



# Deed of

Deed of Settlement  
between the Crown  
and Rongowhakaata

# Settlement

## General Background

Rongowhakaata is an iwi based in the Tūranga (Gisborne) region. According to the 2006 Census, approximately 4,700 people affiliate to Rongowhakaata.

The Rongowhakaata area of interest extends from Te Kowhai, the southern side of Tūranganui a Kiwa, across to its most western point at Ruakituri, then northwards to Maungapere and Wharekopae. The area extends to its most eastern point at the Kaiti block, near Wainui.

Rongowhakaata initially agreed to work with the other Tūranga groups, Ngai Tāmanuhiri and Te Aitanga a Mahaki and Affiliates, for Treaty settlement negotiations. On 29 August 2008, the Tūranga groups signed an Agreement of Principle with the Crown for a collective settlement package. In late 2009, the Crown and Tūranga groups agreed to work towards separate Deeds of Settlement.

On 20 July 2011, Rongowhakaata and the Crown initialled a Deed of Settlement based on their Agreement in Principle. The Deed was then ratified by the people of Rongowhakaata, and signed on 30 September 2011. The settlement will be implemented following the passage of settlement legislation.

Rongowhakaata (including the whanau group Ngā Uri o Te Kooti Rikirangi) are represented in negotiations with the Crown by the mandated Negotiators: Willie Te Aho, Stanley Pardoe, Meka Whaitiri, Jody Wyllie and the Rongowhakaata Claims Committee. Ngā Uri o Te Kooti Rikirangi are represented by Peter Moeau and Maever Moeau. The Office of Treaty Settlements, with the support of the Department of Conservation, the Ministry of Culture and Heritage, Treasury and other government agencies, represented the Crown in day-to-day negotiations. The Minister for Treaty of Waitangi Negotiations, Hon Christopher Finlayson, represented the Crown in high-level negotiations with Rongowhakaata.

## Summary of the Historical Background to the Claims by Rongowhakaata

In May 1840, 22 rangatira from Rongowhakaata and other Tūranga iwi signed the Treaty of Waitangi, and until 1865 Rongowhakaata and their Tūranga whanaunga retained control of their own affairs. They remained neutral when fighting broke out between the Crown and Māori in other regions before 1865. Rongowhakaata took advantage of new trading opportunities created by Pākehā 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 Tūranga reached as far as Auckland and Australia.

In March 1865 emissaries of the new Pai Marire religion, derived from the Christian bible, arrived in Tūranga, and won many new converts including some Rongowhakaata. The emissaries' involvement in incidents outside Tūranga contributed to tensions between the Crown and Tūranga Māori. In November 1865 large Crown military forces came to Tūranga after fighting Pai Marire converts on the East Coast. Leading Tūranga rangatira sought to negotiate a peaceful solution leading up to the crisis that developed at this time. The Crown issued an ultimatum threatening Tūranga Māori with attack if they did not submit to the Crown. Without pursuing all reasonable options for preserving the peace, Crown forces assaulted the pa at Waerenga a Hika on 20 November 1865. At least 71 occupants of Waerenga a Hika were killed when Crown forces assaulted the pā.

In 1866 the Crown exiled approximately 116 Tūranga men, including some Rongowhakaata, to the Chatham Islands. Many women and children accompanied the men. The Crown advised them they would not be released until after it had finalised arrangements to confiscate land in Tūranga. Confiscation was intended to punish what the Crown said was the rebellion at Waerenga a Hika in November 1865. The men were held without charge or trial in harsh conditions for more than two years.

In July 1868 Te Kooti led the prisoners, who became known as the Whakarau, in their escape to freedom from the Chathams. In November 1868 the Whakarau raided Tūranga, killing many people including some who had been involved in land dealings or the exile of Te Kooti. A large Crown force, including Māori allies, pursued the Whakarau to Ngatapa where, in January 1869, Crown forces summarily executed a number of prisoners after capturing this pā. Te Kooti evaded capture for four years before finding refuge in the King Country.

In December 1868 Rongowhakaata and their Tūranga whanaunga ceded all their land to the Crown after it threatened to withdraw its protection of the district unless they did so. All Rongowhakaata's customary interests in their lands were extinguished. The Poverty Bay Commission and then the Native Land Court awarded individualised titles to Rongowhakaata, which made their land more susceptible to partition, fragmentation and alienation.

These events continued to have severe social, economic, and political consequences for Rongowhakaata throughout the nineteenth and twentieth centuries. The Crown failed to protect Rongowhakaata from being left virtually landless. They lost land to public works takings, and some Rongowhakaata lost their interests in the small amount of ancestral land Rongowhakaata retained at Manutuke as a result of a consolidation scheme. Rongowhakaata have suffered significant socio-economic deprivation, and their children are still at great risk of poor health, unemployment and educational disadvantage.

# Settlement

## Summary of the Rongowhakaata Settlement

### Overview

The Rongowhakaata Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Rongowhakaata resulting from acts or omissions by the Crown prior to 21 September 1992, and is made up of a package that includes:

- an agreed historical account and Crown acknowledgements, which form the basis for a Crown Apology to Rongowhakaata;
- cultural redress;
- financial and commercial redress; and
- specific redress for Ngā Uri o Te Kooti Rikirangi.

No private land is affected by the redress, only Crown land.

The benefits of the settlement will be available to all members of Rongowhakaata, wherever they live.

### Crown Acknowledgments and Apology

The Crown acknowledges its actions arising from interaction with Rongowhakaata whereby it breached the Treaty of Waitangi and its principles.

The Crown apologises to Rongowhakaata for its acts and omissions which have breached the Crown's obligations under the Treaty of Waitangi. The breaches include the unnecessary use of force at Waerenga a Hika and the summary executions by Crown forces at Ngatapa, the denial of basic human rights to those Rongowhakaata detained without trial on the Chatham Islands, the pressure applied to extinguish Rongowhakaata customary land interests, the failure to protect Rongowhakaata's tribal structures after land tenure reforms were imposed, and the failure to protect Rongowhakaata from landlessness and to respect Rongowhakaata rangatiratanga in the administration of all their remaining land. The Crown also specifically apologises to Ngā Uri o Te Kooti Rikirangi for its actions which led to Te Kooti taking up arms, and contributed to the stigmatisation of Te Kooti and his descendants.

### Cultural redress

1. **Recognition of the traditional, historical, cultural and spiritual association of Rongowhakaata with places and sites owned by the Crown within their area of interest. This allows Rongowhakaata and the Crown to protect and enhance their conservation values associated with these sites, and includes:**

#### 1(A) TE HAU KI TŪRANGA

The original features of Te Hau ki Tūranga will be vested in Rongowhakaata upon settlement date.

The Crown and Rongowhakaata confirm Te Hau ki Tūranga will continue to be cared for to a suitable standard that recognises this important historic taonga.

#### 1(B) SITES TRANSFERRED TO RONGOWHAKAATA

The following sites will be vested in Rongowhakaata. Where the sites are reserves, existing protection of public access and conservation values will be preserved.

- Opou Station (Pipiwahakao Road, Gisborne District)
- Ex-Railway Land Site (Grey Street, Gisborne Township)
- Rakaukaka Scenic Reserve (Rakaukaka Road, Gisborne District)
- part of the former Gisborne Abattoir site (Awapuni Road, Gisborne Township)
- Land from within Waikanae Creek Conservation Area (Lytton Road, Gisborne District)
- 295 Palmerston Road (Gisborne Township)
- 75 Birrell Street (Gisborne Township); and
- 13 London Street (Gisborne Township), to be administered jointly by Ngāti Oneone, Ngai Tawhiri and Whānau a Iwi.

#### 1(C) CULTURAL REDRESS FOR NGĀ URI O TE KOOTI RIKIRANGI

Ngā Uri o Te Kooti Rikirangi are a whānau group of Rongowhakaata who held the mandate to settle the claim that relates to the stigmatisation of descendants of Te Kooti Rikirangi. The redress for Ngā Uri o Te Kooti Rikirangi includes:

- the vesting of Matawhero Government Purpose Reserve (Wharerata Road, Gisborne District) and an associated payment towards regeneration of the area;
- Two payments of \$250,000 for the purposes of Te Whare Rākei o Te Kooti Rikirangi and \$200,000 for Ngā Uri o Te Kooti Rikirangi;
- a relationship with the Department of Conservation regarding historical interpretation material the department commissions that refers to Te Kooti; and
- Other relationship redress and letters of introduction.

Specific elements of the Ngā Uri o Te Kooti Rikirangi and Rongowhakaata redress will be held by the joint Te Tira Whakaari Trust, of which Te Aitanga a Mahaki and Affiliates will also be a part, the purpose of which is to tell the story of Te Kooti Rikirangi.

#### 1(D) STATUTORY ACKNOWLEDGEMENTS

A Statutory Acknowledgement recognises the association between Rongowhakaata and a particular site or area and enhances Rongowhakaata's ability to participate in specified Resource Management Act processes.

The settlement provides statutory acknowledgements over:

- The coastal marine area within Rongowhakaata's area of interest
- Hangaroa River
- Taruheru River
- Waikanae Creek
- Waipaoa River (including Karaua Stream)
- Waimata River
- Te Arai River; and
- Tūranganui River.

## 2. Relationship Redress

### 2(A) PROTOCOLS ISSUED BY MINISTERS

The Deed provides for protocols to be issued by the Minister for Culture and Heritage, the Minister of Conservation, the Minister of Energy and Resources and the Minister of Fisheries. The protocols set out how these government agencies will interact and consult with Rongowhakaata when carrying out statutory duties and functions within the Rongowhakaata area of interest.

The Deed also provides for a relationship agreement with the Ministry for the Environment. This agreement allows for the Ministry and Rongowhakaata to meet annually to discuss resource management issues within the Rongowhakaata area of interest.

### 2(B) LEADERSHIP BODIES

The settlement includes an undertaking to establish a Central Leadership Group, which will also include Ngai Tāmanuhiri and Te Aitanga a Mahaki and Affiliates, to provide a forum for Tūranga iwi to engage with central government.

The settlement will also establish through legislation a Local Leadership Body with members appointed by Rongowhakaata, Ngai Tāmanuhiri, Te Aitanga a Mahaki and Affiliates and the Gisborne District Council to enhance the engagement of Tūranga iwi in local decision making.

## 3. Cultural revitalisation and recognition

The Crown will pay \$360,000 to the governance entity on the settlement date to assist Rongowhakaata prepare and implement a cultural revitalisation plan.

The Crown will also pay \$100,000 to Te Rūnanga o Tūranganui a Kiwa in trust, as a contribution to the establishment of an appropriate and enduring memorial to commemorate those members of Rongowhakaata, Ngai Tāmanuhiri and Te Aitanga a Mahaki and Affiliates who lost their lives due to the actions of the Crown in the past.

## Financial and commercial redress

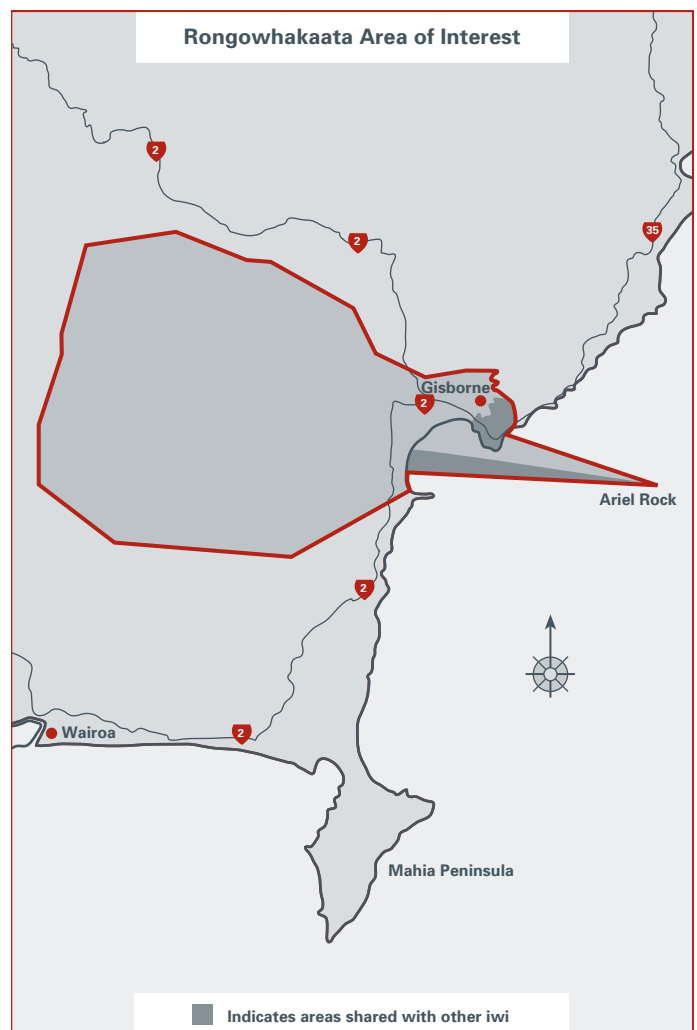
4. This redress recognises the economic loss suffered by Rongowhakaata arising from breaches by the Crown of its Treaty obligations. The financial and commercial redress is aimed at providing Rongowhakaata with resources to assist them to develop their economic and social well-being. It includes:

### 4(A) FINANCIAL REDRESS

Rongowhakaata will receive \$22.24 million plus interest that has been accumulating since the signing of the Agreement in Principle.

### 4(B) COMMERCIAL REDRESS

- five properties from the landbank will be transferred for no consideration to Rongowhakaata's governance entity
- two sale and leaseback properties will be available for purchase through a two year deferred selection process
- a right of first refusal for a period of 169 years over five properties, and a right of first refusal for a period of 100 years over two public conservation land sites in Rongowhakaata's area of interest should they become surplus, subject to standard exceptions
- the opportunity to purchase four surplus Crown properties through a six month deferred selection process.



# Q&A

## Questions and Answers

### 1. What is the total cost to the Crown?

The total cost to the Crown of the settlement redress outlined in the Deed of Settlement is \$22.24 million plus interest, and the value of the cultural and commercial redress properties to be vested and transferred for no consideration.

### 2. Is there any private land involved?

No.

### 3. Are the public's rights affected?

No.

### 4. Are any place names changed?

No.

### 5. What happens to memorials on private titles?

The legislative restrictions (memorials) placed on the title of Crown properties and some former Crown properties now in private ownership, will be removed once all Treaty claims in the area have been settled.

### 6. Does Rongowhakaata have the right to come back and make further claims about the behaviour of the Crown in the 19th and 20th centuries?

No. If the Deed of Settlement is passed into law, both parties agree it will be a final and comprehensive settlement of all the historical (relating to events before 21 September 1992) Treaty of Waitangi claims of Rongowhakaata. The settlement legislation, once passed, will prevent Rongowhakaata from re-litigating the claim before the Tribunal or the courts.

The settlement package will still allow Rongowhakaata to pursue claims against the Crown for acts or omissions after 21 September 1992, including claims based on the continued existence of aboriginal title or customary rights. The Crown also retains the right to dispute such claims or the existence of such title rights.

### 7. Who benefits from the settlement?

All members of Rongowhakaata, wherever they may now live.

This and other settlement summaries are also available at [www.ots.govt.nz](http://www.ots.govt.nz)