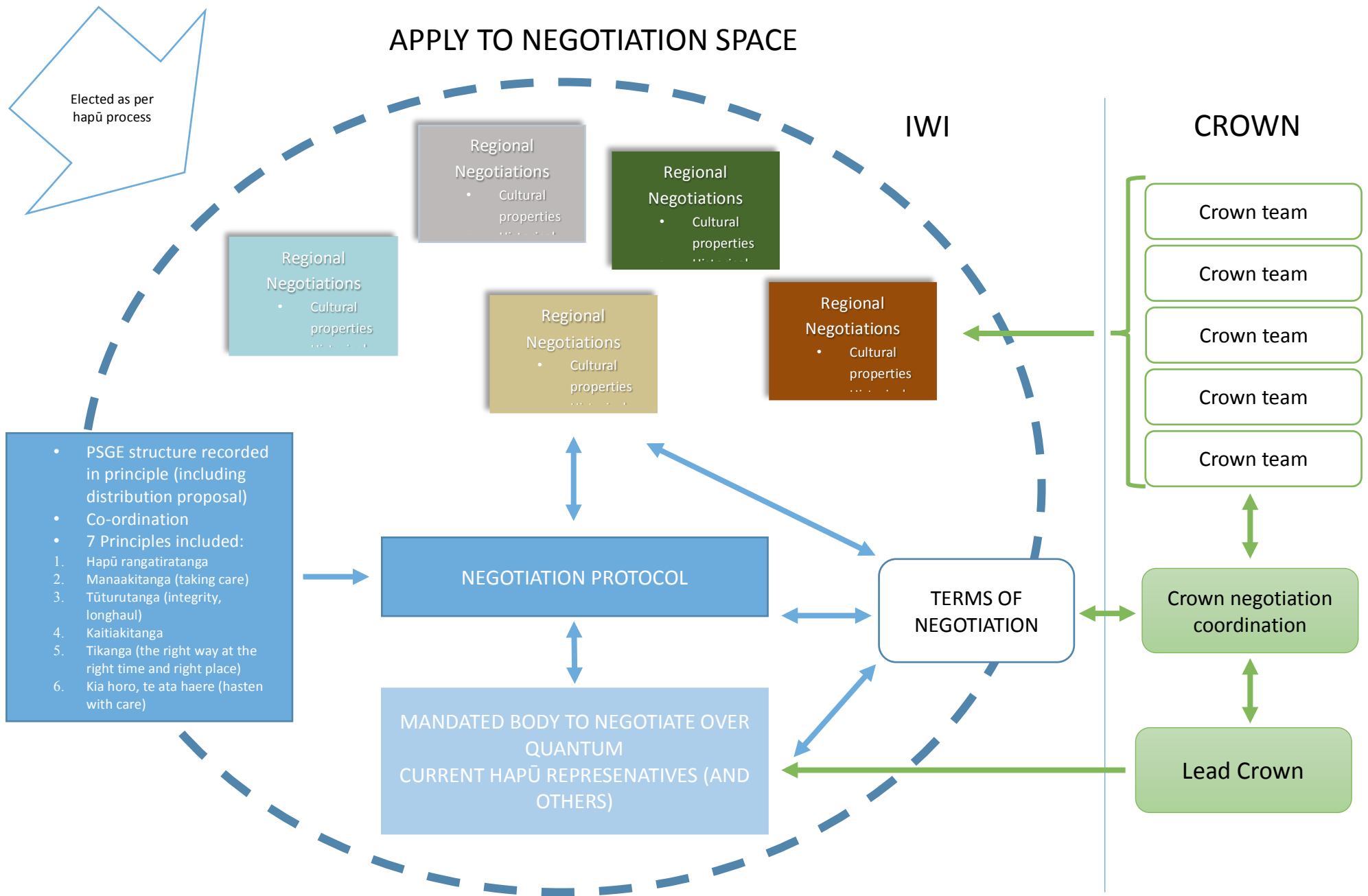
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For **[Director's Name or your Designation]**

Our proposed structure

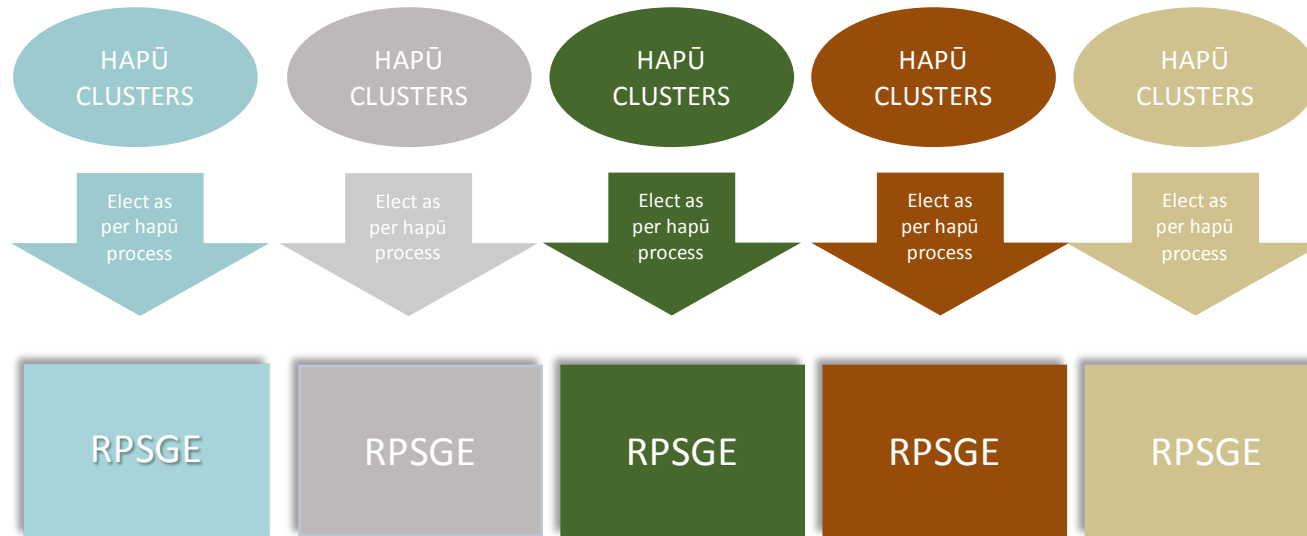


The six regions and their names in this diagram are indicative only.



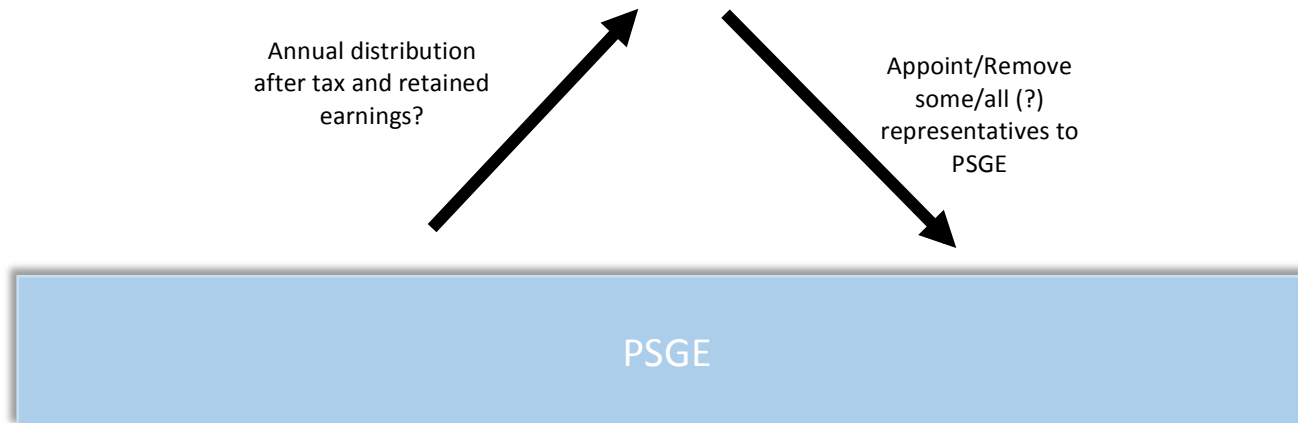
POTENTIAL PSGE WORLD

Constitutions



CONSTITUTION
7 Principles included:

1. Hapū rangatiratanga
2. Manaakitanga (taking care)
3. Tūturutanga (integrity, longhaul)
4. Kaitiakitanga
5. Tikanga (the right way at the right time and right place)



Function:

- Ultimate owner or controller of RSPGEs and PSGE

Function:

- Own and administer cultural redress
- Appoint PSGE representatives and receive and administer distributions

Function:

- Economic
- Pan Ngāpuhi lobbying/political
- Delivery of services (not to overlap with RSPGEs)?