2.15 Today Masterton and Dannevirke are home to the largest Māori populations in our takiwā. We believe this would overtime have had an impact on how people identified themselves in the Census.

2.16 It concerns us how the population numbers in the Census between Rangitāne and Ngāti Kahungunu could be so markedly different in 2006, when you assess the late 19th and early 20th Century census information that paints a very different picture. We note the following:

(a) There were regular censuses of the Māori population from the 1890s onwards, on a five year cycle. These were reported according to county;

(b) It is generally accepted that Māori lived in kin-based tribal communities until the 1930s and 1940s; and

(c) Given our position that the Rangitāne predominance was in the area north of Greytown to Takapau, we set out below relevant census data for 1911 and 1916 that gives an indication of the relative populations between the two iwi on the basis on where Māori were domiciled.[27]

County	Dannevirke	Woodville	Weber	Mauriceville	Eketahuna	Pahiatua	Akitio	Castlepoint	Masterton	Total	Featherston	Wairarapa South	Total
1911	162	-	3	15	9	33	56	26	279	581	348	114	462
1916	204	5	-	11	24	21	23	4	297	589	190	304	494
	Predominant Rangitāne Area										*Predominant Ngāti Kahungunu Area*		

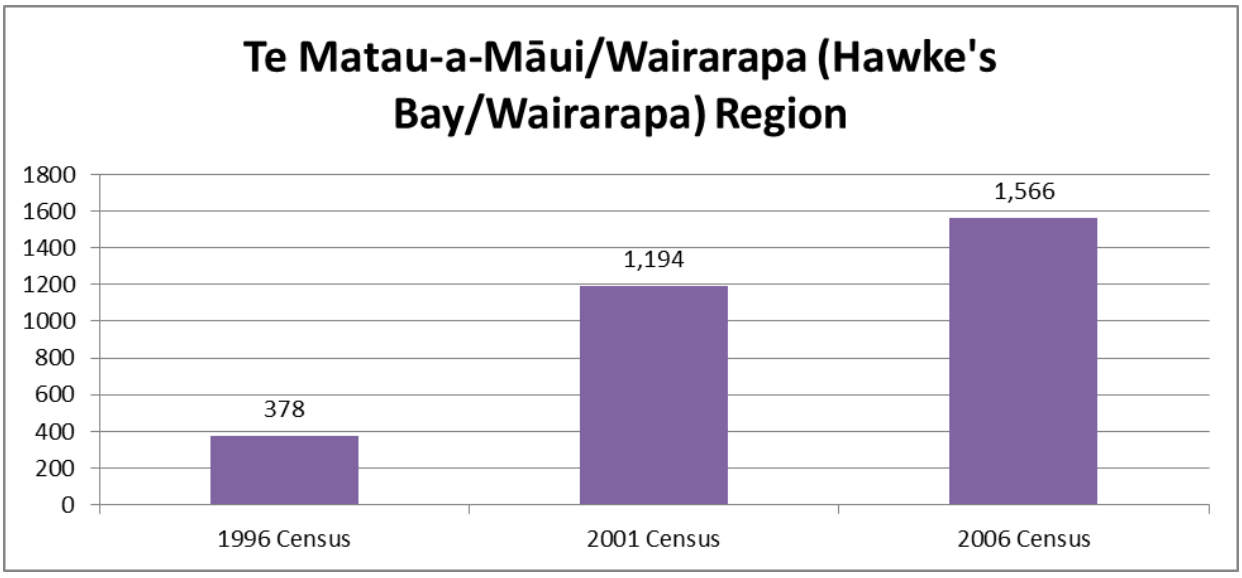
2.17 Allowing for some 'unders and overs', it is reasonable to infer that the Māori population in the predominant Rangitāne area of interest was greater than (or, at least, roughly equal to) the Māori population in the predominant Ngāti Kahungunu area of interest about 100 years ago. As above, it is likely that most Māori living in the predominant Rangitāne area of interest were, in fact, Rangitāne (and the same applies for Ngāti Kahungunu), given that the urban drift within our takiwā did not occur until well after this period.

[27] *Appendices to the Journals of the House of Representatives* [online[,http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&cl=search&d=AJHR1911-I.2.4.2.19&srpos=3&e=-------10--1------0native+census+1911--, http://atojs.natlib.govt.nz/cgi-bin/atojs?a=d&cl=search&d=AJHR1917-I.2.2.4.80&srpos=4&e=-------10--1------0native+census+1911--.

2.18 On this basis, and bearing in mind the growth pattern of the Māori population generally across the course of the 20th Century, it is difficult to see how the Rangitāne and Ngāti Kahungunu populations could be so markedly different by 2006 on purely demographic grounds. Therefore, some other factor must have influenced the size of the Rangitāne and Ngāti Kahungunu populations by 2006. It seems pretty clear from available evidence that the suppression of our identity (either wittingly or by omission) is likely to have been a significant contributing factor to the different populations in 2006.

2.19 We know that in general terms the Māori population has grown 14-fold since 1911. If we apply this to the base Rangitāne population of around 500 people in 1911 (as reflected to some extent in the table above) this would provide a projected Rangitāne population of 7,000 in 2013. It is interesting to note that the Ngāti Kahungunu population in the 2006 Census is 7,863.

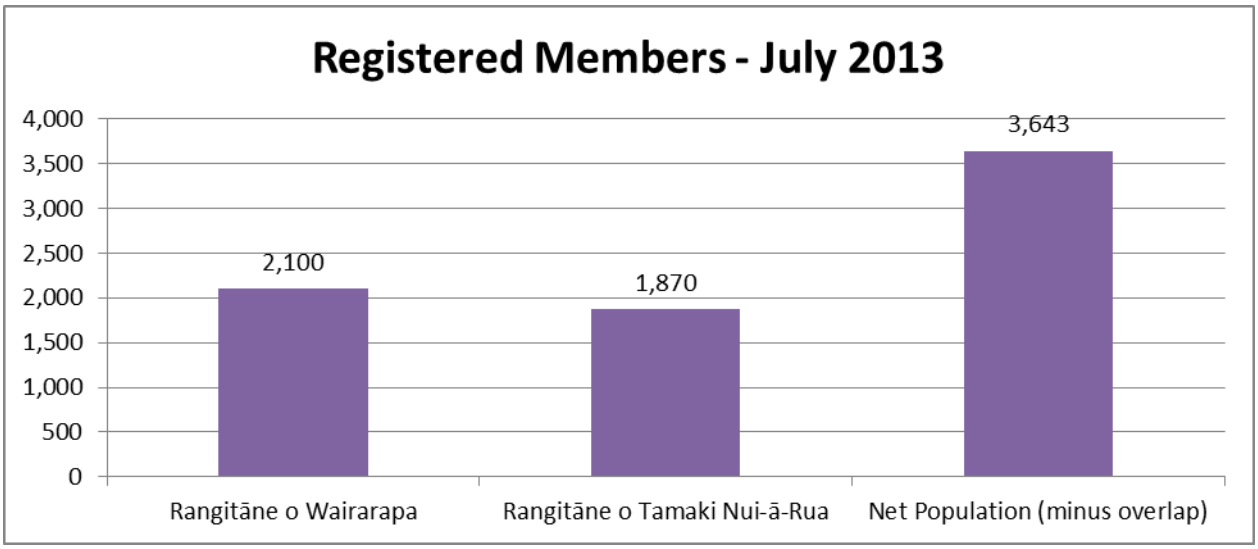
2.20 We are aware that the 2006 Census does not reflect this number for our iwi, but nonetheless, through the efforts of individual kaumātua and leaders we have experienced significant increases in our census results from 1996 to 2006. The growth in our numbers over the last three censuses of those identifying as Rangitāne in this takiwā is shown below:



2.21 The Tribunal process has also helped to some extent with significant research being undertaken and our identity issues were to some extent substantiated by the Tribunal.

2.22 We have also received positive information from both iwi Rūnanga that registration numbers on their internal beneficiary rolls have steadily increased in recent years. Given that the two Rūnanga maintain individual registers, electionz.com has completed an audit of the number of people commonly

enrolled on both beneficiary rolls.[28] The numbers as at 12 August 2013 (including the net figure) are reflected in the table below:



2.23 It is acknowledged that the Crown considers population of iwi as a secondary factor when formulating its quantum offer to iwi, but in discussions to date with the Chief Crown Negotiator and the Office of Treaty Settlements ("OTS"), it seems of particular relevance given the Crown's starting point that the entire district is overlapped between Rangitāne and Ngāti Kahungunu. This is a point we strongly disagree with.

2.24 We have already received confirmation from OTS that the Crown will not be taking into account the most recent Census information due to be released this year. This is very disappointing given that:

(a) The Census figures for people identifying as Rangitāne in this region have grown significantly each 5 year period from 1996 to 2006 as described above;

(b) The beneficiary rolls for both Rangitāne Rūnanga have grown significantly over the last 5 years to a combined net figure of 3,643; and,

(c) OTS officials have commented that the numbers at our mandating hui were some of the highest they had seen in recent times and we strongly believe this reflects the size of our iwi base and how increasingly engaged they are with our Rūnanga.

2.25 Given these factors, we are confident that our population is significantly larger than what the 2006 Census indicates, and that many more will be benefiting from our Treaty settlement. The momentum

[28] We are expecting a letter from electionz.com to formally confirm their process in completing this audit and the final results (ascommunicated to us by email on 14 August 2013).

following the Tribunal process and entry into settlement negotiations has seen a spike in the numbers registering with both Rūnanga as Rangitāne, through their links to the Wairarapa and Tamaki Nui-ā-Rua regions. Whilst we accept that this is a common and natural consequence of the settlement process, for an iwi that had been effectively wiped from the local landscape to many outside of the region, it does suggest that many more will register as Rangitāne from the Wairarapa ki Tamaki Nui-ā-Rua region in the foreseeable future.

Contemporary Errors by the Crown

2.26 To highlight how entrenched the 'one iwi' myth still is and how much energy it takes to ensure things are corrected we provide some recent examples of the subordination of our identity.

2.27 The most recent Census form made no specific reference to Rangitāne within Tamaki Nui-ā-Rua or Tararua. The geographical description of Rangitāne in the Census is problematic given that it does not specifically refer to Tamaki Nui-ā-Rua, but rather "Te Matau-a-Maui/Hawke's Bay/Wairarapa" only. We strongly believe that this has confused many iwi members who are more familiar with the name "Tamaki Nui-ā-Rua" or "Tararua" or just know that they are Rangitāne from Dannevirke, Woodville or Pahiatua for example (located within the Tamaki Nui-ā-Rua/Tararua part of our takiwā). We are mindful that there has been specific reference to Ngāti Kahungunu ki Tamaki Nui-ā-Rua in the Census since 2001 and that this Ngāti Kahungunu option is the only option referencing Tamaki Nui-ā-Rua or Tararua. The Hawke's Bay reference in our description is also confusing as many would relate Hawke's Bay to the area north of Tamaki Nui-ā-Rua. As indicated above, the registration numbers on the Rangitāne o Tamaki Nui-ā-Rua beneficiary roll are currently well above the total numbers for all Rangitāne in our takiwā in the 2006 Census.

2.28 The fact that there is specific reference to Ngāti Kahungunu ki Tamaki Nui-ā-Rua in the Census forms may be considered contemporary evidence that supports the Tribunal observation that, "the history of emphasis on Ngāti Kahungunu in this district almost certainly had the effect of encouraging Māori people there to emphasise the connection with that part of their whakapapa."[29]

2.29 In the Treaty settlement negotiation context, the Crown has done things which perpetuate the myth that Ngāti Kahungunu is the only iwi within the Wairarapa ki Tamaki Nui-ā-Rua district. We set out below a brief table showing examples of some errors that have been made during the negotiations by OTS, TPK and CFRT that underscore how common and recent these issues are for us.

[29] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1042.

Date	Reference	Detail
26 July 2011	Tākitimu	Email from OTS (Andrew McConnell) with incorrect district
30 August 2011	Tākitimu	RSNT raised this issue with OTS and Crown negotiator at meeting
18 October 2012	ROW/ROTNAR	GSO letter from OTS addressed to "Rangitāne o Wairarapa" and no reference to Tamaki Nui-ā-Rua
2 November 2012	Tākitimu	RSNT raised this issue with OTS and Crown negotiator at meeting again
20 February 2013	Tākitimu	CFRT Crown Asset Audit named incorrectly *(acknowledged that this is not the Crown)*
27 February 2013	ROW/ROTNAR	RSNT needed to explain difference between ROW and ROTNAR, and where the ROTNAR rohe is, at negotiation meeting

2.30 These errors add to the confusion amongst our iwi members who may favour, for one reason or another, their Ngāti Kahungunu whakapapa or simply do not know their Rangitāne whakapapa. If the Crown is making these mistakes during this private/confidential process, we wonder what mistakes and assumptions are being made to Crown agencies, departments and other people of influence. To be clear, we are not alleging bad faith on the part of the Crown, just once again bad form, which casts doubt on how much the Crown appreciates what iwi identity (or lack of it) means to our rangatiratanga, mana and wellbeing and our considerable effort to get things right.

2.31 We have regularly reminded Crown officials of how frustrating and, at times, how insulting it has been us to receive correspondence and other documents with references to the district being "Tākitimu" for example. (For the avoidance of doubt, our traditional waka is Kurahaupō). The most obvious example of the Crown perpetuating the 'one iwi' myth is the fact that OTS and other Crown agencies, including Te Puni Kōkiri[30] and the Ministry of Social Development[31], have called our region the "Tākitimu" region.[32] The Crown should be well aware of the specific Tribunal recommendation that the region be changed from Tākitimu to Ikaroa for the purposes of describing the Māori Land Court region.

[30] Te Puni Kōkiri, http://www.tpk.govt.nz/en/region/Tākitimu/.

[31] Ministry of Social Development, http://www.msd.govt.nz/about-msd-and-our-work/newsroom/media-releases/2010/whanau-ora.html.

[32] Examples of this can be found on the websites of numerous government departments and others – Te Puni Kōkiri, http://www.tpk.govt.nz/en/region/Tākitimu/;

Summary

2.32 Regardless of whether the Tribunal was right to find there was no Crown Treaty breach on this point, there can be no doubt that our identity was affected to the extent that we were invisible to most and that, to date, the Crown has done very little to improve our situation. In fact, as we highlighted above, we consider that the Crown has contributed further to the continued marginalisation of our identity. If our Treaty partner, with all its resources, still cannot seem to get it right, it is difficult to expect uninformed, dislocated iwi members who have been away from our takiwā for many years to know what their iwi is and to reflect that in the census and/or register with our two Rūnanga.

2.33 The Tribunal did state that it would expect future publications produced by Government departments to include reference to both Rangitāne and Ngāti Kahungunu as tangata whenua in our takiwā.[33] Implicit in this for us, is that fact that OTS would also, in their communications, get things right.

2.34 It is acknowledged that the Tribunal did not find that the Crown breached the principles of the Treaty with regard to the subordination of Rangitāne identity for two reasons alone:

(a) The Tribunal considered that the loss of knowledge of Rangitānetanga was primarily because of Smith's 1904 article, and thus the role of the Crown in perpetuating the 'one iwi' myth "is not at all clear";[34] and

(b) The Tribunal was unable to determine the degree of prejudice suffered by Rangitāne.[35]

2.35 However, we are of the opinion that, should the Crown fail to take into account the history outlined above when producing a quantum offer or fail to consider the impact that this history has had on our population (as recorded in official censuses), then both the Crown's culpability and the impact on Rangitāne will be less opaque. In other words, the reasoning behind the Tribunal's conclusion will no longer apply.

2.36 We urge the Crown to undertake a fair and robust analysis of the census figures to take into account the fact that they are not a true reflection of the Rangitāne population today for the reasons outlined above and to understand how this loss of identity has affected our mana, rangatiratanga and economic wellbeing for far too long. It is one thing to be a landless iwi, it is another to be not known as tangata whenua in your own takiwā.

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[33] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1043.
[34] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1043.
[35] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1043.

3.0 THE SPEED TO LANDLESSNESS

3.1 The speed of change, and of landlessness, in Wairarapa ki Tamaki Nui-ā-Rua was something that the Tribunal marvelled at and is an important part of the well-founded Rangitāne claim against the Crown. When submitting its findings and recommendations on the Rangitāne land claims, the Tribunal emphasised the speed of acquisition, the total amount acquired, and the undermining manner in which it was acquired in its cover letter to the Honourable Dr Pita Sharples:

> *The Crown purchased too much Māori Land too quickly and without regard to the inevitable plight on a Māori population virtually landless in a part of the country where agricultural enterprise was the principal route to a good livelihood. This is all the more galling because, until the Crown interfered, Wairarapa Māori looked set to profit from colonisation through an apparently stable situation in which Pākehā sheep farmers were leasing Māori Land on a mutually profitable basis.*[36]

3.2 The Tribunal provided a handful of examples that struck them the most about this district, compared to other areas of the country and one of them was the "speed of change" for us. It stated that:

> *The speed of the changes that happened in the district in colonial times is one of the things this Tribunal marvelled at. The amazing felling of Te Tapere-nui-ā-Whātonga is one example; another is the Crown's whirlwind buy-up of 1.5 million acres in the Wairarapa in 1853 and 1854. As a result, in the space of no more than a decade, from the 1850s to 1860s, tangata whenua there went from being landlords who roamed at will through an expansive territory comprising coastal and inland domain to pleading with the Government to fulfil promises of small reserves as settlers flooded in to take up all the land the Crown had just bought.*[37]

3.3 Many hapū and iwi throughout the country retained significant tracks of land throughout the 19th Century or at least until the Native Land Court process took its toll after 1865. By comparison, our takiwā was hit early, hard and at pace. We had lost 1.5 million acres of land over a two year period from 1853 to 1854 and by 1865 about two-thirds of our takiwā had been acquired by the Crown. This occurred even before the land-grabbing Native Land Court had arrived on the scene and began to facilitate the alienation of the balance. In our experience, unlike many others, our best lands were gone before 1865 and the Native Land Court provided a process for "mopping up" the rest.

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[36] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p xxvi.
[37] Waitangi Tribunal, *The Wairarapa ki Tararua Report*, (2005), p iii.

3.4 The speed in which we lost most of our land 25 years after the Treaty was signed has had significant and irreversible impact on our people. The lands acquired before 1865 by the Crown were some of our best and most productive lands, i.e. central and southern Wairarapa. The Tribunal made some telling findings on the haste with which the early 1853/1854 purchase deeds were drawn up, which shows the speed and pressure which our tūpuna were subjected to:

> *McLean's hectic purchasing activities in those first months after the komiti nui show some distinctive characteristics:*
>
> *… The imperative to acquire the whole district does not seem to have been accompanied by a parallel, equivalent concern for how to provide for the future of Māori beyond occupation reserves… There was no on-the-ground investigation of either interests or the proportion in which they were held…*
>
> *… McLean acted under a strong impulse to 'strike while the iron was hot' to acquire as much land as possible after Grey's breakthrough, and before Māori began to question the price, or disputes hindered further acquisition.*
>
> *… At least partly as a consequence of the extremely rapid pace of purchasing, many details as to boundary, reserve, and price per acre were left unsettled.*
>
> *… Reserves were arranged on the spot, sometimes specifically to win the signatures of particular chiefs, sometimes as provision for 'ourselves', or for 'us'. Precisely who would benefit was ill-defined. This was increasingly problematic as the number of signatories on deeds declined.*
>
> *… Such reserves as were made were inadequately described, making it difficult later for Māori to insist upon what they thought was agreed.*
>
> *… In the absence of any record of negotiation we cannot know whether Māori asked for, or whether it was McLean who offered, the Five Percents or koha. It was expected in the first purchases after Tūranganui, but the situation is less clear afterwards. The tenor of McLean's letters suggests, however, that it was he who offered the option if he thought fit, but not as a matter of course. Already there was a departure from the spirit of Grey's engagement and from a commitment of active protection.*
>
> *….The centre of purchase operation shifted with McLean to Wellington. Many of the Wellington-based purchases were later disputed.*

..Almost immediately, the Crown began to purchase 'reserves'.[38]

3.5 Similarly:

> *We agree with the claimants that there were unnecessary shortcomings in the deeds that followed the komiti nui, which happened because settlers were privileged over Māori vendors. Although McLean instructed his officers to define reserves clearly and ensure that there were surveys before completing purchases, his own purchases typically came before surveys. Nor did he hesitate to make advances to Māori who came knocking on his door when in Wellington. There was no discernible procedure for determining who had rights. Would-be vendors simply asserted to McLean and other government officials that they had interests, and the purchasing agents used instalments as a means of including those who came along later. A 'mopping up' exercise followed to cure errors and generally put things right, but this happened in haste. We have recounted the many complaints that followed later, and how the Crown officers who followed McLean – and indeed McLean himself – tried to patch up the problems, often by buying the same land and more of it. We described how they deployed the same methods that had led to the problems they were now trying to fix. Not surprisingly, given the scrambling character of the early transactions and the lack of checks and balances, some rangatira were soon virtually landless. Others pestered Crown officers about boundaries, payments for lands already considered purchased, and annuities mentioned in koha clauses. Officers acted to quell disputes and criticism, but the solutions almost always required Māori to compromise. Where promised reserves did not eventuate because they had been swallowed up by settlement, Māori had to accept second and sometimes third choice of lands found for them elsewhere. Only rarely were settlers required to move.* ***The whole process can really only be described as rough and ready*** *[emphasis added].*[39]

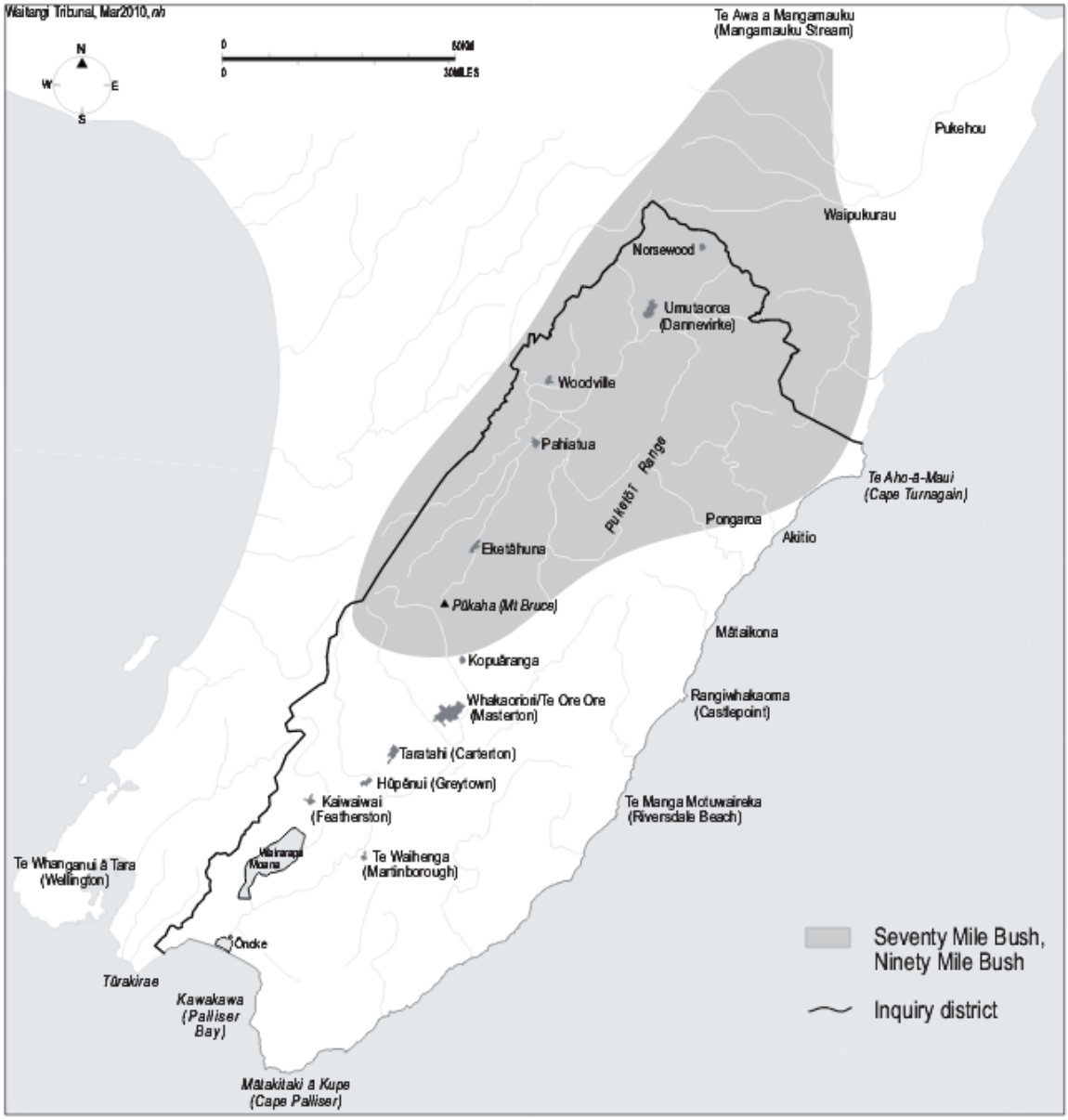
Te Tapere Nui o Whātonga

3.6 The other significant area of land in our takiwā that was not touched by the Crown before 1865 was the large forest area in the north, known to us as Te Tapere nui o Whātonga. Given the density of the forest, immediate use of this land for farming/leasing, similar to what had occurred in central/southern Wairarapa following the massive land acquisitions of 1853 and 1854, was not an option for our tūpuna. The Crown, however, shortly remedied that issue, by purchasing most of these

[38] Waitangi Tribunal, *The Wairarapa ki Tararua Report*, (2005), p 183.
[39] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 183.

northern lands after 1865 (usually by using non-resident rangatira to instigate the sale process), which led to the clearing of a majority of the Great Forest of Whātonga forever.

3.7 The loss of the Great Forest had a significant spiritual impact on our old people. The Tribunal commented that, with the important exception of Pukaha/Mount Bruce, Te Tapere nui o Whātonga remains only in memory.[40] The size of Te Tapere nui o Whātonga is shown in the map below, which illustrates how vast it was and what it would have meant to our tūpuna seeing it burnt to the ground.[41]



The area referred to in the nineteenth century as 'Seventy Mile Bush' and 'Ninety Mile Bush'

[40] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 865.
[41] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p xlii.

3.8 Te Tapere nui o Whātonga itself was one of the special or headline issues that the Tribunal identified as being unique to this takiwā when it said:

> *The transformation of the mighty Te Tapere-nui-a-Whātonga (Seventy Mile Bush) was another headline story of this Inquiry. Perhaps the densest in New Zealand, this lowland forest succumbed to the acts in a remarkably short passage of time. It was, of course, home to the marvellous Huia, whose resident cries are now, it seems, forever silent. The lives of the tangata whenua were profoundly changed by the loss of the bush, and not long after by the demise of their iconic bird.*[42]

Mrs Ngahui Rangitakaiwaho of Wairarapa, **painted by Gottfried Lindauer in December 1880, adorned with a magnificent heitiki, shark's tooth earrings, and huia feathers denoting her chiefly rank.**

3.9 Apart from the loss of the huia, the forest and all other taonga within it, we lost significant amounts of land in the northern, or Tamaki Nui-ā-Rua, part of our takiwā. A majority of the northern lands were acquired in 1871. The only remnant of the Great Forest today is located at Pukaha/Mount Bruce. This remains a special place to us and we were delighted when the Tribunal recommended that part of it be returned to Rangitāne.[43]

The Amount of Land Lost

> *"This is the last of our land. We have no more."* - Hoani Meihana[44]

[42] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1iii.
[43] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), pp 949, 1064.
[44] Statement made by Rangitāne rangatira, Hoani Meihana in the Native Land Court in 1885.

3.10 The Tribunal found that the Crown's early and rapid purchase of the Wairarapa district under pre-emption, closely followed by a concerted buy up of Tamaki Nui-ā-Rua under the Native Land Court system, left iwi with nothing even resembling adequate land holdings. This initiated a downward spiral which officials and observers began commenting on well before the turn of the 19th Century.[45]

3.11 The total acreage in the Wairarapa ki Tararua Inquiry District, excluding water areas, is 2,571,638 acres.[46] We produced evidence before the Tribunal of the progressive loss of land. A summary of this is set out below for both Rangitāne o Wairarapa and Rangitāne o Tamaki Nui-ā-Rua. It is acknowledged that we do not claim exclusivity or predominance in the entirety of the Inquiry district (we acknowledge stronger Ngāti Kahungunu interests in the most southern area of the District) and also claim interests in areas outside of the District (north-west) that are not taken into account in the figures below. Nonetheless, our takiwā is significant and covers a majority of the area subject to these negotiations.

Rangitāne o Wairarapa	Rangitāne o Tamaki Nui-ā-Rua
• The claim area for Rangitāne o Wairarapa is 1,493,924 acres. • By 1865, the Crown had acquired 1,145,396 acres in the Rangitāne o Wairarapa claim area. • By 1865 the land remaining for Rangitāne o Wairarapa was 348,528 acres (or 23% of the original claim area as at 1840). • By 1900, only 158,512 acres (11% of the claim area) remained in Rangitāne o Wairarapa ownership.[47]	• The claim area is 1,077,714 acres (excluding claimed areas outside of the Wairarapa ki Tararua District Inquiry boundary). • By 1865, 381,049 acres had been acquired by the Crown in pre-1865 purchases. • By the end of 1871, the Crown had acquired 352,061 acres out of a total of 696,665 acres which remained in Rangitāne o Tamaki Nui-ā-Rua ownership as at 1865. • By 1900, the Rangitāne o Tamaki Nui-ā-Rua land base had been reduced from 1,077,714 acres to 118,039 acres. The reduction went from 100% Māori ownership to 11% in less than 60 years.

3.12 By 1900, only 10.7% of the original land based as at 1840 remained in Māori ownership across the entire district. A staggering 1.5 million acres across the district was acquired in the two year period between 1853 and 1854. By 2003, only 1.5% or 21,645 acres remained Māori land.[48]

3.13 The massive alienation of our landbase is best depicted in the following map series included in the Tribunal Report:[49]

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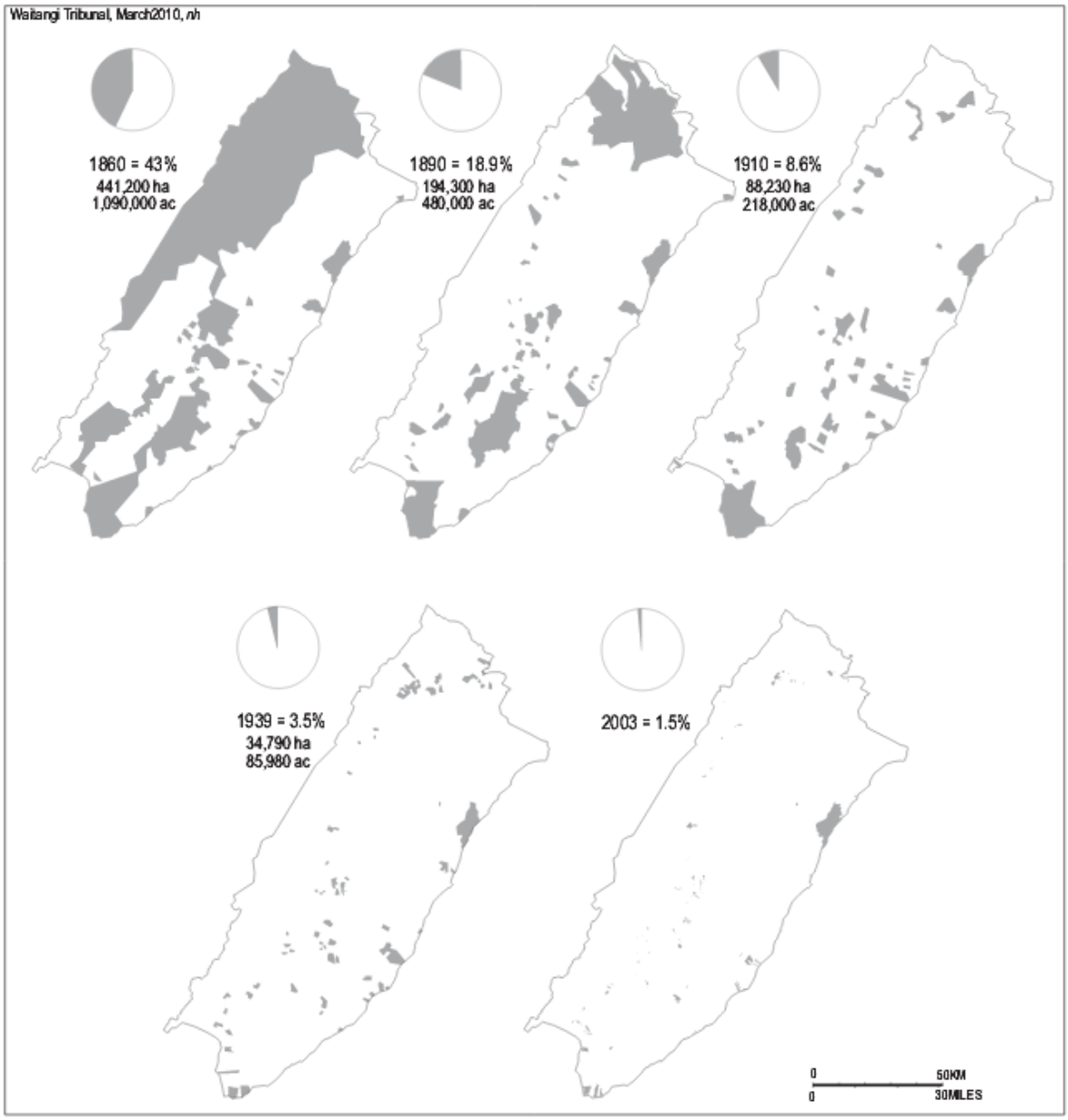
45 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 5.

46 Ellis & Small, *Maori Land Blocks in the Wairarapa ki Tararua District Inquiry : Acreage and Alienation Data from 1865*, (Wai 863) #A70, p 18.

47 Rangitāne o Tamaki Nui-ā-Rua and Rangitāne o Wairarapa, *Closing Submissions for Wai 166 and Wai 175*, #I8.

48 Rangitāne o Tamaki Nui-ā-Rua and Rangitāne o Wairarapa, *Closing Submissions for Wai 166 and Wai 175*, #I8.



Snapshots in time: Māori landholdings in the district in 1860, 1890, 1910, 1939, and 2003

3.14 The Tribunal commented that most of the land in the remaining blocks today is poor, often with difficult access and other problems, i.e. awkward location, shape or size and too many owners. It was therefore not just a case of not enough land, it was, and is, a case of having poor quality land remaining.[50] The Crown got the best of our land and got it early, forever affecting our economic and cultural wellbeing.

3.15 The Crown rightly conceded at the outset of the Wairarapa ki Tararua District Inquiry that we were landless and that this was a breach of Treaty principles. The Tribunal found that our state of

[49] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 558.
[50] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), pp 602, 636.

landlessness occurred by the end of the 19th Century, not surprising given that 2.2 million acres of land had been alienated from the Wairarapa ki Tamaki Nui-ā-Rua district within 60 years of the Crown's arrival in Aotearoa, with over 50% being acquired only 14 years after 1840. This state of landlessness for us has therefore been a reality for 113 years and, for some of our central Wairarapa hapū like Ngāti Hāmua, even longer.

Destruction of our Economy

3.16 From our perspective, the gravity of the Treaty breach was not only the speed of the land loss that led to a significantly early state of landlessness, but also the way in which the Crown manipulated and undermined our tūpuna in order to acquire as much of our land as possible, as cheaply as it could. We maintain that the Crown actively undermined and ultimately destroyed the promising leasing economy that had developed in the Wairarapa post 1840 by purchasing large tracks of land that were being leased by settlers on a private basis. There was, and is, nothing in the Treaty that prevented leasing post-1840.

3.17 The Crown wanted to put an end to this leasing between Rangitāne and settlers, both to prevent its spread into the Hawke's Bay (where it wanted to purchase land) and because it was in the colonial government's financial interests to control settlement by purchasing from Māori cheaply and only selling at a profit to Pākehā. It was also a strategic move to protect the Crown's land purchasing programme in the North Island and to protect the food supply to Wellington.

"*Carrot and Stick"*

3.18 We argued strongly before the Tribunal that the early acquisition of over 1.5 million acres of land was a result of a clear strategy by the Crown whereby Donald McLean and Governor George Grey adopted a "carrot and stick" approach to end the leasing in the Wairarapa, and to acquire large tracks of Rangitāne land for settlers. The Tribunal found that the Crown abandoned good purchasing practices in the Wairarapa ki Tamaki Nui-ā-Rua region, instead adopting practices that were the "antithesis of what was required".[51] The process did not allow for Māori in the region to give their free or informed consent, and therefore the Tribunal concluded that the Crown breached article 2, its duty to act in good faith, and the principle of active protection.[52]

3.19 The "carrots" were presented by Governor Grey, who promoted the benefits of selling land to the Crown. These included an increased European population as an outlet for trade and labour, the

[51] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1047.
[52] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1047.

provision of education, medical services, pensions, mills and the express promises of education, schools, medical services, hospitals, mills that were contained in the "koha" clauses of the purchase deeds. He also promised that ample reserves would be made for them should they sell their lands.

3.20 The "stick" was provided by Donald McLean with his threats to stop rental payments on existing leases, preventing the take up of new leases and the threat that he would use the Native Land Purchase Ordinance against existing squatters.

3.21 Our tūpuna were in an untenable situation - sell and they get the promised benefits, or don't sell and lose the leasing income and benefits that it brought. As well as the "carrot and stick" approach which enticed Rangitāne to agree to sign deeds of sale in this early period, it should also be mentioned that a number of sales were first signed by non-resident chiefs (sometimes in Wellington). Crown officials presented these deeds as a *fait accompli* to resident owners. They were not given the option of overturning the sale, but merely of signing deeds themselves to be included in the proceeds of the sale. The Tribunal made the following findings in respect of the Tautane block, situated in Tamaki Nui-ā-Rua to highlight this factor:

> *We think the claimants are right that McLean's concern was to drive through a purchase whatever the opposition. In purchasing from Te Hāpuku's party and a scattering of Wairarapa-based chiefs, McLean knowingly ignored the rights of resident hapū. There was no opportunity for all legitimate right holders to exercise a genuine and informed choice about the land before any moneys were paid, or promises made. This was a clear breach of the Treaty and the principles of partnership, active protection, and equal treatment.*[53]

3.22 The untenable situation described above provided a platform that allowed the Crown to acquire just under two thirds of our takiwā between 1853 and 1854. The way in which our tūpuna were placed in this position remains a major sense of grievance for us today. The leasing economy was working and bringing some economic success to our people, it was what the rangatira of that time wanted and was in no way inconsistent with the Treaty. To undermine these things has had a serious impact on our mana, our rangatiratanga and clearly our economic success as a people.

3.23 The Wairarapa ki Tamaki Nui-ā-Rua economy was clearly to be based on land and farming. This was the case from the 1850s and remains that way today. The leasing of the land, that had to be broken to meet the objectives of the Crown in the 1850s, remains a legal, Treaty compliant and financially viable option today.

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[53] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 196.

3.24 To add insult to injury, the specific promises made by Governor Grey that convinced our tūpuna to part with tracks of their land were never ever fulfilled and our old people await the day that the Crown honours these. The broken promises and the acquisition of so much of our land was a double whammy for our iwi and one that we have never recovered from.

Wairarapa Five Percents

3.25 A particular feature of the Wairarapa Crown purchases was the use of the 'Five Percents' or 'koha' clause. This was one of the benefits spoken of by Governor Grey at the Komiti Nui of 1853, where general agreement was gained to the early land sales. As well as the prices Māori received for selling their land, five percent of the on-sale price received by the Crown would go to a fund for the benefit of the former Māori owners. It was expected that the fund would provide social and economic benefits for Māori through schools, medical services, and other infrastructure such as mills.[54]

3.26 The Five Percents were one of the "carrots" used by the Crown to persuade Māori to accept low prices for their land, and to counter the loss of ongoing income from leasing. However, the fund was haphazardly applied and administered, resulting in little benefit for Māori, and many complaints. During the Tribunal hearings the Crown acknowledged, "that it failed reasonably to discharge its obligations under the five percent clauses. This failure caused prejudice to Wairarapa ki Tararua Māori and was a breach of the Treaty of Waitangi and its principles."[55] The Tribunal found the Crown breached the Treaty in both its interpretation and management of the fund, and failed to uphold the undertakings giving during land purchase negotiations.

3.27 Grey's promise of the koha or Five Percents, and their underpinning of general benefit, persuaded Māori to consent to the purchase of their land. But the promises – including the provision of additional assistance via the koha/Five Percent clauses to engage with the new economy – were broken. The Tribunal commented that the Crown had gained Māori consent to the sale of their lands under false pretenses, without their free and willing consent.[56]

3.28 In the 1890s, the Crown simply folded the Five Percent account into the consolidated fund without any reference to its promises to Rangitāne, and without any final accounting of how much Crown land remained of interest. We understand that as at the date of the last payment in the early 1880s, around 50% of the original blocks had not been on-sold by the Crown, and were therefore still subject to the Five Percents. It seems ironic to us that our iwi now faces poor social and economic conditions,

[54] Waitangi Tribunal, *The Wairarapa Ki Tararua Report*, (2005), p 122.
[55] Waitangi Tribunal, *The Wairarapa Ki Tararua Report*, (2005), p 370.
[56] Waitangi Tribunal, *The Wairarapa Ki Tararua Report*, (2005), p 391.

when the Five Percent clauses were originally intended to avoid such conditions through the funding of local infrastructure and services.

3.29 Some iwi lost land by the sword, our land was taken via the pen and the subtle, yet effective "carrot and stick" strategy which forced our tūpuna into a position where they had little choice but to part with their land. We are truly tangata whenua without whenua. In the section identifying issues that struck the Tribunal the most about our takiwā compared to others, the Tribunal said:

> *We were intrigued by the unique interaction in the 1840s and the early 1850s of squatters who came over from Wellington to lease land and run sheep in Wairarapa, with hapū Māori as their landlord. The farmers and the Māori lessors rubbed along pretty well for about 12 years, learning from each other, and accommodating differences in mainly amicable ways. Sheep thrived and flocks grew, Māori received a healthy rental income, and the squatters earned more than adequate returns on relatively modest investments of capital.*
>
> *Was this a pilot for a different kind of colonial arrangement that did not involve wholesale transfer of Māori land to Pākehā, but nevertheless provided a means of fulfilling the agricultural aspirations of settlers? Unfortunately, the Crown's intervention meant that the experiment was short lived. We can only speculate on how, if given the chance, the leasehold economy might have developed.*[57]

The Overlap

3.30 We have discussed above the concerns we have with how the Crown might assess our population in formulating the quantum offer. As you know, we do have further concerns about how the Crown will assess our area of interest as part of the base factors assessment. Those concerns are set out in this section. OTS has calculated that our claim area amounts to approximately 1,177,732 hectares. OTS states that this areas is "entirely overlapped by Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua".[58] Our previous response is as follows:

> *This is incorrect. There is substantial evidence available to indicate that the area north of Greytown (specifically the Waiohine River) is the exclusive rohe of Rangitāne. This evidence includes Waitangi Tribunal findings, the PhD thesis by Dr Angela Ballara (entitled, somewhat ironically in this instance, The Origins of Ngāti Kahungunu), evidence in Māori Land Court*

[57] Waitangi Tribunal, *The Wairarapa ki Tararua Report* (2005), p 1iii.
[58] Letter from the Office of Treaty Settlements dated 11 April 2013.

Minute Books and various entries in the Appendices to the Journals of the House of Representatives.

On the flipside, it is acknowledged that in the general area south of Greytown is an area of predominately Ngāti Kahungunu hapū. In some areas here Rangitāne have interests through various 'aho-rua' hapū.

It is acknowledged that the Crown does not double count land loss between overlapping groups. The Crown must therefore take all reasonable steps to inform itself of the area of interest of Rangitāne (and Ngāti Kahungunu). As we discussed with Ross Phillipson, we would like the opportunity to review the evidential base which the Crown has relied on to develop its initial view that the Rangitāne area of interest is entirely overlapped by Ngāti Kahungunu. We would expect that the Crown consider carefully the above position and the supporting evidence before making any definitive assessment of the relevant share of the land loss between Rangitāne and Ngāti Kahungunu. The Trust will elaborate on these matters further in a future special factors presentation.[59]

3.31 In a further letter dated 17 July, OTS accepted that there are areas in which Rangitāne interests are more prevalent and that these were considered in the Crown's assessment of land loss. To date we have not had any formal indication as to which areas the Crown are referring to. Regardless of this, it is deeply concerning that the Crown has made such a conclusion about the extent of the overlap, when there is significant evidence available to support our position, as repeated above.

3.32 Our requests to review evidence/advice the Crown has relied on to conclude that the entire takiwā is overlapped between the two iwi have been rejected, although we have received some indications recently that at the very least officials are reading and understanding key evidence that we have supplied to the Crown and/or is readily available.

3.33 It is important to remind the Crown of how significant this issue is for us and how a large part of our grievance relates to generations of mistakes and assumptions about who we are and where our interests lie. Although we have a growing confidence that officials are coming to grips with the evidence and the importance of this issue in our takiwā, it is timely to remind the Crown of the recommendations of the Tribunal in the *Tāmaki Makaurau Settlement Process Report* whereby it said:

The Office of Treaty Settlements needs to make a commitment to understanding the customary underpinning of the tangata whenua groups' position. In order to do this, officials

[59] Letter to the Office of Treaty Settlements from Rangitāne Settlement Negotiations Trust dated 26 April 2013.

will need to engage with Māori sources of knowledge, both written and oral. Sometimes it may be necessary to seek external advice on customary interests. This will usually be Māori advice; it needs to be local and specific and not general.[60]

3.34 In its discussion on the topic of coming to grips with customary interests in Tāmaki Makaurau, that Tribunal was certainly concerned that the Crown did not accept the argument that, in order to ascertain the extent to which the Treaty was breached in relation to Ngāti Whātua ō Ōrākei, a clear picture of the position of customary rights in Tāmaki Makaurau in the 19th Century is a critical starting point.[61]

3.35 One of our most significant grievances will not have been settled if our takiwā is settled on the basis that the entire area is overlapped and the Crown has not followed a robust process in terms of the relative interests between the two iwi. This would, in our view, further entrench the view that the Ngāti Kahungunu has always been, and continues to be perceived as the dominant iwi in our takiwā, forever impacting on the Rangitāne identity as tangata whenua.

4.0 WAIRARAPA LAKES

4.1 The specific issue of the alienation of Lakes Wairarapa and Ōnoke and their surrounds demonstrate the manipulative and undermining way the Crown treated us. This example underscores the point that the Crown's land-grabbing actions did not cease after it had acquired most of our best land between 1853 and the 1870s. Instead, the worst example was yet to come.

4.2 Lake Wairarapa is a taonga to Rangitāne and we have interests in the Lake through our aho rua hapū and also through Ngāti Hāmua. We readily acknowledge that Ngāti Kahungunu also has rights and interests in both Lakes.

4.3 Wairarapa Māori gifted the Wairarapa Lakes to the Crown in 1896 on the understanding that the Crown would provide ample reserves for the former owners. Rather than granting Māori land within the Wairarapa district however, the Crown granted poor quality, undeveloped land some 600km north at Pouākani, in another iwi's backyard. To add further insult, nearly 800 acres of Pouākani land was later taken under the Public Works Act for hydro-electric power purposes.[62]

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60 Waitangi Tribunal, *The Tāmaki Makaurau Settlement Process Report,* (2007), p 109.
61 Waitangi Tribunal, *The Tāmaki Makaurau Settlement Process Report,* (2007), p 47.
62 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005*)*, pp 649-723.

4.4 The Tribunal considered that this series of events led to a century of loss and was "entirely unfair",[63] noting that the loss of the Lakes may be the defining story of the colonisation of Wairarapa. The Tribunal went on to say that, "So much of what took place now seems barely credible, so manifestly unfair was it to the tangata whenua of the region".[64] The Tribunal found that Māori property rights were overridden, disregarded and dishonoured during the events that led to the transfer of our lakes to the Crown and Māori taking up ownership of land in another takiwā at Pouākani instead.[65] It is almost unbelievable that this occurred just before the turn of 20th Century, when we were considered to be a landless iwi and there was ample evidence available to the Crown that we, and all Māori, were suffering as a result.

4.5 The Tribunal ultimately found that the Crown's conduct amounted to a grievous breach of its obligations to act towards its Treaty partner with the utmost good faith, and so as to protect their interests actively.[66]

4.6 The Tribunal identified at least nine distinct ways in which Wairarapa Māori were prejudiced by this history.[67] In our view, receiving another iwi's land was seriously insulting and impacted on our mana and relationship with Pouākani tangata whenua.

4.7 The issues surrounding Lake Wairarapa/Ōnoke were included in the list of key issues that the Tribunal found were unique to this district and struck them the most:

> *The owners of Wairarapa Moana left absolutely no absolutely no stone unturned– except violent confrontation – to get the system to work in their favour. In the end it did not. Pākehā farmers came to control the opening of all Onoke to the sea; Māori did not get the promised reserves near Wairarapa Moana; they lost control of their tuna fisheries; and the land the Crown gave them instead was 30,000 pumiceous acres of Pouākani, hundreds of miles from home in another iwi's rohe.*[68]

5.0 ECONOMIC, SOCIAL, POLITICAL AND CULTURAL IMPACT

5.1 The final special factor that the Crown needs to take into account when formulating its quantum offer, is the economic, social, political and cultural reality for Rangitāne within the Wairarapa ki Tamaki Nui-ā-Rua context as a result of years of landlessness.

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63 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 707.
64 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 649.
65 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), pp 707, 708.
66 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 1057.
67 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 717.
68 Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p liii.

5.2 Census information and regionally focussed research paints a very grim picture for the future of our takiwā. A Health Status Report, prepared in 2005 by Wairarapa District Heath Board for the Wairarapa part of our takiwā, found that:

(a) Median personal incomes in South Wairarapa, Carterton and Masterton Districts are all below the New Zealand median;[69]

(b) Wairarapa has a lower level of educational attainment than the New Zealand average;[70] and

(c) The population declined by 0.8% between 1996 and 2001 and, looking toward 2021, the Wairarapa population is projected to decline by 5% in contrast to a projected increase of 11.4% for the total New Zealand population over the same period.

5.3 One the practical challenges for us in the Treaty settlement context is the fact that there are very few significant Crown properties that, on the face of it, would provide a sustainable long term financial return for our iwi and thus enable us to address some of the issues outlined above. Preliminary due diligence on the landbanked former Masterton Hospital site, for example, raised both short term and long term investment issues that gave us a snap shot of how challenging it may be to utilise Crown surplus lands for long term sustainable economic success. What was disturbing was that again, on the face of it, the former Masterton Hospital site is one of the "better" surplus Crown sites available for redress.

5.4 We acknowledge that many rural based iwi will face similar challenges with the lack of Crown assets of significant economic value within their takiwā, but nonetheless it is a reality that the Crown must address in order to achieve fair and durable settlements across the country.

5.5 Our region's economy continues to be primarily land-based and farming/agriculture continues to be the cornerstone that it has been from the 1840s. With little surplus Crown land available in the region (save for conservation estate land), the ability to engage in this land-based economy is limited, other than through the use of settlement funds to purchase land on the open market. This will of course come with competition, inflated prices and other market factors. Couple this with a slowing population compared to the rest of New Zealand and we are faced with a challenging future to ensure sustainable economic development. This is in circumstances where it was clearly the Crown's fault that we became landless in a region where land and the farming of that land continues to be the key economic driver.

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[69] Wairarapa District Health Board, *A Picture of Wairarapa Health Status 2005,* (2005), p 4.

[70] Wairarapa District Health Board, *A Picture of Wairarapa Health Status 2005,* (2005), p 8.

5.6 We are unlike other parts of New Zealand where provincial/rural iwi have other key resources like geothermal resources that attract sustainable tourism, or natural harbours that iwi will naturally benefit from via a Treaty settlement and/or as part of political engagement as tangata whenua. We do not take issue with iwi who have these resources and have succeeded as a result of these resources, but we do think it is important, in order to create a fair and durable settlement, that these regional variances and realities are taken into account when setting the quantum offered to us.

5.7 The loss of so much land so early was, and is, a central pillar of our grievance against the Crown. The fact that we are tangata whenua without whenua has created a legacy of overwhelming cultural loss and social challenges. If we add the loss of our iwi identity to the mix, we have had to fight on all fronts for the most part of the 20th and 21st Centuries to fulfil our role as tangata whenua in Wairarapa ki Tamaki Nui-ā-Rua. This has come at a significant cost for us.

5.8 We also remind the Crown of the Five Percents or koha clauses in the early purchase deeds (discussed above), that our tūpuna negotiated for the very socio-economic benefits that we lack today.

5.9 Even our language is struggling, as confirmed by the Tribunal when it found that the Crown did not value Māori culture and values, and that te reo Māori needs special support because it has reached a very low ebb.[71] The Tribunal also made comment that the Māori population of the Wairarapa ki Tamaki Nui-ā-Rua region find it incredibly difficult to exercise any meaningful influence on what goes on in our own locality.[72] In our view this needs to be recognised by a specific cultural revitalisation package that is well resourced, and relationship redress that moves beyond the standard redress offered to many iwi in the past.

5.10 It is obvious, when looking at the economic success of other settling iwi, that the greater the economic position of the iwi, the greater their political influence. Waikato-Tainui and Ngāi Tahu are good examples of that. The return of key strategic and culturally significant sites is also another way to grow the political and cultural aspirations of our iwi. In that regard we again remind the Crown of the Tribunal's powerful comments in respect of Pukaha/Mount Bruce:

> *With respect to Pukaha Mount Bruce, we think that joint management and joint ownership would be the ultimate expression of partnership between the Crown and Rangitāne. We*

[71] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), pp 326, 1050.
[72] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 977, 897.

would regard the return of part ownership of the reserve as fitting cultural redress for Rangitāne.[73]

6.0 CONCLUSION

6.1 All of the above special factors are linked to the fundamental premise that our tūpuna sought a better future following their engagement with the Crown after Te Tiriti o Waitangi was signed in 1840. Although our tūpuna were not signatories to Te Tiriti or the Treaty, our tūpuna were aware of its significance and engaged rangatira ki te rangatira in the early years of the Crown's presence. Not one of our tūpuna would have envisaged a future of landlessness, the acquisition and destruction of taonga, the serious socio-economic issues we face or the fact that for over 100 years we were effectively invisible to the world.

6.2 We conclude with an appropriate quote from the Tribunal that expresses these sentiments well:

> *… we cannot revisit the past. We can only imagine it…*
>
> *We imagine the experience of those nineteenth-century Māori engaging first with Donald McLean, who purchased their land so rapidly, and then with the settlers, who followed hard on his heels to establish themselves as farmers. What on earth did they make of it all? What did they think they were giving up? What did they think they would gain? Afterwards, as events unfolded surely quite differently from how they expected, did they wish they could go back to how things were before? Did they yearn for the certainty of their previous lives, when everything was cast in terms of tapu (sacred, restricted) and noa (free from tapu), and nothing really changed? And what of the settlers? What made them so certain that their ways were better? When they looked at the communal lives Māori led, how did they know that their own atomistic lives were more fulfilling, more godly? Did they think about what it would be like to live as a member of a hapū – always one amongst many, the individuals always less important than the collective (except perhaps sometimes in the case of rangatira?). Why were settler governments so determined that Māori should give up 'tribalism'? Did they grasp what a profound shift this was for the people? Did they care?*[74]

6.3 Although the answers to these questions will continue to be discussed and debated in years to come, we hope that the settlement of our well-founded Treaty claims shows that the Crown, in 2013, does care. We also hope that in some way this settlement will fulfil the vision of our tūpuna when they

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[73] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p 949.
[74] Waitangi Tribunal, *The Wairarapa ki Tararua Report,* (2005), p liv.

decided to engage with the Crown for a brighter future and so that we can start to rebuild our identity as tangata whenua and to rebuild our faith and trust in the Crown through true partnership.

Tini whetū ki te Rangi, Ko Rangitāne ki te whenua.