



Deed of

Between the Crown and
Te Rūnanga o Ngāti Apa

Settlement

General Background

The North Island iwi of Ngāti Apa has more than 3,200 members, and is based in the Rangitikei-Manawatu area. The historical grievances of the iwi relate primarily to the Crown's purchase in 1849 of the 260,000 acre Rangitikei-Turakina Block, including the subsequent failure to adequately protect approximately 35,000 acres of reserves set aside from this transaction. Their claims also relate to the operation and impact of the native land laws, which contributed to the erosion of traditional tribal structures and resulted in the gradual alienation of nearly all Ngāti Apa remaining land. Today Ngāti Apa own less than one percent of their traditional rohe.

An account of the historical background agreed between the Crown and Ngāti Apa is included in the Deed of Settlement, along with acknowledgments of Crown breaches of the Treaty of Waitangi and a Crown Apology for those breaches.

The Crown recognised the mandate of Te Rūnanga o Ngāti Apa (Te Rūnanga) to negotiate a settlement on behalf of Ngāti Apa to settle their historical Treaty claims on 16 November 2004. The Crown signed Terms of Negotiation with Te Rūnanga on 27 July 2005. On 12 July 2007 the Crown and Ngāti Apa signed an Agreement in Principle and a Deed of Settlement based on this agreement was initialled on 3 September 2008. The Deed was then ratified by members of Ngāti Apa and signed on 8 October 2008. The Deed of Settlement will be implemented following the passage of settlement legislation.

Te Rūnanga is led by Adrian Rurawhe (Chair). The Minister in Charge of Treaty of Waitangi Negotiations, Hon Dr Michael Cullen, represented the Crown in high-level negotiations with Ngāti Apa, as did his predecessor Hon Mark Burton.

Summary of the Ngāti Apa (North Island) Historical Account

At 1840, Ngāti Apa in the Rangitikei-Manawatu area had land interests stretching from Motukaraka south to Omarupapako and inland to the upper Rangitikei area. Three Ngāti Apa signed the Treaty of Waitangi at Tawhirihoe pa in May 1840.

In 1844 Commissioner William Spain investigated a claim by the New Zealand Company to have purchased a large area in the Whanganui region from Māori. Ngāti Apa had interests in this land but were not consulted on the claim nor were their interests recognised in Spain's final report recommending that the Company be awarded 40,000 acres. In 1848 the Crown completed the Whanganui purchase but for a much larger area. Ngāti Apa were consulted on this transaction and received £100 of the purchase money and three reserves in return for their consent to the transaction.

In 1849 the Crown purchased the 260,000 acre Rangitikei-Turakina block from Ngāti Apa for £2,500. Through this transaction Ngāti Apa endeavoured to establish a relationship with the Crown, and wished to obtain various benefits from the establishment of a European settlement in their vicinity, including peace, protection and prosperity. The Crown aimed to open up the land for development and extend British influence among Māori. The 1849 sale deed created a large general reserve of 35,000 acres between the Whangaehu and Turakina Rivers for all of Ngāti Apa to collect and settle on.

Ngāti Apa were mostly supportive of the settler government during the 1860s when tension over Crown land purchasing was widespread among North Island Māori. Some Ngāti Apa fought alongside Crown forces in the New Zealand Wars in 1865.

In 1866 Ngāti Apa and other iwi sold a further 241,000 acres to the Crown for £25,000 in order to resolve disputes over leasing revenues and the nature of land interests. Ngāti Apa received £10,000 and had 4,000 acres set aside as a reserve for them. Once again, at the signing of the purchase deed, Ngāti Apa affirmed their desire for positive relationships with settlers and their loyalty to the Crown.

The Native Land Acts of 1862 and 1865 established the Native Land Court to determine the owners of Māori land and to convert customary title into title derived from the Crown. There was opposition within Ngāti Apa to the operation of the Native Land Court and the alienation of their lands. Some Ngāti Apa joined a repudiation movement and called for the abolition of the Court. Sometimes Ngāti Apa incurred considerable costs and hardship in attending Court hearings.

From 1867, members of Ngāti Apa who could demonstrate ancestral and customary interests in the area were awarded titles for their reserves from the Rangitikei-Turakina purchase from the Court. This was despite the arrangements in the 1849 deed creating the Whangaehu-Turakina reserve for all of Ngāti Apa. This meant those who did not have a customary interest in the land were excluded from ownership of the tribal reserve lands. Some of the reserve lands awarded to hapū and individuals by the Court were then sold.

Over the next two decades there was considerable tension within Ngāti Apa over the basis on which the Court was awarding title to the reserves. When the Supreme Court ruled in 1882 that blocks in the Whangaehu-Turakina Reserve were outside of the jurisdiction of the Native Land Court, Parliament passed legislation to place the Whangaehu-Turakina Reserve within the Native Land Court's jurisdiction. Attempts by Ngāti Apa in the 1870s to protect their remaining reserve land against alienation were ineffectual.

In addition to sales of some Ngāti Apa reserves, almost 140,000 acres of Ngāti Apa lands were alienated to the Crown or settlers between 1867 and 1909. Crown purchases accounted for 73 percent of the land alienation in this period. The Government's method of negotiating for land before 1879 frequently involved the payment of advances to Māori prior to determination of title.

Ngāti Apa lands continued to be alienated in the twentieth century. In 1937, a Development Scheme was created for Ngāti Apa lands near the Whangaehu River, but the scheme was wound up in the early 1950s, encumbered with debt. After World War Two many Ngāti Apa moved away from their tribal lands to urban areas in the hope of better economic opportunities.

Today, Ngāti Apa own less than one percent of their traditional lands.

Settlement

Summary of the Ngāti Apa (North Island) Settlement

Overview

The Ngāti Apa (North Island) Settlement is the final settlement of all Ngāti Apa's North Island historical claims 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 and Crown acknowledgements, which form the basis for a Crown Apology to Ngāti Apa
- Cultural redress; and
- Financial and commercial redress.

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

Crown Apology

The Crown apologises to Ngāti Apa for past dealings that breached the Crown's obligations under the Treaty of Waitangi. These include:

- a failure to ensure that Ngāti Apa were left with sufficient land for their present and future needs
- a failure to ensure that the Native Land Court gave effect to the terms of the 1849 Rangitikei-Turakina purchase deed; and
- a failure to adequately protect the traditional tribal structures of Ngāti Apa.

Cultural Redress

1. This redress provides for recognition of the traditional, historical, cultural and spiritual association of Ngāti Apa with places and sites owned by the Crown within their area of interest. This allows Ngāti Apa and the Crown to protect and enhance the conservation values associated with these sites, and includes:

1(A) SITES TRANSFERRED IN FEE SIMPLE TITLE TO NGĀTI APA

The transfer of 12 sites of significance to Ngāti Apa totalling 214 hectares:

- Pukepuke Lagoon House Site (approx 0.27ha)
- Waimahora Stream Site (approx 19.44ha)
- Bed of Lake Koitiata (approx 41.46ha)
- Marton Golf Course (approx 50.82ha)
- Lake Hickson Site (approx 5.32ha)
- Lake William Site (approx 10.15ha)
- Motu Karaka Site (up to 28ha)
- Ruatangata Site (approx 9ha)
- Pakiki (approx 19.84ha)
- Lake Ngaruru Site (approx 1.21ha)
- Pakapakatea (approx 16.81ha)
- Waitapu (approx 10.80ha)

1(B) STATUTORY ACKNOWLEDGEMENTS

Statutory Acknowledgements register the special association Ngāti Apa has with an area, and will be included in the settlement legislation. Statutory Acknowledgements are recognised under the Resource Management Act 1991 and the Historic Places Act 1993. The acknowledgements require that consent authorities provide Ngāti Apa with summaries of all resource consent applications that may affect the areas named in the acknowledgements.

There will be Statutory Acknowledgements over three sites, five waterways, and the coastal marine area within Ngāti Apa's area of interest, including:

- Pukepuke Lagoon
- Omarupapako
- Ruakiwi
- the following waterways within the Ngāti Apa Area of Interest:
 - Rangitikei River
 - Turakina River
 - Whangaehu River
 - Mangawhero River; and
 - Oroua River
- Ngāti Apa Coastal Region (i.e. the coastal marine area within the Ngāti Apa Area of Interest).

1(C) DEEDS OF RECOGNITION

Deeds of Recognition oblige the Crown to consult with Ngāti Apa and have regard to their views regarding the special association Ngāti Apa have with a site. They also specify the nature of the input by Ngāti Apa into management of those areas by the Department of Conservation and/or the Commissioner of Crown Lands.

There will be five Deeds of Recognition covering:

- Pukepuke Lagoon
- Omarupapako
- Ruakiwi
- Whitiua Scientific Reserve; and
- Taukoro.

1(D) PLACE NAMES

There will be one official place name assignment of Parae Karetu to the area known as Mount Curl; and one reserve name change for the Round Bush Scenic Reserve to Omarupapako/Round Bush Scenic Reserve.

2. Relationships:

2(A) PROTOCOLS

Protocols will be issued by the Ministers of Conservation, Arts, Culture and Heritage and Fisheries, and a relationship agreement reached with the Ministry for the Environment, to encourage good working relationships on matters of cultural importance to Ngāti Apa.

Ministerial letters will encourage regional and local authorities to enhance their relationship with Ngāti Apa, by, for example, entering into memoranda of understanding (or similar document) with Ngāti Apa. Ngāti Apa and Horizons Regional Council are currently working together to agree redress to recognise the cultural and historical significance of Scotts Ferry (Tawhiriho) which is council owned and is of significance to Ngāti Apa. The Crown will facilitate meetings between Ngāti Apa and Horizons Regional Council, if necessary.

3. Cultural revitalisation redress, comprising:

- the gifting of five papakainga properties
- funding to assist in preparing and implementing a long term cultural redevelopment plan; and
- funding to assist in compiling a comprehensive historical record.

The Crown is to provide additional funding, outside of quantum, for the purpose of clearing two proposed papakainga sites currently located within licensed Crown forest land up to a limit of \$250,000.

Financial and Commercial Redress

This redress recognises the economic loss suffered by Ngāti Apa arising from breaches by the Crown of its Treaty obligations. It will provide Ngāti Apa with resources to assist them to develop their economic and social well-being. It includes:

3(A) FINANCIAL REDRESS

Ngāti Apa will receive financial redress comprising:

- a monetary (cash) payment of \$16 million, commonly referred to as the Quantum
- payment of interest on the Quantum of approximately \$2.8 million
- the ability to purchase licensed Crown forest land, through which Ngāti Apa will receive a further (approximately) \$6 million in accumulated rentals currently held by the Crown Forestry Rental Trust (CFRT); and
- New Zealand Units will be allocated to Ngāti Apa for nil consideration. The licensed Crown forest lands have been valued on the basis that New Zealand Units will not transfer with the land.

3(B) RIGHT OF FIRST REFUSAL

Ngāti Apa will have a right of first refusal for a period of 50 years to buy, at full market value, four Crown properties (the Royal New Zealand Air Force Base Ohakea, the Bulls Police Station, Marton Police Station residential house, Turakina School and Whangaehu School), should they ever be declared surplus to Crown requirements.

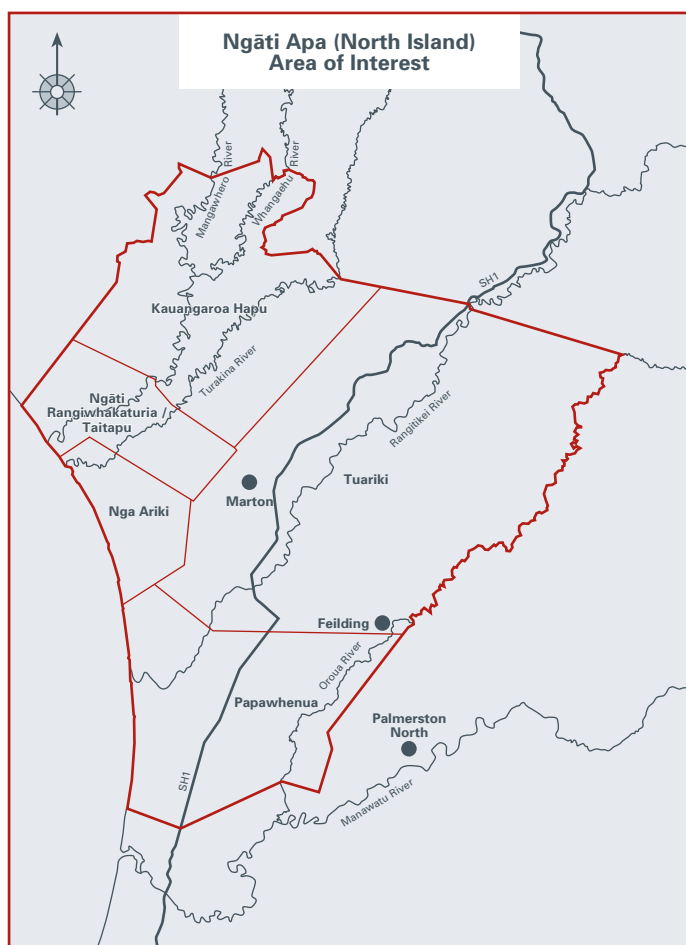
In respect of the RNZAF Base Ohakea, the Rūnanga has agreed to provide Rangitikei-based iwi an opportunity to jointly purchase this property if the right of first refusal is exercised.

3(C) DEFERRED SELECTION

Ngāti Apa will have the opportunity to purchase, at fair market value, four non-surplus Crown properties (three of which are to be leased back to the Crown and include land only) up to six months after Settlement Date:

- Part of Wanganui Forest (land and trees, approx 403ha)
- Marton Court House (Sale and Leaseback, land only, approx 0.2663ha)
- Marton Police Station (excluding the residential Police house) (Sale and Leaseback, land only, approx 0.2762ha); and
- Wanganui Prison (Sale and Leaseback, land only, approx 49.164ha).

In respect of the Wanganui Prison land the Rūnanga has agreed to provide Whanganui Iwi an option to purchase 50 percent of that land. The details of this including the commercial terms are yet to be agreed.



Q&A

Questions and Answers

1. What is the total cost to the Crown?

\$16 million plus interest from the date of the signing of the Agreement in Principle (approximately \$2.8 million), plus a contribution towards clearing costs of two proposed papakainga sites (up to a limit of \$250,000) and the cost of the cultural sites returned (approximately \$3.5 million), as listed at 1(A).

2. Is there any private land involved?

No.

3. Are the public's rights affected?

Generally, no. However, two sites totalling approximately 1.48 hectares will be vested without provision for continued public access. One site is within the Pukepuke Conservation Area and has a Department of Conservation House located on it. The other site is a small remote site with no practical public access, and high cultural values associated with it. Public access is preserved for all other vested sites.

4. What are Statutory Acknowledgments and Deeds of Recognition?

Statutory Acknowledgments acknowledge areas or sites with which claimant groups have a special relationship, and will be recognised in any proceedings 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 Māori, such as burial grounds, were simply cleared or excavated without either permission or consultation. It is not a property right. Nor is it 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 as stated in a Statutory Acknowledgement, and specify the nature of their input into the management of the site.

5. Are any place names changed?

Yes. The name Parae Karetu will be officially assigned to the area known as Mount Curl; and the name of the following reserve will be changed: Round Bush Scenic Reserve to Omarupapako/Round Bush Scenic Reserve.

6. Are any National Parks affected by the Settlement?

No.

7. Does Ngāti Apa 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 that the Deed of Settlement is fair in the circumstances and will be a final settlement for all the historical or pre-1992 claims of Ngāti Apa. The settlement legislation, once passed, will prevent Ngāti Apa from re-litigating the claims before the Tribunal or the courts.

The settlement package will still allow Ngāti Apa or members of Ngāti Apa 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.

8. Who benefits from the settlement?

All members of Ngāti Apa (North Island), wherever they may now live.