



Deed of Settlement

BETWEEN THE CROWN AND NGĀRUAHINE

General background

Ngāruahine is one of eight iwi of Taranaki. Four of the iwi of Taranaki reached settlements between 2001 and 2005 (Ngāti Tama, Ngāti Mutunga, Ngāti Ruanui and Ngā Rauru Kīhahi), two have initialled deeds of settlement (Ngāruahine and Te Atiawa), one is working towards a deed of settlement (Taranaki Iwi) and one is progressing towards mandate (Ngāti Maru).

The Ngāruahine area of interest extends from the Taungatara Stream at the northern-most boundary to the Waihi Stream at the southern-most boundary. The area also encompasses Egmont National Park, including te Tupuna Koro o Taranaki (Mount Taranaki) and overlaps with Taranaki Iwi (west), Te Atiawa (north), Ngāti Maru (north-east) and Ngāti Ruanui (east). The 2013 Census recorded the Ngāruahine population at 4803 members; however, there are currently about 7000–8000 Ngāruahine uri.

Ngā Hapū o Ngāruahine is the mandated entity representing Ngāruahine in negotiations. On 1 October 2010 the Crown and Ngāruahine signed Terms of Negotiation. This was followed by the signing of an Agreement in Principle between Ngāruahine and the Crown on 22 December 2012, which formed the basis for this settlement. The Ngāruahine Deed of Settlement was initialled on 4 June 2014 and signed on 9 August 2014. Settlement legislation will be introduced to the House of Representatives after the Deed of Settlement has been signed.

The settlement assets will be received by a new entity called Te Korowai o Ngāruahine Trust.

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

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

Summary of the historical background to the claims by Ngāruahine

Before 1860, Ngāruahine were prosperous and economically successful and retained ownership of their lands and resources. In the late 1850s, some Ngāruahine helped northern Taranaki iwi who were resisting Crown efforts to acquire land. The Crown declared some Māori who were preventing surveys to be in rebellion and commenced hostilities against them in 1860. Some Ngāruahine entered the war on the side of the non-sellers. This phase of war ended in 1861.

Conflict in Taranaki resumed in 1863, and Ngāruahine people again travelled north to engage with Crown forces. In 1865, the Crown proclaimed 1.2 million acres of Taranaki land confiscated, including all of the Ngāruahine rohe. The confiscations were indiscriminate, depriving both 'loyal' and 'rebel' Māori of their lands.

War continued, and in early 1866 Crown forces entered the Ngāruahine rohe and used scorched earth tactics, which devastated several Ngāruahine villages, along with associated food stores, livestock and crops. As a result of the Crown's military campaigns, Ngāruahine people suffered severe hardship, some were imprisoned and a number lost their lives.

The process to compensate 'loyal' Māori for the confiscation of their land began in the mid-1860s, before fighting had ceased in southern Taranaki. This made it difficult for Ngāruahine people to participate in hearings. By 1880, when the West Coast Commissions investigated Māori grievances, none of the Compensation Court awards to Ngāruahine people had been implemented.

In the late 1860s, Ngāruahine and other southern Taranaki iwi resisted the extension of European settlement onto their lands, and in 1868 the Ngāruahine leader Titokowaru took up arms. After a series of victories against Crown forces, Titokowaru lost his support for reasons that remain unclear, and was pursued by Crown forces into the Taranaki interior. Government ministers offered a bounty for Titokowaru dead or alive, and for his followers alive. Crown forces later took the heads of some followers, including at least one Ngāruahine chief.

In the early 1870s many Ngāruahine returned to their lands on the Waimate Plains. Through the 1870s, the Crown tried to secure nominally confiscated Ngāruahine land for European settlement by making formal and informal payments to Māori, and by promising to provide reserves and protect significant Ngāruahine sites. These promises were not fulfilled. By the late 1870s many Ngāruahine people were unsure about the status of their lands.

By 1879, many Ngāruahine had relocated to Parihaka in central Taranaki and supported its leaders Te Whiti and Tohu and their movement for Māori peace and independence. Ngāruahine people participated in campaigns of peaceful resistance initiated at Parihaka. Some were arrested and exiled to South Island prisons where they were detained in harsh conditions for at least 17 months without trial. In November 1881, more than 1500 Crown troops invaded and dismantled Parihaka, and Ngāruahine people were then displaced from the settlement.

In the early 1880s, the West Coast Commissions returned approximately 26,000 acres to Ngāruahine as reserves. However, the Crown retained and on-sold over 145,000 acres of Ngāruahine land to settlers. Almost all of the Ngāruahine land returned was under non-customary individualised title, and much of it was located in bush. Reserves were not returned to Māori outright, but were placed under the control of the Public Trustee, who then sold or leased in perpetuity large areas to European farmers.

In 1963, the titles of all remaining Taranaki reserves were amalgamated, leaving owners without specific interests in customary land. Today, less than five percent of the area that was reserved is in Māori freehold ownership, and approximately 50,000 acres remain under the perpetual leasing system. Apart from marae, Ngāruahine as an iwi retain less than 300 acres of coastal Tauranga waka reserves.

During the twentieth century, Crown efforts to address Taranaki Māori grievances failed. Some inquiries were limited in their scope. Others provided for compensation payments that were not discussed with Ngāruahine and other Taranaki Māori. The Taranaki Māori Claims Settlement Act 1944 stated that the sums were a full settlement of claims relating to the confiscations and Parihaka. There is no evidence that Ngāruahine or other iwi agreed to this.

Summary of the Ngāruahine settlement

Overview

The Ngāruahine Deed of Settlement will be the final settlement of all historical claims of Ngāruahine 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, acknowledgments and apology
- cultural redress
- financial and commercial redress
- relationship redress.

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

Crown acknowledgements and apology

The Crown apologises to Ngāruahine for its acts and omissions which have breached the Crown's obligations under Te Tiriti o Waitangi/the Treaty of Waitangi.

Cultural redress

Cultural redress provides recognition of the traditional, historical, cultural and spiritual association of Ngāruahine with places and sites owned by the Crown within their primary area of interest. This allows Ngāruahine and the Crown to protect and enhance the conservation values associated with these sites.

The Deed of Settlement provides for the vesting of four sites in Ngāruahine subject to specific conditions.

The settlement also recognises that the South Taranaki District Council and Ngāruahine also intend to enter negotiations for the purchase of two sites of cultural significance to Ngāruahine.

STATUTORY ACKNOWLEDGEMENTS

A statutory acknowledgement recognises the association between Ngāruahine and a particular site and enhances Ngāruahine's ability to participate in specified resource management processes. The Crown offers statutory acknowledgements over 51 sites of significance to Ngāruahine.

DEEDS OF RECOGNITION

Deeds of recognition can be provided over sites where statutory acknowledgements have also been offered. A deed of recognition provides for Ngāruahine to be consulted on specified matters, and the relevant minister must have regard to their views. The Crown offers Ngāruahine deeds of recognition over 23 sites.

OVERLAY CLASSIFICATIONS

An overlay classification provides a very high degree of recognition and acknowledges Ngāruahine's spiritual, cultural, historical and traditional values in respect of a site. The site maintains its existing status but the Department of Conservation must consult and allow Ngāruahine to have input into the management of the site to avoid harming these values. The Crown offers overlay classification over six sites of particular importance to Ngāruahine.

PROTOCOLS AND RELATIONSHIP AGREEMENT, MEMORANDUM OF UNDERSTANDINGS AND PROMOTION OF RELATIONS

The Deed provides for protocols to be issued by the Minister for Arts, Culture and Heritage, the Minister for Primary Industries and the Minister of Conservation. These protocols set out how the relevant government agencies will interact and consult with Ngāruahine when carrying out duties and functions.

The Deed of Settlement also provides for Ngāruahine to enter into relationship agreements with the Ministry for the Environment and the Ministry of Business, Innovation and Employment. The relationship agreement with the Ministry of Business, Innovation and Employment covers minerals and petroleum and recognises the unique kaitiaki (caretaker) role of the iwi of Taranaki with regard to petroleum and minerals. The agreement provides for early engagement on petroleum block offers. This enhanced agreement is unique to the Taranaki area as it recognises Taranaki is the only petroleum-producing basin in New Zealand.

KAITIAKI INSTRUMENT

Natural resources are very important to Ngāruahine. Ngāruahine believe they have a kaitiaki role over the natural resources in their rohe. In order to recognise this, the Deed of Settlement provides for a kaitiaki instrument. The instrument provides opportunities to prepare and distribute a Kaitiaki Plan based on Ngāruahine values and principles in relation to natural resources within the kaitiaki area and provides for a consideration of these by councils within the regional planning framework. It is designed to give presence and visibility to Ngāruahine's relationship with natural resources within their rohe.

The Minister for Treaty of Waitangi Negotiations and the Deputy Secretary Treaty and Director of the Office of Treaty Settlements will write letters of introduction and relationship promotion to Crown ministers, government agencies, local authorities and museums.

Financial and commercial redress

This redress recognises the economic loss suffered by Ngāruahine arising from breaches by the Crown of its Treaty obligations.

The financial and commercial redress is aimed at providing Ngāruahine with resources to help them develop their economic and social well-being.

FINANCIAL REDRESS

Ngāruahine will receive a financial settlement of \$67.5 million in recognition of all their historical claims. Interest that has been accumulating since the Ngāruahine Agreement in Principle was signed in December 2012 will also be paid. Ngāruahine received an on-account payment of \$13.5 million in advance of settlement in 2013. This figure is to be deducted from Ngāruahine's overall amount on settlement.

COMMERCIAL REDRESS

Ngāruahine will have the option to purchase, with a deferred selection period of two years from settlement date, nine sites within the Ngāruahine area of interest from the Office of Treaty Settlements Landbank. Ngāruahine also has an option to purchase, with a deferred selection period of two years from settlement date, one Department of Conservation site, the Kaipi Street Conservation Area.

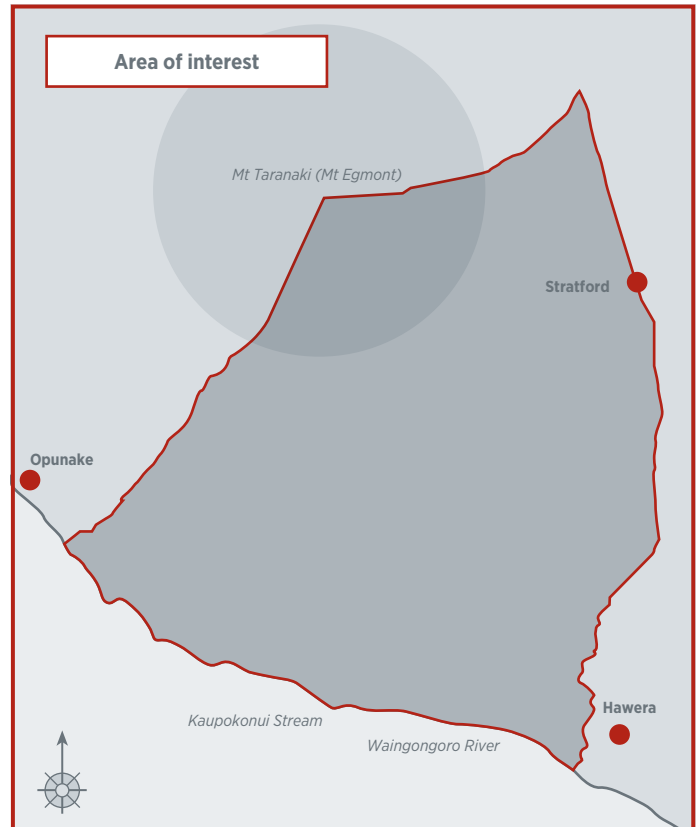
The Deed of Settlement provides Ngāruahine with an area right of first refusal over specified Crown land within the Ngāruahine exclusive area of interest for a period of 172 years.

Collective redress

The collective redress elements of the Deed of Settlement have been negotiated between the Crown, Ngāruahine, Te Atiawa and Taranaki Iwi.

Each iwi stressed their strong associations with all of the natural resources within their rohe and their desire to achieve more positive environmental outcomes for the Taranaki region. The Deed of Settlement sets out a proposed model for iwi representation on the two standing committees in the Taranaki Regional Council which perform the roles and functions associated with policy, planning and consents. This would provide all iwi of Taranaki, should they be elected as iwi representatives, with an opportunity to be at the decision-making table, influencing decisions that affect their rohe, and for the council and region to benefit from the experience and input of the iwi of Taranaki.

The Deed of Settlement also provides Ngāruahine with a shared area right of first refusal with Taranaki within the shared area of interest.



Questions and answers

What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Ngāruahine Deed of Settlement is \$67.5 million plus the value of the cultural fund and cultural redress properties, which is \$700,000. The Crown has already made an on-account payment of \$13.5 million to Ngāruahine, and this amount will be deducted from the total amount, which will be paid shortly after the Deed is signed.

Is any private land being transferred?

No.

Are the public's rights affected?

In general, all existing public access rights in relation to areas affected by this settlement will be preserved.

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.

Does Ngāruahine have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. If the Deed of Settlement is finalised by the passage of settlement legislation, both parties 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 Ngāruahine. The settlement legislation, once passed, will prevent Ngāruahine from re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement package will still allow Ngāruahine to pursue claims against the Crown for acts or omissions after 21 September 1992, including claims based on the continued existence of aboriginal title or customary rights and claims under the Marine and Coastal Area (Takutai Moana) Act 2011. The Crown retains the right to dispute such claims or the existence of such title rights.

What about redress over the Maunga?

The Deed of Settlement settles all Ngāruahine historical claims over the Maunga. However the Deed provides that redress over the Maunga will be negotiated once all iwi of Taranaki have mandates to negotiate. This approach recognises that Maunga Taranaki is significant to all the people of Taranaki and is consistent with the agreements reached with the four iwi who have settled with the Crown (Ngāti Mutunga, Ngāti Tama, Ngāti Ruanui and Ngā Rauru Kitahi).

Who benefits from the settlement?

All members of Ngāruahine, wherever they may now live.

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