



Te Here-ā-Nuku | Making the Tenths Whole – Key facts

1. The Nelson Tenths refers to the 10% of land that the New Zealand Company agreed to reserve in Nelson, Tasman and Mohua for the customary Māori landowners in the 1840s.

In addition to the 10%, all papakāinga, wāhi tapu and cultivation lands were to be excluded from the Nelson settlement. The agreement was confirmed by Crown Grant 1845.

2. The agreement was never upheld.

The New Zealand Company used 151,000 acres of Māori-owned land for the Nelson settlement. The Crown was legally required to reserve 15,100 acres (10 percent) of land for the benefit of the landowners. Instead, less than three thousand acres were reserved and protected. Much of the land remains in Crown hands.

3. In 1977, Māori gained control of what remained of the Nelson Tenths Reserves.

From 1845 until 197, the remnants of the Nelson Tenths Reserves had been held on trust and managed by the Crown. In 1977, the Māori owners established Wakatū Incorporation to receive and manage the remnants of the Nelson Tenths Reserves.

4. Today there many thousands of beneficiaries of the Nelson Tenths Reserves estate.

The beneficiaries are the descendants (ngā uri) of the tūpuna identified by the Native Land Court in 1892 as the Māori customary owners of the land. As part of our commitment to Make the Tenths Whole, we are actively working to find and reconnect whānau who whakapapa to the Nelson Tenths and to empower them to learn more about their whakapapa and history.

5. The Nelson Tenths is New Zealand's oldest property claim and potentially the largest litigation against the Crown in New Zealand's history.

The customary Māori owners have now been fighting for the Crown to meet its obligations and restore its mana for more than 180 years.

6. The Nelson Tenths is not a Treaty of Waitangi claim.

Unlike most historical land claims in New Zealand, this is being fought through the courts as a private law breach of trust case. It is a ground-breaking legal case that has garnered the attention of Māori and Indigenous Peoples from Aotearoa and all over the world.

7. Kaumātua Rore Stafford is pursuing the claim on behalf of the customary landowners of the Nelson Tenths Reserves.

Rore Stafford has represented the customary owners since first lodging a claim with the Waitangi Tribunal in June 1988 (Wai 56). After the former National Government refused to consider the Waitangi

Tribunal claim, he took it to the High Court as a private law breach of trust case, on behalf of the customary owners.

8. In 2017, the Supreme Court ruled that the Crown has a legal duty to the Māori customary owners of the Nelson Tenth's Reserves.

This was arguably the Supreme Court's most important decision yet on Māori legal issues. The Supreme Court referred the matter back to the High Court to determine issues relating to the extent of the Crown's breaches and liabilities, remedies and any potential Crown defences.

9. The High Court judgement is expected in 2024.

The judgement will decide the outstanding matters in our case. We hope for a strong decision that encourages Attorney-General Judith Collins (the defendant) to meet with us to negotiate a resolution in the best interest of all parties, rather than continuing with costly and drawn-out litigation.

10. Our ultimate aspiration is to realise the vision our tūpuna had when they entered into the Nelson Tenth's agreement, through:

- The return of the Nelson Tenth's Reserves Land and Whenua Tuku Iho to its owners.
- Making the Tenth's whole – restoring the Nelson Tenth's Reserves estate and reconnecting whānau to whenua.
- Compensation for losses associated with the Crown's breach of its legal duties.



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For further information, visit www.makingthetenthwhole.co.nz or to request an interview with a spokesperson, please contact: Anna Murdoch | anna@thenarrative.co.nz