



Deed of Settlement

BETWEEN THE CROWN AND RANGITĀNE O MANAWATŪ

Background

Rangitāne o Manawatū trace their origins back to Whātonga, one of three rangatira who commanded the Kurahaupō waka as it sailed from Hawaiki to New Zealand. Their rohe follows the Manawatu River, extending north to the Rangitikei River, from the Taranaki and Ruahine Ranges to the West Coast, and south to the Manawatu River mouth.

In 1998 Tānenuiarangi Manawatu Incorporated received a mandate from the Rangitāne o Manawatū claimant community to negotiate a deed of settlement with the Crown by way of a mandating hui and on 14 May 1998 the Crown recognised the mandate. Terms of Negotiation were signed on 27 July 1998 and a Heads of Agreement was signed on 25 November 1999. The mandated negotiators and the Crown commenced intensive negotiations in 2010. On 1 May 2015 the Crown and Rangitāne o Manawatū initialled a deed of settlement to settle all Rangitāne o Manawatū historical Treaty of Waitangi claims.

On settlement the trustees of the Post-Settlement Governance Entity (PSGE), Rangitāne o Manawatū Settlement Trust, will manage the settlement assets.

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 Rangitāne o Manawatū. Ruth Harris was the Principal Negotiator for Rangitāne o Manawatū and with her passing in 2007, her daughter Danielle Harris took up the role.

Summary of the historical background to the claims by Rangitāne o Manawatū

After the Treaty of Waitangi was signed in 1840 Rangitāne o Manawatū encouraged European settlement in northern Manawatu so they could participate in the developing settler economy. From the 1840s, Rangitāne o Manawatū, alongside other iwi, leased large tracts of land between the Rangitikei and Manawatu Rivers to settlers. In 1863 a dispute over the distribution of rental proceeds threatened to escalate into armed conflict between the iwi. The Crown held hui with the three principal disputing iwi, including Rangitāne o Manawatū, but they could not agree on Crown proposals to refer the dispute to the Governor or to resolve the matter through arbitration. In January 1864 all parties agreed that rents from the Rangitikei-Manawatu block would be suspended until the dispute was settled.

In 1864 the Crown purchased approximately 250,000 acres in the Te Ahuatunga block from Rangitāne o Manawatū for £12,000. The Crown urged Rangitāne o Manawatū to sell as much land as possible and succeeded in reducing the size of the reserves to be made from the sale for Rangitāne o Manawatū from 5000 acres to 2570 acres. The reserves which were made did not include several areas of great cultural significance. After the Crown declined requests from Rangitāne o Manawatū to change the reserves, the iwi re-purchased several of their kainga in the block. In 1867 the Crown gave 71 acres of the block to another iwi without consulting Rangitāne o Manawatū. The land is now central Palmerston North and is valuable commercial and residential real estate.

In April 1866 the Crown purchased approximately 241,000 acres in the Rangitikei-Manawatu block from representatives of the three iwi, including Rangitāne o Manawatū, for £25,000. A Crown official called upon the iwi to determine how to divide the money. Rangitāne o Manawatū called for an equal distribution of the purchase money. When this was rejected, Rangitāne o Manawatū felt they had to support a proposal under which they would receive £5000. After no consensus could be reached for this proposal either, Rangitāne o Manawatū informed the Crown they had entered an arrangement with one of the other iwi, who would represent Rangitāne interests and allocate them a share of the purchase price.

In December 1866 a large group of Māori signed the deed of sale for the Rangitikei-Manawatu block, including approximately 96 Rangitāne o Manawatū. The Crown paid £15,000 to the iwi from whom Rangitāne o Manawatū had arranged to receive payment. Rangitāne o Manawatū received only £600 despite having consistently sought at least £5000 for their interests.

No reserves were defined in the Rangitikei-Manawatu deed, as the purchase had been completed on the basis that reserves would be allocated after sale. Rangitāne o Manawatū sought reserves to compensate for their disappointing share of the purchase money. In January 1867 Te Peeti Awe Awe requested the Crown 'make good the loss' by giving Rangitāne o Manawatū a reserve of 3000 acres at Puketotara. The Crown instead offered a reserve of 1,000 acres, which was finally accepted by Te Peeti Te Awe Awe in March 1867. However, over the following decade Rangitāne o Manawatū unsuccessfully petitioned the Crown on more than 12 occasions to have their concerns about the purchase payments addressed.

In 1869 the suspended rents from the Rangitikei-Manawatu block, totalling £4699, were distributed. Rangitāne o Manawatū received only £525, rather than the equal share they considered they were entitled to. Furthermore, a Crown official told Rangitāne o Manawatū that £300 of the payment was compensation for what the Crown considered the unfair payment they received for the Rangitikei-Manawatu purchase.

In November 1870 Rangitāne o Manawatū rangatira sought an additional 10,000 acres of reserves in lieu of the £4400 they said had not been received from the Rangitikei-Manawatu purchase. The Minister of Native Affairs conceded that Rangitāne o Manawatū appeared to 'have suffered great loss.' He awarded further reserves, but these proved unsatisfactory and Rangitāne o Manawatū continued to protest their payment.

By the end of the 1880s Rangitāne o Manawatū held approximately 20,000 acres of land. This included reserves from Crown purchases, land they had been awarded by the Native Land Court, and land they had repurchased in the Te Ahuaturanga block. From the late 19th century much of the remaining land of Rangitāne o Manawatū was partitioned by the Native Land Court into blocks which were subsequently purchased by private interests. By 1930 Rangitāne o Manawatū landholdings had been reduced to 2903 acres. The remaining land was gradually eroded by further sales and, as an iwi, Rangitāne o Manawatū became virtually landless.

Summary of the Rangitāne o Manawatū settlement

Overview

The Rangitāne o Manawatū Deed of Settlement will be the final settlement of all historical claims of Rangitāne o Manawatū resulting from acts or omissions by the Crown before 21 September 1992 and is made up of a package that includes:

- an agreed historical account, acknowledgements and apology
- cultural redress, and
- financial and commercial redress.

The benefits of the settlement will be available to all members of Rangitāne o Manawatū, wherever they live. The redress was negotiated by the Rangitāne o Manawatū negotiators. Rangitāne o Manawatū acknowledge those negotiators who passed away during the negotiations, namely Rangiharuru Fitzgerald, Tanenuiarangi Te Awe Awe, Kura Te Rangih-Baker, Ruth Harris and Kararaina Tait.

Crown acknowledgements and apology

The Deed of Settlement contains acknowledgements that historical Crown actions or omissions caused prejudice to Rangitāne o Manawatū or breached the Treaty of Waitangi and its principles.

The Deed of Settlement also includes a Crown apology to Rangitāne o Manawatū for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and its principles and for the cumulative damage that those acts and omissions caused to Rangitāne o Manawatū.

Cultural redress

The cultural redress recognises the traditional, historical, cultural and spiritual association of Rangitāne o Manawatū with places and sites owned by the Crown within the primary area of interest of Rangitāne o Manawatū. This allows Rangitāne o Manawatū and the Crown to protect and enhance the conservation values associated with significant sites.

OVERLAY CLASSIFICATION/WHENUA RAHUI

The declaration of an area as an overlay classification/whenua rahui provides for the Crown to acknowledge Rangitāne o Manawatū values in relation to that area, and requires the New Zealand Conservation Authority, or a relevant conservation board to have particular regard to Rangitāne o Manawatū values and to consult with Rangitāne o Manawatū and have particular regard to its views when considering a conservation document in relation to that area. The settlement legislation will declare each of the following properties is subject to an overlay classification/whenua rahui:

- part Himatangi Bush Scientific Reserve
- Makurerua Swamp Wildlife Management Reserve (being Makerua Swamp Wildlife Management Reserve).

STATUTORY ACKNOWLEDGEMENTS

The Statutory Acknowledgements are acknowledgements by the Crown of statements by Rangitāne o Manawatū of their particular cultural, spiritual, historical, or traditional association with certain areas of Crown-owned land.

These acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014.

The authorities who give resource consents under these Acts – local councils, the Environment Court and Heritage New Zealand Pouhere Taonga – must also have regard to these statements.

The acknowledgements also require that the local authorities provide Rangitāne o Manawatū with summaries of all resource consent applications that may affect the areas named in these acknowledgements prior to any decision being made on those applications.

The Deed of Settlement provides for twelve Statutory Acknowledgements covering:

- Pukepuke Lagoon Conservation Area
- Manawatu Gorge Scenic Reserve
- Omarupapako/Round Bush Scenic Reserve
- Tawhirihoe Scientific Reserve
- Ruahine Forest Park
- Tararua Forest Park
- Manawatu River and its tributaries
- Rangitikei River
- Pohangina River
- Oroua River
- Mangahao River
- Coastal area.

DEEDS OF RECOGNITION

Deeds of Recognition require the Crown to consult with Rangitāne o Manawatū, and have regard for Rangitāne o Manawatū's special association with a site or place administered by the Department of Conservation or the Commissioner of Crown Lands.

The Deed of Settlement provides for Deeds of Recognition covering 11 sites/areas (6 Department of Conservation sites and 5 rivers):

- Pukepuke Lagoon Conservation Area
- Manawatu Gorge Scenic Reserve
- Omarupapako/Round Bush Scenic Reserve
- Tawhirihoe Scientific Reserve
- Ruahine Forest Park
- Tararua Forest Park
- Manawatu River and its tributaries

- Rangitikei River
- Pohangina River
- Oroua River
- Mangahao River.

SITE SPECIFIC CROWN ACKNOWLEDGEMENT

This redress is unique to the Rangitāne o Manawatū settlement and is a formal acknowledgement by the Crown of the special connection of Rangitāne o Manawatū to the following two sites:

- Linton Army Camp
- Manawatu Prison.

The site-specific Crown acknowledgment does not oblige local authorities, the Environment Court, or the New Zealand Historic Places Trust to have regard to the site-specific Crown acknowledgment.

PROTOCOLS

The Deed of Settlement provides for protocols between Rangitāne o Manawatū and certain government departments that promote working relationships and participation in areas of decision making including:

- a taonga tūturu protocol with the Ministry for Culture and Heritage which establishes, among other things, a framework for the determination of ownership and custody of taonga discovered within the Rangitāne o Manawatū area of interest
- a Crown minerals protocol with the Ministry of Business, Innovation and Employment which provides for input into the policy, planning, and decision-making processes in accordance with the Crown Minerals Act 1991 and the relevant minerals programmes issued under that Act
- a conservation protocol which provides for a relationship regarding Department of Conservation decisions about conservation lands within the Rangitāne o Manawatū area of interest.

VESTING OF SITES

The Deed of Settlement provides for the vesting of 11 Crown-owned sites to Rangitāne o Manawatū. The settlement legislation will vest these sites in the PSGE, Rangitāne o Manawatū Settlement Trust, on settlement date.

The following sites will be vested in fee simple in Rangitāne o Manawatū:

- Tangimoana Beach property
- Awapuni.

The following site will be vested in fee simple with easements in Rangitāne o Manawatū:

- Pukepuke Lagoon property.

The following sites will be vested as scenic reserves in Rangitāne o Manawatū with the Rangitāne o Manawatū Settlement Trust as the administering body:

- Mairehau Peak property
- Aruwaru Peak property
- Mārima Peak property
- Ngāwhakaraua Peak property
- Moutoa Reserve property.

The following site will be vested as a recreation reserve in Rangitāne o Manawatū with the Rangitāne o Manawatū Settlement Trust as the administering body:

- Pohangina property.

The following site will be vested in Rangitāne o Manawatū subject to the Rangitāne o Manawatū Settlement Trust providing a registrable conservation covenant in relation to that property:

- Wharite Peak property.

The following site will be vested in Rangitāne o Manawatū subject to terms of use:

- Moutoa property.

PLACE NAME CHANGES

The Deed of Settlement includes a commitment to make four place name changes. Once the settlement legislation has been enacted the following changes will be made:

- Ngawhakarara to Ngāwhakaraua
- Mairekau to Mairehau
- Marima to Mārima
- Arawaru to Aruwaru.

MANAWATU RIVER ADVISORY BOARD

As part of the settlement Rangitāne o Manawatū have agreed to form an advisory board to provide advice to the Horizons Regional Council, who must have regard to such advice, in relation to freshwater management issues relating to the Manawatu River and its catchment. As other iwi with recognised interests in the Manawatu River settle their Treaty claims, the Crown will offer statutory membership to the advisory board as part of their settlement. Such iwi can be invited to be interim members of the board until such time as their settlement is completed.

RELATIONSHIP AGREEMENT

Rangitāne o Manawatū and the Ministry for the Environment will enter into a relationship agreement that outlines how the Ministry will work and engage with Rangitāne o Manawatū.

LETTERS OF INTRODUCTION

The Deed of Settlement includes a letter of introduction from the Minister for Treaty of Waitangi Negotiations to each of the following entities:

- Palmerston North City Council
- Manawatu District Council
- Wellington City Council
- Massey University
- Horizons Regional Council.

CULTURAL REVITALISATION FUND

The settlement provides for a payment of \$300,000 to Rangitāne o Manawatū for cultural revitalisation.

Financial and commercial redress

This redress recognises the economic loss suffered by Rangitāne o Manawatū arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Rangitāne o Manawatū with resources to help them develop their economic and social wellbeing.

FINANCIAL REDRESS

The Crown will make financial and commercial redress to Rangitāne o Manawatū of \$13,500,000.

COMMERCIAL REDRESS PROPERTIES

The following commercial properties will transfer to Rangitāne o Manawatū on settlement date:

- Tangimoana Crown Forest Licence Land (transfer value of \$418,500). Rangitāne o Manawatū will also receive the accumulated rentals and New Zealand Units associated with the land
- 113-117 Fitzherbert Avenue, Palmerston North (transfer value of \$1,350,000).

DEFERRED SELECTION PROPERTIES

Rangitāne o Manawatū have the option to purchase specific Crown properties for up to two years after settlement date (or one year in the case of the 351-379 Church Street property). This allows Rangitāne o Manawatū time to explore development opportunities and decide if it wants the properties. These properties include two Conservation sites (the Takapari Conservation Area and Pohangina Field Centre); the Awatapu College site (land only) to be leased back to the Ministry of Education; part of the Linton Army Camp Housing Estate to be leased back to the New Zealand Defence Force; and a number of other properties that are set out in a schedule in the Deed of Settlement.

RIGHT OF FIRST REFUSAL (RFR)

On settlement Rangitāne o Manawatū will have an exclusive right of first refusal over specified core Crown land for a period of 171 years from settlement date. If Crown property within an agreed exclusive RFR area comes up for sale, Rangitāne o Manawatū will have the first option to purchase that property at market value.

Questions and Answers

1. What is the overall package of redress?

The settlement package is made up of:

- An historical account, acknowledgements and an apology by the Crown for the Crown's acts and omissions that caused prejudice to Rangitāne o Manawatū and breached the Treaty of Waitangi and its principles
- Cultural redress including: establishment of the Manawatu River Advisory Board; \$300,000 cultural revitalisation fund; vesting of 11 Crown-owned properties in Rangitāne o Manawatū; statutory acknowledgements, deeds of recognition, overlay classifications, and Crown acknowledgement of Rangitāne o Manawatū's special connection to Linton Army Camp and Manawatu Prison
- Financial and commercial redress of \$13.5 million and the transfer, deferred selection, and Right of First Refusal over selected Crown properties.

2. Is there any private land being transferred?

No.

3. Are the public's rights affected?

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

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. Do Rangitāne o Manawatū 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 Treaty of Waitangi claims of Rangitāne o Manawatū (relating to events before 21 September 1992). The settlement legislation, once passed, will prevent Rangitāne o Manawatū from re-litigating the claim before the Waitangi Tribunal or the courts. The settlement package will still allow Rangitāne o Manawatū 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.

6. Who benefits from the settlement?

All members of Rangitāne o Manawatū, wherever they may now live.



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