



Deed of Settlement

Between the Crown
and Ngati Ruanui

General Background

Ngati Ruanui (including Pakakohi and Tangahoe) is an iwi of Taranaki. Ngati Ruanui takes its name from the tupuna Ruanui o Pookiwa and Ruanui o Taaneroroa, the latter being the grandson of Turi Ariki, leader of the Aotea waka. Ngati Ruanui are located in southern Taranaki and have approximately 4000 members.

The history of Ngati Ruanui's interaction with the Crown has been detailed in the Waitangi Tribunal's Interim Taranaki Report published in 1996. An account of the historical background agreed between the Crown and Ngati Ruanui is included in the Deed of Settlement, along with acknowledgements of Crown breaches of the Treaty of Waitangi and a Crown Apology for those breaches. Ngati Ruanui's claims related in general terms to breaches by the Crown of its obligations, in particular the waging of war resulting in loss of life and the confiscation of land and other land dealings.

Negotiations on a settlement package with Ngati Ruanui began in April 1999 and a Heads of Agreement recording agreement on the main components of a settlement package was signed on 7 September 1999. A full Deed of Settlement, the formal Crown offer to settle Ngati Ruanui's historical claims under the Treaty of Waitangi, was initialled by the Ngati Ruanui negotiators and Crown representatives on 1 March 2001. The Deed was subsequently ratified by the members of Ngati Ruanui through a postal ballot. The Deed is implemented following the passage of the required legislation through Parliament.

Ngati Ruanui was represented in negotiations by the Ngati Ruanui Muru me te Raupatu Working Party. The Office of Treaty Settlements headed by Ross Philipson, with the support of Treasury, the Ministry of Fisheries and the Department of Conservation, represented the Crown in day to day negotiations. The Minister in Charge of Treaty of Waitangi Negotiations Hon Margaret Wilson represented the Crown in high level negotiations with Ngati Ruanui.

Historical Background to the Claims by Ngati Ruanui

Ngati Ruanui (which includes Tangahoe and Pakakohi) resisted the opportunity to sell land at the time of European settlement and, in the 1850s, made a pact with other Taranaki iwi and those elsewhere to oppose further land sales. By 1860 no Ngati Ruanui land had been sold and Ngati Ruanui provided active support to Te Atiawa and Nga Rauru resistance to land sales in their respective rohe, particularly the sales of the blocks at Waitara and Waitotara. Resistance to the survey of the Pekapeka block at Waitara was deemed an act of rebellion by the Crown and when the Crown commenced hostilities in the province in 1860, Ngati Ruanui entered the war on the side of the non-sellers. This phase of war ended in 1861.

Fighting broke out again in 1863 and spread to south Taranaki. Here the Crown troops occupied the land without formal confiscation or purchase. Confiscations were proclaimed later in 1865, including the confiscation of 352,000 acres of Ngati Ruanui and Nga Ruahine land. This area included most of the land within Ngati Ruanui's rohe. Land was proclaimed confiscated from those the Crown considered to be "loyal" as well as those viewed as "rebels". War continued, and in a series of scorched earth campaigns involving the destruction of villages and crops the Crown hoped to reduce the fighting ability of those considered rebels. These campaigns led to much loss of life and property for Ngati Ruanui.

At the end of the war in 1869, 233 Pakakohi men, women and children of Ngati Ruanui surrendered following promises they would not be killed. Ninety-six were tried for treason and 74 sentenced to death. The latter sentences were commuted to three or seven years imprisonment in the South Island. Conditions were harsh and 18 of the men died before the release of the prisoners three years later.

The compensation process for confiscated land provided for in confiscation legislation was inadequate and ignored customary forms of land tenure. By 1880 no compensation awards had been implemented. The West Coast Commissions were appointed in the 1880s to remedy this situation and fulfil Crown promises.

Meanwhile the purchase of land continued, both within the confiscation area (where often money was paid but no deed drawn up) and outside the confiscation boundary, without a full investigation of customary title. Very few reserves were promised to land sellers in this period and none had been created by 1880.

Ngati Ruanui people were involved in the acts of passive resistance organised by prophets Te Whiti and Tohu in response to the confiscations and lack of reserves. The Crown's invasion of Parihaka in central Taranaki in 1881 followed, with armed Crown troops numbering more than 1500. More than 1500 men, women and children were expelled from the settlement (including those from Ngati Ruanui), crops were burned and homes destroyed.

The West Coast Commissions finalised the return of limited land to iwi in Taranaki in the mid-1880s. The land returned was done so under individual title and placed under the control of the Public Trustee. Much was farmed by settlers under perpetually renewable leases. Additionally, because of the ability of the Public and Maori Trustees to alienate certain types of land, over 60% of the land was sold by 1974. Title amalgamation in 1963 meant owners no longer had specific interests in customary land but in all reserves throughout Taranaki.

The subsequent investigation of the confiscations by the Sim Commission of 1926-27 was limited. The Commission recommended an annuity of 5000 pounds to compensate all of the iwi of Taranaki for the confiscations. A one-off sum of 300 pounds was paid to compensate for the loss of property at Parihaka. The compensation was enshrined in the Taranaki Maori Claims Settlement Act 1944 which states that Maori had agreed to accept the sums as full settlement for the confiscations and the actions of the Crown at Parihaka. There is no evidence iwi agreed to this and the settlement sums, as with the rents on reserved lands, were not protected from the effects of inflation.

Settlement

Deed of Settlement - Ngati Ruanui

The Deed of Settlement is the final settlement of all Ngati Ruanui's historical claims resulting from acts or omissions by the Crown prior to 21 September 1992 and is made up of a package that includes;

1. An apology from the Crown,
2. Cultural redress,
3. Commercial redress.

No private land is involved in the redress, only Crown assets.

The benefits of the settlement will be available to all members of Ngati Ruanui wherever they may live.

Crown Apology

The Crown apologises to Ngati Ruanui for past dealings that breached the Crown's obligations under the Treaty of Waitangi including the Taranaki wars and the confiscation of large areas of land that left Ngati Ruanui largely without land in spite of their desire to retain land. And, as a result of the perpetual leases imposed by the Crown, much of the land subsequently returned to Ngati Ruanui was no longer under their control.

Cultural Redress

1. Recognition of Ngati Ruanui's traditional, historical, cultural and spiritual association with places and sites owned by the Crown within their area of interest. This allows the Crown and Ngati Ruanui to protect and enhance the conservation values associated with these areas and sites and includes;

1(a). STATUTORY ACKNOWLEDGEMENTS

These register the special association Ngati Ruanui has with an area. Statutory Acknowledgements are recognised under the Resource Management Act and the Historic Places Act.

There are to be five such acknowledgements; the Otoki Gorge Scenic Reserve, the Coastal Marine Area adjoining the Ngati Ruanui area of interest, the Tangahoe River, the Whenuakura River, and the Patea River.

1(b). DEEDS OF RECOGNITION

These oblige the Crown to consult Ngati Ruanui and have regard for their views regarding Ngati Ruanui's special association with a site. They also specify the nature of Ngati Ruanui's input into management of those areas by the Department of Conservation (DOC) and/or the Commissioner of Crown Lands.

There will be four deeds, covering the Otoki Gorge Scenic Reserve, the Tangahoe River, the Whenuakura River, and the Patea River.

1(c). SPECIAL AREA OR TAKI POIPOIIA O NGATI RUANUI

This is an additional status for an existing conservation area that acknowledges Ngati Ruanui's traditional, cultural, spiritual and historic values and associations.

Special Area status requires the Minister of Conservation and Ngati Ruanui to develop and publicise a set of principles which will assist the Minister to avoid harming or diminishing Ngati Ruanui values.

The NZ Conservation Authority and the Taranaki/Wanganui Conservation Board will also be required to have regard to the principles and consult with Ngati Ruanui.

There is one Special Area proposed for Ngati Ruanui. This is Wai-ariki, part of the Waitotara Conservation Area. It is about 10 ha in size.

1(d). PROTOCOLS WITH GOVERNMENT DEPARTMENTS AND THIRD PARTIES

The Deed of Settlement also provides for the establishment of protocols to enhance a good working relationship, on cultural matters of importance to Ngati Ruanui, between Ngati Ruanui and the Ministry of Energy, the Ministry of Fisheries (Mfish), the Ministry for Culture and Heritage, and the Department of Conservation.

The Crown has written to the Taranaki Regional, and the Stratford and South Taranaki District Councils encouraging them to enter into memoranda of understanding with Ngati Ruanui. The Crown has also written to the Taranaki/Wanganui Conservation Board and Taranaki Fish and Game Council for the same purpose.

Ngati Ruanui will also be able to express their views to the Ministry for the Environment on the application of the Treaty and relevant parts of the Resource Management Act in Ngati Ruanui's area of interest. The Ministry will also monitor the performance of Local Authorities in Ngati Ruanui's area of interest in relation to these matters.

1(e). PLACENAMES

The spelling of one name will be changed (Mangimangi Stream to Mangemange Stream) and three sites currently without official names will be named (Whitikau, Maraeroa and Te Ramanui).

Ngati Ruanui will also be notified by the New Zealand Geographic Board about future name proposals in their area of interest.

1(f). SITES TRANSFERRED TO NGATI RUANUI

Four areas of significance to Ngati Ruanui - one hectare of the Tarere Conservation Area, the Maben Conservation Area (subject to an easement in favour of Trustpower for hydro purposes), the Pukemoko Pa site within the Otoki Gorge Scenic Reserve, and the Kaikura Conservation Area - will be returned to Ngati Ruanui. These sites total approximately 10 ha. Part of the bed of Lake Kaikura owned by the Crown (subject to protection for existing lawful use and access) will also be returned to Ngati Ruanui.

One other area of significance to Ngati Ruanui, the Makino Scenic Reserve, will be vested in Ngati Ruanui to administer under the Reserves Act.

The South Taranaki District Council and the Stratford District Council have also agreed to transfer to Ngati Ruanui the Turuturu Mokai Historic Reserve (subject to the protection of the memorial cairn and public access to that cairn) and the land on which the Whakaahurangi Marae is located.

1(g). OTHER ACKNOWLEDGEMENTS

The Crown acknowledges the association of Ngati Ruanui with indigenous species managed by DOC, fish and other aquatic life managed by Mfish, and with a variety of Argillite known as Puurangi, within the Ngati Ruanui area of interest.

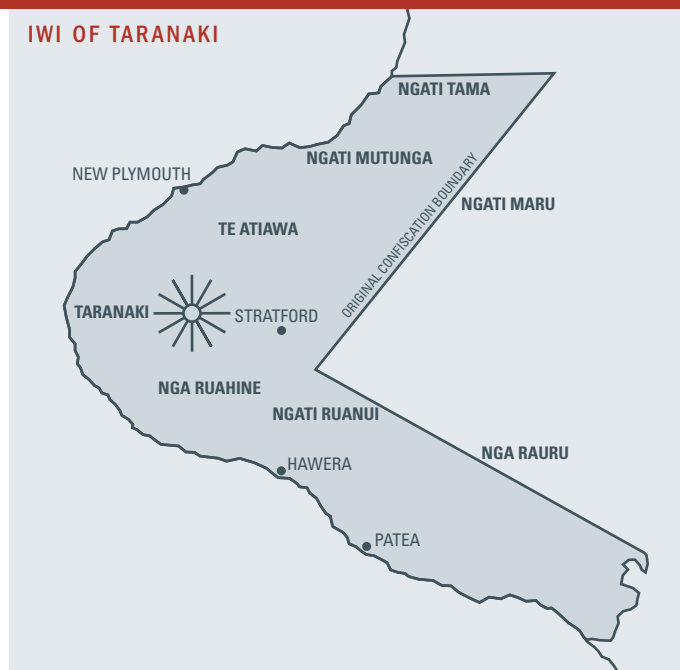
2. Restoration of Ngati Ruanui access to traditional foods and food gathering areas, including:

2(a). CUSTOMARY FISHERIES

Ngati Ruanui will be appointed an Advisory Committee to the Minister of Conservation and the Minister of Fisheries. The Committee will provide advice on the management of fisheries in the Ngati Ruanui area of interest, including the customary interest of Ngati Ruanui in those fisheries.

Specific provisions are:

- The Ministry of Fisheries will consult with Ngati Ruanui and safeguard their existing non-commercial customary fishing rights if the numbers of certain specified customary or taonga species (Kuku/Blue Mussel, Kuku/Greenlipped Mussel, Piharau/Lamprey, Pipi, Waikaka/Mudsnail, Pupu/Catseye, Kina and Waikoura/Crayfish) rise to levels that make a commercial catch possible.
- The Minister of Conservation will consult with Ngati Ruanui on all matters concerning the management of indigenous freshwater fisheries by the Department of Conservation.
- Provisions looking into the possibility of taking undersized tuna (eel) as part of stocking or re-stocking of waterways and aquaculture projects.
- Protection of Ngati Ruanui's customary non-commercial interest in paua should this species become commercially viable in the Ngati Ruanui area of interest.
- A Right of First Refusal to buy a proportion of surplus Crown quota for surf clams/purimu and kina in a specified part of the Ngati Ruanui area of interest if these species become part of the quota management system.
- Should tendering for coastal space for marine farming occur, Ngati Ruanui will have the preferential right to buy a specified percentage of any authorisations, at the tender price, within a specified part of the Ngati Ruanui area of interest. Ngati Ruanui retains the right to participate in other tenders for coastal space authorisations.



- A commitment from the Crown to consider a proposal from Ngati Ruanui to apply a prohibition on commercial fishermen using trawl nets and set nets within certain parts of Ngati Ruanui's area of interest.

2(b). CAMPING LICENCES OR UKAIPO

These are areas of up to one hectare near a waterway which give access to traditional sources of food. Ngati Ruanui members will have the right to use these entitlements for non-commercial, lawful fishing and food gathering purposes for up to 210 days a year. The licences do not affect existing public access to waterways. There are two Ukaipo sites and they are side by side in the Tarere Conservation Area.

Commercial Redress

This redress recognises the economic loss suffered by Ngati Ruanui arising from breaches by the Crown of its Treaty obligations. It aims to provide Ngati Ruanui with resources to assist it to develop its economic and social well being. It includes;

1. A combination of cash and Crown-owned land up to a value of \$41 million.
2. Right of First Refusal - Ngati Ruanui will also have, for a period of 50 years, a Right of First Refusal to buy, at full market value, certain surplus Crown-owned properties in their area of interest.

Mount Taranaki

There is no cultural redress or apology in the Deed of Settlement relating to the confiscation of Mount Taranaki. This matter will be addressed at a later date in the settlement process in Taranaki when all the iwi of Taranaki are in a position to negotiate on these issues.

There will be no additional financial or commercial redress in relation to the mountain. Any cultural redress and apology agreed with Ngati Ruanui will recognise the traditional, cultural, historical and spiritual significance of Mount Taranaki to all iwi of Taranaki while recognising the interests of the people of New Zealand generally in Mount Taranaki.

Questions and Answers

1 What is the total cost to the Crown?

\$41 million plus interest from the date of the signing of the Deed of Settlement plus the minimal cost of the land returned under 2 (f).

2 Is there any private land involved?

No

3 Are the public's rights affected?

Generally, no, but

- Camping licence sites or Ukaipo, which are similar to other concessions granted by the Department of Conservation, will be for the exclusive use of Ngati Ruanui for up to 210 days a year. Each site is up to 1 hectare in size and there are a total of 2 sites. This does not affect public access to waterways.
- Approximately 10 hectares of land currently protected under conservation legislation will be transferred to Ngati Ruanui.

4 What is a Camping licence or Ukaipo?

It is a licence to occupy temporarily a piece of land of up to one hectare near a traditional Ngati Ruanui food gathering area. It is set back from the marginal strip and does not impede public access to or along a waterway. It is the same concept as a Nohoanga in the Ngai Tahu settlement.

5 What is a Special Area or Taki Poipoiia o Ngati Ruanui?

A Special Area classification recognises the cultural, spiritual and historical values of a site or area. It gives Ngati Ruanui the right to be consulted in the management of an area or site but does not override existing classifications or protections, such as National Park status. It is the same concept as a Topuni in the Ngai Tahu settlement.

6 What are Statutory Acknowledgements?

These acknowledge areas or sites with which Maori communities have a special relationship and will be recognized in any proceedings in relation to those areas under the Resource Management Act. This provision aims to avoid past problems with land development for roading and other purposes when areas of significance to Maori, such as burial grounds, were simply cleared or excavated without either permission or consultation. It is not a specific property right.

A Deed of Recognition sets out an agreement between the administering Crown body (The Minister of Conservation or the Commissioner of Crown Lands) and a Maori community, that recognises the community's special association with a site as stated in a Statutory Acknowledgement and specifies the nature of their input into the management of the site.

7 Are any place names changed?

One existing place name will be changed (Mangimangi Stream to Mangemange Stream) and three sites currently without names will receive them (Whitikau, Maraeroa and Te Ramanui).

8 What about Mt Taranaki?

Because of the significance of the mountain to all iwi of Taranaki, the question of an apology and redress for the unjust confiscation of the mountain and any other breaches is to be deferred until all iwi are in a position to negotiate. Redress in relation to the mountain will consist of an apology and cultural redress. No further financial or commercial redress will be involved.

9 Are any National Parks affected in the Settlement?

No.

10 What happens to memorials on private titles?

The settlement will remove the legislative restrictions (memorials) placed on the title of State Owned Enterprise properties and some State Owned Enterprise properties now in private ownership.

11 Does Ngati Raunui gain any rights to petroleum under the settlement?

The Deed of Settlement settles all of Ngati Ruanui's historical claims against the Crown, including any historical claims regarding petroleum. The Deed does not preclude Ngati Ruanui from participating in any future changes to the petroleum management regime to recognise the Crown's contemporary obligations to Maori under the Treaty regarding natural resources.

12 Will there be separate settlements for Tangahoe and Pakakohi?

Tangahoe and Pakakohi are generally considered to be groups within Ngati Ruanui and their claims are covered by the Deed of Settlement.

13 Does the Settlement create any special rights for Ngati Ruanui?

No new rights are being created. Provisions in relation to conservation, such as Statutory Acknowledgements and Special Areas, give practical effect to existing provisions of both the Resource Management Act - section 6 - and the Conservation Act - section 4 - which provide for Maori participation in conservation and planning matters.

14 Does Ngati Ruanui have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th Centuries?

No. Both parties agree the Deed of Settlement is a fair and final settlement for all Ngati Ruanui's historical or pre 1992 claims in the Taranaki area. The settlement will prevent Ngati Ruanui from re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement package will still allow Ngati Ruanui or members of Ngati Ruanui 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.

15 What about the Taranaki Claims Settlement Act of 1944? Wasn't that final?

The settlement of 1944 was made unilaterally, without agreement with Ngati Ruanui. The iwi of Taranaki have never regarded the 1944 Act as adequate redress for Treaty breaches. The Crown also accepts that compensation under the Act was inadequate.

16 Who benefits from the settlement?

All members of Ngati Ruanui, wherever they may now live.

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