Ahakoa he iti, he māpíhi pounamu.
Even though it is a small return, it is an adornment of greenstone.

Settling claims
Healing the past, building a future
Settlements of historical claims are the Crown’s way of making up for past breaches of the Treaty of Waitangi and restoring good relationships with iwi (tribes). Sometimes current government policy can also impact Māori interests adversely and give rise to issues that need to be addressed.

Two kinds of settlement
Settlements of historical claims
Claims that relate to things the Crown did or failed to do before 21 September 1842 are dealt with by the Office of Treaty Settlements.
On 23 September 1992, Cabinet agreed on general terms for settling Treaty of Waitangi claims. This date then became the cut-off date for historical claims, so that consistent comparisons could be made between the redress provided to different claimant groups.

Settlements of contemporary claims
These are claims that relate to events after 21 September 1992. They are addressed on an urgent basis by the Waitangi Tribunal. Any Crown response to the Tribunal’s recommendations involves the government department or agency with responsibility for the relevant policy area.

Before negotiations start
To enter negotiations on historical claims a claimant group must have at least one claim registered with the Waitangi Tribunal, but they can opt to bypass a Tribunal hearing and negotiate directly with the Crown.
Whatever process is chosen, the Crown prefers to settle all of the historical claims of a claimant group (such an an iwi) at once, so that means that settlements usually involve a number of claims, and claimant group representatives have to bring together all the grievances of their people for negotiation.

Before negotiations begin, the claimant group chooses their representatives and gives them authority (a mandate) in order to discuss issues and agreements with the Crown. The group must also demonstrate to the Crown, either through a Waitangi Tribunal report or historical research, that their claims are well-founded.

Why are there historical settlements?
The Crown has accepted a moral obligation to make historical grievances resulting from past actions that have been in breach of its promises made in the Treaty of Waitangi. The Crown has acknowledged it breached the Treaty in a number of ways including:

- land confiscation
- execution or detention of prisoners without trial
- failure to preserve lands for iwi
- impact of the native land laws
- taking of land for public works.

Negotiating historical settlements
Historical settlements can be negotiated only by the Crown and the claimant group. All major Crown decisions are made by Cabinet or the relevant ministers, with the Office of Treaty Settlements supporting the negotiation and settlement process. The Office staff work with many groups at various stages of the negotiation process.

Parliament’s role
Parliament passes laws to put the settlement into effect and stop the courts or the Waitangi Tribunal from holding further hearings into any historical grievances of the claimant group.

Over to the iwi
The claimant group must set up an organisation to hold and manage the settlement assets. The Crown must be satisfied that this organisation is representative, transparent, and accountable to all members of the claimant group.

How the assets are used for the group to decide.

Settling historical claims
There have been 21 settlements up to February 2008.

Reconciliation. The Waitakere Ruapotahia Claims Settlement Act 1995 received the Royal Assent from Queen Elizabeth II, shown here with the Māori Queen, Dame Teiringi Memere, Prime Minister Jim Bolger (left), and Minister of Justice of Treaty of Waitangi Negotiations Doug Graham. The Act included an apology by the Crown acknowledging the Treaty breach in its relationships with the Kingi Harawira (Ngāti Wai) and Waikato. It expressed regret for the loss of lands from the Invasion of Waikato in 1863 and resulting devastation of property and tribal life.