



Deed of

Deed of Settlement
between the Crown
and Raukawa

Settlement

General Background

Raukawa derive their identity from the eponymous ancestor, Raukawa, who descends from the Tainui waka through his father Tūrongo, a descendant of Hoturoa. Through his mother, Māhina-a-rangi, Raukawa also descends from the Takitimu waka and Tamatea-ariki-nui.

The Raukawa rohe is described in a tauparapara used by Raukawa kaumātua:

- *The district of Raukawa is from Te Wairere, Horohoro and Pohaturoa*
- *At Ongaroto is the house of the ancestor Whāita*
- *From Nukuhau to Taupo-nui-a-Tia, to Hurakia on the Hauhungaroa Range,*
- *From Titiraupenga mountain, the horizon is the boundary of the district of Raukawa*
- *To the mountain Wharepūhanga and the marae at Arowhena*
- *To the ranges of Whakamaru*
- *The view extends to the region of Te Kaokaoroa-o-Pātetere*
- *To Maungatautari*
- *The view extends beyond Wharepūhanga to the ancestor Hoturoa*
- *To the marae at Pārāwera*

The Crown recognised the mandate of Raukawa negotiators in September 2008, and entered into Terms of Negotiations in July 2009. On 21 September 2011, Raukawa and the Crown initialled a Deed of Settlement, which was then ratified by the people of Raukawa and signed on 2 June 2012. The Deed will be implemented following the passage of settlement legislation.

Raukawa are represented in negotiations with the Crown by the Raukawa Settlement Trust, chaired by George Rangitutia, Chris McKenzie and Vanessa Eparaima.

The Office of Treaty Settlements, with the support of the Department of Conservation, Land Information New Zealand, the 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 Raukawa.

Summary of the Historical Background to the Claims by Raukawa

The wars of the 1860s in Taranaki, Tauranga and particularly the Waikato had a severe impact on Raukawa. The Crown acted unjustly in sending Crown forces into the Waikato in July 1863, and occupying land in the Waikato region during the war of 1863 and 1864. While some Raukawa appear to have participated in the conflict in 1863, it was not until 1864 when Crown forces reached the Raukawa rohe near Cambridge, Rangiaowhia, and Paterangi, that significant numbers of Raukawa fought as a tribe.

The final battle of the Waikato war took place between 31 March and 2 April 1864, at Orakau, near Rangiaowhia. Approximately 250 to 300 Māori, a significant proportion of whom were Raukawa, defended Orakau pā against up to 1,800 Crown troops for three days until the defenders broke out of the pā on 2 April. Some, such as the Raukawa chief Te Paerata were killed, while others escaped the pursuing Crown forces and made it to safety.

After the battle at Orakau, Raukawa were involved in armed conflict in Tauranga, particularly at the battles of Gate Pā and Te Ranga. While many Tauranga hapū and iwi made peace with the Crown following the end of open conflict in 1864, three years later some Raukawa joined hapū from Tauranga in what are known as the 'Bush Campaigns'.

The Crown confiscated land at Tauranga and the Waikato that Raukawa had interests in as punishment for what the Crown regarded as rebellion. The Crown returned some land to individual members of Raukawa hapū residing in Tauranga and none to Raukawa hapū in the Waikato. Confiscation had a significant impact on Raukawa who experienced a prolonged period of disruption during the armed conflict and loss of life and property, all of which had a severe impact on the social structure of Raukawa and the strength of Raukawa as a people.

Before the Crown completed the confiscation it reformed Māori land legislation leading to the introduction of the Native Land Court within the Raukawa rohe in 1866 at a time of uncertainty and economic and social disruption. Raukawa, as part of the Kīngitanga, sought to retain control and ownership of Māori land within the wider Te Rohe Pōtae; but the Crown encouraged Raukawa to detach itself from the authority of the Māori King. The court processes facilitated the alienation of Raukawa land and Raukawa consider that the court was not able to recognise all of its land interests. For example, Raukawa did not fully participate in the 1868 Native Land Court hearings for Maungatautari as the Crown had not negotiated peace with Raukawa and other Kīngitanga iwi following the armed conflict of the 1860s. Raukawa unsuccessfully used legal processes to challenge the exclusion of their tupuna, Raukawa, from the tupuna of the Taupō-nui-a-Tia block.

In the Raukawa rohe, systematic large scale land speculation resulted in rapid and substantial land loss for the iwi in the late nineteenth century. The Crown and private parties purchased nearly 800,000 acres (80 percent) of land within the Waikato basin before 1900. In the twentieth century the iwi lost further land through public works takings. Raukawa have a longstanding grievance relating to the Crown's 1915 gift of 20,000 acres of land in the Pouakani block to an iwi with no ancestral ties to the area, which exacerbated the grievance that Raukawa continue to feel today about the earlier loss of their interests in the Pouakani lands. Today the iwi is landless.

The Crown failed to protect Raukawa from becoming landless and the lack of land and resources had a negative impact on the ability of Raukawa to participate in new economic opportunities in its rohe contributing to the economic, social and cultural impoverishment of Raukawa.

Summary of the Raukawa Settlement

Overview

The Raukawa Deed of Settlement is the final settlement of all historical Treaty of Waitangi claims of Raukawa 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 Raukawa;
- cultural redress; and
- financial and commercial redress.

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

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

Crown Acknowledgments and Apology

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

The Crown apologises to Raukawa for its acts and omissions which have breached the Crown's obligations under the Treaty of Waitangi. The breaches relate to the conflict in the Waikato and Tauranga in the 1860s, the Crown's actions during the 1867 'Bush Campaign', the confiscation of Raukawa land in the 1860s and the return of that land in individualised title, the introduction and implementation of native land laws that facilitated the alienation of Raukawa land, and the failure to ensure Raukawa had adequate lands for its present and future needs.

Cultural redress

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

1(A) VESTING OF SITES

The following sites will be vested in Raukawa:

- Whenua ā-kura (29 ha)
- Part of Pureora Conservation Area (63 ha)
- Whakamaru (Site A) (2.45 ha)
- Whakamaru (Site B) (17.56 ha)
- Whakamaru Hydro Village site (1.9 ha)
- Whakakahonui (67.6 ha)
- Te Tuki (7 ha)
- Korakonui (1.85 ha)
- 91 Tirau Street, Putāruru
- 16 Bridge Street, Tokoroa
- Domain Road, Putāruru.

1(B) OVERLAY CLASSIFICATIONS

Overlay classifications acknowledge the traditional, cultural, spiritual and historical associations of Raukawa with sites of significance. The declaration of an area as an overlay classification provides for the Crown to acknowledge iwi values in relation to that area. The settlement provides overlay classifications over maunga Pureora o Kahu and maunga Wharepūhanga.

1(C) STATUTORY ACKNOWLEDGEMENTS

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

The settlement provides statutory acknowledgements over:

- Titiraupenga
- Part Kaimai Mamaku Conservation Park
- Part Pureora Conservation Park
- Waihou River Marginal Strip
- Arahiwi Scenic Reserve
- Arapuni Scenic Reserve
- Kaahu Scenic Reserve
- Kawakawa Bay
- Parts of Waikato River, Waihou River, Puniu River and their tributaries
- Part of Lake Ohakuri, Lake Maraetai, Lake Atiamuri, Lake Whakamaru, Lake Waipapa, Lake Arapuni and Lake Karapiro
- Geothermal sites: Okauia, Taihoa, Okoroire, Mangakino, Atiamuri, Whakamaru Hot Beach and Ongaroto.

1(D) DEED OF RECOGNITION

The settlement provides a Deed of Recognition over:

- Parts of Waikato River, Waihou River, Puniu River and their tributaries
- Part of Lake Ohakuri, Lake Maraetai, Lake Atiamuri, Lake Whakamaru, Lake Waipapa, Lake Arapuni and Lake Karapiro
- Waihou River Marginal Strip
- Arapuni Scenic Reserve
- Kaahu Scenic Reserve.

1(E) PLACE NAME CHANGES

- Omahine Stream to 'Māhina-a-rangi Stream'
- A currently unnamed historic site at the confluence of Omahine Stream with Waiomou Stream, to be called 'Whatawhata'
- A currently unnamed historic site at the source of Omahine Stream, to be called 'Whenua ā-kura'.

2. Cultural revitalisation and recognition

2(A) CULTURAL FUND

A \$3 million fund to assist Raukawa negotiate the sale of, or access arrangements to, sites of significance.

2(B) POU WHENUA FUND

A \$50,000 fund to assist Raukawa in the creation and erection of pou whenua at sites of significance.

3. Future agreements

3(A) MAUNGATAUTARI

The Crown acknowledges that Maungatautari is of significant cultural, historical and spiritual importance to Raukawa and other iwi.

The Deed provides for the interests of Raukawa to be recognised in any future agreement reached regarding the Crown-owned land at Maungatautari.

3(B) WAIHOU RIVER

The Crown acknowledges that Raukawa has interests in Waihou River.

The Deed provides for the interests of Raukawa to be recognised in any future agreement reached regarding the Waihou River within the Raukawa area of interest.

Financial and commercial redress

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

4(A) FINANCIAL REDRESS

Raukawa will receive approximately \$52 million in cash, which includes value transferred under the Central North Island forest settlement in 2008 and estimated interest.

4(B) COMMERCIAL REDRESS

Raukawa will have the opportunity to purchase part of the Pureora North Crown Forest Licence land.

Raukawa will also have the opportunity to purchase up to 25 Crown owned properties within a deferred selection period after settlement date ranging from 6 months to 5 years. 11 of these properties would be subject to lease back to the Crown.

Raukawa will have a right of first refusal for a period of 172 years over 99 Crown properties.

The settlement provides support for the strengthening of commercial relationships between Raukawa and Mighty River Power. Raukawa will receive \$8 million to explore future commercial arrangements with Mighty River Power.

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 approximately \$63 million, plus the value of the cultural redress properties to be vested.

2. Is there any private land involved?

No.

3. Are the public's rights affected?

No.

4. Are any place names changed?

One place name will be changed and two new place names will be established.

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 Raukawa 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 ratified and 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 Raukawa. The settlement legislation, once passed, will prevent Raukawa from re-litigating the claim before the Tribunal or the courts.

The settlement package will still allow Raukawa 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 Raukawa, wherever they may now live.

This and other settlement summaries are also available at www.ots.govt.nz