

Deed of Settlement between the Crown and the Pouakani People

**Minister in Charge of Treaty of Waitangi
Negotiations
Sir Douglas Graham**

**Embargoed until release at Midday
Friday November 19th, 1999.**

Deed of Settlement between the Crown and the Pouakani People

Background

The Pouakani People are a community between Lake Taupo and Mangakino with Ngati Tuwharetoa, Ngati Maniapoto and Ngati Raukawa affiliations (see attached map).

Their claim against the Crown is described in the Waitangi Tribunal's Pouakani Report published in 1993. It relates to two matters. Firstly, the operation of the Native Land Court and the Native land laws. Although Pouakani wanted to continue administering their own lands and opposed the application of the Native land laws and the jurisdiction of the Native Land Court in their rohe, Parliament did not agree to their wishes.

Within 25 years of Pouakani's lands becoming subject to these laws and the jurisdiction of the court in the mid 1880s, 95% of Pouakani's land had been alienated, much of it against the wishes of the community as a whole. The remainder, 2,400 hectares, is still in their ownership today. As a result, the Pouakani people were in a poor position to benefit from the introduction of settlers.

The second matter concerns a boundary line between Pouakani and neighbouring iwi. Following a recommendation by a Royal Commission, a boundary was established in law by the Native Land Acts Amendment Act of 1889. But, the Native Land Court declared in 1891 that the boundary was to the east of that established by legislation in 1889. As a result Pouakani lost more than 1700 hectares, and this land was subsequently alienated to the Crown by the new owners. The Native Land Court's decision has subsequently been overturned by the Maori Land Court.

The Deed of Settlement aims to compensate Pouakani for the failure of the Crown to respect Maori preferences concerning land ownership and for not ensuring Pouakani retained sufficient land for sustenance and growth. It also aims to compensate Pouakani directly for the impact of the Native Land Court decision in 1891 that deprived them of more than 1700 hectares that was rightfully theirs.

Deed of Settlement

The Deed of Settlement between the Crown and the Pouakani People contains

- An apology from the Crown for breaches of the principles of the Treaty of Waitangi
- A Statement of Joint Aspirations between the Crown and Pouakani relating to the management of Titiraupenga Mountain. Half of the mountain is

owned by Trusts affiliated with Pouakani and the other half by the Crown and it is administered by the Department of Conservation.

- A Statutory Acknowledgment relating to the Crown owned half of Titiraupenga.
- A Memorandum of Understanding between the Department of Conservation and Pouakani outlining how the two will interact on specified matters of significance to Pouakani.
- \$2.65 million in compensation
- Tahae Farm, a Landcorp property of approximately 1920 hectares, in compensation for the boundary decision.
- The right to purchase, if they desire, an area of up to 1500 hectares of Pureora Central Forest, a Crown owned exotic forest.

Ratification

The Deed of Settlement signed at a ceremony today has been ratified by the beneficiaries of Pouakani and is subject only to the formal approval of Parliament.

Note: Statutory Acknowledgement - acknowledges areas or sites with which Iwi have a special relationship and places notification requirements on local bodies when considering resource consent applications. This provision aims to avoid past problems with land development for roading and other purposes when areas of significance to Iwi, such as burial grounds, were simply cleared or excavated without either permission or consultation. It does not give Iwi any specific property rights. It is a common part of a settlement.

ENDS