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Treaty Transparency Settlements 1989-2014

Updated

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Foreword by Dr Muriel Newman.

Information surrounding treaty settlement transfers is not easy to access, so few New Zealanders really appreciate the extent of the public resources that have been given away. From hundreds of millions of dollars worth of cash, to iconic buildings, mountains, lakes, rivers, coastal areas, forests, parks, farms, schools, police stations, court houses, and even state houses - nothing that is publicly owned is safe from tribal demands.

The New Zealand Centre for Political Research think tank has regularly examined treaty settlements and reported our concerns through our NZCPR Weekly newsletters. A rich archive of material can be found on our NZCPR.com website. Now we have updated and revised this report that provides a comprehensive analysis of treaty settlements to date. We hope the information presented will not only expose the unwarranted excesses that are now associated with these dubious settlements, but will also empower readers to speak out against the flights of fancy that are masquerading as legitimate claims.

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Treaty Transparency introduction

This report, *Treaty Transparency - Settlements 1989-2014*, shows that alleged treaty breaches by the Crown, used as justification to pay \$2.7-billion in compensation to tribes, are either re-runs of old claims settled or rejected in earlier investigations, or claims for more money for old land sales.

Moreover, nearly 30 years of sifting through history and negotiating a total of \$2.7-billion in settlements has helped legitimise opportunistic claims such as those for fisheries, forestry, and currently for water and radio frequency.

I started looking closely at New Zealand's brief history when writing *The First Colonist – Samuel Deighton 1821-1900*, the story of my great grandfather. The letters and first hand accounts showed that colonisation was not the history of injustice that people on the grievance gravy train make it out. *Treaty Transparency* shows:

1. The colonisation of New Zealand took place based on an agreement between British settlers and the Maori inhabitants which says is that the Queen is sovereign and Maori are her subjects, with the rights of subjects, including possession of property.
2. Complaints that arose from the armed conflict that resulted from tribal rebellions, mostly in the 1860s, were investigated by a number of commissions, and a number of final settlements were made between 1922 and 1958.
3. The further investigation of grievances all the way back to 1840 that was permitted under an amendment to the Treaty of Waitangi Act in 1985 has re-opened many settled claims, has gone on much longer than expected, and has been vastly more expensive than expected.
4. Tribes did not “lose” land. Tribes sold 24.13-million hectares of New Zealand's total land area of 26.8-million hectares for substantial amounts of money. Claims about land sales before 1840, about sales between 1840 and 1865, and sales through the Native Land Court, are merely claims for more money for those old sales.
5. Treaty settlements were promoted as a means to “develop a workable economic base” for tribes. However, tribal elites have captured settlement spoils while Maori social indicators have worsened.
6. The new tribal groups created through the treaty settlement process now demand a 50 percent share of government and the right to collect revenue from all New Zealanders in return for granting approval for building consents.

For those who cite Maori negative social indicators as a reason for treaty settlements, those negative outcomes have worsened while settlements progressed. Maori unemployment in 1993 it was 24 percent, and in 2012, it was 36.5 percent. In 2002, 38 percent of those on the domestic purposes benefit were Maori, and by 2012, it was 42.7 percent. In 2002, 23 percent of those on a sickness benefit were Maori, while in 2012 it was 28 percent. In 2002, 19 percent of those on an invalid's benefit were Maori, while in 2012 it was 22.4 percent.¹

¹ Mitchell, Lindsay, *Maori and Welfare*, NZ Business Round Table, 2009, p16

The table below shows that to July 31, 2014, a total of 53 settlements with a total financial redress amount of \$2.52-billion have been completed, and 10 settlements totalling \$214.94-million are awaiting legislation. Four groups have deeds of settlement ready for tribe members to ratify. There are a further 13 agreements in principle, and around six groups are in negotiation.²

The spreadsheet settlements table, that includes claimant group name, group numbers, dates of signing and legislation, financial redress, cultural redress, and co-governance arrangements, is a useful reference for anyone with an interest in treaty issues.

Colonisation 101 shows that New Zealand's history since 1840 was largely free of human rights violations, and debunks allegations that the colonial government used all its resources to divest Maori of their wealth. British settlement ended in New Zealand perpetual warfare, genocide, slavery, cannibalism, and infanticide.

Grievance and redress chronicles how protest pushed earlier governments to respond to claimant demands. *Treaty twisted* includes four texts of the Treaty of Waitangi to show how the treaty has been corrupted to suit the agenda of the grievance gravy train.

Tribes' fisheries share started with a claim and *Forestry ownership started with a claim* both show how an opportunistic claim may be converted into cash with the help of the New Zealand Maori Council, the Waitangi Tribunal, and judicious use of the New Zealand court system.

Te Roroa claimants oust farmers shows how a land occupation wrecked a young farmer's business and drove him and others off the land for a claim that had already been thoroughly investigated and rejected.

Where dollars acknowledge crime looks at the Waikato-Tainui settlements and *Ngai Tahu's never-ending settlements* looks at a tribe that profited from white settlement and continues to profit by simply claiming more.

2 Progress of Claims, Office of Treaty Settlements. [http://nz01.terabyte.co.nz/ots/fb.asp?url=LiveArticle.
_asp?ArtID=-1243035403](http://nz01.terabyte.co.nz/ots/fb.asp?url=LiveArticle.asp?ArtID=-1243035403)

Colonisation 101

The history of New Zealand since 1840 has largely been free of genocide, slavery, and torture. Claimants say the Crown breached the Treaty of Waitangi but say nothing of the actual human rights abuses committed in New Zealand before the treaty was signed. A summary of the British settlement of New Zealand helps create a context to evaluate treaty settlements.

Contact

Polynesians settled New Zealand from around 1250. Stories of earlier residents are a part of Maori tradition.¹ Dutch explorer Abel Tasman visited briefly in 1642 and British explorer Captain James Cook spent 328 days in New Zealand from 1769, bringing steel axes, cabbages, and potatoes, and an awareness of the value of muskets.

Musket wars

Muskets hiked the death toll in inter-tribal battles. The Musket Wars comprised around 3000 battles fought in New Zealand and the Chatham Islands between 1807 and 1845. These wars decimated the Maori population, from 120,000 to 70,000, leaving a harmed and struggling society.²

Missionaries

The British Church Missionary Society worked in New Zealand from 1814, bringing farming techniques, literacy, and awareness of the rule of law. Missionaries brought hope to Maori slaves, and kept alive thousands of unwanted girl babies and many who would have been killed for food.

Protection sought

Missionary William Yate had 13 chiefs sign a letter to King William IV in 1831 seeking protection against the French. James Busby was appointed as British Resident in 1833. Fearing a French plot to annex New Zealand he arranged a Declaration of Independence by chiefs on October 28, 1835. Just 39 chiefs signed but the Confederation of United Tribes never met.

Treaty of Waitangi signed

Captain William Hobson, who visited the Bay of Islands in 1837, recommended a treaty-for-sovereignty agreement so taxes could be levied and British law applied. Around 2000 Europeans and 70,000 Maori lived in New Zealand and the New Zealand Company planned to bring in thousands more.

A total of 512 chiefs, including 13 women, signed the nine copies of the Treaty of Waitangi, mostly the Maori language text, at 34 locations around New Zealand between February 6 and June 17, 1840. Only 39 chiefs signed the English language

1 Ranginui Walker, *Struggle Without End*, Penguin, New Zealand, 1990, p36

2 *The Corruption of New Zealand Democracy*, John Robinson, Tross Publishing, Wellington, 2011. p14

version. All the treaty says is that the Queen is sovereign and Maori are her subjects, with the rights of subjects, including possession of property.

Land squabbles

In 1840, with a total Maori population of around 70,000, there were huge tracts of land, stretching up to hundreds of kilometres, between the various tribes. The South Island was practically deserted. Chiefs had been selling land to settlers from long before the treaty was signed and the treaty brought a commitment to investigate sales before 1840.

The ownership described in Article 2 of the treaty, which said “the Queen of England confirms and guarantees to the chiefs and the tribes and to all the people of New Zealand, the possession of their lands, dwellings and all their property”, meant ownership of land occupied and cultivated. But Maori soon learned that they could get money for the entire land area of New Zealand. Each hapu (clan) suddenly could “own” huge tracts of unused land around its settlement.

For Maori, rights to the same block of land overlapped – one group could catch birds there, another could fish, and yet another to grow crops there. A settler purchaser could buy the area from one group without knowing others had rights. This created multiple competing “ownership” claims, which meant that in numerous early land purchases the Crown paid out anyone asserting a right to be paid.³

Early armed conflict

A dispute between New Zealand Company settlers and Ngati Toa chiefs over land erupted at Wairau, near Nelson, on June 17, 1843, in which left 22 British dead, with 12 killed after surrender.

Ngapuhi chiefs Hone Heke, who had been the first to sign the treaty of Waitangi, and his ally Kawiti, had revolted against the authority of the British in a series of clashes fought between March 11, 1845, and January 11, 1846, in and around the Bay of Islands.

Ngati Toa chief Rangihaeata’s warriors begin to harass settlers in the Hutt Valley in February 1846. Governor George Grey had Ngati Toa chief Te Rauparaha arrested on July 23, 1846, and British troops attacked two of Rangihaeata’s pas, ending the war in Wellington.

Fighting erupted in Wanganui from 1847 to 1848.

Taranaki fighting

Armed conflict erupted in Taranaki, which had been deserted in 1839, regarded by Maori as unsafe. Attracted there by Te Atiawa chief Wiremu Kingi Te Rangitake, the New Zealand Company bought all of Taranaki in three transactions. White settlers brought peace so Taranaki exiles returned, increasing pressure on land and bringing opposition to land sales from 1854 that escalated into armed conflict between tribes known as the Puketapu Feud. A contentious purchase of the Pekapeka block of land at Waitara

3 Chapple, Reuben P., *Maori Owned Nothing in 1840*, <http://onenzfoundation.co.nz/wordpress/articles/writers/maori-owned-nothing-in-1840-reuben-p-chapple/>

sparked fighting between March 17, 1860, to April 8, 1861, in which brought the deaths of 64 colonial troops, settlers, and pro-government Maori, and 196 anti-government Maori.

Native Lands Act 1862

The Native Lands Act 1862 aimed to solve the problem of multiple ownership claims to land by setting up the Native Land Court to ascertain the title to Maori land. The Act was passed two years after the Waitara block sale sparked the first Taranaki War, and after 22 years of squabbles over conflicting ownership claims by Maori over land.

This Act “provided for the ascertainment of the ownership of native lands and for granting certificates of title.” The Act enabled the establishment of courts to ascertain native title, create inalienable reserves and settlements to benefit native owners, issue certificates of title, have land surveyed, empowered persons named on certificates to dispose of land, issue grants in exchange of certificates, among 37 clauses.⁴

Waikato

War parties from Waikato fought colonial government forces in Taranaki. Supporters of the Maori king developed two plans of attack on Auckland. On July 9, 1863, the government required all Maori living north of the Mangatawhiri River to take an oath of allegiance and give up their weapons. Those refusing were required to retire to the Waikato. A proclamation dated July 11, 1863, warned that those who fought against the government would have their lands confiscated.

Colonial government soldiers crossed the Mangatawhiri River on July 12, 1863. Maori unwilling to take the oath were evicted as the colonial force advanced. Fighting occurred at Meremere, Ngaruawahia, Rangiaowhia (southwest of Cambridge) and at Orakau (near Te Awamutu) during 1863 and 1864. The final military action in Waikato was on April 2, 1864, at Orakau. A proclamation confiscating land was issued in December 1864 under the New Zealand Settlements Act 1863. Wiremu Tamehana made peace in 1865.

A total of 619 anti-government Maori were killed in fighting in the Waikato and Bay of Plenty from 1863–1864, while 162 British army, settlers and pro-government Maori lost their lives.⁵

Suppression of rebellion, confiscation

The Suppression of Rebellion Act 1863 was the response to rebellion by some tribes that included murders, pillaging of homesteads, and destruction of property, and noted that the ordinary course of law was inadequate to suppress the rebellion and effect punishment.⁶

The New Zealand Settlements Act 1863, which enabled land confiscation, was to make available “large tracts of land lying

4 Native Lands Act 1862 <http://nzetc.victoria.ac.nz/tm/scholarly/tei-Mac02Comp-t1-g1-t18-g1-t24.html>

5 James Cowan, *The New Zealand Wars*, Vol 2, New Zealand Government Printer, 1922.

6 Suppression of Rebellion Act 1863, <http://paperspast.natlib.govt.nz/cgi-bin/paperspast?a=d&d=HBH18631121.2.10>

unoccupied and unproductive” to establish “a sufficient number of settlers” to provide for the “permanent protection and security of the well disposed inhabitants of both races.”⁷

Proposed confiscations were contentious at the time. Former chief justice Sir William Martin argued at the time that the confiscation of New Zealand private land would only result in a “brooding sense of wrong”. Native Minister Donald McLean said the confiscations were an expensive mistake.

A total of 1.2-million hectares were confiscated during the 1860s wars much of which was returned at the time.

The confiscated Waikato territory initially comprised 486,501 hectares, including virtually all of Waikato north of a line drawn from Raglan to Tauranga. Approximately 127,218 hectares were returned to those Waikato Maori who were judged not to have rebelled. The area finally confiscated totalled 359,283 hectares. Since then there has been peace in the Waikato.

Hau Haus fight for ‘deliverance’

The followers of Pai Marire Hauhau founder Te Ua Haumene attracted government attention when they attacked and defeated a patrol of imperial and colonial forces at Te Ahuahu, north Taranaki, on April 6, 1864. The bodies of the seven soldiers killed were found naked and decapitated, and the heads, including that of the expedition leader, Captain T. W. J. Lloyd, were smoke-dried and used in Pai Marire rites.

The Pai Marire Hauhau religion blended ancient Maori spells with Christian liturgy and promised deliverance from European domination. Settlers called them “Hau Haus” because of their battle chant “Hapa, hapa! Pai marire, hau!” which was believed to ward off Pakeha bullets. A band of 200 Pai Marire warriors launched a chanting daylight attack on Sentry Hill Redoubt, Te Morere, on April 30, 1864, to be mown down by gunfire.⁸

Hau Haus murder Anglican minister

Te Ua sent Kereopa Te Rau and Patara Raukatauri to Opotiki, in December, 1864, where they converted the Whakatohea tribe, and told them to hand over German Anglican minister Carl Volkner. On March 1, 1865, Kereopa had him and the Rev. Thomas Grace seized. On the afternoon of the next day, Volkner was marched into his church, taken outside, hanged from a willow tree, and decapitated. Kereopa filled a communion chalice with Volkner’s blood, gouged out both eyes, and swallowed them, choking on one.

James Te Mautaranui Fulloon, who was sent on July 22, 1865, to investigate Volkner’s murder, was murdered, with two others. A force of 500 government troops landed with difficulty at Opotiki under fire from well-armed insurgents in early September 1865. This force took possession of Volkner’s church, fortified it, and after some skirmishing, forced the Hau Haus to retreat. An attack by government troops in the Waioeka Gorge on October 20th resulted in Hau Haus surrendering.

The final battle against Pai Marire Hau Hau insurgents was at Waerenga a hika near Gisborne. A combined force of 600 English and

7 New Zealand Settlements Act 1863, <http://nzetc.victoria.ac.nz/tm/scholarly/tei-Mac02Comp-t1-g1-t18-g1-t25.html>

8 James Cowan, The New Zealand Wars, Vol 2, New Zealand Government Printer, 1922.

pro-government Maori besieged a pa there for seven days, defeating them on November 22, 1865. About 100 Hauhaus were killed and 400 taken prisoner, many of whom were shipped to the Chatham Islands.

A total of 772 anti-government Maori were killed during the Hauhau campaigns while 128 British soldiers, settlers, and pro-government Maori lost their lives.⁹

Titokowaru's war

In June 1868, the forces of Ngati Ruanui leader Titokowaru destroyed a colonist blockhouse inland from Hawera. A large government force sent in response was defeated on September 7, 1868. Titokowaru defeated a second colonial force at Moturoa. Government troops attacked his diamond shaped fortress at Tauranga Ika on February 2, 1869, but Titokowaru's forces slipped away under the cover of darkness.

Te Kooti takes revenge

During fighting at Waerenga a Hika, near Gisborne, in November 1865, a member of the Rongowhakaata tribe named Te Kooti who was serving on the government side was arrested for disloyalty and eventually shipped to the Chatham Islands. While there he formed a religion later known as Ringatu ("uplifted hand").

Te Kooti led an escape from the Chatham Islands, on July 4, 1868, of 163 men, 64 women, and 71 children, when he seized a supply ship, the Rifleman.

Refusing to negotiate and eluding capture, Te Kooti and 100 fighters attacked the Poverty Bay settlement of Matawhero shortly before midnight on November 9, 1868. Seventy people were killed including more than 20 Maori, which included seven chiefs. Te Kooti seized Patutahi, capturing supplies and 300 Maori prisoners.

Government forces attacked Te Kooti at Ngatapa pa near Gisborne on December 3, 1868, again on December 31st, and stormed the pa on January 4, 1869. Te Kooti and his immediate followers escaped, but he had lost half his fighting force. A total of 136 were killed, with 120 executed after capture. Government forces had 11 killed and 11 wounded.

Te Kooti withdrew to a corner of the Urewera forest and gained Tuhoe support on March 20, 1869. Around that time his forces raided the Whakatane area.

Te Kooti's forces attacked the settlement at Mohaka on April 10, 1869, killing 61 men, women and children, including seven settlers. The children of the Lavin family were thrown into the air and impaled on bayonets.

A government force of 1300 men entered the remote Ureweras, from May 4 to May 18, 1869, attempting to force Te Kooti into the open by destroying food supplies and strongholds. Te Kooti was defeated near Taupo on October 3, 1869, and at Maraetahi, Urewera, on March 23, 1870.

Urewera tribes surrendered on April 17, 1870, and on September 1, 1871.

9 Ibid.

After defeat at Te Hapua, Te Kooti withdrew to the King Country on May 17, 1872. Shots fired at the retreating Te Kooti at Mangaone on February 14th of that year are regarded as the last shots of the 1860s armed conflict.

A total of 399 of Te Kooti's men were killed while 212 British soldiers, settlers, and pro-government Maori lost their lives. The Tuhoë tribe had 50,300 hectares of land confiscated in the eastern Bay of Plenty, on January 17, 1866.¹⁰

Te Whiti and Parihaka

Maori leaders Te Whiti o Rongomai and Tohu Kakahi founded Parihaka village in 1867 on confiscated land. Both had played a part in a Pai Marire-Hau Hau attack on Sentry Hill in 1864. By the end of the 1870s about 1600 lived there including 12 "apostles" from Waikato and Ngati Ruanui leader Titokowaru.

In 1878, the government began surveying the confiscated southern Taranaki land for European settlement. In May 1879, Parihaka men "reclaimed" this land by ploughing it.

A report by the West Coast Commission, released in April 1880, recommended that 15,000 acres (61 km²) along the coast be taken by the government.

In early 1881, the Government decided to sell four-fifths of the Waimate Plains and more than half of the 56,000 acres Parihaka block. Maori at Parihaka continued to clear, fence and cultivate the land.

Native Minister John Bryce led the storming of Parihaka village on November 5, 1881. More than 1000 troops searched and destroyed the village. Arrests continued for 18 days. A total of 1600 people were expelled.

Te Whiti and Tohu faced a four-day trial in New Plymouth from November 12, 1881. Te Whiti three times refused a government offer that if he agreed to cease assembling his people he could return to Taranaki, where he would receive a government income and land for himself. Te Whiti and Tohu were released in March 1883 and returned to Parihaka.

Nine grievances in 1882

In 1882, chiefs took just nine grievances to Queen Victoria in Britain. They did not get an audience with the Queen and were directed back to the colonial government in New Zealand. Their grievances were:

- 1. The greed of the New Zealand Company that caused conflict in Wairau (on June 17, 1843, when in an attempt to arrest Te Rauparaha and his nephew Te Rangihaeata, four Maori and 22 settlers were killed)*
- 2. The war against Te Rangihaeata in 1842-3 and unlawful execution of his followers.*
- 3. The war in the north against Heke and Kawiti (1845).*
- 4. The divisive fight between Te Hapuku and Te Moananui (in Hawke's Bay in 1857) caused by government land buying in 1848.*
- 5. The war against Wiremu Kingi at Waitara.*
- 6. The Waikato war in 1863.*

10 James Cowan, *The New Zealand Wars*, Vol 2, New Zealand government Printer, 1922

7. *The tribal fight among Ngati Tautahi because of government agents' land-buying practices. Four people were killed*
8. *The imprisonment of 200 of Te Whiti's men in 1879.*
9. *The imprisonment of Te Whiti in 1881. The deputation asked for Te Whiti's release.*¹¹

The 1920 native land commission

By 1920, when the Native Land Claims Commission sat, 11 petitions and claims from Maori in different parts of New Zealand were reviewed to assess redress.¹² Commission chair Judge Robert N. Jones found substantially in favour of all Maori claimants in different regions.

For South Island tribe Ngai Tahu that complained about inadequate reserves, this commission did a detailed calculation to work out compensation. Since the 20-million acre Kemp purchase involved 12.5 million acres of commercially viable land once the Arahura block, the Banks Peninsula block, the reserves actually provided, and "absolutely valueless land", such as snowy mountain tops, waste beds of rivers, and precipitous cliffs were deducted, along with the purchase price paid of £2000, a figure of £76,125 was reached. To this was added 72 years interest at 5 per cent (£274,050) to give a total amount of £350,175. A sum was added to recognise Ngai Tahu expenses bringing the total sum to £354,000, the amount this commission recommended as a lump sum payment.¹³

Sim recommends compensation

A further commission chaired by Supreme Court Judge William Sim was set up in 1926 to consider whether confiscations in Taranaki, Waikato, Tauranga, Whakatane, Opotiki, Urewera, Gisborne, and Hawke's Bay exceeded what was fair and just. At that stage the inquiry was not linked to Treaty of Waitangi obligations because the government held that Maori who fought against the government had repudiated the treaty. That commission recommended a £5000 annual payment to Taranaki tribes for land unjustly confiscated. Sim found Waikato confiscations excessive and recommended an annual payment of £3000.¹⁴

Full and final settlements 1922-58

The 1922 Arawa lakes settlement agreed that the government controlled the Rotorua lake beds and had the right to use the water, while the tribe had title to all islands not already sold, and right to access them, as well as use, management and control of parts of

- 11 Walker, *ibid*, p. 162. Lord Kimberley received the petition on behalf of the Queen and referred the deputation back to the New Zealand government, and Prime Minister Frederick Whitaker dismissed the petition.
- 12 The History of Inquiries, The Ngai Tahu Report 1991, <http://www.waitangi-tribunal.govt.nz/reports/viewchapter.asp?reportID=D5D84302-EB22-4A52-BE78-16AF39F71D91&chapter=142>
- 13 The History of Inquiries, Ngai Tahu Report 1991, Waitangi Tribunal, <http://www.waitangi-tribunal.govt.nz/reports/vviewchapter.asp?reportID=D5D84302-EB22-4A52-BE78-16AF39F71D91&chapter=142>
- 14 Royal Commission on land confiscations. <http://www.nzhistory.net.nz/culture/the-1920s/1927>

lake beds, and any Crown lands on the border could be vested in Arawa. Tribe members could catch any indigenous fish. Arawa District Trust Board would receive an annual grant of £6000.

The Ngai Tahu Claim Settlement Act 1944 awarded £300,000, payable at a rate of £10,000 a year for 30 years.

The 1944 Taranaki Maori Claims Settlement Act was intended as a final settlement of claims in that area. The Taranaki Maori Trust Board had received a £5000 annuity since the Sim commission recommendation, plus a £300 lump sum payment for loss of property at Parihaka in 1881.

The Waikato-Maniapoto Maori Claims Settlement Act 1946 was a final settlement of grievances over the confiscation of Maori lands in the Waikato and provided for the establishment of the Tainui Maori Trust Board to receive £5000 a year in perpetuity plus a further £5000 and £1000 a year for 45 years, to cover arrears since 1936, when negotiations with the Labour government began. Tainui received £4155 in 1948 as part of a surplus lands settlement.

In the Finance No. 2 Act, on October 12, 1946, the government settled with Whakatohea, a tribe located in the eastern Bay of Plenty region that had sustained land confiscation, for a lump sum payment of £20,000.

In 1958, Urewera claims were settled with a lump sum payment of £100,000.

A claim relating to Rotorua Township Pukeroa Oruawhata land in Waiariki district was settled in 1954 for £16,500.¹⁵

* * *

See *Tribes, Treaty, Money, Power* by Mike Butler, which is available from www.trosspublishing.co.nz or from a good book shop near you, for more details and extensive sources.

15 Settlements of Major Maori Claims in the 1940s, Richard Hill, Department of Justice, Wellington, 1989. <http://www.nzcp.com/Richard Hill's Report.pdf>

Grievance and redress 1967-1989

The Maori Affairs Amendment Act 1967 jump-started a new round of complaints that led to the current treaty settlement process. That Act introduced compulsory conversion of Maori freehold land with four or fewer owners into general land, and increased the powers of the Maori Trustee to acquire by compulsion and sell so-called uneconomic interests in Maori land. A Maori Council member slammed the move as “the last land-grab”.¹

Maori nationalist protest

A Maori-issues activist group known as Nga Tamatoa (The Young Warriors) emerged in 1970 at Auckland University and comprised urban and university educated Maori inspired by Marxist liberation and indigenous rights movements across the world, including the gun-carrying Maoist American Black Panthers. The group called for the Treaty of Waitangi to be “ratified”. It organised nationwide petitions to have the Maori language taught in schools, and made submissions on government policy.²

Nga Tamatoa disrupted the 1971 Waitangi Day ceremony, and in the following year it staged a walkout. In 1973, Nga Tamatoa protested at the ceremony by wearing black armbands to mourn the loss of 25.2 million hectares (the entire land area of New Zealand) of “Maori land”.

An 80-year-old activist named Whina Cooper literally took the land protest to the streets when she led a march to Parliament, organised by Nga Tamatoa, from Te Hapua in the Far North, starting on September 14, 1975, demanding that no more Maori land would be sold. The march brought 5000 Maori and supporters to Parliament on October 13 of that year. A petition signed by 60,000 people was presented to Prime Minister Bill Rowling. The marchers arrived on a Monday three days after the Treaty of Waitangi Act 1975 was passed.

Land sold not lost

While Nga Tamatoa wanted everyone to believe that Maori land was lost, it was actually mostly sold. New Zealand has 26.8-million hectares of land. A total of 1.2-million hectares were confiscated during the 1860s wars (much of which was returned at the time). Approximately 1.47 million hectares remains as Maori land (including customary land). Therefore, settlers and successive governments bought 24.13-million hectares.

Chiefs received varying amounts of money or goods in exchange for land. The New Zealand Company paid for the Port Nicholson block in 1839 with 120 muskets and 21 kegs of powder, as well as a collection of iron pots, soap, axes, fish hooks, shirts and other clothing (including red night caps), slates and pencils, looking glasses, beads, umbrellas, sealing wax, and 144 jews harps.

1 Treaty timeline. <http://www.nzhistory.net.nz/politics/treaty/treaty-timeline/treaty-events-1950>

2 Na Te Ahu, The Evolution of Contemporary Maori Protest, <http://www.maorinews.com/writings/papers/other/protest.html>

A handful of Ngai Tahu chiefs sold most of the 15,121,483ha South Island in 10 deals over 20 years from 1844 for a total of £14,750 which is \$1.6-million today. Government agents had purchased from chiefs by the end of 1842 land in Auckland totalling 92,000ha the price being £4196 that is more than \$472,000 in 2014.

Bear in mind the land was undeveloped – wild, marshy. Roads were required. Settler money and labour transformed the landscape into farms and towns and land values increased as the economy grew.

Waitangi Tribunal established

The Treaty of Waitangi Act 1975 provided a legal process by which Maori Treaty claims could be investigated, and was the first legal recognition of the treaty. That Act established the Waitangi Tribunal as a permanent commission of inquiry, and gave a handful of unelected tribunal members the exclusive authority to interpret the treaty. The tribunal was intended to examine current policies and practices against the yet-to-be-defined so-called “principles” of the treaty but not at that stage allowed to investigate historical breaches.

The tribunal attracted dramatic public attention in 1983 when it ruled in favour of Te Atiawa claimants over the discharge of untreated sewage and industrial waste through the Motunui outfall in Taranaki. Geoffrey Palmer, who was to do extensive treaty and Maori issues work, noted that the Motunui report rediscovered “the Maori language version of the treaty, especially the words ‘taonga’, ‘kawanatanga’ and ‘rangatiratanga’ from which has flowed a new political vocabulary”.³

Palmer reforms race relations

The Fourth Labour Government that swept into power in 1984 brought a wide range of reforms that included Maori policy. As a Nelson boy, Deputy Prime Minister Geoffrey Palmer grew up believing there were no racial problems in New Zealand. But east coast Maori students he met at university acquainted him with an alleged “history of oppression”

Later, as a student in Chicago, he became acquainted with the United States political system, in which the Supreme Court interprets a written constitution. He concluded that courts “were more reliable in providing racial minorities with true equality than legislatures were”. Because addressing Maori grievances was politically unpopular, legislation to address grievances ran the risk of being outvoted. So he set up “processes, and procedures and the principles to ensure that his drive to implement race-based affirmative action would not be derailed by parliament or voters.”⁴

Claims back to 1840 allowed

The 1985 amendment to the Treaty of Waitangi Act that allowed further claims all the way back to 1840 enabled tribes to re-open all old claims to get more money. Palmer wrote that “he did some research on the outstanding grievances and it did not appear

3 Geoffrey Palmer, *New Zealand's Constitution in Crisis*, John McIndoe, Dunedin, 1992. p81

4 *Ibid* p76

that looking into them would open a can of worms, which many feared. I took the view that the claims may take a decade to deal with, that it would cause some anguish but would be worth it in the end⁵. Claims started to trickle in.

Treaty principles

Although “principles” of the Treaty of Waitangi were referred to in the Treaty of Waitangi Act 1975, no one knew what they actually were until the president of the Court of Appeal, Justice Robin Cooke, enumerated a summary of what he said they were in the 1987 *New Zealand Maori Council v Attorney-General* decision. Cooke’s summary appears to be little more than a personal opinion given legitimacy by the position he held. Cooke’s six principles were:

- (a) ‘[T]he Queen was to govern and the Maoris were to be her subjects; in return their chieftainship and possessions were to be protected, but . . . sales of land to the Crown could be negotiated.’*
- (b) Because there was some inevitable potential conflict between those principles, both parties had a duty ‘to act reasonably and with the utmost good faith’ towards one another.*
- (c) The principles of the treaty do not authorise unreasonable restrictions on the right of a duly elected government to follow its chosen policy.’*
- (d) The Crown assumed a duty of protection towards Maori: ‘the duty is not passive but extends to active protection of Maori people in the use of their lands and waters to the fullest extent practicable.’*
- (e) The Crown has a duty to remedy past breaches: ‘the Crown should grant at least some form of redress, unless there are good grounds justifying a reasonable treaty partner in withholding it – which would only be in very special circumstances, if ever.’*
- (f) The Crown had an obligation to consult with Maori in the exercise of kawanatanga. Justice Cooke was guarded, however, as to the practical extent of that obligation*

The government created its own set of treaty principles. Justice Minister Geoffrey Palmer had a treaty unit set up within the Justice Department create a 15-page booklet titled *The Principles for Crown Action on the Treaty of Waitangi* that was adopted by Cabinet and published on July 4, 1989.⁶ At least 13 sets of treaty principles exist.

Tribunal member re-interprets treaty

Discrepancies between the official English and Maori texts was not an issue until the Treaty of Waitangi Act, the creation of the Waitangi Tribunal, and the creation of the treaty principles put the treaty under scrutiny. The official English text has 568 words compared with the 480 words of Te Tiriti. The official English text, with its grandiose language and inclusion of the words “pre-emption,” “Lands and Estates,” “Forests,” and “Fisheries,” gradually supplanted the Maori text.

A professor of social anthropology and Maori Studies and Waitangi Tribunal member, Sir Hugh Kawharu, in 1989 re-translated and

5 Palmer *ibid*, p80

6 Palmer, *ibid*, pp85-86

reinterpreted the Maori text. By redefining two words – “kawanatanga” which translated “sovereignty” and “rangatiratanga” that translated “ownership” or “possession”, created a treaty in which the chiefs ceded to the governor the right to govern settlers and chiefs retained the right to carry on being chiefs.⁷

There was little mystery in 1840 about the meaning of the treaty, a document that was drafted in English and translated into Maori, because Maori was the most widely used language in New Zealand and most could easily read both texts. However, in 2014 with few fluent in Maori, the meaning of the Maori text has become a mystery that may only be officially explained by the experts on the Waitangi Tribunal.

The text signed in 1840 simply said the Queen is sovereign and Maori are her subjects with the rights of subjects, including possession of property.

Littlewoods find old hand-written treaty

The differences between the English and Maori texts led historians to conclude that there must have been a final English draft of the treaty that had somehow gone missing. In 1989, John Littlewood and sister Beryl Needham found a hand-written copy of the Treaty of Waitangi in a drawer while clearing out their mum’s house after she died. This document turned out to match the Maori text of the treaty apart from the phrases “the chiefs and Hapus of New Zealand” in the preamble and “ all the tangata maori of New Zealand” in Article 3. That text, on W. Tucker 1833 paper, confirmed as hand-written by British Resident James Busby and dated February 4, 1840, is known as the Littlewood Treaty and is on display at National Archives.

The official disinterest in details of this discovery coincided with top-level negotiations that resulted in the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The Treaty of Waitangi Information Unit commissioned historian Donald Loveridge to do a full appraisal in 2006 – 17 years later, and only after significant public and political pressure. His view is that the document was written by Busby at the time the treaty was drafted, and it is either a translation of Te Tiriti, because U.S. Consul James Clendon said it was, or it is a copy of the missing final draft of the treaty.⁸

Everything becomes a grievance

Once it became apparent that the government would pay significant amounts of money the grievances multiplied. Working for the Waitangi Tribunal, historian Professor Alan Ward analysed the 650 or so historical claims lodged between 1985 and 1997, and, sorted them to match the tribunal’s interpretation of the treaty and the 1986 treaty principles. Ward’s seven categories were:

1. The “loss of rangatiratanga”, which includes the loss of resources, and the exclusion of Maori from the decision-making institutions.

7 The Kawharu Translation, Waitangi Tribunal, <http://www.justice.govt.nz/tribunals/waitangi-tribunal/treaty-of-waitangi/the-kawharu-translation>

8 The “Littlewood Treaty”: An Appraisal of Texts and Interpretations, Dr. Donald M. Loveridge, Wellington, 2006. <http://www.victoria.ac.nz/stout-centre/research-units/towru/Publications/Loveridge-Littlewood-1May2006.pdf>

2. *Purchases under the native land acts, which extended well into the 20th century, particularly the “individualisation of title,” which the colonial government promoted partly to prompt Maori to develop their land.*
3. *Crown purchases from 1840 to 1865, which discouraged Maori leasehold and joint venture arrangements and the coexistence of aboriginal title rights.*
4. *Confiscation or forced cession after military occupation, in particular districts, although the area of land and the number of people affected were much less than were subject to land purchasing.*
5. *The colonial government’s failure to ensure that adequate reserves of land remained in Maori ownership, or in trust, to fund Maori welfare.*
6. *The loss of ownership or control of rights in foreshores and inland waterways.*
7. *Public works takings disproportionately imposed upon Maori land, the rating of Maori land, and the good and bad consequences of development schemes.*⁹

Ward’s seven categories show that the scope for grievance had been greatly extended so that everything that occurred since 1840 became potential grounds for a complaint

Deadline set for historical claims

A deadline for historical claims was eventually set for midnight September 1, 2008; already 24 years after Palmer’s prediction that the whole process would be over in 10 years. The pace of claims rose from five or six a month in the first part of 2008, to 800 in August, with 600 in the 48 hours preceding the deadline. People filing a claim needed only to show that they were of Maori descent and note the historical grievance allegedly suffered. A total of 2125 claims were registered by June 2009 – a far cry from the nine grievances chiefs tried to get in front of Queen Victoria in 1882.

9 Rangahaua Whanui Research Programme executive summary, <http://www.waitangi-tribunal.govt.nz/doclibrary/public/researchnatview/vol1/execsum.pdf>, p2

9b Waitangi Tribunal progresses historical claims, <http://www.scoop.co.nz/stories/PO0909/S00082/waitangi-tribunal-progresses-historical-claims.htm>

Treaty twisted

The treaty that was drafted, debated, and signed in 1840, was a simple three-article document in which Queen Victoria obtained sovereignty (first article), and Maori became her subjects, equal to Britons, and possessing all the rights and liberties of subjects (third article), including of course the continued possession of their lawful property (second article). The treaty was drafted in English and translated into Maori. Therefore, the meaning and intent of the treaty is plain to see in the English draft. The word “kawanatanga” was used to translate “sovereignty” and “rangatiratanga” to mean “possession”. This was to change once the Waitangi Tribunal was established and un-elected members were given the exclusive authority to interpret the treaty.

It is helpful to publish the English and Maori texts together. Since the final English draft of the treaty went missing, and since James Busby’s February 4 text is closest to Te Tiriti, with just four words different, the Busby text is placed first. The four variations between the texts are underlined – two in the preamble, one in article three, and the date at the bottom:

Busby February 4, 1840, draft (the Littlewood treaty)

Her Majesty Victoria, Queen of England in her gracious consideration for the chiefs and people of New Zealand, and her desire to preserve them their land and to maintain peace and order amongst them, has been pleased to appoint an officer to treat with them for the cession of the Sovereignty [sic] of their country and of the islands adjacent to the Queen. Seeing that already many of Her Majesty’s subjects have already settled in the country and are constantly arriving: And that it is desirable for their protection as well as the protection of the natives to establish a government amongst them.

Her Majesty has accordingly been pleased to appoint me William Hobson a captain in the Royal Navy to be Governor of such parts of New Zealand as may now or hereafter be ceded to Her Majesty and proposes to the chiefs of the Confederation of United Tribes of New Zealand and the other chiefs to agree to the following articles.-

Article first

The chiefs of the Confederation of the United Tribes and the other chiefs who have not joined the confederation, cede to the Queen of England for ever the entire Sovereignty [sic] of their country.

Article second

The Queen of England confirms and guarantees to the chiefs and the tribes and to all the people of New Zealand, the possession of their lands, dwellings and all their property. But the chiefs of the Confederation of United Tribes and the other chiefs grant to the Queen, the exclusive rights of purchasing such lands as the proprietors thereof may be disposed to sell at such prices as may be agreed upon between them and the person appointed by the Queen to purchase from them.

Article third

In return for the cession of their Sovereignty [sic] to the Queen, the people of New Zealand shall be protected by the Queen of England and the rights and privileges of British subjects will be granted to them.

Signed, William Hobson
Consul and Lieut. Governor.

Now we the chiefs of the Confederation of United Tribes of New Zealand assembled at Waitangi, and we the other tribes of New Zealand, having understood the meaning of these articles, accept them and agree to them all. In witness whereof our names or marks are affixed. Done at Waitangi on the 4th of February, 1840.¹

Te Tiriti o Waitangi Maori language translation February 5, 1840

KO WIKITORIA te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga Tangata maori o Nu Tirani – kia wakaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei me nga motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana. Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaee ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

¹ End of the golden gravy train, Investigate Magazine, January 2004. <http://www.investigatemagazine.com/jan4treaty.htm>

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini – Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(signed) William Hobson, Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.²

As you can see, all the treaty says is that the Queen obtains sovereignty (first article), and Maori become her subjects, equal to Britons, and possessing all the rights and liberties of British subjects (third article), including of course the continued possession of their lawful property (second article). Also included is the Crown's sole right to buy land. Notice also that the preamble expresses a desire to extend protection to the settlers who are constantly arriving and to "the natives". Te Tiriti has 480 words. Busby's text has 375 words.

A crucial point about the second Article is that all those "taonga" belong indisputably to everyone, and were not limited to Maori. In this Article, "the Queen of England confirms and guarantees to the chiefs and the tribes and to all the people of New Zealand (tangata katoa o Nu Tirani), the possession of their lands, dwellings and all their property (taonga)." The phrase "all the people" means "all the people" no more, no less, and includes Maori and settlers. By contrast in Article third, when referring specifically to Maori, the text says "all the Maori people of New Zealand" ("tangata maori katoa o Nu Tirani").

The official English text

The following version of the Treaty of Waitangi is taken from the first schedule to the Treaty of Waitangi Act 1975. This "royal style" composite version, put together by Hobson's secretary James Stuart Freeman, resembles the rough draft notes of Busby's rejected February 3 draft, which omitted a reference in Article 2 to "all the people of New Zealand".

2 *The Treaty of Waitangi*, Claudia Orange, Bridget Williams Books, 1987, p257

Preamble

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

W HOBSON

Lieutenant Governor.



Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

At 568 words, this so-called official English text is much wordier than either the Busby document or Te Tiriti, with the term “right of preemption” not translated and probably untranslatable. That version, with its grandiose language and inclusion of the words “pre-emption”, “Lands and Estates”, “Forests”, and “Fisheries”, gradually supplanted the Maori text. Only 39 chiefs signed this English language version, some at Waikato Heads in March and April 1840, and at Manukau on April 26 that year, for no other reason than a Maori text was not available. Sharp-eyed readers will note that, strictly speaking, this version was not “done at Waitangi this Sixth day of February”, as the postscript reads, because the only treaty signed that day was the Maori text.

Kawharu translation

The following translation of the Maori text of the Treaty was done by former Tribunal member Professor Sir Hugh Kawharu, who was also a claimant for Auckland tribe Ngati Whatua o Orakei. Claimants have used this interpretation to argue that the 1840 chiefs could not have possibly understood that they were ceding sovereignty.

Preamble

Victoria, the Queen of England, in her concern to protect the chiefs and the subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come. So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness. So the Queen has appointed 'me, William Hobson a Captain' in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

The first

The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government (6) over their land.

The second

The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise (7) of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

The third

For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.(11)
[signed] William Hobson Consul & Lieut Governor

So we, the Chiefs of the Confederation of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and our marks thus.

Was done at Waitangi on the sixth of February in the year of our Lord 1840. ³

Kawharu is the main exponent of the “what the 1840 chiefs might have understood” argument. In footnote 6, Kawharu argues regarding “government” or “kawanatanga”, that there could be no possibility of the Maori signatories having any understanding of government in the sense of ‘sovereignty’: ie, any understanding on the basis of experience or cultural precedent.

In footnote 7, he writes that of “tino rangatiratanga” or “unqualified exercise” of the chieftainship, that this would emphasise to a chief the Queen’s intention to give them complete control according to their customs, with “tino” having the connotation of “quintessential”.

Kawharu’s full commentary may be read on the Waitangi Tribunal website.

Claimants have used this reasoning to argue that since chiefs did not understand what sovereignty was they could not have ceded it. Further, if “tino rangatiratanga” means “unqualified exercise of the chieftainship” instead of “ownership” or “possession”,

3 Kawharu Translation, Waitangi Tribunal, <http://www.waitangi-tribunal.govt.nz/treaty/kawharustranslation.asp>

claimants argue that Article 2 actually confirms the right for chiefs to carry on being chiefs.

However, an eyewitness account of the February 5, 1840, treaty debate at Waitangi showed that at least one chief understood the implications of ceding sovereignty.

Missionary William Colenso described how chief Tareha understood that, by consenting to a governor, he would be giving up his sovereignty to a higher law. He said: "No Governor for me – for us native men. We, we only are the chiefs, ruler. We will not be ruled over. What! Thou a foreigner, up, and I down? Thou high, and I, Tareha, the great chief of the Ngapuhi tribes, low? No, no; never."^{3a}

Do the discrepancies between the official English text and the Maori text pose a problem. The answer is yes! The "official" Freeman text is so problematic that the law lords of the Privy Council noted, in 2004, "even apart from translation difficulties, the English text of the Second Article could be recognised as likely to lead to disputes."⁴ We've seen enough of those disputes already.

Is this a big deal? Again, yes! The Waitangi Tribunal rates the "loss of rangatiratanga", which includes the loss of resources, and the exclusion of Maori from the decision-making institutions, as the No. 1 grievance, ahead confiscations that rates No. 4 on a seven-point scale. This fabricated grievance has resulted in the payment of millions upon millions of dollars to happy claimants.

3a William Colenso's Authentic and Genuine History of the Signing of the Treaty of Waitangi, <http://www.waitangi.com/colenso/colhis1.html>

4 Crown Forestry Rental Trust Privy Council decision, February 25, 2004. <http://www.raineycollins.co.nz/your-resources/articles/crown-forestry-rental-trust-privy-council-decision/>

Tribes' fisheries share started with a claim

How did tribes get to own a fisheries asset worth \$404-million with an annual revenue of \$152-million and get to control 37 percent of New Zealand's fishing quota? It started when the Fisheries Act 1983 introduced a quota management system.

Far North tribes Rarawa, Aupouri, Ngati Kuri, Ngai Takoto, and Ngati Kahu were upset that part-time fishers were not given quota, so under the collective title "Muriwhenua" filed a claim with the Waitangi Tribunal in 1985 that the fishing quota scheme created a property right in the sea from which they were excluded, thus contravening Article 2 of the treaty,

In 1987 claimants and the Maori Council obtained a Waitangi Tribunal ruling to back a High Court injunction to stop the issue of quota. Tribunal chairman Eddie Durie said the sea was owned in the same way as the land, and, if the government wished to develop the sea commercially, it had to acquire the right from the traditional user (Maori).

Justice Grieg agreed that there was a case for a highly developed and controlled Maori fishery over the whole coast of New Zealand before 1840 – despite the fact that Maori seafaring was largely limited to short trips by canoe. He agreed that the quota management system contravened the rights of the Muriwhenua people guaranteed under Section 88(2) of the Fisheries Act, which said: "Nothing in this Act shall affect any Maori fishing right". He could find no evidence of Maori surrendering fishing rights, noting that those rights, if any, still had to be proven in court. He ordered an interim stop to the system until Maori rights were resolved.¹

A joint working party of four government members and four Maori members was set up to negotiate fishing rights, define what they were, and see how they could be recognised.

Negotiations led to a Maori Fisheries Bill, introduced in September 1988, in which 50 percent of the fisheries quota would be transferred to the tribes at a rate of 2.5 percent a year for 20 years with a stop to Maori fishing claims before the courts and a 20-year moratorium on fisheries claims to the Waitangi Tribunal.

After pressure from the fishing industry, the government dropped the bill and introduced another, conceding 10 percent of the fisheries over four years to tribes and leaving the courts to decide the other 90 percent.²

The government bought back 10 percent of the quota shares it had given to fishers and an interim agreement in 1989 transferred to the Waitangi Fisheries Commission about 10 per cent of New Zealand's commercial quota or 60,000 tonnes, shareholdings in fishing companies, and \$50-million in cash.

The second part of the deal in 1992, the Sealord deal, included 50 per cent of Sealord Fisheries, which happened to come on to the

1 Walker, Ranginui, *Struggle without end*, Penguin, Auckland, 1990. pp274-5

2 Ibid, p276-7

market at that time, 20 per cent of all new species brought under the quota system, and \$18-million in cash. In total, the deal was said to be worth \$170-million.

Debate between tribes on how to share the settlement took years, as did setting up the necessary tribal organisations to manage the proceeds. The Maori Fisheries Act 2004 led to the first distribution to tribes of fish quota, cash, and shares in Aotearoa Fisheries Ltd in September 2005.

The deal was “sold” to the public on the grounds that it would create jobs in fishing for young Maori but instead, most tribes rent out their right to catch a certain tonnage of fish in a particular year to operators of foreign charter vessels. The catch may be processed in New Zealand or shipped to China. Maori Affairs Minister Pita Sharples has defended their use, saying it would not be appropriate for the Government to interfere over their use of foreign charter ships.³

When one foreign-chartered vessel, the *Oyang 70*, sank in 2010 off Otago with the deaths of six crew members, reporters started to look at the use of these ships, and found claims of abuse and underpayment of crew, and pillaging the fisheries. Five of the crew of the South Korean charter fishing vessel *Oyang 75* were found guilty of fishing offences, and the Ministry for Primary Industry seized the *Oyang 77* berthed at Lyttelton, and charged its captain and factory manager with illegal dumping and misreporting the ship’s catch.

Revelations of virtual slave-like labour conditions inflicted on around 2000 mainly Asian men working 27 foreign charter vessels, most of them aging Korean boats fishing Maori quota prompted a Ministerial inquiry in 2012. This led to the Fisheries (Foreign Charter Vessels and Other Matters) Bill that required all foreign charter vessels to carry the New Zealand flag from May 1, 2016, and operate under full New Zealand legal jurisdiction, that passed into law on July 31, 2014. Lobbying to get an exemption for tribes was not successful. The Maori Party voted against the bill.⁴

This fishing business is a big earner with substantial assets. Aotearoa Fisheries Ltd’s 2013 report shows total revenue of \$152.4-million, and gross profit of \$39.7-million although a loss of \$8.8-million resulting from losses in a venture by Sealord in Argentina. Net equity was \$404-million.⁵

How did tribes, who supposedly represent 14.9 percent of New Zealand’s population, get to control 37 percent of New Zealand’s fishing quota? It started with an opportunistic claim. The Maori Council obtained a Waitangi Tribunal ruling to back a High Court injunction that led to a High Court Judge’s opinion that rights, if any, had to be proven in court. But instead of proving rights

3 Iwi blamed for state of fishery, Stuff, May 8, 2011. <http://www.stuff.co.nz/national/4976300/iwi-blamed-for-state-of-fishery>

4 Fishing ‘slavery’ bill passes final hurdle, One New, July 31, 2014. <http://tvnz.co.nz/politics-news/fishing-slavery-bill-passes-final-hurdle-6042802>

5 Aotearoa Fisheries Ltd.2013 report. http://www.afl.maori.nz/documents/AnnualReport2013_000.pdf



in court, those rights were negotiated into existence by four government representatives and four Maori claimants. Of course claimants were going to demand as much as they could. That is the nature of negotiation.

* * *

There are no summaries or deeds on the OTS website.

See "The Right to Fish" at How Government Works, <http://www.decisionmaker.co.nz/guide2003/hgw/fishingrights.html> for an overview; Read the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 at <http://www.legislation.govt.nz/act/public/1992/0121/latest/whole.html>

and the Maori Fisheries Act 2004 at <http://www.legislation.govt.nz/act/public/2004/0078/latest/DLM311464.html> and

Forestry ownership started with a claim

Why did the government give forestry land worth more than \$149.56-million and rentals worth more than \$671.99-million to tribal corporations when much of that land was bought from Maori and the forestry developed by successive governments?

It started when claims all the way back to 1840 were allowed. Forestry assets became interesting to the New Zealand Maori Council because claims could involve forestry land.

When the government announced, in 1988, an intention to sell the 90 State-owned forests, the New Zealand Maori Council and the Federation of Maori Authorities took the Crown to court to stop the sales. In *New Zealand Maori Council v Attorney-General 1989*, the court ruled that Crown and Maori must negotiate a solution.

The two parties agreed on a process whereby the Crown could sell the trees, but not the land, which was put in trust should claims be made relating to that land.

This agreement was enshrined in the Crown Forest Assets Act 1989 which established the Crown Forest Rental Trust, a self-funding organisation that is midway between the Crown and Maori,¹ empowered to sell licences for forestry and to receive forestry rentals, hold them in trust and invest them. Interest earned was intended to help Maori claimants prepare, present, and negotiate claims that involve or could involve Crown forestland.

If forestry assets form part of the financial redress of a settlement, the claimant would receive, in addition to the licensed forestry land, the rentals earned from that land back to 1990, plus interest on those rentals. Whatever forestry land remains after settlements have concluded was intended to return to the Crown, along with all the rentals of that land.

The purpose of the Crown Forestry Rental Trust gradually shifted. The 1990 trust deed specified assistance for “claims that could involve Crown forest land” but trust chairman Sir Graham Latimer said, in the 2002-03 report, that the aim was “to expedite the return of Crown forest licensed land.”²

A further tilt from the stipulations of the trust deed came in 2007, after two of the trust’s appointors, the Maori Council and the Federation of Maori Authorities, sued the trust and the Crown in order to prevent payment of rentals to either Te Arawa or the Crown. Justice Warwick Gendall declined to judge against the Crown but noted that the Crown would need either a declaration from the Waitangi Tribunal or the consent of Maori beneficiaries before it could receive accumulated rentals.³

1 Trust Deed for the Crown Forestry Rental Trust. http://www.cfrrt.org.nz/doclibrary/public/aboutthetrust/CrownForestry_TrustDeed.pdf

2 Crown Forestry Rental Trust report 2002-03 <http://www.cfrrt.org.nz/doclibrary/public/thestorehouse/rta2002-2003/RTA0203.pdf>

3 Crown Forestry Rental Trust report 2006-07 <http://www.cfrrt.org.nz/doclibrary/public/thestorehouse/rta2006-2007/>



The Report on Central North Island Claims (Wai 1200) that was nearing publication in 2007 was to recommend that claimants and the Crown should negotiate a deal using the accumulated forestry rentals of \$256,946,214. Therefore, Central North Island claimants proposed the transfer of accumulated rentals into a new entity representing the claimants who ratified the proposal.⁴

Legislation to seal the deal in which forestry land worth \$149.56-million and rentals worth \$288.63-million were transferred to the Central North Island Iwi Forests Collective went through in 2008. Tuhoe received \$62.88-million, Ngati Whare \$15.7-million, Ngati Manawa \$12.2-million, and Raukawa \$28.86-million.

Sharp-eyed readers would have noticed that in the space of 18 years, the entity set up to deal with claims that could involve Crown forest land ended up expediting the transfer of Crown forest licensed land to Maori corporations, even though 19th century governments bought all that land and 20th century governments used taxpayers' money to develop it into forestry.

How did it happen? It started with a claim. The Maori Council obtained a High Court injunction that led to a High Court Judge's opinion that a solution should be negotiated. The government negotiated away forestry that was owned for the benefit of all New Zealanders.

[CFRT_AR2007_web.pdf](#) p5

4 Crown Forestry Rental Trust report 2007-08. http://www.cfrt.org.nz/doclibrary/public/thestorehouse/rta2007-2008/Report_to_Appointers_2008.pdf

Te Roroa claimants oust farmers

A treaty claim by Northland tribe Te Roroa from 1987 captured national headlines because privately owned land was transferred to claimants. The uproar resulted in an amendment to the Treaty of Waitangi Act that barred the tribunal from recommending the return to Maori ownership of any private land.

After the government allowed claims all the way back to 1840, Te Roroa, a group located around Dargaville, lodged a claim for 90 acres known as Manuwhetai of the coastal part of a farm owned by Allan Titford, on April 15, 1987. This group also claimed a 22-acre area known as Whangaiariki on the neighbouring farm owned by Don Harrison.

The demand was a re-run of a claim rejected after a special sitting of the Native Land Court held at Kaihu in 1939.

Claimants occupied land owned by Titford, a young farmer who had no interest in treaty matters. Titford reported verbal abuse, stock thefts, intimidation of would-be buyers, vandalized signs, trespass, cut fences, shot stock, damaged farm machinery, threats with a gun, assault, and the looting of his farm. Police failed to act when Titford complained, but jumped on him if claimants complained. The land occupation wrecked Titford's business.

Titford did his own investigation of the claim that threatened his livelihood. He found that evidence related to the claim was disappearing from the Department of Lands and Survey. If evidence had "vanished" it could not be presented to the Waitangi Tribunal.

Suspicious that the Waitangi Tribunal's inquiry would be a farce were confirmed on April 24, 1990, two years before the tribunal had completed its report, when the Crown agreed to a "statement of fact" with Te Roroa that, "the lands known as Manuwhetai and Whangaiariki had been taken in error by the Crown".

The Titford homestead burned to the ground on the night of July 4, 1992 – a dramatic event that was televised around the nation.

The impending forced sale of a string of farms to the Crown at prices below market rates made the issue of treaty claims on private land so heated that in 1993 Fisheries Minister Doug Kidd introduced amendment (4A) to the Treaty of Waitangi Act, which said "the tribunal shall not recommend . . . (a) the return to Maori ownership of any private land; or (b) the acquisition by the Crown of any private land."

Titford signed away his farm, including stock and plant for \$3.225-million, on December 11, 1995, on the side of a road at Burnie, Tasmania. Pressure by claimants, the government, and the bank, forced him to sell. Titford wrote on the contract that the sale was under duress. He also noted that the 1450 head of stock were valued at \$750,000 and plant at \$50,000.

The normal procedure in a sale and purchase is for both parties to initial all aspects of the agreement. In this case, not only did the Crown Law Office fail to counter-sign Titford's amendments, they replaced the documents Titford signed with a new sale and purchase agreement, deed, and discharge with clauses inserted without Titford's knowledge or consent. Included was clause 16



that released the National Bank from any liability to the vendor. A total of \$1.8-million went to the National Bank and \$425,000 to other creditors.

What did Titford walk away with? If \$800,000 for stock and plant was deducted from the \$1-million that remained after the bank and creditors took their money, Titford was left with \$200,000 for land he paid \$600,000 nine years earlier.

Titford's neighbour, Don Harrison, was forced to sell as were a number of others to the north. Officially only the Titford farm was used to help settle the Te Roroa claim.

The Te Roroa settlement in 2008 awarded Manuwhetai and Whangaiariki among 24 sites totalling 2000 hectares to the claimants. Financial redress included cash and Crown-owned land to the value of \$9.5-million, as well as a 50-year right of first refusal to buy certain surplus Crown-owned properties in the area.

Years later, Titford became embroiled in a matrimonial dispute and was jailed for 24 years, on November 20, 2013, on domestic violence charges and causing that fire that destroyed his uninsured house in 1992. He faced 53 charges, was found not-guilty on 14, and 11 of the remainder were majority verdicts.

* * *

See "Treaty try-on forces farmer to sell" at <http://breakingviewsnz.blogspot.co.nz/2013/06/mike-butler-treaty-try-on-forces-farmer.html#more> and See <http://nz01.terabyte.co.nz/ots/LiveArticle.asp?ArtID=380722516>

Waikato: Where dollars acknowledge crime

The settlement of Waikato-Tainui's confiscation grievance in 1995 marked the beginning of financial redress, where "the money is the acknowledgement by the Crown of their crime"; according to the Waikato-Tainui settlement deed. The Waikato-Tainui grievances stem from armed conflict in New Zealand in the early 1860s.

Waikato tribes fought against the government in Taranaki. By 1863, supporters of the Maori King developed two plans of attack on Auckland, one involving a night attack when the town would be set on fire in a number of places by Maori living there for that purpose. The attacks did not eventuate.¹

Before any such uprising could occur, the government issued an order, on July 9, 1863, requiring all Maori living north of Mangatawhiri River, to take an oath of allegiance to the Queen and give up their weapons. Those refusing to do so were required to retire to the Waikato. A further proclamation dated July 11, 1863, warned those who wage war against the government would have their lands confiscated.²

Colonial government soldiers crossed the Mangatawhiri River on July 12, 1863. Maori unwilling to take the oath were evicted as the colonial force advanced. Fighting occurred at Meremere, Ngaruawahia, Rangiaowhia (southwest of Cambridge) and at Orakau (near Te Awamutu) during 1863 and 1864.

Historian James Cowan, whose father fought in Waikato, wrote that: "It was a racial war; the Maori aim was to sweep the pakeha to the sea, as the pakeha government's object was to teach the Maori his subjection to British authority. The Europeans were not without warning that the sharp and barbarous old methods of warfare were to be revived."³

The conflict resulted in the deaths of 619 anti-government Maori and 162 Europeans and pro-government Maori. Waikato tribes had 359,283ha of land confiscated as punishment. That conflict was part of a list of nine complaints that a delegation of chiefs tried to put before Queen Victoria of England in 1882.

Eventually, a commission chaired by Supreme Court Judge William Sim was set up in 1926 to consider whether confiscations in Waikato, Taranaki, Tauranga, Whakatane, Opotiki, Urewera, Gisborne, and Hawke's Bay exceeded in quantity what was fair and just. The inquiry was not linked to Treaty of Waitangi obligations because the government held that Maori who fought against the government had repudiated the treaty.

The Waikato-Maniapoto Maori Claims Settlement Act 1946 provided for the establishment of the Tainui Maori Trust Board to receive £5000 a year in perpetuity plus a further £5000 and £1000 a year for 45 years.

1 The New Zealand Wars, James Cowan, Vol 1, p234-5

2 *The New Zealand Wars*, James Cowan, Vol 1, p252

3 *Ibid*, p241



Once the Treaty of Waitangi Amendment Act 1985 enabled inquiries into claims back to 1840, Waikato-Tainui put in a further claim for compensation and achieved a financial and commercial redress amount paid in 1995 totalled \$170-million. There was no reference to the 1946 settlement.

In 1995, the Bolger National government proposed a \$1-billion limit for the settlement of all historical claims known as the fiscal envelope, but heated Maori opposition meant the proposal was dropped before the 1996 election.

The Waikato-Tainui's agreement was negotiated around that time so included a relativity clause that entitles the tribe to 17 percent of all settlements once the \$1-billion (in 1994 dollars) total is reached.

That total was reached in June of 2012. Waikato-Tainui received \$70-million in 2013 as their first top-up payment and disputed the amount. The matter went to arbitration. A further top-up is looming.

* * *

The Waitangi Tribunal did not directly investigate the Waikato-Tainui claim although it was alluded to in WAI 8, the report on the Manukau claim. No summary available on the Office of Treaty Settlements website although the deed of settlement is at <http://nz01.terabyte.co.nz/ots/DocumentLibrary/WaikatoDeedOfSettlement.pdf>

Ngai Tahu's never-ending settlements

Ngai Tahu, the tribe that sold the South Island, had received five settlements, between 1868 and 1998, of what started out as a single complaint. Moreover, a top-up relativity clause in the tribe's agreement means their settlement just keeps on giving.

Ngai Tahu had sold much of the South Island before the Treaty of Waitangi was signed, and the treaty commitment to investigate pre-1840 sales enabled chiefs to sell the land again -- in 10 deals over 20 years from 1844 for a total of £14,750.

Despite receiving a substantial amount, (about \$1.6-million in 2014) for undeveloped land, Ngai Tahu complained about an alleged inadequacy of reserves in the 20-million acre 1848 Kemp purchase. An inquiry in 1868 into these reserves meant a further 4930 acres were granted. This was the first settlement.

Although happy in 1868 with the settlement, Ngai Tahu started to argue that the award should not be regarded as final. Continued complaints led to the South Island Landless Natives Act 1906, which granted 142,463 acres of land to settle 4063 "landless" Maori. This was their second settlement.

Complaints continued. The Native Land Claims commission was appointed in June 1920 to investigate 11 petitions and claims by Maori in different parts of New Zealand, including that of Ngai Tahu regarding the Kemp block purchase.

This commission calculated compensation by working out that the Kemp purchase involved 12.5 million acres of commercially viable land once the Arahura block, the Banks Peninsula block, the reserves actually provided, and "absolutely valueless land", such as snowy mountain tops, waste beds of rivers, and precipitous cliffs were deducted. They deducted the purchase price paid of £2000 to give £76,125 and to this added 72 years interest at 5 per cent (£274,050) to give a total amount of £350,175. A sum was added to recognise Ngai Tahu expenses bringing the total sum to £354,000. This commission recommended a lump sum payment of £354,000.¹

This calculation formed the basis of redress paid in the Ngai Tahu Claim Settlement Act 1944 which awarded £300,000, payable at a rate of £10,000 a year for 30 years. This was Ngai Tahu's third settlement.² Southern Maori MP Eru Tirikatene, a member of the Ngai Tahu tribe and the Ratana movement, guided this settlement through.

Annual payments to Ngai Tahu were scheduled to end in 1973, at which time the settlement was debated yet again, with claims that the 1944 settlement had not been widely discussed or accepted. Southern Maori MP Whetu Tirikatene Sullivan, Eru Tirikatene's daughter, rejected those claims and said there were 109 movers and seconders of formal resolutions at as many as 80 meetings

1 The History of Inquiries, Ngai Tahu Report 1991, Waitangi Tribunal, <http://www.waitangi-tribunal.govt.nz/reports/viewchapter.asp?reportID=D5D84302-EB22-4A52-BE78-16AF39F71D91&chapter=142>

2 Settlements of Major Maori Claims in the 1940s: A Preliminary Historical Investigation, Richard Hill, Department of Justice, Wellington, November 8, 1989. <http://www.nzcp.com/Richard%20Hill's%20Report.pdf>

accepting the compensation. Payments of \$20,000 a year in perpetuity were awarded to Ngai Tahu in 1973, the tribe's fourth settlement.³

Once the Treaty of Waitangi Amendment Act 1985 enabled inquiries into claims all the way back to 1840, Henare Rakiihia Tau supported by the Ngai Tahu Maori Trust Board revisited all of Ngai Tahu's old issues. Ngai Tahu filed a general claim dated August 26, 1986, which was widened through six amendments to reach 36 claims by 1988.⁴ The claims resulted in a further \$170-million payout in 1997, the tribe's fifth settlement.

In 1995, the Bolger National government proposed a \$1-billion limit for the settlement of all historical claims known as the fiscal envelope, a proposal that was dropped before the 1996 election because of strong Maori opposition. Therefore, the Ngai Tahu agreement includes a relativity clause that entitles the tribe to 16.1 percent of all settlements once the \$1-billion (in 1992 dollars) total is reached.

That total was reached in June of 2012. Ngai Tahu received \$68.5-million in 2013 but disputed the amount and the matter went to arbitration.⁵

Ngai Tahu received an allocation of carbon credits in November 2009 after Ngai Tahu chairman Mark Solomon threatened court action over the claimed cut in the value of forest assets resulting from the proposed Emissions Trading Amendment Bill. The Maori Party supported the Key Government's Emissions Trading Bill in return for carbon credits for tribes.⁶

Despite multiple ballooning settlements over 146 years, Solomon still thinks his tribe settled cheap. He told Television New Zealand's Q&A show on June 6, 2010, that:

Ngai Tahu lost 12 billion dollars worth of assets and accepted as a compensation \$170-million. Do the maths. The fact that people in New Zealand argue that the settlements are far too high, if they looked at the reality of what Maori have lost, and then look at the compensation, Maori should be being thanked for the levels of the settlements they accept, not be derided by the rest of the community.

Upon receiving his knighthood in December 2012, Solomon, his first comment was that Ngai Tahu's settlement "accounted for about 1.5 percent of what the tribe had lost"

Ngai Tahu would have a much more substantial grievance against North Island tribe Ngati Toa as a result of a series of raids which

3 Everton, *ibid*, http://www.recreationaccess.org.nz/files/free_radical_27_ngai_tahu.pdf

4 *Ngai Tahu Report 1991*, *ibid*, <http://www.waitangi-tribunal.govt.nz/reports/viewchapter.asp?reportID=D5D84302-EB22-4A52-BE78-16AF39F71D91&chapter=7>

5 Iwi to get cash top-up as \$1b mark hit, NZ Herald, November 3, 2012. http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=10844813

6 Iwi, govt confirm deal, The Press, November 25, 2009. <http://www.stuff.co.nz/the-press/news/3094155/lwi-govt-confirm-deal>



resulted in the deaths of 400 at Akaroa and 1300 at Kaikoura but that happened before 1840 and there is no money in such a complaint.

* * *

No summary of the Ngai Tahu settlement is available on the Office of Treaty Settlements website, although the six volume (1790-page) deed of settlement may be read here <http://www.ots.govt.nz/>

Treaty of Waitangi settlements July 31, 2014.

Settlement	Deed, year passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Awaiting legislation					
Ngai Te Rangi					
and Nga Potiki Tauranga 5792 members 530 members	2013	Ngai Te Rangi to get \$26.5m plus interest, May buy seven land bank properties, may buy three school sites, 174-year RFR over nine properties Nga Potiki to get \$3m, may buy five land bank properties, 174-year RFR over five properties	Six sites (212ha) vested in Ngai Te Rangi Statutory acknowledgements for 19 areas Coastal statutory acknowledgement Statutory acknowledgements for 9 rivers	Agreements with Culture and Heritage, Primary Industries Letters of introduction	26.5 3
Ngāti Haua					
East Waikato 5000 members	2013	\$13m plus interest will buy three Crown properties, lease back 173-year RFR over 15 properties 6-month right to buy Justice, LINZ properties	8 sites totalling 706.83ha vested in tribe Waharoa Aerodrome land vested in tribe Te Tapui reserve vested, gifted back \$178,000 cultural funding to buy property Te Miro reserve overlay classification statutory acknowledgements over 7 areas restoration of Te Kauwhanganui o Māhuta	Aerodrome land Joint committee annual Tumuaiki/Crown meetings Te Kauwhanganui o Māhuta protocol Conservation Relationship Agreement letters of introduction Waikato River deal includes Ngati Haua Maungatautari management includes tribe	13 0.178
Ngāti Pukenga					
Tauranga 1785 members	2013	\$5m including \$1.88m of commercial properties	Statutory acknowledgements over five areas four cultural redress properties	taonga tūturu protocol relationships with Conservation, MOBIE,	5

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
			\$500,000 for cultural revitalisation	Primary Industries, Social Development, Culture.	0.5
Ngāti Koroki Kahukura					
3500 members Karapiro area	2012	\$3m plus interest Right to buy and lease back Pukeatua school 172-year RFR on surplus Crown properties \$250,000 towards Manu Tioriori Visitor Centre	Maungatautari mountain reserve to hapu \$3.73m cultural funding Statutory acknowledgements over Waikato River, lakes Arapuni and Karapiro and three	Letters of introduction Waikato River co-management	3 3.73 0.25
Ngai Ranginui					
7647 members Tauranga	2012	\$38.0276-million Right of first refusal for fish species introduced into the quota management system 48 land bank properties for Ranginui to buy 3 LINZ sites for Ranginui to buy Puwhenua Forest Lands will transfer to an entity with Ngati Rangiwewehi and Tapuika.	13 cultural redress sites vested in Ranginui Site on public conservation land at Oraeroa vested in Ranginui as sacred (wahi tapu), subject to conservation covenant to protect biodiversity values, no public access. Te Hopuni site transferred Omokoroa School land transferred sale and leaseback to Education Ministry	Six names change and two sites named Management role in the Margaret Jackson Wildlife Management Reserve Relationship protocols with Conservation, Primary Industries, Arts Culture and Heritage	38.028
Te Rarawa					
9871 members Far North	2012	\$33.84-million plus interest 172 years RFR on surplus govt property May buy Te Karae and part of Sweetwater farms, six schools (leased back), 526.36ha	17 cultural redress properties transferred \$137,500 in recognition of associations with Ninety Mile Beach \$530,000 to preserve taonga and promote	Warawara Forest Park co-governance Protocols with Culture and Heritage, Primary Industries joint conservation input	33.84 0.138 0.53

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
		Takahue Block forest, 6 LINZ properties, eight land bank properties, and two more jointly joint ownership of 21,283ha Aupouri forest land \$2.2m share of forestry accumulated rentals	Rarawa history statutory acknowledgements over a harbour,two rivers, coastal marine area four names change		2.2
NgaiTakoto					
489 members Far North	2012	\$21.04 million plus interest, discount on farm purchase price part of Sweetwater Crown-owned farm NgaiTakoto, Te Aupouri, Te Rarawa, and Ngati Kuri will jointly own the 21,283ha forest land on the Aupouri peninsula and will receive ashare of accumulated rentals -- \$2.2m NgāiTakoto will own an undivided 20 percent share of future rentals	\$2.4 million cultural redress fund \$812,500 social accord implementation, \$137,500 in recognition of associations with part of the \$400,000 Ninety Mile Beach Board Ninety Mile Beach contribution 10 properties vested in NgāiTakoto six jointly vested with other Te Hiku iwi Six place names will be altered	relationship protocols to be issued by the ministers for Culture and Heritage, Energy and Resources, Primary Industries.	21.04 2.4 0.813 0.138 2.2
Te Aupōuri					
9300 members, one of five Te Hiku o Te Ika iwi Far North	2012	\$21.040m plus interest, to be used to buy: Te Aupouri's share of Aupouri Crown Forest Land, Te Raite and Cape View Farms, part of Te Kao School, residential property at Te Kao \$2.2m share of accumulated forest rentals collective redress involves joint ownership of Aupouri forest 172-year RFR to surplus Crown properties	11 properties totalling 1300.1ha will be vested in Te Aupōuri 7 properties 245.5ha total incl 2 lake beds and 1 island vested jointly with other iwi cultural redress fund of \$380,000 Statutory acknowledgements over 6 sites 19 name changes includes Te Oneroa-a-Tōhe / Ninety Mile Beach and Cape Reinga / Te Rerenga Wairua	relationship protocols with Culture and Heritage, Energy and Resources, and Primary Industries. joint committee to manage Ninety Mile Beach A new Te Hiku Conservation Board	21.04 0.38 2.2

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
		land of four schools for purchase, leaseback RFR over Clarke House, Te Onekiritea Point 173-year RFR for surplus Crown properties 170-year RFR over Paremoremo Prison 172-year RFR over Tamaki Makaurau land	Statutory acknowledgements over 10 areas, rivers, streams, coastal areas Deeds of recognition over the Motutara Settlement reserve, Goldie Bush reserve 17 place name changes		
TOTAL					214.936
Completed					
Tamaki Collective					
Auckland	2012 2014	Financial redress addressed through specific tribal negotiations. 172-year RFR for surplus land deferred selection purchase rights	14 mountains vested in collective four islands vested in collective acknowledgement of importance of Waitemata, Manukau harbours 18 names to change, two new names	mountains except North Head and Mt Smart subject to co-governance creation of mountain authority conservation land co-governance conservation management plan	
Tuhoe					
Urewera 32,670 members	2013 2014	\$168.923m financial redress with \$62.88m already paid in the CNI settlement five deferred-selection properties 172-year right of first refusal to govt properties	Urewera relationship acknowledged Vests four cultural redress properties Vests two forestry blocks in tribe Six geographic name changes	Rangitaiki River Forum member fisheries advisory committee	168.923
Ngati Apa ki te Rā Tō					
700 members	2010 2014	\$28.374m, including interest, \$12.24m redress in lieu of licensed Crown Forest Land	Overlay classifications over alpine tarns, and Heaphy Track jointly	involvement in advisory committee on local authority planning and decision making	28.374

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Northern South Island		deferred selection purchase rights 169-year RFR over surplus Crown properties	Alpine tarns and 28,500ha of North West Nelson Forest Park vested in Ngati Apa jointly with other Te Tau Ihu iwi to be gifted back Four sites totalling 29ha vested in Ngati Apa. A 0.2061ha Matangi Awhio site jointly vested Statutory acknowledgment over all the Te Tau Ihu coastal marine area, and over five rivers 12 further acknowledgements over six areas, and acknowledgements jointly with other iwi May apply to take Nelson Lakes park eels Right to take by hand any sand, shingle or natural material from a river bed 65 geographic name changes	Relationship protocols with Conservation, Fisheries, Energy, and Arts, Culture and Heritage.	
Ngati Kuia					
1600 members Northern South Island	2010 2014	\$24.874m including \$12.24m in lieu of licensed Crown Forest Land, plus interest Deferred selection right to buy govt properties Lease-back right to buy Crown properties 169-year RFR over surplus Crown properties	Eight sites totalling 16ha transferred A 0.2061ha Matangi Awhio site jointly vested Overlay classifications over Titi, Chetwode and Maud islands, statutory acknowledgements over coastal area and five rivers 15 further acknowledgements and deeds Right to remove argillite boulders by hand. Right to take by hand any sand, shingle or natural material from a river bed 65 geographic name changes	Establishes a stand-alone iwi advisory committee for local councils Relationship protocols with Conservation, Fisheries, Energy, and Arts, Culture and Heritage	24.874

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
			53 geographic names change, 12 new names mineral fossicking rights Moawhitu fishing reserve right of way		
Ngati Rarua					
Motueka 400 or fewer	2013 2014	\$11.76m plus interest buy 10 properties, from Crown, lease back 6 may buy 11,793ha forest land receive \$7.75m forestry rentals 169-year right of first refusal plus further 100-year RFR	eight sites vested exclusively, eight jointly vest and gift back Kaka Point, Te Tai Tapu overlay classifications for Te Waikoropupū Springs reserve, Farewell Spit reserve, Heaphy Track, Wairau Bar and lagoons Statutory acknowledgements, recognition deeds over 25 sites, lakes, rivers 53 name changes, 12 new names	local authority relationships Conservation, fisheries, taonga tūturu, mineral protocols letters of introduction to 182 museums River and Freshwater Advisory Committee	11.76 7.75
Ngati Tama ki Te Tau Ihu					
Golden Bay 200 or fewer	2013 2014	\$12.06m plus interest buy 10 properties from Crown, lease back 1 13 deferred-selection properties (3yrs) may buy 17,047ha forestry land receive \$7.75m forestry rentals 169-year right of first refusal a further 100-year RFR	four sites vested, seven sites jointly vested two sites vested and gifted back overlay classifications for Farewell Spit, Heaphy Track, Waikoropupū Springs reserve Statutory acknowledgements and deeds of recognition over 20 areas 53 names to change and 12 sites named \$500,000 co-operation payment	local authority relationships Conservation, Fisheries, minerals protocols introduction letters for museums river, freshwater advisory committee	12.06 7.75 0.5
Te Atiawa a Maui					
Picton	2012 2014	\$11.76m plus interest purchase and leaseback of four properties	flora and fauna guardians in five areas 13 sites vested in the tribe, 7 with others	relationship accords with local councils Conservation, fisheries, taonga, minerals	11.76

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
		<p>19 deferred-selection properties right to buy 11,750ha of forest land and receive \$7.75m in accumulated rentals</p> <p>169-year RFR over listed properties including Nelson Marlborough Institute of Technology</p> <p>100-year shared RFR</p>	<p>two sites totalling 28,602ha jointly vested overlay classifications over Farewell Spit, Heaphy Track, Waikoropupu Springs</p> <p>Statutory Acknowledgements, Deeds of Recognition over 29 headlands, mountains, reserves, rivers, streams associated with the banded dotterel</p> <p>53 names to change, 12 sites named</p> <p>co-operation payment of \$500,000</p> <p>right to erect a pouwhenua</p> <p>advice on Waikawa Bay marine environment</p> <p>mineral fossicking rights</p>	<p>protocols</p> <p>Letters of introduction to museums</p> <p>River and freshwater advisory committee</p> <p>Conservation memorandum</p>	<p>7.75</p> <p>0.5</p>
Ngati Toa					
Rangitira 4500 members Cook Strait area	2012	\$75.235m financial redress	20 sites totalling 267ha vested in Ngati Toa	Te Tau Ihu River/Fresh water advisory	75.235
	2014	<p>including \$10m for loss of maritime empire</p> <p>Option to buy 19 properties</p> <p>Will buy 34,000ha of the Crown forest land in the northern South Island</p> <p>RFR for surplus Crown properties -- of 169 years in North Island, 100 years in S.I.</p>	<p>54ha in 3 sites vested with Ngati Toa, others</p> <p>Vested, gifting back, overlay classifications on parts of Kapiti Island</p> <p>Statutory acknowledgements over Cook Strait, northern South Island coastal marine area, Porirua Harbour, Wellington Harbour, four other areas</p> <p>Statutory acknowledgements and deeds of recognition over 23 areas, rivers, scenic reserves, and coastal areas.</p> <p>Overlay classifications over Brother Islands and Wairau Lagoon</p> <p>\$500,000 for Ngati Toa's southern claims</p>	<p>Committee</p> <p>Regional councils recognise Ngati Toa</p> <p>Cook Strait guardian plan</p> <p>Letters of introduction</p> <p>Joint board for Whitireia Park reserve</p> <p>Ngati Toa to manage the Queen Elizabeth Park campground site</p>	0.5

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
			Place-name changes for 12 North Island sites and 9 South Island sites Legislation to acknowledge Ka Mate haka		
Ngati Rangiteaorere					
Rotorua 4000 or fewer	2013 2014	\$750,000 plus interest right of first refusal over some NZTA land	three sites transferred to tribe statutory acknowledgements over Waiohewa Stream, Lake Rotorua and Waiohewa Stream marginal strips, Tikitere geothermal field	protocols with Conservation, Culture, MoBIE letters of introduction to Transpower, NZTA, Railways, Civil Aviation, Fish and Game	0.75
Ngati Rangiwewehi					
1100 members Te Puke area	2012 2014	Financial redress \$6m in cash, property Option to buy Crown property 171-year RFR over Kaharoa Primary School land (1.3364ha)	Hamurana Springs, Penny Road Scenic Reserve, and five other sites vested in tribe. Pardon for Kereopa Te Rau for his role in the death of Reverend Carl Volkner	Protocols with Conservation, Energy and Resources, Fisheries	6
Tapuika					
420 members Te Puke area	2012 2014	Financial redress \$6m (\$2.5m already received in 2008) includes 12 Te Puke commercial properties Kaharoa Forest, Te Matai North, Te Matai South, and Puwhenua Forest with Ranginui and Rangiwewehi.	Lower Kaituna Wildlife Management Reserve vested jointly in Tapuika and Ngati Whakaue, who will gift it to the Crown \$500,000 for Te Puke cultural presence 12 sites totalling 209ha vested in Tapuika overlay classification over 65ha Opoutihi deeds of recognition over sites, waterways five geographic name changes	Protocols with Arts, Culture and Heritage, and Energy and Resources. Conservation Agreement Kaituna River co-governance	6 0.5

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Maungaharuru					
Tangitu Hapu Napier 100 members	2013 2014	\$23m plus interest may buy Esk Forest part may buy remainder of Opouahi Station 172-year right of first refusal	Vesting of Opouahi Station part, reserve \$2m marae relocation fund \$15,000 pouwhenua fund Four lakebeds vested in the group Four sites vested and gifted back Four overlay classifications Statutory acknowledgements and deeds of recognition over 19 areas, 11 rivers 22 place-name changes	Conservation partnership fisheries relationship agreement Energy, Arts protocols Tangoio soil conservation redress fund	23 2 0.015
Raukawa					
29,421 members Waikato	2014 2014	\$21.143-million being the balance of \$50-million, \$28.857-million of which was paid in the CNI forestry settlement \$530,000 on settlement day Right to buy deferred selection properties listed A right of first refusal for 172 years to surplus Crown property in the tribe's area \$8-million for Mighty River Power deal	Wharepuhunga, Pureora o Kahu overlay classifications Statutory acknowledgements over eight sites, three rivers, seven lakes, seven geothermal fields. Deeds of recognition over four sites, three rivers, seven lakes. Eight cultural redress properties vested Two new geographic names and one change \$3-million for the cultural fund \$50,000 for pouwhenua marker poles	Waikato River co-management Waipa River co-management in negotiation	50 0.53 8 3 0.05

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Waitaha					
2000 members Tauranga	2011	\$7.5m plus interest	Eight sites vested	Relationship protocols with Conservation, Culture and Heritage, and Energy and Resources	7.5
	2013	Right to buy three landbank properties	Deeds of Recognition on conservation areas		3
		Right to buy and lease back five education properties in Te Puke	Statutory acknowledgements over: Otanewainuku Peak, three creeks, eight streams, one river and coastal area from Maketu to Mauao		0.3
		Right to buy eight remaining landbanked properties if not bought by others	\$3m for an education fund in the name of prophet Hakaraia \$300,000 to document the story of Waitaha and of Hakaraia \$500,000 to restore Hei Marae \$500,000 to fund a needs assessment		0.5 0.5
Ngati Whatua o Kaipara					
A subgroup of Ngati Whatua which has 14,724 members Kaipara	2011	\$22.1m plus interest	Nine sites totalling 675ha vested in the tribe:	Relationship protocols with Conservation, Culture and Heritage and Economic Development, and Agriculture and Forestry.	22.1
	2013	Right to buy: Woodhill Forest and receive accumulated rentals, as well as the land under six schools, which will all be back to the Crown leased, plus properties at 8, 16 and 20 Old Woodcocks Rd, Kaipara Flats 169-year RFR over listed surplus properties 170-year RFR over Paremoremo Prison	Statutory acknowledgements over seven conservation areas and over coastal area. Six place names change, nine sites named.		

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Ngati Manuhiri					
Subgroup of Ngati Wai which has 4869 members. East coast north of Auckland	2011 2012	\$9m plus interest Warkworth District Court land to be leased back to the Crown Pakiri School land leased back to Crown South Mangawhai Crown forest land and the accumulated rentals 169 years RFR over 82 Crown properties	Little Barrier Island nature reserve vested in Ngati Manuhiri then gifted to people of NZ Five other sites totalling 70ha vested in Ngati Manuhiri Two overlay classifications Statutory acknowledgements over Crown-owned portion of Mt Tamahunga, coast area, ix rivers, Ngaroto lakes, Tohitohi o Reipae (The Dome); Pohuehue Scenic Reserve; and Kawau Island.	Relationship protocols with Conservation, Economic Development, Culture and Heritage.	9
Ngati Whatua o Orakei					
Part of Ngati Whatua which has 14724 members	2011 2012	\$18m plus interest \$2m received in 1993 Railways Settlement 170 year RFR over surplus Crown properties	Tamaki isthmus mountains, Hauraki Gulf islands redress Statutory acknowledgements over Kauri Point Purewa Creek renamed as Pourewa Creek	Relationship protocols with Conservation, Culture, Heritage, Economic Development Inclusion on fisheries advisory committee	18 2
Rongawhakaata					
4700 members Gisborne	2011 2012	\$22.24m plus interest five properties transferred from landbank may buy two sale and leaseback properties 169-year RFR over five properties 100-years RFR over two conservation sites	original features of Te Hau ki Tūranga vested in Rongawhakaata. Eight sites transferred Cultural redress for Ngā Uri o Te Kooti Rikirangi includes: Vesting of Matawhero Government Purpose Reserve, Wharerata Rd.	Relationship protocols with Conservation, Culture, Heritage, Economic Development, Energy Resources, Environment, Fisheries.	22.24

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
		Right to buy four surplus Crown properties in six-month deferred selection	\$500,000 to Te Whare Rakei o Te Kooti \$200,000 for Ngā Uri o Te Kooti Rikirangi Te Kooti relationship with Conservation Statutory acknowledgements: Rongowhakaata coastal marine area, and seven rivers. \$360,000 for Rongawhakaata culture revamp \$100,000 to Te Rūnanga o Tūrangānui a Kiwa for a memorial to those killed by the Crown		0.5 0.2 0.36 0.1
Ngai Tamanuhiri					
1700 members	2011	\$11.07m plus interest	Young Nick's Head, Mangapoike transferred	Relationship protocols with Conservation,	11.07
Gisborne	2012	1858 Waingake Rd vested in Ngai Tāmanuhiri Wharerata Forest transfers to a company in which Ngai Tamanuhiri buys a 50% share. two year deferred selection purchase of land under Muriwai School and leaseback or 169-year RFR on land under Muriwai School, and Pakowhai Reserve.	Statutory acknowledgements over Waipaoa River, Ngai Tamanuhiri coastal marine area. \$180,000 for cultural revitalisation \$100,000 for memorial to those killed by the Crown	Economic Development, Fisheries, Culture and Heritage, and Environment.	0.18 0.1
Ngati Makino					
2000 members	2011	\$9.8m plus interest	8 sites totalling 720ha be vested in tribe	Relationship protocols with Arts, Culture and Heritage and Energy and Resources	9.8
Bay of Plenty	2012	\$1.5m already paid for marae restoration RFR over five sites of public conservation land right to a sale and leaseback of the Otamarakau School land	Overlay classification over 256ha of Lake Rotoma Scenic Reserve. Deed of recognition and statutory acknowledgement over 256ha of Lake Rotoma		1.5

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
			Scenic Reserve. Statutory acknowledgement over 416.2ha of Lake Rotoiti Scenic Reserve.		
Maraeroa A, B					
Blocks	2011	\$1.578m	Overlay classification for Pureora o Kahu	Govt must consult with governance entity	1.578
Lake Taupo area	2012	\$220,000 commercial redress property	Statutory acknowledgement of ancestors' relationship with the site	Partnership deal over 16 areas and streams	0.22
			Five sites vested in governance entity		0.04
			\$40,000 to buy culturally significant land		0.01
			\$11,600 to buy land not available for transfer		
Ngati Porou					
72,000 members East Coast north of Gisborne	2010 2012	\$90m plus interest Six Crown properties vested in Ngāti Porou Buy Ruatoria, Tokomaru Forest Land two year deferred selection purchase and leaseback of 21 Crown properties 170-year RFR to buy surplus Crown-owned, Housing New Zealand Corporation properties within the Ngati Porou area Return of surplus Crown properties subject to Public Works Act offer-back requirements.	\$20m plus interest Strategic conservation partnership Fifteen sites totalling 5898ha vested in Ngāti Porou. DOC to manage some sites. Statutory acknowledgements over Waiapu and Uawa Rivers and their tributaries, the Tūrangānuī River and the Waimata River	Relationship protocols with Conservation, Economic Development, Culture, Heritage	110

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Ngāti Pahauwera					
6000 members East Coast south of Wairoa	2010 2012	\$20m plus interest, includes the value of any Crown forest land purchased Thirteen Crown properties will be vested in Ngāti Pāhauwera, including Mohaka Crown Forest Land, Rawhiti Station, five surplus Wairoa DC properties. 100 year RFR on surplus Crown properties in the area	Te Heru o Tūreia Conservation Area to be vested in Ngāti Pahauwera Iwi to retain 160ha at summit of Te Heru o Tūreia and 52.9ha by Mohaka River most of which is to be gifted to people of NZ 16 sites totalling 1087ha transferred to Ngāti Pahauwera Statutory Acknowledgement over part of the Earthquake Slip Conservation Area Tribe to manage hangi stone removal	Conservation co-management charter rights to nominate members to discuss Mohaka River water Joint Regional Planning committee involvement Relationships introduction letters Fisheries sustainability input. Resource consent input Gravel extraction agreement	20
Ngati Manawa					
3500 members. Central North Island based in Murupara	2009 2012	\$12.2m of the CNI forest lands, plus interest \$2.6m for special projects Right to buy four land bank properties Right to buy five deferred selected properties 50-year RFR for one surplus Crown property	Five sites totalling 744ha transferred Nine wāhi tapu sites vested fee simple. Three schools transferred with lease-back 4 sites vested with Ngati Manawa and Ngati Whare. Statutory cknowledgements over five sites, four waterways. Overlay classifications and transfer and gift back of Tāwhiuau (a mountain). Deed of Recognition regarding Pukehinau and Te Kōhua. Two place names to change. RFR on five freshwater fish. Deeds of Recognition over four rivers. Framework for agreement on a management system for the Rangitaiki River Recognition of relationship with pou rāhui sites in Crown ownership	Appointment Conservation and Fisheries advisory committee, input into the management of freshwater fisheries, dams Relationship protocols with Conservation, Fisheries, Energy, and Arts, Culture and Heritage, letters of introduction	2.6

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Ngati Whare					
3400 members Central North Island	2009	\$15.7m comprising redress already provided in the 2008 CNI Settlement	\$1.976m in cultural redress giftings	Whirinaki Conservation Park co-governance Relationship protocols with Conservation, Fisheries, and Arts, Culture and Heritage Letters of engagement	1.976
	2012		Redress related to Tūwatawata (mountain), and Te Whāiti-Nui-a-Toi Canyon \$1m for Project Whirinaki Regeneration Trust Transfer seven cultural sites totalling 36.2ha Return five wāhi tapu sites totalling 10.2952ha Joint vesting of four sites totalling 13ha Three place names to change Statutory Acknowledgements over two sites and Whirinaki River. Deed of Recognition over parts of Urewera National Park, Whirinaki River \$200,000 to restore Te Whaiti Court House		1
					0.2
Ngati Apa					
(North Island) Rangitikei- Manawatu area 3200 members	2008	\$16m plus interest \$6m forestry rentals . NZ Units (carbon credits) allocation Sale and leaseback of: 403ha of Wanganui forest Marton Court House Marton Police Station, Wanganui Prison	12 sites totalling 214ha transferred to tribe Statutory acknowledgements for nine rivers, lakes, lagoons and coastal area Deeds of recognition for five sites Two name changes		\$16.00
	2010				\$6.00
Waikato River					
Waikato-Tainui 33,429 members	2009	\$20m Sir Robert Mahuta endowment \$10m river initiatives fund	34 sites of significance vest in Waikato Raupatu River Trust	Waikato Raupatu River Trust established Waikato River Authority set up	\$20.00
	2010				\$10.00

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Te Arawa 42,159 members	2010	\$40m river initiatives fund	120 managed properties vest in tribe to be transferred to Waikato Regional Council Statutory acknowledgement for Waikato River	Waikato River Clean-up Trust established	\$40.00
		\$3m co-management funding		The Crown and Waikato-Tainui begin co-	\$3.00
		\$1m for co-management a year for 27 years		management of Waikato River	\$27.00
		\$2.8m ex-gratia payment			\$2.80
		\$3m initial payment		co-management of river begins	\$3.00
Ngāti Raukawa	2010	\$7m after three months	Acknowledgement that Waikato River represents Raukawa	co-management of river begins	\$7.00
		\$1m for co-management a year for 19 years			\$19.00
		\$21m given after clean-up trust is set up.			\$21.00
		\$7m a year for 27 years			\$189.00
Ngāti Tuwharetoa 34,674 members	2010	\$3m to the Raukawa Settlement Trust			\$3.00
		Followed by \$7m three months later			\$7.00
		And \$1m a year for 20 years			\$20.00
Maniapoto 33627 members	2010	Crown pledges to contribute towards costs incurred by Tuwharetoa Maori Trust Board			
		\$3m co-management funding for Maniapoto			\$3.00
	2012	\$7m three months later			\$7.00
		\$1m for co-management a year for 19 years			\$19.00

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Te Roroa					
3000 members	2005 2008	\$9.5m cash and land plus interest plus cost of transferring sites	24 sites totalling 2000ha transferred Including Waipoua Forest sites		\$9.50
Ngati Mutunga					
1300 members Taranaki	2005 2006	\$14.9m Plus interest Plus right to buy surplus Crown property	10 sites totalling 168ha. Statutory acknowledgements for 18 areas Including 4 rivers, 4 scenic reserves, a coastal area Deeds of recognition for 12 sites One name change, one new name		\$14.90
Te Arawa Lakes					
42,159 members Located from Maketu to Tongariro	2004 2006	\$2.7m cash, \$7.3m to capitalise annuity plus interest from the date of the signing plus the cost of the lakebeds returned plus \$400,000 for 200 fish licences a year	13 lakebeds transferred to Arawa Spelling of some placenames amended		\$10.40 \$0.40
Ngaa Rauru					
Kiitahi 3000 members Taranaki	2003 2005	\$31m plus accrued interest plus RFR properties RFR to buy shellfish quota	7 cultural sites transferred Statutory acknowledgements for 3 areas topuni over Lake Beds Conservation Area Deeds of recognition for 4 sites One name change. Commercial taking of shellfish in area prohibited for 12 areas	Protocols with Conservation, Fisheries, Energy, Arts Culture and Heritage. Appointment of a governance entity	\$31.00

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Tuwharetoa (Bay of Plenty)					
3000 members	2003	\$10.5m in cash and properties	5 sites transferred total 66ha, 1ha nohoanga		\$10.50
	2005	plus interest from the date of the signing Plus cost of transferring sites Plus the right to buy 844ha of forest land RFR to Crown geothermal assets for Tasman Pulp and Paper Mill. RFR to a Crown-owned geothermal bore and associated land \$1.9m forestry rentals	camp area at Matatā Wildlife Refuge Reserve Access to traditional food restored Statutory acknowledgements for 3 areas And 1 river Deeds of recognition for 6 sites		\$1.90
Ngati Awa					
13,000 members Eastern Bay of Plenty	2003	\$42.39m of land and cash	7 sites transferred		\$43.39
	2005	plus interest from the date of the signing \$1m to restore Mataatua meeting house Ngati Awa Station Right to buy 5 percent of Owhiwa Harbour RFR to Crown-owned land \$16.7m forestry rentals	Statutory acknowledgements over 9 areas four Deeds of Recognition 5 name changes Four camping licences (1ha nohoanga)		\$16.70
Ngati Tama					
1000 members Taranaki	2001 2003	\$14.5m in cash plus interest from the date of the signing RFR to Crown-owned land. RFR to Crown surf clams and kina surplus quota Right to buy 10% of coast for aquaculture	5 sites totalling 1870ha transferred Statutory acknowledgements over 12 areas including two rivers, a swamp, the coastal marine area, three conservation areas and an historic reserve. Deeds of recognition over the same	Joint advisory committees on conservation, recreation, fisheries protocols on working with govt, local govt, fish and game	\$14.50

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Ngati Ruanui					
4000 members Taranaki	2001 2003	\$41m cash and land plus interest from the date of the signing	6 cultural redress sites transferred 5 statutory acknowledgements, 4 deeds of recognition, 1 name change, 3 new names, 2 camping sites	fisheries advisory committee protocols on working with govt	\$41.00
Te Uri o Hau					
6000 members Northern Kaipara	2000 2002	\$15.6m land and cash includes Crown Forests \$1.6m forestry rentals held since 1989 plus interest from the date of the signing RFR to surplus Crown-owned property RFR to quota for surf clams, tuatua, paddlecrab and toheroa	12 cultural sites totalling 30ha transferred 6 statutory acknowledgements 3 nohoanga camping sites 9 name changes, 7 new names	joint management of Haumoewarangi's pa protocols on working with govt fisheries advisory committee	\$15.60 \$1.60
Pouakani					
Not a tribal settlement	1999 2000	\$2.65m plus the cost of the 1922ha Tahae Farm Plus interest from the date of the signing Plus the right to buy up to 1679 hectares of Pureora Central Forest		co-management of Titirapunga Mountain	\$2.65
Turangitukua					
Tuwharetoa hapu (Turangi town grievance)	1998 1999	\$5m (\$304,299 cash, leaseback properties) Plus interest from the date of the signing Plus leaseback property interim payments	Kutai St Reserves transferred 1 name change Wahi tapu sites to be investigated		\$5.00
Ngai Tahu					
29,133 members South Island	1997 1998	\$170m total, comprising: 63 commercial properties	Aoraki Mt Cook vested in tribe, gifted to Crown 17 cultural redress sites transferred		\$170.00

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
		116 farms totalling 96,426ha 34 forests totalling 174,930ha Sale and leaseback of 7 commercial properties RFR to 4 major South Island airports, and Timberlands West Coast, Plus other properties \$35m forest rentals transferred in 2000 First relativity top-up 2013	runanga appointed to hold, administer 7 areas historic reserves created at 7 areas Statutory acknowledgements over 64 mountains, lakes, rivers, wetlands, lagoons 64 deeds of recognition over the same 14 topuni (overlay of Ngai Tahu values) created nohoanga camping areas created		 \$35.00 \$68.50
Te Maunga					
Re 6070m2 of land at Te Maunga	1996	\$0.129m			\$0.13
Rotoma					
Concerns 5.2678 hectares of land	1995	\$0.043m			\$0.04
Waimakuku					
	1995	\$0.375m			\$0.38
Waikato/Tainui					
33,429 members	1995 1995	\$170m total, comprising: about 200 unimproved properties plus 200 improved properties Leased for 31 years RFR over certain Crown-owned properties	no cultural redress included		\$170.00

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
		\$245,662 forest rentals transferred 1997 First relativity top-up 2013			\$0.25 \$70.00
Ngati Whakaue					
Re establishment of Rotorua	1994	\$5.21m			\$5.21
Hauai					
Re 25.4932 hectares of land	1993	\$0.716m			\$0.72
Rangiteaorere					
Re Te Ngae Mission Farm	1993	\$0.76m			\$0.76
Fisheries					
	1992	\$170m total, comprising: 1989 transfer to Waitangi Fisheries Commision of 10 per cent of quota or 60,000 tonnes Shareholdings in fishing companies \$50m in cash; 1992 Sealord deal, in 1992, included: 50 per cent of Sealord Fisheries 20 per cent of new species in quota system \$18m in cash			\$170.00
Waitomo					
	1989	The Crown transferred land at the Waitomo Caves to the claimant group, subject to a lease, and provided a loan \$1m			

Settlement	Year bill passed	Financial and commercial redress	Cultural redress	Co-management	Value \$mil
Completed settlements total					\$2,518.34
Grand TOTAL					\$2,733.27