



# Deed of Settlement

## BETWEEN THE CROWN AND AHURIRI HAPŪ

### Background

Ahuriri Hapū are based in and around Napier, in the Hawke's Bay region. The seven Ahuriri Hapū are: Ngāti Hinepare, Ngāti Māhu, Ngāti Matepū, Ngāti Paarau (which includes Ngāi Tahu Ahi), Ngāi Tāwhao, Ngāti Tū and Ngāi Te Ruruku.

In January 2010, the Crown recognised the mandate of Mana Ahuriri Incorporated to enter negotiations for the comprehensive settlement of all Ahuriri Hapū historical Treaty of Waitangi claims.

On 19 December 2013, the Crown and Ahuriri Hapū signed an Agreement in Principle which formed the basis for this settlement. The Ahuriri Hapū Deed of Settlement was initialled on 19 June 2015 and signed on 12 October 2016. The settlement will be implemented following the passage of settlement legislation. The post-settlement governance entity for Ahuriri Hapū is the Mana Ahuriri Trust.

The Office of Treaty Settlements, with the support of the Ministry for the Environment, Department of Conservation, Land Information New Zealand and other government agencies, represented the Crown in day-to-day negotiations.

The Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ahuriri Hapū.

### Summary of the historical background to the claims of Ahuriri Hapū

By the late 1840s, Ahuriri Hapū lived at settlements around Te Whanganui-ā-Orotu and the surrounding area, including Te Poraiti, Wharerangi, Awatoto, Waitanoa, Kapemaihi and Pētane. About this time, Ahuriri rangatira began to consider the advantages that might arise from the promotion of Pākehā settlement in the Ahuriri district and offered land to the Crown for Pākehā settlement.

In 1850, the Crown opened negotiations with Ahuriri Māori to purchase a large block of land in their rohe. In order to persuade Ahuriri Māori to accept low prices, the Crown led them to believe that they would derive considerable benefits from selling their land to the Crown. In November 1851, the Crown purchased the Ahuriri block for £1,500. Ahuriri Hapū have long protested that Te Whanganui-ā-Orotu, a place of high spiritual and cultural significance and an important mahinga kai, was not included in the Ahuriri purchase. Although some land was reserved from within the boundaries of the Ahuriri block, the Crown did not ensure the reserves would be preserved in Ahuriri Hapū ownership.

By 1855, the Crown's approach to land purchasing south of the Ahuriri block was contributing to tensions among Hawke's Bay Māori. The Crown was aware of these tensions but continued negotiations to purchase land in Hawke's Bay. In August 1857, armed conflict broke out among Hawke's Bay Māori. Fourteen Māori were killed and 39 were wounded in three engagements. In 1861, growing Māori opposition to land sales led the Crown to suspend land purchasing operations in Hawke's Bay and other districts.

In October 1866, Crown military forces attacked two parties of armed Māori at Ōmarunui and Herepoho after the expiry of an ultimatum demanding the surrender of Ōmarunui pā. The Crown captured 86 prisoners after these attacks, including individuals from Ngāti Matepū and Ngāti Māhu, and sent most of the prisoners to the Chatham Islands where they were detained without trial in harsh conditions for nearly two years.

In 1865, the Crown promoted native land laws that provided for title to Māori land to be awarded to no more than ten individual grantees as absolute owners (the 'ten-owner rule'). Ahuriri Hapū understood the individual grantees to be trustees for their hapū communities. The Native Lands Act 1865 enabled the shares of individual grantees to be alienated without the consent of the other grantees for that block or other customary right-holders whose names were not included on the title. The 1865 Act did not prevent some settlers using practices such as extending credit to grantees and subsequently acquiring Māori land after securing debt against land titles with mortgages. These practices caused considerable public controversy in Hawke's Bay. There was some doubt that grantees fully understood the legal implications of the mortgages, leases and sales they agreed to.

By 1870, the Crown and private parties had acquired about 51,000 acres of approximately 54,000 acres awarded to Ahuriri Hapū individuals under the ten-owner rule.

In 1867, 1870 and 1873, the Crown introduced legislation that attempted to provide for Māori land titles that better reflected the interests of wider communities of right-holders and to remedy problems that had arisen as a result of the ten-owner rule. These remedial measures did not apply to Ahuriri Hapū lands which had already passed through the Native Land Court by 1867 and which had been alienated by 1870. Over the next thirty years, Ahuriri Hapū protested about land issues through participation in the Repudiation and Kotahitanga movements. These movements sought the review of previous land transactions, the restriction of further land sales and the reform of the native land laws.

In 1874, Parliament set aside all of Te Whanganui-ā-Orotu as an endowment for the Napier Harbour Board. Parliament did not establish a role for Ahuriri Hapū on the Board. After the 1931 Hawke's Bay earthquake raised parts of the bed of Te Whanganui-ā-Orotu above the water level, the Napier Harbour Board leased most of Te Whanganui-ā-Orotu to the Crown, and the Crown commenced drainage and reclamation work in Te Whanganui-ā-Orotu. The processes of drainage and reclamation, combined with the diversion of the Tutaekuri River outlet to the sea, reduced Te Whanganui-ā-Orotu (originally approximately 9,500 acres in area) to a narrow tidal channel. Today, the remaining water-covered estuary area amounts to approximately 680 acres at high tide.

Between about 1900 and 1930, the Crown and private parties acquired most of the remaining lands of Ahuriri Hapū. Ahuriri Hapū state that money raised from these land sales was often required to meet living costs. By the post-Second World War period, most Ahuriri Māori had turned to waged employment to provide the necessities of life. The search for work led many whānau to leave rural pā and kāinga and settle in urban areas such as Napier and Hastings. This undermined traditional kāinga and pā communities.

## Summary of the Ahuriri Hapū settlement

### Overview

The Ahuriri Hapū Deed of Settlement is the full and final settlement of all the historical Treaty of Waitangi claims of Ahuriri Hapū resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- an agreed historical account, Crown acknowledgements and a Crown apology to Ahuriri Hapū
- cultural redress; and
- financial and commercial redress.

The benefits of the settlement will be available to all members of Ahuriri Hapū who are registered with the Mana Ahuriri Trust, wherever they may live.

### Crown acknowledgements and apology

The Deed of Settlement contains Crown acknowledgements of its acts and omissions that caused prejudice to Ahuriri Hapū and breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Ahuriri Hapū for Crown acts and omissions and breaches of the Treaty of Waitangi and its principles. The Crown solemnly apologises for its policies, acts and omissions that have left Ahuriri Hapū virtually landless, and for the severe impacts the loss of ancestral lands and resources has had on the capacity of Ahuriri Hapū for economic and social development, and physical, cultural and spiritual well-being. The Crown also expresses profound regret for the distress and anguish generations of Ahuriri Hapū have endured due to the Crown's acts and omissions in relation to Te Whanganui-ā-Orotu.

### Cultural redress

The cultural redress recognises the traditional, historical and spiritual associations of Ahuriri Hapū with places and sites owned by the Crown within the Ahuriri Hapū rohe. This allows Ahuriri Hapū and the Crown to protect and enhance the conservation values associated with these sites.

#### TE WHANGANUI-Ā-OROTU

In the Deed of Settlement the Crown acknowledges that Te Whanganui-ā-Orotu and the islands in it were prized taonga of Ahuriri Hapū and remain valued today. The Crown also recognises the role of Ahuriri Hapū as Kaitiaki of Te Muriwai o Te Whanga (the Ahuriri Estuary and catchment areas).

In recognition of this the settlement legislation will also establish a permanent statutory committee called Te Komiti Muriwai o Te Whanga. The purpose of the Komiti is to promote the protection and enhancement

of the environmental, economic, social, spiritual, historical and cultural values of Te Muriwai o Te Whanga (Ahuriri Estuary) for present and future generations. Mana Ahuriri Trust will hold the permanent chair position and four of the eight seats. Other seats are held by the Department of Conservation, Hawke's Bay Regional Council, Napier City Council and Hastings District Council.

Te Komiti Muriwai o Te Whanga will provide guidance and co-ordination in the management of Te Muriwai o Te Whanga to local authorities and Crown agencies that exercise functions in relation to Te Muriwai o Te Whanga. The Komiti will prepare and approve a plan for Te Muriwai o Te Whanga called the Te Muriwai o Te Whanga Plan.

To assist Ahuriri Hapū to engage in management of Te Muriwai o Te Whanga, on the settlement date the Crown will provide Ahuriri Hapū with a \$500,000 kaitiaki fund.

#### VESTING OF SITES

The settlement provides for three sites to be vested in Ahuriri Hapū. Vestings for two sites are subject to specific conditions, including protection of conservation and historic values and public access.

Sites to be vested in Ahuriri Hapū are:

- Pakake;
- Conservation House property; and
- Heipipi Pa Historic Reserve.

#### OVERLAY CLASSIFICATIONS

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Ahuriri Hapū with certain sites of significance. Overlay classifications apply to conservation land and require the New Zealand Conservation Authority (and any relevant conservation board) to have particular regard to Ahuriri Hapū values and protection principles. The Ahuriri Hapū settlement provides for two overlay classifications:

- Balls Clearing Scenic Reserve; and
- Otatara Pa Historic Reserve.

#### STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

Statutory Acknowledgements recognise the special association Ahuriri Hapū has with a particular site or area, and will be included in the settlement legislation. Statutory Acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014. The Statutory Acknowledgements require that consent authorities provide Ahuriri Hapū with summaries of all resource consent applications that may affect the areas named in the Statutory Acknowledgments.

Ahuriri Hapū will receive a Statutory Acknowledgement over each of the following areas:

- Esk River and its tributaries within the Ahuriri Hapū area of interest;
- Fern Bird Bush Nature Reserve;
- Hutchinson Scenic Reserve;
- part of Kaimanawa Forest Park;
- part of Kaweka State Forest Park;
- Kuripapango DOC Field Base
- Mangaone River and its tributaries within the Ahuriri Hapū area of interest;
- Mohaka River and its tributaries within the Ahuriri Hapū area of interest;
- Ngaruroro River and its tributaries within the Ahuriri Hapū area of interest;
- Puketitiri (Kaweka Field Centre);
- Tutaekuri River and its tributaries within the Ahuriri Hapū area of interest; and
- Ahuriri Hapū Coastal Marine Area.

Deeds of Recognition oblige the Crown to consult with Ahuriri Hapū and have regard to their views regarding the special association Ahuriri Hapū have with a site. They also specify the nature of the input of Ahuriri Hapū into management of those areas by the Department of Conservation and Land Information New Zealand.

Ahuriri Hapū will receive Deed of Recognition over each of the following areas:

- Esk River and its tributaries within the Ahuriri Hapū area of interest;
- Fern Bird Bush Nature Reserve;
- Hutchinson Scenic Reserve;
- part of Kaimanawa Forest Park;
- part of Kaweka State Forest Park;
- Kuripapango DOC Field Base;
- Mangaone River and its tributaries within the Ahuriri Hapū area of interest;
- Mohaka River and its tributaries within the Ahuriri Hapū area of interest;
- Ngaruroro River and its tributaries within the Ahuriri Hapū area of interest;
- Puketitiri (Kaweka Field Centre); and
- Tutaekuri River and its tributaries within the Ahuriri Hapū area of interest.

## NAME CHANGES

The Deed of Settlement will provide for six official geographic name changes:

- Bluff Hill, Hospital Hill, Napier Hill, Scinde Island to Mataruahou;
- Mouth of Ngaruroro River (local use) to Te Ipu-o-Taraia;
- Perfume Point (local use) to Te Karaka;
- Sturms Gully (local use) to Karetoki Whare;
- the twin lakes in Kaweka Forest Park - Eastern Lake to Rotoroa; and
- the twin lakes in Kaweka Forest Park - Western Lake to Rototuna.

## POUWHENUA AND INTERPRETATION PANEL FUNDING

The Crown will pay \$15,000 to the Mana Ahuriri Trust on the settlement date for the purpose of erecting pouwhenua or interpretation panels. The parties will agree the locations of pouwhenua within the Ahuriri Hapū area of interest.

## RELATIONSHIP PROTOCOLS

Protocols will be issued to promote good working relationships between the Crown and Ahuriri Hapū on matters of cultural importance to Ahuriri Hapū. The Deed of Settlement provides for taonga tūturu and minerals protocols to be issued.

## RELATIONSHIPS – TE KAWA O PAPA

The Deed of Settlement provides that the Minister of Conservation, the Director-General of Conservation and Mana Ahuriri Trust must, by or on the settlement date, sign and enter into a partnership agreement relating to the Ahuriri Hapū area of interest. The partnership agreement will be known as Te Kawa o Papa.

## RELATIONSHIP AGREEMENTS

The Deed of Settlement provides for Mana Ahuriri Trust to enter into relationship agreements with the Ministry for the Environment and Museum of New Zealand Te Papa Tongarewa.

## RELATIONSHIPS – LETTERS

The Deed of Settlement provides for the promotion of relationships between Ahuriri Hapū and Crown agencies. The full list of agencies receiving letters of commitment, recognition or introduction for Ahuriri Hapū is included in the Ahuriri Hapū Deed of Settlement, available online at: <https://www.govt.nz/treaty-settlement-documents/ahuriri-hapu/>

## HAWKE'S BAY REGIONAL PLANNING COMMITTEE

The Mana Ahuriri Trust has a seat on the Hawke's Bay Regional Planning Committee.

## Financial and commercial redress

This redress recognises the losses suffered by Ahuriri Hapū arising from the breaches by the Crown of its obligations to Ahuriri Hapū under the Treaty of Waitangi and its principles. It will provide Ahuriri Hapū with resources to assist with the development of their economic and social well-being.

### FINANCIAL REDRESS

The Mana Ahuriri Trust will receive financial redress of \$19.5 million in recognition of historical claims. Interest that has been accumulating since the Agreement in Principle was signed in December 2013 will also be paid to Mana Ahuriri Trust.

### COMMERCIAL REDRESS

The Mana Ahuriri Trust will purchase Kaweka and Gwavas Crown Forest Licensed lands with Heretaunga Tamatea at settlement date. Mana Ahuriri Trust has:

- the choice of purchasing 170a Waghorne St either as an early release property or to purchase it on settlement date;
- up to one year after settlement date to elect to purchase ten landbank properties;
- up to two years after settlement date to elect to purchase Ahuriri Station;
- up to three years after settlement date to elect to purchase six properties including Whakatu Forest;
- a right of first refusal for 174 years over ten properties; and
- up to two years after settlement date to elect to purchase the Crown shareholding in the Hawke's Bay Airport Ltd and a right of first refusal over the Crown's shareholding in Hawke's Bay Airport Ltd.

## Area of interest



# Questions and Answers

## 1. What is the overall package of redress?

The settlement package is made up of:

- Acknowledgements and an apology by the Crown for the Crown's acts and omissions that caused prejudice to Ahuriri Hapū and breached the Treaty of Waitangi and its principles
- Cultural redress of: an historical account, natural resources redress, \$500,000 to engage with the natural resources redress, \$15,000 of funding for pouwhenua and the gifting of three cultural redress properties
- Financial and commercial redress of \$19.5 million including the purchase of Kaweka and Gwavas Crown Forest land with Heretaunga Tamatea and the right to purchase a number of Crown properties, plus interest accrued on the financial and commercial redress since the signing of the Agreement in Principle.

## 2. Is there any private land involved?

No. In accordance with Crown policy, no private land is involved.

## 3. Are the public's rights affected?

No, all existing public rights to the areas affected by this settlement will be preserved.

## 4. Are any place names changed?

Yes. The Deed of Settlement will provide for six official geographic name changes:

- Bluff Hill, Hospital Hill, Napier Hill, Scinde Island to Mataruahou
- Mouth of Ngaruroro River (local use) to Te Ipu-o-Taraia (an historic site)
- Unnamed site on the point locally known as Perfume Point to Te Karaka
- Unnamed site within the feature locally known as Sturms Gully to Karetoki Whare
- the lakes in Kaweka Forest Park: Eastern Lake to Rotoroa
- the lakes in Kaweka Forest Park: Western Lake to Rototuna.

## 5. Does the Kaweka and Gwavas Crown Forest land include the Kaweka State Forest Park? Why is this being transferred?

Kaweka and Gwavas Crown Forest Licensed land is quite separate to the Kaweka State Forest Park. Ahuriri Hapū will receive a deed of recognition and a statutory acknowledgement for part of Kaweka State Forest Park, but this will remain conservation land.

The Kaweka and Gwavas Crown Forest Land are within the Ahuriri Hapū and Heretaunga Tamatea areas of interest. The two parties have formed a joint company to collectively own and manage the Crown Forest land. Ahuriri Hapū will have a 33.34% shareholding and Heretaunga Tamatea will have a 66.66% shareholding.

The Crown will deduct 33.34% of the transfer value of the Crown Forest Land from Ahuriri Hapū's quantum and will deduct 66.66% of the transfer value from Heretaunga Tamatea's quantum.

## 6. What happens to memorials on private titles?

The legislative restrictions (memorials) placed on the title of Crown properties and some former Crown properties now in private ownership will be removed once all Treaty claims in the area have been settled.

## 7. When will the settlement take effect?

The settlement will take effect following enactment of the settlement legislation.

## 8. Do Ahuriri Hapū have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. If Ahuriri Hapū settlement legislation is passed into law, the Crown and Ahuriri Hapū agree it will be a final and comprehensive settlement of all the historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Ahuriri Hapū. The settlement legislation, once passed, will prevent Ahuriri Hapū from re-litigating their historical claims before the Waitangi Tribunal or the courts.

The settlement package will still allow Ahuriri Hapū or members of Ahuriri Hapū to pursue claims against the Crown for acts and omissions after 21 September 1992, including claims based on the continued existence of aboriginal title or customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

## 9. Who benefits from the settlement?

All members of Ahuriri Hapū, wherever they may now live.

This and other settlement summaries are also available at [www.govt.nz](http://www.govt.nz)