

The 1997 Ngāi Tahu Settlement



Martin Fisher, Ngāi Tahu Research Centre,
University of Canterbury

Treaty claims process

- Treaty of Waitangi Act 1975 -> establishment of Waitangi Tribunal



Matiu Rata

Treaty claims process

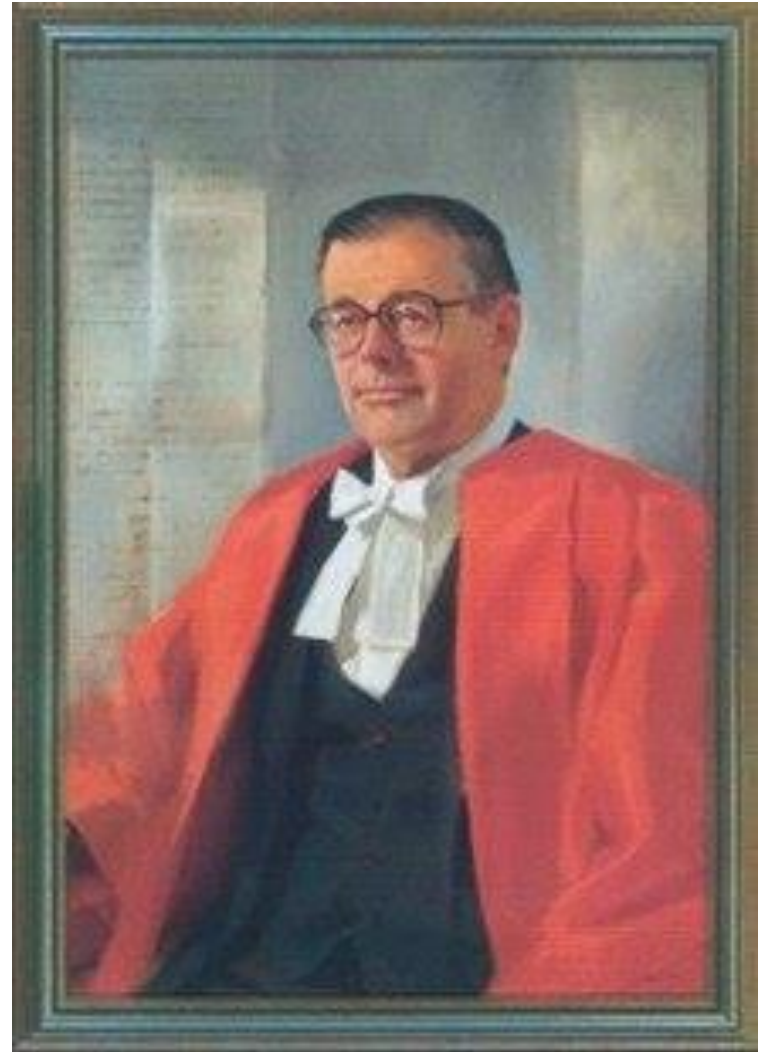
- Treaty of Waitangi Amendment Act 1985 -> retrospective jurisdiction for Tribunal



Koro Wetere and David Lange

Treaty claims process

- *NZMC v. Attorney-General* 1987



Lord Robin Cooke of Thorndon

Treaty claims process

- Establishment of Treaty of Waitangi Policy Unit/later Office of Treaty Settlements 1989
- Release of Crown's Treaty settlement proposals 1995

Negotiations timeline

- 1987-1989: Tribunal hearings -> landbank established at conclusion
- February 1991: Main Ngāi Tahu report released
- September 1991: Negotiations begin
- February 1992: Ngāi Tahu settlement proposals rejected
- June 1992: ToWPU settlement proposals rejected by Treasury
- July-September 1992: High Country Stations added to landbank

Negotiations timeline

- 1992-1994: gradual breakdown during policy development
- November 1994: interim settlement offer rejected
- December 1994 – April 1996: Breakdown and litigation stage
- April 1996: Te Runanga o Ngāi Tahu Act gets third reading
- June 1996: On-Account Settlement
- October 1996: Heads of Agreement
- November 1997: Deed of Settlement

Quantification of loss

- Ngāi Tahu negotiating principle-> tenths
- Crown negotiating principle-> restoration of tribal base
- Ngāi Tahu propose \$1.3 billion in early Feb 1992 and \$560 million in late Feb 1992
- Crown counters with \$100 million
- Failed internal Crown development of \$200 million offer in June 1992

Settlement precedents



Waikato-Tainui raupatu
(confiscation)->

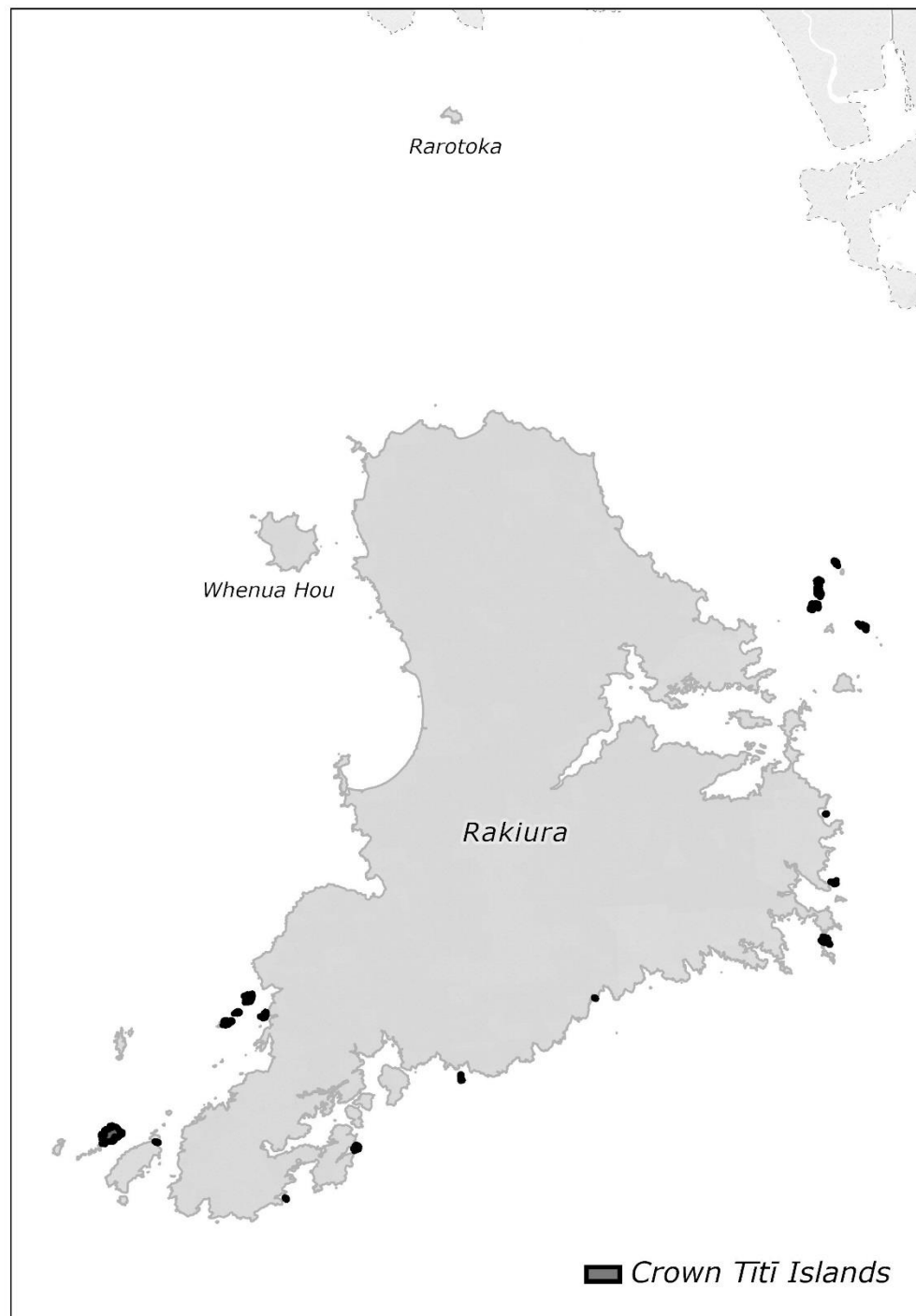
\$170 million value,
December 1994



Fisheries (Sealord) settlement for
all Maori-> \$170 million value,
September 1992

- Crown Apology – delivered by Prime Minister Jenny Shipley
- \$170 million quantum over 5 years
- \$170 million -> \$161 million in 1994 Q4
- Interest on unpaid sum at 8.8716%
- Right of First Refusal (RFR)
- Deferred Selection Process (DSP) -> additional \$80 million on top of the \$170 million to purchase DSP properties: total of \$250 million out of \$400 million worth of assets
- Relativity clause: 16.1%

- Fee simple title without a marginal strip for the Crown Titi Islands and Rarotoka Island
- Co-management role at Whenua Hou (Codfish Island)





Rarotoka
Island

Timore
(Titi Island)



- 64 Statutory Acknowledgements and Deeds of Recognition
- 14 Topuni Reserves
- Return of approximately 50 discrete parcels of land to Ngāi Tahu individuals -> Ancillary claims

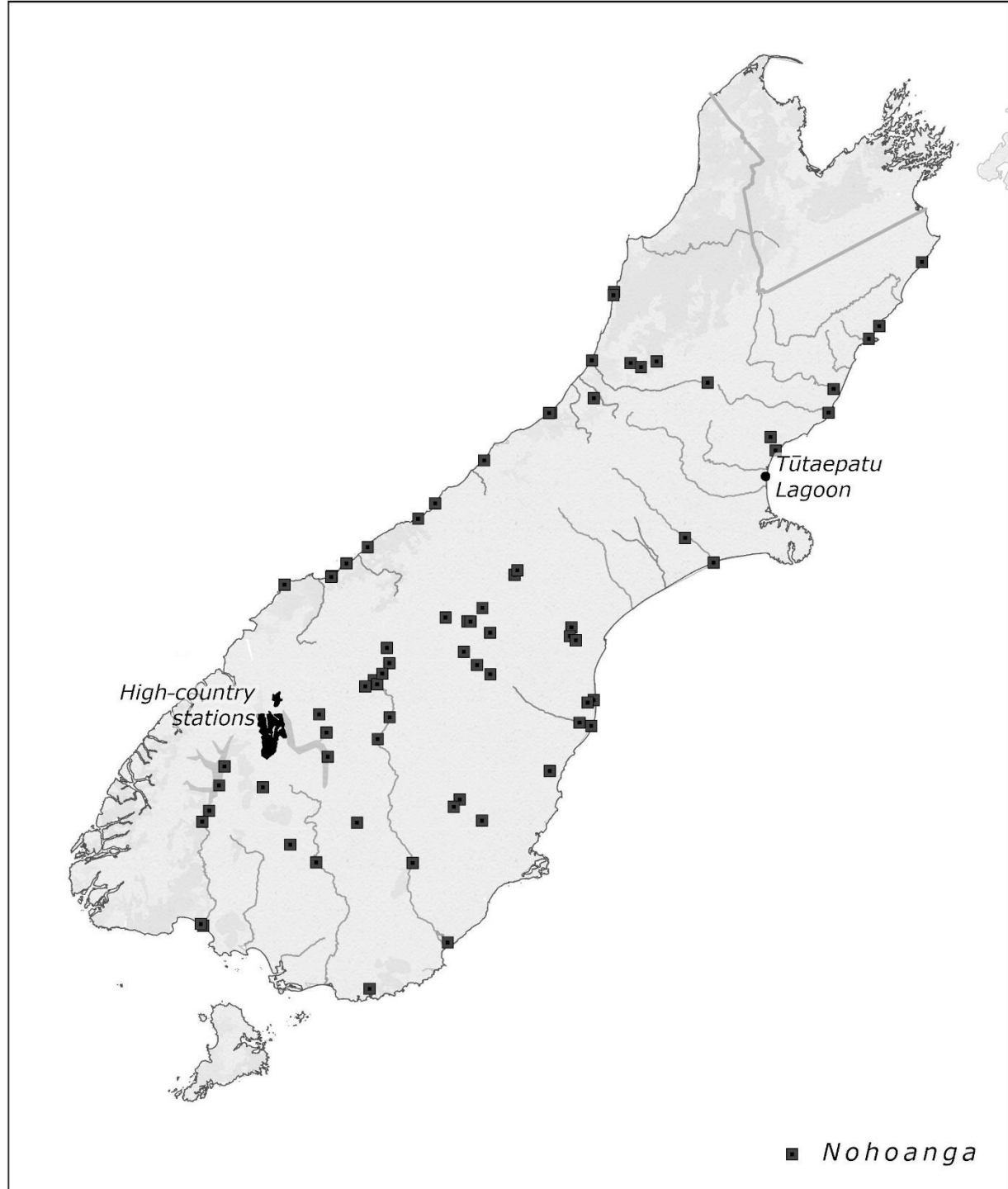


- Return of pounamu
- Creation of Waitaiki Historic Reserve in the Arahura Valley



- 1567 acres (634 hectares) of DoC land
- Two dedicated seats on every Regional Conservation Board in the rohe, and one in each Te Tau Ihu Conservation Board
- Dedicated seat on the NZ Conservation Authority

- 72 nohoanga entitlements
- Return of three high country stations: Routeburn, Greenstone and Elfin Bay -> majority retired into the conservation estate
- Tutaepatu Lagoon



Tutaepatu Lagoon



- Return of Aoraki (Mount Cook) to TRONT with immediate giftback (yet to be gifted back...)



The Ngāi Tahu settlement, like all other Treaty of Waitangi settlements in Aotearoa New Zealand, was more a product of political compromise and expediency than measured justice. The Ngāi Tahu claim, Te Kerēme, spanned two centuries, from the first letter of protest to the Crown in 1849 to the final hearing by the Waitangi Tribunal between 1987 and 1989 and then the settlement in 1998. Generation after generation carried on the fight with hard work and persistence and yet, for nearly all Ngāi Tahu, the result could not be called fair.

The intense negotiations between the two parties, Ngāi Tahu and the Crown, were led by a pair of intelligent, hard-nosed rangatira, who had a constructive but often acrimonious relationship – Tipene O'Regan and the Minister of Treaty Negotiations Doug Graham – but things were never that simple. The Ngāi Tahu team had to answer to the communities back home and iwi members around the country. Most were strongly supportive, but others attacked them at hui, on the marae and in the media, courts and Parliament. Graham and his officials, too, had to answer to their political masters. And the general public – interested Pākehā, conservationists, farmers and others – had their own opinions.

In this measured, comprehensive and readable account, Martin Fisher shows how, amid such strong internal and external pressures, the two sides somehow managed to negotiate one of the country's longest legal documents. *A Long Time Coming* tells the extraordinary, complex and compelling story of Ngāi Tahu's treaty settlement negotiations with the Crown. But it also shines a light, for both Māori and Pākehā, on a crucial part of this country's history that has not, until now, been widely enough known.

Martin Fisher was born in Hungary and grew up in Canada and New Zealand. He has a BA (Hons) from the University of Otago, an MA from McGill University, and a PhD from Victoria University of Wellington, all in history. Martin worked as an academic tutor for a range of courses in history, political studies and management. He also worked in the Treaty of Waitangi claims process, first as a researcher for the Office of Treaty Settlements and the Crown Forestry Rental Trust, and then from 2012 to 2014 as a research analyst/inquiry facilitator at the Waitangi Tribunal. He joined the Ngāi Tahu Research Centre at the University of Canterbury as a lecturer in 2014.

CANTERBURY UNIVERSITY PRESS

ISBN 978-1-98-850311-0



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A LONG TIME COMING

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