



NEGOTIATION TEAM PROTOCOL

PURPOSE

1. The purpose of this Protocol is to set out the role, functions, parameters and the key principles to guide the conduct of the Maniapoto Negotiations Team (“**Negotiations Team**”).

BACKGROUND

2. The Maniapoto Māori Trust Board (“**MMTB**”) Vision for Settlement is to negotiate the best possible outcome for Te Iwi o Maniapoto, and in doing so, ensure that the iwi achieves:
 - A comprehensive, robust and fair settlement of historical claims of Ngāti Maniapoto;
 - A settlement within the short timeframe available but consistent with the first objective; and
 - A settlement that provides appropriate recognition and redress.
3. MMTB established the Maniapoto Strategic Negotiations Advisory Team (“**SNAT**”) to achieve MMTB’s Vision for Settlement.
4. The Terms of Reference for the SNAT sets out the role, functions and parameters for the SNAT. This Terms of Reference was approved and adopted by MMTB at its meeting held on 4 December 2016.
5. A Maniapoto Negotiation Strategy will be prepared and approved by MMTB.
6. This Negotiation Team Protocol sets out the role, functions and parameters for the Negotiation Team.

GUIDING PRINCIPLES

7. The Negotiation Team and SNAT agree to the following principles for conducting the Settlement Negotiations on behalf of Maniapoto with the Crown:
 - a. *Kotahitanga*
The principle of Kotahitanga means providing a consistent and unified approach to negotiations where every negotiator is appointed to represent and advocate on behalf of all of Maniapoto, regardless of individual affiliations.
 - b. *Manaakitanga*
The principle of manaakitanga means requiring respect, empathy and generosity of each other as a Negotiation Team and of the Crown.



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- c. *Te Ihi Te Wehi me Te Pono*
The principle of *Te Ihi Te Wehi me Te Pono* means acting with integrity, respect, honesty and sincerity of intention and includes fostering a negotiating environment of mutual trust and confidence between the Negotiation Team and the Crown.
8. The Negotiation Team and SNAT also agree to the following negotiation principles:
- a. That the Ngāti Maniapoto settlement must be judged and addressed on its own merits;
 - b. That no settlement redress will be excluded from negotiations unless agreed to by the SNAT and Negotiation Team;
 - c. That robust analysis and debate on negotiation information will occur to ensure preparedness for negotiations; and
 - d. That the negotiators will be bound by this Negotiation Team Protocol.

OBJECTIVES OF THE NEGOTIATIONS

9. The primary objective of the negotiations will be to develop a settlement package for Ngāti Maniapoto that:
- a. aligns with the Guiding Principles outlined at clause 7; and
 - b. achieves MMTB's vision for settlement.
10. To that end, the objectives of MMTB, SNAT and Negotiation Team in entering into these negotiations are captured in the following statement:

Ā muri kia mau ki tēnā, kia mau ki te kawau mārō, whanake ake, whanake ake.

ROLE OF THE LEAD NEGOTIATOR

11. MMTB is responsible for appointing the Lead Negotiator for Ngāti Maniapoto.
12. The primary responsibilities of the Lead Negotiator are to:
- a. lead the implementation of the negotiation strategy and approach with the Crown, including:
 - i. negotiations toward an Agreement in Principle (to be recommended by the Negotiation Team to the MMTB);
 - ii. negotiations toward a Deed of Settlement (to be recommended by the Negotiation Team to the MMTB); and



- iii. preparation of settlement legislation (to be recommended by the Negotiation Team to the MMTB);
- b. lead the negotiation team;
- c. lead the negotiations communication strategy;
- d. act in accordance with the provisions set out in the Negotiation Strategy;
- e. act in accordance with the provisions set out in any individual Independent Contractor Agreement; and
- f. act in accordance with this Negotiation Team Protocol.

ROLE OF THE NEGOTIATORS

- 13. MMTB is responsible for appointing the negotiators for Ngāti Maniapoto.
- 14. The primary responsibility of the negotiators is to assist the Lead Negotiator to develop and implement the negotiation strategy and approach, in particular to:
 - a. provide assistance on specific negotiation issues (as directed by the Lead Negotiator);
 - b. act in accordance with the provisions set out in the Negotiation Strategy;
 - c. act in accordance with the provisions set out in any individual Independent Contractor Agreement; and
 - d. act in accordance with this Negotiation Team Protocol.

PROCEDURAL MATTERS

- 15. The Negotiation Team and SNAT agree that:
 - a. negotiations will be conducted in accordance with the Terms of Negotiation to be signed between the Crown and MMTB;
 - b. detailed negotiation information shall remain confidential to the Negotiation Team and SNAT until such time as key settlement decisions are presented to the MMTB for consideration; and
 - c. media and public comments concerning the negotiations will only be made by the Lead Negotiator or where this has been delegated by the Lead Negotiator to a member of the Negotiating Team.



SUBJECT MATTER FOR NEGOTIATION

16. Without in any way limiting the matters to be negotiated between the parties or committing the parties to an outcome, the Negotiation Team acknowledges that the following matters will be the subject of Settlement Negotiations:
- a. Crown apology - the parties will explore the most appropriate way for the Crown to apologise to Ngāti Maniapoto;
 - b. Historical account and Crown acknowledgements - the parties will explore the historical relationship between the Crown and Ngāti Maniapoto in a way that recognises and acknowledges the impact of Crown Treaty breaches against Ngāti Maniapoto;
 - c. Cultural redress - the parties will negotiate cultural redress elements, including redress instruments that seek to enhance the relationship between the Crown and Ngāti Maniapoto;
 - d. Financial and commercial redress; and
 - e. Socio economic impact issues - the parties will explore the impact of social policy issues that have had a direct impact on Ngāti Maniapoto hapū, marae and whanau.

REPORTING

17. The Negotiation Team will report directly to the MMTB. They may receive their instructions directly from the Lead Negotiator (or his/her nominee) and be bound by the Negotiation Strategy and Negotiation Team Protocol.
18. The Negotiation Team shall meet at least bi-monthly with the SNAT and the Lead Negotiator shall also report at least monthly to the MMTB.

PROCESS OF NEGOTIATIONS

19. The Negotiation Team, SNAT and MMTB agree that the general process of negotiations will include, but not necessarily be limited to:
- a. *Agreement in Principle*
The signing of an Agreement in Principle that will outline the scope and nature, in principle, of the settlement redress that will be recorded in the Deed of Settlement;
 - b. *Initialed Deed of Settlement*
The initialing of a Deed of Settlement by the parties. The Deed of Settlement will set out the terms and conditions of the settlement of the Ngāti Maniapoto Historical Claims;



- c. *Governance Entity*
The approval by the Crown, and the ratification by Te Iwi o Maniapoto of their governance entity to represent Ngāti Maniapoto, and to receive and manage their settlement redress;
- d. *Ratification*
The presentation by MMTB of the initialed Deed of Settlement and proposed governance entity to Te Iwi o Maniapoto, for ratification in a manner to be agreed by the Parties;
- e. *Deed of Settlement Signed if Ratified*
The signing of the Deed of Settlement by the relevant parties if the relevant Deed of Settlement is ratified; and
- f. *Settlement Legislation*
The passage of settlement legislation. The settlement of the Ngāti Maniapoto Historical Claims will be effective once a suitable governance entity is formed to hold the settlement redress and the required settlement legislation receives the Royal Assent. An approved governance entity structure is required before the settlement legislation can be introduced.

ADMINISTRATOR

- 20. The Negotiation Team will be serviced by a negotiations administrator who will perform administrative and project management functions including:
 - a. Coordination of Negotiation Team meetings and recording minutes;
 - b. Compilation and distribution of meeting papers;
 - c. General facilitation and coordination role between MMTB, SNAT and Negotiations Team;
 - d. Working with the Lead Negotiator to prepare documentation for Negotiation meetings with the Crown; and
 - e. Any other matters as may be directed by the Negotiations Team.



APPENDIX ONE

- Definitions

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| <i>Guiding Principles</i> | means the principles for conducting the Settlement Negotiations set out at clause 7 of document namely Kotahitanga, Manaakitanga and Te Ihi Te Wehi me Te Pono. |
| <i>Lead Negotiator</i> | means the person appointed by the MMTB to negotiate a Proposed Settlement Package and Proposed Post Settlement Governance Entity for ratification by Te Iwi o Maniapoto. |
| <i>Negotiation Team</i> | means the collective group including the appointed Lead Negotiator and negotiators. |
| <i>Negotiation Team Protocol</i> | means this document. |
| <i>Negotiation Strategy</i> | means the document of that name approved by the MMTB. |
| <i>Negotiators</i> | means persons appointed by the MMTB to assist the Lead Negotiator. |
| <i>Te Iwi o Maniapoto</i> | means all those who affiliate to Ngāti Maniapoto by virtue of the Ngāti Maniapoto claimant definition outlined in the Deed of Mandate. |
| <i>Ratification</i> | means approval by Te Iwi o Maniapoto (over 18 years old) of the Proposed Deed of Settlement and Proposed Post Settlement Governance Entity. |
| <i>Strategic Negotiations Advisory Team</i> | means the collective group appointed by the MMTB to provide strategic negotiations advice to the Negotiation Team. |
| <i>Maniapoto Māori Trust Board (MMTB)</i> | means the Māori Trust Board of that name established by the Maniapoto Māori Trust Board Act 1988. |
| <i>Terms of Negotiation</i> | means the document of that name signed between the Crown and the MMTB. |
| <i>Terms of Reference</i> | means the document of the same name approved by the MMTB on 4 December 2016. |



APPENDIX TWO
- Overview of Structure, Functions and Reporting

