



Panui No. 3

Mangatu Shareholders' Claim to Part of Mangatu Forest

Nga Whakamaramatanga A Te Komiti Whakahaere o Mangatu

Tena koutou nga hapu, nga whanau o tenei whenua i tapaina "ko te manga i tu ai te rakau a Paoa" ara, ko Mangatu.

Tena koutou nga urupa o ratou e iri nei i runga i nga pakiwaitara o tenei to tatou tipuna whare, i hangahia e te hunga kua huri atu ki Tua o Te Arai.

E mihi kau ana kia koutou kua ngaua nei i te ringa kaha o aitua, e tangi ana ki era o nga whanaunga kua ngaro i te kitenga kanohi.

Ko ratou te hunga wairua kia ratou, ko tatou nga kanohi ora kia tatou, tena koutou, tena koutou, tena koutou.

Ko Maungahaumi te maunga, ko Mangatu te whenua, ko nga awa e hono ana ki te wai o Paoa e karanga ana, e powhiri ana ia koutou i tenei ra, tena koutou, tena koutou, tena tatou katoa

1. Shareholder Support for Return of Mangatu Land

We had hoped to bring you news that the Waitangi Tribunal had set a date for hearing our urgent claim however the Tribunal are still working through the issues and have not indicated a date for the hearing as yet.

At the heart of our claim is the restoration of Mangatu's property rights. The sale of the land in 1961 breached Mangatu's private property rights under Article 2 of the Treaty of Waitangi which guaranteed Maori exclusive use and possession of our land.

The Waitangi Tribunal has the power to restore the land back to us and that is why the Supreme Court directed the Tribunal to hear our claim urgently.

We are keen to keep the issues of our claim at the forefront of key peoples' minds as we wait for a hearing date, which is likely to be next year.

We have attached a letter that we would like you to send out to all those successful candidates in this year's election, as well as your community leaders, to raise awareness of our claim and encourage their support. We have left a space at the top of the letter for you to date and include the address of the person you will be sending the letter to.

Also included for your information is the chronology of events leading up to the submission of the current claim before the Waitangi Tribunal as well as frequently asked questions that have been raised with us and the answers to these questions.

We will also have all this information placed on the website as well. Thank you once again for your ongoing support. Your action to send the attached letter out to the key people in your rohe is a crucial step to getting our land back.



2. Positive Update

Your Committee of Management was overwhelmed by shareholders response to our first and second panui. Of a total of 5,048 owners with 856,335 shares issued we only have addresses for 3,092 owners holding 714,268 shares. Of those shareholders who were sent notices 969, 31% of shareholders, with 321,303 shares, 45% of total shares, voted “*Yes, I support the resolution to exclude the former Mangatu No 1 Block Lands from the Te Aitanga a Mahaki and Affiliates (previously Te Whakarau) Deed of Settlement and asking the Waitangi Tribunal to return that land to Mangatu*”.

What was also very pleasing was that 683 descendents also voted in support of the resolution. This makes a total of 1,652 owners and their descendents over 18 years who voted for the resolution.

To complete matters, 26 owners or 1% with 19,062 shares, 2% of total shares, voted against the resolution. A further 14 descendents also voted against the resolution, hence a total of 40 owners and their descendents voted against the resolution.

Overall a very positive and pleasing result.

3. Progress on Te Aitanga a Mahaki and Affiliates Claim

The Te Aitanga a Mahaki and Affiliates Claim has been paused pending settlement of Mangatu’s urgent Claim. Te Aitanga a Mahaki and Affiliates will not oppose us at the Waitangi Tribunal Hearing. However, Ngariki Kaiputahi and Te Whanau A Kai will be making a Claim over the same 8,626 acres of land we are claiming.

4. Chronology of Events

- 1881** Individual ownership of the Mangatu No 1 block granted by the Native Land Court.
- 1893** Mangatu Blocks Incorporation was established to represent those beneficially entitled to the block. The purpose of setting up the Incorporation to hold the land was to protect it from pressure to sell. Wi Pere, the architect of the establishment of Mangatu Blocks Incorporation, was witnessing first hand land seizures from Maori and the dishonouring of the Treaty of Waitangi.
- Mangatu are proud they have succeeded in retaining most of the Mangatu No 1 Block in the years since 1893. Today the Incorporation has 5,048 owners.
- 1922** Individual ownership of the Mangatu No 1 Block completed.
- 1950-61** Because of the erosion caused by European settlers clearing the land for sheep and cattle production the Crown decided the New Zealand Forest Service would carry out afforestation work and that to do this work it had to acquire outright title to Mangatu land.
- Pressure was brought to bear on the Mangatu owners to sell their ancestral land. In the words of the Chairman at the time of the sale, Sir Henare Ngata, “*that there was considerable pressure on the Mangatu owners and the*



Mangatu Committee to sell is undeniable. There were references in the discussions with Government officials of the power the Government possessed of acquiring the land by compulsion, and of imposing restrictions and requirements on landowners, which compelled them to carry out costly erosion control measures."

1962 The Crown purchased 8,626 acres of Mangatu No 1 Block for erosion control purposes. The Incorporation was reluctant to sell but did so because it was led to believe there was no option other than Crown ownership. The land acquired by the Crown in 1961 is the subject of the present hearing in front of the Waitangi Tribunal.

1992 Claims were submitted to the Waitangi Tribunal, under the Treaty of Waitangi Act, contending that the Crown purchase in 1961 had been in breach of the principles of the Treaty of Waitangi and sought as redress the return of that land to Mangatu Blocks Incorporation. This claim was given the number Wai 274.

Another wider claim was also submitted on behalf of Te Aitanga a Mahaki, registered as Wai 283, for alleged breaches by the Crown in the 19th century that had wrongfully deprived the iwi of their traditional land.

The Waitangi Tribunal, adopting a new district-wide approach to the hearing of claims of historical treaty breaches, included both claims in the wider inquiry into all Turanganui a Kiwa claims.

2004 The Waitangi Tribunal's Turanga report agreed that the sale of the 8,626 acres had been a forced sale saying that *"the owners sold because the Crown offered them no other option"* and concluded that *"the Crown was far from scrupulously fair, even-handed, or honest."*

The Tribunal however makes no specific recommendations to the Crown as to the remedy, even though it has the power to make binding recommendations on Crown Forest land.

As negotiations between the Crown and claimants progressed it became clear to the Chairman of Mangatu Blocks Incorporation, Alan Haronga, that the proposed settlement would not include specific redress to Mangatu Blocks Incorporation by returning the forest land to its owners.

2008 An Agreement in Principal with Turanga Manu Whiriwhiri highlights to the Mangatu owners that Te Aitanga a Mahaki were offered the opportunity to purchase the Mangatu Crown Forest Lands including the land sold in 1961.

Mr Haronga filed a further claim to the Waitangi Tribunal seeking the return of the 1961 land to Mangatu Blocks Incorporation and applied for an urgent hearing before negotiations reached a district-wide settlement, which once given effect in legislation would prevent any further avenues for redress by Mangatu through law i.e. the Crown Forest Assets Act.

Judge Coxhead declined Mr Haronga's claim in August 2008.

2009 Mr Haronga applied again to the Waitangi Tribunal and was declined a second time by Judge Clark in October 2009.

Mr Haronga then applied for judicial review of the decision by Judge Clark in the High Court and Court of Appeal, but both times he was unsuccessful.

May 2011 On further appeal to the Supreme Court the majority of the four judges find that the Waitangi Tribunal is required to determine whether or not to make a binding recommendation for the return of the forest land claimed by Mangatu



Blocks Incorporation and direct the Tribunal to hear the claim with urgency.

The Waitangi Tribunal is in the process of appointing a new Presiding Officer and working through the scope and timing for the hearing.

5. Frequently Asked Questions

Mangatu is not an Iwi.

The owners of Mangatu Blocks Incorporation are whanau, hapu and iwi members who were forced to register individual ownership of our communal land because of the law at the time.

This change of ownership was imposed by the Crown who was driving the push from communal to individual ownership of land to make it easier for them to alienate and buy Maori land.

Wi Pere established Mangatu Blocks Incorporation to protect our land from further alienation. He witnessed first hand the land seizures and dishonouring of the Treaty of Waitangi.

Mangatu has a proud history of protecting its land since its establishment in 1893.

Mangatu are double dipping.

To accuse Mangatu and Maori of double dipping in any treaty settlement discussion is wrong. When 1 cent in the dollar is what is spent on settling Treaty claims the Crown are the only winners here. They have reaped billions from the alienation of Maori land.

If Mangatu had retained the land they would have received the sale price back in 10 years from normal economic returns.

The Supreme Court in their decision said any payment made could be deducted from any compensation awarded.

Some families missed out in the 1881 ownership and entitlement hearings into the Mangatu Lands.

The evidence is overwhelming that 90% of the iwi who affiliate to Te Aitanga a Mahaki are included in the Mangatu Forest land. So there is little evidence to say that families missed out.

A fair price was paid by the Crown for the land in 1961

To the Government and the Gisborne community the price was fair as the goal of acquiring the land had been achieved.

To Mangatu the price was inadequate as the level playing field of a willing buyer and willing seller did not happen as the Government wielded compulsory acquisitive and punitive power if Mangatu did not comply.

The sale breached Mangatu's private property rights under article 2 of the Treaty of Waitangi to exclusive use and possession of our land.

Mangatu suffered additionally in many and varied ways:

1. Economic surplus that only the government received from:



- Benefit to the wider Gisborne community from reducing the impact of erosion.
- Benefit the government received when selling the forest to ITT Rayonier in 1992 as productive rather than protection forest. It was represented to Mangatu that the forest would be for protection purposes and hence what in the view of the Tribunal caused the breach of the Treaty of Waitangi.

2. To date Mangatu has acquired 62% or 5,355 acres of new land to replace the 8,626 acres "acquired" from Mangatu, in breach of the Treaty of Waitangi, in 1961, costing Mangatu 12 times the amount they received in the 1961 acquisition. If Mangatu had retained the land they would have received the sale price back in 10 years from normal economic returns.

3. Hurt and anguish since 1992 to have to reclaim our taonga tuku iho.

4. The sale was culturally detrimental to Mangatu as it created a hole in its collective heart. The cultural sensitivity is heightened due to Mangatu being the last of our lands, and 8,626 acres is a very big hole.

Ngariki Kaiputahi are claiming interest in the same 8,626 acres?

The descendants of the original ancestral owners of that land are represented by Mangatu Blocks Incorporation and include the whanau who are putting in a separate claim. Our claim includes Ngariki Kaiputahi.

6. Mangatu Owner Action

For those owners and their descendents who have not voted yet, there is still time. Please do so on this most important taake as it will increase our ability to advocate with the Crown and Te Aitanga Mahaki and Affiliates to settle our claim.

In order to make it as easy as possible we have set up an online site which can be used to vote, get further information on this subject or get copies of voting forms.

The online voting and information site is:

<http://voting.mangatu.com>

Once again thank you very much for your support.



Te Whakamutunga

Ahakoia i roto nga piki me nga heke kei te pai te haere o nga mahi a Mangatu. He maha nga ngaru o te moana kei mua ia tatou, no reira, kia kaha tatou ki te hapai, ki te hoe i tenei o nga waka a te iwi kia u ai tatou ki uta, ara, kia whai oranga mo te iwi whai paanga ki tenei o nga whenua, a Mangatu.

Tenei te mihi atu ki era o nga whanaunga kua mene atu ki te po. Ko ratou te hunga kua huri atu ki tua o Te Arai, moe mai, moe mai.

He mihi ano tenei ki nga kaimahi me etahi atu ropu e awhi ana, e tautoko ana i nga mahi a Mangatu, e whai ake ana i nga kaupapa whakahaere kia noho pumau a Mangatu.

He mihi kau tenei kia koutou, te urupa o ratou e iri nei i runga i nga pakiwaitara o tenei to tatou whare tipuna. Kia tau iho nga manaakitanga o Te Runga Rawa ki runga kia koutou me a koutou whanau.

Na tenei ta koutou mokai

Alan Haronga
Chairman

On Behalf of the Mangatu Blocks Incorporation Committee of Management.
28 November 2011