



Deed of

Deed of Settlement
between the Crown and
Te Rūnanga o Ngāti Manawa

Settlement

General Background

Ngāti Manawa are a central North Island iwi based in Murupara with strong customary associations over a large geographical area that includes the Kaingaroa Forest and with the upper Rangitaiki River. Ngāti Manawa has around 3,500 members.

The historical grievances of Ngāti Manawa relate primarily to the New Zealand wars, the Crown's actions and omissions in respect of the operation and impact of the Native Land Laws, the Crown's land-purchasing techniques, particularly in respect of land they wished to retain, and twentieth-century land, river and forestry development.

An account of the historical background agreed between the Crown and Ngāti Manawa is included in the Deed of Settlement, along with acknowledgments of Crown breaches of the Treaty of Waitangi and a Crown Apology for those breaches. Te Tatau Pounamu are gifts from the Crown that symbolise the forgiveness of Ngāti Manawa of the Crown's breaches of the Treaty.

The Crown recognised the mandate of Te Rūnanga o Ngāti Manawa to negotiate a settlement on behalf of Ngāti Manawa to settle their historical Treaty claims on 18 November 2003. The Crown signed Terms of Negotiation with Te Rūnanga on 7 May 2004. On 25 June 2008 Ngāti Manawa signed the Central North Island Deed of Settlement, which records the agreement of the CNI Forests Iwi Collective and the Crown to settle the historical CNI Forests Land claims.

On 18 September 2008 the Crown and Ngāti Manawa signed an Agreement in Principle. A Deed of Settlement based on this agreement was initialled on 22 October 2009. The Deed was ratified by the members of Ngāti Manawa and signed on 12 December 2009.

The Deed of Settlement will be implemented following the passage of settlement legislation.

Te Rūnanga is led by William Bird (Chair). The Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Ngāti Manawa, as did his predecessors Hon Dr Michael Cullen, Hon Mark Burton and Hon Margaret Wilson.

Summary of the Historical Background to the Claims by Ngāti Manawa

In 1840 Ngāti Manawa had a vast rohe bounded by the Ika Whenua ranges in the east, the Taupo/Napier highway to the south, the western edge of the Kaingaroa plains and the southern edge of Rerewhakaaitu to the north.

Ngāti Manawa had little contact with the Crown until the 1860s. In 1865 the New Zealand Wars extended into Ngāti Manawa's rohe. Ngāti Manawa were forced to choose sides, and generally decided to support the Crown. A period of conflict with neighbouring iwi began when Ngāti Manawa were attacked at Te Tāpiri in May 1865. Ngāti Manawa were forced to abandon their rohe in 1865-1866 and again between 1868 and 1872. They returned to a devastated rohe in 1872 as the warring parties had used scorched earth tactics to deny their enemies the use of Ngāti Manawa's resources. The Crown never compensated Ngāti Manawa for the damage its forces inflicted, and the wars caused significant long term economic harm to Ngāti Manawa.

In 1874 and 1875 Ngāti Manawa agreed to lease several large blocks of land to the Crown and private parties. However, despite agreeing to lease these blocks, the Crown would not pay regular rent until the Native Land Court had determined ownership of them. Court hearings caused great disruption and hardship for Ngāti Manawa. On several occasions between 1878 and 1890 Ngāti Manawa had to attend lengthy hearings at locations far from their rohe where food and accommodation were inadequate. Whereas Ngāti Manawa traditionally held their land tribally, the Court awarded titles to individuals.

The Crown did not complete the leases it had entered into once the Court had determined the ownership of the land. Instead the Crown began purchasing large tracts of Ngāti Manawa land and negotiated for the blocks it wanted as a monopoly purchaser. In desperate economic circumstances in the 1880s and 1890s, Ngāti Manawa sold huge blocks of land at Kaingaroa, Heruiwi, Kuhawaea, Pukahunui and Whirinaki.

In 1895 Ngāti Manawa were party to the agreement to establish the Urewera District Native Reserve. The Crown agreed with Māori that the land in the reserve would be under tribal administration, and excluded from the Native Land Court's processes. Despite this agreement the Crown later enacted legislation restoring the Native Land Court processes and facilitating purchases from individual owners. In 1914 it began purchasing Ngāti Manawa land at Te Whaiti.

By 1927 Ngāti Manawa were virtually landless. Some reserves were set aside for them from the land they had sold, but these were inadequate and did not include all the land Ngāti Manawa thought had been reserved.

Meanwhile the Crown took control of Ngāti Manawa's rivers. The Rangitaiki, Wheao, Horomanga and Whirinaki Rivers are taonga that are critical to Ngāti Manawa's spiritual sustenance and wellbeing. The Crown, however, built dams on them and their waters are mixed together and polluted.

In 1937 the Crown took over the administration of some of Ngāti Manawa's remaining land to develop farms on it. It was not until after this land was returned to Ngāti Manawa's control in the 1970s that these farms began to turn a profit and the large debt incurred in their development paid off.

Ngāti Manawa's economy became dependent on the forestry industry after 1950. The economic restructuring of the 1980s had a devastating impact on Ngāti Manawa. Many Ngāti Manawa have since left their rohe in search of work.

This and other settlement summaries are also available at www.ots.govt.nz

Settlement

Summary of the Ngāti Manawa Settlement

Overview

The Ngāti Manawa Settlement is the final settlement of all Ngāti Manawa historical claims 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 and Crown acknowledgements, which form the basis for a Crown Apology to Ngāti Manawa and Te Tatau Pounamu symbolising Ngāti Manawa forgiveness;
- Cultural redress;
- Financial and commercial redress already provided through the Central North Island Forests Land Collective Settlement 2008 (the CNI Settlement); and
- The ability to purchase certain commercial properties as either deferred selected properties or Right of First Refusal.

The benefits of the settlement will be available to all members of Ngāti Manawa, wherever they live.

Crown Apology

The Crown apologises to Ngāti Manawa for past dealings that breached the Crown's obligations under the Treaty of Waitangi. These include:

- the Crown's failure to compensate Ngāti Manawa for the destruction its forces caused during several wars that were fought between the Crown and other Māori in the eastern Bay of Plenty between 1865 and 1872;
- the Crown's failure to pay rent on land leased by Ngāti Manawa which led to Ngāti Manawa selling land to alleviate the conditions their people were in;
- the Crown's failure to consult with Ngāti Manawa on native land legislation prior to its enactment;
- the Crown's failure to take adequate steps to protect the traditional tribal structures of Ngāti Manawa;
- the Crown's failure to actively protect the interests of Ngāti Manawa when it acquired approximately 130,000 acres of land from Ngāti Manawa using aggressive purchase techniques between 1880 and 1881; and
- the Crown's failure to ensure Ngāti Manawa were left with sufficient land for their present and future needs.

Ngāti Manawa accepts the gift of three pounamu ('te tatau pounamu') from the Crown, which represent the forgiveness of the Crown for their breaches of the Treaty of Waitangi.

Cultural Redress

1. This redress provides for recognition of the traditional, historical, cultural and spiritual association of Ngāti Manawa with places and sites owned by the Crown within their area of interest. This allows Ngāti Manawa and the Crown to protect and enhance the cultural and conservation values associated with these sites, and includes:

1(A) SITES VESTED IN TE RŪNANGA O NGĀTI MANAWA

- The vesting in fee simple of:
 - Oruatewehi pā;
 - Kiorenui kāinga;
 - Kakarahonui kāinga;
 - Karamuramu (Fort Galatea); and
 - Motumako.

These sites total 744 hectares, 646 of which are situated in licensed Crown forest land. The latter will be allocated from the Crown's share of Central North Island forests assets.

- The vesting in fee simple of the following wāhi tapu sites:
 - Te Ana a Maru (rare rock art site)
 - Tututarata papakainga and pā
 - Pekepeke pā and pou rāhui
 - Puketapu pā and battle site
 - Pukemoremore
 - Ngatamawahine nohoanga
 - Kaiwhatiwhati pā and battle site
 - Ahiweka pā and wāhi tapu
 - Ahiwhakamura kainga and pou rāhui.
- The vesting in fee simple, subject to a lease back to the Ministry of Education, of:
 - Murupara School
 - Galatea School
 - Te Kura Kaupapa Motuhake o Tāwhiuau

An additional four sites will be vested jointly in Te Rūnanga o Ngāti Manawa and Te Rūnanga o Ngāti Whare:

- Te Tāpiri pā;
- Okarea pā;
- Te Rake pā; and
- Hinamoki pā (battle site).

The jointly vested sites will be set apart as Māori reservations. Undivided half shares of the fee simple estate in the sites will vest in the Ngāti Whare governance entity and an undivided half share will vest in the Ngāti Manawa governance entity as tenants in common. The sites will be registered in the names of Ngāti Whare and Ngāti Manawa's eponymous ancestors, Wharepakau and Tangiharuru respectively.

1(B) STATUTORY ACKNOWLEDGEMENTS

Statutory Acknowledgements register the special association Ngāti Manawa has with an area, and will be included in the settlement legislation. Statutory Acknowledgements are recognised under the Resource Management Act 1991 and the Historic Places Act 1993. The acknowledgements require that consent authorities provide Ngāti Manawa with summaries of all resource consent applications that may affect the areas named in the acknowledgements.

- There will be Statutory Acknowledgements over five sites:
 - Pukehinau
 - Te Kōhua
 - Otairi
 - Moerangi
 - Tawhaitari
- And over the following waterways within the Ngāti Manawa Area of Interest:
 - the Rangitaikī River
 - the Whirinaki River
 - the Horomanga River
 - the Wheao River

Statutory Acknowledgements are non-exclusive redress, meaning more than one iwi can have a Statutory Acknowledgement over the same site.

1(C) OVERLAY CLASSIFICATIONS AND TRANSFER AND GIFT BACK OF TĀWHIUAU

An overlay classification, to be known as Ahikāroa, will apply to the maunga (mountain) Tāwhiuau, located in Te Urewera National Park. Ahikāroa will include Te Rourou, located on the slopes of Tāwhiuau.

The overlay classification acknowledges the Ngāti Manawa's spiritual, cultural, historical and traditional values in respect of the site; maintains the existing land status; and requires the Department of Conservation to have certain procedural obligations that provide for the Ngāti Manawa to have input into management of the site to avoid harming or diminishing the values applicable to the area.

Under the terms of the transfer and gift back the fee simple estate of Tāwhiua will transfer to Ngāti Manawa for a period of seven days at a time that Ngāti Manawa elects. Following that period Tāwhiua will transfer automatically to the Crown as a gift from Ngāti Manawa to all the people of New Zealand for its continued inclusion within the Urewera National Park.

1(D) DEEDS OF RECOGNITION

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

A Deed of Recognition will be made between Ngāti Manawa and the Crown in relation to Pukehinau and Te Kōhua.

1(E) PLACE NAMES

Two place names will be altered by the settlement legislation:

- Lake Aniwhenua will be changed to Lake Āniwaniwa; and
- Aniwhenua Falls will be changed to Āniwaniwa Falls.

1(F) SPECIAL PROJECTS

The Deed of Settlement will provide for the Crown to pay \$2.6 million to Ngāti Manawa to fund special projects nominated by Ngāti Manawa and the gifting of the three school sites.

1(G) RIVER REDRESS

River redress includes:

- Ngāti Manawa's right of first refusal over five freshwater fish species, should they ever be introduced into the Quota Management System;
- the appointment of Te Rūnanga o Ngāti Manawa as a fisheries advisory committee to the Ministers of Conservation and Fisheries;
- Ngāti Manawa input into the management processes for freshwater fisheries and their habitats under the Conservation and Fisheries protocols;
- facilitation of meetings between Ngāti Manawa, the Crown, Environment Bay of Plenty and energy industry representatives to discuss dam issues; and
- Deeds of Recognition over the Rangitaiki, Horomanga, Wheao and Whirinaki rivers.

1(H) RANGITAIKI RIVER REDRESS

The Deed of Settlement provides a framework for reaching agreement on a management system for the Rangitaiki River. The framework will be developed in detail post-Deed and will include:

- the establishment of a river forum (which may include representatives of the regional authority, other river iwi and other river users), and
- an agreement on the activities and membership of the river forum.

The development and implementation of this framework will involve ongoing engagement between Ngāti Manawa and the Crown, with other iwi in the region, local authorities and other parties with interests in the River.

Relationships

2(A) RECOGNITION OF RELATIONSHIP

The Deed provides for an acknowledgement by the Crown of the cultural, spiritual, historic and traditional association of Ngāti Manawa with pou rāhui sites in Crown ownership within Ngāti Manawa's area of interest where no other redress is provided. These sites mark traditional iwi boundaries.

The placement of pou rāhui does not indicate an exclusive boundary or interest nor will it affect the allocation of CNI forests land under the CNI Forests Land Collective Act 2008.

2(B) PROTOCOLS

The Deed of Settlement provides for certain Ministers to issue protocols that set out how their respective agencies will interact with and consult Ngāti Manawa when carrying out statutory duties and functions. The protocols have been tailored to reflect the aspirations of Ngāti Manawa. These Ministers are:

- Minister of Fisheries;
- Minister of Conservation;
- Minister of Energy and Resources; and
- Minister for Arts, Culture and Heritage.

2(C) LETTERS OF INTRODUCTION

The Deed of Settlement will provide for the Minister for Treaty of Waitangi Negotiations to write to the following Ministers and entities outlining Ngāti Manawa aspirations in relation to their duties and functions and inviting them to establish an ongoing relationship with Ngāti Manawa:

- Minister of Commerce;
- Minister of Social Development;
- Minister of Health;
- Minister of Agriculture and Forestry;
- Board of Te Papa Tongarewa / Museum of New Zealand;
- Minister of Education; and
- Board of the Historic Places Trust.

The Deed also provides for annual meetings with the Ministry for the Environment.

Financial and Commercial Redress

Ngāti Manawa are a party to the Central North Island Deed of Settlement with the Crown and other Central North Island iwi and hapū with interests in CNI Forests Land. Ngāti Manawa's commercial and financial interests in that land have been addressed through the CNI Deed of Settlement.

Ngāti Manawa also negotiated the following for inclusion in their comprehensive settlement:

- interest on the principle amount of \$12.2 million generated from 25 June 2008 (the date of the signing of the CNI Deed of Settlement) to 1 July 2009 (the CNI settlement date);
- the opportunity to purchase, at market value, four properties from the Office of Treaty Settlements' landbank;
- the opportunity to purchase, at market value, five Crown owned properties as deferred selected properties; and
- the opportunity to purchase, at market value, one Crown owned property if it become surplus within a period of up to 50 years from Settlement Date, through a Right of First Refusal.

