

RONGOWHAKAATA
INCLUDING NGA URI O TE KOOTI RIKIRANGI
and
THE TRUSTEES OF THE RONGOWHAKAATA SETTLEMENT TRUST
and
THE CROWN

**DEED OF SETTLEMENT OF
HISTORICAL CLAIMS**

30 September 2011



DEED OF SETTLEMENT

PURPOSE OF THIS DEED

This deed –

- sets out an account of the acts and omissions of the Crown before 21 September 1992 that affected Rongowhakaata and breached the Treaty of Waitangi and its principles; and
- provides acknowledgments by the Crown of the Treaty breaches and apologies; and
- settles the historical claims of Rongowhakaata; and
- specifies the cultural redress, and the financial and commercial redress, to be provided in settlement to –
 - the governance entity; or
 - the trustees of the **Nga Uri o Te Kooti Rikirangi Settlement Trust**,
that have been approved by Rongowhakaata to receive the redress; and
- includes definitions of –
 - the historical claims; and
 - Rongowhakaata; and
- provides for other relevant matters; and
- is conditional upon settlement legislation coming into force.



DEED OF SETTLEMENT

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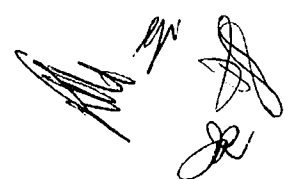
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DEED OF SETTLEMENT

DEED OF SETTLEMENT

THIS DEED is made between

RONGOWHAKAATA
INCLUDING NGA URI O TE KOOTI RIKIRANGI

and

(THE TRUSTEES OF THE RONGOWHAKAATA SETTLEMENT TRUST

and

THE CROWN

()

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DEED OF SETTLEMENT

HE MAIMAI AROHA

*Ko Te Arai Te Awa
Rongowhakaata tangata
He Hiringa Mahara
He Manawa Maurea....*

Kia mōteatea ō tātau mate i runga i te kaupapa o te whakataunga o nga kereme a Rongowhakaata. Ko Rongowhakaata o tai awatea ka kitea, ka rangona i te toru tekau o nga ra o Mahuru, engari, ko Rongowhakaata o taiwhetuki, nga pakeke i whakapau kaha ki te whakatutuki i nga kereme o Rongowhakaata ka tangihia, ka waiatatia e tātau. Ko rātau o ō mua tata nei, ka whakanuia. Na rātou i para te huarahi kia tutuki ai tenei whakataunga. Ko Rapiata Ria rātou ko Bebe Ria, Heni Sunderland, Makuini Wyllie, Taranaki Paratene, George raua ko Ruth Nepe, Lovey Morgan, Pita Tupara Pere, Toko Riki, Peter Gordon me Te Ohomauri Stewart.

He tangi hoki aroha mo te tokorua nei, e ngaro atu nei i te kite a karu, i te rongo a Taringa, i te patanga a Kiri. Ko Hei Ariki Algie tena, te mokopuna a Te Kooti Rikirangi. Ko Judith Binney hoki tena, he mangai, he puna korero, he kai raranga korero mo Te Kooti, mo Nga Morehu, mo Nga Uri o Te Kooti Rikirangi hoki.

He tangi maumahara tonu tenei mo enei tokoiti nei, na ratou matou i tieki, i whakamana, i hapai. Ko Tom Dennis ratau ko Frances Kararaina Ratima, Thomas Dennis Jnr, Doug Jones, Ramari Mei (May) Jones, Charlotte Wharehinga, Lena Brown, Ellamein Phillips, Ken Te Wano, Mihi Larkin, Brookes Kirk, Richard Wharehinga me Neil Hopps.

*Tu mai ra te taumata tipua Manawaru
Ko mura mai nga korero
o nehera i a koe
He tata a runga, he roa a raro....*

This is a tribute to the elders and supporters who are no longer with us in person to see the signing of this Rongowhakaata deed of settlement. But who will be with us in spirit to celebrate.

The sacrifice and memories of those who have passed on will guide, comfort and strengthen us on the new journey that we embark on together. The journey will be long, but we are well prepared.



DEED OF SETTLEMENT

1: BACKGROUND

1 BACKGROUND

RONGOWHAKAATA

- 1.1 Rongowhakaata are an iwi of the Turanganui a Kiwa region.
- 1.2 From time immemorial Rongowhakaata have exercised tino rangatiratanga throughout their rohe in accordance with their own tikanga and kawa.

TE TIRITI O WAITANGI

- 1.3 On 5 May 1840, Rongowhakaata tipuna signed Te Tiriti o Waitangi at Turanganui a Kiwa which formalised a special compact between Rongowhakaata and the Crown. Rongowhakaata consider that the Treaty permitted the Crown to manage the orderly settlement of European settlers and provided for Crown recognition and protection of the tino rangatiratanga of Rongowhakaata.

CROWN TREATY BREACHES AND RONGOWHAKAATA

- 1.4 Rongowhakaata consider that, since May 1840, the Crown has committed fundamental breaches of the spirit, intention and terms of the Treaty causing severe prejudice to Rongowhakaata including unjustifiable loss of life in the protection of their lands and confiscation of lands and resources (including iconic taonga like Te Hau ki Turanga) resulting in the economic, social, cultural and political marginalisation and deprivation of Rongowhakaata that is still seen today.
- 1.5 On the other hand, Rongowhakaata consider that despite the killing of their people by the Crown and the extreme prejudice and intergenerational hardship caused by the confiscation of their lands and resources, Rongowhakaata have upheld the spirit and terms of the Treaty in many ways. This has included making all attempts to ensure peaceful resolution of pending disputes and war prior to and during the Crown initiated battle of Waerenga a Hika; ongoing letters and petitions to resolve post Crown war disputes through the Crown's parliamentary system and last but not least the ultimate sacrifice for this country of sending their people to fight in World and other wars for the Crown despite this extreme prejudice and intergenerational hardship caused by the confiscation of their lands and resources and the killing of their people.

WAITANGI TRIBUNAL

- 1.6 Generations of Rongowhakaata have grown old seeking redress for the many breaches of the Treaty by the Crown. From 1840, Rongowhakaata have made claims, petitions, submissions and taken action to avoid or redress Treaty breaches.

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DEED OF SETTLEMENT

1: BACKGROUND

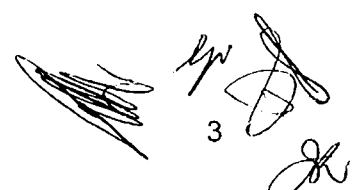
- 1.7 Consistent with that approach, Rongowhakaata filed claims with the Waitangi Tribunal to have their grievances heard and reported on. In particular, Rongowhakaata filed the Wai 684 comprehensive Rongowhakaata claim.
- 1.8 The Waitangi Tribunal grouped the Rongowhakaata claims for inquiry in the Turanga inquiry district. The Tribunal heard the claims of Rongowhakaata and other Turanga claimants between November 2001 and June 2002.
- 1.9 In 2004, the Tribunal issued its report on the Turanga claims. The Tribunal found that the claims of Rongowhakaata were generally well-founded. In general, it found that the Crown had breached the Treaty in a number of ways, and that some of the Crown actions which breached the Treaty were illegal. Specifically, the Tribunal commented that Turanga Maori lost proportionately more killed at the hands of Crown forces in the New Zealand wars than any other district. It condemned a number of the Crown's breaches of the Treaty as "brutal lawless and manipulative".
- 1.10 The Tribunal recommended that "Reparations must be of a dimension that reflects the enormousness of the loss that the iwi and hapu of Turanga have suffered in people and in land since 1865".

NGA URI O TE KOOTI RIKIRANGI

- 1.11 Nga Uri o Te Kooti Rikirangi filed the Wai 856 claim with the Tribunal in which they described specific breaches of the Treaty by the Crown in its treatment of Te Kooti Rikirangi which resulted in the stigmatisation of himself and his descendants. The Tribunal commented that "the restoration of Te Kooti's reputation (if not his mana, for that can never be taken away) as a leader in war and in peace and as a spiritual man is an important matter for us all as New Zealanders. A means ought to be found to better inform New Zealanders about the complexities of this man and his life and about his powerful contribution to our national story".

NEGOTIATIONS

- 1.12 Rongowhakaata Claims Committee received a mandate to negotiate collectively on behalf of Rongowhakaata, an offer for the settlement of their historical claims.
- 1.13 The Crown recognised the Rongowhakaata deed of mandate on 17 August 2005.
- 1.14 Within Rongowhakaata, the Nga Uri o Te Kooti Rikirangi mandated negotiators received a mandate to negotiate the settlement of their historical claim.
- 1.15 Rongowhakaata, Ngai Tamanuhiri and Te Aitanga a Mahaki and Affiliates and the Crown, by terms of negotiation dated 29 May 2007, agreed the scope, objectives, and general procedures for the negotiations.
- 1.16 Rongowhakaata, which includes Nga Uri o Te Kooti Rikirangi, Ngai Tamanuhiri and Te Aitanga a Mahaki and Affiliates agreed to negotiate collectively as Turanga Manu Whiriwhiri.



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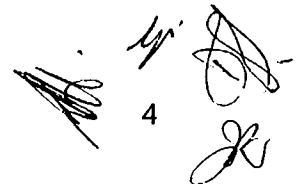
DEED OF SETTLEMENT

1: BACKGROUND

- 1.17 Turanga Manu Whiriwhiri and the Crown by agreement dated 29 August 2008, agreed, in principle, that Rongowhakaata, Te Aitanga a Mahaki and Affiliates, Ngai Tamanuhiri and the Crown were willing to enter into a deed of settlement or deeds of settlement on the basis set out in the agreement.
- 1.18 Since the agreement in principle, –
- 1.18.1 the redress in the agreement in principle has, by letter from the Minister for Treaty of Waitangi Negotiations dated 8 September 2010, been allocated between Rongowhakaata, Ngai Tamanuhiri and Te Aitanga a Mahaki and Affiliates; and
- 1.18.2 Rongowhakaata and the Crown have –
- (a) had extensive negotiations conducted in good faith; and
- (b) negotiated and initialled a deed of settlement; and
- 1.18.3 Nga Uri o Te Kooti Rikirangi and the Crown have had specific negotiations on matters relating to Te Kooti Rikirangi; and
- 1.18.4 through an internal ratification process, including a hui on 17 July 2011, Nga Uri o Te Kooti Rikirangi approved the initialling of the deed of settlement on their behalf by the Nga Uri o Te Kooti Rikirangi mandated negotiators.

RATIFICATION AND APPROVALS

- 1.19 Rongowhakaata have, since the initialling of the deed of settlement, by a majority of –
- 1.19.1 95.1%, ratified this deed and approved its signing on their behalf by the mandated signatories; and
- 1.19.2 80.2%, –
- (a) approved the governance entity receiving the redress that is not Nga Uri o Te Kooti Rikirangi redress; and
- (b) approved the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust receiving the Nga Uri o Te Kooti Rikirangi redress.
- 1.20 Each majority referred to in clause 1.19 is of valid votes cast in a ballot by eligible members of Rongowhakaata.
- 1.21 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 29 September 2011.



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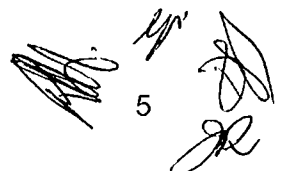
DEED OF SETTLEMENT

1: BACKGROUND

- 1.22 The Crown is satisfied –
- 1.22.1 with the ratification and approvals of Rongowhakaata referred to in clause 1.19; and
 - 1.22.2 with the governance entity's approval referred to in clause 1.21; and
 - 1.22.3 the governance entity, and the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust are each appropriate to receive the redress, as set out in clause 1.19.2.

AGREEMENT

- 1.23 Therefore, the parties –
- 1.23.1 in a spirit of co-operation and compromise wish to enter, in good faith, into this deed settling the historical claims; and
 - 1.23.2 agree and acknowledge as provided in this deed.



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DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

2 HISTORICAL ACCOUNT

- 2.1 The Crown's acknowledgements and apology to Rongowhakaata in part 3 are based on this historical account. The historical account is recorded in English and in te reo Maori.

Introduction

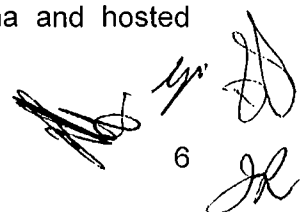
- 2.2 The iwi of Rongowhakaata describe themselves as the descendants of Rongowhakaata and his wives; the sisters Turahiri, Uetupuke, and Moetai. Their main hapu are Ngai Tawhiri, Ngati Maru, Ngati Aweawe, Ngai Te Kete, and Ngati Kaipoho. Ruapani is another important Rongowhakaata tipuna. The iwi and hapu of Rongowhakaata can all whakapapa to or through the ancestor Ruapani who is an esteemed founding ancestor of the Turanganui a Kiwa region.
- 2.3 The lands in which Rongowhakaata have ancestral and customary connections extend from Te Kowhai at Te Wherowhero lagoon inland to the Te Arai headwaters, continuing to Te Reinga in the south-west, and north through Tuahu, Hangaroa-Matawai, and Tahora. They take in Patutahi and the area around Tangihanga and Repongaere, through to the Matawhero and Whataupoko lands linking with the Taruheru and Turanganui rivers, and onwards to Kaiti. Rongowhakaata also had traditional links to the moana, and its resources out to Te Toka a Ahuru.
- 2.4 Rongowhakaata traditionally held their land and resources in customary tenure under collective tribal and hapu custodianship. The kin groups of Turanganui a Kiwa were linked through whakapapa and shared use of resources, but also had their own independent mana born out of strong leadership, distinct whakapapa lines and resource use.

Rongowhakaata to 1865

We do not understand the meaning of your flag, nor do we know the people who shall take this Island, New Zealand. What we do know is that you (the Europeans) protect, and you seize, you are kind, and you are ready to fight, you feed with soft food, and you feed with hard.

Raharuhi Rukupo objecting to a British flag being flown in Turanga in 1861.

- 2.5 The first encounter between Europeans and Rongowhakaata was Captain Cook's visit to the area in October 1769 on board the Endeavour. Cook failed to achieve his objective of a peaceful encounter and the replenishment of supplies. This led him to name the area Poverty Bay despite the fertile plains of Turanga and ample supply of kai moana being a place of great abundance for Rongowhakaata. At the end of his two and a half day stay, nine Maori were left dead or wounded, including Te Rakau and several others with Rongowhakaata affiliations.
- 2.6 Sustained contact with Pakeha did not begin until the 1830s. From this decade onwards, Rongowhakaata sought out trading relationships with Pakeha and hosted



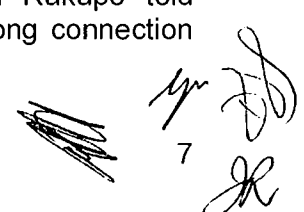
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DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

small numbers of shore-based whalers and traders on their lands. Initially European residents relied upon the patronage and protection of particular chiefs, who provided them with land to live upon, encouraged marriages between high ranking women and settlers and in return expected to reap various advantages from 'their' Pakeha.

- 2.7 Missionaries arrived in the Turanganui a Kiwa area in the wake of the whalers and traders. A mission station was established at Turanganui (the site of modern day Gisborne) in 1838 and chapels and schools were set up by Rongowhakaata in their kainga, such as Paokahu. Early Maori converts, played an important role in spreading the Christian faith. Interest in the new religion was already high, partly because of practical advantages including literacy, when William Williams of the Church Missionary Society arrived at Turanga in 1840 to take up residency at the mission station.
- 2.8 Te Waaka Mangere (leader of Ngati Kaipoho and tuakana of Raharuhi Rukupo) invited Williams to take up residency at the mission station they established for him at Orakaiaapu in 1840. In 1844 the Turanga mission station was moved to nearby Whakato, and remained there until 1857.
- 2.9 In May 1840 William Williams discussed and presented a copy of the Treaty of Waitangi to some Turanga Maori. Approximately twenty two local rangatira, including fifteen Rongowhakaata, signed the Treaty in which the Crown agreed to protect continued Maori tino rangatiratanga over their lands, villages and their possession of other treasures they wished to retain. There is no record of the discussion which took place prior to this signing.
- 2.10 By the late 1840s there were approximately 2400 Maori living in the Turanga district and about 40 Pakeha traders and their wives, with some 50 children of Pakeha and dual descent. Rongowhakaata took advantage of new trading opportunities created by Pakeha settlement in New Zealand. They owned and operated several trading ships, including Te Raaka ('The Lark'), Whitipaea, Adah, Ruawhetuki, and Te Kuini. Produce exported from Turanga reached as far as Auckland and Australia.
- 2.11 One Turanga based missionary described the 1850s as a "season of great material prosperity for the Maori population." After visiting Rongowhakaata in 1851 Native Land Purchase Commissioner Donald McLean, observed that 'the fat cattle, the large wheat stalks of last year's growth, fine alluvial soil, and contented appearance of the natives' showed that 'Poverty Bay' was 'anything but a land of destitution or want'. When he called on Rongowhakaata he found that: 'The land is rich and fertile and is intersected by three rivers which strike their serpentine courses through handsome clumps of kahikatea and puriri forests and beside numerous wheat cultivations and groves of peach and other varieties of English fruit trees. We reached the first settlement on the banks of the Arai River about sunset, when the natives were returning from reaping their fields, some leading horses and others driving cattle and pet pigs before them. They gave us their usual welcome and presented us with fruit and also with honey just taken from a hive'.
- 2.12 The Crown made limited attempts to purchase land in the Turanga district between the 1840s and 1865, acquiring only a 57 acre block known as the 'Government paddock'. In 1851, Rongowhakaata rangatira Te Waaka Perohuka and Raharuhi Rukupo told McLean they did not wish to sell their land. Rongowhakaata saw a strong connection



DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

between Crown purchases and the Crown's right to exercise substantive authority over them, and consequently regarded the purchase of land with apprehension.

- 2.13 From the early 1850s a movement, in which Raharuhi Rukupo of Rongowhakaata was a 'prime instigator', emerged among some Turanga Maori to reclaim or 'redeem' lands that settlers claimed to have purchased before the Treaty. Following the petitions of some settlers to have their claims to own land in the Turanga region investigated, the Crown sent a Land Claim Commissioner to the area in 1859. The claims amounted to only 2,200 acres, but all were rejected by Turanga chiefs who said they wanted to resume the land in question. Following this most settlers withdrew their claims until a better opportunity for obtaining legal title presented itself in the future. The Commissioner reported that most of these transactions had been entered into by settlers after private transactions had been prohibited by law. He also pointed out the 'absurdity of their calling upon the Governor to protect them' when their claims involved transactions after private purchasing had been prohibited, and expecting the aid of the law to maintain their violation of it. Although some Turanga Maori continued to press for these lands to be returned, the settlers remained in possession of many of the disputed lands despite the Commissioner's view that their transactions for Turanga land were contrary to the law.
- 2.14 In 1865 Rongowhakaata remained largely in control of their own affairs. Early in the 1850s they had formed a runanga to develop policies for administering their affairs and by the late 1850s it was playing an important part in the administration of the district. Some Rongowhakaata wrote to government officials at times seeking advice and loans for commercial projects. The only Crown official stationed in the area before 1865 was a Resident Magistrate who was present between 1855 and 1860. He was withdrawn following an 1860 visit to the district by Governor Thomas Gore Browne. The Governor reported that the Maori he met in Turanga objected to the hoisting of the British flag during his visit, and refused to recognise the Queen's authority over them. He also informed the Colonial Office that 'unless I visited them for the purpose of restoring the lands which the Europeans had cheated them... out of, they did not wish to see me'. After being withdrawn from the district the former Resident Magistrate subsequently recalled that Maori there 'denied the right of the Government to send a Magistrate amongst them, on the ground that, as they had not sold their land to the Queen, the Government had no authority over them'.

Waerenga a Hika, 1865

It is good if what the Governor says is true, that is, "that he does not wish to fight," to our knowledge it is not true. We are aware of the proper view of your word, namely, it has two sides, and within ourselves your word will not abide true, that he does not wish to fight, because we have the land in possession from which flows fatness, and from the fatness of our land we derive what we are now possessed of, namely money. This will be the cause or the reason for which he will fight us.

Raharuhi Rukupo and the Runanga of Turanga predicting in a July 1861 letter that the Crown will attack them to take possession of their land.

- 2.15 When the New Zealand land wars broke out in the 1860s, Rongowhakaata and their Turanga whanaunga preferred to remain neutral. They decided not to get involved in the fighting, declaring at the outbreak of war in Taranaki that it was 'necessary for them to

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

remain at home and take care of their own land'. Several Rongowhakaata rangatira, attended a conference called by the Governor at Kohimaramara in 1860, and assured him of their neutrality.

- 2.16 In July 1861 the Turanga rangatira Raharuhi Rukupo wrote to the Superintendent of Hawke's Bay Province on behalf of the Turanga Runanga, to express their concern at reports soldiers were being sent to Napier. They predicted that the Crown would attack them for possession of their land. The Runanga also called for the fighting elsewhere to cease and for lands wrongly taken from them to be restored so that they could again have confidence in the government's intentions. They adopted a similar stance of non-intervention in outside conflicts when Imperial troops invaded the Waikato district in 1863.
- 2.17 The Turanga Runanga remained firmly in control of the affairs of the district at this time, though some settlers resented 'living under the rule of the runanga' and hoped to see an end to this situation if the opportunity arose.
- 2.18 In 1862 the Taranaki prophet Te Ua Haumene founded the Pai Marire (Good and Peaceful) religion. Based on the Christian bible, Pai Marire promised the achievement of Maori autonomy. A number of North Island Maori had converted to the new faith by the end of 1864, when Te Ua Haumene sent a group of Pai Marire teachers to Turanga. Some of their party were implicated in the killing of the missionary Carl Volkner in Opotiki early in March 1865. Unconfirmed rumours spread to Turanga that the emissaries intended to kill all the settlers. However, a few weeks after the emissaries arrival in Turanga, Williams received a copy of the emissaries' instructions from Te Ua, and noted that they contained "no sanction . . . to murder".
- 2.19 Upon receiving news of the events at Opotiki, many Turanga Maori assured the Reverend William Williams and the other settlers that they would protect them. They rejected a proposal to seize the Pai Marire party upon their arrival at Turanga, telling Williams that 'they had not had any shedding of blood here and they did not wish to have any'.
- 2.20 The Turanga chiefs were initially wary of the new religion, but once the Pai Marire emissaries arrived in March 1865 their teachings won a large number of new converts including a number of Rongowhakaata. Anaru Matete explained to settlers that his people believed that, by converting to Pai Marire, "we shall save Te Ao and the remnant of our people".
- 2.21 One of the emissaries' two leaders' threatened to kill all settlers, but this threat was disavowed by the other leader. Leading Turanga chiefs continued to assure the settlers of their protection and their desire for peace. The settlers remained concerned however, and some began leaving the area.
- 2.22 The spread of Pai Marire and the killing of Volkner alarmed the Government and it responded in an unequivocal fashion. Donald McLean, the Superintendent of the Hawke's Bay Province was appointed to co-ordinate the Government's response. In April 1865 Governor Grey issued a proclamation condemning the 'fanatical sect, commonly called Paimarire and declaring the Government's intention to resist and suppress movements such as Pai Marire, if necessary by force of arms'. The

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Government's capacity to enforce this proclamation was limited, and it called on all 'well-disposed' people to aid this effort to the best of their ability. McLean was instructed to capture the Pai Marire leaders if this was practical.

- 2.23 In April 1865 a group of Turanga iwi, hapu and whanau leaders visited McLean in Napier to assure him they would protect the settlers in Turanga and not interfere in any war in Opotiki. They urged McLean not to send any soldiers to Turanga. McLean noted the friendly reception Pai Marire had received from many Turanga iwi, hapu and whanau and doubted the sincerity of the promise to protect the settlers. He also reported the chiefs were apprehensive that the welcome the Pai Marire emissaries received in Turanga would be used as a basis upon which to take military possession of their district. In early May McLean informed the Colonial Secretary that Turanga chiefs appeared apprehensive that the Crown might take military possession of the area because of the reception they had given the Pai Marire emissaries.
- 2.24 In May 1865 Governor Grey's representative, Captain Luce, brought to Turanga a rangatira from a neighbouring iwi who planted a Union Jack on disputed lands at the mouth of the Turanga River. This resulted in much tension in the district. However, the local Pai Marire party were reportedly 'afraid to bring on a disturbance for fear of embroiling themselves with the Govt', and the flagstaff was left standing. About 100 Rongowhakaata met with Luce at Whakato and assured him of Rongowhakaata's continuing neutrality.
- 2.25 Pai Marire emissaries carried the religion to the East Coast north of Turanga in June 1865. From June until October fighting took place between Pai Marire adherents and other East Coast Maori, who opposed Pai Marire and in June 1865 sought the assistance of the Crown. The Crown sent arms and ammunition in June 1865, and in July 1865 despatched soldiers to assist those fighting against the Pai Marire adherents. The Turanga Rangatira Pita Tamaturi, who was a protégé of Raharuhi Rukupo, was captured during this fighting. A Crown officer, Reginald Biggs, summarily executed Pita immediately after his capture.
- 2.26 The Pai Marire adherents were defeated, and some fled to Turanga from where they had received some assistance during the fighting. Turanga rangatira provided manaakitanga to their relatives. However, after the conclusion of the East Coast fighting, some East Coast rangatira were willing to travel south to fight against Pai Marire adherents. Rongowhakaata including those who adhered to Pai Marire, wanted to avoid such an outcome. Anaru Matete, a Rongowhakaata Pai Marire rangatira, urged the refugees from the East Coast fighting to leave Turanga.
- 2.27 In September 1865 the Turanga rangatira Hirini Te Kani asked the Government to send soldiers and weapons. He told Pai Marire that the arms and soldiers were "only for defence, not for aggression." Hirini proposed that the Rongowhakaata Pai Marire rangatira Raharuhi Rukupo share the arms and soldiers with him. The Crown was not interested in this proposal, and rejected a Rongowhakaata request for the soldiers to leave. The Crown force was strengthened the following month. At the end of October 1865 tensions were greatly exacerbated when a small number of East Coast Maori arrived in pursuit of Pai Marire refugees from the East Coast fighting. Turanga iwi, hapu and whanau urged them to return home and 'not to bring fighting and bloodshed into this district'.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.28 British law provided that the Crown could only use force against its own subjects if they were in rebellion, and in November 1865 the Crown treated Turanga Pai Marire as if this was the case. Rongowhakaata acted defensively in November 1865, and considered that they were not in rebellion. On 1 November 1865 the Crown ordered its troops who had been engaged in the East Coast conflict to go to Turanga to enforce peace and expel or take the Pai Marire emissaries prisoner. McLean was instructed to warn Turanga leaders that land confiscation and military settlements would be imposed upon them if they did not preserve the peace. On 3 November 1865 the Premier Edward Stafford said 'it appeared to be the best thing to do to put down Hauhauism Pai Marire in Poverty Bay while our forces are flushed with success and the rebels correspondingly dispirited'.
- 2.29 In Turanga Raharuhi Rukupo and Anaru Matete sought to ease tensions between local Pai Marire on one side, and Crown forces and the local kwanatanga leaders on the other. However, the Crown warned all "loyal" Maori to cease their dialogue with Pai Marire adherents. It was widely assumed that war was imminent. Some outlying settlers abandoned their homesteads, and some property was plundered from the abandoned properties. Raharuhi Rukupo, one of the most senior Pai Marire rangatira, quickly promised to make good the settlers' losses, and Pai Marire followers were soon collecting up the stolen property for these purposes. However, Crown officers in Turanga rejected Raharuhi's attempts to meet with them until McLean arrived in the district.
- 2.30 On 9 November 1865 McLean arrived in Turanga with a large military force to require the submission of Turanga Pai Marire to the Crown. The next day the Crown issued an ultimatum demanding that Turanga Pai Marire surrender into Crown custody anyone who had been involved in murder or other serious crime, or who had fought against the Crown in other districts. The Crown also required Turanga Pai Marire to give up their arms, swear the oath of allegiance, submit to the rule of British law, compensate settlers for their losses and immediately expel Pai Marire emissaries. The Crown threatened to confiscate land and establish military settlements in Turanga if these terms were not met.
- 2.31 On 12 November 1865, Raharuhi Rukupo and other Turanga Pai Marire leaders responded to the Crown's ultimatum. They expressed a desire for peace, to meet with McLean to discuss arrangements for peace, and to "let any conflict be withheld until it is established where the fault lies".
- 2.32 McLean rebuffed the attempts of Turanga Pai Marire to negotiate a peaceful settlement. Those Pai Marire from other areas who had fled the conflict on the East Coast quickly departed Turanga, and Raharuhi Rukupo and the other Pai Marire leaders sought a meeting with McLean to negotiate a peaceful resolution of the crisis. However, McLean refused to negotiate with them. This angered a Kwanatanga rangatira who acted as an intermediary between McLean and Turanga Pai Marire until 15 November 1865. The intermediary believed armed conflict could have been avoided had McLean been willing to negotiate.
- 2.33 The ultimatum expired on 16 November 1865. McLean's only concession had been to extend the deadline for compliance with the Crown's terms upon being told that some Pai Marire might be willing to do so.

DEED OF SETTLEMENT

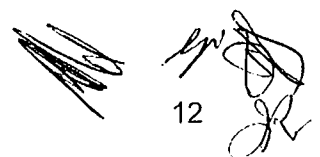
2: HISTORICAL ACCOUNT

- 2.34 On 17 November 1865 Crown forces marched on the Turanga pa at Waerenga a Hika. This was a defensive position, and there were approximately 200 women and children among its occupants. The Crown attacked Waerenga a Hika notwithstanding the fact that the Taranaki emissaries, who first introduced the Pai Marire religion to the district, had been at the Rongowhakaata pa Pukeamionga and had left in May. Some 200 Rongowhakaata and Te Whanau a Kai reinforcements from Pukeamionga pa soon joined the pa's defenders. They advanced on the Crown line but lost some 34 in close range battle before withdrawing inside the pa. On 22 November some 400 inhabitants of Waerenga a Hika surrendered requesting that their lives be spared and they not be sent to jail. They were told they would not be imprisoned, but that the 'worst characters' would be sent out of the district. Another group, numbering up to several hundred, escaped to Lake Waikaremoana. At least 71 of the pa's occupants were killed during the five-day siege. The colonial forces and their Maori allies looted the fresh graves within the pa for pounamu and other taonga.
- 2.35 In the immediate aftermath of the conflict some of the government's allies proceeded to indiscriminately loot and raid settler and Maori homes and property in the district. The Crown did not intervene to prevent this. One settler wrote that this looting did far more damage than the Pai Marire had. Looting, neglect of crops during the fighting and people being removed from the district resulted in acute food shortages for Turanga iwi, hapu and whanau, some of whom were reported to have died of starvation as a consequence.

Imprisonment on the Chatham Islands, 1865-68

*I te toru o Maehe ka whiua atu au ki runga i te kaipuke.
Ka tere moana nui au nga whakaihū ki Waikawa,
Ka huri tenei te riu ki Ahuriri hei a Te Makarini,
I whiua atu au ki runga ki a Te Kira au e noho nei.
Ka tahuri whakamuri he wai kei aku kamo e riringa nei.
Hanganui Hangaroa nga ngaru whakapuke, ki Wharekauri,
E noho. E te iwi tu ake ki runga ra tiro iho ki raro ra
Awangawanga ana te rere mai a te ao ra runga i Hangaroa
I ahu mai Turanga i te wa kainga kua wehea
Na konei te aroha e te iwi kua haere nei kupapa
E te iwi ki raro ki te maru o te Kuini,
He kawē mo tataū ki runga ki te oranga tonutanga.
Kaati ra nga kupu i maka i te wa i mua ra
Tena ko tenei e te iwi whakarongo ki te ture kawana
Hei whakapai ake mo te mahi a Rura naana nei i raru ai e.*

*On 3 March I was flung on board the ship.
I was borne across the great ocean, by the headlands to Waikawa,
Sent on and dropped off at Ahuriri, to McLean
Then thrown aboard the St Kilda, there to remain.
I turned back, the tears welling from my eyes.
Hanganui, Hangaroa, the waves rise up, to Wharekauri,
There to remain. O people, arise and look to the north
The clouds flying towards us over Hangaroa bring grief.
They come from Turanga, the distant home from which we are now separated
Causing such yearning, o people. We will continue quietly now,
O people, under the shelter of the Queen,
That we may all be carried to the prosperous life.
Enough of the words recited in days gone by,*



12

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

*This is it, o people, obey the law of the governor,
Which will set to right the troublesome work of Rura.*

Waiata composed by Te Kooti during his exile on the Chatham Islands.

- 2.36 In the first six months of 1866 approximately 30 Rongowhakaata men who had been captured at Waerenga a Hika, or were considered to be Pai Marire sympathisers were taken to the Chatham Islands, where the Crown imprisoned them. In December 1867 the premier Edward Stafford referred to the prisoners as 'native political offenders'. These men were never tried for any offence. Approximately 9 Rongowhakaata women and 8 children were among the 49 Turanga women and 38 children who accompanied the men to the Chatham Islands. The removal of over 200 Maori from Turanga, including leaders, had a severe impact on the iwi, hapu and whanau who remained in Turanga. Another six Rongowhakaata were sent to the Chathams in October 1866 from Hawke's Bay.
- 2.37 Crown officials advised chiefs in Turanga in March 1866 that the length of the prisoners' detention would be determined by their behaviour on the Chathams. When Maori and Pakeha friends of the prisoners later asked for them to be sent home they were told they would be held until peace had been securely established. Another important factor influenced the Government's detention of the prisoners. The Defence Minister wanted 'to have them out of the way until the question of the confiscation of land should be settled'. In June 1867 the prisoners were told that some of them would be released as soon as the arrangements for the confiscation in Turanga were completed. The behaviour of the detainees while on the Chathams was considered generally good, but the Government released only a handful of prisoners prior to the escape of the main body in July 1868.
- 2.38 Te Kooti Arikirangi Te Turuki was one of the Rongowhakaata people taken to the Chatham Islands. Te Kooti was among the Government's allies at Waerenga a Hika but was accused of spying and supplying Pai Marire forces with ammunition. He was detained, questioned and then released for lack of evidence. In March or April 1866, Te Kooti was again arrested and detained before being sent to the Chatham Islands. There are various accounts of Te Kooti's arrest. Many Turanga Maori believed influential Turanga traders had urged the Crown to arrest him because his successful independent trading activities were seen as a threat. On 4 June 1866, Te Kooti wrote to McLean requesting that he be brought to trial. Te Kooti questioned why he was being held without charge. He made a number of other requests to be tried and these were ignored.
- 2.39 The Government's inability to complete confiscation arrangements at Turanga caused the detention of the prisoners to drag on into 1868. The Government required the detainees and their whanau to live in miserable conditions. The Chatham Islands could get much colder than what the prisoners were used to and they did not have adequate clothing. The detainees were expected to build their own accommodation and provide at least part of their own food. As many as twenty-eight detainees died while on the Chathams including some of the women and children who had accompanied them. It is likely that there were more deaths which went unrecorded. Some of the guards sent to accompany the prisoners were physically and verbally abusive towards them, and the prisoners had to endure petty insults and tyranny. The Crown had to rebuke the doctor appointed to look after them for inappropriate behaviour.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

The Pursuit of Te Kooti and the Whakarau, 1868-1869

- 2.40 In June 1867 the Crown informed the prisoners being held on the Chatham Islands that they would not be allowed to leave until all arrangements for the confiscation of their lands had been finalised. This came as a severe blow and the new Ringatu faith founded by Te Kooti gained in strength as the mood began to change. Plans were thereafter hatched for their escape. Te Kooti led 298 Maori in a successful escape in July 1868. They seized a ship, and reached the mainland south of Turanga at Whareongaonga. Te Kooti wished to lead his followers, who became known as the Whakarau, peacefully to Taupo. However, government forces, supported by Maori allies soon set out to apprehend them. Once the Whakarau's intention to head inland was clear, Crown troops lead by Captain Biggs sought to block their only route of escape towards Waikaremoana, thus ensuring a confrontation would take place. Faced with a choice between fighting or unconditional surrender, involving likely further imprisonment without trial, Te Kooti and his followers opted for the former. Te Kooti defeated the government forces and their Maori allies at several engagements in July and early August 1868. Following this the Whakarau remained at Puketapu for several months while Te Kooti considered his options. Some people came from Turanga to join the Whakarau as did parties from several other iwi.
- 2.41 In September 1868 the Government decided to offer peace terms to the Whakarau that no further action would be taken against them if they laid down their arms and surrendered. The Government also promised to find them land to live on. Some kind of offer reached the Whakarau but it is unclear whether the full extent of the government's terms were communicated.

War: The Battle of Ngatapa, December 1868 - January 1869, and its Aftermath

- 2.42 Captain Biggs' execution of Pita Tamaturi had led Raharuhi Rukupo to seek Biggs' execution, and this take ('cause') was accepted by Te Kooti. The Whakarau led by Te Kooti, attacked Matawhero in the early hours of 10 November 1868. Over the next few days Captain Biggs and more than 50 men, women and children, both Maori and Pakeha, were killed. Some of those killed were either members of the militia or military volunteers who occupied disputed lands, or Maori who had been involved in dealings for land claimed by Te Kooti or his exile. Many houses were stripped and burnt or ransacked, but churches and schools were spared.
- 2.43 The Whakarau moved on to the Rongowhakaata settlement at Oweta where they executed five Rongowhakaata rangatira, and took three more prisoner. Raharuhi Rukupo was threatened with death for refusing to join the Whakarau, but his refusal to do so was finally accepted. The others who had not fled were compelled to join the Whakarau on pain of death. Several hundred Turanga Maori were taken prisoner by the Whakarau who also raided the Rongowhakaata settlement at Pipiwakao in December 1868, and killed four more people.
- 2.44 The Crown quickly responded to the attack on Matawhero in November 1868. It assembled a force to apprehend the Whakarau which included some Turanga settlers and members of Turanga iwi but no Rongowhakaata. Most of the force assembled by the Crown, though, was comprised of neighbouring iwi. They fought several engagements, and killed many of the Whakarau in November and December 1868. The

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Whakarau suffered significant casualties at Makaretu, and no prisoners were taken. Those Whakarau found wounded were summarily executed, and an atrocity was committed against a captured leader. By early December the Whakarau had retreated to Ngatapa, a pa located in a strong defensive position at the top of a steep hill.

- 2.45 Colonel Whitmore and a force of armed constabulary arrived in Turanga in December 1868 to reinforce the troops already there. In early January they besieged Ngatapa in conjunction with Maori allies. On 5 January 1869, having lost their water supply, Te Kooti and some of his followers escaped down an unguarded cliff. They were pursued for several days by the Government's Maori allies. The Crown offered a £1,000 bounty for Te Kooti dead or alive, and £5 for each member of the Whakarau captured alive. In February 1870 the Crown increased the bounty offered for Te Kooti to £5,000.
- 2.46 The Ngatapa siege and its aftermath caused the deaths of many Rongowhakaata, and had a devastating impact on the iwi. In the days following the taking of the pa many of those captured were summarily executed without trial, with the acquiescence of the senior Crown military and civilian representatives present. Some of the Rongowhakaata killed during the siege at Ngatapa had been captured by the Whakarau during their raid on Oweta, and some of these prisoners were probably amongst those summarily executed.
- 2.47 In January 1869 newspapers published several accounts of large numbers of summary executions at Ngatapa. The summary execution of prisoners in cold blood had been described by the Defence Minister in 1866 as an "unlawful act, repugnant to the feelings and customs of civilised people." However the Crown conducted no inquiry into the events at Ngatapa. J. C. Richmond, a Cabinet Minister who had been present at Ngatapa, misleadingly informed the Governor that just one prisoner had been executed. The individual who newspaper reports identified as supervising the summary executions at Ngatapa was subsequently decorated for bravery for his actions there.
- 2.48 The exact number of those executed was not officially recorded at the time and is now debated as is the manner in which the executions occurred. It is clear, though, that Ngatapa was a devastating event in a war during which more than 40% of adult men in Turanga were killed.
- 2.49 In September 1869, five Maori men captured at Ngatapa were charged with and convicted for offences relating to the attacks carried out by the Whakarau in the Turanga area in 1868. Three, including Hetariki Te Oikau and Rewi Tamanui Totitoti of Rongowhakaata were convicted of high treason and sentenced to death, but later had their sentences commuted to imprisonment. A fourth committed suicide. Hamiora Pere was convicted of high treason. An additional charge of murder against him was dropped. He was executed in November 1869.
- 2.50 Following the fall of Ngatapa pa, Te Kooti and surviving members of the Whakarau made their way to the Urewera district. Crown forces continued to pursue them throughout much of the central North Island until 1872. In that year Te Kooti sought shelter in the King Country, where he advocated peace and adherence to the law. In 1883 Maori who had fought against the Crown during the New Zealand wars received an amnesty from the government for 'offences of various kinds, more or less of a political character' committed during the fighting. The legislation which provided for the amnesty

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2: HISTORICAL ACCOUNT

empowered the Governor to exclude named individuals from the amnesty. The Crown agreed after meeting with Te Kooti and Rewi Maniapoto that it would not explicitly exclude Te Kooti from this amnesty.

- 2.51 Subsequent Crown actions however restricted Te Kooti's freedom and movement, and maintained stigmatisation. In 1888 the community which erected the Rongopai meeting house, one of four meeting houses erected in Turanga in honour of Te Kooti, invited him to return to Turanga to attend its opening. In 1889 Te Kooti travelled as far as Waitotahi where he was arrested, due to the threat of an armed force of 250 men from Turanga and the East Coast who had threatened to confront him if he went any further. The Resident Magistrate at Opotiki convicted him of unlawful assembly, and Te Kooti was briefly jailed when he was unable to post sureties of £1500 the Magistrate ordered from him. Te Kooti was refused legal representation, and was not provided with a translation of the evidence against him until the end of the trial. Te Kooti successfully appealed against his conviction in the Supreme Court, but this decision was overturned by the Court of Appeal. One of the Appeal Court judges made derogatory comments about his character. Although Te Kooti had long committed himself to peace following the wars, the stigmatisation followed him - Te Kooti was never able to return to Turanga.
- 2.52 Te Kooti was promised land by the Crown on several occasions. One block was not provided in 1883 because it was said to be too close to settlers. Another block offered in 1884 was unsuitable for living on. In 1885 a third block, the site of the 1864 Orakau battle, was agreed upon but legislation to allow this reserve to be granted to Te Kooti was rejected by Parliament. In 1891 the government identified land at Ohiwa for Te Kooti but this was not granted to him before his death. Te Kooti died in April 1893 as a result of an accident while travelling to Ohiwa. The land at Ohiwa was subsequently granted to the Ringatu Church – however Te Kooti's whanau were excluded from the final grant for this land. Te Kooti's descendants did not receive the land the Crown had promised Te Kooti.

Confiscation and Cession in Turanganui a Kiwa, 1866-1868

These are our troubles: Our land, that the Government is constantly trying to take away from us. Two years have now passed away since the fighting took place in this part of the country. ...we inferred the only punishment this people were to suffer was in the dead who had fallen, and those persons sent as prisoners to the Chatham Islands. But in the present case, the bloodshed has long since dried, during the two years which have passed; yet the word of the Government, that we are to be deprived of our lands, has only now come forth.

Turanga Maori protesting Crown attempts to confiscate their land in 1867 petition to Parliament.

- 2.53 After capturing the pa the Crown decided to carry out its earlier threat to confiscate land from the defenders of Waerenga a Hika. It wanted land for colonisation, and to recover some of the costs of its military actions.
- 2.54 In December 1865 the Crown decided to apply the New Zealand Settlements Act 1863 to Turanga. This Act, which had been used elsewhere in the North Island, provided for all the land within a defined area to be confiscated. Any Maori with interests in the confiscated land who could prove they had not been what the Crown considered rebels could receive financial compensation for their confiscated land.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.55 However the Crown hesitated before carrying out a confiscation in Turanga because of interprovincial rivalry. Hawke's Bay leaders were keen to ensure that they rather than Auckland leaders oversaw the colonisation of the confiscated land. Early in 1866 the discovery of oil springs in the Waipaoa Valley intensified the provincial rivalry between Hawke's Bay and Auckland for control of Turanga.
- 2.56 In 1866 the Crown began to develop alternative ways of confiscating Maori land after the British Government renewed earlier criticism of the manner in which the interests of Maori considered "loyal" by the Crown had their interests swept up in harsh confiscations under the Settlements Act. The British Government wanted the New Zealand Government to attempt the negotiation of "cessions" before resorting to arbitrary confiscations. The British Government threatened to disallow confiscation legislation if it was unhappy with the legislation's implementation. New Zealand's Premier Stafford later told Parliament that, in any case, the operation of the Settlements Act had been "unsatisfactory and expensive".
- 2.57 The Auckland provincial government proposed new legislation to facilitate its plans to acquire oil fields which the Crown supported. The East Coast Land Titles Investigation Act 1866 was enacted to prohibit private acquisitions of Maori owned land in the East Coast region, and empower the Native Land Court to determine who the Maori owners of the land were before any was confiscated. If the government could then demonstrate to the court that Maori had been in "rebellion" their customary interests (including the lands on which the oil fields were located) would be forfeited to the Crown. The Crown appointed the settler and soldier, Captain Reginald Biggs, to represent it in Court hearings under the 1866 Act.
- 2.58 Biggs attempted to negotiate the cession of a defined block of land before any application was made to the Native Land Court. The Government proposed to pay compensation to any loyal Maori whose land was included in the block to be ceded. However, negotiations stalled because the Crown's representative, Biggs sought the cession of a block of more than 200,000 acres which extended deep inland, but Turanga Maori were unwilling to give up this quantity of land. The Crown, at different times, threatened Rongowhakaata that it would revert to using the New Zealand Settlements Act or the Native Land Court operating under the East Coast Native Land Titles Investigation Act (sometimes described as the 'land taking court'), if they did not readily comply with the Crown's demands.
- 2.59 The Crown's plans to confiscate land in Turanga were also frustrated by a drafting error in the East Coast Native Land Titles Investigation Act which made it doubtful if the Court had the power to confiscate the land of those it considered rebels. The Crown requested an adjournment of the Native Land Court hearing which began in Turanga in July 1867, in order to correct this defect in the drafting. Amending legislation was enacted later in 1867.
- 2.60 The July 1867 Court hearing, and the Crown's request for an adjournment, caused great inconvenience and expense to the large numbers of Maori who assembled for the hearing. Shortly after the hearing 256 Turanga iwi, hapu and whanau signed a petition complaining of the intimidating tactics used by the Crown to secure all the flat land in the district. In light of the short duration of the fighting in 1865 and the length of time since it ended, they argued they should not have to give up any land.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.61 The Crown renewed its efforts to secure land in Turanga in February 1868 when Donald McLean joined the negotiations to help Biggs secure a cession of land. McLean once more threatened Turanga iwi, hapu and whanau that if they left it to the Native Land Court sitting under the East Coast Land Titles Investigation Act to decide matters 'there will be no land left for you, it will all be taken by that court'. However, Biggs and McLean were largely unsuccessful, and only secured agreement to the purchase of the 741 acre Turanganui No.2 block, which was later surveyed as the site of the Gisborne township.
- 2.62 In March 1868 the Crown asked the Native Land Court to investigate title to all the land in the East Coast region under the East Coast Native Land Titles Investigation Act. However the Court dismissed the Crown's application because Maori had insufficient notice of it. Local Maori withdrew most of their claims on the basis that they did not have confidence in the Land Court operating under the East Coast Land Titles Investigation Act. The Crown took steps to replace this Act with the new East Coast Act 1868. This gave the Native Land Court a discretion to award the interests of those it considered rebels to either the Crown or those the Court considered loyal Maori.

Deed of Cession, November-December 1868

They keep haggling and want to retain the very piece which I proposed to give to the tribes & the defence force. About half the natives have come in to my proposals and the rest will do so when they see me beginning to pack.

Richmond writing in December 1868 to describe the pressure he applied to Turanga Maori to secure the cession of land they were reluctant to relinquish.

- 2.63 In the second half of 1868 the Crown exploited the fear many Turanga Maori had of the Whakarau to secure their agreement to a cession of land in lieu of the Crown enforcing an outright confiscation. Captain Biggs had advised his superiors on the eve of the attacks on Turanga in November 1868 that he expected to be offered 10,000-15,000 acres of flat land by Turanga iwi, hapu and whanau and recommended that the Crown accept this offer. The Crown sought much more land than this after these attacks.
- 2.64 In December 1868 Cabinet Minister J. C. Richmond warned Turanga Maori that the Government was prepared to withdraw its protection from Turanga if it could not secure all the land it wanted. Richmond declined to take the advice of Donald McLean who suggested that the attempt to seek a cession of land so soon after the attack on Turanga would convey a bad impression to local Maori. Richmond threatened Turanga Maori that they had to choose between Government by the Crown, Te Kooti, or the Crown's Maori allies from another district. On 18 December 1868 this threat resulted in 279 Turanga Maori reluctantly signing a Deed ceding about 1.195 million acres to the Crown. The Crown effectively confiscated the land of the many Turanga Maori who were not present to sign the deed, and were assumed by the Crown to be rebels.
- 2.65 The Crown intended to retain ownership of a portion of the ceded land for use as a military settlement, but the Deed did not define how much land this would be. The Deed provided that Maori with interests in the area retained by the Crown who it considered to be loyal were to be compensated for these interests, but this did not occur. Most of the ceded land was to be returned to Maori ownership after a commission had determined

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

who the owners were. However the commission was to punish those it considered rebels by excluding them from the lists of owners it awarded land to.

- 2.66 In February 1869 the Crown issued a proclamation which proclaimed that Rongowhakaata's customary title in the land subject to the deed of cession had been extinguished. The effect of this was to make the land Crown land. The Crown had promised to grant most of the land back to Turanga Maori as provided for in the deed.
- 2.67 The Crown negotiated an agreement with Turanga Maori in 1869 over the amount of land it would retain, but failed to ensure that this agreement was accurately recorded in writing. In 1873 the Crown surveyed 31,301 acres in the Patutahi and Te Arai blocks which it was to retain (in addition to about 5,000 acres in Te Muhunga block). Crown officials, though, considered this inadequate. They added a further 19,445 acres to the area the Crown would retain by extending the boundaries of the combined Patutahi and Te Arai blocks to the Hangaroa River.
- 2.68 The Crown finally retained more than 56,000 acres of land in the Patutahi, Te Muhunga and Te Arai blocks, located near modern-day Gisborne. The Crown established a military settlement on 5,000 acres at Ormond, and awarded ten thousand acres of the retained land to its Maori allies in earlier fighting. The Crown subsequently purchased these awards.
- 2.69 Rongowhakaata and other Turanga Maori consistently maintained that they had only agreed for the Crown to retain 15,000 acres. They submitted numerous petitions to the Government over many decades which protested the Crown's retention of more than 15,000 acres. These petitions resulted in Commissions of Inquiry investigating this issue in 1882 and 1920. The 1920 Commission of Inquiry concluded that Maori had only consented for the Crown to retain 30,000 acres at Patutahi. It recommended that the Crown pay compensation for the additional 20,373 acres the Crown had retained in Patutahi. From the 1920s to the 1940s the Crown deliberated whether to pay compensation to Rongowhakaata for the Patutahi block. After 1922 the Native Land Court identified who it considered were the individuals with interests in Patutahi, and in 1950 the Crown finally agreed to pay £38,000 to these individuals who were mostly Rongowhakaata. Forty one of forty three Rongowhakaata at a hui at Manutuke in October 1950 voted to accept this payment while noting their disappointment at the smallness of the Crown's offer. Rongowhakaata still consider today that they only agreed under duress for the Crown to retain 15,000 acres.

Confiscation and the Poverty Bay Commission

- 2.70 In 1869 the Crown established the Poverty Bay Commission to determine the ownership of the land affected by the 1868 deed of cession which was to be returned to Maori ownership. The Commission was to punish those it considered rebels by excluding them from the titles it recommended be awarded. The Chief Judge of the Native Land Court, Francis Fenton, argued the Commission had no legal authority to exercise this punitive power which he said was contrary to principles of the English constitution that had been in place since Magna Carta.
- 2.71 The Crown also empowered the Commission to investigate settler land transactions entered into with Maori over previous decades, despite officials having privately

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- acknowledged that these transactions contravened the legislation governing old land claims. The Crown pressured Maori into agreeing to the deed of cession which included a clause stating they had requested such an investigation.
- 2.72 The Crown appointed two Native Land Court judges to the Commission. In 1869 the Commission sat at Turanga for 33 days and heard 50 Maori claims covering 101,000 acres. This land included more than 20,000 acres in 45 core Rongowhakaata blocks. Settlers were awarded 1,230 acres much of which was Rongowhakaata land. Much of the land awarded to Rongowhakaata in 1869 had been sold, leased, or mortgaged by 1874.
- 2.73 The Commission did not sit again until 1873 when it awarded titles to a further 37,278 acres including 13,800 acres in the inland Rongowhakaata block of Waihou. In total, 138,278 acres were awarded by the Commission over a period of four years, including more than 35,000 acres of Rongowhakaata lands.
- 2.74 The Crown effectively confiscated the interests of some Rongowhakaata who the Commission excluded from the titles it recommended be awarded because it considered them to be rebels. There were also about 300 Rongowhakaata who were informally excluded from titles to their ancestral land on the basis of a list of alleged Rongowhakaata rebels drawn up by a Crown official assisting the Commission. The names of these alleged rebels were not submitted to the Commission for consideration in its awards, and it conducted no investigation into whether these Rongowhakaata really were rebels. No provision was made for 'rebels' who may have been rendered landless as a consequence.
- 2.75 In 1873 the Poverty Bay Commission faced significant opposition. The hearing for the Rongowhakaata block of Okirau had to be adjourned due to a disturbance in the hearing room due to Maori opposition to the hearing. The Commission declined a request by Wi Pere to vest the unadjudicated lands in the ownership of twelve trustees to act on behalf of the tribes. Instead all the unadjudicated lands were returned to Maori ownership as if customary title had not been extinguished. The Poverty Bay Lands Titles Act 1874 provided that all future title investigations for land in the ceded block were to be conducted under the Native Land Act 1873.
- 2.76 The Crown awarded Turanga Maori joint tenancies for the land returned to them after the Poverty Bay Commission determined its ownership. This assumed all interests were equal rather than recognising potentially different levels. The award of joint tenancies meant owners were unable to leave their interests to their descendants. Instead, upon the death of an owner, their interests reverted to the remaining owners. In 1869 the Crown amended the native land legislation to provide for the Native Land Court to award Maori land owners tenancies in common which could be bequeathed.
- 2.77 In 1873 the Crown took steps to remedy the grievance Rongowhakaata and other Turanga iwi felt over these titles by introducing legislation which converted the joint tenancies to tenancies in common. However the Native Grantees Act 1873 did not apply to land already leased, sold or mortgaged or to the interests of those who had already passed away.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

2.78 In 1875 the Crown recognised that many Rongowhakaata had been rendered landless because the confiscation of their land interests had left them nowhere to live. The Crown identified a hilly block of little value containing just over 4,000 acres at Arai Matawai, and in 1877 the Crown provided this land to Rongowhakaata as a reserve. At this time the Crown awarded Arai Matawai to just 23 owners, but, in 1906 after much protest from Rongowhakaata, the Native Land Court was empowered to re-investigate the ownership of this block. In 1908 the title for Arai Matawai was awarded to 642 owners. This was equivalent to six and a half acres in the block per owner.

Introduction of the Native Land Laws, 1860s and 70s

2.79 The Crown's concern about perceived failures in the existing system of dealing with Maori land prompted it to introduce a new system in the early 1860s. Parliament established the Native Land Court, under the Native Land Acts of 1862 and 1865, to determine the owners of Maori land "according to native custom", as well as to convert customary title into title derived from the Crown.

2.80 The Crown aimed to provide a means by which disputes over the ownership of lands could be settled and to facilitate the opening up of Maori customary lands to colonisation. The Crown's pre-emptive right to purchase land was set aside, with a view to giving individual Maori the same rights as Pakeha to lease and sell their lands to private parties and the Crown.

2.81 The native land laws introduced a significant change to the Maori land tenure system. Customary tenure among Turanga iwi, hapu and whanau was able to accommodate multiple and overlapping interests to the same land. The Native Land Court was not designed to accommodate the complex and fluid customary land usages of Maori within its processes, because it assigned permanent ownership. In addition, land rights under customary tenure were generally communal but the new land laws gave rights to individuals instead of hapu and iwi. It was expected that land title reform would eventually lead Rongowhakaata to abandon the tribal and communal structures of traditional land holdings.

2.82 Maori were not represented in Parliament, when the 1862 and 1865 Native Land Acts were enacted. Property qualifications based on European land tenure denied most Maori men the right to vote until the establishment of four Maori seats in the House of Representatives in 1868. The Crown had generally canvassed views on land issues at the 1860 Kohimarama Conference, but the native land laws adopted a different approach, which did not fully reflect earlier proposals. Rongowhakaata were not consulted on the legislation before its enactment and nor were they informed of the full implications of it.

2.83 Maori had no alternative but to use the Court if they wanted a title that would be recognised by the Pakeha legal system and that would enable them to integrate the land in question to the modern economy. A freehold title from the Court was necessary if they wanted to sell or legally lease land, or to use it as security to enable development of the land. However, the nature of the titles issued by the Court meant these were not widely accepted as security.

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2: HISTORICAL ACCOUNT

- 2.84 The Court's investigation of title for land could be initiated with an application to the Court in writing from any individual Maori. There was no requirement to obtain wider consent before an application was lodged, but once it had been accepted by the Court all those with customary interests were obliged to participate in the investigation of title, or lose their interests. In some instances surveys or investigations of title proceeded without the support of all of the hapu who claimed interests in the lands.

Rongowhakaata experience of the Native Land Court, 1875-1900

- 2.85 The first Native Land Court hearings in Turanga took place in 1867 and 1868, but no titles were determined. In 1870 the Native Land Court, sitting in place of the Poverty Bay Commission, awarded title for 758 acres in fourteen blocks of Manutuke land claimed by Rongowhakaata. The Court sat under the East Coast Act which required it to exclude all rebels from the titles it awarded. A small number of Rongowhakaata had their interests confiscated in this manner. The East Coast Act was not repealed until 1891, but there is no record of it being applied after 1873.
- 2.86 The Court did not begin sustained work in Turanga until 1875. The majority of Rongowhakaata land that passed through the Court was investigated under the Native Land Act 1873. The Act required all owners be listed on a memorial of ownership. No owner could independently sell their interest unless all the owners consented. If the owners were not unanimous the block would be subdivided between sellers and non sellers so long as there was majority support for subdivision. The portion of the block awarded to the sellers could then be sold. Later legislation weakened the requirement for majority support.
- 2.87 The Crown's confiscation of Patutahi, and the operation of the Poverty Bay Commission, meant that Rongowhakaata had only a small quantity of their core lands effectively remaining in customary ownership in 1875. Between 1875 and 1900 the Court investigated the ownership of 28 core Rongowhakaata blocks containing just over 6,500 acres. Some Rongowhakaata were also included in titles for other inland blocks. By 1900 Rongowhakaata had only a few small blocks remaining as customary land.
- 2.88 Rongowhakaata attempted to manage the Court's unfamiliar processes to avoid costly and contested cases. Rongowhakaata leaders generally initiated the survey of land and resolved lists of owners out of court before seeking confirmation of those owners from the Court. This approach was encouraged by the Turanga Court, and most title investigations in Turanga were settled quickly by the adoption of out of Court settlements. The Court did, however, occasionally have to conduct hearings for blocks where titles were contested between different Rongowhakaata hapu, or with other iwi.
- 2.89 Although they used the Court in the absence of any legal alternative, many Rongowhakaata opposed the native land laws. In 1873 some Rongowhakaata leaders joined other Turanga leaders in supporting the pan iwi Repudiation Movement and its petitions which criticised the native land laws and the operation of the Court. A key criticism was that the laws took control away from Maori, who wanted to use their own processes to administer their own lands.
- 2.90 By the mid 1870s support was growing for the establishment of Maori institutions that would function in parallel with Pakeha institutions. Some Turanga Maori began to form

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unofficial komiti after the final sitting of the Poverty Bay Commission. In 1877 Turanga Maori formed the Turanganui a Kiwa komiti, which was intended to deal with civil and criminal cases as well as carry out land title determinations. Rongowhakaata sought legal empowerment to administer their own local affairs through komiti but this was not given, making komiti less effective as institutions.

- 2.91 Survey charges and other costs involved in securing title through the Court varied but could be a burden on Rongowhakaata. While some blocks were surveyed for as little as one penny per acre the Waiwhakaata block cost one shilling and sixpence an acre to survey. In some cases land was used to pay for survey costs. Attending Native Land Court hearings could be expensive for Rongowhakaata with claims to the land if the hearings were contested. It could also require those attending court to travel into Gisborne and stay for the required period of time, not knowing when their case would come up.
- 2.92 The individualised titles issued by the Native Land Court created a number of problems for Maori over time, including the fragmentation of interests as a consequence of succession rules, the difficulty of obtaining development finance on the basis of the Court-awarded titles and the general inability to manage lands communally.

Land Alienation – Crown and Private Purchasing to 1909

- 2.93 One of the purposes of the Native Land Acts was to make Maori land available for Pakeha settlement. Land alienation continued from the mid-1870s despite many Rongowhakaata already being effectively landless. The Crown renewed efforts to purchase land in Turanga in 1873. The Crown preferred to purchase land but initially some Rongowhakaata would only agree to lease their lands. The Crown therefore entered into agreements to lease blocks such as Waihau. The lease agreements usually included clauses that prohibited the Maori lessors from selling the land to anyone other than the Crown. By 1881 the Crown had withdrawn from all the leases it had previously agreed to.
- 2.94 The Crown's instructions to its land purchase agents were to negotiate openly and with tribal leaders. New legislation enacted in 1877 provided that the Crown could apply to the Native Land Court to be awarded any interests it had acquired. Negotiations with individuals became increasingly common after this point. The first Crown purchases of land interests from Rongowhakaata were not completed until 1880.
- 2.95 The Crown used powers under legislation to prohibit private parties from also negotiating for the same blocks the Crown sought to purchase. It made payments on blocks in which some Rongowhakaata had interests before the Native Land Court had determined ownership. The Native Minister ordered this practice to stop in 1879, though it continued in some cases. Sometimes these advances could bind the recipients into the sale of the land before a price had been agreed on.
- 2.96 Private parties acquired more than 21,000 acres of Rongowhakaata's Turanga lands by 1900, this being three-quarters of the lands they had retained there in 1873. Many private purchasers informally leased land before its title was determined by the Native Land Court, as a preliminary step to purchase. It was also common for private purchasers to acquire individual interests over time. For example, one private purchaser

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negotiated 106 separate deeds for one block. From the late 1870's onwards requirements for a majority of owners to agree to any partition were successively weakened. During the 1880s there was a significant increase in the number of transactions completed for Rongowhakaata land. In some cases private purchasers took advantage of Maori debt to acquire land despite some legislative provisions that prohibited the acquisition of Maori land in satisfaction of debt.

- 2.97 The native land laws required buyers and sellers to comply with a number of technical requirements before transactions for Maori land could be completed. For example, a certificate from the Trust Commissioner was required confirming that Maori owners understood the transaction and had received the consideration promised. Some of these requirements were intended to provide a limited protection of Maori interests but proved ineffectual. The native land laws were frequently amended and some facets of the laws were complex. By the 1890s, a number of land transactions that had been entered into were incomplete due to their failure to comply with all technical requirements of the native land laws.
- 2.98 In 1893, the Government established a special court to validate such transactions. The Validation Court perfected title to nearly 50,000 acres in Turanga including the Te Kowhai, Mirimiri, Hangaroa Matawai, and other blocks in which Rongowhakaata had interests. Turanga iwi, hapu and whanau objections to the validation of transactions which previously had no legal standing were in a number of cases dismissed by the Validation Court. The sometimes burdensome costs may have contributed to low Maori attendance at Validation Court hearings.

Attempts for community management of Maori owned land

- 2.99 Some Turanga Maori sought a legal mechanism to facilitate tribal control over the administration and alienation of Maori land in Turanga. In 1878 the Turanga leader Wi Pere and his lawyer, William Rees proposed a scheme to achieve this. They established trusts to manage and develop Maori-owned land. They intended to develop and dispose of some Maori land in order to bring more settlers to Turanga. They envisaged that Maori would benefit from the profitable disposal of developed land and that tribal control of the alienation process would ensure that Maori derived benefit from economic activity generated by new settlers. The trust scheme would also have prevented some difficulties such as the fragmentation of ownership among descendants of the original owners that would later plague Maori land tenure.
- 2.100 The Rees-Pere scheme attracted considerable support in Turanga. Some 74,000 acres in Turanga were vested in the trusts by 1881. Rongowhakaata vested interests in the trusts in the Pakowhai, Kaiparo, Ahipipi, Whakawhitira and Whataupoko blocks. However the trusts soon ran into insurmountable financial and legal difficulties. Heavy costs were incurred developing land, and purchasing land Maori had previously sold. The Supreme Court ruled in 1881 that land could not be vested in trust if the title to the land had been determined under the Native Land Act 1873. This had a major impact on the Rees-Pere scheme. Rees and Pere had been unable to secure political support for legislation that would have given legal recognition to their scheme, despite a number of petitions from Turanga iwi, hapu and whanau supporting an 1880 Bill to this effect.

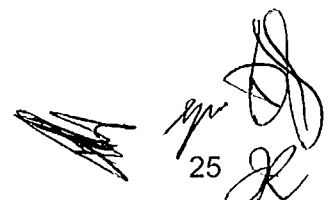
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- 2.101 Pere and Rees reacted to these difficulties by forming a company as the vehicle to administer their scheme. The land purchased by the Company included Rongowhakaata blocks at Kaiparo, Pakowhai, Ahipipi, Whakawhitira, and Matawhero. However the Company failed financially, and went into liquidation in 1888. Maori and others requested that the Government intervene but it declined to do so. In 1891 the Bank of New Zealand, which was the principal creditor, proceeded with the mortgagee sale of 36,300 acres of Company lands. This included 253 acres at Kaiparo from which some Rongowhakaata occupants with no other land to live on were forcibly evicted.
- 2.102 A new trust was established in 1892 to take over the assets and liabilities of the Company. The beneficiaries of the Trust were the original owners of the land which had been sold to the Company. The Trust aimed to redeem the indebted land for these original owners.
- 2.103 The Trust had sold some land in Matawhero during the early 1890s. The Trust sought to expand its asset base by bringing in additional lands. This included Tahora land in which some Rongowhakaata had interests. In 1896 the Validation Court vested several blocks in Tahora in the Trust on the basis of an 1889 transaction between the owners and the Company even though the Company had gone into liquidation in 1888.
- 2.104 This trust was also overwhelmed by debt, and in 1902 the Government established a statutory trust to take over the indebted lands in order to avoid a further planned mortgagee sale of these lands.
- 2.105 What became the East Coast Maori Trust sold some land to pay off the debts it inherited. This included some Rongowhakaata lands at Matawhero and Pakowhai. The East Coast Trust developed a number of farms on the remaining lands, including Tahora lands. The Trust was economically successful, but the beneficiaries were only given a meaningful role in the Trust's administration in the late 1940s. Most of the Trust's lands, including those at Tahora, had been transferred to owner incorporations by 1955. This amounted to only about a quarter of the lands vested in trust in 1892.
- 2.106 As part of the process of winding up the trust, the beneficial owners agreed to pay compensation of £96,751 to the descendants of owners of the lands sold between 1892 and 1905 to pay off the debt incurred by the Company in the 1880s. This included £16,000 paid to the descendants of the owners of Pakowhai which had been sold for £27,000 in 1905. However, despite a protest from descendants of the owners of Kaiparo, the East Coast Trust Council declined to pay compensation for any of the land sold in 1891.

Twentieth Century Land Administration

- 2.107 The Crown became concerned in the late nineteenth century that Maori land was often not being used profitably, due in part to multiple ownership resulting from the titles issued by the Native Land Court and a lack of access to development finance. The Crown accepted that existing procedures for managing Maori land were inadequate. It was also concerned that further alienation of Maori land might leave a reviving Maori population with insufficient land for their needs and requiring state support.



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- 2.108 In response to these issues and increasing pressures from bodies such as the Kotahitanga movement, which received significant support from Rongowhakaata, in 1900 the Crown introduced Maori Land Councils with a mix of Crown-appointed members and elected Maori representation. The Councils were responsible for supervising all land alienation and could administer lands voluntarily placed under their authority by Maori landowners. The Crown aimed to enable Maori to retain land while ensuring that 'idle' land was leased and the income generated was used to develop it. The Councils were also given a role in determining the ownership of Maori land with the assistance of elected Maori committees, but by this time title to most Turanga land had already been determined by the Native Land Court.
- 2.109 Only a small quantity of Turanga land was vested in the Tairawhiti Maori Land Council before 1906. At this time the Councils became Government-appointed Boards. The Stout Ngata Commission set up in 1907 to appraise Maori land found that 70% of the land in Cook County, of which Turanga was part, had been purchased by the Crown and settlers, and that most of the land still owned by Turanga Maori had already been leased. Rongowhakaata retained only 15 percent of their Turanga lands in 1907. The Stout Ngata Commission recommended that no additional land be vested in the Tairawhiti Board for lease.
- 2.110 Tairawhiti was one of two land districts selected to test the efficacy of compulsory vesting of Maori land in a Land Board. By 1909 up to 7,500 acres in Turanga had been vested in the Tairawhiti Maori Land Board which had jurisdiction over the East Coast including Turanga. The Board was authorised to lease or mortgage the lands vested in it.
- 2.111 In 1908 it was empowered to supervise alienations of other land held by Maori. The Native Land Act 1909 removed all existing restrictions on the sale of land. The Board could approve land sales that would leave Maori landless, if the land would not in any event provide sufficient income to support them, or where Maori had adequate alternative forms of income. In 1913 the requirement that there be elected Maori representation on the Board was abolished.
- 2.112 Between 1910 and 1952 the Board approved more than 120 sales of Rongowhakaata land which significantly reduced Rongowhakaata's small and fragmented land holdings. These sales meant that Rongowhakaata retained ownership of virtually none of their traditional rohe.
- 2.113 The Board was able to lease lands for terms of up to 50 years without consultation with the owners. The only remaining substantial Rongowhakaata blocks suitable for leasing were Paokahu and Arai Matawai, and these were leased under Board auspices. Although this helped to ensure that such lands remained in Maori ownership, it also resulted in a substantial loss of control. In the 1950s, as many of the leases expired, owners wishing to resume control of these found in some cases that tenants had begun to neglect maintenance of such lands once it became clear their leases would not be renewed. The Maori owners of such properties therefore faced substantial and immediate costs before they could return the lands to full production.
- 2.114 From the early twentieth century legislation provided for Maori land owners to establish incorporations to manage their lands. Rongowhakaata concluded that most of the

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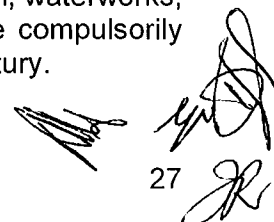
blocks in which they retained interests were too small and intensively occupied to be suitable for incorporation. Rongowhakaata did, though, establish several incorporations. In 1909 they established an incorporation to administer Paokahu. In 1953 Rongowhakaata established an incorporation to administer Arai Matawai after this land was returned to Rongowhakaata control by the Tairāwhiti Māori Land Board. However the incorporations continued to encounter problems accessing finance.

Consolidation Schemes

- 2.115 In the twentieth century many Rongowhakaata owned small and fragmented interests in a number of scattered land blocks as a result of individualisation and partition of interests. Some of the shares in Arai Matawai were purchased by the government under measures introduced in 1953 allowing for the compulsory acquisition of 'uneconomic' interests in Māori lands, a policy greatly resented by some of those who it affected.
- 2.116 The Crown also attempted to address the fragmentation of Māori land ownership by introducing consolidation schemes. These schemes extinguished the legal titles of some owners to lands with which they had ancestral connections, and replaced them with new legal titles in lands with which they had no customary connections. The process was to take close family interests from across multiple blocks and group them into single, or contiguous blocks to encourage further development of these lands for farming purposes.
- 2.117 The main consolidation scheme in Turanga was at Manutuke and involved Rongowhakaata and another iwi. It affected 539 land titles made up of 16,838 separate interests and was complex, time consuming and resource intensive. Between 1959 and 1969 interests in these small uneconomic land holdings covering 22,345 acres were rearranged and new blocks formed. The scheme could not have proceeded without the support of a majority of the community but some Rongowhakaata considered that these schemes were the only practical way of making it possible to effectively administer their land holdings.
- 2.118 Many Rongowhakaata lost their ownership interests in land with which they had strong whakapapa associations because their interests were regrouped into other areas, causing great distress for those concerned. The interests of more than 800 owners in Arai Matawai were relocated in other blocks, including so-called 'sinker' blocks, such as Whareongaonga and Pakowhai. Similarly, Paokahu was used as a 'sinker' block for non-Rongowhakaata owners elsewhere in Turanga. This resulted in many individuals linked to other iwi, being relocated to Paokahu reducing Rongowhakaata's interests in this culturally significant land. The consolidation scheme was unable to address the basic problem of too little land remaining in the ownership of too many people.

Public Works

- 2.119 The Crown compulsorily acquired a number of parcels of Rongowhakaata land under public works legislation in the nineteenth and twentieth centuries. Around 500 acres, including Papakainga land at Manutuke, was acquired for a range of public purposes including roads, railways, an aerodrome, harbour facilities, public sanitation, waterworks, and cemeteries. The Crown generally did not consult with Māori before compulsorily acquiring their land for public works prior to the middle of the twentieth century.



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- 2.120 The taking of land along the banks of the Waipaoa River deprived Rongowhakaata of a legal right to access some customary fisheries.
- 2.121 Sometimes no compensation was paid for the land where it was considered that the public works would increase the value of the surrounding land. Between 1862 and 1927 various legislative enactments allowed for up to 5% of any Maori land block to be compulsorily acquired for roading purposes without compensation. Such takings included 46 acres, taken from Te Arai Matawai, under this legislation.
- 2.122 There was insufficient justification for the Crown to acquire lands it took in 1900 at Waiohiorore for public health purposes, and in 1902 at Awapuni where land was taken for a cemetery. Awapuni was acquired under the wrong section of the Public Works Act in force at the time, and this made it easier for the Crown to take the land because the owners were not notified. The compensation payable for a taking for navigation purposes in Waiohiorore 1 may have been inadequate or not paid. The Crown did not return land to Maori that it had acquired for public works once it no longer needed those lands for the purpose for which they were taken. Much land taken in the Gisborne area was retained because the Government considered it would be needed for other public purposes connected with the city. In other cases, such as at Paokahu (now known as Kopututea) where 69 acres were taken for Centennial Marine Drive in 1944, the Crown was tardy in returning to its former owners land which was considered surplus. Half the land taken at Paokahu was not needed and 35 acres was returned in 1978. The only time land required for public works in Turanga has been leased was in 1975 when a lease was negotiated for land at Paokahu which was required for a rubbish tip.

Environmental Issues

"From the Waikanae Stream, Te Wai o Hiharore to the mouth of the Waipaoa, the fat thick shelled white pipi was famed for it's abundance and a much cherished delicacy of Rongowhakaata fresh but also dried and stored for future purposes. This pipi was the kai of the Tamure, snapper; shoals of them would come in for feeding on the pipi with their powerful jaws breaking shells, hapu would mobilise to eat, gather, dry and store the tamure. Gathering the pipi was a simple task of feeling with your feet and filling your kete as the stock were plentiful. These were enjoyable times for whanau, with clean waters in the bay of Turanganui a Kiwa, but once the Gisborne City sewerage scheme piped the raw waste from Kaiti into the moana, from Oneroa to Te Wai o Hiharore the pipi disappeared in disgust."

Rongowhakaata Kaumatua Darcy Rapiata Ria describing customary uses of coastal resource.

- 2.123 The underlying geology of land in the Waipaoa River and Te Arai River catchment areas renders them susceptible to erosion and soil run off which causes flooding on the lower reaches of the rivers. Between 1890 and 1920 there was extensive deforestation in the river catchments to facilitate the development of pastoral farming. This significantly increased erosion and soil instability, and greatly increased flood risks on the lower reaches of the River where most Rongowhakaata lived. In the 1930s and 1940s Rongowhakaata suffered significant damage in severe floods on the Gisborne flats.
- 2.124 The Crown established the Poverty Bay Catchment Board in 1944 to manage erosion issues in Poverty Bay. The Crown soon placed control of Poverty Bay waterways in the hands of the catchment board without consulting Rongowhakaata. From the introduction

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of the Waipaoa River Flood Control Scheme in 1953 the Board oversaw significant changes to the natural environment of Turanganui a Kiwa particularly such areas as Wherowhero lagoon. Other significant changes have been caused by the use of the Te Arai river for irrigation, and as the water supply for Gisborne. The drainage of important wetlands, such as Awapuni Moana, deprived Rongowhakaata of important sources of kai moana, birds, and in particular the much prized delicacy of black pipi. A number of Rongowhakaata kainga and wahi tapu around the edge of the Awapuni Moana ceased to exist.

- 2.125 In 1928 the Native Land Court declined a Rongowhakaata application to investigate the title of the Awapuni Moana on the grounds that it was an "arm of the sea." In 1953 the Crown declared the Awapuni Moana to be Crown land. The Crown then proceeded to drain the lagoon, and develop a farm on the drained land. From the 1970s Rongowhakaata were involved in lobbying and petitioning the Government to have Awapuni Moana returned to Maori ownership. In 1990 the Crown applied to the Maori Land Court to vest this land in Maori ownership.
- 2.126 The development of the port of Gisborne involved dramatic and irreversible changes to the Turanganui River. This included the blasting and destruction of sites of great customary significance, including Te Toka a Taiao, the deepening of the channel, reclamations and excavations, sand extraction, and the diversion of the river in order to widen the harbour. Sites such as the puna of Waihiharore have been severely affected by changes to the harbour.
- 2.127 The discharge of human waste into the rivers and sea at Turanganui a Kiwa has also caused great distress to local Maori for cultural, environmental and public health reasons, as has the discharge of industrial effluent into the waterways. This has had ongoing impact on Rongowhakaata's use of traditional resources such as food (shellfish and finfish) and the knowledge and practices associated with both the gathering and protection of those resources. Rongowhakaata now have a diminished ability to provide traditional manaakitanga to their manuhiri. The pollution has also restricted the recreational use of some areas for swimming and boating.

Social and Economic Impacts

- 2.128 By 1930, Rongowhakaata's land interests at Turanga were reduced to less than 6,000 acres, two-thirds of which was comprised in a single block of hill country (Arai Matawai). Subsistence agriculture remained important to many Rongowhakaata until the mid 1930s. By this time many Rongowhakaata were semi dependent on wage labour, and took up casual or seasonal employment in the rural sector. In the 1930s the depression hit hard, and a rising population added to the great stress on the rural economy. In 1933 nearly a quarter of Maori in the East Coast district were undernourished due to socio economic deprivation. This left them vulnerable to an increased risk of health problems.
- 2.129 After the Second World War there was a significant movement of population from rural to urban districts as Turanga Maori sought improved economic opportunities through employment. Many became wage labourers. There were only a handful of Rongowhakaata farmers. For most families these changes initially involved migration from Rongowhakaata's main settlement at Manutuke to Gisborne, and later to areas outside the traditional rohe of Rongowhakaata, such as Wellington and Auckland.

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Today only one-third of Rongowhakaata live in the Gisborne region. Many Rongowhakaata are dislocated from their cultural support systems, traditions and practices.

- 2.130 Government reports have consistently identified gaps between Maori and non-Maori across a range of socio-economic indicators including housing, education, crime and health.
- 2.131 Rongowhakaata had their own system of learning prior to the arrival of Europeans in the district. New schools were established shortly after coming into contact with Pakeha in the 1830s. After 1867 the Government began to subsidise a Native school system, but the Native Schools in Turanga soon folded due to poor attendance. Most Rongowhakaata attended schools established under the Education Act 1877 and a curriculum modelled on a system inherited from Britain. Some Rongowhakaata were sent to Maori Church boarding schools such as Te Aute, and Hukarere.
- 2.132 However generally the school system did not prepare Maori for participation in the modern economy as well as it prepared Pakeha children. These schools were based on Pakeha values, and sought to assimilate Maori children to Pakeha culture.
- 2.133 The introduction of a British education system had serious colonising effects on Maori language and identity. For many years the Crown did not take any responsibility for ensuring children had access to their language and culture through the education system to facilitate the preservation and maintenance of language and culture distinct to Rongowhakaata. This denied children a critical facet of their cultural identity. Prior to 1840 Turanga Maori were fluent in their own language, but by the 1970s the number of Maori who could speak their language declined to 18-20% and most of those people were over the age of 65 years. The language has struggled to recover and in 2006, only 26.3% of all Maori could hold a conversation in Maori about every day matters.
- 2.134 Turanga children and adults were also affected by official definitions of "Maori" based on blood rather than self-identification or acknowledged whakapapa. For much of the period prior to 1974 to be legally defined as Maori for official purposes required at least 50% Maori ancestry. This divisive requirement was dropped only with the Maori Affairs Amendment Act of that year.
- 2.135 For Turanga Maori stereotyping, the low expectations of educationalists and discriminatory practices within the education system and workplace resulted in limited career choices.
- 2.136 In the mid-nineteenth century infectious diseases brought to the country by Europeans such as influenza and measles had a devastating impact on Rongowhakaata, and caused a significant decline in population. Epidemics continued to occur into the early years of the twentieth century, although Maori were developing immunity to some of the newly introduced infectious diseases. There are mass graves where Rongowhakaata who died during epidemics are buried at Te Kuri a Tuatai marae and Papatu Road cemetery.

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2: HISTORICAL ACCOUNT

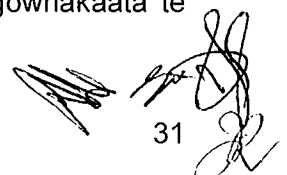
- 2.137 At the beginning of the twentieth century the Government developed a health care programme to improve health among Maori. Government officials worked in local Maori communities improving sanitation standards. However, while there was some progress, serious problems remained. In 1928 typhoid, a leading disease of poverty, was reported to be the worst health care problem facing Maori. Although sanitation improvements and the introduction of an inoculation programme helped reduce the rate of typhoid among Maori after 1928, the incidence of typhoid among Maori was still much higher than among Pakeha for many years.
- 2.138 Many Rongowhakaata were severely affected by long term poverty. At the end of the 1930s more than half of Turanga Maori households were overcrowded. Poor housing conditions and malnutrition made Maori more vulnerable to communicable diseases than Pakeha. Tuberculosis, rheumatic fever, and other respiratory disease, continued to have a severe impact on Maori until the 1950s. Another major effort was made to improve housing conditions for Turanga Maori in the 1950s. However, overcrowding remained a serious problem. By the early 1960s a quarter of Turanga Maori households were still overcrowded. By 1988 Maori home ownership had declined, and a Government survey found that more than half the households in need of special housing assistance were Maori. Rural Turanga was identified as a particular problem area.
- 2.139 Rongowhakaata continued to feel the effects of ongoing stigmatisation as a consequence of events in the nineteenth century, and encountered significant community ignorance as to the full history of the district. Despite this, in both world wars (and other regional conflicts) they volunteered and served with distinction in the New Zealand armed forces in large numbers, in part, as the price of citizenship.
- 2.140 The Rongowhakaata population today is disproportionately young. Sixty percent of all children in the Turanga region are Maori, by far the highest proportion for all regions in New Zealand. Economic restructuring since the 1980s severely impacted on Rongowhakaata. Despite some signs of improvement since that time, there is evidence, suggesting that Turanga children are at great risk of the health problems, unemployment and educational disadvantage, which have affected the generations before them.
- 2.141 The historical account for Nga Uri o Te Kooti Rikirangi is recorded in part 3 and the historical account in relation to Te Hau ki Turanga is recorded in part 4.

2 PŪRONGO HĪTORI

- 2.1 Te whakamohiotanga, me te whakapāhatanga a te Karauna ki a Rongowhakaata, kei roto o wāhanga tuatoru, e tūāpapa ana i runga i tēnei pūrongo hītori. Kua tuhia te pūrongo hītori ki roto i te reo Ingarihi me te reo Māori.

Kupu Whakataki

- 2.2 E whakamōhio ana te iwi o Rongowhakaata he uri rātou no Rongowhakaata me āna hoa rangatira, ngā tuāhine, a Turahiri, a Uetupuke, me Moetai. A rātou hapū mātāmua ko Ngai Tāwhiri, Ngāti Maru, Ngāti Aweawe, Ngai Te Kete, me Ngāti Kaipoho. Ko Ruapani anō tētahi tipuna rongonui. Ka taea katoa te iwi me ngā hapū o Rongowhakaata te



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whakapapa atu ki te tipuna a Ruapani tēnei tipuna taketake rangatira o te rohe o Turanganui -a-Kiwa.

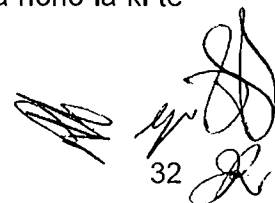
- 2.3 Ko ngā whenua e pupuri hononga tipuna, hononga tikanga ana e Rongowhakaata ka rere mai i Te Kowhai kei te pūroto o Te Wherowhero haere tuawhenua atu ki te puna wai o Te Arai, rere atu ki Te Reinga kei te tonga māuru, haere whakateraki mā Tuahu, Hangaroa-Matawai, me Tahora. Ka uru mai a Patutahi me te rohe o Tangihanga me Repongaere, atu ki ngā whenua o Matawhero me Whataupoko ka hono atu ki Kaiti. He hononga tuku iho anō wā Rongowhakaata ki te moana me āna rawa, atu ki Te Toka a Ahuru.
- 2.4 I puritia e Rongowhakaata a rātou whenua me a rātou rawa hei taonga tuku iho, i raro i te mana pupuri tōpū o te iwi, me te hapū. I noho honohono hoki ngā ropu whanaunga ki runga kāwai whakapapa me te whaiwahi katoa ki ngā rawa, engari e mau ana a rātou mana motuhake i runga i a rātou pukenga kaiarahi, a rātou whakapapa rangatira, me te whakamahi i ēnei rawa.

Rongowhakaata atu ki 1865

Kāhore matou i te marama ki ngā tikanga o to haki, kāhore hoki i te mohio ki ngā tangata ka tango i tēnei motu, a Aotearoa. E mohio ana matou ka whakaruruhau koutou, (te Pākehā) ka tango, he tangata aroha koutou, e noho reri ana ki te whawhai, ka whangai koutou ki te kai ngohengohe, ka whangai hoki ki te kai māro.

(Raharuhi Rukupo e whakahē ana ki te haki o Ingarangi e rere ana ki Turanga i te tau 1861)

- 2.5 Ko te tutakitanga tuatahi i waenga i te Pākehā me te Māori ko te haerenga mai o Kapene Kuki ki te rohe i te marama o Oketopa 1769, ki runga i te Endeavour. Kāhore i oti ngā whaingā a Kuki ki te tutaki i runga i te rangimarie, me te whakakī i ngā putunga taonga. Ka tapaina e ia te wahi nei ko Poverty Bay ahakoa ngā whenua momona o Turanga me te nui o te kaimoana e mohiotia nei mō tēnei kainga o Rongowhakaata. I te mutunga o tona nohanga mō te rua me te hawhe rā, e iwa ngā Māori i waiho hemo, waiho taotu rānei, ko Te Rākau tētahi, me ētahi ake o Rongowhakaata.
- 2.6 No ngā tau rā ano o te 1930s ka timata te noho tahi ki te Pākehā. Mai i tēnei tekau tau, whai muri mai, ngā honohononga hokohoko a Rongowhakaata ki te Pākehā me te nohonoho o ngā ropu hopu tohara, ropu hokohoko, ki runga i a rātou whenua. I te timatanga, ngā kainoho Pākehā e manaakitia ana, e whakaruruhau ana e ētahi o ngā rangatira, i hoatu whenua hei nohanga mā rātou, e tautoko ana, kia moe wahine rātou ki ngā wāhine purotu, me te wawata ka hua mai ngā painga mai i a 'rātou' Pākehā.
- 2.7 No muri mai i ngā kaihopu tohara me ngā kaihokohoko, te taenga mai o ngā Mihingare ki Turanganui a Kiwa. I whakaturia tētahi teihana mihana ki Turanganui (te wahi o Gisborne ināianei) i te tau 1838, ka whakaturia e Rongowhakaata ngā whare karakia me ngā whare kura ki runga i a rātou kainga pērā i Paokahu. Me te wahi nui tonu a ngā kaihuri Māori ki te panui i te rongopai Karaitiana. Kua kaha kē te whaiwahi atu ki tēnei hahi hou, i te mea he nui ngā painga ka tau, pērā i te panui tuhituhi i te taenga atu a William Williams o te Ropu Karakia Mihingare ki Turanga i te tau 1840, ka noho ia ki te teihana mihana.



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- 2.8 Nā Te Waaka Mangere (kaiārahi o Ngāti Kaipoho, tūākana o Raharuhi Rukupo) te tono ki a Williams kia noho ki te teihana mihana i whakaturia e rātou māna ki Orakaiapu i te tau 1840. I te tau 1844 ka nekehia te teihana mihana o Turanga ki Whakato, he wāhi tata, ka noho ki reira, atu ki te tau 1857.
- 2.9 I te marama o Mei 1840, i whiriwhiria e William Williams te Tiriti o Waitangi ki ētahi o ngā Māori o Turanga ka hoatutia e ia he kape ki a rātou. Āhua rua tekau mā rua ngā rangatira o te kainga, te kau mā rima no Rongowhakaata, i haina i te Tiriti, i roto rā te whakaaetanga a te Karauna ki te manaaki i te tino rangatiratanga ki runga i a rātou whenua, ngā kāinga, te pupuritanga o a rātou taonga ake e hiahia ana rātou ki te pupuri. Kāhore he tuhinga o ngā whiriwhiringa i korerotia i mua o tēnei hainatanga.
- 2.10 Tae atu ki ngā tau mutunga o ngā 1840s, āhua 2400 ngā Māori e noho ana ki te rohe o Turanga, āhua 40 ngā kaihokohoko Pākehā me a rātou hoa rangatira, me ngā tamariki, āhua 50 rātou, he Pākehā, he hawhe kāhe. Ka whaiwāhi hoki a Rongowhakaata ki ngā hua hokohoko kua hangaia e ngā kainoho Pākehā ki Aotearoa. Me te maha tonu o ngā kaipuke hokohoko kua puritia e rātou, Te Raaka ('The Lark'), Whitipaea, Adah, Ruawhetuki, me Te Kuini. I tae rā anō ngā hua hoko ki tāwahi ki Tamaki me Ahitereiria.
- 2.11 I whakaāhuatia e tētahi o ngā mihingare i ngā tau o 1850s, "he wā hua oranga nui tonu mō te taupori Māori." Ā-muri i te haerenga atu o te Kaikomihana Hoko Whenua Māori, a Donald McLean ki Rongowhakaata, i te tau 1850, i kitea e ia 'ngā kau momona, ngā kakau wīti nunui o te tau whakatipu ki muri, te oneone momona, me te tino tau o te āhua o ngā Māori' ka mārama ki a ia ehara a 'Poverty Bay' i te wahi pōhara, rawakore rānei. No tana pekanga atu ki a Rongowhakaata ka kitea e ia: 'Kei te momona, whaihua te whenua, e toru ngā awa a rere piko ana ki waenga i ngā ngahere kahikatea, puriri ātaahua, ngā maara wīti i te taha, ngā uru rākau pītiti, me ētahi ake rākau hua whurutu Ingarihi e hua ana. Ka tae atu mātou ki te kāinga tuatahi i runga i ngā parenga o te Awa o Te Arai, i te ahiahi, e hoki mai ana ngā Māori i a rātou maara, ētahi e ārahi hoiho ana, ētahi e whiu kau, me ngā poaka rata, ana. Ka pōwhiritia mātou ka homaitia he hua rākau me te miere kātahi anō nei kua tangohia mai i ngā whare pī'.
- 2.12 Iti nei ngā whainga a te Karauna ki te hoko whenua i roto i te rohe o Turanga i waenga i ngā tau 1840s me 1850s, ko tētahi noaiho te poraka i hokona mai, e 57 eka, ko 'Government paddock' te ingoa. I te tau 1851, i kī atu ngā rangatira o Rongowhakaata, a Te Waaka Perohuka, me Raharuhi Rukupo, ki a Donald McLean, kahore rātou e pirangi ana ki te hoko whenua. Kua kitea e Rongowhakaata te herenga tahi a te Karauna ki te hoko whenua, me te whai a te Karauna ki te whakamau mana ki runga i a rātou, nā reira rātou kahore i whakaae ki te hoko whenua atu.
- 2.13 Mai i te tīmatanga o ngā tau 1850s, i tipu ake tētahi rōpū, ko Raharuhi Rukupo te 'tangata I hanga', ki waenga i ētahi Māori o Turanga, hei whakahoki, hei hoko whakahoki rānei i ngā whenua i kerēmetia e ngā kainoho Pākehā i mea hokona e rātou i mua o te Tiriti. Whai muri mai i ngā petihana a ētahi o ngā kainoho Pākehā, kia whakawātia a rātou kerēme pupuri whenua i roto o Turanga, ka tonoa e te Karauna he Kaikomihana Kerēme Whenua ki te rohe i te tau 1859. E 2200 eka te rahi o ngā whenua i roto i ngā kerēme, engari i whakahē ngā rangatira o Turanga ki ngā kerēme nei, me te kī, e hiahia kia whakahokia mai aua whenua rā. Kātahi ka wetea mai e te nuinga o ngā kainoho a rātou kerēme tērā ka puta mai he huarahi ka tautoko i a rātou kerēme a te wā. Me te kī a te Kaikomihana ko te nuinga o ngā whakaritenga hoko tūmataiti nei i mahia ā-muri kē i

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te whakakoretanga o ēnei momo hoko e te ture. I kī anō ia, 'tā rātou heahea ki te tono ki te Kāwana kia awhinatia rātou' i te mea ngā kerēme nei e pā ana ki ngā whakarite hokohoko kua whakakorea kē e te ture, e tono nei rātou mā te ture nei e tautoko i a rātou hara ture. Ahakoa ngā pēhi a ētahi Māori o Turanga mō ēnei whenua, i noho tonu ngā kainoho ki runga i aua whenua e tohetia nei, ahakoa anō ngā whakaaro a te Kaikomihana kahore a rātou whakarite hoko e weahi mana ana i raro i te ture.

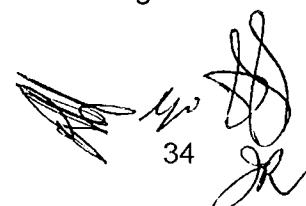
- 2.14 I te tau 1865 ko Rongowhakaata tonu i te whakahaere i a rātou take iwi. I te tīmatanga o ngā 1850s i whakaturia tētahi rūnanga hei hanga kaupapa here hei whakahaere i ngā take, a tae ki te whakamutunga o ngā 1850s kua pakari tēnei wāhanga o Rongowhakaata ki ngā take ā-rohe. Ētahi o Rongowhakaata i tuhi ki ngā āpiha Kāwanatanga ki te kimi, tohutohu i te tono moni mōkete rānei mō a rātou kaupapa arumoni. Kotahi noaiho hoki te āpiha Karauna i roto i te rohe i mua o te tau 1865, ko te Kaiwhakawā Ā-rohe, i reira ia i waenga i ngā tau 1855 me 1860. Ka tangohia mai ia āmuri i te haerenga atu a Kāwana Thomas Gore Browne ki te rohe, i te tau 1860. Ki tā te Kāwana i whakahē ngā Māori o Turanga i tāna tutakitanga ki a rātou, ki te rere o te haki o Ingarangi i a ia i reira, me rātou kahore e tautoko ana i te mana a te Kuini ki runga ki a rātou. I kī anō ia ki te Tari a te Kuini, 'mehemea kahore koe i haere mai ki te whakahoki i ngā whenua i whānakohia e ngā Pākehā – kahore matou e hiahia ana ki te kite i a koe'. Ā-muri i tana tangona mai i te rohe i maumahara te Kaiwhakawā Ā-rohe mō ngā Māori i reira 'I whakakorea te mana a te Kāwanatanga ki te whakatū Kaiwhakawā ki waenga i a rātou, i te mea, kore rawa rātou i hoko i a rātou whenua ki te Kuini, kahore he mana a te Karauna ki runga i a rātou'.

Waerenga-ā-Hika, 1865

He pai mehemea he pono te kōrero a te Kāwana, arā, "kahore ia e hiahia ana ki te whawhai," ki a mātou kahore i te pono. Kei te mārama mātou ki ngā tikanga o ōu kupu, arā, e rua kē ngā taha, kei roto i a mātou ehara i te kupu pono, kahore ia e hiahia ana ki te whawhai, i te mea kei a mātou te whenua e pupuri ana, e hua mai nei te momona, ā, i runga hoki i te whenua momona, ka puta mai ko te moni. Koia nei te take ka whawhai tonu ia ki a mātou.

(Ko Raharuhi Rukupo me te Runanga o Turanga i tohu ki roto i te reta o Hurae 1861, ka whawhai tonu te Karauna ki a rātou kia riro ki a rātou ngā whenua Māori.)

- 2.15 I te pakarutanga o ngā pakanga whenua o Aotearoa i ngā tau o te 1860s, i noho whakaraupapa a Rongowhakaata me a rātou whanaunga o Turanga. I whakatau kua e uru atu ki roto i ngā pakanga, ka pānuitia te kōrero i te pakarutanga o te whawhai ki Taranaki, 'e tika ana kia noho rātou ki te kāinga ki te tiaki i a rātou ake whenua'. I haere ētahi o ngā rangatira o Rongowhakaata ki tētahi hui, i karangatia e te Kāwana ki Kohimarama i te tau 1860, ka whakatuturutia tā rātou whakaraupapatanga.
- 2.16 I te marama o Hurae 1861, i tuhi atu te rangatira o Turanga, a Raharuhi Rukupo ki te Kaiwhakahaere o te Porowini o Hawkes Bay, ki te whakamohio i te pouri mō ngā purongo ka tonoa mai he hoia ki Nepia. Me te kī ka huri te Karauna ki te patu i a rātou mō a rātou whenua. I tono anō te Runanga kia whakamutua ngā pakanga kei ngā wāhi me te whakahoki i ngā whenua i tangohia kia kitea ai e te Māori te pono a te Karauna ki a rātou. I noho whakaraupapa anō rātou ki ngā pakanga o te motu i te urutomonga o ngā hoia Karauna ki runga ki a Waikato i te tau 1863.


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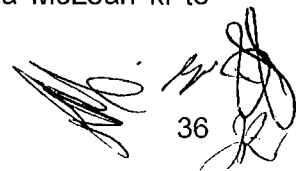
2: HISTORICAL ACCOUNT

- 2.17 I noho pūmau tonu te Runanga o Turanga hei mana whakahaere i a rātou ake take o te rohe, ahakoa te whakahē o ētahi o ngā kainoho Pākehā, ki te 'noho ki raro i te mana whakahaere o te Runanga' e hiahia ana kia whakatikaina ngā take whakararu mehemea ka taea.
- 2.18 I te tau 1862 i whakaturia e te poropiti o Taranaki, a Te Ua Haumene te hāhi o Pai Marire (Pai me te Rangimarie). I raro i ngā kaupapa a te Paipera Karaitiana, i oaitia e te Pai Marire te rangatiratanga motuhake mō te Māori. He maha ngā Māori o te Ika a Māui i huri ki te hāhi hou, i ngā rā mutunga o 1864, ka tonoa e Te Ua Haumene he rōpū kaiako Pai Marire ki Turanga. Me ngā whakapae nā ētahi o te rōpū nei i patu i te mihingare rā a Carl Volkner ki Opotiki i te tīmatanga o Maehe 1865. Ka puta te kōrero ki Turanga ka whai ētahi o ngā kaiako nei ki te patu i ngā kainoho Pākehā katoa. Heoi, no ngā wiki ruarua ā-muri i te taenga atu o ngā kaiako nei ki Turanga, litae atu ki a Williams te kape o ngā tohutohu a Te Ua ki ngā kaiako, i roto e tuhia ana "kia kua e kōhuru".
- 2.19 No te rangona ki ngā mahi kino ki Opotiki, he maha ngā Māori o Turanga i kī pūmau ki a William Williams me ngā kainoho Pākehā, ka tiakina whakaruruhau rātou. I whakahē ngā Māori ki te whakaaro kia hopukina te rōpū o Pai Marire i tā rātou taenga atu ki Turanga, i runga i te kōrero ki a Williams, 'kahore anō te toto ki a rere ki kōnei, kahore mātou i te hiahia kia rere ināianeī'.
- 2.20 Āhua āwangawanga tonu ngā rangatira o Turanga ki te hāhi hou nei engari i te taenga atu o ngā kaiako o Pai Marire i te marama o Maehe 1865, he maha rātou i huri atu ki ngā akoranga me ētahi hoki o Rongowhakaata i huri anō. I roto i ngā whakamārama a Anaru Matete ki ngā kainoho Pākehā, i kī ia e pono ana tana iwi ki te Pai Marire, mā te huri atu ki tēnei hāhi, 'ka ora mai Te Ao me ngā toenga o te iwi Māori'.
- 2.21 I whakawehi tētahi o ngā kaiārahi kaiako ki te patu i ngā kainoho Pākehā, engari nā tērā o ngā kaiārahi kaiako i whakakore tēnei whakawehi. Me te whai kaha anō o ngā rangatira o Turanga ki te whakarata i ngā kainoho Pākehā ka tiakina tonu rātou i runga i ngā hiahia whāinga rangimarie. Ahakoa tēnei, i te āwangawanga tonu ētahi kainoho Pākehā, ka wehe atu ētahi i te rohe.
- 2.22 I runga i te māharahara mō te kaha haere o te Pai Marire me te patunga i a Volkner, ka tīmata te Kāwanatanga ki te hanga rautaki whakautu. Ka whakaturia a Donald McLean, te Kaiwhakahaere o te Porowini o Hawkes Bay, hei whakahaere i te whakautu a te Kāwanatanga. I te marama o Aperire 1865, ka pānuitia e Kāwana Grey tētahi pānuitanga whakahē ki te 'rōpū pōrangī', e karangatia nei ko Paimarire me te whakamōhio i te whai a te Kāwanatanga ki te whawhai me te takahi i ngā mahinga pērā i te Pai Marire, mehemea e tika ana ka whakamahia he pū'. Kāhore te raukaha a te Kāwanatanga e kaha ana ki te whakamana i te pānuitanga ka karanga atu ki ngā 'tāngata pakari' hei awhina i tēnei kaupapa. Ka whakahautia a Donald McLean ki te hopu i ngā kaiārahi Pai Marire menā ka taea.
- 2.23 I te marama o Aperire 1865 i haere tētahi rōpū o ngā kaiārahi iwi, hapū, whānau o Turanga ki Nepia ki a McLean ka kī atu ki a ia ka tiakina e rātou ngā kainoho Pākehā engari e kore rātou e whaiwāhi ki te pakanga ki Opotiki. Me te tono ki a Mc Lean kia kua e tono hoia ki Turanga. Kua mōhio kē a McLean i te piriponotanga o Turanga iwi, hapū, whānau ki te Pai Marire, ka āwangawanga hoki ia mō te oati ki te tiaki i ngā

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- kainoho. Me te mōhio a McLean i te pouri ngā rangatira o Turanga i te mea i pōwhiritia e Turanga te Pai Marire, ka noho koia nei he take ki te mau i ngā hoia ki Turanga ki te hopu i tērā rohe. I te tīmatanga o Mei, ka whakamohio a McLean ki te Hekeretari a te Kuini, i te āwangawanga ngā rangatira o Turanga kei hopukina e ngā hoia a te Karauna a Turanga i te mea e piripono ana rātou ki ngā kaiako a te Pai Marire.
- 2.24 I te marama o Mei 1865, ka mauria e te māngai a Kāwana Grey, a Kapene Luce tētahi rangatira o tētahi iwi noho tata ka whakaturia e te rangatira nei te haki, Union Jack, ki runga i te whenua e kohetetia ana kei te ngutu awa o Turanga. Ka puta he raruraru nui ki roto i te rohe. Heoi kahore te rōpū o Pai Marire i uru atu ki ngā whakararu 'no te mataku kei raruraru rātou ki te Kāwanatanga', ka waiho kia tu tonu te pou haki rā. Āhua 100 rātou o Rongowhakaata i hui tahi ki a Luce ki Whakato me te kī atu ki a ia ka noho whakaraupapa tonu a Rongowhakaata.
- 2.25 I te marama o Hune 1865 ka mauria e ngā kaiako o Pai Marire te hāhi ki runga o Turanga ki te Tai Rāwhiti. Mai i te marama o Hune ki te marama o Oketopa he pakanga i waenga i te Pai Marire me ētahi Māori o te Tai Rāwhiti e whakahē ana ki te Pai Marire, no te marama o Hune ka tonu atu ki te Karauna hei awhina i a rātou. I taua marama tonu, Hurae 1865, ka mauria e te Karauna ngā pū me ngā matā, no te marama a-muri tonu, Hurae 1865, ka tonoa he hoia hei awhina i ngā Māori a pakanga ana ki te Pai Marire. i waenga i te pakanga ka mauheretia tētahi rangatira o Turanga, a Pita Tamaturi, he tauira tēnei nā Raharuhi Rukupo. Nā tētahi o ngā āpiha a te Karauna nā Reginald Biggs ia i patu kia hemo amuri tata tonu i tona mauheretanga.
- 2.26 I patua te rōpū Pai Marire ka oma ētahi ki Turanga, te wāhi i awhinatia rātou i te wā e whawhai ana. Ka manaakitia a rātou whanaunga e ngā rangatira o Turanga. Heoi, i muri mai o te pakanga ki te Tai Rāwhiti, e hiahia ana ētahi o ngā rangatira o te Tai Rāwhiti ki te heke whakatetonga ki te pakanga ki ngā tāngata o Pai Marire. Ka whai a Rongowhakaata, me rātou e piri ana ki te Pai Marire, ki te karo i tēnei āhuatanga. Kaha tonu te aki, a tētahi o ngā rangatira Pai Marire o Rongowhakaata, a Anaru Matete, i ngā manene o te pakanga ki te Tai Rāwhiti ki te wehe atu ki Turanga.
- 2.27 I te marama o Hepetema 1865, i tonu atu te rangatira o Turanga, a Hirini Te Kani ki te Kāwanatanga kia tukuna mai he hoia me ngā taonga whawhai. Ka kī ia ki Pai Marire ko ngā hoia me ngā taonga whawhai "mō te tiaki noaiho kahore mō te whawhai." Ko te whakaaro a Hirini kia whai wāhi anō te Rongowhakaata rangatira o Pai Marire a Raharuhi Rukupo ki ngā hoia me ngā taonga whawhai. Kāhore te Karauna e rata ana ki tēnei whakaaro, ka whakarerea te tonu a Rongowhakaata kia wehe atu ngā hoia. i te marama whai muri mai i whakakahatia te rōpū whawhai a te Karauna. I te mutunga o Oketopa 1865 ka kaha ake ngā taukumekume i te taenga atu o ētahi Māori o te Tai Rāwhiti ki Turanga, e whai ana i ngā manene Pai Marire i oma mai i te pakanga. Te kī a ngā iwi, whānau me ngā hapū o Turanga me hoki rātou ki te kāinga, 'kaua e mau mai te pakanga me te whakarere i te toto ki tēnei rohe'.
- 2.28 I raro i te ture o Ingarangi ka āhei te Karauna ki te whakahau i ōna ake kaitutū, i te marama o Noema 1865 ka whakatau e te Karauna he kaitutū te rōpū Pai Marire o Turanga. I te marama o Noema 1865 ka whakapae a Turanga ehara rātou i te kaitutū i te tiaki noaiho rātou i te iwi. I te 1 o Noema ka whakahau te Karauna kia haere ngā hoia e pakanga ana i te Tai Rāwhiti ki Turanga ki te whakamaui i te rangimarie me te pana, te mauhere rānei i ngā kaiako Pai Marire kei reira. Kua whakahautia a McLean ki te



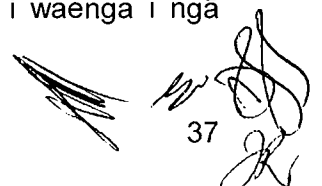
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kōrero whakatūpato ki ngā kaiārahi o Turanga ka murua a rātou whenua ka whakaturia he nohanga hoia mehemea menā ka kore rātou e whakamau i te rangimarie ki Turanga. I te 3 o Noema 1865 i kī te Pirimia a Edward Stafford, 'te āhua nei ko te mahi tika ko te whakakore i te Hauhauism (Pai Marire) ki Poverty Bay i te wā kei runga ake a tātou hoia, kei te raruraru hoki te rōpū tutū.

- 2.29 Ko Raharuhi Rukupo me Anaru Matete i Turanga e whai ana ki te whakatika i ngā raruraru taukume i waenga i te Pai Marire kei tētahi taha te Ropu hoia Karauna, me ngā kaiārahi kāwanatanga o te kāinga kei tētahi taha. Heoi, i whakatupato te Karauna ki tā rātou hunga piripono kia mutu te kōrero ki te rōpū Pai Marire. Kua mārama hoki ngā whakaaro he pakanga kei te haere. Kua whakarerea kē ētahi o ngā kainoho Pākehā a rātou kāinga, kua tīmata anō te whānako taonga i aua kāinga. Tere tonu te oati a Raharuhi Rukupo, tētahi o ngā kaiārahi mātāmua o Pai Marire, ka whakahokia ngā taonga i whānakohia, tere tonu hoki te mahi a te rōpū Pai Marire ki te kohikohi i ngā taonga rā mō te whakahoki atu. Heoi, kahore ngā āpiha Karauna i whakaae ki te huitahi ki a Raharuhi kia tae atu rā anō a McLean ki te rohe o Turanga.
- 2.30 I te 12 o Noema 1865 te taenga atu a McLean me te ope taua nui tonu ki Turanga, ki te whakahau i te tukunga o te rōpū Pai Marire ki raro i te Karauna. I te rā whai muri mai i tukuna te pānui a te Karauna kia taka mai te rōpū o Turanga Pai Marire, rātou i whaiwāhi ki ngā mahi kohuru, ki ētahi hara kino rānei, i whawhai rānei ki te Karauna ki ētahi ake rohe, kia tukuna rātou ki raro i te Karauna. I whakahau anō te Karauna kia tukuna e te rōpū Pai Marire a rātou pū, kia whakaoati i ngā kupu tautoko i te Karauna, kia taka mai ki raro i ngā Ture Karauna, kia utu kāpeneheihana ki ngā kainoho Pākehā mō a rātou taonga ngaro, kia panaia tere rawa ātu te rōpū o Pai Marire. Me te whakawehi a te Karauna ka murua ngā whenua, ka whakaturia he kāinga hoia ki Turanga menā ka kore te iwi e whakatutuki i ngā whakahau nei.
- 2.31 I te 12 o Noema 1865 ka whakautua e Raharuhi Rukupo me ngā kaiārahi o Pai Marire o Turanga te whakahau a te Karauna. Ka whakamōhiotia te hiahia ki te noho rangimarie, te hiahia kia tutaki ki a McLean ki te whiriwhiri whakaritenga mō te rangimarie, me "te whakatārewa i ngā pakanga kia kitea kei whea te hē me ngā hara."
- 2.32 Kāhore a McLean i whakaae ki ngā whāinga a Turanga Pai Marire ki te whiriwhiri whakataunga rangimarie. Tere tonu te wehenga atu o rātou o Pai Marire i rere mai i te pakanga i te Tai Rāwhiti, ka whai tonu a Raharuhi Rukupo me ngā kaiārahi o Pai Marire ki te hui tahi ki a McLean ki te whiriwhiri i tētahi whakataunga rangimarie mō ngā raruraru nei. Heoi, kahore a McLean i whakaae ki te huitahi ki a rātou. Ka pukuriri tētahi o ngā rangatira Kāwanatanga i tū hei pou whakarite ki waenga i McLean me te Turanga Pai Marire, atu ki te 15 o Noema 1865. Te whakapono hoki a te pou whakarite nei ka taea tonu te whakakore i te pakanga mehemea i whakaae a McLean ki te hui tahi ki te āta whiriwhiri.
- 2.33 I pahemo te rā tonu whakamutunga i te 16 o Noema 1865. Te mahi whakangāwari mō McLean ko te whakatōmuri ake i te rā whakamutunga kia tutuki ai ngā whakarite a te Karauna, i runga i te rongo tēra ētahi o ngā tāngata o Pai Marire ka whakaae ki te noho ki runga i te rangimarie.
- 2.34 I te 17 o Noema 1865 i hikoi ngā hoia Karauna atu ki te pā o Turanga kei Waerenga a-Hika. He pā papare tēnei, āhua 200 ngā wāhine me ngā tamariki i waenga i ngā



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kainoho. I tukia a Waerenga-a-Hika e te Karauna ahakoa ngā kaiako o Pai Marire o Taranaki nā rātou i mau i te Pai Marire ki Turanga, i te pā o Rongowhakaata a Pukeamionga, engari kua wehe atu kē i te marama o Mei. Āhua 200 ngā kaiwhakapakari o Rongowhakaata me Te Whānau a Kai no Pukeamionga i haere ki Waerenga-a-Hika ki te awahina i a rātou. Ka hiko whakamua rātou ki te raina a te Karauna, engari 34 i mate i roto i te pakanga ka hoki whakamuri rātou ki roto i te pā. I te 22 o Noema āhua 400 ngā kainoho o Waerenga-a-Hika i tuku i a rātou me te inoi kia kua rātou e patua kia kua rātou e mauhere. Te whakautu e kore rātou e mauheretia engari ngā 'tāngata kino' ka mauria ki waho o te rohe. Tētahi ake rōpū, āhua tini rau i oma ki Waikaremoana. E 71 ngā kainoho o te pā i mate i te pakanga e rima rā nei te roa. Ka haere ngā hoia Karauna me a rātou hoa Māori ki ngā urupā hou i roto i te pā ka whānakohia ngā pounamu me ngā taonga i reira.

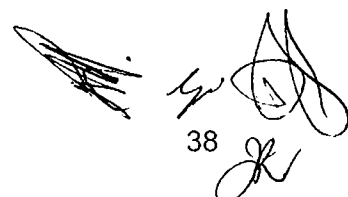
- 2.35 I muri tata mai i te pakanga i haere ētahi o ngā hoa whawhai a te kāwanatanga ki te whānako me te huaki tikangakore i ngā kāinga me ngā taonga o ngā kainoho Pākehā me ngā Māori o te rohe. Kāhore te Karauna i whai ki te whakamutu i ēnei mahi. I tuhia e tētahi o ngā kainoho Pākehā he nui ake ngā tukinotanga o te whānako ki tā te Pai Marire. Nā ngā mahi whānako, te whakarere i ngā māra kai, i waenga i te pakanga, me ētahi tangata i nekehia ki waho o te rohe, nā kōnei te kore kai o ngā iwi, hapū me ngā whānau, me te rongō i hemo ētahi o rātou i te mate kai.

Mauheretanga ki Wharekauri, 1865-68

*I te toru o Mei ka whiua atu ahau ki runga i te Kaipuke
Ka tere moana nui au ngā whakaihu ki Waikawa
Ka huri tēnei te riu ki Waikirikiri hei a Te Makarini
I whiua atu au ki runga ki a Te Kira au e noho ai
Ka tahuri he wai kei aku kamo he wai e riringi nei
Hanganui Hangaroa ngā ngaru whakapuke, ki Wharekauri
E noho. E te iwi tu ake ki runga rā tiro iho ki raro rā
Awangawanga ana te rere mai o te ao rā runga i Hangaroa
I ahu mai Turanga i te wā kainga kua wehea
Nā kōnei te aroha e te iwi kua haere nei kupapa
E te iwi ki raro ki te maru o te Kuini
He kawē mō tātou ki runga ki te oranga tonutanga
Kaati rā ngā kupu i maka i te wā i mua rā
Tēnā ko tēnei e te iwi whakarongo ki te ture kawana
Hei whakapai ake mō te mahi a Rura naana nei i raru ai e*

He waiata i titoa e Te Kooti i a ia e noho mauhere ana ki Wharekauri.

- 2.36 I waenga i te ono marama tuatahi o 1866, āhua 30 ngā tāngata o Rongowhakaata i mea hopu ki Waerenga-a-Hika, i whakaarohia rānei he kaitautoko i te Pai Marire, i mauria ki Wharekauri, i mauheretia rātou e te Karauna ki reira. I te marama o Tihema 1867 ka tapaina rātou e te Pirimia, a Edward Stafford, ko ngā 'tāngata hara tōrangapū Māori'. Kāhore ēnei tāngata i whakawātia mō tētahi hara. Āhua 9 ngā wāhine, e 8 ngā tamariki o Rongowhakaata i waenga i ngā 49 wāhine, me te 38 tamariki o Turanga i haere ki te taha o ngā tāne ki Wharekauri. Tino kaha rawa atu te whakapātanga o te nekehanga o te 200 Māori, ētahi ko ngā kaiārahi, o Turanga, ki runga i te iwi, ngā hapū me ngā whānau o Turanga. I te marama o Oketopa 1866 e ono ake o Rongowhakaata i mauria ki Wharekauri mai i Ngāti Kahungunu.


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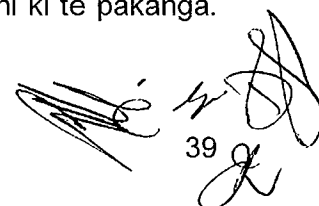
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- 2.37 I te marama o Maehe 1866 i whakamohio atu e ngā āpiha a te Karauna, ki ngā rangatira o Turanga, ko te roanga wā mō ngā mauhere ki Wharekauri ka whakatautia i runga i tā rātou ahua noho ki reira. I te inoitanga atu o ngā hoa Māori me ngā hoa Pākehā kia whakahokia mai ngā mauhere ki te kāinga, te whakautu ka puritia rātou kia tau rā anō te rangimarie ki te kāinga. Anō tētahi take i whakaaro pēnei te Kāwanatanga mō te pupuri i ngā mauhere. I te hiahia te Minita Ārai Hoariri kia 'noho mai rātou ki wāhi kē kia tau rā anō te raruraru e pā ana ki te muru o ngā whenua'. I te marama o Hune 1967 te whakamōhioanga ki ētahi o ngā mauhere ka tukuna rātou a te wā i oti ai ngā ngā whakaritenga muru whenua ki Turanga. Te āhua o te noho a ngā mauhere ki Wharekauri i whakaarohia he pai, engari iti noaiho ngā mauhere i tukuna e te Kāwanatanga, i mua o te omanga o te rōpū nui i te marama o Hurae 1868.
- 2.38 Ko Te Kooti Arikirangi tētahi o te iwi o Rongowhakaata i mauria ki Wharekauri. Ko Te Kooti tētahi i te taha o te Kāwanatanga i Waerenga-a-Hika engari ngā whakapae e tūtei ana ia, i hoatu hāmanu ki ngā hoia Pai Marire. I hopunia ia, i uiuitia ia, ka tukuna i te mea kahore he taunakitanga. I te marama o Maehe 1866 ka hopungia anō ia ka puritia i mua o te mautanga atu ki Wharekauri. He maha ngā ripoata mō te whakarautanga i a Te Kooti. He maha ngā Māori o Turanga e pono ana nā ngā kaihokohoko rongonui i aki te Karauna ki te whakarau i a ia i te mea i kitea rātou ko āna mahi hokohoko angitu he mea whakararu i a rātou mahi. Katahi ka tuhi atu a Te Kooti ki a McLean ki te tono kia whakawātia ia. Me te pātai a Te Kooti he aha te take e puritia ana ia engari kahore he whakapae hara. He maha āna tono kia whakawātia ia engari kahore i rongona.
- 2.39 I te mea kahore i tutuki e te Kāwanatanga ngā whakarite ki te muru i ngā whenua ki Turanga ka haere tonu te pupuri i ngā mauhere atu ki te tau 1868. Me te whakahau a te Kāwanatanga kia noho mai ngā mauhere me a rātou whānau ki roto nohanga matapouri. He makariri ake a Wharekauri ki ngā āhuatanga kua waia nei ngā mauhere me te mea kahore a rātou kākahu māhana. Mā rātou tonu e hanga whare noho, e rapu kai mō rātou. E rua tekau mā waru rātou i mate ki Wharekauri me ētahi o ēnei ko ngā wāhine me ngā tamariki i haere tahi ki reira. Tērā anō ētahi ake i mate engari kahore i tuhia. Ko ētahi o ngā kaitiaki mauhere i te whakakino ā-reo, ā-tinana i ngā mauhere, me te kaha o ngā mauhere ki te matatū i nga kangakanga me ngā mahi tukino. I kohetetia e te Karauna te rata i whakatūria hei tiaki i a rātou mō āna mahi nanakia.

Te Whāinga i a Te Kooti me te Whakarau, 1868-1869

- 2.40 I te marama o Hune 1867 te whakamohioanga a te Karauna ki ngā mauhere i Wharekauri, e kore rātou e tukuna kia oti rā anō ngā whakaritenga ki te muru i a rātou whenua. He āhuatanga tino mamae tēnei engari ka pakari haere te Ringatu hāhi hou i tīmatahia e Te Kooti ka rerekē hoki a rātou wairua. Ā-muri mai ka tīmata ngā whakarite mō tā rātou omanga mai i Wharekauri. Nā Te Kooti i ārahi te rōpū, 298 ngā Māori, i oma angitu mai i te marama o Hurae 1868. I hopukina e rātou tētahi kaupuke ka tae atu ki te whenua kāinga ki te tonga o Turanga ki Whareongaonga. Te hiahia a Te Kooti ki te mau i tana rōpū, i mohiotia ko te Whakarau, kia hikoi rangimarie atu ki Taupō. Heoi, tere tonu ngā hoia kāwanatanga me ngā kaiāwhina Māori, i whai ki te hopu i a rātou. No te mohiotanga ki te huarahi o te Whakarau ki te hikoi ki tuawhenua, ka whai ngā hoia Karauna, ko Kapene Biggs te kaiārahi, ki te kati i te huarahi kotahi mō rātou kei Waikaremoana. Ka pūmau tētahi pakanga whakaanga atu ki reira. Ka rua ngā huarahi hei whāinga mō te Whakarau, te whawhai, te tuku tika rānei, ka mauheretia anō, ka kore he whakawā. Ka whakatau a Te Kooti me te rōpū ki te huarahi tuatahi ki te pakanga.



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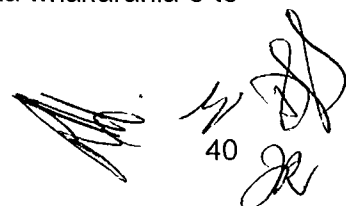
2: HISTORICAL ACCOUNT

He maha ngā tuinga i patua e Te Kooti me āna kaiawhina ngā hoia kāwanatanga me a rātou kaiawhina Māori, i ngā marama o Hurae me te tīmatanga o Akuhata 1968. Ā-muri mai ka noho te Whakarau ki Puketapu mō ngā marama ruarua i a Te Kooti e whakaaroaro ana i ngā huarahi mōna. I haere mai ētahi i Turanga ki te hono atu ki Whakarau, me ētahi rōpū o iwi kē i haere mai.

- 2.41 I te marama o Hepetema 1868 ka whakatau te Kāwanatanga ki te whakatakoto tikanga rangimarie ki te Whakarau, arā, e kore rātou e whakararua menā ka whakatakotohia a rātou taonga pakanga ka tuku i a rātou. I oati anō te Kāwanatanga ki te rapu whenua noho mo rātou. I tae atu ki te Whakarau tētahi momo whakaritenga engari kahore i mārāma mehemea i whakamohiotia ngā whakaritenga katoa.

Pakanga: Te Riri o Ngatapa, Tihema 1868 - Hanuere 1869, me te Muringa.

- 2.42 No te whakamatenga a Kapene Biggs i a Pita Tamaturi nā reira a Raharuhi Rukupo ka whai ki te whakamate i a Biggs, ka tautoko hoki a Te Kooti ki tēnei take. I ngā haora atatū o te 10 o Noema 1868 te tuinga o Matawhero e te Whakarau i raro i Te Kooti. I ngā rā torutoru whai muri atu i mate a Kapene Biggs, me ngā Māori, Pākehā, 50, he tāne, he wāhine, me ngā tamariki. Ko etahi o ngā mea i mate he hoia, he hoia kaitūao rānei, e noho ana ki runga i ngā whenua muru, me ngā Māori i whaiwāhi ki ngā hokonga whenua i kerēmehia e Te Kooti me tana rōpū. He maha ngā whare i tīhoretia, i tahuna, i murua rānei engari i waihotia ngā whare karakia me ngā whare kura.
- 2.43 Ka neke te Whakarau ki te kāinga noho o Rongowhakaata ki Oweta, tokorima ngā rangatira o Rongowhakaata i whakamatea ki reira, tokotoru i mauherea. I whakawehia a Raharuhi Rukupo ki te mate, no tana kore whakaae ki te hono atu ki te Whakarau, engari i te mutunga ka whakaae atu ki āna whakaaro. Me rātou mā kahore i oma i whakahautia kia hono ki te Whakarau ki te mate rānei. Tokomaha rau ngā Māori o Turanga i mauheretia e te Whakarau, ka tukia te kāinga o Rongowhakaata ki Pipiwhakao, i te marama o Tihema 1968, tokowhā ngā tangata i mate.
- 2.44 Tere tonu te whakautunga a te Karauna ki te tuinga ki Matawhero i te marama o Noema 1868. Ka whakaturia he rōpū hei hopu i te Whakarau, ko ngā kainoho Pākehā me ētahi iwi o Turanga, engari kahore he Rongowhakaata. Engari te nuinga o rātou i whakaturia e te Karauna ko ngā Māori o ngā iwi noho tata. Tokomaha ngā tuinga, i ngā marama o Noema me Tihema 1868, tokomaha o te Whakarau i mate. Tokomaha rātou o te Whakarau i mate ki te pakanga ki Makaretu i te mea kahore i mauheretia i patua katoa kē. I whakamatea ano ngā Whakarau i taotū, me te patunga tino weriweri o tētahi o ngā kaiarahi i hopukina. I te tīmatanga o Tihema kua hoki whakamuri te Whakarau ki Ngatapa, he pā e tū ana ki tētahi wāhi pakari i runga i tētahi puke tūparipari.
- 2.45 I te marama o Tihema 1868, ka tae atu a Kānara Whitmore me tētahi rōpū pirihiimana mau pū, ki Turanga ki te whakapakari ake i ngā hoia kei reira. I te tīmatanga o Hanuere ka tukia e rātou me ngā hoia Māori a Ngatapa. I te 5 o Hanuere, i te mea i ngāro tā rātou puna wai, ka oma a Te Kooti me ētahi o ngā kaiāwhina mā tētahi pari kahore i te tiakina. Tokomaha ngā rā e whai ana ngā hoia Kāwanatanga Māori i a rātou. Ka tāpaetia e te Karauna, £1000 te utu mō Te Kooti, ahakoa mate ora rānei, £5 mō ia mema o te Whakarau e hopu ora ana. I te marama o Pepuere 1870 ka whakarahia e te Karauna te utu mō Te Kooti ki te £5000.

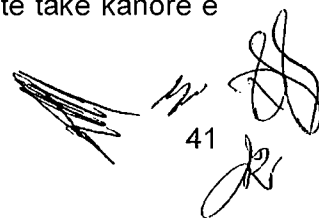


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- 2.46 Maha rawa atu rātou o Rongowhakaata i mate ki te riri o Ngatapa me tōna muringa, he whakapātanga tino kino ki runga i te iwi. I ngā rā whai muri i te rironga atu o te pā, maha tonu rātou i mauheretia i patua kia mate kahore he whakawā, me te whakaaetanga a ngā māngai mātāmua hoia, kaiwhakawā a te Karauna. Ko ētahi o ngā Rongowhakaata i mate ki te tuinga ki Ngatapa, ko rātou i mauheretia e te Whakarau ki te pakanga ki Oweta, tēra anō ētahi o ēnei mauhere i mea whakamate e ngā hoia Karauna.
- 2.47 I te marama o Hanuere 1869 i pānuitia ki roto i ētahi nupepa, ngā pūrongo mō te tini i whakamatea ki Ngatapa. I whakaaahuatia e te Minita Ārai Hoariri i te tau 1866, te whakamatenga o ēnei mauhere ki roto i te toto mātao, "he mahi takahi ture, kore rawa kei roto i ngā whakaaro me ngā tikanga o ngā tāngata mohio." Ahakoa tēnei, kahore te Karauna i whakahau tētahi uiuinga mō ēnei mahinga ki Ngatapa. Ko J.C. he Minita Pāremata i reira i te tuinga ki Ngatapa, ko ia i whakakotiti i te Kāwana i tana whakaatutanga kotahi noaiho te mauhere i whakamatea. Te tangata nei, ki ngā tuinga nupepa, ko ia te kaiwhahaere o ngā mahinga whakamate ki Ngatapa, i whakanuia ia i te tohu mō tana mahi toa ki reira ki Ngatapa.
- 2.48 Kāhore i tuhia te maha tika o rātou i whakamatea i taua wā, ā, ināianei kei tohea tēnei pēra i te mea pewhea te mahinga o ngā whakamatenga nei. Kei te marama rawa atu he aitua kino rawa atu te riri ki Ngatapa, i kōnei hoki te 40 % o ngā tāne pakeke o Turanga i mate.
- 2.49 I te marama o Hepetema 1869 tokorima ngā tangata i hopukina ki Ngatapa, i whakawātia ka whakaharatia mō a rātou mahi tuinga i roto i te Whakarau i te pakanga ki Turanga i te tau 1868. Tokotoru o rātou, a Hetariki Te Oihau, a Rewi Tamanui Totitoti me tētahi ake, i whakaharatia mō te tuinga kaha ki te hoariri, ko te whiu me whakamate, engari no muri mai ka whakamāmātia te whiu ki te mauhere. I whakamate te tuawhā i a ia. I whakaharatia a Hamiora Pere mō te tuinga kaha ki te hoariri. I makeretia te hāmene ki runga i a ia mō te kohuru. Ka whakamatea ia i te marama o Noema 1869.
- 2.50 Whai muri i te takanga o Ngatapa pā ka tahuri a Te Kooti me āna kaiāwhina te haere ki te rohe o Urewera. Me te whai tonu a ngā hoia Karauna i a rātou ki waenganui i Te Ika a Māui tae rā anō ki te tau 1872. I taua tau i kimi whakaruruhau a Te Kooti ki te rohe o Ngāti Maniapoto, i reira ka taunaki ia i te rangimarie me te mahi piripono ki te ture. I te tau 1883 i whakaae te Kāwanatanga ki te hoatu i te maunga rongo ki ērā Māori i pakanga ki te Karauna i ngā pakanga o Aotearoa, mō 'ngā momo hara āhua rite ki te hara tōrangapū', i mahia i waenga i ngā pakanga. I raro i taua ture ko te mana a te Kāwana ki te whakaingoa i ngā tāngata e kore e whakaaetia kia uru mai ki taua maunga rongo. Ā-muri i te huitanga a te Karauna ki a Te Kooti me Rewi Maniapoto, ka whakaae te Karauna ka āhei a Te Kooti ki te uru mai ki roto i te maunga rongo.
- 2.51 Heoi anō, i runga i ngā mahi a te Karauna ā-muri iho, i herea te noho rangatira me ngā haerenga a Te Kooti, me te tuku tohu kino mōna. I te tau 1888 i pōwhiritia, e te hapori nā rātou i hanga te whare nui, a Rongopai, tētahi o ngā whare tokowhā i hangaia ki Turanga hei whakanui i a ia, kia tae atu ia ki te whakatuwheratanga i taua whare. I te tau 1889 e hikoi ana a Te Kooti, i te taenga atu ki Waiotahi ka hopukina ia, i te mea tētahi rōpū pakanga, e 250 rātou no Turanga me te Tau Rāwhiti, e hiahia ana ki te kati i tana hikoi ki Turanga, i whakaharatia ia e te Kaiwhakawā~A-rohe o Opotiki mō tōna huitanga takahi ture, ka mauheretia a Te Kooti mō tētahi wā poto, mō te take kahore e



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taea e ia te utu i te £1500 moni takoto i whakahautia e te Kaiwhakawā. Kāhore i whakaaetia he roia hei awhina i a ia, kahore hoki i hoatu e rātou he whakamāoritanga o ngā taunakitanga o āna hara, no te mutunga rā anō o te whakawā. I angitu te tono a Te Kooti ki te Kooti Hupirimi, engari i whakakorea tēnei e te Kooti Pīra. I puta anō ētahi kōrero hahani mai i tētahi o ngā kaiwhakawā Kooti Pīra mō te āhua o Te Kooti. Ahakoa kua roa tonu a Te Kooti e piripono ana ki te rangmarie ā-muri i ngā pakanga, i te whai tonu ngā tohu kino i a ia – kore rawa ia i hoki mai ki Turanga.

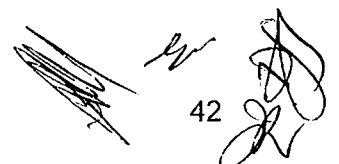
- 2.52 He maha ngā oatitanga a te Karauna ki te hoatu whenua ki a Te Kooti. Tētahi poraka whenua kahore i hoatutia i te mea ha tata rawa ki ngā kainoho Pākehā. Tētahii, i tohua i te tau 1884 kahore e pai mō te noho ki runga. Te poraka tuatoru i te tau 1885, te wāhi o te pakanga o Orakei i te tau 1864, i whakaaetia engari no te whakatakototanga ki mua o te Pāremata kia whakaturetia kahore te Pāremata i whakaae. I te tau 1891 i tohungia e te kāwanatanga he whenua ki Ohiwa mō Te Kooti, engari kahore i tukuna ki a ia i mua o tōna matenga. I mate a Te Kooti i te marama o Aperire 1893, i aitua i a ia e hikoi ana ki Ohiwa. Ka hoatutia te whenua rā ki te Hāhi Ringatu – kahore te whānau a Te Kooti i whakaurua e te Kirimini tuku i taua whenua. Kāhore te whānau a Te Kooti i whiwhi i te whenua i oatitia e te Karauna ki a Te Kooti.

Murunga me te Tukunga ki Turanganui a Kiwa, 1866 - 1868

Koia nei a mātou raruraru: A mātou whenua. E rite tonu nei te Kāwanatanga e whai nei ki te tango atu. E rua ngā tau kua hipa mai i ngā pakanga ki ēnei rohe o te motu...i kī hoki mātou ko te whiu ki runga i tēnei iwi ko rātou i mate, me rātou i mauheretia ka mauria ki Wharekauri. Engari inaiane, kua maroke kē ngā toto i rere i roto i te rua tau kua pahemo, katahi te kupu a te Kāwanatanga mō te tango i a mātou whenua, katahi anō kia tae mai.

Ngai Māori o Turanga e whakahē ana ki ngā mahi a te Karauna ki te muru i a rātou whenua, ka petihana ki te Pāremata.

- 2.53 Ā-muri i te hoputanga i te pā, ka whakatau te Karauna ki te whakahaere i ngā whakawehi i mua ki te muru i ngā whenua o rātou i pakanga ki te pupuri i Waerenga a Hika. I hiahia whenua mō ngā manuhiri Pākehā, hei utu i ngā whakapaunga utu mahi hoia.
- 2.54 I te marama o Tihema 1865 ka whakatau te Karauna ki te whakamana i te New Zealand Settlement Act 1863 ki runga o Turanga. Ko tēnei ture, i mea whakahaere ki ētahi wāhi o Te Ika a Maui, ka tuku mana ki te muru i ngā whenua i huainatia ana. Mehemea he Māori e whaipānga ana ki te whenua e murua ana, ehara hoki rātou i ētahi o ngā kaitutū, ki ngā whakaaro a te Karauna, ka whiwhi rātou i te kapeneheihana mō a rātou whenua i murua.
- 2.55 Heoi anō kahore te Karauna e hiahia ana ki te tīmata i te muru ki Turanga i te mea e tohetohe ana ngā porowini. Ngā kaiarahi o Kahungunu e kaha ana mā rātou kahore mā ngā kaiarahi o Tamaki e whakahaere te whakanoho i ngā manuhiri Pākehā ki runga i ngā whenua muru. I te tīmatanga o 1866 i kitea he puna hinu ki te āwanga o Waipaoa, ka kaha ake ngā tohetohe a Kahungunu me Tamaki ki te whakahaere i Turanga.

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2: HISTORICAL ACCOUNT

- 2.56 I te tau 1866 ka tīmata te Karauna ki te hanga kaupapa rerekē hei muru i ngā whenua Māori, āmuri i te whakapae a te Kāwanatanga o Ingarangi he kino rawa ngā whakarite muru i ngā pānga o ngā Māori kahore i pakanga ki te Kāwanatanga, i raro i te Ture New Zealand Settlements Act. Ko te hiahia kē a te Kāwanatanga o Ingarangi me whai kē te Kāwanatanga o Aotearoa te whiriwhiri i te huarahi 'tuku' i mua o te whakahaere i te huarahi muru. Me te whakawehi a te Kāwanatanga ka whakakorea ngā ture muru mehemea kahore rātou i te rata ki ngā whakahaere a te ture nei. Me te whakapae a te Pirimia o Aotearoa, a Stafford, te whakahaere o te Ture Whakanoho nei he mahi kino, he mahi nui te utu.
- 2.57 Ka hangaia e te kāwanatanga porowini o Tamaki he ture hou hei whakamahi i te hiahia kia riro mai ngā māra hinu, me te whakae a te Karauna ki tēnei mahi. Ka whakaturetia te East Coast Land Titles Investigation Act 1866, ki te whakakore i te hoko whenua tūmataiti o ngā whenua Māori i te rohe o te Tai Rāwhiti, me te whakamana i te Kooti Whenua Māori te whakatau ko wai ngā kaupupuri Māori o ngā whenua i mua o te murunga. Mehemea ka taea e te kāwanatanga te whakaatu ki te Kooti i te mahi "tutū" tētahi Māori, ka riro ki te Karauna āna pānga whenua tupu (tapiri atu ki ngā whenua kei reira ngā māra hinu e takoto ana). I whakaturia e te Karauna te kainoho Pākehā, te hoia, a Kapene Reginald Biggs, tōna māngai ki ngā nohanga Kooti i raro i te Ture O 1866.
- 2.58 I whai a Biggs ki te whiriwhiri tētahi tukunga whenua kua tautuhia i mua o te tukunga tono atu ki te Kooti Whenua Māori. Kua whakaae kē te Kāwanatanga ki te utu moni kāpeneheihana ki ngā Māori tautoko mehemea kei roto a rātou pānga i te whenua e tukuna ana. Heoi, kahore i oti ngā whiriwhiringa i te mea ko te whai a te māngai Karauna a Biggs, kia tukuna tētahi poraka whenua, neke atu ki te 200,000 eka te rahi, e ahu ana ki tuawhenua, engari kahore ngā Māori o Turanga e whakaae ana ki te tuku whenua pēnei rawa te rahi. Etahi wā ka whakawehi atu te Karauna ki a Rongowhakaata, menā ka kore rātou e whakaae ki ngā tono a te Karauna, ka huri te Karauna ki te whakamahi i te New Zealand Settlements Act, i te Kooti Whenua Māori rānei ki raro i te East Coast Native Land Titles Investigation Act (e mohiotia nei ko te 'kooti tango whenua') hei whakamana i ngā whakahau a te Karauna.
- 2.59 I whakararua anō ngā whāinga a te Karauna ki te muru i ngā whenua kei Turanga i tētahi tuhinga hē kei roto i te East Coast Native Land Titles Investigation Act ka rangirua mehemea i te Kooti te mana ki te muru i ngā whenua o rātou e whakaarohia ana he tutū rātou. Ka tono te Karauna kia hikina te nohanga Kooti Whenua Māori i tīmata ki Turanga i te marama o Hurae 1867, kia whakatikaina te hē i te tuhinga o te ture. No muri mai i te tau 1867 ka whakatikaina te ture nei.
- 2.60 Nui rawa atu ngā raruraru me ngā moni i pou i te hikitanga o te nohanga Kooti me te tononga a te Karauna kia hikina te nohanga, mō ngā Māori maha i huitahi ki te nohanga kooti. Āmuri tata mai i te nohanga e 256 rātou o Turanga iwi, hapū, whānau i haina i tētahi petihana whakahē ki ngā mahi whakamataku a te Karauna kia riro ki a rātou ngā whenua haupapa katoa i roto i te rohe. I te mea he poto noaiho te wā pakanga i te tau 1865, me te roa o te wā mai i te mutunga o te pakanga, ka tohetohe rātou kia kua e tukuna he whenua ki te Karauna.
- 2.61 I te marama o Pepuere 1868 i whakahoutia e te Karauna āna whāinga ki te pupuri whenua ki Turanga i te hononga atu o Donald McLean ki te tautoko i a Biggs ki te tango

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whenua. Ka whakawehi anō a McLean ki ngā iwi, whānau, hapū o Turanga menā ka waihotia ki te Kooti Whenua Māori me te East Coast Land Titles Investigation Act hei whakatau i ngā take, 'ka riro katoa o koutou whenua ka tangohia katoa e te Kooti.' Heoi, kahore a Biggs me McLean i angitu i te whakaaetanga o te iwi kia hokona te 741 eka, te Turanganui Nama 2 Poraka, a-muri mai ka ruritia, koia nei te taone o Turanga.

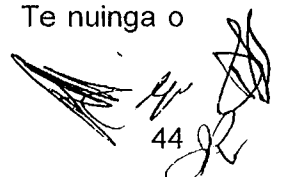
- 2.62 I te marama o Maehe 1868 ka inoi atu te Karauna ki te Kooti Whenua Māori kia āta tirohia ngā taitara ki ngā whenua katoa i roto i te rohe o Te Tai Rawhiti kei raro i te East Coast Native Land Titles Investigation Act. Heoi, i panaia e te Kooti te tono a te Karauna i te mea he poto rawa te whakamohiotanga ki te tono. Ka tangohia mai e ngā Māori te nuinga o a rātou tono i te mea kahore rātou i te maia ki te Kooti whenua e mahi ana ki raro i te East Coast Land Titles Investigation Act. Ka whai te Karauna ki te hanga i te East Coast Act 1868 hei mau i tēnei ture. Ka tukuna te mana ki te Kooti Whenua Māori ki te hoatu i ngā pānga o rātou e whakaarotia ana he tutū ki te Karauna, ki ērā rānei e whakaarohia ana e te Karauna he Māori piripono.

Kirimini Tuku, Noema–Tihema 1868

Ka tohetohe tonu rātou ki te pupuri i te whenua e whakaarohia ana e ahau ki te hoatu ki ngā iwi me te ope hoia. Āhua hawhe ngā Māori e tautoko ana i aku whakaaro, te toenga ka whakaae kia tīmata ahau ki te takai ka wehe atu.

I tuhia e J C Richmond i te marama o Tihema 1868 e whakaahua ana i tana pehinga i ngā Māori o Turanga kia riro mai te tukunga whenua e uaua nei rātou ki te tuku.

- 2.63 I te wāhanga tuarua o te tāu 1868 i whakamahia e te Karauna te matakū i roto i te tini o ngā Māori o Turanga ki te Whakarau kia whakaae mai rātou ki te tukunga whenua kia kore ai te Karauna e huri ki te muru. Kua whakamohio atu a Kapene Biggs ki āna rangatira i te po i mua o te tūkinga ki Turanga i te marama o Noema 1868, 10,000 – 15,000 eka te rahi o te whenua haupapa ka tukuna e ngā iwi, hapū, whānau o Turanga me tōna tūtohu kia whakaae te Karauna ki tēnei tuku. He rahi ake ngā whenua e hiahia ana e te Karauna āmuri i tēnei tūkinga.
- 2.64 I te marama o Tihema 1868 nā J C Richmond, Minita Pāremata, te whakatūpato ki Turanga Māori mēnā e kore e riro mai ngā whenua katoa e hiahia ana e te Kāwanatanga, ka tangohia mai ngā āwhina whakaruruhau ki Turanga. Kāhore a Richmond i aro atu ki ngā tohutohu a Donald McLean me tana ki, he mea kino tēnei te tango whenua āmuri tata tonu i te tūkinga ki Turanga, he mea kino tēnei ki te iwi kāinga Māori. Ka whakawehi a Richmond i ngā Māori o Turanga me kokiri rātou ki te Kāwanatanga i raro i te Karauna, i raro i Te Kooti, i raro rānei i ngā Māori piri tata ki te Karauna, o ētahi ake rohe. I te 18 o Tihema 1868 i runga i te whakawehi nei, e 279 ngā Māori o Turanga i haina uaua rawa atu tētahi Kirimini ki te tuku āhua 1.195 miriona eka atu ki te Karauna. I muru hangaitia e te Karauna ngā whenua o te tini o ngā Māori o Turanga kahore i reira ki te hainatanga i te kirimini, me te whakaaro rānei a te Karauna he tutū rātou.
- 2.65 Te whakaaro a te Karauna he pupuri i tētahi wāhanga o ngā whenua tuku hei nohanga hoia, engari kahore te Kirimini i whakahua e hia te rahi o tēnei whenua. I whakaae te Kirimini ka utu kāpeneheihana te Karauna ki ngā Māori e piripono ana mo a rātou pānga whenua e puritia ana e te Karauna, engari kahore tēnei oati i honoretia. Te nuinga o



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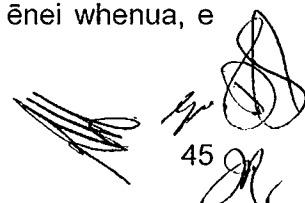
2: HISTORICAL ACCOUNT

ngā whenua tuku i mea whakahokia ki te pupuritanga Māori āmuri i te whakataunga a tētahi Komihana ko wai ngā kaipupuri. Heoi ka whiua e te Komihana ngā mea e whakaaro ana he tutū, e kore e tuhia a rātou ingoa ki runga i te whārangi ingoa o ngā kaipupuri whenua.mo ngā whenua whakahoki.

- 2.66 I te marama o Pepuere 1869 i pānuitia e te Karauna kua kore he taitara tikanga a Rongowhakaata mō ngā whenua kei roto i te kirimini tuku. I runga i tēnei kua huri te whenua hei whenua Karauna. I oati te Karauna ka whakahokia ngā whenua nei ki ngā Māori o Turanga i raro i ngā tikanga i roto i te kirimini.
- 2.67 I whiriwhira e te Karauna tētahi kirimini ki ngā Māori o Turanga i te tau 1869 mō te rahi o ngā whenua ka puritia, engari kahore i tuhia tika ngā whakaritenga ki roto i te kirimini. I te tau 1873 i rūritia e te Karauna ngā 31,301 eka o ngā poraka o Patutahi me Te Arai ka puritia e rātou (ka tāpiritia tēnei ki te āhua 5000 eka i roto i te Muhunga poraka). Ki ngā whakaaro a ngā āpiha Karauna kahore i rawa ake tēnei. Ka tāpiritia e rātou e 19,445 eka ki te whenua ka puritia e te Karauna i te whakaroanga atu i ngā rohenga o ngā poraka e rua, a Patutahi me Te Arai atu ki te Awa o Hangaroa.
- 2.68 I te mutunga, neke atu ki te 56,000 eka i roto i ngā poraka o Patutahi, o Te Muhunga, o Te Arai i puritia e te Karauna e tata ana ki Turanga ināiane. I whakaturia he nohanga hoia ki runga i te 5,000 eka ki Ormond, ka hoatutia e tekau mano eka o ngā whenua pupuri ki āna Māori piri tata i te wā e pakanga ana. I te mutunga i hokona mai e te Karauna ngā whenua i tukuna nei.
- 2.69 Rite tonu te whakapae a ngā Māori o Rongowhakaata me Turanga i whakaae rātou kia 15,000 eka noaiho me pupuritia e te Karauna. He maha ngā petihana i tukuna e rātou ki te Kāwanatanga mō ngā tekau tau maha tonu e whakahē ana ki te Karauna e pupuri ana i ngā whenua rahi ake ki te 15,000 eka. Nā ēnei petihana ka tū ngā Komihana Uiui hei titiro i te take nei i ngā tau 1882 me 1920.

Murunga me te Komihana o Poverty Bay

- 2.70 I te tau 1869 i whakaturia e te Karauna te Komihana o Poverty Bay hei whakatau i te mana pupuri o ngā whenua kei roto i te kirimini tuku o 1868, ka whakahokia atu ki te pupuritanga Māori. Ka whiua e te Komihana rātou i whakaarohia he tutū, ka waihotia rātou ki waho o ngā taitara o ngā whenua whakahoki. I tohe te Kaiwhakawā Tumuaki o te Kooti Whenua Māori, Francis Fenton, kahore he mana ture a te Komihana ki te whakahaere i tēnei mana me tana kī, ko tēnei mana e takahi ana i ngā kaupapa ture o Ingarangi e mana ana mai i te Magna Carter.
- 2.71 I whakamanatia anō e te Karauna te Komihana ki te titiro ki ngā hokohokonga whenua mai i ngai Māori mō ngā te kau tau ki muri, ahakoa te whakaaetanga tūmataiti a ngā āpiha i takahi i ēnei hokohokonga i ngā ture whakahaere i ngā kerēme whenua tawhito. I pēhia e te Karauna a ngai Māori kia whakaae rātou ki te kirimini tuku kei roto i taua kirimini e kī ana nā ngai Māori i tono kia tirohia aua hokohokonga.
- 2.72 E rua ngā kaiwhakawā o te Kooti Whenua Māori i whakaturia e te Karauna ki runga i te Komihana. I te tau 1869 i noho te Komihana ki Turanga mō te 33 rā, ka whakarongo ki ngā kerēme, 50, o ngai Māori e pā ana ki te 101,000 eka. Kei roto i ēnei whenua, e



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- 20,000 eka o ngā poraka matua toko 45 o Rongowhakaata. E 1,230 eka i hoatutia ki ngā Pākehā, te nuinga he whenua no Rongowhakaata. Te nuinga o ngā whenua i whakahokia ki a Rongowhakaata kua hokona, kua rīhitia, kua moketitia rānei i mua o 1874.
- 2.73 No te tau 1873 rā anō ka noho anō te Komihana i tukuna ngā taitara mō te 37,278 eka, me te 13,800 i roto, o te poraka tuawhenua o Waihua, no Rongowhakaata. Te tōpūtanga e 138,278 eka i hoatutia e te Komihana, mō te whā tau, me ngā whenua o Rongowhakaata e 35,000 eka, i roto.
- 2.74 I murua e te Karauna ngā pānga whenua o ēra o Rongowhakaata i waihotia e te Komihana ki waho o ngā taitara i hoatutia e te Komihana i te mea he tutū rātou. Anō āhua 300 ngā Rongowhakaata i waiho mahue ki waho o a rātou taitara whenua tuku iho i te mea i runga a rātou ingoa i tētahi whārangi whakapae o ngā tutū o Rongowhakaata i mea hanga e tētahi āpiha Karauna e awchina ana i te Komihana. Kāhore ngā ingoa o ēnei tutū whakapae i tukuna atu ki te Komihana hei whaiwāhi ki roto i ngā tukunga whenua, kahore hoki te Komihana i titiro mehemea he tutū tūturu tonu ēnei tāngata o Rongowhakaata. I runga i ēnei mahinga kahore ngā 'tutū' i whiwhi, ka noho tāngata whenua kore whenua rātou katoa.
- 2.75 I te tau 1873 kua kaha rawa atu te mautohe ki te Komihana o Poverty Bay. I mea hikina te nohanga mō te poraka o Okirau, whenua o Rongowhakaata, i tutū te puehu ki roto i te rūma hui i te mautohe o ngā Māori ki te hui. Kāhore te Komihana i whakaae ki tētahi tono a Wi Pere kia tukuna mai ngā whenua kahore anō kia whakawātia, ki raro i te mana pupuri o ngā kaitiaki, tekau mā rua rātou, hei kaitiaki mō ngā iwi. Tētahi, i tukuna ngā whenua kahore anō kia whakawātia kia hoki atu ki te mana pupuri Māori mehemea nei kahore i whakakorea ngā taitara whenua tupu. Ka tuhia ki roto i te Poverty Bay Lands Title Act 1874 ko ngā tirohanga taitara katoa kei mua mō ngā whenua i roto i te poraka tuku, me whakahaeretia ki raro i te Ture Whenua Māori 1873.
- 2.76 Āmuri i te whakataunga a te Komihana o Poverty Bay i te mana pupuri mō ngā whenua e whakahokia ana, ka tukuna e te Karauna ngā whenua nei i raro i te kaupapa pupuri ngātahi. Ka noho ōrite ngā mana pupuri nei kahore i runga i te mana rerekē. Tētahi, kahore e taea ngā tāngata pupuri te waiho i ngā pānga nei ki a rātou uri. Mea anō i te matenga a tētahi ka whakawhiti a rātou pānga ki a rātou e ora tonu ana. I te tau 1869, ka whakarerekētia e te Karauna te ture whenua Māori ki te whakamana i te Kooti Whenua Māori ki te tuku pānga whenua Māori hei pānga pupuri takitahi, e taea te tuku iho.
- 2.77 I te tau 1873 ka mahi te Karauna ki te whakatika i te pouritanga a Rongowhakaata me ngā iwi o Turanga, mō ngā taitara nei, ka hangaia he ture hei whakarerekē te mana pupuri ngātahi atu ki te mana pupuri takitahi. Engari kahore te Native Grantees Act 1873 i whai mana ki ngā whenua kua oti kē te rīhi, te hoko, te mōkete rānei, me ngā pānga o rātou mā kua mate kē.
- 2.78 I te tau 1875 i mārāma mai ki te Karauna he maha rātou o Rongowhakaata kua noho whenua kore i te mea i murua a rātou pānga whenua kahore he wāhi nohanga. Ka kitea e te Karauna tētahi poraka pukepuke, iti noaiho te wāriu, neke paku atu ki te 4,000 eka te nui, kei Arai Matawai, ā, i te tau 1877 ka hoatutia te whenua nei ki a Rongowhakaata hei whenua rāhui. I taua wā i tukuna a Arai Matawai ki ngā tāngata pupuri 23 noaiho

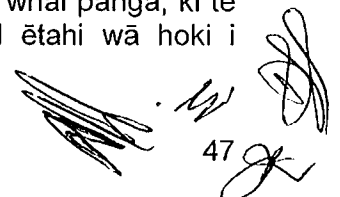
DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

rātou, engari i te tau 1906 āmuri i ngā whakahē kaha rawa atu a Rongowhakaata ka whakamanatia te Kooti Whenua Māori ki te tirohia anō te kaupapa pupuritanga o te poraka nei. I te tau 1908 ka hoatutia te taitara o Arai Matawai ki ngā kaupupuri e 642. Te whakaritenga e ono me te hāwhe eka mō ia kaupupuri i roto i te poraka.

Whakatakinga i ngā Ture Whenua Māori, 1860s atu ki 70s

- 2.79 I runga i te hinapouri a te Karauna mō ngā mahinga hē o te pūnaha whakahaere whenua Māori ka whakatakia e ia tētahi pūnaha hou i te wā moata o 1860s. Ka whakatūria e te Pāremata te Kooti Whenua Māori, ki raro i te Ture Whenua Māori o ngā tau 1862 me 1865, hei whiriwhiri i ngā kaupupuri whenua Māori "I raro i ngā tikanga Māori", me te whakawhiti i ngā taitara tuku iho ki te taitara riro mai te Karauna.
- 2.80 I whai te Karauna ki te whakawhiwhi huarahi hei whakatau i ngā tohenga mana pupuri whenua me te whakarite i te whakapuakitanga o ngā whenua tupu Māori ki ngā manuhiri Pākehā. Ka whakatahatia te mana taunaha a te Karauna ki te hoko whenua, me te manako ki te hoatu ki ngā Māori ngātahi ngā tika ōrite ki tā te Pākehā ki te rīhi, te hoko i a rātou whenua ki ngā rōpū tūmataiti, ki te Karauna rānei.
- 2.81 I whakatakina e ngā ture whenua Māori nei te whakarerekētanga nui rawa atu ki te pūnaha tuku whenua Māori. Ka taea e te pūnaha pupuri tikanga i waenga i ngā iwi, ngā hapū, me ngā whānau te whakahaere i ngā whaipānga taurea, ngā whaipānga tāpiki rānei mō taua whenua. Kāhore hoki te Kooti Whenua Māori i hangaia ki te whakahaere i ngā mahinga uaua, ngā mahinga tikanga a te Māori ki roto i āna whakaritenga i te mea i tukuna ko te pupuritanga motuhake mō ake tonu. Tētahi ko ngā tika whenua i raro i te pupuritanga tikanga he tikanga hāpori kē, engari i raro i ngā ture whenua hou i tuku tika takitahi kē kahore ki te hapū me te iwi. Ko te whakaaro i runga i ngā ture taitara whenua hou nei ka huri a Rongowhakaata ki te whakarere i ngā anga iwi, me ngā anga hāpori mō te pupuri whenua tupu.
- 2.82 Kāhore he māngai Māori i roto i te Pāremata i te whakaturetanga o ngā Ture Whenua Māori o 1862 me 1865. I runga i ngā tikanga pupuri whenua o Uropi ki Aotearoa nei, kahore he mana a te nuinga o ngā tāne ki te pōti, no te whakatūtanga o ngā tūru Māori e whā, ki roto i te Whare Māngai i te tau 1868, ka āhei rātou ki te pōti. I rapuhia e te Karauna ngā whakaaro mō te whenua ki te hui o 1860 ki Kohimārama, engari rerekē te huarahi o ngā ture whenua Māori, kahore i whakaata i ngā whakaritenga o mua. Kāhore hoki ngā ture hou i whiriwhiria ki a Rongowhakaata, kahore hoki rātou i whakamohiotia i ngā whakapātanga atu o te ture hou nei.
- 2.83 Kāhore he huarahi ake mō ngai Māori, me haere tonu ki te Kooti, ki te tiki taitara ka whakaaetia e te pūnaha ture Pākehā, ka āhei rātou ki te whakakotahi i ngā whenua ki roto i te ao ōhanga hou. Me pupuri taitara herekore rā anō mai i te Kooti mehemea e hiahia ana ki te rīhi, te hoko whenua rānei i raro i te ture, ki te tuku rānei hei taituarā hei whanake i te whenua. Heoi, i runga i te āhua o ngā taitara e tukuna ana e te Kooti, kahore e whakaaetia ana hei taituarā.
- 2.84 Ka taea te tono ki te Kooti kia tirohia te taitara o tētahi whenua engari me tono ātuhi rā anō e te Māori. Kāhore he here kia whakaae anō ētahi ake ki te tono engari menā kua oti te whakaae a te Kooti ki te tono, ka herea rātou katoa nā tāngata whai pānga, ki te whaiwāhi ki te tirohanga, me kahore ka ngaro a rātou pānga. I ētahi wā hoki i



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whakahaeretia he rūri, he tirohanga taitara rānei engari te hunga whaipāngā te hapu katoa rānei i te whakaae.

Ngā Whakawaia a Rongowhakaata o te Kooti Whenua Māori, 1875-1900

- 2.85 I whakaheretia ngā nohanga Kooti Whenua Māori tuatahi ki Turanga i te tau 1867 me 1868 engari kahore he taitara i puta. I te tau 1870 e noho ana te Kooti Whenua Māori mō te Komihana o Poverty Bay, i whakamanatia he taitara mō te 758 eka ki ngā poraka te kau mā whā o ngā whenua ki Manutuke i mea kerēme e Rongowhakaata. I noho te Kooti i raro i te Ture o East Coast ka herea te Kooti kia kua ngā tutū e whakaurua ki roto i ngā taitara ka whakamanatia. Ruarua nei o Rongowhakaata i murua a rātou panga whenua i raro i tēnei ture. No te 1891 rā anō te whakakorenga o te Ture o East Coast engari kahore he tuhinga o te whakamahinga o tēnei ture āmuri i te tau 1873.
- 2.86 Kāhore te Kooti i tīmata ki te mahi tautoko ki Turanga no te 1875 rā anō. Te nuinga o ngā whenua o Rongowhakaata i tau ki mua o te Kooti i raro kē i te Native Land Act 1873. I raro i tēnei Ture me uru atu ngā kaipupuri katoa ki runga i te Tuhinga Whārangi Pupuritanga. Kāhore e whakaaetia tētahi kaipupuri ki te hoko takitahi i āna pānga, me whakaae rā anō ngā kaipupuri katoa. Menā kahore ngā kaipupuri katoa i te whakaae ka tapahia te poraka i waenga i ngā kaipupuri hoko me ngā kaipupuri kore hoko, me whakaae anō te nuinga kia tapahia te whenua. Hei reira ka āhei te hoko atu te wāhanga poraka a ngā kainoho. No muri mai ngā ture ki te whakangoikore i te tikanga whakaae o te nuinga ki te tapahi.
- 2.87 No te murunga o te Karauna i a Patutahi, me ngā whakahaere a te Komihana o Poverty Bay, paku noaiho ngā whenua tupu i a Rongowhakaata e pupuri ana ki roto i te pupuritanga tikanga i te tau 1875. I waenga i ngā tau 1875 me 1900 i tirohia e te Kooti te pupuritanga o ngā poraka e 28 o Rongowhakaata e 6,500 eka te rahi. I whakaurua anō etahi o Rongowhakaata ki roto i ngā taitara poraka kei tuawhenua. Atu ki 1900 iti noaiho ngā poraka pakupaku a Rongowhakaata e noho whenua tupu ana.
- 2.88 I te whai tonu a Rongowhakaata ki te whakahaere pai i ngā tikanga tauhou a te Kooti kia ngāwari te utu, kia kore anō he kēhi ka whakararu. Nā ngā rangatira o Rongowhakaata i tīmata ngā mahi rūri, me te whakatau i ngā whārangi kaipupuri ki waho i te Kooti i mua tonu o te haerenga ki te Kooti ki te whakamana i aua whārangi. I tautokohia ēnei mahi e te Kooti o Turanga, ā, ko te nuinga o ngā tirohanga ki Turanga i whakatauria tere i te mea i whakatautia ngā whārangi i mua o te haerenga ki te Kooti. Heoi, i ētahi wā ka whakahaeretia e te Kooti he tirohanga i ngā wā i tohea ngā taitara i waenga i ngā hapū o Rongowhakaata ki ētahi ake rānei.
- 2.89 Ahakoa i whakamahia e rātou te Kooti i ngā wā kahore he huarahi ā-ture ake, he maha rātou o Rongowhakaata i whakahē ki ngā ture whenua Māori. I te tau 1873 i whakakotahi ngā kaiarahi o Rongowhakaata me Turanga ki te tautoko i te Rōpū Whakakore, iwi, whānui, me āna petihana e whakahē ana ki ngā ture whenua Māori me ngā whakahaere a te Kooti. Tētahi whakahē kaha tonu ko te tangohanga o te ture i te mana whakahaere mai i te Māori, e hiahia ana kē ki te whakamahi i a rātou ake tikanga hei whakahaere i a rātou whenua.
- 2.90 I waenganui o ngā 1870s i te tipu haere ngā tautoko mō te whakatūtanga i ngā rōpū Māori ka mahi whakarara ki ngā rōpū Pākehā. Ka tīmata anō ngā Māori o Turanga ki te

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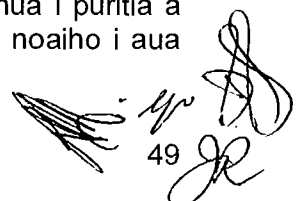
2: HISTORICAL ACCOUNT

hanga komiti kore mana āmuri i te nohanga mutunga a te Komihana o Poverty Bay. I te tau 1877 i whakaturia e ngā Māori o Turanga te komiti o Turanganui a Kiwa, hei whakahaere i ngā kēhi kiri tangata me ngā kēhi tangata hara, ka whakahaere anō i ngā whakataunga taitara whenua. I whai anō a Rongowhakaata i te mana āture hei whakahaere i a rātou ake take engari kahore tēnei i whakawhiwhia, ka noho āhua mana kore ngā komiti.

- 2.91 I te rerekē ngā utu mō te rūri me ētahi ake utunga mō te whakamana taitara mā te Kooti, ā, tērā ka pā taumaha atu ki a Rongowhakaata. Ahakoa kotahi kapa ia eka noaiho te utu rūri mō ētahi poraka, engari te utu mō te rūri i Waiwhakaata poraka kotahi herengi me te hikipene ia eka. I ētahi kēhi ko te whenua tonu te utu mō te rūri. Tērā ka nui te utu mō Rongowhakaata ki te haere ki te Kooti Whenua Māori me a rātou kerēme whenua menā ka tohea e ētahi. Tērā anō rātou ka haere ki te Kooti me haere atu ki Turanga ka noho ki reira mō te roanga o te nohanga i runga i te kore mohio hei āwhea whakahaere i a rātou kerēme.
- 2.92 He maha ngā raruraru i puta i te whakatakahitanga e te Kooti Whenua Māori i ngā taitara, tētahi ko te whakaiti i ngā pānga i raro i ngā ture kairiwhi, te mahi uaua ki te whiwhi moni whanake i runga i te āhua o ngā taitara Kooti, me te mahi uaua ki te whakahaere i te whenua i runga i te whakahaere hapori.

Hoko Whenua – Te Karauna me ngā Hoko Tumataiti atu ki 1909

- 2.93 Ko tētahi o ngā take o ngā Ture Whenua Māori te whakawātea whenua Māori hei nohanga kainoho Pākehā. I te haere tonu ngā tikanga hokohoko mai i waenganui o ngā 1870s ahakoa te kore whenua o Rongowhakaata. Ka whakahoutia e te Karauna āna mahi hoko whenua ki Turanga. Te hiahia a te Karauna ko te hoko whenua, engari i te tīmatanga ko Rongowhakaata e whakaae ana ki te rīhi anake i a rātou whenua. Ka hangaia e te Karauna he kirimini rīhi mō ngā poraka pēnei i Waihau. I roto i ngā kirimini rīhi he tikanga here kia kua ngā kaituku rīhi Māori e hoko i te whenua ki etahi ake i waho atu o te Karauna. I te tau 1881 kua wehe mai te Karauna i ngā rīhi katoa i whakaaetia e ia.
- 2.94 Ko ngā tohutohu a te Karauna ki āna māngai hoko whenua, me whiriwhiri rātou ki runga i te tika, me whiriwhiri hoki ki ngā kaiārahi iwi. I raro i ngā ture i whakamanatia i te tau 1877, me tonu te Karauna ki te Kooti Whenua Māori anake ki te whakamana i āna hokonga whenua. Āmuri i tēnei wā ka noa haere ngā te whiriwhiringa ki ngā tāngata takitahi. No te tau 1880 rā anō ka oti ngā hokonga tuatahi a te Karauna i ngā pānga whenua o Rongowhakaata.
- 2.95 Ka whakamahia e te Karauna āna mana i raro i te ture ki te kati i ngā kaihoko tumataiti i te whiriwhiri hoko i ngā poraka e hiahia ana e te Karauna ki te hoko. I utu rātou mō ētahi pānga a Rongowhakaata i mua o te whakamanatanga a te Kooti Whenua Māori i aua pānga. I te 1879 ka whakahau te Minita Māori me whakamutu tēnei mahi, ahakoa i haere tonu ki ētahi kēhi. I ētahi wā i te mea kua utua kē he moni ka herea ngā kaitango moni ki te hoko i mua o te whakaaetanga i te utu tōtika.
- 2.96 Tae atu ki te tau 1900 neke atu ki te 21,000 eka ngā whenua o Rongowhakaata ki Tūranga kua hokona e ngā rōpū tumataiti, e toru koata tēnei o ngā whenua i puritia a rātou ki reira i te tau 1873. He maha ngā kaihoko tumataiti i te rīhi noa noaiho i aua



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whenua i mua o te putanga mai o te taitara i te Kooti Whenua Māori, hei mahi tīmatanga ki te hoko mai. He mea ngāwari noaiho anō mō ngā kaihoko tūmataiti ki te hoko i ngā pānga takitahi i aua wā. Hei tauira, 106 ngā kirimini wehe i whiriwhiria e tētahi kaihoko tūmataiti mō tētahi poraka. Āmuri i ngā tau whakamutunga o ngā 1980s ka ngoikoretia te here me whakaae rā anō te nuinga i mua o te tapahitanga whenua. I waenga i ngā 1980s he maha ake ngā hokonga i ngā whenua o Rongowhakaata. I ētahi kēhi i tango painga ngā kaihoko tūmataiti ki ngā nama o ngā Māori ki te hoko whenua ahakoa ngā tikanga āture e kati ana i te hoko i te whenua Māori hei utu nama.

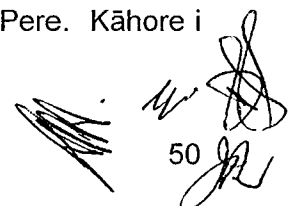
2.97 Kāhore ngā ture whenua Māori i te here i ngā kaihoko tango me ngā kaihoko tuku ki te tautuku i ētahi herenga hangarau i mua o te whakamanatanga i a rātou hokonga whenua Māori. Hei tauira, me whakaotia e te Kaikomihana Kaitiaki tētahi tiwhikete e kī ana i te mārama rawa atu ngā kaupupuri whenua Māori ki ngā tikanga hoko, kua whiwhi rātou i ngā moni utu mō aua hokonga. Te tikanga hoki o ēnei here ko te whakawhiwhi whakaruruhau ki runga i ngā pāngā Māori engari i te mutunga kahore he mana. Rite tonu te whakarerekē i ngā ture whenua Māori me ētahi wāhanga o te ture he whīwhiwhi. Tae atu ki ngā tau o 1980s, kahore ētahi hokonga whenua i te oti pai i te kore tautukunga ki ngā here hangarau o ngā ture whenua Māori.

2.98 I te tau 1893, i whakaturia e te Kāwanatanga tētahi kooti motuhake ki te whakamana i ngā hokonga nei. I whakatikaina e te Kooti Whakamana ngā taitara mō ngā whenua āhua 50,000 eka, ki Turanga, tāpiri atu ki ngā poraka o Te Kowhai, Mirimiri, Hangaroa Matawai, me ētahi ake poraka whaipānga a Rongowhakaata. I panaia anō e te Kooti Whakamana ngā tono whakahē a ngā iwi, ngā whānau me ngā hapū o Rongowhakaata i te whakamanatanga o ētahi hokonga whenua kahore i te pupuri mana ture. Nā te nui o te utu tono nā kōnei i iti rawa atu ngā tono whakahē me ngā haerenga atu o ngā Māori ki ngā nohanga Kooti Whakamana.

Ngā whakamātau ki te whakahaere hapori i ngā whenua pupuri Māori.

2.99 I whakamātau e ētahi Māori o Tūranga te hanga i tētahi tikanga āture kia riro te mana whakahaere o te iwi i ngā hokonga whenua Māori ki Tūranga. I te tau 1878 i whakaritea e te kaiārahi o Tūranga, a Wi Pere, me tana roia, a William Rees tētahi kaupapa hei whakahaere. I whakaturia e rātou ngā rōpū kaitiaki hei whakahaere hei whanake whenua pupuri Māori. Me te whai ki te whanake whenua Māori ka hokona atu ki ngā kainoho Pākehā. I kitea e rātou he painga ka puta i te hokonga whaipānga o te whenua kua whanaketia, ā, menā ko te iwi ka whakahaere i ngā whakaritenga hoko ka pūmau he painga anō ka puta i roto i ngā mahinga ohanga ka mahia e ngā kainoho. Mā te kaupapa kaitiaki anō e arai i ētahi ake raruraru pērā i te wāwāhitanga i ngā pānga pupuri i waenga i ngā uri o rātou ngā kaupupuri tuatahi ka tino raruraru anō ngā whakahaere hokohoko whenua Māori.

2.100 Nui tonu ngā tautokohanga ki Tūranga ki te kaupapa a Rees-Pere. E 74,000 mano eka i whakawhitia ki raro i te rōpu kaitiaki atu ki te tau 1881. I whakawhitia e Rongowhakaata ngā pānga o Pakowhai, Kaiparo, Ahipipi, Whakawhitira, me Whataupoko poraka. Heoi, tere tonu te putanga mai o ngā raruraru kino mō ngā moni me ngā take ture. Nui rawa atu ngā moni i pou mō te whanake me te hoko whenua, kua hokona kē e te Māori. I te tau 1881 i whakatau te Kooti Hupirimi e kore e taea te whakawhiti whenua ki raro i te ropū kaitiaki mehemea i whakamanatia te taitara ki aua whenua ki raro te Ture Whenua Māori 1873. Me te whakapātanga kaha rawa atu ki te kaupapa o Rees Pere. Kāhore i



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2: HISTORICAL ACCOUNT

riro mai i a Rees Pere te tautoko tōrangapū kia mau mana āture tā rāua kaupapa, ahakoa ngā petihana maha a ngā iwi, hapū, whānau o Turanga mō te Pire o 1880 hei whakamana i te kaupapa.

- 2.101 Ka tautohe a Rees me Pere ki ngā raruraru nei ka whakaturia he kamupene hei waka whakahaere i tā rāua kaupapa. Ko ētahi whenua o Rongowhakaata i hokona mai e te Kamupene ko Kaiparo, Pakowhai, Ahipipi, Whakawhitira me Matawhero. Heoi ka hinga te Kamupene i te kore moni, ka taka ki roto i te pēkerapu i te tau 1888. Ka tonu a ngai Māori me ētahi kia kuhu atu te Kāwanatanga ki te awhina engari kahore i whakaae. I te tau 1891 ka tīmata te Peeke o Aotearoa, ko ia te kaituku nama mātāmua, te whakahaere hoko kaitango mōkete o ngā whenua, e 36,000 eka a te Kamupene. I roto i tēnei ko te 253 eka kei Kaiparo i panaia ētahi o ngā kainoho o Rongowhakaata e noho ana ki reira, metemea kahore ake o rātou whenua.
- 2.102 I te tau 1892 i whakaturia he kaitiaki whenua hou hei whakahaere i ngā taonga me ngā nama a te Kamupene. Ko ngā kaiwhaipanga a te Kaitiaki ko ngā kaipupuri tuatahi o aua whenua i mea hokona atu ki te Kamupene. Me te whāinga a te Kaitiaki ki te whakahoki i ngā whenua nama ki ngā kaipupuri tuatahi rā.
- 2.103 I hokona e te Rōpū Kaitiaki ētahi whenua i Matawhero i te Tīmatanga o ngā tau 1890s. Ka whai ki te whakanui ake i te papa whenua i te whakaurunga mai i ētahi ake whenua. Ko ngā whenua o Tahora i uru mai i te mea he whaipānga wā Rongowhakaata. I te tau 1896 i whakawhitia e te Kooti Whakamanatanga ētahi poraka o Tahora atu ki te Rōpū Kaitiaki i runga i tētahi hokonga i te tau 1889 i waenga i ngā kaipupuri me te Kamupene ahakoa kua pekerapu kē te Kamupene i te tau 1888.
- 2.104 I te pēhia tonu te rōpū kaitiaki i te nama, no te tau 1902 ka whakaturia e te Kāwanatanga he rōpū kaitiaki āture hei whakahaere i ngā whēnua mōkete kia kore ai ēnei whenua e taka ki roto i te hokohoko mōkete.
- 2.105 Ko te East Coast Māori Trust tēnei rōpū āture i hokona atu ētahi o ngā whenua hei utu i ngā nama i mahue mai ki a rātou. I roto ko ētahi whenua o Rongowhakaata kei Matawhero me Pakowhai. Ka whanaketia ētahi paamu ki runga i ngā whenua e toi ana, me ngā whenua o Tahora. I angitu ngā whakahaere ohanga a te Rōpū Kaitiaki, engari iti rawa atu te whaiwāhitanga a ngā kaipupuri pānga ki ngā whakahaere a te Rōpū Kaitiaki i ngā wā whakamutunga o te 1940s. Te nuinga o ngā whenua a te Rōpū Kaitiaki, me ngā whenua o Tahora, i whakawhitia atu ki ngā kaporeihana a ngā kaipupuri ki te tau 1955. Āhua kotahi koata ēnei o ngā whenua katoa i whakawhitia ki te Rōpū Kaitiaki i te tau 1892.
- 2.106 Hei wāhanga o ngā whakahaere whakakatinga i te rōpū kaitiaki, i whakaae ngā kaipupuri ki te utu kāpeneheihana, e £96751, ki ngā uri o ngā kaipupuri whenua i hokona atu i waenga i ngā tau 1892 me 1905, hei utu i te nama i hangaia e te Kamupene i ngā tau 1880s. I roto i te utunga ko te £16,000 i utua ki ngā uri a ngā kaipupuri o Pakowhai i mea hokona atu mō te £27,000 i te tau 1905. Heoi, ahakoa ngā whakahē a ngā uri a ngā kaipupuri o Kaiparo, kahore te Kaunihera o te East Coast Trust i whakaae ki te utu kāpeneheihana mō ngā whenua i hokona atu i te tau 1891.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

Whakahaere Whenua o te Rautau Ruatekau

- 2.107 I te wā mutunga o te rau tau te kau mā iwa, ka hinapouri te Karauna kahore ngā whenua Māori i te whakamahia hei painga, i te mea he maha rawa atu ngā kaipupuri i te whakamanatanga e te Kooti Whenua Māori i ngā taitara, me te kore huarahi ki te moni whakawhanake. Kua whakaae kē te Karauna kahore ngā whakaritenga e wātea ana, i te tika mō te whakahaere whenua Māori. Me tana pouri anō ka maha ake ngā hokonga whenua Māori, ka noho kore whenua te taupori Māori mō tā rātou orange ka huri ki te kāwanatanga hei tiaki i a rātou.
- 2.108 Hei whakatika i ēnei āhuatanga me ngā tono a ngā rōpū pēra i te Kotahitanga e kaha ake ana, me Rongowhakaata e tautoko ana i a rātou, i te tau 1900 i whakaturia e te Karauna ngā Kaunihera Whenua Māori, me ētahi mema no te Karauna, etahi i mea pootihia e ngai Māori. Te mahi a ngā Kaunihera he whakahaere i ngā hokonga whenua katoa me te whakahaere i ēra whenua e tukuna ana e ngā kaipupuri Māori mā rātou e whakahaere. I te whai te Karauna kia pakari ngā Māori ki te pupuri i a rātou whenua me te whakapūmau kia rīhitia ngā whenua ngoikore ka riro ngā hua moni ki te whakapai i aua whenua. I tukuna anō tētahi mahi mā ngā Kaunihera ki te whakatau ko wai ngā kaipupuri whenua Māori, ko ngā Komiti Māori kua pootihia i te awhina i a rātou, engari i tēnei wā, kua oti kē e te Kooti Whenua Māori te whakaingoa kaipupuri mō te nuinga o ngā whenua o Tūranga.
- 2.109 Paku noaiho ngā whenua o Turanga i whakawhitia ki te Kaunihera Whenua Māori o te Tairāwhiti, i mua o te tau 1906. I tēnei wā ka takahuritia ngā Kaunihera hei Poari mā te Kāwanatanga e whakatū i āna mema. I whakaturia te Stout Ngata Komihana i te tau 1907 ki te arotake whenua Māori ka kitea kua oti kē e te Karauna me ngā kainoho Pākehā te hoko i te 70% o ngā whenua i roto i te Kaute o Cook, kua oti anō te rīhi i te nuinga o ngā whenua e puritia ana e ngā Māori o Turanga. I te tau 1907 15 ōrau noaiho ngā whenua o Rongowhakaata ki Turanga i te pupuritia. I kōnei i tūtohutia e te Stout Ngata Komihana kia kore he whenua ake e whakawhitia ki te Poari o Te Tairāwhiti mō te rīhi.
- 2.110 Ko Te Tairāwhiti tētahi o ngā rohe whenua e rua, i tohua ki te whakamātau mehemea he mahinga pai te whakawhiti āture i te whenua Māori ki raro ki te Poari Māori. Atu ki te tau 1909 e 7,500 eka whenua ki Turanga kua whakawhitia atu ki te Poari Whenua o Te Tairāwhiti, ko tēnei Poari i te whai mana ki runga ki Te Tairāwhiti, tāpiri atu ki Turanga. I tukuna ki te Poari te mana ki te rīhi, ki te mokete rānei i ngā whenua i raro i te Poari.
- 2.111 I te tau 1908 i whakamanatia te Poari ki te whakahaere i ngā hokonga o ngā whenua ake e puritia ana e ngai Māori. I whakakorea e Te Ture Whenua Māori 1909 ngā tikanga here katoa mō te hoko whenua. Ka taea e te Poari te whakamana hokonga whenua ka waiho whenua kore a ngai Māori, mehemea e kore ngā hua o aua whenua e taea te tautoko ora i a rātou, mehemea rānei i te pupuri putea a ngai Māori hei tautoko i tōna orange. I te tau 1913 i whakakorea te tikanga ki te pooti māngai Māori ki runga i te Poari.
- 2.112 I waenga i ngā tau 1910 me 1952, e 120 ngā hokonga o ngā whenua o Rongowhakaata i whakamanatia e te Poari, ka whakahaheke kaha rawa atu te pupuritanga whenua pakupaku, whenua kaipupuri maha a Rongowhakaata. I runga i ngā hokonga nei kahore i a Rongowhakaata tētahi paku whenua nei o roto o tā rātou rohe kainga tūturu.

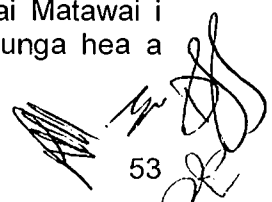
DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.113 I tuku rīhi anō te Poari mō ngā wā atu ki te 50 tau, kahore hoki i whiriwhiria ēnei rīhi ki ngā kaupupuri. Ko ngā whenua nunui o Rongowhakaata e toe ana mō te rīhi ko Paokahu me Arai Matawai, ka rīhītia ēnei i raro i ngā whakahaere a te Poari. Ahakoa ka pūmau te pupuri i ēnei whenua ki roto i te pupuritanga Māori, kua riro kē te mana whakahaere nui tonu. Tae atu ki ngā 1950s te mutunga o ngā wā o ētahi rīhī, ka puta te hiahia a ngā kaupupuri ki te whakahaere i a rātou ake whenua. Engari i kitea e ngā kaupupuri kua timata kē ngā kaitango rīhi ki te tukino i ngā whenua i runga i te mohio e kore a rātou rīhi e whakahoua. Ka tau mai ki runga i ngā kaupupuri Māori te whakapounga moni nui tonu kia hoki ngā whenua ki te hanga hua nunui.
- 2.114 Mai i te timatanga o te rautau rua te kau te whakawhiwhinga ture e taea ngā kaupupuri whenua Māori te whakatu kaporeihana hei whakahaere i a rātou whenua. Te whakatau a Rongowhakaata he paku rawa te nuinga o a rātou whenua, i te nohia kē te nuinga kahore he painga ki te whakakaporeihana. Haunga tēra i whakaturia anō e Rongowhakaata ētahi kaporeihana. I te tau 1909 i whakaturia e rātou he kaporeihana hei whakahaere i Paokahu. I te tau 1953 i whakatūria e Rongowhakaata he kaporeihana hei whakahaere i Arai Matawai, āmuri i te whakahokinga e te Poari Whenua Māori o Te Tairāwhiti tēnei whenua ki a Rongowhakaata. Heoi he rite tonu te pā mai o te raruraru ki te tango moni whakapai whenua.

Kaupapa Whakatōpū Whenua

- 2.115 I te rautau rua tekau, he maha rātou o Rongowhakaata i te pupuri pānga whenua pakupaku, maha, i roto i ngā poraka whenua katewa, nā ngā kaupapa hanga taitara, wāwāhi i ngā taitara nei. I hokona mai e te Kāwanatanga ētahi o ēnei momo hea o Arai Matawai i raro i ngā kaupapa i tīmatahia i te tau 1953, ki te hokohoko i ngā pānga wāriu iti i roto i ngā whenua Māori, tēnei kaupapa kahore nei i whakaaetia e ētahi o rātou i te pupuri pānga wāriu iti.
- 2.116 Ka mahi anō te Karauna ki te whakatika i te wāwāhitanga o ngā pānga whenua Māori nei, ka tīmatatia ngā kaupapa whakatōpū whenua. Ka ukuia e ngā kaupapa whakatōpū nei ngā taitara āture a ētahi kaupupuri ki a rātou panga whenua hononga whakapapa, ka whakatūria he taitara āture hou engari kahore he hononga whakapapa a ngā kaupupuri. Te mahi nei he whakawhāiti i ngā pānga whenua whānau mai i ngā poraka maha, ka whakakotahitia ki roto i te poraka kotahi, tētahi ki te taha o tētahi rānei, kia ahei te whakawhanake ahuwenua i ngā poraka nei.
- 2.117 Te kaupapa whakatōpū matua o Turanga i Manutuke kē, ki runga ki Rongowhakaata me tētahi ake iwi. E 539 ngā taitara whenua i roto, e 16,838 ngā wehenga pānga whenua i roto, te uaua, te roa o te wā, me te mahi nui rawa atu ki te whakahaere, i waenga i ngā tau 1959 me 1969, i whakawhitia ngā pānga whenua pakupaku, wāriu iti nei, e 22,345 eka te rahi, ka hangaia he poraka hou. E kore e taea te kaupapa ki te haere pai mehemea kahore te haporī i whakaae atu, i runga i te whakaaro a ētahi o Rongowhakaata mā te kaupapa whakatōpū nei ka taea e rātou te whakahaere pai i a rātou pānga whenua.
- 2.118 He maha tonu rātou o Rongowhakaata i mea tangohia a rātou panga whenua whakapapa i te whakawhitinga atu i a rātou panga tōpū hou ki ētahi wāhi kē, he mea pouri ki runga i a rātou. Neke atu ki te 800 ngā kaupupuri pānga o Arai Matawai i whakawhitia a rātou pānga ki ētahi ake poraka, pērā ki ngā poraka putunga hea a



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DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

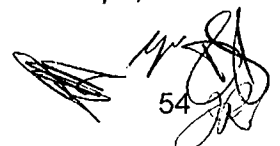
Whareongaonga me Pakowhai. Pēra anō te poraka a Paokahu i whakamahia hei poraka putunga hea mō ētahi o ngā kaipupuri whenua o wāho ake o Turanga. I te mutunga o ēnei mahi he maha ngā kaipupuri whenua o iwi kē i tau ki roto o Paokahu, ko te whakaitinga tēnei o ngā pānga o Rongowhakaata ki tēnei whenua whakapapa o rātou. Kāhore i oti e te kaupapa whakatōpū whenua ngā raruraru whenua o te panga whenua iti kei roto i ngā pupuritanga tāngata maha rawa.

Mahinga Tūmatanui

- 2.119 He maha ngā poraka whenua a Rongowhakaata i tango turetia ko ēnei i raro i ngā ture mahi tūmataiti i ngā rautau tekau mā iwa me te rua tekau. Āhua 500 eka, i roto ko te Papakāinga o Manutuke, i tangohia mō ngā momo mahinga tūmatanui, ngā rori, ngā huarahi tereina, te papa taunga waka rererangi, mahinga wāpu, wāhi tuku paru, mahinga wai, me ngā urupā. Kāhore te Karauna i āta kōrero ki a Rongowhakaata i mua o te tangohanga o a rātou whenua hei mahinga tūmatanui, i mua o te waenga rautau rua tekau.
- 2.120 Te tangohanga i ngā whenua i te taha o te Awa o Waipaoa koia nei anō te tangohanga o te tika āture a Rongowhakaata ki ētahi taunga ika tuku iho.
- 2.121 I ētahi wā kahore i utua he kāpeneheihana mō ngā whenua tango i runga i te whakaaro ko te hanga mahinga tūmatanui ka piki ake te wāriu o ngā whenua kei te wāhi o aua mahinga. I waenga i ngā tau 1862 me 1927, i hangaia ngā ture e taea te tango atu ki te 5% o te poraka whenua Māori mō te hanga rori engari kua e utua he kāpeneheihana. I tangohia te 46 eka o te whenua o Arai Matawai i raro i tēnei ture.
- 2.122 Kāhore he mana tika a te Karauna mō ngā tangohanga whenua ki Waiohiharore i te tau 1900, hei wāhi hauora, me te tau 1902, ki Awapuni i tangohia hei urupā. I tangohia a Awapuni ki raro i te wāhanga ture hē kē o te Ture Mahinga Tūmatanui i te noho mana i taua wā, ka ngāwari ake mō te Karauna ki te tango i te mea kahore he here ki te whakamohio atu ki ngā kaipupuri. Ko te moni kāpeneheihana mō te tangohanga i Waiohiharore hei wāhi herenga kaipuke, tērā he iti rawa, tērā anō kahore i utua atu. Kāhore te Karauna i whakahoki ki te Māori ngā whenua i tangohia, mehemea kua kore te hiahia hei mahinga tūmatanui. He nui te whenua i tangohia ki te rohe o Turanga kahore i puritia i runga i te whakaaro a te Kāwanatanga, ka hiahiatia mō ētahi ake mahinga tūmatanui mō te taone. I etahi kēhi, pērā i Paokahu (e mohiotia ko Kopututea ināianei) i kōnei i tangohia te 69 eka mō Centennial Marine Drive i te tau 1944, kahore te Karauna i te ngāwari mō te whakahoki i te wāhanga toenga o taua whenua ki ngā kaipupuri Māori. Hawhe o taua whenua o Paokahu kahore i whakamahia, ā, no te tau 1978 ka whakahokia. Kotahi noaiho te wā i rīhitia he whenua hei mahinga tūmatanui ki Turanga, i te tau 1975 i whiriwhiritia he rīhi o tētahi wāhanga o Paokahu hei wāhi putu rāpihi.

Take Taiao

“Mai i te Awa o Waikanae, Te Wai o Hiharore ki te ngutu awa o Waipaoa, te pipi momona mātotoru, anga mā, e mohio whānuitia ana he tauranga kai reka o Rongowhakaata e kai hou ana, e whakamaroketia ana, ka puritia mō ngā wā kei mua. Ko te pipi nei te kai a te Tamure, ka haere mai ki ngā tauranga pipi kai ai, ngā kauae pakari e whakapakaru ana, ka haere atu ngā hapū ki te hopu, te



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DEED OF SETTLEMENT

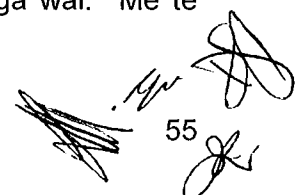
2: HISTORICAL ACCOUNT

whakamaroke ka pupuri i ngā tāmure. He mahi ngāwari noaiho te kohikohi pipi, mā ngā waewae e whāwhā atu ki ro kirikiri ka whakakī i ngā kete, he mātotoru hoki te pipi. Koia nei ngā wā papai ō ngā whānau, i te mā ngā wai o te whanga o Turanganui a Kiwa, engari no te whakareretanga e te Taone o Gisborne, ngā paru mai i Kaiti ki te moana, mai i Oneroa ki Te Wai o Hiharore, ka whakangaro te pipi i runga i te kaha whakahē”

Ko te Kaumātua o Rongowhakaata, Darcy Rapiata Ria, e whakaatu ana i ngā whakamahinga Māori i ngā rawa taha moana.

- 2.123 I raro i te tātai arowhenua o papatuanuku o te rohe hopu wai o te Awa o Waipaoa me Te Ārai, he horonga whenua, he rerenga whenua, he waipuke kei ngā wāhanga whakararo o ngā awa nei. I waenga i ngā tau 1890 me 1920, he nui ngā mahinga poro rākau ki kōnei hei whakaritenga mō te whanaketanga ahūwhenua ki tēnei rohe. Ka kaha ake te horo whenua me te rere whenua me ngā whakararu waipuke ki ngā wāhanga whakararo o ngā awa, ki ngā nohanga o te nuinga o Rongowhakaata. I ngā tau 1930s me ngā 1940s maha tonu ngā raruraru waipuke ki runga i a Rongowhakaata ki ngā whenua papatū o Turanga.
- 2.124 I whakaturia e te Karauna te Poverty Bay Catchment Board i te tau 1944, hei tiaki i ngā raru horowhenua ki Poverty Bay. Ka tukuna e te Karauna te mana whakahaere i ngā awa o Poverty Bay ki roto i ngā ringaringa a te poari rohe engari kahore i whiriwhiritia tēnei take ki a Rongowhakaata. Mai i te te tīmatanga o te Waipaoa River Flood Control Scheme i te tau 1953, he maha ngā whakarerekētanga atu ki te taiao tūturu o Turanganui a Kiwa pērā ki te pūroto o Te Wherowhero. Etahi ake rerekētanga, ko te tango i ngā wai o Te Ārai mō te whakamākū whenua me te puna wai mō Turanga. Te tango i ngā wai o ngā whenua mākū pēra i Awapuni Moana, ka ngaro ki a Rongowhakaata ngā rawa whakahirahira rā te kai moana, ngā manu, me te kai reka rā te pipi pango. Me ētahi kainga noho, wāhi tapu o Rongowhakaata i ngā tahataha o Awapuni Moana i mutu, i ngaro.
- 2.125 I te tau 1928 kahore te Kooti Whenua Māori i whakaae ki te tono a Rongowhakaata kia tirohia te taitara o Awapuni Moana i runga i te whakapae “he wāhanga kē tēnei o te moana”. I te tau 1953 ka pānuitia e te Karauna he whenua Karauna a Awapuni Moana. Ka tīmata te Karauna ki te tango i ngā wai o te moana, ka whanaketia he pāmu ki runga i te whenua kua tangohia nei te wai. Mai i ngā tau 1970s e mahi ana a Rongowhakaata ki ngā tono me ngā petihana ki te Kāwanatanga kia whakahokia mai a Awapuni Moana ki te pupuritanga Māori. I te tau 1990 ka tono te Karauna ki te Kooti Whenua Māori kia whakawhitia te whenua nei ki te pupuritanga Māori.
- 2.126 No te whanaketanga o te tauranga kaipuke o Turanga ētahi whakarerekētanga tino nui, e kore e taea te wetewete ki te Awa o Turanganui. Koia nei ko te pakarutanga me te tukitukinga i ngā wāhi tino tapu, tēnei ko Te Toka a Taiao, te whakahohonutanga o te papaawa, te whakapaipai, te tukaritari, me te hurihanga o te awa kia whānui ake te wahapū. Ngā wāhi tapu pērā i te puna o Waiohiharore i mate kino rawa atu i ēnei whakarerekētanga ki te wahapū.
- 2.127 Tuku i ngā paru tangata ki roto i ngā awa me te moana kei Turanganui a Kiwa koia nei anō e hanga pōraruru nei i te iwi kainga Māori mō ngā take tikanga, taiao, hauora tumatanui, pērā anō ki te tuku i ngā paru ahumahi ki roto i ngā rerenga wai. Me te

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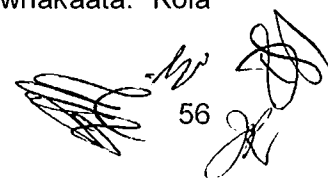
DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

whakapā tonu atu o ēnei mahi ki runga i te whakamahinga a Rongowhakaata i a rātou rawa Māori, pēra i te kai (ika anga me te ika tira) te mātauranga me ngā tikanga tiaki e pā ana ki te kohikohi me te tiaki pai i ēnei rawa. Kua whakaitia te raukaha a Rongowhakaata ki te tuku manaakitanga ki a rātou manuhiri. Kua whakaitia anō e ngā mahi whakaparu ētahi wāhi hākinakina mō te kaukau me te whakaterere waka.

Whakapātanga Hapori, me te Ōhanga.

- 2.128 I te taenga atu ki te tau 1930, kua heke heke ngā pānga whenua o Rongowhakaata ki raro iho i te 6,000 eka, e rua tautoru o tēnei i roto i tētahi poraka pukepuke (Arai Matawai). He mea whakahirahira tonu ngā mahi ahuhenua hei oranga mō Rongowhakaata tae atu ki ngā 1930s. I tēnei wā anō kua huri te nuinga o Rongowhakaata ki te utu moni mahi hei oranga, ka mahi rātou ki roto i te rāngai ahuhenua i ngā wā e whiwhi mahi ana. Tino kaha te whakapātanga o te wā o te pouritanga i ngā 1930s, me te piki haere o te taupori ka kaha ake ngā poraru ki runga i te ōhanga ahuhenua. I te tau 1933 tata ki te kotahi koata o ngai Māori ki te rohe o Te Tairāwhiti i te tūpuhi kore kai no te noho pōhara o te hapori me ngā ōhanga. Ka waiho ngoikore rātou ki ngā poraru hauora e kaha haere ana.
- 2.129 Whai muri mai i te Pakanga Tuarua o te Ao, ka tīmata tētahi nekehanga taupori mai i tuawhenua ki ngā rohe taone, ko ngā Māori o Tūranga ētahi e rapu huarahi ōhanga pai ake ana kei ngā wāhi mahi. Ka huri te nuinga hei kaimahi utu. Iti noaiho ngā tāngata mahi pāmu o Rongowhakaata. Mō te nuinga o ngā whānau tuatahi, me neke atu i te rohe noho o Rongowhakaata, a Manutuke, ki Turanga, tuarua, ki waho atu o te rohe whānui o Rongowhakaata, ki Te Whanganui a Tara me Tāmaki. I ēnei rā, kotahi tautoru noaiho o Rongowhakaata e noho ana ki te rohe o Tūranga. He maha rātou o Rongowhakaata i whakawehea ki a rātou pūnaha tautoko tikanga, me a rātou mahinga tikanga.
- 2.130 Rite tonu ngā pūrongo Kāwanatanga e pānui ana i ngā wehenga i waenga i a ngai Māori me ngai Pākehā i raro i ngā momo tohu hapori-ōhanga pēra i ngā kaupapa hanga whare, mātauranga, hara, me te hauora.
- 2.131 I a Rongowhakaata tonu a rātou ake pūnaha ako i mua o te taenga mai o te Pākehā ki te rohe. I hangaia he kura hou whai muri tata tonu i te whakapātanga ki te Pākehā i ngā tau o te 1830s. Whai muri mai i te tau 1867 te tīmatanga o te Kāwanatanga ki te tautoko i ngā Kura Māori, engari tere tonu te katinga o ngā Kura Māori no te iti o ngā tamariki e haere ana ki reira. Te nuinga o Rongowhakaata i haere ki te kura i whakatūria i raro i te Ture Mātauranga 1867 me te marautanga i whakatuairatia ki te pūnaha i mauria mai i Ingarangi. Étahi o Rongowhakaata i tonoa ki ngā kura Hāhi Māori pēra i Te Aute me Hukarere.
- 2.132 Heoi kahore te pūnaha kura i whakapakari i ngā tamariki Māori kia whaiwāhi ki roto i ngā whakahaere ōhanga hou pēra i te whakapakaritanga i ngā tamariki Pākehā. I tūāpatatia ēnei kura ki runga wāriu Pākehā, ka whai ki te whakapākehā i ngā tamariki Māori.
- 2.133 Tino kino rawa atu te takahi a ngā tikanga Pākehā, i roto i te pūnaha mātauranga o Ingarangi, i te reo me te tuakiri Māori. He maha ngā tau kahore te Karauna i aroha atu ki te whakapūmau huarahi mō ngā tamariki ki tā rātou reo me ngā tikanga mā roto i te pūnaha mātauranga kia mau tonu te reo me ngā tikanga tuturu a Rongowhakaata. Koia



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2: HISTORICAL ACCOUNT

nei te whakakahoretanga i te tuakiri tikanga ki ngā tamariki. I mua i te tau 1840, i te matatau ngā Māori o Tūranga ki tā rātou ake reo, engari no te taenga atu ki ngā tau o 1970s, kua heke kē te maha o ngai Māori e matatau ana ki tā rātou reo, ki te 18-20 ōrau, ā, ko te nuinga o ēnei ko rātou kei runga ake ki te 65 tau. Ahakoa e whaikaha ana te reo i tōnā oranga ake, i te tau 2006, e 26.3 ōrau o ngai Māori katoa, e taea te kōrero Māori mō ngā take ia rā, ia rā.

- 2.134 I tau anō ki runga i ngā tamariki me ngā pakeke o Tūranga ngā whakamāramatanga āture i te “Māori” i runga i te tikanga toto, kahore i runga i te tuakiri tangata, i runga rānei i te whakapapa. Mō te nuinga o te wā i mua o te tau 1974, ko te tohu āture o te Māori mō ngā take kāwanatanga me 50 ōrau o toto Māori. I ukuia tērā tikanga here e te Ture Whakatika I te Ture Take Māori I taua tau tonu.
- 2.135 Mō ngā Māori o Tūranga ko ngā mahi whakatauirā, ko ngā whaingā iti a ngā kaiako, me ngā mahi wehewehe i roto i te pūnaha mātauranga nā kōnei ka iti anō ngā huarahi tūranga mahi.
- 2.136 I waenganui i te rautau te kau mā iwa tino kino rawa atu te whakapātanga o ngā mate hopuhopu, te rewharewha, me te mītera, i mauria mai e ngā Pākehā ki te whenua nei, ki runga i a Rongowhakaata, ka heke iho te taupori. Me te haere tonu o ngā mate kino nei atu ki ngā tau tīmatanga o te rautau rua te kau, ahakoa te kaha haere o te Māori ki te kaupare i ngā mate hopuhopu hou nei. Kei Te Kuri a Tuatai Marae, me te urupā o Papatu Rori ngā wāhi tāpuke i te tini o Rongowhakaata i mate i te wā o aua mate urutā.
- 2.137 I te tīmatanga o te rautau rua te kau i hangaia e te Kāwanatanga tētahi hotaka tiaki hauora hei hiki i te oranga o te Māori. Ka haere ngā kaimahi Kāwanatanga ki roto i ngā hāpori ki te hiki i ngā taumata hauora. Heoi, ahakoa i te haere pai, he raruraru nui tonu i reira. I te tau 1928, ko te mate taipō, he mate nui no te pohara, i whakamōhiotia koia nei te mate tiaki hauora nui rawa atu i waenga i te Māori. Ahakoa i whakamāmātia te mate taipō nei e te whakapainga ake o ngā taonga horoi, me te hotaka wero rongoa i tīmatatia, i te kaha ake te mate nei ki roto i a ngai Māori i runga ake i te hunga Pākehā mō ngā tau āmuri iho.
- 2.138 He maha rātou o Rongowhakaata i te noho pōhara mō tētahi wā roa. I te mutunga o ngā 1930s neke atu i te hāwhe o ngā whare noho Māori i Tūranga e kikī rawa ana i te tangata. Nā ngā āhuetanga whare kino nei me te hiakai ka kaha ake ngā mate ki runga i te Māori kahore i pērā ki te Pākehā. Me te kaha tonu o ngā mate kohi ā kiko, rūmātiki, me ētahi ake mate ngāngā i runga i a ngai Māori atu ki ngā 1950s. Engari te raruraru o te maha rawa o ngā tāngata ki roto i ngā whare noho Māori i reira tonu. I te tīmatanga o ngā 1960s kotahi koata o ngā whare noho Māori i te pērā tonu. I te tau 1988 kua heke iho te maha o ngai Māori e pupuri whare noho ana, ka kitea e tētahi rūri Kāwanatanga neke atu ki te hāwhe o ngā whare noho e whai ana i ngā āwhinatanga hanga whare, he whare Māori. I kitea anō ko te rohe o waho o Tūranga tētahi o ēnei rohe raruraru.
- 2.139 I te rongo tonu a Rongowhakaata ki ngā tohu kino nei i hua mai i ngā mahinga o te rau tau tekau mā iwa, ka noho kuare tonu te hāpori ki ngā hītori tika o te rohe. Ahakoa tēnei, i te putanga mai o ngā pakanga e rua o te ao (me ētahi ake pakanga ārohe) ko Rongowhakaata tonu i haere kaitūao atu ka whawhai rongonui i roto i ngā rōpū hoia o Aotearoa, hei aha, hei utu mō te tangata whenuatanga.

DEED OF SETTLEMENT

2: HISTORICAL ACCOUNT

- 2.140 He taupori taiohi rawa atu a Rongowhakaata i ēnei rā. E ono tekau ōrau o ngā tamariki katoa o te rohe o Tūranga he Māori, kei runga rawa tēnei wāhanga mō ngā rohe katoa o Aotearoa. I whakapā kaha rawa atu ki a Rongowhakaata ngā whakahaere whakatika ōhanga mai i ngā tau o te 1980s. Ahakoa ētahi tohu e pai haere ana mai i taua wā, kei reira tonu ngā taunakitanga, e kī ana kei te noho tonu ngā tamariki o Tūranga i raro i te pōraruru hauora, te pōraruru kore mahi, me te pōraruru mātauranga, koia nei ngā mea i whakapā atu ki runga i ngā reanga i mua i a rātou.
- 2.141 Kua tuhia kei wāhanga 3 te pūrongo hītori mō ngā Uri o Te Kooti Rikirangi, kua tuhia kei wāhanga 4 te pūrongo hītori a pā ana ki Te Hau ki Turanga.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

3 ACKNOWLEDGEMENTS AND APOLOGY

This part records in English and in te reo Maori the acknowledgements and the apology offered by the Crown for Rongowhakaata. It also records in English and in te reo Maori the historical account, and the acknowledgements and the apology offered by the Crown for Nga Uri o Te Kooti Rikirangi.

ACKNOWLEDGEMENTS

3.1 The Crown acknowledges that –

- 3.1.1 it has failed to address until now the longstanding and legitimately held grievances of Rongowhakaata in an appropriate manner;
- 3.1.2 its recognition of, and redress for, the bitter grievances of Rongowhakaata is long overdue; and
- 3.1.3 the sense of grief and loss suffered by, and the impact on, Rongowhakaata remains today.

3.2 The Crown acknowledges that –

- 3.2.1 prior to 1865, Rongowhakaata had full control over their lands and resources and were participating successfully in the New Zealand economy;
- 3.2.2 when war broke out in other regions before 1865, Rongowhakaata adopted a policy of neutrality;
- 3.2.3 it used military force in Turanga in November 1865 when there was no need to do so; and
- 3.2.4 it did not pursue all reasonable possibilities for preserving peace in Turanga after it issued the ultimatum to the occupants of Waerenga a Hika in November 1865; and
- 3.2.5 the Crown's attack on Waerenga a Hika, whose occupants included women and children, was unwarranted and unjust, caused severe and long term prejudice to Rongowhakaata, and breached the Treaty of Waitangi and its principles.

3.3 The Crown acknowledges that looting by its military forces in the aftermath of the Waerenga a Hika attack contributed to acute food shortages which caused some loss of life among Turanga Maori.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.4 The Crown acknowledges that the indefinite detention in harsh conditions of many Rongowhakaata on the Chatham Islands without the laying of charges or bringing them to trial –
- 3.4.1 was an injustice which deprived these Rongowhakaata of basic human rights;
 - 3.4.2 inflicted unwarranted hardships on them and their whanau and hapu;
 - 3.4.3 it also inflicted severe hardship on Rongowhakaata who remained in Turanga;
 - 3.4.4 could not be legally challenged because of several indemnity acts; and
 - 3.4.5 was wrongful, contrary to natural justice, and a breach of the Treaty of Waitangi and its principles.
- 3.5 The Crown acknowledges that, after being held for more than two years with no indication of when they might be released, the prisoners were justified in finally escaping from the Chatham Islands in July 1868, and that they had reason to distrust the Crown when it asked them to lay down their arms after their return to the mainland.
- 3.6 The Crown further acknowledges that –
- 3.6.1 the Crown's senior military officers at Ngatapa were aware that men captured during the Crown's pursuit of those who fled from the whakarau pa were being summarily executed;
 - 3.6.2 some Rongowhakaata who were prisoners of the whakarau at Ngatapa were very likely to have been killed during the fighting, or to have been summarily executed by Crown forces after the pa was captured;
 - 3.6.3 the Crown never investigated the events at Ngatapa in 1869 despite newspaper reports of a large number of summary executions by Crown forces after the battle; and
 - 3.6.4 the summary executions at Ngatapa by Crown forces in January 1869 breached the Treaty of Waitangi and its principles, and tarnished the honour of the Crown.
- 3.7 The Crown acknowledges that the deaths of many Rongowhakaata at Ngatapa in January 1869 had a severe long term impact on Rongowhakaata.
- 3.8 The Crown acknowledges that –
- 3.8.1 it did not obtain, or even seek, the consent of many Rongowhakaata for the 1868 deed of cession;
 - 3.8.2 the consent to the deed of its Rongowhakaata signatories was given under duress; and

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.8.3 the pressure applied by the Crown when negotiating for the cession, and the resulting extinguishment of all Rongowhakaata's customary land interests, breached the Treaty of Waitangi and its principles.
- 3.9 The Crown acknowledges that it did not secure Rongowhakaata's agreement to the boundaries of the land retained by the Crown out of the area Rongowhakaata ceded under duress in 1868, and that the Crown's effective confiscation of all Rongowhakaata interests in the more than 50,000 acres the Crown retained at Patutahi was wrongful and a breach of the Treaty of Waitangi and its principles.
- 3.10 The Crown acknowledges that it broke its promise in the 1868 Deed to compensate loyal Maori for their interests in any land retained by the Crown, and this was a breach of the Treaty of Waitangi and its principles.
- 3.11 The Crown acknowledges that –
- 3.11.1 the Crown directed the Poverty Bay Commission to exclude those the Commission considered rebels from the titles it awarded for land ceded to the Crown in 1868 which was returned to Rongowhakaata between 1869 and 1873;
- 3.11.2 the Crown arranged the preparation of a list naming many Rongowhakaata as rebels before the Commission sat, and this led to the exclusion of many Rongowhakaata from titles the Poverty Bay Commission awarded for Rongowhakaata lands without adequate consideration by the Commission of whether they were actually rebels; and
- 3.11.3 the effective confiscation from many Rongowhakaata of land interests by their exclusion from titles awarded by the Poverty Bay Commission, and the Crown's failure to provide reserves for these Rongowhakaata was wrongful and breached the Treaty of Waitangi and its principles.
- 3.12 The Crown acknowledges that –
- 3.12.1 the Crown did not consult Rongowhakaata about the individualisation of titles by the Poverty Bay Commission, or the introduction of the native land legislation;
- 3.12.2 the awarding of titles to individuals by the Poverty Bay Commission and the Native Land Court made Rongowhakaata lands more susceptible to partition, fragmentation and alienation; and
- 3.12.3 this had a prejudicial effect on Rongowhakaata as it contributed to the erosion of traditional tribal structures which were based on collective tribal and hapu custodianship of land. The Crown failed to take adequate steps to protect those structures and this was a breach of the Treaty of Waitangi and its principles.
- 3.13 The Crown acknowledges that it failed to enact legislation before 1894 that facilitated the administration of Rongowhakaata land subject to the Native land laws on a community basis and this was a breach of the Treaty of Waitangi and its principles.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.14 The Crown acknowledges that –
- 3.14.1 some Rongowhakaata land became vested in the East Coast Trust; and
 - 3.14.2 its failure to provide for Rongowhakaata beneficial owners to be involved in the development of policy for the administration of their land once it became clear that this Trust would have a long term existence was a breach of the Treaty of Waitangi and its principles.
- 3.15 The Crown acknowledges that –
- 3.15.1 it compulsorily acquired land from Rongowhakaata under public works legislation on a number of occasions;
 - 3.15.2 it took land for roads between 1862 and 1927 without paying compensation;
 - 3.15.3 there was insufficient justification for takings at Awapuni and Waiohingarore in 1900 and 1902; and
 - 3.15.4 there was generally inadequate consultation with Rongowhakaata about public works takings before the middle of the twentieth century.
- 3.16 The Crown acknowledges the distress caused by the Manutuke consolidation scheme in the years following 1958 as it required many Rongowhakaata to exchange land to which they had significant ancestral connections for land to which they had no connections.
- 3.17 The Crown acknowledges that –
- 3.17.1 the clearing of indigenous forests in Turanga between 1890 and 1920 dramatically increased erosion, which led to severe flooding on the Turanga flats in the middle of the twentieth century;
 - 3.17.2 the pollution of Turanga waterways by Gisborne's sewerage system and industrial waste has had a severe effect on Rongowhakaata including the loss of many traditional sources of kai moana; and
 - 3.17.3 Rongowhakaata have lost control over many of their significant sites, including wahi tapu, and that this has had an ongoing impact on their physical and spiritual relationship with their land.
- 3.18 The Crown acknowledges that the cumulative effect of the Crown's actions and omissions, including the effective confiscation of land at Patutahi, and the individualisation of Rongowhakaata's land tenure through the operation of the Poverty Bay Commission and native land laws, left Rongowhakaata virtually landless and had a devastating effect on their economic, social and cultural development. The Crown's failure to ensure that Rongowhakaata retained sufficient lands for its present and future needs was a breach of the Treaty of Waitangi and its principles.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.19 The Crown acknowledges the harmful effects of a state education system that for too long did not value Maori cultural understandings, discouraged the use of te reo Maori, and generally held low expectations for Maori academic achievement.
- 3.20 The Crown acknowledges that Rongowhakaata have lived with poorer housing, lower educational achievements, and worse health than many other New Zealanders for too long.
- 3.21 The Crown acknowledges –
- 3.21.1 Rongowhakaata have made a significant contribution to the wealth and development of the nation; and
- 3.21.2 Rongowhakaata have honoured their obligations and responsibilities under the Treaty of Waitangi in many ways including their contribution to New Zealand's war efforts overseas. The Crown pays tribute to the contribution made by Rongowhakaata to the defence of the nation.

APOLOGY

- 3.22 The Crown profoundly regrets its breaches of the Treaty of Waitangi and its principles, and the devastating impact these have had on Rongowhakaata.
- 3.23 The Crown acknowledges its relationship with Rongowhakaata has involved some of the darkest episodes in our country's history. The Crown recognises that Rongowhakaata have long sought to right the injustices they have suffered at the hands of the Crown, and is deeply sorry that it has failed until now to address the injustices in an appropriate manner.
- 3.24 The Crown is deeply remorseful about the oppression of Rongowhakaata in the 1860s which began with the Crown's attack on Waerenga a Hika. The many Rongowhakaata deaths at Waerenga a Hika, and the exile of many Rongowhakaata to the Chatham Islands, were great injustices. These events led to dishonourable summary executions of Rongowhakaata at Ngatapa, and an effective confiscation of Rongowhakaata land which was unjustified. The Crown unreservedly apologises for these actions, and for the enormous suffering they caused.
- 3.25 The Crown sincerely apologises for its failures since 1840 to respect Rongowhakaata rangatiratanga, and profoundly regrets that over the generations to the present day its actions have significantly impacted on your social and traditional structures, your autonomy and ability to exercise your customary rights and responsibilities.
- 3.26 The Crown is deeply sorry and unreservedly apologises for the destructive impact and demoralising effects of its actions which have caused significant damage to the cultural, spiritual and physical wellbeing of Rongowhakaata, as well as their economic development.

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

3.27 The Crown seeks to restore its tarnished honour with this settlement. The Crown hopes that this settlement will mark the beginning of a new relationship with Rongowhakaata founded on the Treaty of Waitangi and its principles.

3 NGĀ WHAKAAETANGA ME TE WHAKAPĀHATANGA

Kei tēnei wāhanga te tuhinga o ngā whākinga me te whakapāhatanga e tāpae ana e te Karauna mō Rongowhakaata, i roto i te reo Ingarihi me te reo Māori. Kua tuhia anō te pūrongo hītori, ngā whākinga, me ngā whakapāhatanga e tāpae ana e te Karauna mō Ngā Uri o Te Kooti Rikirangi, i roto i te reo Ingarihi me te reo Māori.

WHĀKAAETANGA

3.1 E whakaae ana te Karauna –

3.1.1 kahore ia i whakatika i ngā pouritanga a Rongowhakaata, o mai rā anō, e whakamau tika ana e rātou, i runga i te tika me te pono;

3.1.2 kua roa rawa te wā, kahore te Karauna i whakaae, kahore hoki kia whakatikaina ngā pouritanga a Rongowhakaata; me

3.1.3 kei runga tonu i a Rongowhakaata i ēnei rā, ngā whakapātanga o te āhua pouri, me ngā mamae ki runga i a rātou.

3.2 E whakaae ana te Karauna –

3.2.1 i mua o te tau 1865, i a Rongowhakaata tonu te mana whakahaere i a rātou whenua me ngā rawa, me te whaiwahi angitu atu ki ngā kaupapa ōhanga o Aotearoa;

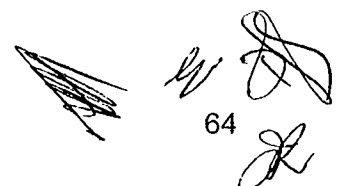
3.2.2 i te pakarutanga o ngā pakanga ki ngā rohe i mua i te tau 1865, i noho whakaraupapa a Rongowhakaata ;

3.2.3 i whakamahia āna hoia ki Turanga i te marama o Noema, 1865, ahakoa kahore he take ki te whakamahi;

3.2.4 kahore ia i whai ki ngā huarahi whakamau rangimarie katoa ki Turanga, āmuri i tona whakahautanga ki ngā kaupupuri o Waerenga a Hika i te marama o Noema 1865; me

3.2.5 te tuinga a te Karauna ki Waerenga a Hika, me ngā wahine, ngā tamariki i reira e noho ana, he tuinga koretake, he tuinga hē, i whiua a Rongowhakaata ki te whakatoihara mamae, mau tonu, i takahi hoki i te Tiriti o Waitangi me āna kaupapa.

3.3 E whakaae ana te Karauna nā ngā mahi whānako a ngā hoia āmuri i te tuinga ki Waerenga a Hika, nā kōnei i noho kore kai, ka mate ētahi o ngā Māori o Turanga.

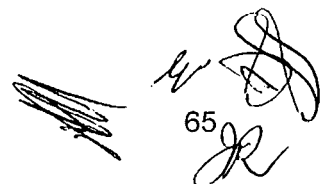


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DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.4 E whakaae ana te Karauna ko te pupuri mauhere o ētahi o Rongowhakaata ki ngā moutere o Wharekauri, ki roto nohanga kino, kahore he hāmene hara, kahore hoki he nohanga whakawā –
- 3.4.1 he mahi takahi mana, kahore i tukuna ngā kaupapa tika tangata ki ēra o Rongowhakaata;
- 3.4.2 i whakawhiua tukino kore take ki runga ki a rātou, a rātou whānau me te hapū;
- 3.4.3 i whakawhiua tukino taumaha anō ki runga i ngā Rongowhakaata i noho mai ki Turanga;
- 3.4.4 e kore e taea te wero i raro i te ture i te mea he ture kē e ārai ana i a rātou; me
- 3.4.5 he mahi hē, e takahi ana i ngā kaupapa mana tangata, me te Tiriti o Waitangi me āna kaupapa.
- 3.5 E whakaae ana te Karauna, i runga i te noho mauhere mō te āhua rua tau, kahore he whakamohiotanga hei āwhea rātou ka tukuna, ka tika hoki te omanga mai o ngā mauhere i ngā Moutere o Wharekauri i te marama o Hurae, 1868, e tika ana anō kia kore rātou e whakapono atu ki te Karauna i te tononga kia whakatakototia a rātou pū, i te taenga mai ki Aotearoa.
- 3.6 E whakaae ana anō te Karauna –
- 3.6.1 i te mohio tonu ngā āpiha hoia mātāmua a te Karauna, i Ngatapa, ko etahi o ngā tāne i hopukina e te Karauna i a rātou e oma mai ana i te pā whakarau, e patua ana ki reira;
- 3.6.2 tērā rātou o Rongowhakaata, ngā mauhere o te whakarau ki Ngatapa, i mate i roto i te pakanga, i patua rānei e ngā hoia a te Karauna āmuri i te hoputanga i te pa;
- 3.6.3 kahore te Karauna i āta titiro ki ngā mahi ki Ngatapa i te tau 1869, ahakoa ngā pūrongo nupepa o te maha o ngā kohurutanga a ngā hoia Karauna āmuri i te pakanga; me
- 3.6.4 te patunga a te Karauna i a rātou ki Ngatapa i te marama o Hanuere, 1869, he mea takahi i te Tiriti o Waitangi me āna kaupapa, he mea whakakino anō i te tūranga honore a te Karauna.
- 3.7 E whakaae ana te Karauna he whakapātanga kino rawa atu ki runga i a Rongowhakaata te patunga i a rātou ki Ngatapa i te marama o Hanuere, 1869.
- 3.8 E whakaae ana te Karauna –
- 3.8.1 kahore ia i te pupuri, kahore ia i tono, mō te whakaaetanga o te tini o Rongowhakaata i Ngatapa, ki te kirimini tuku o 1868;

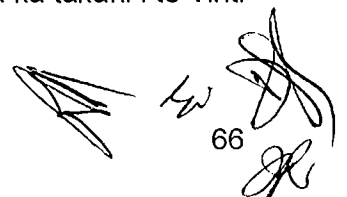


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DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.8.2 te whakaaetanga a rātou o Rongowhakaata i haina i te kirimini, i mea haina i raro i te pēhitanga;
- 3.8.3 ngā pēhitanga i whakahāngaitia e te Karauna i te wā e whiriwhiria ana ngā whakaritenga tuku, i te mutunga i riro katoa ngā pānga whenua tuku iho a Rongowhakaata, he takahi i te Tiriti o Waitanga me āna kaupapa.
- 3.9 E whakaae ana te Karauna kahore i riro atu te whakaaetanga a Rongowhakaata ki te rohenga o ngā whenua e puritia ana e te Karauna, i waho atu o ngā whenua i tukuna e Rongowhakaata i raro i te pēhitanga i te tau 1868, me te murunga hāngai a te Karauna i ngā pānga katoa a Rongowhakaata i roto i te wāhi rahi ake ki te 50,000 eka i Patutahi, he mahi tino hē tēnei, he takahitanga hoki i te Tiriti o Waitangi me āna kaupapa.
- 3.10 E whakaae ana te Karauna, i whatia tana oati, i roto i te Kirimini o 1868, ki te utu kapeneheihana ki ngā Māori piripono mō a rātou pānga whenua e pupuri ana e te Karauna, he takahi tēnei i te Tiriti o Waitangi me āna kaupapa.
- 3.11 E whakaae ana te Karauna -
- 3.11.1 i tohutohua e te Karauna te Komihana o Poverty Bay ki te whakaputa atu rātou e whakaarohia ana e te Komihana he tutū rātou, ki waho o ngā taitara e hoatu ana mō ngā whenua i tukuna ki te karauna, i te tau 1868, i whakahokia atu ki a Rongowhakaata i waenga i ngā tau 1869 me 1873;
- 3.11.2 i hangaia e te Karauna tētahi whārangi ingoa o ngā tutū o Rongowhakaata i mua o te nohanga a te Komihana, nā kōnei kahore te tini o Rongowhakaata i uru atu ki ngā taitara i tohungia e te Komihana o Poverty Bay mō ngā whenua o Rongowhakaata, kahore i āta whakaaro te Komihana mehemea he tutū tuturu rātou; me
- 3.11.3 ko te murunga hāngai o ngā pānga whenua o Rongowhakaata i te waihotanga ki waho o ngā taitara i tohua e te Komihana o Poverty Bay, me te hapanga a te Karauna ki te hanga whenua rāhui mō ēnei o Rongowhakaata, he mahi tino hē, i takahi i te Tiriti o Waitangi me āna kaupapa.
- 3.12 E whakaae ana te Karauna –
- 3.12.1 kahore te Karauna i whiriwhiri ki a Rongowhakaata i te wehenga takitahi i ngā taitara a te Komihana o Poverty Bay, i te whakaurunga mai o ngā ture whenua Māori;
- 3.12.2 nā te tukunga e te Komihana o Poverty Bay, me te Kooti Whenua Māori i ngā taitara ki ngā tāngata takitahi nā kōnei i ngoikore ake ngā whenua a Rongowhakaata, ki te wāwāhi, ki te wehewehe, me te hoko atu; me
- 3.12.3 he mahi whakaiti tēnei ki runga i a Rongowhakaata i te mea i pēhia ngā anga tikanga iwi kua tūāpapatia e ngā pupuritanga whakakotahi, a te iwi me te hapū o te whenua. Kāhore te Karauna i aro ki te tiaki i aua tikanga ka takahi i te Tiriti o Waitangi me āna kaupapa.



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3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.13 E whakaae ana te Karauna kahore ia i hanga ture, i mua o te tau 1894, hei tautoko i te whakahaere i ngā whenua o Rongowhakaata i raro i ngā ture whenua Māori ki raro i te tikanga hapori, he takahi tēnei i te Tiriti o Waitangi me āna kaupapa.
- 3.14 E whakaae ana te Karauna –
- 3.14.1 i whakawhitia ētahi o ngā whenua a Rongowhakaata atu ki te East Coast Trust, me
- 3.14.2 kahore i tukuna ngā kaipupuri pānga a Rongowhakaata kia whaiwāhi ki te hanganga i ngā kaupapa here mō te whakahaere i a rātou whenua i te mohiotanga he rōpū motuhake te Trust, he takahi tēnei i te Tiriti o Waitangi me āna kaupapa.
- 3.15 E whakaae ana te Karauna –
- 3.15.1 i murua he whenua mai i a Rongowhakaata, i raro i te ture mahinga tūmatanui, he maha ngā mahinga pēnei;
- 3.15.2 i waenga i ngā tau 1862 me 1927 i tango whenua hei hanga rori kahore i utua he kapeneheihana;
- 3.15.3 kāhore he take whai mana mō te tangohanga i Awapuni me Waiohiharore i ngā tau 1900 me 1902; me
- 3.15.4 kahore he whiriwhiringa tōtika ki a Rongowhakaata mō ngā tangohanga hei mahinga tūmatanui i mua o waenga i te rautau rua tekau.
- 3.16 E whakaae ana te Karauna ki ngā mamate i tau mai i te kaupapa whakatōpū whenua o Manutuke i ngā tau whai muri i 1958, i te mea whakahautia a Rongowhakaata ki te whakawhiti i a rātou pānga hononga tuku iho mō ētahi panga kahore he hononga tuku iho.
- 3.17 E whakaae ana te Karauna –
- 3.17.1 te tapahitanga i ngā ngāhere taketake ki Turanga i waenga i 1890 me 1920, koia nei i kaha ake ngā horohorongā whenua ka mutu ko ngā waipuke nunui ki runga i ngā whenua o Turanga i waenga i te rau tau rua tekau;
- 3.17.2 te whakaparutanga i ngā awa o Turanga, no te punaha tuku paru me ngā tukunga toenga whare ahumahi o Turanga, i whakapā kino rawa atu ki runga i a Rongowhakaata, tāpiri atu ko te ngarotanga o ngā tauranga kaimoana maha; me
- 3.17.3 i ngaro ki a Rongowhakaata te mana whakahaere i a rātou whenua rongonui, ngā wāhi tapu, me ngā whakapātanga honohono tinana, wairua atu ki a rātou whenua.



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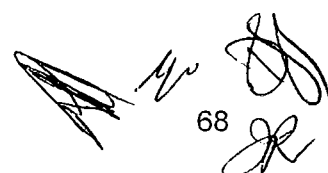
DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.18 E whakaae ana te Karauna ko ngā whakapātanga maha a ngā mahinga me ngā mea kahore i mahia, tāpiri atu ki te murunga hāngai i te whenua kei Patutahi, te wehewehenga o te tukunga i ngā whenua a Rongowhakaata i raro i ngā whakahaere a te Komihana o Poverty Bay, me ngā ture whenua Māori, koia nei i waiho whenua kore a Rongowhakaata, koia nei hoki te patunga i a rātou kaupapa whanaketanga ōhanga, hāpori, tikanga. Te hapanga a te Karauna kahore i āta whakaaro kia pupuri whenua nui tonu a Rongowhakaata hei oranga i aua wā, ā haere tonu atu, koia nei te takahi i te Tiriti o Waitangi me āna kaupapa.
- 3.19 E whakaae ana te Karauna ko ngā whakapātanga kino a te pūnaha ako mātauranga kāwanatanga kua roa rawa kahore e whakanui ana i ngā whakamāramatanga tikanga Māori, kahore i tautokona te reo Māori, kahore hoki i hikina ngā hiahia taumata mātauranga a te Māori.
- 3.20 E whakaae ana te Karauna kua roa rawa a Rongowhakaata e noho ana ki ro whare noho rawakore, ekenga taumata mātauranga iti, me te hauora kei raro iho ki ēra o ngā kainoho o Aotearoa.
- 3.21 E whakaae ana te Karauna –
- 3.21.1 he takoha nui tonu tā Rongowhakaata ki te oranga me te whanaketanga o te motu; me
- 3.21.2 kua honoretia e Rongowhakaata wā rātou herenga me ngā mana whakahaere i raro i te Tiriti o Waitangi, he maha ēnei, me tā rātou takoha atu hoki ki te whaiwāhitanga o Aotearoa ki ngā pakanga o tāwahi. E whakanui ana te Karauna i te takoha a Rongowhakaata ki te tiakitanga pai o tēnei whenua.

WHAKAPĀHATANGA

- 3.22 Kei te pouri rawa atu te Karauna mō āna takahitanga i te Tiriti o Waitangi me āna kaupapa, me ngā whakapātanga kino rawa atu ki runga ki a Rongowhakaata.
- 3.23 E whakaae ana te Karauna he maha ngā āhuetanga tino pouri kei te hitori o tā tātou whenua, mai i āna mahinga tahi ki a Rongowhakaata. Me te mohio a te Karauna kua roa rawa atu a Rongowhakaata e whai ana ki te whakatika i ngā tukinotanga a te Karauna, ā, te pouri rawa atu katahi anō ia ka whakatika hāngai ngā tūkinotanga nei.
- 3.24 E pouri rawa atu ana te Karauna mō te pēhinga i a Rongowhakaata, i ngā tau 1880s, i tīmata i te tukinga ki Waerenga a Hika. Te maha o Rongowhakaata i mate ki Waerenga a Hika, me te mauheretanga o te tini o Rongowhakaata ki Wharekauri, he tūkinotanga nui rawa atu. Koia nei ngā mahinga i ārahitia te patunga honorekore i a Rongowhakaata ki Ngatapa, me te murunga hāngai, koretake i ngā whenua o Rongowhakaata. E whakapāha kaha ana te Karauna mō ēnei mahi, me ngā pāmamaetanga kino i hangaia e rātou.
- 3.25 E whakapāha pono ana te Karauna mō āna hapa māi i 1840, ki te manaaki i te rangatiratanga o Rongowhakaata, me te tino papouri mō ngā whakapātanga o āna



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3: ACKNOWLEDGEMENTS AND APOLOGY

mahinga ki runga i a koutou anga hapori, anga tikanga, me tā koutou mana whakahaere rangatiratanga ki te whakapakari tikanga me te whakapakari mana.

- 3.26 E tino hinapouri ana te Karauna ka whakapāha kaha rawa atu mō ngā whakapātanga tūkino me ngā whakapātanga whakakino i āna mahi kua pēhi kino nei i te oranga tikanga, te oranga wairua, me te oranga tinana o Rongowhakaata, me tā rātou whanaketanga ōhanga.
- 3.27 E whai ana te Karauna mā tēnei whakataunga e whakahoki i tana honore kua pokea nei. Ko te wawata a te Karauna mā tēnei whakataunga e tohu i te tīmatanga o tētahi whakawhanaungatanga hou ki a Rongowhakaata e tūāpapa ana ki runga i te Tiriti o Waitangi me āna kaupapa.

HISTORICAL ACCOUNT, ACKNOWLEDGEMENTS AND APOLOGY TO NGA URI O TE KOOTI RIKIRANGI

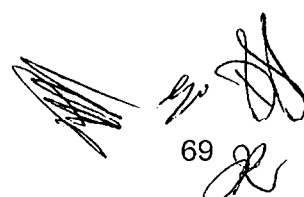
E PA TO REO

He Waiata Tangi na te koroua, na Te Kooti Rikirangi

*E pa to reo – e te Tairawhiti e
Pa katokato ai te aroha i ahau
Me tika taku rori – me tika ki Maketu ra e
Hangai tonu atu te rae kai Kohi
Kai atu aku mata – kai atu ki Motu ra
Ki te huihuinga mai mo nga iwi katoa
Hoki atu e te kino – hoki atu ki to nohoanga e
Kei te haere tonu mai nga ture
He aha rawa te mea – e tohe riria nei e*

*He puahae kei korerotia te rongopai
Me tu ake au, ki te marae o te whare nei e
Ki te whakapuaki i te kupu o te Hurae
He aroha ia nei, mo nga morehu o te motu nei e*

*Mo nga kupu whakaari e panuitia nei
Ma koutou tatou e kawe ki te wai wehe ai e
Kia mutu ake ai te aroha i ahau*



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DEED OF SETTLEMENT

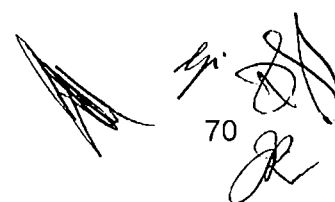
3: ACKNOWLEDGEMENTS AND APOLOGY

(TRANSLATION – E PA TO REO)

Source: Binney, Redemption Songs

*Your voice calling from Tairawhiti touches me
Forlorn still the love within me
Straight is my road, straight to Maketu there
Then forward on to the headland at Kohi.
My eyes gaze on, over to Motu there,
A gathering place of all the tribes.
Go back, evil, return to your dwelling place,
For the laws will continue to come
What is this thing that causes constant quarrelling?
It is jealousy, lest the gospel be preached!
Let me stand up at the marae of this house
To speak the message of July,
My concern is for the remnants of the people of this land, and
For the words of revelation being proclaimed here.
May you take us to the water to sprinkle ourselves,
So that my distress may cease!*

- 3.28 The Crown acknowledges that several Crown actions provoked Te Kooti Rikirangi into taking up arms against the Crown. In October 1865 a Crown officer was responsible for the summary execution of the Turanga Rangatira Pita Tamaturi during fighting on the East Coast.
- 3.29 In November 1865 Crown military forces launched an unjustified attack on Waerenga a Hika. Te Kooti was part of the Crown forces at Waerenga a Hika, but was afterwards arrested on suspicion of being a spy. Nga Uri o Te Kooti Rikirangi consider that an influential Pakeha trader persuaded the Crown to arrest Te Kooti to remove one of his economic rivals from Turanga. The Crown initially released Te Kooti for lack of evidence, but re-arrested him in March 1866 without charging him.
- 3.30 Te Kooti persistently requested to be put on trial but the Crown did not put him on trial. The Crown exiled Te Kooti to the Chatham Islands where he was detained without trial in harsh conditions for more than two years along with other prisoners. Crown officials told Te Kooti and the other prisoners sent to the Chatham Islands they would not be released until the Crown had settled how much land it would confiscate in Turanga as a consequence of Waerenga a Hika. The Crown acknowledges that it was reasonable in these circumstances for Te Kooti to lead the escape of prisoners from the Chatham Islands in July 1868.
- 3.31 Te Kooti intended to peacefully travel to Taupo when he led the prisoners back to the mainland. The Crown acknowledges that its unjust treatment of Te Kooti gave him reason to distrust the Crown when he was offered the chance to peacefully return to Turanga after his arrival back on the mainland.
- 3.32 Te Kooti rejected a Crown request/demand for his followers to lay down their arms, but only started to fight after being attacked by Crown forces when he began heading towards Taupo. He then accepted a take that originated with Raharuhi Rukupo to exact utu on the Crown officer responsible for the death of Pita Tamaturi before raiding Turanga in November 1868.



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DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.33 The most important event in the stigmatisation of Te Kooti is the November 1868 raid on Matawhero during which more than fifty people were summarily executed. Colonel Whitmore, who was in command at Ngatapa in January 1869 when many Turanga Maori were summarily executed by Crown forces, later said that all Te Kooti's acts were committed "in fair war and did not contravene Maori custom in war". The Crown acknowledges that this attack took place in a time of war, and, as is sometimes the case in war, both sides were guilty of such actions. However nothing can justify the summary executions which took place at Matawhero, Ngatapa and other places.
- 3.34 In 1869 and 1870 the Crown effectively confiscated Te Kooti's land interests in the Turanga flats. The Crown also offered a bounty of £1,000 for the capture of Te Kooti dead or alive. In 1870 this bounty was increased to £5,000. Crown forces pursued Te Kooti across the North Island, and many members of different iwi were killed during this pursuit. It was marked by the use of scorched earth tactics which caused enormous suffering for many of those who were associated with Te Kooti during the Crown's pursuit. The Crown only ceased the pursuit in 1872 after Te Kooti was given refuge in Kingitanga territory.
- 3.35 In 1883 the Crown included Te Kooti in a general amnesty for Maori who had fought against it during the New Zealand Wars. However he was never able to return to Turanga. In 1889 the Crown arrested Te Kooti when he tried to return to Turanga, and a large armed party from Turanga and the East Coast region assembled to block his progress. Te Kooti was denied legal representation, and a Resident Magistrate convicted him of disturbing the peace. Te Kooti was briefly imprisoned when he could not pay the excessive surety required for his bail. Te Kooti successfully appealed his conviction to the Supreme Court. However his conviction was reinstated by the Court of Appeal where one of the judges made racist remarks about Te Kooti.
- 3.36 Te Kooti's inability to return to Turanga prevented him from participating in Native Land Court hearings in Turanga, and he was not included in any of the legal titles for lands which were awarded by the Court sitting in Turanga. His descendants were deprived of much of their ancestral lands.
- 3.37 Te Kooti died in 1893, and his whanau record that his descendants have been physically attacked, spat at on the street, and ridiculed in public. This has also occurred in schools where Te Kooti's descendants have commonly felt alienated in history lessons which have not addressed the motivations of Te Kooti in a fair and balanced manner. Some of his whanau have had to move districts for their safety.
- 3.38 The Crown unreservedly apologises for its actions which led to Te Kooti taking up arms, and contributed to the stigmatisation of Te Kooti and his descendants.
- 3.39 The Crown acknowledges that Te Kooti founded Te Haahi Ringatu and became highly respected and revered by many Maori and Pakeha because of the symbolic leadership that this represented for Maori in terms of spirituality and preservation of te reo me ona tikanga. The Crown recognises Te Kooti's positive contributions to New Zealand culture through Te Haahi Ringatu. It acknowledges that Te Kooti was instrumental in promoting the construction of many wharenui throughout the country, which helped strengthen the identity and culture of all of those iwi who he assisted. The Crown recognises that Te Kooti's innovative artistic style promoted greater freedom of expression in modern Maori

DEED OF SETTLEMENT

3: ACKNOWLEDGEMENTS AND APOLOGY

art. The Crown acknowledges that Te Kooti represents a spiritual and cultural figurehead for many Maori and Pakeha alike.

- 3.40 The Crown hopes that this settlement will help to foster a wider appreciation of Te Kooti's legacy in New Zealand society.

'Ma koutou tatou e kawē ki te wai wehe ai
Kia mutu ake ai te aroha I ahau e'

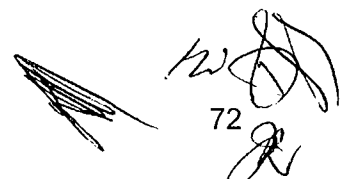
This is an excerpt from the waiata "E Pa To Reo" by Te Kooti Rikirangi

Thus you will convey us to the sacred, spiritual waters
To end this sorrow that besets me.

Translated into English by Peter Moeau Manutaki for Nga Uri o Te Kooti Rikirangi

NGA URI O TE KOOTI – NGĀ KUPU MĀORI

- 3.28 Ka whakaaetia e te Karauna nā ētahi o ā rātou mahi anō i whakariri i a Te Kooti ki te mau pū I te marama o Ōketopa o te tau 1865, nā tētahi āpiha nō te Karauna i whakamate te rangatira, a Pita Tamaturi, i te wā o te pakanga ki te Tairāwhiti.
- 3.29 I te marama o Noema o te tau 1865, i tuinga koretake te pā o Waerenga-ā-Hika. He hōia mō te Karauna anō a Te Kooti i taua wā tonu, ēngari, i hopukia a ia nō te whakaaro whakapae ā ētahi, anō nei a ia he kaitūtei. E ai ki Ngā Uri o Te Kooti, i patipatihia te Karauna e tētahi kaihekohoko Pākeha, kia mauheretia a Te Kooti, kia nekehia tētahi o āna tāwhai pākihikihi ki waho o Tūranga. I te tuatahi ka whakawāteatia, a Te Kooti e te Karauna - nō te kore taunakitanga, ēngari i mauheretia anō a ia e te Karauna, i te marama o Maehe o te tau 1866, kāore anō he whakapae.
- 3.30 Rite tonu te tohetohe a Te Kooti ki te Karauna kia whakawātia a ia, ēngari kaore te Karauna i whakawā i a ia. Ka whiua a Te Kooti e te Karauna ki Wharekauri noho mauherehere ai, kāhore he whakapae, kāhore te whakawā, i raro i ngā āhuatanga tūkinoro rawa atu, mō ngā tau e rua, ki te taha o ētahi atu mauherehere. I mea atu ngā āpiha ā te Karauna ki a Te Kooti me ēra atu i tonoa ki Wharekauri, e kore rātou e whakawāteatia kia mutu rā anō te whakataunga a te Karauna mō ngā whenua ka raupatuhia i roto o Tūranga hei whiu mō Waerenga-ā-Hika. Ka whakaaetia e te Karauna, e tika ana te arahitanga a Te Kooti i te omanga o ngā mauherehere, mai i Wharekauri i te marama o Hūrae, i te tau 1868.
- 3.31 I a ia e kawē ana ngā mauherehere, hoki mai ki Āotearoa ko tā Te Kooti whakarao me haere rangimārie atu ki Taupō. Ka whakaae te Karauna, nō te tūkinotanga i a Te Kooti, ka tika hoki tōna matakanakana ki te Karauna i te tohutanga, i tōna taenga ki Āotearoa, kia hoki rangimārie atu ki Tūranga.
- 3.32 I ākiri a Te Kooti i te tononga whakahautanga a te Karauna ki a ōna kaiāwhina ki te whakatakoto i ō rātou pū ēngari i tīmata te whawhai i muri tonu i te tuinga a te Karauna ki a rātou, i a rātou e ahua ana ki Taupo. I whakaae hoki ia ki te take i whakaritea ki a Raharuhi Rukupō ki te tuku utu i runga i te āpiha a te Karauna, nāna i whakamate i a Pita Tamaturi, i mua tonu i te tuinga ki Tūranga i te marama o Nōema i te tau 1868.



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3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.33 Ko te mahinga nui mō te whakaparahakotanga a Te Kooti ko te tukinga ki Matawhero i te marama o Noema i te tau 1868, i kōnei he nui ngā ngā patunga tangata. Ko Kānara Whitmore te kairahi o ngā hōia i Ngā Tapa i te marama o Hanuere i te tau 1868 i te whakamatenga a ngā hōia Karauna i ētahi o ngā Māori o Tūranga: a muri iho, i kī a ia, “i raro i ngā kawa tika o te pakanga, ā, kāore i takahia i ngā kawa o Tūmātauenga”. I whakaae te Karauna i taka taua tukinga i te wā pakanga, koia nei hoki te tikanga o te pakanga. Ko ngā taha e rua i hara i ā rāua mahi. Hāunga rā tērā, kahore he mea ka whakamana i ngā patunga tāngata ki Matawhero, ki Ngā Tapa me ētahi wāhi.
- 3.34 I ngā tau 1869, 1870 hoki, i murua ngā pānga whenua katoa o Te Kooti i ngā waerenga ā Tūranganui-ā-Kiwa. I tohua e te Karauna £1000 mō te hopukanga i a Te Kooti, ahakoa ora, ahakoa mate ranei. I te tau 1870, i whakanuia te tohu ki £5000. I whai ngā hōia a te Karauna i a Te Kooti ki roto i te Ika ā Māui, ā, huhua noa atu ngā Māori o tēnā iwi o tēnā iwi i mate, i waenga i taua whāinga. I kitea hoki tēnei kawa nā te whakamahinga o ‘te whenua pakapaka’. Nā kōnei anō te tūkinotanga nui ki a Te Kooti i waenga i ngā whāinga a te Karauna. I whakamutua te whai o Te Kooti i te tau 1872, i muri iho i te tuku whakaruru i roto i te Kīngitanga.
- 3.35 I te tau 1883, i tāpiritia a Te Kooti e te Karauna, i roto i tētahi wā whakawātea tukipū, mō ngā Māori i whawhai ki a rātou i Ngā Pakanga o Aotearoa. Hāunga tērā, tē tāea e Te Kooti te hoki mai ki Tūranga. I te tau 1889, i mauheretia e te Karauna a Te Kooti i a ia e hoki ana ki Tūranga, a, i huihui tētahi taua o Tūranga, o te Tairāwhiti hoki, ki te aukati tāna hokinga. Kahore i whakaaetia he rōia mō Te Kooti, ā, i whakapae te Kaiwhakawā i whakararu a Te Kooti i te mārohirohi. I mauheretia a Te Kooti mō te wā poto i te kore tāea e ia te utu i te moni whakawā taumaha rawa, hei utu mō tana whakawātea. I angitū te tonono pīra a Te Kooti ki te whiunga ā te Kōti Hūpirīmi i a ia. Heoi, i whakamanatia anō e te Kōti Pīra te whakapae, i reira ka puta ngā kupu kaikiri a tētahi o ngā kaiwhakawā mō Te Kooti.
- 3.36 Nō te kore whaimana a Te Kooti ki te hoki atu ki Tūranga, i kauparetia ia ki te whai wāhi ki ngā nōhanga a Te Kōti Whenua Māori ki Tūranga Kahore hoki ia i whakaurua ki roto ki ngā taitara whenua ā ture i whakamanatia e te nōhanga kōti i Tūranga. Kua ngaro i ngā uri a Te Kooti te nuinga o ā rātou whenua tipuna.
- 3.37 I mate a Te Kooti i te tau 1893, ā, e ai ki Ngā Uri o Te Kooti, i whakatorotorongia ētahi o ā rātou tipuna, i tuhaina ētahi i runga i te tiriti, i whakaparahakotia ētahi i ngā wāhi huihuinga tāngata. I puta anō ēnei āhukatanga ki roto i ngā kura, i reira i whakahāwea ai ngā uri i roto anō i ngā ako hītori. Kāore i whākatikaina ngā hiahia me ngā wawatā hoki a Te Kooti i runga i te kaupapa ōrite. I hūnuku ētahi o ngā uri ki wāhi kē kia noho pai ai rātou.
- 3.38 Ka tino whakapāha te Karauna mō āna mahinga katoa nāna nei i hiki a Te Kooti i te pū, nāna anō ngā whakaparahakotanga ki a Te Kooti me āna uri.
- 3.39 Ka whakaae te Karauna, nā Te Kooti i whakatū te Haahi Ringatū, ā, i whakahōnoretia, i whakanuia a ia, e te Māori, e te Pākehā hoki mō te kaiārahi tohungatanga mō Ngai Māori ki roto i te āo wairua, me te oranga hoki o te reo me ōna tikanga. E whakaae ana te Karauna, ki ngā mahinga papai a Te Kooti ki ngā tikanga o Aotearoa mā roto i te Haahi Ringatū. E whakaae ana anō te Karauna, nā Te Kooti i whakatairanga i te hanga wharenui, puta noa i te motu, hei whakapakari, hei whakakaha hoki i te tuakiri me te



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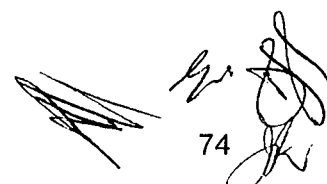
3: ACKNOWLEDGEMENTS AND APOLOGY

rangatiratanga o aua iwi katoa i āwhinatia e ia. I whakaae anō te Karauna nō ngā mahi toi ātaahua a Te Kooti, te whakatairangatanga i te whakaaro whānui ake mō ngā mahi toi o tēnei āo. I whakaae anō te Karauna he māngai tohunga a Te Kooti mō te taha wairua me te taha tikanga, mō Ngai Māori mō Ngai Pākehā hoki.

- 3.40 Ko te tūmanako a te Karauna, mā tēnei whakataunga e awhina kia mārama ake nga waihanga a Te Kooti hei tohu rangatira mo Āotearoa whānui tonu.

Ma koutou tatou e kawē ki te wai wehe ai
Kia mutu ake ai te aroha I ahau e
He wāhanga nō te waiata 'E Pā Tō Reo', nā Te Kooti Rikirangi i tito.

Thus you will convey us to the sacred, spiritual waters
To end this sorrow that besets me
Nā Peter Moeau, Manutaki mō Ngā Uri o Te Kooti Rikirangi i whakapākehā



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4: TE HAU KI TURANGA

4 TE HAU KI TURANGA

Clauses 4.1 to 4.13 record in English and in te reo Maori the historical account, and the acknowledgements and apology offered by the Crown in relation to Te Hau ki Turanga.

HISTORICAL ACCOUNT

- 4.1 The Crown's acknowledgements and apology to Rongowhakaata in clauses 4.12 and 4.13 are based on this historical account.
- 4.2 Te Hau ki Turanga is an elaborately carved whare whakairo of the Ngati Kaipoho hapu of the Rongowhakaata iwi for whom it is a hapu and tribal taonga. It is the oldest extant meeting house in New Zealand and is renowned for the beauty of its carvings. Te Hau ki Turanga was constructed at Orakaiapu pa, Manutuke, in the early 1840s by tohunga whakairo (carver priests) under the supervision of Raharuhi Rukupo, one of the greatest carvers of the nineteenth century. Raharuhi Rukupo was a chief of the Ngati Kaipoho hapu, and by blood of the Ngati Maru of Rongowhakaata. He also had close whakapapa connections to several of the other Turanga iwi. The whare is the finest surviving example of the work of the Turanga (or Manutuke) school of carving practised by the Ngati Kaipoho hapu in Te Arai valley. The Turanga school was also responsible for the carvings on the famed waka Te Toki a Tapiri (now in the Auckland War Memorial Museum), which were carved on the banks of the Waipaoa River opposite Orakaiapu in 1842. Te Hau ki Turanga was built in memory of Tamati Waaka Mangere, a Rongowhakaata rangatira, who was the elder brother of Rukupo, and a signatory of the Treaty of Waitangi. The name 'Te Hau ki Turanga' has been translated as the 'spirit' and the 'breath' or 'vitality' of Turanga. Numerous Rongowhakaata tipuna are represented in the carved figures of Te Hau ki Turanga.
- 4.3 In April 1867 Cabinet Minister J. C. Richmond came to Turanga to assist the Crown's attempt to effectively confiscate Rongowhakaata land. To this end the Crown was pressuring Turanga Maori to cede land to the Crown as punishment for the fighting at Waerenga a Hika. Richmond failed to secure any land, but took the opportunity for the Crown to take possession of Te Hau ki Turanga during his time in the district. Rukupo wrote in July 1867 that both Richmond and Biggs asked him to give up Te Hau ki Turanga to the Crown, but that he refused on both occasions. Rukupo wrote that he told Richmond 'No, it is for the whole people to consider'. However, Crown troops, on Richmond's orders, later dismantled Te Hau ki Turanga, and took it by force over the objections of those Maori who were present. The Crown paid £100 to several unidentified Maori for the whare whakairo at the time it was taken without investigating its ownership. The Crown's seizure of the whare whakairo violated a tapu it was under at the time of its seizure.
- 4.4 In August 1867 the manner in which the Crown took possession of Te Hau ki Turanga was investigated by Parliament's Native Affairs Committee after Rukupo and others petitioned that the whare whakairo had been taken without their consent. Richmond wrote in a statement he presented to the Committee that a large gathering of Turanga Maori had agreed to gift the house to the government so that it could be repaired and



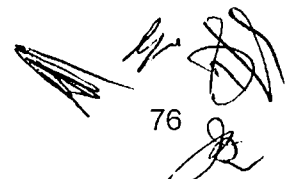
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4: TE HAU KI TURANGA

preserved. No other evidence was presented to support this assertion, but the Native Affairs committee accepted Richmond's evidence. It concluded that the whare whakairo had been forfeited to the Crown by what the committee labelled the whare's "rebel" owners who were nevertheless paid for the whare. However, Richmond's statement to the Committee is refuted by a private letter of April 1867 in which he described the Crown's acquisition of Te Hau ki Turanga as "the confiscation and carrying off of a beautiful carved house with a military promptitude that will be recorded to my glory".

- 4.5 Raharuhi Rukupo died in 1873 without seeing Te Hau ki Turanga again. In 1878 Parliament received a petition from a leading Turanga rangatira Wi Pere and three whanaunga of Rukupo asking for the return of Te Hau ki Turanga, or additional compensation. Captain Fairchild, who had overseen the Crown's seizure of the whare whakairo in 1867, told the Native Affairs Committee that Maori had objected the entire time it was being removed: 'I had to take the house by force. ...I took it with the tomahawk against their will. I believe they thought I would harm someone'.
- 4.6 The Native Affairs Select Committee also heard evidence that the value of the whare whakairo was much greater than the £100 the Crown paid in 1867. A private party had offered £300 in 1864 for Te Hau ki Turanga, and Fairchild testified he thought he could get £1,000 for it on the London Market. Richmond had asserted in 1867 that an agent of the Melbourne Museum and the Governor had been trying to acquire Te Hau ki Turanga before it was taken.
- 4.7 The Crown accepted the Committee's recommendation that the 1867 payment was inadequate, and in 1880 paid an additional £300 to the petitioners. However the Crown still did not investigate the ownership of Te Hau ki Turanga before making this payment.
- 4.8 Ngati Kaipoho and Rongowhakaata have never consented to relinquish ownership of Te Hau ki Turanga. Since 1880 the Crown has taken no further steps to clarify whether it lawfully extinguished Ngati Kaipoho and Rongowhakaata ownership of Te Hau ki Turanga.
- 4.9 Since the Crown took possession of Te Hau ki Turanga in 1867 it has been held in various national museums in New Zealand. Many changes have been made to the whare whakairo. By 1870, internal carved panels had been elevated to improve viewing by visitors to the museum. Between 1904 and 1913 some of the carvings were defaced, and some paua shell inlays removed. The rafters were almost obliterated while the whare whakairo was on public display before 1924. During these years it was reported that the tahuu (ridgepole) was much damaged by wood boring beetles and windows were added. In 1924 new pillars and new roof cross-pieces were added to prepare the whare for removal to the new Dominion Museum.
- 4.10 In the 1930s there were significant alterations, as new papaka (carved skirting boards) and carvings were added. The lower parts of the poupou were cut, and the identities of the tipuna depicted in the carvings removed. A new ridgepole added, and the porch extended. The museum allowed Te Hau ki Turanga to be used for meetings, weddings, and university lectures. The Crown did not provide for any Ngati Kaipoho or Rongowhakaata involvement in the administration of Te Hau ki Turanga, and they were not consulted about these significant changes.



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4: TE HAU KI TURANGA

- 4.11 It is only since 1990 that Rongowhakaata has had some involvement in the ongoing care of Te Hau ki Turanga, which is currently on display at Te Papa Tongarewa.

ACKNOWLEDGEMENTS

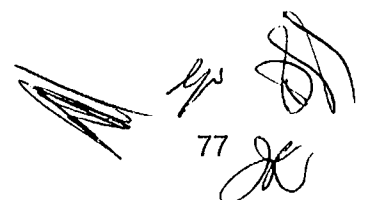
- 4.12 The Crown acknowledges that –

- 4.12.1 Te Hau ki Turanga was of historical, cultural and spiritual significance to Raharuhi Rukupo, other tohunga, Ngati Kaipoho and Rongowhakaata and that Rongowhakaata has sought the return of Te Hau ki Turanga for many years;
- 4.12.2 Crown troops took possession of Te Hau ki Turanga in 1867 while the Crown was negotiating with Rongowhakaata the amount of land it would require them to cede to the Crown in the aftermath of Waerenga a Hika;
- 4.12.3 the Crown forcibly took possession of Te Hau ki Turanga without the consent of Raharuhi Rukupo, Ngati Kaipoho or Rongowhakaata;
- 4.12.4 the Crown did not adequately investigate the ownership of Te Hau ki Turanga before or after the Crown forcibly removed it from Turanga;
- 4.12.5 the Crown made a number of changes to Te Hau ki Turanga over the years without the consent of Ngati Kaipoho or Rongowhakaata; and
- 4.12.6 the Crown's effective confiscation of Te Hau ki Turanga, and its failure over many years to consult Ngati Kaipoho or Rongowhakaata about the administration of Te Hau ki Turanga, breached the Treaty of Waitangi and its principles.

APOLOGY

- 4.13 The Crown makes the following apology in regard to Te Hau ki Turanga –

- 4.13.1 the Crown is deeply remorseful about the wrong done to Raharuhi Rukupo, other tohunga, Ngati Kaipoho and Rongowhakaata by these breaches of the Treaty of Waitangi and its principles. The Crown profoundly regrets that it blatantly disregarded the mana of Rongowhakaata by effectively confiscating Te Hau ki Turanga and depriving Ngati Kaipoho and Rongowhakaata of a role in the ownership and care of Te Hau ki Turanga from 1867 until the early 1990s; and
- 4.13.2 the Crown is immensely sorry for the pain these actions caused Raharuhi Rukupo, other tohunga, Ngati Kaipoho and Rongowhakaata, and unreservedly apologises for the loss and distress that the people of Rongowhakaata have suffered through the absence of Te Hau ki Turanga from Turanga; and



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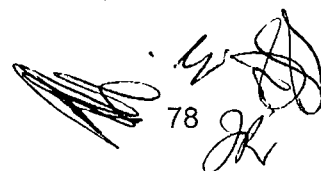
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4: TE HAU KI TURANGA

4.13.3 the Crown hopes the provisions for Te Hau ki Turanga in this settlement will help atone for these wrongs and affirm its commitment to a new Treaty based relationship with Rongowhakaata.

4 TE HAU KI TURANGA

- 4.1 Ko ngā whakaaetanga me te whakapāhatanga a te Karauna ki a Rongowhakaata, kei whiti 4.12 me 4.13, e tūāpapatia ana i runga i tēnei pūrongo hītori.
- 4.2 He whare whakairo ataahua a Te Hau ki Turanga, he taonga nō Ngāti Kaipoho hapū o Rongowhakaata iwi. Koia nei te whare nui tino tawhito o Aotearoa, e mohio whānuitia mō āna whakairo tino ataahua. I hangaia a Te Hau ki Turanga ki Orakaiapu pā, Manutuke, i te tīmatanga o ngā 1940s, i raro i ngā whakahaere a Raharuhi Rukupo, tētahi o ngā tohunga whakairo rongonui o te rautau tekau mā iwa. He tohunga whakairo a Raharuhi Rukupo, he rangatira no Ngāti Kaipoho hapū, he uri toto hoki o Ngāti Maru, o Rongowhakaata. He tata anō āna hononga whakapapa ki ētahi iwi ake o Turanga. Ko te whare nei te tauira tino ataahua o ngā mahinga a te kura whakairo o Turanga, (Manutuke rānei) e mahia ana e te hapū o Ngāti Kaipoho ki roto i te awanga o Te Arai. Na te kura o Turanga ngā whakairo kei runga i te waka rongonui, Te Toki a Tapiri, (kei roto i te Whare Taonga Whakamaumahara Pakanga o Tamaki), i mea whakakairotia ki runga i ngā taha awa o te Awa o Waipaoa kei tērā taha o Orakaiapu i te tau 1842. I hangaia Te Hau ki Turanga hei whakamaumahara ki a Tamati Waaka Mangere, he rangatira no Rongowhakaata, te tūākana ki a Rukupo, te tangata haina i te Tiriti o Waitangi. Ko te ingoa Te Hau ki Turanga i whakamaoritia i ngā kupu te 'wairua', me te 'hā', 'mauriora' rānei o Turanga. He maha ngā tipuna o Rongowhakaata kua whakairotia hei pou whakairo ki roto i Te Hau ki Turanga.
- 4.3 I te marama o Aperira 1867, i haere mai te Minita Pāremata, a J.C Richmond ki Turanga ki te āwhina i te whai a te Karauna ki te muru i ngā whenua a Rongowhakaata. I runga i tēnei, ka pēhia e te Karauna a Rongowhakaata ki te tuku whenua ki te Karauna hei whiu mō ngā whawhaitanga ki Waerenga a Hika. Kahore a Richmond i whiwhi whenua, engari ka whai ia ki te huarahi mō te Karauna ki te tango i Te Hau ki Turanga, i a ia i roto i te rohe e haere ana. I roto i ngā tuhinga a Rukupo i te marama o Hurae 1867, tokorua rāua a Richmond me Biggs, i tono ki a ia kia tukuna Te Hau ki Turanga ki te Karauna, engari e rua ngā wā kahore ia i whakaae. I ki ia ki a Richmond, 'Kahore, waiho mā te iwi katoa e āta whakaaro'. Heoi, ka tukitukia e ngā hoia a te Karauna, i raro i ngā whakahau a Richmond, Te Hau ki Turanga, ka mauria ki runga ake i ngā whakahē a ngā Māori i reira. Ka utua e te Karauna, kotahi rau pāuna, ki ngā Māori kahore i whakaingotia, i te wā i kahakina te whare whakairo ra, a, kahore hoki i rangahautia, i a wai te mana pupuri i te whare. I takahia e te Karauna tētahi tapu i runga i te whare whakairo i te wā i mauria te whare.
- 4.4 I te marama o Akuhata 1867, ka titirotia e te Komiti Take Māori a te Pāremata ngā āhuatanga o te rironga atu ki te Karauna a Te Hau ki Turanga, ā-muri i te petihanatanga a Raharuhi me ētahi ake, i mea tangohia te whare whakairo rā, kahore hoki ratou i whakaae kia mauria. Kua tuhia e Richmond ki roto i tētahi tuhinga i whakatakototia e ia ki te Komiti, i whakaae kē e tētahi hui nui o ngā Māori o Turanga, ki te tuku koha te whare ki te Pāremata kia whakapaingia e te Kāwanatanga kia toitū tonu te whare. Kahore i whakatakototia ētahi ake korero hei tautoko i ēnei whakapae, ka whakaae kē te Komiti Take Māori ki ngā korero a Richmond. I whakatau kē, i mea



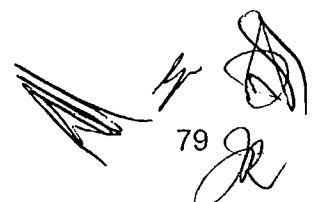
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4: TE HAU KI TURANGA

tukuna te whare whakairo kia riro ki te Karauna, i runga i ngā mahi a ngā kaipupuri "tūtū", te rōpū i utua nei rātou mo te whare. Heoi, i raru ēnei korero a Richmond ki te Komiti, i tētahi reta tūmataiti, i tuhia e ia i te marama o Aperira 1867. I tuhia ia mo te rironga mai o Te Hau ki Turanga, " te murunga me te kawenga mai o tēnei whare whakairo ataahua, i whakahaeretia i runga i ētahi mahinga hoia toa, ka riro mai anō ki ahau te kororia mō tēnei mahinga'.

- 4.5 I mate a Raharuhi Rukupo i te tau 1873, kore rawa ia i kite anō i Te Hau ki Turanga. Ka tae atu tētahi petihana ki te Pāremata, na tētahi o ngā rangatira rongonui na Wi Pere me ngā whanaunga toko toru a Rukupo, e tonono ana ki whakahokia mai a Te Hau ki Turanga, me utua rānei he kāpeneheihana ake. Ko Captain Fairchild te kaiwhakahaere i te tangohanga o te whare whakairo i te tau 1867. I kī ia ki te Komiti Take Māori, i te whakahē ngā Māori i ngā wā katoa e tukituki ana e rātou te whare: 'Me tango taikaha rā anō ahau kia riro mai te whare. .. Na taku toki tonu i tango, kore rawa rātou i whakaae. Me taku pono, i te whakaaro kē rātou ka patua e ahau tētahi o rātou.'
- 4.6 I tae atu anō he korero ki mua o te Komiti Kōkiri Take Māori, ko te wāriu o te whare whakairo he rahi ake ki te £100 i utua e te Karauna i te tau 1867. I te tau 1864 i tāpaetia e tētahi rōpū tūmataiti e £300 mō Te Hau ki Turanga, me te kī pono a Fairchild ka ahei ia te hoko i te whare ki ngā Māketē o Rānana mo te £1000. Kua mōhio anō a Richmond i te tau 1867, i te whai tētahi māngai o te whare taonga o Melbourne me tōna Kāwana ki te hoko i Te Hau ki Turanga i mua rawa anō i te tangohanga.
- 4.7 I whakaae te Karauna ki te tūtohutanga a te Komiti, he iti rawa te utu o 1867, ā, i te tau 1880 ka utua te £300 ake ki ngā kaipetihana. Heoi, kore rawa te Karauna i rangahau i te mana pupuri o Te Hau ki Turanga i mua o tēnei utunga tuarua.
- 4.8 Kahore rawa a Ngāti Kaipoho, a Rongowhakaata rānei i whakaae kia tukuna te mana pupuri o Te Hau ki Turanga. Mai i te tau 1880 kahore te Karauna i whai kia mārama mehemea i whakakorea ā-ture te mana pupuri a Ngāti Kaipoho, me Rongowhakaata i Te Hau ki Turanga.
- 4.9 Mai i te tangohanga a te Karauna i Te Hau ki Turanga i te tau 1867, i te pupurititia te whare ki roto i ngā momo whare taonga ā-motu ki Aotearoa. He maha ngā whakarerekētanga ki runga i te whare whakairo. Tae ki te tau 1970, i hikina ētahi o ngā pou whakairo kia mārama ake te mātaki a ngā manuhiri i te whare taonga. I waenga i ngā tau 1904 me 1913, i tūkinotia ētahi o ngā pou whakairo, ka tangohia ētahi o ngā whatu anga paoa. I tukinotia ngā heke i te wā e whakaatu ana te whare whakairo i mua o te tau 1924. I waenga i ēnei tau ka whakamohiotia te tukinotanga i te tātūhū e te ngāngara kai rākau, ka hangaia he matapihi ki roto i te whare. I te tau 1924 ka hangaia he pou me ngā papa ki runga i te tuanui mo te nekenga i te whare ki te Whare Taonga hou o Aotearoa.
- 4.10 I waenga i ngā tau o 1930s he maha ngā whakarerekētanga, he pāpaka hou, me ētahi whakairo i hangaia. I tapahia ngā wāhanga o raro o ngā pou pou ka ngaro ngā ingoa tipuna i whakairotia ki reira. I hangaia he poutokomanawa hou ka whakaroatia te mahau. I whakaaetia a Te Hau ki Turanga hei wāhi hui, wāhi mārena, hei wahi wānanga. Kahore te Karauna i tuku kia whaiwāhi a Ngāti Kaipoho me Rongowhakaata, ki ngā whakahaere a Te Hau ki Turanga, kahore hoki rātou i whakamohiotia ki ngā whakarerekētanga nui tonu ki te whare.



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4: TE HAU KI TURANGA

4.11 No ngā tau ā-muri i 1990 ra anō ka whaiwāhi a Rongowhakaata ki ngā whakahaere tiaki i Te Hau ki Turanga, i tēnei wā kei te whakaatutia kei Te Papa Tongarewa.

TE WHAKAAETANGA

4.12 E whakaae ana te Karauna, i –

4.12.1 he taonga whakanui hītori, whakanui tikanga, whakanui wairua a Te Hau ki Turanga ki a Raharuhi Rukupo, ki ētahi ake tohunga, ki a Ngāti Kaipoho me Rongowhakaata, ā, he maha ngā tau e whai ana a Rongowhakaata kia whakahokia Te Hau ki Turanga;

4.12.2 tangohia e ngā hoia a te Karauna a Te Hau ki Turanga i te tau 1867, i te wā e whiriwhiri ana te Karauna ki a Rongowhakaata i te rahi o te whenua ka tangohia e te Karauna mai i a rātou, ā-muri i ngā pakanga ki Waerenga a Hika;

4.12.3 tangohia tino kaha te Karauna a Te Hau ki Turanga kahore i te Karauna ngā whakaaetanga a Raharuhi Rukupo, a Ngāti Kaipoho, a Rongowhakaata rānei;

4.12.4 mahue e te Karauna te rangahau tika rawa i te mana pupuri i Te Hau ki Turanga, i mua, ā-muri rānei i te nekehanga tino kaha a te Karauna i te whare, atu i Turanga;

4.12.5 hangaia e te Karauna ētahi whakarerekētanga ki Te Hau ki Turanga, i ngā tau ki muri, kahore i a rātou te whakaaetanga a Ngāti Kaipoho, me Rongowhakaata, me

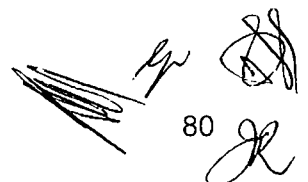
4.12.6 te murunga hāngai tonu a te Karauna i Te Hau ki Turanga, me te kore whiriwhiri ki a Ngāti Kaipoho me Rongowhakaata, i ngā tau ki muri, ka takahia Te Tiriti o Waitangi me āna kaupapa.

WHAKAPĀHATANGA

4.13 E tuku whakapāha ana te Karauna mō Te Hau ki Turanga, e whai ake nei -

4.13.1 kei te tino pouri te Karauna mō ngā mahi hē ki a Raharuhi Rukupo, ki ētahi ake tohunga, ki a Ngāti Kaipoho, ki a Rongowhakaata, mō ngā takahitanga i te Tiriti o Waitangi me āna kaupapa. E tino pouri ana te Karauna kahore ia i whakaaro ake mō te mana a Rongowhakaata i te murunga hāngai i Te Hau ki Turanga me te tangohanga mai i Ngāti Kaipoho, me Rongowhakaata i te mana pupuri me te tiakitanga i Te Hau ki Turanga mai i 1867, atu ki te wāhanga tīmatanga o 1900; me

4.13.2 e tino pouri ana te Karauna mō te mamae o ēnei mahinga ki runga ki a Raharuhi Rukupo, ki ētahi ake tohunga, ki a Ngāti Kaipoho, me Rongowhakaata, ka whakapāha mutungakore mō ngā mea i ngaro, me te



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DEED OF SETTLEMENT

4: TE HAU KI TURANGA

mamae i tau ki runga ki a rātou o Rongowhakaata, i te ngaronga o Te Hau ki Turanga mai i Turanga;

- 4.13.3 ko te wawata a te Karauna mā ngā whakaritenga mō Te Hau ki Turanga kei roto i tēnei whakataunga e āwhina ki te whakatika i ēnei mahi hē, ka tautoko i te piriponotanga mō tētahi whanaungatanga tūāpapa Tiriti ki a Rongowhakaata.

VESTING

- 4.14 The Crown acknowledges that Ngati Kaipoho and Rongowhakaata have never relinquished claims of ownership over Te Hau ki Turanga, currently held by Te Papa Tongarewa.
- 4.15 The settlement legislation will, on the terms provided by section 23 of the draft settlement bill, vest Te Hau ki Turanga in the governance entity on the settlement date.
- 4.16 Despite clause 4.15, and subject to clause 4.17, Rongowhakaata confirm that Te Hau ki Turanga will continue to be held by Te Papa Tongarewa at Te Papa as the caretaker of the whare until 31 March 2017, or until such other date as is agreed in writing between Rongowhakaata and Te Papa Tongarewa.
- 4.17 Rongowhakaata and the Crown confirm that Te Hau ki Turanga will always be held and cared for to a standard which recognises that Te Hau ki Turanga is a taonga of cultural, spiritual and historical importance.

RELATIONSHIP AGREEMENT

- 4.18 Rongowhakaata and, at the request of the Chief Executive of the Ministry, Te Papa Tongarewa have agreed that, the governance entity and Te Papa Tongarewa will enter into a relationship agreement (**Te Papa relationship agreement**) that –
- 4.18.1 will address the ongoing care and use of Te Hau ki Turanga while it remains at Te Papa and the standards required for the ongoing care of Te Hau ki Turanga; and
- 4.18.2 is intended to achieve mutually beneficial outcomes and achieve Rongowhakaata's aspirations, in relation to Te Hau ki Turanga.
- 4.19 The framework for the Te Papa relationship agreement includes –

Relate

- 4.19.1 Te Papa Tongarewa involving Rongowhakaata in –
- (a) dealing with information held, and research undertaken, at Te Papa; and



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DEED OF SETTLEMENT

4: TE HAU KI TURANGA

- (b) the use of images, photographs and other media; and
- (c) any intellectual property rights; and
- (d) developing interpretation, signage, displays and all media; and
- (e) undertaking promotion or sponsorship; and
- (f) discussing conservation issues and developing a conservation plan, relating to Te Hau ki Turanga; and

Relationship

- 4.19.2 Te Papa Tongarewa and Rongowhakaata dealing with matters relating to the care and collection management of Te Hau ki Turanga in accordance with the Te Papa relationship agreement; and

Restoration

- 4.19.3 Te Papa Tongarewa supporting a project to research the history of Te Hau ki Turanga. The terms of this may include –
- (a) identifying which elements of Te Hau ki Turanga that need to be replaced over time; and
 - (b) identifying other original pieces of Te Hau ki Turanga and where they are located; and
 - (c) identifying and recording the unique carving style contained in Te Hau ki Turanga; and
 - (d) documenting the history of Te Hau ki Turanga; and
 - (e) identifying priority tasks and the steps that are required to restore Te Hau ki Turanga; and

Review

- 4.19.4 the Te Papa relationship agreement being reviewed, every two years from its signing, against specific milestones that are set for achieving Rongowhakaata's aspirations in relation to Te Hau ki Turanga.

DEED OF SETTLEMENT

4: TE HAU KI TURANGA

PROGRAMME OF WORK

- 4.20 The Chief Executive of the Ministry, will, in accordance with clause 7.2 of the taonga tuturu protocol, ask Te Papa Tongarewa to lead a programme of work involving Rongowhakaata and the Ministry, to scope and decide future options for Te Hau ki Turanga.

DEFINITIONS

- 4.21 In this part –

- 4.21.1 **Ministry** means Manatu Taonga, also known as the Ministry for Culture and Heritage; and
- 4.21.2 **Te Hau ki Turanga** means all original parts of the whare, known as Te Hau ki Turanga, that Crown troops took possession of at Orakaiaapu Pa, Manutuke, in March 1867 and that are currently held by Te Papa Tongarewa; and
- 4.21.3 **Te Papa Tongarewa** means the Museum of New Zealand Te Papa Tongarewa Board, constituted under section 6 of the Museum of New Zealand Te Papa Tongarewa Act 1992.

DEED OF SETTLEMENT

5: SETTLEMENT

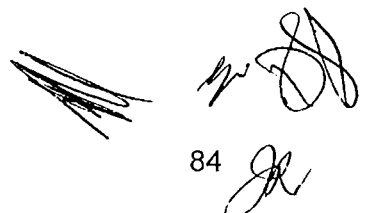
5 SETTLEMENT

ACKNOWLEDGEMENTS IN RELATION TO SETTLEMENT

- 5.1 Each party acknowledges that –
- 5.1.1 the other parties have acted honourably and reasonably in relation to the settlement; but
 - 5.1.2 it is difficult to assess redress for the loss and prejudice suffered by Rongowhakaata; and
 - 5.1.3 full compensation of Rongowhakaata for all loss and prejudice suffered is not possible; and
 - 5.1.4 the Crown has to set limits on what and how much redress is available to settle historical claims; and
 - 5.1.5 Rongowhakaata intends their foregoing of full compensation to contribute to New Zealand's development; and
 - 5.1.6 the settlement is intended to enhance the ongoing relationship between Rongowhakaata and the Crown (in terms of the Treaty of Waitangi, its principles, and otherwise).
- 5.2 The parties acknowledge that Rongowhakaata have entered into this deed based on –
- 5.2.1 the decision of the Minister for Treaty of Waitangi Negotiations on the allocation of the Turanganui a Kiwa redress recorded in the agreement in principle, as set out in the Minister's letter dated 8 September 2010, together with the additional redress offered in that letter; and
 - 5.2.2 subsequent negotiations with the Crown.
- 5.3 Rongowhakaata acknowledge that, taking all matters into consideration (some of which are specified in clause 5.1), the settlement is fair in the circumstances.

SETTLEMENT

- 5.4 Therefore, on and from the settlement date, –
- 5.4.1 the historical claims are settled; and



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DEED OF SETTLEMENT

5: SETTLEMENT

5.4.2 the Crown is released and discharged from all obligations and liabilities in respect of the historical claims; and

5.4.3 the settlement is final.

5.5 Except as provided in this deed or the settlement legislation, the parties' rights and obligations remain unaffected.

5.6 Without limiting clause 5.5, nothing in this deed or the settlement legislation will –

5.6.1 extinguish or limit any aboriginal title or customary right that Rongowhakaata may have; or

5.6.2 constitute or imply, an acknowledgement by the Crown that any aboriginal title, or customary right, exists; or

5.6.3 except as provided in this deed or the settlement legislation –

(a) affect a right that Rongowhakaata may have, including a right arising –

(i) from the Treaty of Waitangi or its principles; or

(ii) under legislation; or

(iii) at common law (including in relation to aboriginal title or customary law); or

(iv) from a fiduciary duty; or

(v) otherwise; or

(b) be intended to affect any action or decision under the deed of settlement between Maori and the Crown dated 23 September 1992 in relation to Maori fishing claims; or

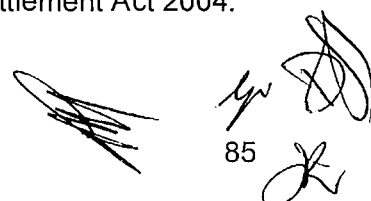
(c) affect any action or decision under any legislation and, in particular, under legislation giving effect to the deed of settlement referred to in clause 5.6.3(b), including –

(i) the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992; or

(ii) the Fisheries Act 1996; or

(iii) the Maori Fisheries Act 2004; or

(iv) the Maori Commercial Aquaculture Claims Settlement Act 2004.



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DEED OF SETTLEMENT

5: SETTLEMENT

5.7 Clause 5.6 does not limit clause 5.4.

REDRESS

5.8 The redress, to be provided in settlement of the historical claims, –

5.8.1 is intended to benefit Rongowhakaata collectively; but

5.8.2 may benefit particular members, or particular groups of members, of Rongowhakaata, including Nga Uri o Te Kooti Rikirangi, as set out in this deed, or if the governance entity so determines in accordance with the governance entity's procedures.

IMPLEMENTATION

5.9 The settlement legislation will, on the terms provided by sections 15 to 19 and 21 of the draft settlement bill, –

5.9.1 settle the historical claims; and

5.9.2 exclude the jurisdiction of any court, tribunal, or other judicial body in relation to the historical claims and the settlement; and

5.9.3 provide that the enactments in section 17(2) of the draft settlement bill do not apply –

(a) to a redress property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land or a RFR deferred selection property; or

(b) for the benefit of Rongowhakaata or a representative entity; and

5.9.4 require any resumptive memorial to be removed from a certificate of title to, or a computer register for, a redress property, a purchased deferred selection property if settlement of that property has been effected, or any RFR land or a RFR deferred selection property; and

5.9.5 provide that the rule against perpetuities and the Perpetuities Act 1964 does not –

(a) apply to a settlement document; or

(b) prescribe or restrict the period during which –

(i) the trustees of the Rongowhakaata Settlement Trust, being the governance entity, and the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust, may hold or deal with property; and

DEED OF SETTLEMENT

5: SETTLEMENT

- (ii) the Rongowhakaata Settlement Trust and the Nga Uri o Te Kooti Rikirangi Settlement Trust may exist; and

5.9.6 require the Secretary for Justice to make copies of this deed publicly available.

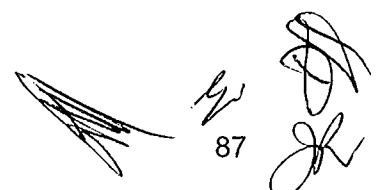
5.10 Part 1 of the general matters schedule provides for other action in relation to the settlement.

THE TRUSTEES OF NGA URI O TE KOOTI RIKIRANGI SETTLEMENT TRUST

5.11 The trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust sign this deed in their capacity as trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust and agree to comply with their obligations in this deed as trustees of that trust.

5.12 Rongowhakaata wish to record that the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust are the appropriate people for the Crown and other persons to consult regarding matters relating to Te Kooti Rikirangi, whether specifically provided for in this deed, or otherwise.

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DEED OF SETTLEMENT

6: CULTURAL REDRESS

6 CULTURAL REDRESS

- 6.1 There are three main components of the cultural redress –
- 6.1.1 identity and heritage redress, the objective of which is to assist Rongowhakaata to reclaim and promote their identity, tikanga and history; and
 - 6.1.2 protection and use of land and sea redress; and
 - 6.1.3 relationship redress, to enhance the relationship between Rongowhakaata and the Crown.

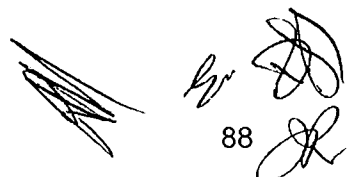
IDENTITY AND HERITAGE REDRESS

CULTURAL REVITALISATION PLAN

- 6.2 The Crown will pay \$360,000 to the governance entity on the settlement date to assist Rongowhakaata with the preparation and implementation of a cultural revitalisation plan.

PUTEA FOR MEMORIAL

- 6.3 Te Runanga o Turanganui a Kiwa, as trustee, the Ngai Tamanuhiri post settlement governance entity and the Crown have agreed the form of a deed of trust to establish Te Runanga o Turanganui a Kiwa as trustee of the Turanganui a Kiwa Putea Memorial and Central Leadership Trust.
- 6.4 The purposes of the trust include the establishment of an appropriate and enduring memorial open to members of Turanganui a Kiwa and the public generally, to commemorate and provide education about those members of Turanganui a Kiwa who lost their lives due to the actions of the Crown in the past.
- 6.5 Within five business days of receipt by the Crown of an original copy of the deed of trust in the form agreed and referred to in clause 6.3 and signed by Te Runanga o Turanganui a Kiwa as trustee the Crown will –
- 6.5.1 sign, date and deliver the deed to Te Runanga o Turanganui a Kiwa; and
 - 6.5.2 under clause 5.5.2 of the Ngai Tamanuhiri deed of settlement, pay \$100,000 to Te Runanga o Turanganui a Kiwa, as trustee of the trust established by that deed.



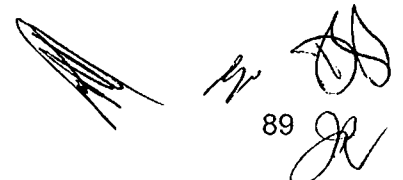
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DEED OF SETTLEMENT

6: CULTURAL REDRESS

STATUTORY ACKNOWLEDGEMENT

- 6.6 The settlement legislation will, on the terms provided by sections 31 to 43 of the draft settlement bill, –
- 6.6.1 provide the Crown's acknowledgement of the statements by Rongowhakaata of their particular cultural, spiritual, historical, and traditional association with the following areas (to the extent that those areas are within the area of interest):
- (a) Turanganui River (as shown on deed plan OTS-005-034):
 - (b) Taruheru River (as shown on deed plan OTS-005-035):
 - (c) Waipaoa River (including Karaua Stream) (as shown on deed plan OTS-005-036):
 - (d) Waimata River (as shown on deed plan OTS-005-037):
 - (e) Hangaroa River (as shown on deed plan OTS-005-038):
 - (f) Te Arai River (as shown on deed plan OTS-005-039):
 - (g) Waikanae Creek (as shown on deed plan OTS-005-045):
 - (h) Rongowhakaata coastal marine area (as shown on deed plan OTS-005-050; and
- 6.6.2 require relevant consent authorities, the Environment Court, and the New Zealand Historic Places Trust to have regard to the statutory acknowledgement; and
- 6.6.3 require relevant consent authorities to forward to the governance entity summaries of resource consent applications and copies of notices served under section 145(10) of the Resource Management Act 1991 and affecting an area; and
- 6.6.4 enable the governance entity, and any member of Rongowhakaata, to cite the statutory acknowledgement as evidence of Rongowhakaata's association with an area.
- 6.7 The statements of association are in the documents schedule.
- 6.8 The Crown and Rongowhakaata acknowledge that the Crown and Rongowhakaata have different concepts and views regarding relationships with the rivers described in clause 6.6.1 including issues regarding "ownership".



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DEED OF SETTLEMENT

6: CULTURAL REDRESS

- 6.9 The provision of statutory acknowledgements to Rongowhakaata does not, of itself, amount to an acknowledgement by Rongowhakaata of any Crown estate or interest in the rivers described in clause 6.6.1 nor may it be used as evidence of such an estate or interest.

PROTOCOLS

- 6.10 Each of the following protocols must, by or on the settlement date, be signed and issued to the governance entity by the responsible Minister –
- 6.10.1 the conservation protocol:
 - 6.10.2 the fisheries protocol:
 - 6.10.3 the taonga tuturu protocol:
 - 6.10.4 the Crown minerals protocol.
- 6.11 A protocol sets out how the Crown will interact with the governance entity with regard to the matters specified in it.

FORM AND EFFECT OF PROTOCOLS

- 6.12 Each protocol will be –
- 6.12.1 in the form in the documents schedule; and
 - 6.12.2 issued under, and subject to, the terms provided by sections 24 to 30 of the draft settlement bill.
- 6.13 A failure by the Crown to comply with a protocol is not a breach of this deed.

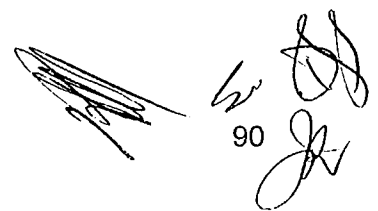
PROTECTION AND USE OF LAND AND SEA REDRESS

CULTURAL REDRESS PROPERTIES FOR RONGOWHAKAATA

- 6.14 The settlement legislation will vest in the governance entity on the settlement date –

In fee simple

- 6.14.1 the fee simple estate in each of the following sites:
- (a) London Street site:
 - (b) Ex-Railway Land:



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DEED OF SETTLEMENT

6: CULTURAL REDRESS

(c) part AML site:

(d) 75 Birrell Street; and

In fee simple for the benefit of Te Whare Rakei o Te Kooti Rikirangi

6.14.2 the fee simple estate in 295 Palmerston Road, Gisborne; and

In fee simple as a recreation reserve

6.14.3 the fee simple estate in the Waikanae Creek site, as a recreation reserve with the governance entity as the administering body; and

In fee simple as a scenic reserve

6.14.4 the fee simple estate in Rakaukaka as a scenic reserve with the governance entity as the administering body.

6.15 Rongowhakaata –

6.15.1 wish to record their intention that, after the settlement date, the governance entity will transfer the fee simple estate in the London Street site to an entity approved by, and for the benefit of, Ngati Oneone; and

6.15.2 acknowledge that –

(a) the transfer of the London Street site referred to in clause 6.15.1 is in recognition of Ngati Oneone holding mana whenua in Kaiti; and

(b) after the transfer of the London Street site referred to in clause 6.15.1 has been completed, the property will be administered jointly by Ngati Oneone, Ngai Tawhiri and Whanau a Iwi in recognition of the interests that the latter two hapu also have in the Kaiti area.

Opou Station

6.16 The Crown will transfer the fee simple estate in Opou Station to the governance entity as soon as is reasonably practicable after the date of this deed on the terms and conditions set out in the agreement for sale and purchase between the Commissioner of Crown Lands and the governance entity.

6.17 The parties intend that if this deed does not become unconditional under clause 8.5, the transfer of Opou Station described in clause 6.16 will be taken into account in relation to any future settlement of the historical claims.



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DEED OF SETTLEMENT

6: CULTURAL REDRESS

CULTURAL REDRESS PROPERTY FOR NGA URI O TE KOOTI RIKIRANGI

- 6.18 The settlement legislation will vest in the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust on the settlement date –

In fee simple subject to an easement

- 6.18.1 the fee simple estate in Matawhero site B (being the nursery site), subject to the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust providing a registrable right of way easement in gross in relation to that site, over the area indicatively labelled "Easement" on deed plan OTS-005-028, in the form in part 3 of the documents schedule; and

In fee simple as a recreation reserve

- 6.18.2 the fee simple estate in Matawhero site A (being the oxbow site) as a recreation reserve with the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust as the administering body.

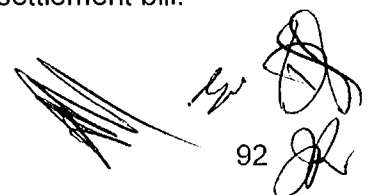
- 6.19 The trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust –

- 6.19.1 will consult with the governance entity about the management of Matawhero site A; and
- 6.19.2 wish to record that, from the settlement date Matawhero site B will be named Kawea.

GENERAL PROVISIONS FOR CULTURAL REDRESS PROPERTIES

- 6.20 Each cultural redress property, except Opou Station, will be –

- 6.20.1 as described in parts 1 and 2 of schedule 2 of the draft settlement bill; and
- 6.20.2 vested on the terms provided by –
- (a) sections 45 to 64 of the draft settlement bill; and
 - (b) part 2 of the property redress schedule; and
- 6.20.3 subject to, or with the benefit of, any encumbrances in relation to that property –
- (a) required by clause 6.18 to be provided by the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust; or
 - (b) provided by parts 1 and 2 of schedule 2 of the draft settlement bill.



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DEED OF SETTLEMENT

6: CULTURAL REDRESS

- 6.21 Part 1 of the property redress schedule applies in relation to the vesting of the cultural redress properties, but this part does not apply to the transfer of Opou Station.

CONTRIBUTIONS ASSOCIATED WITH CULTURAL REDRESS PROPERTIES

- 6.22 The Crown will contribute –

- 6.22.1 \$50,000 to assist Rongowhakaata with the development and implementation of a four to five year noxious weed eradication programme at Rakaukaka; and
- 6.22.2 \$50,000 to assist Rongowhakaata to undertake regeneration, weed control, fencing and replanting at the Waikanae Creek site; and
- 6.22.3 \$50,000 to assist Nga Uri o Te Kooti Rikirangi with flax planting, weed control, restoring eel habitats including fish passage, fencing and fixing the weir at Matawhero site A, for the regeneration of the area; and
- 6.22.4 \$250,000 to assist Nga Uri o Te Kooti Rikirangi and Rongowhakaata to support the concept of Te Whare Rakei o Te Kooti Rikirangi.

- 6.23 The Crown must pay –

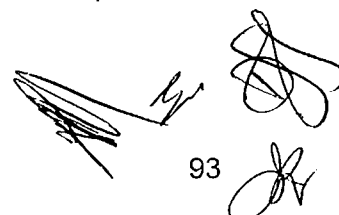
- 6.23.1 the amounts set out in clauses 6.22.1 and 6.22.2 to the governance entity on the settlement date; and
- 6.23.2 the amounts set out in clauses 6.22.3 and 6.22.4 to the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust on the settlement date.

TE WHARE RAKEI O TE KOOTI RIKIRANGI

- 6.24 Rongowhakaata acknowledge that the vesting of 295 Palmerston Road, Gisborne and the contribution to be paid by the Crown under clause 6.22.4 are intended to be for the benefit of Te Whare Rakei o Te Kooti Rikirangi and that, after the settlement date, this redress will be transferred by the governance entity and by the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust to the trustees of a trust to be established and which is intended to be known as Te Tira Whakaari Trust.

INFORMATION ON ECOLOGICAL VALUES AND POSSIBLE MANAGEMENT OPTIONS

- 6.25 The Crown, through the Department of Conservation, will, after the date of this deed and prior to the settlement legislation coming into force, work with the governance entity and the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust to provide –
- 6.25.1 to the governance entity, information on the ecological values and possible management options for Rakaukaka and the Waikanae Creek site; and
- 6.25.2 to the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust, information on the ecological values and possible management options for Matawhero site A.



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DEED OF SETTLEMENT

6: CULTURAL REDRESS

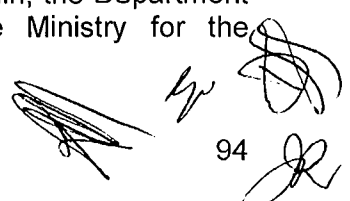
RELATIONSHIP REDRESS

LOCAL LEADERSHIP BODY

- 6.26 Rongowhakaata, Te Aitanga a Mahaki and Affiliates, Ngai Tamanuhiri and Gisborne District Council have agreed to establish a local leadership body, the purpose of which is set out in the Ngai Tamanuhiri deed of settlement.
- 6.27 Rongowhakaata, Te Aitanga a Mahaki and Affiliates, Ngai Tamanuhiri and the Gisborne District Council are continuing to develop and agree provisions addressing quorum, standing orders and other operational arrangements for the body.
- 6.28 The Crown agrees to establish the local leadership body, through settlement legislation, (that legislation relating to one of Rongowhakaata, Ngai Tamanuhiri or Te Aitanga a Mahaki and Affiliates), as a permanent statutory body on the condition that the local leadership body is established as a joint committee of the Gisborne District Council under the Local Government Act 2002.
- 6.29 Rongowhakaata will -
- 6.29.1 consult the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust about matters relevant to the local leadership body that relate to Te Kooti Rikirangi; and
 - 6.29.2 use their best endeavours to obtain the agreement of Ngai Tamanuhiri, Te Aitanga a Mahaki and Affiliates and the Gisborne District Council so that the local leadership body will be required to consult with the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust about matters relevant to the local leadership body that relate to Te Kooti Rikirangi.

CENTRAL LEADERSHIP GROUP

- 6.30 As part of the agreement in principle the Crown agreed to assist with the establishment of a central leadership group to –
- 6.30.1 provide Turanganui a Kiwa with a forum to engage with central government departments into the future; and
 - 6.30.2 ensure that the principles of the Treaty of Waitangi are implemented in a co-ordinated manner within the Turanga region to the extent consistent with relevant legislation.
- 6.31 On and from the date of this deed, the Crown and Rongowhakaata will negotiate, in good faith, to develop and establish the central leadership group.
- 6.32 The key participants in the central leadership group will be representatives from Rongowhakaata, Te Aitanga a Mahaki and Affiliates, Ngai Tamanuhiri, the Department of Conservation, the Ministry of Agriculture and Forestry, the Ministry for the



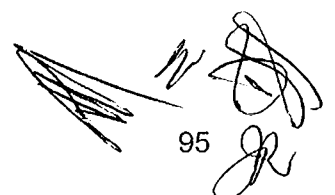
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DEED OF SETTLEMENT

6: CULTURAL REDRESS

Environment, other relevant Crown agencies as agreed and, if invited and agreed, the Gisborne District Council.

- 6.33 Through the central leadership group, Rongowhakaata intend to address all matters that are relevant to the health and well-being of Rongowhakaata and its lands, resources and taonga including economic development, cultural and social development, and environmental outcomes (including, but not limited to, assistance with the development of an iwi management plan) within the Turanga region. Rongowhakaata intend that economic and social outcomes will require Crown agencies with statutory responsibilities in these areas to participate from time to time in the central leadership group.
- 6.34 The Crown is developing a framework for the post-settlement Crown-iwi relationship. The Crown will involve representatives of Rongowhakaata in the development of this framework.
- 6.35 The parties agree that the form, function and membership of the central leadership group will remain flexible so it can align with the terms of the framework being developed by the Crown for the post-settlement Crown-iwi relationship and, so far as reasonably practicable, the provisions of the agreement in principle.
- 6.36 The Crown –
- 6.36.1 must provide a facilitator for:
- (a) a period of 12 months from the date of the Ngai Tamanuhiri deed of settlement to assist with the establishment of the central leadership group; and
 - (b) the inaugural meeting of the central leadership group; and
- 6.36.2 will, under clause 5.35.2 of the Ngai Tamanuhiri deed of settlement, contribute \$35,000 to the establishment costs of the central leadership group.
- 6.37 Rongowhakaata will -
- 6.37.1 consult the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust about matters relevant to the central leadership group that relate to Te Kooti Rikirangi; and
- 6.37.2 use their best endeavours to obtain the agreement of the key participants in the central leadership group so that the representatives of the central leadership group will be required to consult with the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust about matters relevant to the central leadership group that relate to Te Kooti Rikirangi.



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DEED OF SETTLEMENT

6: CULTURAL REDRESS

RELATIONSHIP AGREEMENT WITH THE MINISTRY FOR THE ENVIRONMENT

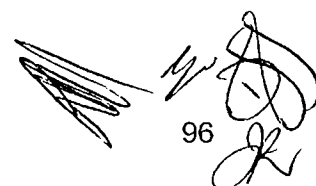
- 6.38 The Crown and the governance entity must, by or on the settlement date, enter into a relationship agreement in the form set out in part 5 of the documents schedule.
- 6.39 The parties agree that representatives of the Ministry for the Environment, and the governance entity and the post-settlement governance entities for Te Aitanga a Mahaki and Affiliates and for Ngai Tamanuhuri will meet biennially, in accordance with the relationship agreement.
- 6.40 Without limiting the terms of the relationship agreement, the meetings will be held to discuss the performance of local government in implementing the Treaty of Waitangi provisions in the Resource Management Act 1991, and other resource management issues, in the area of interest.

PROMOTION OF RELATIONSHIP WITH MUSEUMS AND OTHER INSTITUTIONS

- 6.41 The Minister for Treaty of Waitangi Negotiations will write letters to –
- 6.41.1 the New Zealand museums and other institutions in part 6 of the documents schedule encouraging them to enhance their relationship with Rongowhakaata, particularly in regard to Rongowhakaata taonga; and
- 6.41.2 the international museums in part 6 of the documents schedule introducing them to Rongowhakaata and identifying any issues of relevance to Rongowhakaata and the museum.
- 6.42 The parties acknowledge that the letters referred to in clause 6.41 will also refer to Nga Uri o Te Kooti Rikirangi, in regard to Te Kooti Rikirangi taonga or issues (as the case may be).

PROMOTION OF OTHER RELATIONSHIPS IN RELATION TO TE KOOTI RIKIRANGI

- 6.43 The Minister for Treaty of Waitangi Negotiations will write letters to each of –
- 6.43.1 the Chatham Islands Council, introducing the Council to the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust and recording their interest in regard to matters relating to Te Kooti Rikirangi; and
- 6.43.2 the Minister of Education, informing the Minister that the Nga Uri o Te Kooti Rikirangi Settlement Trust has been established and that the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust are available to be consulted about matters relating to Te Kooti Rikirangi; and
- 6.43.3 the NZ Transport Agency, introducing the agency to the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust and noting the historical relationship



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DEED OF SETTLEMENT

6: CULTURAL REDRESS


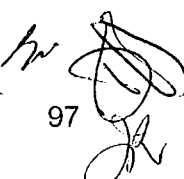
of Te Kooti Rikirangi with a site in the area of interest known as Makaraka Intersection.

TE KOOTI RIKIRANGI – HISTORICAL INTERPRETATION BY DEPARTMENT OF CONSERVATION

- 6.44 The Crown, through the Department of Conservation, will engage with the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust regarding historical interpretation material the Department commissions that refers to Te Kooti Rikirangi, and other specified matters outside the DOC Protocol Area (as defined in the conservation protocol), in accordance with *Te Ruruku – Te Kooti Rikirangi: Historical Interpretation by the Department of Conservation*, set out in part 7 of the documents schedule.

CULTURAL REDRESS NON-EXCLUSIVE

- 6.45 The Crown may do anything that is consistent with the cultural redress, including entering into, and giving effect to, another settlement that provides for the same or similar cultural redress.

 
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DEED OF SETTLEMENT

7: FINANCIAL AND COMMERCIAL REDRESS

7 FINANCIAL AND COMMERCIAL REDRESS

FINANCIAL REDRESS

7.1 The Crown must pay the governance entity on the settlement date \$19,240,000, being –

7.1.1 the financial and commercial redress amount of \$22,240,000; but

7.1.2 less the on-account payment as provided for in clause 7.2.

ON-ACCOUNT PAYMENT

7.2 Within five business days after the date of this deed, the Crown will pay \$3,000,000 to the governance entity on account of the financial and commercial redress amount in clause 7.1.1.

7.3 The parties intend that if this deed does not become unconditional under clause 8.5, the on-account payment will be taken into account in relation to any future settlement of the historical claims.

PAYMENT OF \$114,286

7.4 The Minister for Treaty of Waitangi Negotiations agreed to make a payment of \$800,000 to Turanga Manu Whiriwhiri, by letter of 31 August 2009.

7.5 The Minister for Treaty of Waitangi Negotiations, in his decision on the Turanganui a Kiwa redress allocation dated 8 September 2010, determined that Rongowhakaata's share of the payment under clause 7.4 was \$114,286.

7.6 The Crown will pay \$114,286 to the governance entity on the settlement date.

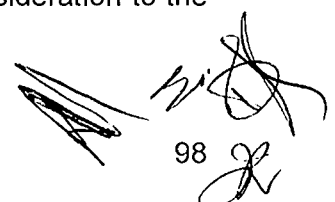
PAYMENT OF \$200,000 TO NGA URI O TE KOOTI RIKIRANGI

7.7 The Minister for Treaty of Waitangi Negotiations, in his decision on the Turanganui a Kiwa redress allocation dated 8 September 2010, determined that Nga Uri o Te Kooti Rikirangi would receive a payment of \$200,000.

7.8 The Crown will pay \$200,000 to the trustees of the Nga Uri o Te Kooti Rikirangi Settlement Trust on the settlement date.

COMMERCIAL REDRESS PROPERTIES FOR NO CONSIDERATION

7.9 The Crown must transfer the commercial redress properties for no consideration to the governance entity on the settlement date.



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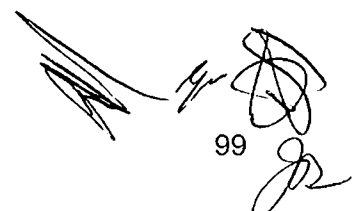
DEED OF SETTLEMENT

7: FINANCIAL AND COMMERCIAL REDRESS

- 7.10 Each commercial redress property for no consideration –
- 7.10.1 is to be as described in part 3 of the property redress schedule; and
 - 7.10.2 is to be transferred by the Crown to the governance entity –
 - (a) as redress, for no consideration; and
 - (b) subject to paragraph 6.1.1 of the property redress schedule, on the terms of transfer in part 6 of the property redress schedule.
- 7.11 The transfer of each commercial redress property for no consideration will be subject to, and where applicable with the benefit of, the encumbrances provided in the disclosure information in relation to that property.
- 7.12 Despite clauses 7.9 to 7.11, the parties acknowledge that, as at the date of this deed, 285 Palmerston Road is not in the Landbank and the Crown is not the registered proprietor of that property.
- 7.13 Clauses 7.14 and 7.15 apply if, on the day before the settlement date, 285 Palmerston Road is not in the Landbank and the Crown is not the registered proprietor of that property.
- 7.14 If this clause applies, 285 Palmerston Road ceases to be a commercial redress property for no consideration under this deed on the day before the settlement date and –
- 7.14.1 the Crown must give notice to the governance entity that 285 Palmerston Road is not a commercial redress property for no consideration under this deed; and
 - 7.14.2 the description of 285 Palmerston Road in part 3 of the property redress schedule will be deemed to be deleted, as if the property had not been included as a commercial redress property for no consideration at the date of this deed; and
 - 7.14.3 all references to the commercial redress properties for no consideration in this deed are deemed not to include 285 Palmerston Road.
- 7.15 If this clause applies, the Crown will pay \$360,000 to the governance entity on the settlement date.

DEFERRED SELECTION PROPERTIES

- 7.16 The governance entity may –



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DEED OF SETTLEMENT

7: FINANCIAL AND COMMERCIAL REDRESS

7.16.1 for six months after the settlement date, purchase the deferred selection properties described in part 4 of the property redress schedule under the sub-heading "*Six month deferred selection properties*"; and

7.16.2 for two years after the settlement date, purchase the deferred selection properties described in part 4 of the property redress schedule under the sub-heading "*Two year deferred selection properties*",

on, and subject to, the terms and conditions in parts 5 and 6 of the property redress schedule.

7.17 Each of the following deferred selection properties is to be leased back to the Crown, immediately after its purchase by the governance entity, on the terms and conditions provided by the lease for that property in part 4 of the documents schedule:

7.17.1 Manutuke School site:

7.17.2 Gisborne High and District Court.

As the lease is a registrable ground lease of the property, the governance entity will be purchasing only the bare land, the ownership of improvements remaining unaffected by the purchase.

SETTLEMENT LEGISLATION

7.18 The settlement legislation will, on the terms provided by sections 65 to 67 of the draft settlement bill, enable the transfer of the commercial redress properties for no consideration and the deferred selection properties.

RFR FROM THE CROWN

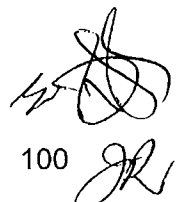
7.19 The governance entity is to have a right of first refusal in relation to a disposal by the Crown or a Crown body of –

7.19.1 RFR land, being land listed in the attachments as RFR land that, on the settlement date, –

(a) is vested in the Crown; or

(b) the fee simple for which is held by the Crown or KiwiRail; and

7.19.2 each deferred selection property described in part 4 of the property redress schedule under the sub-heading "*Two year deferred selection properties*" that does not become a purchased deferred selection property (**RFR deferred selection property**).



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DEED OF SETTLEMENT

7: FINANCIAL AND COMMERCIAL REDRESS





7.20 The right of first refusal is to be on the terms provided by sections 68 to 95 of the draft settlement bill and, in particular, will apply –

7.20.1 for a term of:

(a) 100 years from the settlement date in respect of the Turanga conservation land only; and otherwise

(b) 169 years from the settlement date; and

7.20.2 only if the RFR land or the RFR deferred selection property is not being disposed of in the circumstances provided by sections 76 to 85 of the draft settlement bill.

  
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DEED OF SETTLEMENT

8: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

8 SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

SETTLEMENT LEGISLATION

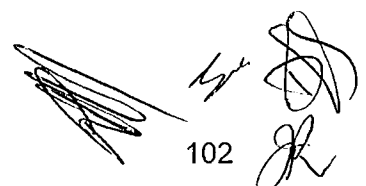
- 8.1 As soon as reasonably practicable and within 12 months after the date of this deed, the Crown must propose the draft settlement bill for introduction to the House of Representatives.
- 8.2 The bill proposed for introduction may –
- 8.2.1 contain provisions giving effect to the settlement of historical claims of Ngai Tamanuhiri and Te Aitanga a Mahaki and Affiliates;
 - 8.2.2 include changes of a minor or technical nature;
 - 8.2.3 where clause 8.2.2 does not apply, include changes agreed in writing by the governance entity and the Crown; and
 - 8.2.4 include provisions relating to the establishment of the local leadership body.
- 8.3 Rongowhakaata and the governance entity must support the enactment of the settlement legislation.
- 8.4 To avoid doubt, the Crown will still satisfy its obligation under clause 8.1 if the provisions relating to the establishment of the local leadership body are not included in the draft settlement bill for introduction to the House of Representatives.

SETTLEMENT CONDITIONAL

- 8.5 This deed, and the settlement, are conditional on the settlement legislation coming into force.
- 8.6 However, the following provisions of this deed are binding on its signing –
- 8.6.1 clauses 6.5, 6.16, 6.17, 6.25, 6.31 to 6.37, 7.2, 7.3, and 8.1 to 8.11; and
 - 8.6.2 paragraph 1.3 and parts 4 to 7 of the general matters schedule.

EFFECT OF THIS DEED

- 8.7 This deed –
- 8.7.1 is “without prejudice” until it becomes unconditional; and



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DEED OF SETTLEMENT

8: SETTLEMENT LEGISLATION, CONDITIONS, AND TERMINATION

8.7.2 in particular, may not be used as evidence in proceedings before, or presented to, the Waitangi Tribunal, any court, or any other judicial body or tribunal.

8.8 Clause 8.7 does not exclude the jurisdiction of a court, tribunal, or other judicial body in respect of the interpretation or enforcement of this deed.

8.9 For the avoidance of doubt, clause 8.7.2 does not preclude the parties' reliance on this deed as evidence in any proceeding or claims not settled by this deed.

TERMINATION

8.10 The Crown or the governance entity may terminate this deed, by notice to the other, if –

8.10.1 the settlement legislation has not come into force within 24 months after the date of this deed; and

8.10.2 the terminating party has given the other party at least 60 business days' notice of an intention to terminate.

8.11 If this deed is terminated in accordance with its provisions, it –

8.11.1 (and the settlement) are at an end; and

8.11.2 does not give rise to any rights or obligations; and

8.11.3 remains "without prejudice".

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DEED OF SETTLEMENT

9: GENERAL, DEFINITIONS, AND INTERPRETATION

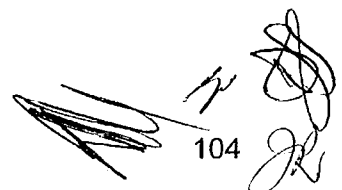
9 GENERAL, DEFINITIONS, AND INTERPRETATION

GENERAL

- 9.1 The general matters schedule includes provisions in relation to –
- 9.1.1 the implementation of the settlement; and
 - 9.1.2 the Crown's –
 - (a) payment of interest in relation to the settlement; and
 - (b) tax indemnities in relation to redress; and
 - 9.1.3 giving notice under this deed or a settlement document; and
 - 9.1.4 amending this deed.

HISTORICAL CLAIMS

- 9.2 In this deed, **historical claims** –
- 9.2.1 means every claim (whether or not the claim has arisen or been considered, researched, registered, notified, or made by or on the settlement date) that Rongowhakaata, or a representative entity, had at, or at any time before, the settlement date, or may have at any time after the settlement date, and that –
- (a) is, or is founded on, a right arising –
 - (i) from the Treaty of Waitangi or its principles; or
 - (ii) under legislation; or
 - (iii) at common law, including aboriginal title or customary law; or
 - (iv) from fiduciary duty; or
 - (v) otherwise; and
 - (b) arises from, or relates to, acts or omissions before 21 September 1992 –
 - (i) by, or on behalf of, the Crown; or



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DEED OF SETTLEMENT

9: GENERAL, DEFINITIONS, AND INTERPRETATION

(ii) by or under legislation; and

9.2.2 includes every claim to the Waitangi Tribunal to which clause 9.2.1 applies that relates exclusively to Rongowhakaata or a representative entity, including the following claims:


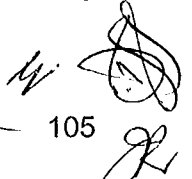
- (a) Wai 684 – The Rongowhakaata Rohe claim:
- (b) Wai 856 – Nga Uri o Te Kooti Rikirangi claim:
- (c) Wai 1557 – Rongowhakaata (Stanley Pardoe) claim:
- (d) Wai 1833 – Whanau of D Jones of Ngati Maru Hapu of Rongowhakaata Iwi claim:
- (e) Wai 1902 – Ngati Rongowhakaata (Halbert) claim; and

9.2.3 includes every other claim to the Waitangi Tribunal to which clause 9.2.1 applies, so far as it relates to Rongowhakaata or a representative entity, including the following claims:

- (a) Wai 91 – Awapuni Lagoon claim:
- (b) Wai 283 – The East Coast Raupatu claim:
- (c) Wai 337 – Awapuni Blocks claim:
- (d) Wai 351 – Te Puni Kokiri Mortgage Portfolio claim:
- (e) Wai 518 – Surplus Crown Land Sales and Protection Mechanisms claim:
- (f) Wai 828 – Gisborne District Resource Management claim:
- (g) Wai 878 – Waste Water & Social Services claim:
- (h) Wai 909 – Atmosphere of Aotearoa New Zealand claim:
- (i) Wai 1025 – Ngati Ruapani Ki Turanga – Ngai Tawhiri claim:
- (j) Wai 1086 – Ngati Ruapani Ki Manutuke Lands & Resources claim.

9.3 However, **historical claims** does not include the following claims –

9.3.1 a claim that a member of Rongowhakaata, or a whanau, hapu, or group referred to in clause 9.5.2, may have that is, or is founded on, a right arising

 
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DEED OF SETTLEMENT

9: GENERAL, DEFINITIONS, AND INTERPRETATION

as a result of being descended from an ancestor who is not referred to in clause 9.5.1:

9.3.2 a claim that a representative entity may have to the extent the claim is, or is founded, on a claim referred to in clause 9.3.1.

9.4 To avoid doubt, clause 9.2.1 is not limited by clauses 9.2.2 or 9.2.3.

RONGOWHAKAATA

9.5 In this deed, **Rongowhakaata**, which includes Nga Uri o Te Kooti Rikirangi, means –

9.5.1 the collective group of individuals who descend from one or more Rongowhakaata ancestors; and

9.5.2 every whanau, hapu, or group to the extent that it is composed of the individuals referred to in clause 9.5.1, including Ngati Maru, Ngai Tawhiri, and Ngati Kaipoho; and

9.5.3 every individual referred to in clause 9.5.1.

9.6 In this deed, **Nga Uri o Te Kooti Rikirangi** means –

9.6.1 those who descend from Te Kooti Rikirangi through his marriage to Irihapeti Puakanga; and

9.6.2 every individual referred to in clause 9.6.1; and

9.6.3 any whanau, hapu or group of individuals to the extent that that whanau, hapu or group of individuals is composed of individuals referred to in clause 9.6.1.

9.7 For the purposes of clauses 9.5 to 9.7–

9.7.1 **customary rights** means rights according to tikanga Maori, including rights –

(a) to occupy land; and

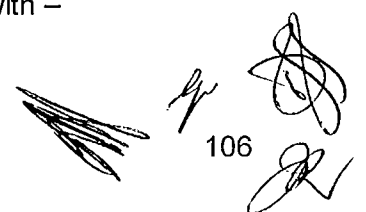
(b) in relation to the use of land or other natural or physical resources; and

9.7.2 **descend** means –

(a) direct descent by birth; or

(b) legal adoption; or

(c) whangai (Maori customary adoption) in accordance with –



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DEED OF SETTLEMENT

9: GENERAL, DEFINITIONS, AND INTERPRETATION

- (i) in the case of Rongowhakaata, the tikanga of Rongowhakaata; and
- (ii) in the case of Nga Uri o Te Kooti Rikirangi, the tikanga of Nga Uri o Te Kooti Rikirangi; and

9.7.3 **Rongowhakaata ancestor** means, in relation to persons who exercised customary rights within the area of interest after 6 February 1840 –

- (a) Rongowhakaata and, in particular, his wives Turahiri, Uetupuke and Moetai and their issue; and
- (b) any other ancestor of the hapu, named in clause 9.5.2; and

9.7.4 **tikanga** means customary values and practices.

MANDATED SIGNATORIES

9.8 In this deed, **mandated signatories** means the following individuals (including the Nga Uri o Te Kooti Rikirangi mandated negotiators):

9.8.1 William Stirling Te Aho, Hamilton, Manager:

9.8.2 Stanley Joseph Pardoe, Gisborne, Company Director:

9.8.3 Jody Balneavis Wyllie, Gisborne, Research Manager/Curator:

9.8.4 Meka Whaitiri, Napier, Manager:

9.8.5 Tutekawa Wyllie, Gisborne, Manager:

9.8.6 Maever Cherie Hei Ariki Moeau, Gisborne, Edu-cultural Consultant:

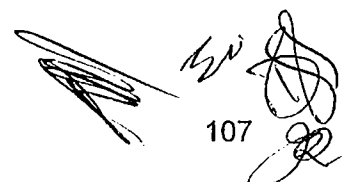
9.8.7 Peter John Richard Moeau, Hamilton, Educultural Consultant.

ADDITIONAL DEFINITIONS

9.9 The definitions in part 6 of the general matters schedule apply to this deed.

INTERPRETATION

9.10 Part 7 of the general matters schedule applies to the interpretation of this deed.




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DEED OF SETTLEMENT

SIGNED as a deed on 30 September 2011

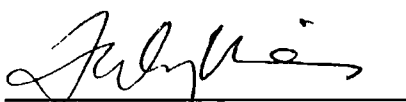
SIGNED for and on behalf of RONGOWHAKAATA by the mandated signatories in the presence of –


William Stirling Te Aho

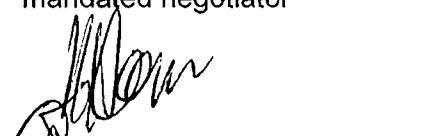

Stanley Joseph Pardoe

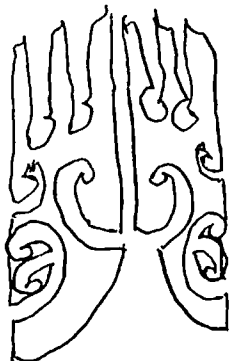

Jody Balneavis Wyllie


Meka Whaitiri


Tutekawa Wyllie
Chair of the Rongowhakaata
Charitable Trust



Maeve Cherie Hei Ariki Moeau
Nga Uri o Te Kooti Rikirangi
mandated negotiator


Peter John Richard Moeau
Nga Uri o Te Kooti Rikirangi
mandated negotiator



WITNESS


Name: Spencer Webster
Occupation: Solicitor
Address: Tauranga Moana



DEED OF SETTLEMENT

SIGNED by THE TRUSTEES OF THE RONGOWHAKAATA SETTLEMENT TRUST as trustees of that trust in the presence of -

Tutekawa Wyllie

William Stirling Te Aho

Stanley Joseph Pardoe

Ronald Clifford Nepe

WITNESS

Name: Spencer Webster

Occupation: Solicitor

Address: Tauranga Moana

SIGNED by the TRUSTEES OF THE NGA URI O TE KOOTI RIKIRANGI SETTLEMENT TRUST as trustees of that trust (and in accordance with clause 5.11 of the deed) in the presence of -

Maeve Cherie Hei Ariki Moeau

Peter John Richard Moeau

Rangī Wetini Cairns

WITNESS

Name: Romiata Novah Smail

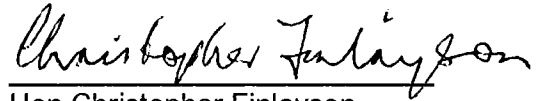
Occupation: Solicitor

Address: Auckland

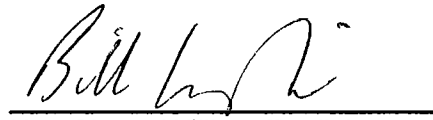
DEED OF SETTLEMENT

SIGNED for and on behalf of THE CROWN by –

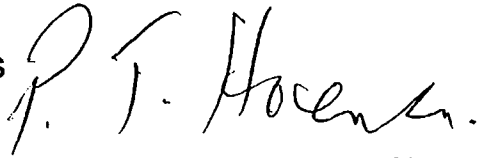
The Minister for Treaty of Waitangi
Negotiations in the presence of –


Hon Christopher Finlayson

The Minister of Finance
(only in relation to the tax indemnities)
in the presence of –


Hon Simon William English
Simon English


WITNESS



Name:

Occupation:

Address:


Andrew Craig
Economic Advisor
2/68 Obaa St, Well.

DEED OF SETTLEMENT

SIGNED for and on behalf of the
RONGOWHAKAATA CLAIMS COMMITTEE
to indicate their support for the settlement by -

Stanley Joseph Pardoe

J.E. Karaitiana

Thelma Karaitiana

[Signature]

Lisa Taylor

[Signature]

Waka Taylor

[Signature]

Tutekawa Wyllie

[Signature]

Jody Toroa

[Signature]

Jackie Jones

[Signature]

Albert Stewart

[Signature]

Scotty Riki

[Signature]

Erena Nepe

[Signature]

Pereaute Panapa-Solomon

[Signature]
[Signature]
111
[Signature]

DEED OF SETTLEMENT

in the presence of -

Des Ratima

Robert Tamatea Whaitiri

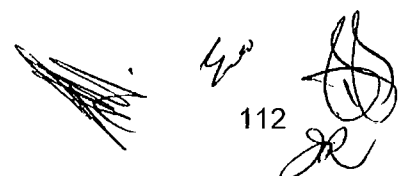
WITNESS



Name: *Robert Tamatea Whaitiri*

Occupation: *TPK*

Address: *167 A Guppy Rd
Napier*



DEED OF SETTLEMENT

People of Rongowhakaata including Nga Uri o Te Kooti Rikirangi signed below to indicate their support for the settlement.

Walter WAINWATERA RANGI HAWKINS

TE RINA LENA TAWHARA RIKI (nee KOLIKAI)

Here Motiha Reneti

Riria Tauarua Tansey

Maudie Brown

John Muearuahe Ngere (Moeau)

Mahinatea Pohatu Aribau

Na Rongowhakaata RAHANA

Raukua Danni

Diana Kemp

John May

John

Karepa Terangiwhaiti Maynard

Diana Inepera Pohatu (Moeau)

Manakore Muringa Paraoe (nee Hingston)

Catea Cicy

Betty Hauraki (nee Moeau)

113
W.S.
J.H.

Lewis Mearns

Patricia Maria Perenna-Keriti

Repetka Williams

Jury Wakapango-Kiji

Emma Wakapango Kijgi Maki
Kathia Whanaputa

Hoti Underdawn

FLORA TAUROA



Pam Paenga
Evelyn Paenga

Mahara Kororo

E. Thompson

Sean Mangan

Hana Campbell

Rongo Lealini (Ahi)



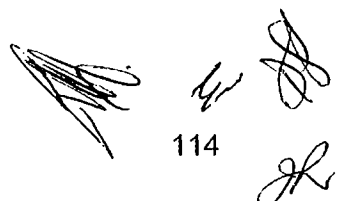
JAY TAUROA

Te Anini o Rongo Hayes Pardoe

JASON TANGOHANU

Uma Tangohanu (nee Tetani)

Mami Te Tahua Tangohanu



DEED OF SETTLEMENT

Andrea Wallace

Tania Rana .

Kay Tekani

~~Signature~~

Kaita Morgan

L. Jane Ranta

Leannie Wahape

Katy Nepia

Signature

RUBY NEPIA

Greene Kerada

EWA PUTI

Oreyi Mia

Pety Suhratari Wilson see Peki

Kristina G. P. A. Mita. (see Peki.)

Pisaki Nikora.

REKEMOANA RANTA (Peki)

Signature

P. White

Signature

A.J. Or Adrian Clarke

Kate GARY ~~ANDREA~~

Pam. Runko

Keriana Wilcox - Taylor

Signature

Derek

Heeni Kamai

SARAH BROWN.

Signature
115
Signature

DEED OF SETTLEMENT

Wakuki Hewett

[Signature]

Justin Anderson: *[Signature]*

S. Brown

Renee Kopina *[Signature]*

A. Brown

Huki Nepe *[Signature]*

A. Brown

Melina Thornton *[Signature]*

G Nepe

Lewis Whitman *[Signature]*

[Signature]
S. Botanic

Lorraine Brown *[Signature]*

Kiw. Campbell,
Mairang; Campbell
Maia Campbell

[Signature]
Campbell

[Signature]

Payge Brown *[Signature]*

Yvanah Ria

William Brown

Geraldine Nepe.

Tony Brown

Alice Nepe.

Paora Pakuwai

Wena Pakuwai

Reira Pakuwai

Maioha Panapa

Reimata Panapa

[Signature]

Lisa Panapa

James Ferris

Jeremy Ferris

Cory Ferris.

Manawaale Rangii II
Auroa Hehena Barbarich

Kaana Waitai

Siakene Koro

Roamin Barbarich

[Signature]

Sharlee Brown

Piper Barbarich

[Signature]

WHATA BROWN *[Signature]*

Vania Barbarich

DEED OF SETTLEMENT

Raniera Turoa Pohatu
Mauhana Sarah Ann Pohatu
Raewyn Millie Tavana
Valma Jennifer Smith.
Janie TeAtahaere Whaitiri
Parekura Tuiwa
Tui Ratapu.

Chevrolet Babbington 30.9.11

Na'oma Edwards 30.9.11

Davonte Babbington 30.9.11

Adrian Joseph Mihaka

Shianne Ngerengere - Jones S. ~~Stu~~ 11 xox

Ofusina Lagaluga xox

DEREK CRAWFORD ~~and~~

Bob CRAWFORD R Crawford -

1/0 ~~at~~

Andrea Akuhata-Morten

tai-Aroha 1

Elina Ponatu-UTULIA

Rhonda Ponatu ~~Utulia~~

Thomas Akuhata

Annalisa Whaitiri:

Elizabeth ~~Almon~~ ~~of~~

Jaquie Akuhata - Nickerson 116
(nee Ria) 30/9/11

~~Signature~~ ~~Signature~~

DEED OF SETTLEMENT

INERID BROWN RUMSKAN

ZELTON BROWN-WHITE

PORU-JONE BROWN-WHITE (nee Tahu-Ngata)

HORI BROWN-WHITE

LISSA-NIA Smith-Ropika.

Harata Whakangi, Nikora

E Saawhi Renuki

Rhys TAKIRAU Nelson Williams (Matete) 

Tauha Nikora

Tapunga Nepe

Demi-Faith Peneha

David Jones (Jnr) 

~~Maui Renuki~~

WIRANUI PERA

Ruby Sank

Hetsi Westrupp

Dallas Peneha

Mearu

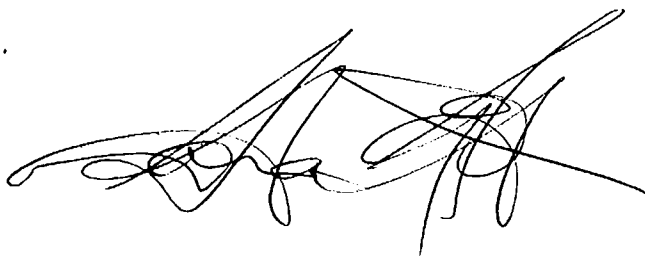
~~Li~~

Levin R. Jones

H. G. Thompson

W. Williams

J. A. Miller



W. Babington



DEED OF SETTLEMENT

Prora Wharanga M.

Age Type Wash

Wharehinga
Anita Hauera

Kelsey Barbara - Nepe

Port Port Teckani

Tylah Jones - Wharehinga 1, 10, 11

Tumanawa Tawhai 1, 10, 11

Loann Brown

Joe Brown.

Daren Brown.

Ohia Snowdon

Matariki Brown.

Lepona Brown.

Le Kotuku Brown.

Boydie Pohoriri

Annette Zupalo

Francis Hare

Charlene Kopika

Viviane Makeva

Beatrice Brown

Joe Brown

Tumanawa

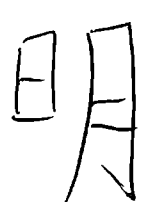
4 dems



MAYOR 2001

Le Ruarua Cameron
Brown

Annie Brown



♥ Kelly Wyllie

♥ Makuini Wyllie Jnr

America Khan Picket

Jordan Newcombe

TIAKI WYLLIE

Tatanihonotia Wyllie

TICMINARO

Handwritten initials and signatures, including a large 'W' and 'JR'.