

Heads of Agreement between the Crown and Rangitaane o Manawatu

**Minister in Charge of Treaty of
Waitangi Negotiations**

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General Background

Rangitaane o Manawatu (see attached map) has approximately 2500 members.

A recital of historical events agreed between the Crown and Rangitaane o Manawatu is included in the Heads of Agreement. A summary of the recital is included in the attached material. The claim relates to alleged breaches by the Crown of its obligations under the Treaty of Waitangi and in particular two key land purchases by the Crown in 1864 and 1866.

The Crown and Rangitaane o Manawatu have been working towards a final settlement since 1997. The Heads of Agreement signed today is a non-legally binding document. After further discussion with the iwi over the next few months it will become the basis of a formal Crown offer to Rangitaane o Manawatu. This offer will then be put formally to iwi members for their consideration. If the iwi ratifies the formal Crown offer, the two parties will then sign a Deed of Settlement conditional only on the approval of Parliament to the settlement legislation.

Chief Tanenuiarangi and Mrs Ruth Harris, Principal Negotiator, led Rangitaane o Manawatu's negotiations.. The Office of Treaty Settlements headed by Ross Philipson and claims co-ordinator Prue Densem, with the support of Treasury, 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 Sir Douglas Graham chaired the Ministerial group that represented the Crown in high level negotiations with Rangitaane o Manawatu.

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Summary of Historical Background to the claims by Rangitaane o Manawatu

Crown Policy – Crown Purchases and Native Land Laws

The Crown has accepted that it had a duty under the Treaty of Waitangi to

- Ensure European settlement occurred in an orderly fashion,
- Respect Maori preferences concerning land ownership,
- Act in the utmost good faith toward Maori,
- Ensure Maori retained sufficient land for sustenance and growth.

And, that the alienation of Maori land and the operation and impact of the native land laws had a number of consequences, including

- a significant loss of land by some Maori communities, with some becoming virtually landless,
- The removal of a key resource, contributing to a breakdown of Maori communities and hindering their effective participation in society,
- Community dispersal, resulting from the fragmentation of land ownership.

Rangitaane o Manawatu's Claims

Rangitaane o Manawatu's specific grievances centre on two large purchases of land by the Crown, the Te Ahuaturanga or Upper Manawatu block of approximately 81,480 hectares bought by the Crown in 1864, and the Rangitikei-Manawatu Block of approximately 89,260 hectares bought by the Crown from three iwi, including Rangitaane o Manawatu, in 1866. The Crown did not obtain the approval of all Rangitaane o Manawatu for these purchases.

Both blocks were part of a specific area of the Manawatu exempted by Parliament from the jurisdiction of the Native Land Court by native land law enacted in 1862 and 1865.

In the purchase of the Te Ahuaturanga Block the reserves set aside for Rangitaane o Manawatu were not clearly defined. Some reserves were marked on the accompanying plan, but not defined on the deed itself. These reserves were smaller than Rangitaane o Manawatu had been led to believe. The lack of clarification of the precise location of the reserves was to be the cause of discontentment for Rangitaane for many years.

The exemption by the Crown of the Rangitikei-Manawatu Block from the jurisdiction of the Native Land Court meant ownership of the block was not determined by the Court before the land was sold. This allowed disputes with other iwi - who were also owners - to arise over the allocation of the proceeds from leases to runholders and allocation of the Crown's purchase price.

The Crown acknowledges the failure to include the Rangitaane o Manawatu lands under the jurisdiction of the Native Land Court hastened the alienation of that land. The Crown also acknowledges that it put pressure on Rangitaane o Manawatu to sell land when the iwi had other preferred options, and that it did not obtain the agreement of all of Rangitaane prior to purchase.

The result of these actions and omissions by the Crown was prejudicial to Rangitaane o Manawatu and led to the erosion of their social and economic base.

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Heads of Agreement - Rangitaane o Manawatu

The Rangitaane o Manawatu Heads of Agreement is made up of a package which 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 the iwi wherever they may live.

Crown Apology

The Crown will apologise to Rangitaane o Manawatu for past dealings which breached the Crown's obligations under the Treaty of Waitangi relating to two key land purchases by the Crown which, along with subsequent alienations through the Native Land Court, left Rangitaane o Manawatu largely without land in spite of the iwi's desire to retain land.

Cultural Redress

1. Restoration of Rangitaane o Manawatu access to traditional foods and food gathering areas, including;

1(a). Customary Fisheries

Rangitaane o Manawatu will be appointed an Advisory Committee to the Minister of Food, Fibre Biosecurity and Border Control and the Minister of Conservation. The Committee will provide advice on the management of fisheries in the Rangitaane o Manawatu rohe, including the customary interest of Rangitaane o Manawatu in those fisheries.

In addition, there will be provisions acknowledging the significance of the tuna (eel) fishery to Rangitaane o Manawatu and their interest in enhancing the tuna fishery in their area of interest.

1(b). Camping licences or Nohoanga.

These are areas of up to one hectare near a waterway which give access to traditional sources of food. Rangitaane o Manawatu members will have the right to use these entitlements for non-commercial, lawful fishing and food gathering for up to 210 days a year. The licences do not affect existing public access to waterways.

Two licences are being offered, one in the Takapari Conservation Area and the other in the Tangimoana Beach Conservation Area.

2. Recognition of Rangitaane o Manawatu's traditional, historical, cultural and spiritual association with places and sites owned by the Crown within their rohe. This allows the Crown and iwi to protect and enhance the conservation values associated with these areas and sites and includes;

2(a). Statutory Acknowledgements

These register the special association Rangitaane o Manawatu has with an area and will be included in the settlement legislation. They are recognised under the Resource Management Act and the Historic Places Act.

There are to be fifteen such acknowledgements; Makererua Swamp Wildlife Management Reserve, Pukepuke Lagoon Conservation Area, Himatangi Bush Scientific Reserve, Moutoa Conservation Area, Round Bush Scenic Reserve, those parts of the Ruahine Forest Park and Tararua Forest Park within the Rangitaane o Manawatu area of interest, those parts of the Manawatu, Rangitikei, Oroua and Pohangina Rivers that are within the Rangitaane o Manawatu area of interest, the land on which Linton Army Camp and the Manawatu Prison are located, the Totara Scenic Reserve and those parts of the coastal area within the Rangitaane o Manawatu area of interest.

2(b). Deeds of Recognition

Obliges the Crown to consult Rangitaane o Manawatu and have regard for its views regarding Rangitaane o Manawatu's special association with a site and specifies the nature of Rangitaane o Manawatu's input into management of those areas by the Department of Conservation and/or the Commissioner of Crown Lands.

There will be seven deeds, covering the Makererua Swamp Wildlife Management Reserve, Pukepuke Lagoon Conservation Area, Himatangi Bush Scientific Reserve, Moutoa Conservation Area, Round Bush Scenic Reserve, and those parts of the Ruahine Forest Park and Tararua Forest Park within Rangitaane o Manawatu's area of interest.

2(c). Protocols with Government Departments and Third Parties

The Heads of Agreement also provides for the establishment of protocols to develop a good working relationship between Rangitaane o Manawatu and the Ministry of Fisheries, the Department of Conservation and the Ministry of Culture and Heritage on cultural matters of importance to Rangitaane o Manawatu. There will also be site protocols issued concerning the land on which Linton Army Camp and Manawatu Prison are sited.

The protocols with Government departments will be developed in detail between the signing of the Heads of Agreement and the final Deed of Settlement.

The Crown has also agreed to encourage the development of memoranda of understanding between Rangitaane o Manawatu and the Palmerston North City Council, the Manawatu-Wanganui Regional Council, Massey University and the Taranaki/Wanganui Conservation Board.

Rangitaane o Manawatu 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 Rangitaane o Manawatu's rohe. The Ministry will also monitor the performance of Local Bodies in Rangitaane o Manawatu's rohe in relation to these matters.

2(d). Placenames

The spelling of the Makererua Swamp Conservation Area will be changed to Makurerua Swamp Conservation Area, and the Round Bush Scenic Reserve will also be known as the Omarupapukau/Round Bush Scenic Reserve.

Rangitaane o Manawatu will also be notified by the New Zealand Geographic Board about future name proposals in their rohe.

2(e). Sites Transferred to Rangitaane o Manawatu

One area of significance to Rangitaane o Manawatu will be returned to the iwi. This is the Awapuni Conservation Area of 3.4 hectares, in the vicinity of the Awapuni Marae, known as Kikiwhenua, which was destroyed by fire in the 1920s.

Commercial Redress

This redress recognises the economic loss suffered by Rangitaane o Manawatu arising from breaches by the Crown of its Treaty obligations. It is aimed at providing Rangitaane o Manawatu with resources to assist it to develop its economic and social well being. It includes;

1. The return of certain Crown owned lands as selected by Rangitaane o Manawatu up to a value of **\$8.5 million** or a combination of land and cash.
2. **Right of First Refusal** - Rangitaane o Manawatu will also have, for a period of 50 years, a Right of First Refusal to buy, at full market value, any properties in a defined Right of First Refusal area currently owned by the Crown which become surplus.

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Questions and Answers

1 What is the total cost to the Crown?

\$8.5 million (plus interest between the date of the signing of the Deed of Settlement and when the settlement is passed into law and settlement assets are transferred to Rangitaane o Manawatu) and the cost of the land returned under 2 (e).

2 Is there any private land involved?

No

3 Are the public's rights affected?

Generally, no, but

- Two camping licence sites or Nohoanga near rivers, which are similar to other concessions granted by the Department of Conservation, will be for the exclusive use of Rangitaane o Manawatu for up to 210 days a year. Each site is up to 1 hectare in size. This does not affect public access to waterways.
- Approximately 3.4 hectares of land, the Awapuni Conservation Area, will be transferred to Rangitaane o Manawatu.

4 What is a Camping licence or Nohoanga?

It is a licence to temporarily occupy a piece of land of up to one hectare near a traditional food gathering area such as a river or a lake. 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 as applied in other settlements.

6. What is a Statutory Acknowledgement?

These acknowledge areas or sites with which Iwi have a special relationship and places notification requirements on Councils 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.

A **Deed of Recognition** sets out an agreement between the administering Crown body (The Minister of Conservation) and the Iwi which recognises the Iwi's special association with a site as stated in a Statutory Acknowledgment and specifies the nature of the Iwi's input into the management of the site.

7. Are any place names changed?

The spelling of the Makererua Swamp Conservation Area will be changed to Makurerua Swamp Conservation Area, and the Round Bush Scenic Reserve will also be known as the Omarupapukau/Round Bush Scenic Reserve.

10. Are any National Parks affected in the Settlement?

No

11. What happens to section 27b memorials on private titles?

Because of overlapping claims, memorials on titles will remain until the claims of all iwi in the area are settled.

12. Does the Settlement create any special rights for Rangitaane o Manawatu

No new rights are being created. Provisions in relation to conservation, such as Statutory Acknowledgments 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.

13. Does Rangitaane o Manawatu have the right to come back and make further claims about the behaviour of the Crown in the 19th Century?

No. If the Heads of Agreement signed today proceeds to settlement both parties agree it will be a fair and final settlement for all Rangitaane o Manawatu's historical or pre 1992 claims. The settlement legislation, once passed, will prevent Rangitaane o Manawatu from re-litigating the claim before the Tribunal or the Courts.

If approved, the settlement package will still allow Rangitaane o Manawatu or members of Rangitaane o Manawatu to pursue claims based on the continued existence of aboriginal title or customary rights, or claims against the Crown for acts or omissions after 21 September 1992. The Crown also retains the right to dispute such claims or the existence of such title rights.

14. What happens next?

The Heads of Agreement are an agreement in principle and are not legally binding on either party. The next step for the Crown and Iwi is to develop a formal Deed of Settlement which, if ratified by the full Iwi membership, will be enshrined in a Bill to be submitted to Parliament for its approval.

15. Who benefits from the settlement?

All members of Rangitaane o Manawatu, wherever they may now live.

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