



Deed of

Deed of Settlement
between the Crown and
Ngāti Koroki Kahukura

Settlement

General background

Ngāti Koroki descend from Koroki, a descendant of Hoturoa, captain of the Tainui canoe. Ngāti Kahukura descend from the tupuna Kahukura. Joined together through common ancestry and lineage their descendants are Ngāti Koroki Kahukura. The rohe of Ngāti Koroki Kahukura, which they refer to as their homeland, stretches from Karapiro along the Pukekura Range and through Rotorangi and Puahue in the west, from Maungatautari 4 and 5 blocks to the top of Lake Arapuni in the south, then follows the Waikato River back to Piarere in the East, and from Piarere to the south of the Maungakawa Reserve, and on to Karapiro in the north. Part of the Ngāti Koroki Kahukura rohe is located within the Waikato Raupatu Claim Area established in 1995, including Arikirua, Tamahere, Hautapu, Te Koutu, Pukekura, Te Papara, Nukuhau and Horotiu Pā. Ngāti Koroki Kahukura also hold historical customary interests in the Hinuera, Waipa and Huihuitahā blocks on the eastern side of the Waikato River.

Ngāti Koroki Kahukura gave the mandated negotiators a mandate to negotiate a deed of settlement with the Crown by Deed of Mandate dated 18 May 2010. The Crown recognised the mandate on 17 June 2010. Ngāti Koroki Kahukura and the Crown initialled a deed of settlement on 2 November 2012. The Deed was then ratified and signed on 20 December 2012. The settlement will be implemented following the passage of settlement legislation.

Ngāti Koroki Kahukura were represented in negotiations by the mandated representatives of the Taumatawīwi Trust. The Office of Treaty Settlements, with the support of the Department of Conservation 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 Ngāti Koroki Kahukura.

Summary of the historical background to the claims by Ngāti Koroki Kahukura

During the 1840s and 1850s Ngāti Koroki Kahukura were a prosperous and flourishing people. Among other things, they successfully traded with Europeans. However, by the late 1850s there was rising tension over land alienations. Ngāti Koroki Kahukura actively supported the establishment of the Kingitanga and in an effort to safeguard their lands from alienation, placed their lands under the protection of the Māori King. At the same time, their rangatira Tioriori worked to maintain cordial relations with the Crown.

In 1863 war broke out after Crown military forces breached the Kingitanga aukati along the Mangatawhiri. This resulted in the deaths of some Ngāti Koroki Kahukura, and the capture of others including Tioriori who was taken while assisting a wounded British officer. Other Ngāti Koroki Kahukura retreated into the Maungatautari ranges. In June 1864 Tioriori was paroled because he favoured peace, and the Governor wanted his help to end hostilities. Nevertheless in 1865 the Crown included Ngāti Koroki Kahukura among iwi it labelled rebels, and proclaimed the confiscation of much of their land. The confiscation caused immense hardship.

For many generations Ngāti Koroki Kahukura has perceived Maungatautari as their tupuna, their ancestral mountain, central to their identity and mana. The lands in and around the mountain, like the other remaining lands held collectively by Ngāti Koroki Kahukura, became the subject of Crown imposed tenure reform. In 1865 the Native Land Court was established to award individuals ownership of lands traditionally held in tribal land tenure. Much of the lands awarded by the Court to Ngāti Koroki Kahukura, including those at Maungatautari, were sold by individuals awarded ownership under laws in force between 1865 and 1873 which limited ownership of any land block to no more than ten individuals. Ngāti Koroki Kahukura were involved in more than fifty Native Land Court hearings before 1901, and the costs of Court processes, including surveys, contributed to the further alienation of Ngāti Koroki Kahukura land. Further land was alienated during the twentieth century, Ngāti Koroki Kahukura recall, to pay rates.

The combined impact of confiscation and the alienation of lands for which the Native Land Court had awarded titles to individuals resulted in Ngāti Koroki Kahukura becoming virtually landless by the end of the twentieth century

For many generations the Waikato River has been perceived as a tupuna, a living taonga, and a critical resource for Ngāti Koroki Kahukura. However the Crown has assumed control of and exercised jurisdiction over the river since the confiscation. In 1881 Ngāti Koroki Kahukura destroyed a bridge being built at Aniwaniwa which they saw as a significant intrusion on their mana in their own rohe. Nevertheless swamps and wetlands have been drained, and the river polluted by commercial and domestic uses. The construction of hydro electric power schemes on the river has depleted traditional fisheries and other food sources, and flooded the homes of Ngāti Koroki Kahukura people and their culturally significant sites, including sacred burial sites.

During the First World War the Crown imprisoned some Ngāti Koroki Kahukura for resisting conscription. Despite this, some Ngāti Koroki Kahukura still volunteered for service during the Second World War.

In the 1870s the Crown began establishing schools for Māori. One of its objectives was to assimilate Māori into European culture. Ngāti Koroki Kahukura elders recall corporal punishment being used to discourage them from speaking Te Reo. Ngāti Koroki Kahukura estimate that just five percent of their people today speak Te Reo.

By 1950 many Ngāti Koroki Kahukura were migrating from their traditional rohe in search of better economic prospects. This disconnected many from their communities and local culture. Ngāti Koroki Kahukura consider that landlessness and social deprivation have contributed to the Crown not recognising them as an iwi in their own right.

Settlement

Summary of the Ngāti Koroki Kahukura Settlement

Overview

The Ngāti Koroki Kahukura Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Ngāti Koroki Kahukura resulting from acts or omissions by the Crown prior to 21 September 1992. The raupatu claims of Ngāti Koroki were settled through the 1995 Waikato-Tainui land settlement. This settlement addresses the claims of the whole of Ngāti Koroki Kahukura not settled by the earlier settlement. The settlement includes:

- Crown acknowledgements and apology
- Cultural redress – general
- Cultural redress – Waikato River
- Cultural redress – Maungatautari
- Financial and commercial redress.

Crown acknowledgements and apology

The Crown acknowledges its actions arising from interaction with Ngāti Koroki Kahukura whereby it breached the Treaty of Waitangi and its principles. The Crown apologises to Ngāti Koroki Kahukura for its actions and omissions which have breached the Crown's obligations under the Treaty of Waitangi. The breaches include:

- the operation of the native land and public works legislation
- the failure of the Crown to protect the traditional tribal structures of Ngāti Koroki Kahukura
- the Crown's failure to recognise and provide for their relationship to Maungatautari and Waikato River
- Crown policies and laws which led to the economic, social, environmental and cultural degradation of the people of Ngāti Koroki Kahukura and their physical and spiritual resources.

Cultural redress – general

1. The deed includes a cultural redress package intended to meet the traditional, historical, cultural and spiritual interests of Ngāti Koroki Kahukura.

1(A) SITES VESTED IN NGĀTI KOROKI KAHUKURA

A total of 20 properties will be vested in Ngāti Koroki Kahukura totalling approximately 110 hectares. Sites to be vested in Ngāti Koroki Kahukura include:

- Te Reti, approximately 30 hectares, as a scenic reserve, with the governance entity and the Waipa District Council as the joint administering body for the reserve
- Koroki Kahukura ki Hinuera, approximately 32 hectares, as a scenic reserve, with the governance entity and the Waipa District Council as the joint administering body for the reserve
- Oreipunga, approximately 0.4489 hectares
- Pukeatua Cemetery, approximately 0.800 hectares, as a local purpose (cemetery) reserve, with the Waipa District Council as the administering body
- Kohi Wheua, approximately 0.4 hectares
- Ara Hinerua, approximately 0.6 hectares
- Tau Pakanga, approximately 2.33 hectares

- Puahue, approximately 0.4 hectares
- Taumatawiwi, approximately 4.3 hectares, as a local purpose (cultural centre) reserve, with the Ngāti Koroki Kahukura and the Waipa District Council as the joint administering body
- Motu Aratau, approximately 10 hectares
- Tunakawa, approximately 0.09 hectares
- Waikaukau, approximately 0.85 hectares, as a recreation reserve, with the governance entity and Waipa District Council as the joint administering body for the reserve
- Waitoa, approximately 13.4 hectares
- Whanatangi and Ihaia, approximately 1.04 hectares
- Koroki Kahukura ki Piarere, approximately 4.6 hectares
- Te Kiwa and Te Uira, approximately 1.0 hectares
- Horahora Island, approximately 1.2 hectares.

1(B) STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

Statutory Acknowledgements recognises the association between Ngāti Koroki Kahukura and a particular site and enhances ability of Ngāti Koroki Kahukura to participate in specified Resource Management processes. The Crown offers Statutory Acknowledgements over:

- Little Waipā Recreation Reserve
- Whitehall Estate site
- Pōkaiwhenua Stream marginal strip site
- Waikato River and its tributaries within the Ngāti Koroki Kahukura area of interest
- Lake Arapuni within the Ngāti Koroki Kahukura area of interest
- Lake Karapiro within the Ngāti Koroki Kahukura area of interest.

Deeds of recognition provide for Ngāti Koroki Kahukura to be consulted on specified matters and that relevant Ministers must have regard for their views. The Crown offers deeds of recognition over:

- Pōkaiwhenua Stream marginal strip
- Waikato River and its tributaries within Ngāti Koroki Kahukura the area of interest
- Lake Arapuni within the Ngāti Koroki Kahukura area of interest
- Lake Karapiro within the Ngāti Koroki Kahukura area of interest.

1(C) LETTERS OF INTRODUCTION

The Minister for Treaty of Waitangi Negotiations will write letters of introduction and relationship promotion to government agencies, local authorities and other entities.

1(D) CULTURAL FUNDING

Ngāti Koroki Kahukura will receive the following cultural funds:

- \$405,800 is provided due to the limited number of cultural redress properties that can be included in the settlement
- \$2,671,000 is provided for cultural activities
- \$25,000 is provided to assist in researching the ancestor Tioriori and other significant Ngāti Koroki Kahukura ancestors
- \$25,000 is provided to assist in the creation and erection of pou markers at sites of significance to Ngāti Koroki Kahukura
- \$600,000 is provided for to 'Te Manawa o Matariki', a tangata whenua facility at Lake Karapiro Domain.

Cultural redress – Waikato River

2. In 2008 the Crown and Waikato-Tainui signed a deed of settlement in relation to the Waikato River. The overarching purpose of the settlement is to restore and protect the health and wellbeing of the river for future generations.

The Ngāti Koroki Kahukura settlement will geographically extend the co-management instruments afforded to Waikato-Tainui through that settlement to cover the Ngāti Koroki Kahukura area of interest. Ngāti Koroki Kahukura will be able to be involved in the co-management the Waikato River within their area of interest through Waikato-Tainui.

Cultural redress – Maungatautari

3. The settlement will provide for Maungatautari Mountain Scenic Reserve to be owned by te hapori o Maungatautari (the Maungatautari community). The transfer of ownership is to recognise the strong association iwi and others in the community have with Maungatautari.

The Waipa District Council will continue to administer the Scenic Reserve under the Reserves Act 1977. The transfer of ownership will not affect the Maungatautari ecological island ecological project.

Financial and commercial redress

4. This redress recognises the economic loss suffered by Ngāti Koroki Kahukura arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Ngāti Koroki Kahukura with resources to assist to develop their economic and social well-being.
 - Ngāti Koroki Kahukura will receive financial and commercial redress of \$3 million, plus interest through their settlement
 - Ngāti Koroki Kahukura will use some of this redress to purchase Pukeatua school to be leased back to the Ministry of Education
 - Ngāti Koroki Kahukura contributed \$250,000 of their financial redress to support the purchase of the Manu Tioriori Visitor Centre in June 2012. This amount will deducted from their financial redress amount
 - Ngāti Koroki Kahukura will have an exclusive right of first refusal over all Crown-owned properties located within a specified area for 172 years from settlement date.



Q&A

Questions and Answers

1. What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Deed of Settlement is approximately \$6.7 million, plus the value of the cultural redress properties to be vested.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No.

4. 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.

5. Does Ngāti Koroki Kahukura 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 ratified and passed into law, 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 Ngāti Koroki Kahukura. The settlement legislation, once passed, will prevent Ngāti Koroki Kahukura from re-litigating the claim before the Tribunal or the courts.

The settlement package will still allow Ngāti Koroki Kahukura 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. The Crown also retains the right to dispute such claims or the existence of such title rights.

6. Who benefits from the settlement?

All members of Ngāti Koroki Kahukura wherever they may now live.

7. Will the settlement affect the Maungatautari ecological island project?

No. The Maungatautari ecological island project is managed by the Maungatautari Ecological Island Trust.

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