



Deed of Settlement

BETWEEN THE CROWN AND MANIAPOTO

General background

Maniapoto are an iwi based in Te Rohe Pōtae (the King Country), in and around Te Kūiti, Ōtorohanga and Te Awamutu. At the time of the 2013 Census, the iwi had just over 35,000 members, with over 90% living outside of the rohe. As at September 2020, the Maniapoto Māori Trust Board (MMTB) tribal register had over 25,000 members.

In 2010, the Crown and Maniapoto entered into the Deed in Relation to Co-Governance and Co-Management of the Waipā River which is given effect to under the Ngā Wai o Maniapoto (Waipa River) Act 2012. That deed recognised Maniapoto interests in the Waipā River and its catchments and provided for the participation of Maniapoto in co-governance and co-management arrangements in respect of the river.

In December 2016, the Crown recognised the mandate of the Maniapoto Māori Trust Board (MMTB) to negotiate a comprehensive settlement of Maniapoto's historical Te Tiriti o Waitangi/Treaty of Waitangi claims. The Crown and the MMTB signed Terms of Negotiation on 17 December 2016.

On 15 August 2017, the Crown and Maniapoto signed an Agreement in Principle.

On 17 December 2020, the MMTB and the Crown initialled a deed of settlement (the Deed).

The Deed is subject to ratification by members of Maniapoto and conditional on the enactment of settlement legislation.

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

The Minister for Treaty of Waitangi Negotiations, Hon Andrew Little, and his predecessor, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Maniapoto.

Summary of the historical background to the claims by Maniapoto

In 1840, Maniapoto rangatira signed Te Tiriti o Waitangi/the Treaty of Waitangi at the heads of the Waikato River (Waikato Heads) and Kāwhia. Maniapoto rangatira represented a strong, independent iwi with expanding trade connections among the growing Pākehā population. In the 1850s, Maniapoto became committed supporters of the Kīngitanga. Maniapoto took up arms in its defence in 1863 when Crown forces invaded the Waikato and previously sent forces to fight in Taranaki.

Under the leadership of Rewi Maniapoto and others, Maniapoto fought Crown troops in several engagements, including at Meremere, Pāterangi and Ōrākau. Maniapoto individuals were also present at the unfortified village of Rangiaowhia when Crown forces attacked in 1864, and non-combatants were killed.

After Ōrākau, Maniapoto were forced to withdraw across the Pūniu River. Many Maniapoto lives were lost during the conflict and the Crown confiscated land at the edge of their rohe. Despite these hardships, Maniapoto welcomed into their rohe those who had been displaced by the conflict and extensive confiscation in Waikato and Taranaki, including King Tāwhiao. This put significant strain on their resources.

After the war, Maniapoto established an aukati around their territory to preserve their rangatiratanga and mana motuhake over their remaining land. No Pākehā could pass into these lands without permission. During this time, rangatira continued attempts to have their authority over their rohe recognised by the Crown.

Between 1883 and 1885, the Crown and Maniapoto negotiated Te Ōhākī Tapu. This was a series of agreements and assurances through which Maniapoto sought Crown recognition of their mana whakahaere over their lands and peoples, and in return agreed to lift the aukati and allow the construction of Te Ara-o-Tūrongo (part of the North Island Main Trunk railway) to proceed through their territory.

Following the survey of the railway line, the Native Land Court began to hold hearings in Te Rohe Pōtae. Maniapoto resisted and then strove to influence court processes while the Court converted their tribal territory into individualised land holdings. In 1890, the Crown began to purchase these individual interests. Despite Maniapoto opposition, through aggressive purchasing tactics the Crown was able to acquire Maniapoto land.

In 1904, Te Kawenata o Ngāti Maniapoto, a document which emphasised tribal unity based on the preservation of their Māoritanga and Maniapoto rangatiratanga, was signed by Pepene Eketone, H Hemara Wahanui, H. M. Hetete (H. M. Hetet), H. T. Hetete (H. T. Hetet), Moerua Natanahira and Hone Omipi (John Ormsby). Maniapoto entered the twentieth century with the same determination to preserve their authority that had marked their previous engagement with the Crown.

Maniapoto tried to develop their economy and what land they had managed to retain. However, individualisation of land tenure and statutory provisions for the administration of Māori land in the twentieth century made this difficult. Despite purchasing large tracts of land, the Crown compulsorily took significant areas for public works, including land on which Tokanui Mental Hospital and Waikeria Prison were built. By 1935, only 24% of land in Te Rohe Pōtae remained in Māori ownership.

Since 1840, Crown acts and omissions have had a severe impact on Maniapoto's socio-economic well-being as well as their tribal identity. In the face of this, Maniapoto have persistently called for the maintenance and recognition of their rangatiratanga and mana whakahaere, guaranteed to them by Te Tiriti o Waitangi/the Treaty of Waitangi and Te Ōhākī Tapu.

Overview

The Maniapoto Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Maniapoto resulting from acts or omissions by the Crown prior to 21 September 1992.

The settlement package includes:

- an agreed historical account, Crown acknowledgments and apology;
- cultural redress; and
- financial and commercial redress.

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

Crown acknowledgements and apology

This settlement contains an apology from the Crown for its acts and omissions in breach of te Tiriti o Waitangi/the Treaty of Waitangi and the acknowledgement that the Crown failed to uphold promises in Te Ohāki Tapu, in breach of Te Tiriti o Waitangi/the Treaty of Waitangi.

Specific breach acknowledgements in the deed include:

- acting unjustly in sending Crown forces across the Mangatāwhiri River during the Waikato War, including indiscriminately killing non-combatants and looting and destroying property;
- breaching the Treaty by confiscating land in which Maniapoto had interests, unfairly labelling Maniapoto as rebels, and failing to provide for refugees entering the Maniapoto rohe; and
- failing to protect Maniapoto tribal structures from the operation and impact of the Native land laws, particularly the individualisation of tribal lands, which led to massive alienation of the tribal lands Maniapoto had cherished for centuries.

Raurunui: Cultural redress

Cultural redress recognises the traditional, historical, cultural and spiritual associations of Maniapoto with places and sites in their area of interest which are owned by the Crown. This allows Maniapoto and the Crown to protect and enhance the conservation values associated with these sites.

SITES VESTED IN MANIAPOTO

The settlement will vest 36 sites of cultural significance in Maniapoto, including three jointly vested sites.

Three sites will be vested in Maniapoto in fee simple:

- Mangapehi Railway Station property;
- Te Kūiti Pā Railway Yard Carpark; and
- Te Puna o Te Roimata.

29 sites will be vested in Maniapoto as scenic reserves:

- Aratoro property;
- Arorangi property;
- Awaroa property;
- Hangatiki property;
- Hauturu West property (excluding the Crown stratum);
- Herekawe property;
- Kahuwera property;
- Kurukuru property;
- Mangakahu property;
- Mangaokewa property;
- Mapara property;
- Mokau property;

- Ngaherenga property;
- Omaru Falls property;
- Piropiro Ketemaringi site A;
- Piropiro Ketemaringi site B;
- Rākaunui property;
- Ranginui property;
- Tainui property;
- Tapuae property;
- Te Arero property;
- Te Raumauku Caves property;
- Te Umuroa property;
- Waiharakeke property;
- Whareorino site A;
- Whareorino site B;
- Whareorino site C;
- Whareorino site D; and
- Whareroa property.

One site will be vested in Maniapoto as a recreation reserve:

- Mokau Estuary property.

Hikurangi, Tangitu and Waihuka properties will be vested jointly in Maniapoto and Ngāti Hāua as scenic reserves on the later of the Maniapoto and the Ngāti Hāua settlement dates.

OVERLAY CLASSIFICATIONS

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of Maniapoto with certain sites of significance and provides for the Crown to acknowledge Maniapoto values in relation to that area.

The settlement provides overlay classifications over the following areas:

- Part of Pureora Forest Park that falls within the Maniapoto area of interest, including Pureora Peak; and
- Whareorino Conservation Area.

STATUTORY ACKNOWLEDGEMENT AND DEED OF RECOGNITION

A statutory acknowledgement recognises the association between Maniapoto and a particular site or area and enhances Maniapoto's ability to participate in specified resource management processes. A deed of recognition obliges the Crown to consult with Maniapoto on specified matters and have regard to Maniapoto views regarding their special association with certain areas.

The settlement provides for both a statutory acknowledgement and a deed of recognition over each of the following areas:

- Kakepuku Mountain Historic Reserve;
- Mangapohue Natural Bridge Scenic Reserve; and
- Part Pirongia Forest Park.

The settlement provides for a statutory acknowledgement over each of the following areas:

- Coastal statutory acknowledgement area;
- Huioteko Scenic Reserve;
- Hutiwai Conservation Area;
- Kahuwera Scenic Reserve;
- Kawhia Harbour (Rakaunui) Scenic Reserve;
- Kawhia Harbour (Waiharakeke) Scenic Reserve;
- Mahoenui Conservation Area;
- Marokopa Falls Scenic Reserve;

- Part Matakana Conservation Area (area linked to Te Puta Spring);
- Moeatoa Scenic Reserve;
- Mohakatino Conservation Area;
- Mokau River Scenic Reserve;
- Ngā Wai o Maniapoto;
- Ngatamahine Scenic Reserve;
- Ngutunui Stream Scenic Reserve;
- Okahukura Scenic Reserve;
- Puketapu Historic Reserve;
- Rukuhia Domain Recreation Reserve;
- Tapuae Scenic Reserve;
- Taumatini Scenic Reserve;
- Te Kauri Park Scenic Reserve;
- Te Kuiti Aerodrome;
- Te Nau Nau property
- Totoro Scenic Reserve;
- Turaerae Scenic Reserve; and
- Waitewhena Conservation Area.

PLACE NAME CHANGES

Place names recognise iwi associations with geographic areas. Twelve place names will be changed through the Maniapoto settlement:

- Aria to Āria;
- Mahoenui to Māhoenui;
- Mapiu to Māpiu;
- Mokau to Mōkau;
- Mokau River to Mōkau River;
- Mokauiti to Mōkauiti;
- Mokauiti Stream to Mōkauiti Stream;
- Otewa to Ōtewā;
- Otorohanga to Ōtorohanga;
- Te Kuiti to Te Kūiti;
- Unnamed to Maniaiti; and
- Unnamed to Ōhīrea.

RAUMAIROA: NATURAL RESOURCES ARRANGEMENTS

The settlement contains a statement of significance of Ngā Wai o Maniapoto, and objectives and guiding principles for its interpretation, covering all rivers and waterways within the Maniapoto area of interest. The Deed provides for Maniapoto to develop an environmental plan and a joint management agreement with Waikato Regional Council, Waitomo District Council and Ōtorohanga District Council for Ngā Wai o Maniapoto in the Waikato region (apart from the Waipā River and its catchments for which arrangements were provided previously). The Deed also provides for relationship agreements with Manawatū-Wanganui Regional Council, Taranaki Regional Council and Ruapehu District Council in relation to Ngā Wai o Maniapoto in their areas.

CONSERVATION MANAGEMENT ARRANGEMENTS

The settlement provides for Maniapoto to co-author the Tō Pūniu ki Mōkau Takiwā section in the Waikato Conservation Management Strategy (CMS). It also requires the Director-General of Conservation to 'have particular regard' to Maniapoto's Environmental Management Plan when preparing a relevant CMS in Maniapoto's area of interest. The deed also contains a concessions decision-making framework providing for how Maniapoto will participate in decisions on new concessions.

The deed commits the Department of Conservation to annually attend a meeting of Te Nehenehenui Conservation Forum (iwi-led conservation forum), once established, to discuss shared conservation matters within Maniapoto's area of interest. The settlement also includes the opportunity to erect a pou at Te Kauri Park Scenic Reserve.

RECOGNITION OF INTERESTS OUT TO 20 MILES

The settlement acknowledges Maniapoto's historical interests in the Exclusive Economic Zone from the boundary of the Territorial Sea out to 17.4 nautical miles (20 miles).

TAIAHA MAUNGĀRONGO

Otago Museum will return the taiaha, Maungārongo, to Maniapoto. It will then be housed at Parliament Buildings, for up to five years, to mark the restoration of Maniapoto Crown relationship through the settlement, before the Crown returns it to Maniapoto.

TE ARA-O-TŪRONGO: NORTH ISLAND MAIN TRUNK RAILWAY LINE

The settlement provides for the land under the North Island Main Trunk railway within Maniapoto's area of interest to be gifted to Maniapoto on settlement date and immediately gifted back to New Zealand Railways Corporation. Maniapoto will have the opportunity to install information panels at railway stations or other key locations along the railway within their area of interest.

AHUMANIA: RELATIONSHIP REDRESS

The settlement includes a range of relationship redress to foster a good working relationship between Maniapoto and Crown agencies. The Deed provides for:

- relationship agreements with the Ministry of Justice, New Zealand Police and Ara Poutama Aotearoa/Department of Corrections; Ministry for Business, Innovation and Employment; Minister of Conservation and Director-General of Conservation; Ministry of Education and Tertiary Education Commission; Minister for the Environment and Secretary for the Environment; Ministry of Health and Waikato District Health Board; Ministry of Social Development; Oranga Tamariki; Social Wellbeing Agency; and Statistics New Zealand;
- a Whakaaetanga Tiaki Taonga between Maniapoto, the Ministry for Culture and Heritage, the Department of Internal Affairs, Heritage New Zealand and Te Papa Tongarewa;
- a primary industries protocol with the Ministry for Primary Industries;
- letters of introduction from the Chief Executive of the Office of Māori Crown Relations – Te Arawhiti to the Environmental Protection Authority, the Director of Canterbury Museum and the Chief Executive of Ngā Taonga Sound & Vision;
- a letter of introduction from the Minister for Treaty of Waitangi Negotiations to the Director of the Museum of Transport and Technology Auckland; and
- a letter of relationship from Land Information New Zealand.

Tahurua ma te Paepaekura: Financial and commercial redress

Financial and commercial redress recognises the losses suffered by Maniapoto arising from breaches by the Crown of its Treaty obligations. The intent of financial and commercial redress is to provide Maniapoto with resources to assist them in developing their economic and social wellbeing.

The total value of financial and commercial redress for Maniapoto is \$165,000,000 (plus interest). This is made up of:

- purchase of Mangaokewa, Pirongia, part Pureora North and Tawarau Crown Forest licensed land for \$3,814,000; and
- \$161,186,000 financial redress.

COMMERCIAL REDRESS

The Deed of Settlement provides for commercial redress including:

- a right to purchase 42 Crown properties within a deferred selection period of two years. Six of the properties, if purchased, will be leased back to the Crown;
- a right of first refusal over Crown-owned land in the RFR area, specified Crown-owned and Waikato District Health Board land, land owned by the Crown and administered by the New Zealand Railways Corporation that forms part of Te Ara-o-Turongu between specified points, 95 Kāinga Ora – Homes and Communities properties; and
- remediation of the former Tokanui Hospital site and offer of the properties as staged deferred selection.

Questions and Answers

1. What is the total settlement package?

Crown acknowledgements and apology for historical breaches of Te Tiriti o Waitangi/the Treaty of Waitangi;

- an agreed historical account;
- cultural redress including the vesting of 36 sites of significance in Maniapoto, natural resources arrangements over Ngā Wai o Maniapoto, and relationship redress with Government Departments;
- financial redress with a total value of \$165,000,000 (plus interest); and
- commercial redress.

2. Who holds the mandate for Maniapoto?

In 2016 the Crown recognised the mandate of the Maniapoto Māori Trust Board (MMTB) to negotiate the settlement of Ngāti Maniapoto's historical Treaty of Waitangi claims.

3. What happens next?

The initialled Deed of Settlement is subject to the approval of Maniapoto members by a vote (known as ratification). If the Deed of Settlement receives sufficient support, it will be signed by the Crown and Maniapoto. The Crown will then introduce legislation to Parliament giving effect to the settlement.

4. Is there any private land involved?

No.

5. Are the public's rights affected?

No. Where land is transferred with a reserve classification then the relevant provisions of the Reserves Act (including those concerning public access) will continue to apply.

6. Are any of the place names changed?

Yes. The official geographic names for 12 geographic features will be changed.

7. What is a statutory acknowledgement and deed of recognition?

A statutory acknowledgement acknowledges areas or sites with which iwi have a special relationship and will be recognised in any relevant proceedings under the Resource Management Act 1991. These provisions aim to avoid past problems where areas of significance to Māori, such as burial grounds, were simply cleared or excavated for public works or similar purposes without permission or consultation with iwi. Statutory acknowledgements do not convey a property right and are non-exclusive.

A deed of recognition sets out an agreement between the administering Crown body and a claimant group in recognition of their special association with a site and specify the nature of their input into the management of the site.

8. What is an overlay classification?

An overlay classification acknowledges the traditional, cultural, spiritual and historical association of an iwi with certain sites of significance administered by the Department of Conservation.

Overlay classifications require the Minister of Conservation and the settling group to develop and publicise a set of principles that will assist the Minister to avoid harming or diminishing values of the settling group with regard to that land. The New Zealand Conservation Authority and relevant Conservation Boards will also be required to have regard to the principles and consult with the settling group.

9. 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 historical Treaty claims in the area have been settled.

10. When will the settlement take effect?

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

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

No. When the Deed of Settlement is signed, and settlement legislation is passed it will be a final and comprehensive settlement of all historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Maniapoto. The settlement legislation, once passed, will prevent the iwi re-litigating the claims before the Waitangi Tribunal or the courts.

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

12. Who benefits from the settlement?

All members of Maniapoto wherever they may now live.

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