



Deed of Settlement

RANGITĀNE O WAIRARAPA & RANGITĀNE O TAMAKI NUI-Ā-RUA

General background

Rangitāne o Wairarapa and Rangitāne o Tamaki nui-ā-Rua (Rangitāne) is an iwi of approximately 3,000 registered members. The Rangitāne area of interest spans from north of Dannevirke to Mākaramu (near Porangahau), down to Cape Palliser, and encompasses the wider Wairarapa and Tamaki nui-ā-Rua regions.

In October 2011 the Crown recognised the mandate of the Rangitāne Settlement Negotiations Trust to represent Rangitāne in negotiating a comprehensive historical Treaty settlement. The Trust and the Crown signed Terms of Negotiation in August 2012. The Rangitāne Governance Entity (the governance entity), Rangitāne Tū Mai Rā Trust, was ratified in November and December 2013. An Agreement in Principle was signed in March 2014.

On 11 May 2016, Rangitāne and the Crown initialled a Deed of Settlement. The Deed was ratified and then signed on 6 August 2016. The settlement will be implemented following the passage of settlement legislation.

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.

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

Summary of the historical background to the claims by Rangitāne

Rangitāne trace their descent from the explorers Kupe and Whātonga (a rangatira of the Kurahaupō waka and the grandfather of the eponymous ancestor Rangitāne).

Rangitāne tradition records their centuries-long history of settlement in Wairarapa and Tamaki nui-ā-Rua before 1840 and their special association with many places including the Wairarapa Lakes, eastern coast, and Te Tapere Nui o Whātonga (also known as Seventy Mile Bush).

Rangitāne were among those who welcomed Pākehā (European) settlers to the region from the mid-1840s. Rangitāne enjoyed considerable benefits from the annual rents and trade with the new arrivals, who leased large areas of land. The Crown applied pressure on Wairarapa Māori to end the leases and instead sell their land to the Crown. In 1853-54 the Crown acquired about 1.5 million acres of land representing about three-fifths of the traditional rohe of Rangitāne.

When purchasing land the Crown led Rangitāne to expect substantial educational, health and economic benefits. In the course of time Rangitāne did not experience many of these benefits nor the prosperity they reasonably expected from Crown-facilitated settlement in their region.

The Crown also undertook to provide ample reserves for Rangitāne. However the Crown failed to properly survey or protect from alienation a number of reserves and delayed issuing Crown titles for other reserves it had promised. Approximately 100 reserves, comprising approximately 62,500 acres, were associated with pre-1865 Crown purchases. This made up around four percent of all pre-1865 Crown purchases.

In the 1860s the Crown introduced legislation that created the Native Land Court and a new tenure system inconsistent with the tribal tenure of Rangitāne communities. In 1871 the Crown acquired considerable areas of Rangitāne land in Seventy Mile Bush, between Norsewood and Pukaha/ Mt Bruce, after most land titles had been awarded by the Court to ten or fewer Rangitāne owners. Rangitāne withheld from sale the large Mangatainoka block of over 60,000 acres. From 1877 the Crown applied pressure to purchase this land even though recognised leaders of Rangitāne opposed sale. By 1890 the Crown had acquired over 85 percent of Mangatainoka block. Today less than one percent of the original block remains in Māori land title.

In the northern Seventy Mile Bush, above the Manawatū Gorge, the Crown over a period of time applied considerable pressure on some individual Rangitāne owners to sell their interests. In other Bush blocks, including reserve blocks, some customary owners failed in their applications to get their names introduced to legal titles because legislation intended to remedy 'ten owner' titles did not in fact provide them with a remedy.

Rangitāne communities resisted land sales and the breakdown of tribal structures through a number of initiatives including the Kotahitanga parliaments and the Privy Council appeal of Nireaha Tamaki. In 1896 Rangitāne and other Wairarapa Māori leaders transferred ownership of the Wairarapa Lakes to the Crown. Instead of providing ample reserves in the vicinity of the Lakes, as agreed, the Crown provided reserves several hundred kilometres away in the King Country.

By 1910 only ten percent of Rangitāne's traditional rohe remained in Māori land title. By 1940 that figure had dropped to about 3.5 percent. Some land, including 580 acres in Seventy Mile Bush and 300 acres around Dannevirke, was lost to public works takings. Today approximately two percent of the region is owned under a Māori land title.

The settlement of Wairarapa and Tamaki nui-ā-Rua resulted in significant transformation of the environment. Much of the Seventy Mile Bush was cut down to make way for agricultural uses, roads and railways, along with the new towns of Norsewood, Dannevirke, Pahiatua and Eketahuna. Rangitāne lost much of their traditional food resources and taonga (treasures) such as the huia bird. The condition of lakes and rivers was degraded.

Becoming virtually landless by the early twentieth century Rangitāne communities struggled to maintain their traditional homes, customary knowledge, and language. During this period Rangitāne experienced considerable social deprivation and, after 1940, Rangitāne identity suffered further due to urbanisation and assimilation pressures including Crown schooling that discouraged the use of te reo Māori (Māori language).

Summary of the settlement between the Crown and Rangitāne

Overview

The Rangitāne Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Rangitāne 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, Crown acknowledgments and apology;
- cultural redress;
- financial and commercial redress.

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

Crown acknowledgements and apology

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

The Deed of Settlement also includes a Crown apology to Rangitāne for its acts and omissions which breached the Crown's obligations under the Treaty of Waitangi and for the damage that those actions caused to Rangitāne. These include the pressure applied to Rangitāne to sell land, the failure to protect Rangitāne tribal structures, and the failure to protect Rangitāne from becoming virtually landless. They also include apologies concerning the loss of Te Tapere-nui-o-Whātonga (Seventy Mile Bush) and taonga such as the huiā bird, the Crown's former lack of recognition of Rangitāne, and its failure to respect the rangatiratanga of Rangitāne.

Cultural redress

The Deed includes a cultural redress package intended to recognise the traditional, historical, cultural and spiritual associations of Rangitāne including places and sites owned by the Crown within the Rangitāne area of interest. This allows Rangitāne and the Crown to protect and enhance the conservation values associated with these sites.

SITES VESTED IN RANGITĀNE

A total of eight sites of cultural significance will be vested in fee simple in Rangitāne:

- Te Taumata property, approximately 3.02 hectares, in fee simple, located on School Road and State Highway 2 at Matamau;
- Hāmua property, approximately 3.9 hectares, in fee simple, located on Hamua Hukanui Road, Hāmua;
- Kumeti Road property, approximately 0.15 hectares, in fee simple, located at the Kumeti Road end entrance to the Ruahine Forest Park;
- Rongokaha property, approximately 12.47 hectares, in fee simple, adjoining State Highway 2 and the Ruamahanga River just south of Pukaha / Mount Bruce;
- Wi Waka property, approximately 1.07 hectares, in fee simple, located on Mangaoranga Road and State Highway 2 just south of Eketahuna;
- Māharahara Peak property, approximately 7.76 hectares, as a scenic reserve, with the governance entity as the administering body, located in the Ruahine Ranges;
- Matanginui Peak property, approximately 7.64 hectares, as a scenic reserve, with the governance entity as the administering body, located in the Ruahine Ranges;

- Te Punanga property, approximately 0.15 hectares, as a recreation reserve, with the governance entity as the administering body, located at the Mt Holdsworth Road end entrance to the Tararua Forest Park.

SITES TO BE JOINTLY VESTED IN RANGITĀNE AND IN NGĀTI KAHUNGUNU KI WAIRARAPA TAMAKI NUI-Ā-RUA

- Mākirikiri Gravel Reserve, approximately 2.65 hectares, in fee simple, as tenants in common as to a 50% share each, to be provided in shared redress legislation, located on North Road to the east of Pukaha/Mount Bruce;
- Mataikona property, approximately 2.02 hectares, in fee simple, as tenants in common as to a 50% share each, to be provided in shared redress legislation, located on Mataikona Road at Mataikona;
- Bed of Lake Wairarapa property, approximately 6,955 hectares, in fee simple, as tenants in common as to shares of 10% in the Rangitāne governance entity and 90% in the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua governance entity, to be provided in shared redress legislation.

SITE TO BE VESTED IN THE TUPUNA TE RANGIWHAKA-EWA

- The Mākirikiri property, 15.42 hectares approximately, being the Mākirikiri Recreation Reserve and the Mākirikiri Scenic Reserve, is to be vested in the ancestor Te Rangiwaka-ewa as a recreation reserve. The reserve is to be controlled and managed by a joint management board comprising two appointees of the governance entity and two appointees of the Ngāti Kahungunu ki Wairarapa Tamaki nui-ā-Rua governance entity. The vesting will be provided in shared redress legislation. The property is located just south of Dannevirke on Mākirikiri Road.

SITE TO BE VESTED IN RANGITĀNE AND GIFTED BACK TO THE CROWN AND PEOPLE OF NEW ZEALAND

- The Pukaha/Mount Bruce National Wildlife Centre Reserve, approximately 57.3 hectares, and the Pukaha/Mount Bruce Scenic Reserve, approximately 891.4 hectares, will be vested in the governance entity which will then gift it back to the Crown and the people of New Zealand.

OVERLAY CLASSIFICATIONS

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

The settlement provides overlay classifications over Haukōpuapua Scenic Reserve, Pukaha/Mount Bruce National Wildlife Centre Reserve and Pukaha/Mount Bruce Scenic Reserve.

Shared redress legislation will provide for an overlay classification over the Castlepoint Scenic Reserve with Rangitāne and Ngāti Kahungunu ki Wairarapa o Tamaki nui-ā-Rua, being a site of significance to both iwi. This overlay classification will apply to an agreed set of protection principles and specified actions and the respective statements of value for Rangitāne and Ngāti Kahungunu ki Wairarapa o Tamaki nui-ā-Rua.

STATUTORY ACKNOWLEDGEMENTS AND DEEDS OF RECOGNITION

A statutory acknowledgement recognises the association between Rangitāne and a particular site or area and enhances the iwi's ability to participate in specified resource management processes. The Crown offers a statutory acknowledgement over the following areas:

- Akitio River and its tributaries;
- Part of the Coastal Marine Area within the Area of Interest;
- Lowes Bush Scenic Reserve;
- Manawatū River (with recorded name Manawatu River) and its tributaries within the Area of Interest;
- Oumakura Scenic Reserve;

- Pukeahurangi/Jumbo;
- Pukeamoamo/Mitre;
- Rewa Bush Conservation Area;
- Ruamahanga River and its tributaries;
- Wainui River and its tributaries.

Deeds of Recognition oblige the Crown to consult with Rangitāne on specified matters and have regard to their views regarding their special associations with certain areas.

The Crown offers deeds of recognition over the following sites:

- Lowes Bush Scenic Reserve;
- Oumakura Scenic Reserve;
- Pukeahurangi/Jumbo;
- Pukeamoamo/Mitre;
- Rewa Bush Conservation Area.

GEOGRAPHIC AND CROWN PROTECTED NAME CHANGES

Seven geographic place names will be altered by settlement legislation:

- Rimutaka Range to Remutaka Range;
- Rimutaka Stream to Remutaka Stream;
- Rimutaka (Hill) to Remutaka; and
- Otahoua to Ōtahua
- Mitre to Pukeamoamo/Mitre;
- Jumbo to Pukeahurangi/Jumbo;
- Bruces Hill (informally known as Mt Bruce No 2) to Pukaha/Mount Bruce

THE NAMES OF FOUR CROWN PROTECTED AREAS WILL BE ALTERED BY SETTLEMENT LEGISLATION:

- Haukopua Scenic Reserve to Haukōpuapua Scenic Reserve;
- Mount Bruce National Wildlife Centre Reserve to Pukaha/Mount Bruce National Wildlife Centre Reserve;
- Mount Bruce Scenic Reserve to Pukaha/Mount Bruce Scenic Reserve;
- Rimutaka Forest Park to Remutaka Forest Park.

MANAWATŪ RIVER ADVISORY BOARD

The Rangitāne o Manawatū settlement legislation provides for the establishment of a statutory board known as the Manawatū River Advisory Board to provide advice to the Horizons Regional Council. The Rangitāne settlement legislation will provide for the governance entity to appoint a member to the advisory board.

WAIRARAPA MOANA STATUTORY BOARD

Shared redress legislation will provide for the establishment of a Wairarapa Moana Statutory Board (the Board). The Board will comprise one member appointed by the Rangitāne governance entity, four members appointed by Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua governance entity, two members appointed by the Minister of Conservation, two members appointed by Wellington Regional Council and one member appointed by South Wairarapa District Council.

The Board will act as a guardian of the Wairarapa Moana and the Ruamahanga River catchment for the benefit of the present and future generations by:

- administering the Wairarapa Moana reserves for the purposes set out in the Reserves Act 1977 and the shared redress legislation including to protect and enhance their cultural, spiritual and ecological values;
- being the manager of the Wairarapa Moana marginal strips;
- providing leadership on the sustainable management of Wairarapa Moana and the Ruamahanga River catchment;
- promoting the restoration, protection and enhancement of the social, economic, cultural, environmental and spiritual health and well being

of Wairarapa Moana and the Ruamahanga River catchment as they relate to natural resources.

Full details of the Wairarapa Moana statutory board will be set in the Ngāti Kahungunu ki Wairarapa Tāmaki Nui-ā-Rua deed of settlement and the shared redress legislation.

CUSTOMARY FISHING

The Deed of Settlement includes a commitment to explore the development of customary fisheries regulations for Wairarapa Moana and the Ruamahanga River catchment.

The Crown (Ministry of Primary Industries) and Ngāti Kahungunu and Rangitāne are committed to working collectively to explore the development of customary fisheries regulations for Wairarapa Moana and the Ruamahanga River catchment.

Relationships

PROTOCOLS, RELATIONSHIP AGREEMENTS AND LETTER OF RECOGNITION

The settlement provides for the Minister of Energy and Resources and the Minister for Arts, Culture and Heritage to issue protocols that set out how their respective agencies will interact with and consult the governance entity when carrying out statutory duties and functions.

The governance entity will enter into relationship agreements with the Department of Conservation and the Ministry for the Environment that outlines how these agencies will work and engage with Rangitāne.

The Ministry of Primary Industries will write a letter of recognition to the governance entity outlining how Rangitāne will have input into sustainability processes and decisions covering fisheries resources.

LETTERS OF INTRODUCTION

The Minister for Treaty of Waitangi Negotiations will write letters of introduction to the Ministry of Education and the Ministry of Social Development.

The Director of the Office of Treaty Settlements will write letters to certain district health board and local authorities with jurisdiction in the Rangitāne area of interest.

Financial and commercial redress

This redress recognises the losses suffered by Rangitāne arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Rangitāne with resources to assist them to develop their economic and social well being

Financial redress

Rangitāne will receive financial redress of \$32.5 million plus interest, less any on-account payments and commercial redress values.

Rangitāne received an on-account payment of \$6.5 million for the purpose of cultural revitalisation following the signing of Agreement in Principle. Rangitāne also received an on-account allotment of Genesis Energy Shares as part of the Government Share Offer, valued at \$4.063 million.

Commercial redress

Rangitāne will receive the right to purchase up to 30% of the Crown Forest licensed land – Ngāumu Forest; and the right to purchase seven specific commercial sites from the Treaty Settlements Landbank. Rangitāne will hold a right to purchase, for up to two years after settlement date, at market value, six properties from the Treaty Settlement Landbank. Rangitāne will hold a right to purchase specific surplus Crown owned properties within the Rangitāne area of interest, for a period of 174 years from settlement date.

Questions and Answers

1. What is the total settlement package?

- Crown acknowledgement and apology for historical breaches of the Treaty of Waitangi
- An agreed historical account
- Cultural redress including the vesting and gifting back of Pukaha/Mount Bruce and the return of a number of sites throughout the core Rangitāne takiwā
- Financial redress of a total of \$32.5 million plus interest
- Commercial redress involving a right to purchase Crown Forest Licensed land and sites from the Treaty Settlements Landbank.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

Generally no. However some of the properties being vested in the governance entity in fee simple have changes to public access.

The public will no longer be able to camp at the Kumeti Road property without the governance entity's permission. The Department of Conservation is concentrating its resources to build up facilities at a larger campsite nearby.

Te Punanga property, a small discrete area of land at Mount Holdsworth (between the campground and the lodge), will also vest in and be administered by the governance entity as a recreation reserve. The public will continue to have access to this land, including for camping, unless it is in use by Rangitāne. Public access to the Mount Holdsworth campground and Lodge will not be affected.



4. Are any place names changed?

Yes. In particular the Rimutaka Range will now be called the Remutaka Range.

5. What are statutory acknowledgements and deeds of recognition?

Statutory acknowledgements acknowledge areas or sites with which iwi have a special relationship and will be recognised in any relevant proceedings under the Resource Management Act. 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.

Deeds of recognition set out an agreement between the administering Crown body (the Minister of Conservation) 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.

6. 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.

An overlay classification status requires 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 settled group.

7. 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.

8. When will the settlement take effect?

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

9. Does Rangitāne 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 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 Rangitāne. The settlement legislation, once passed, will prevent the iwi re-litigating the claim before the Waitangi Tribunal or the courts.

The settlement will still allow Rangitāne 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.

10. Who benefits from the settlement?

All members of Rangitāne wherever they may now live.

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