

### 3 ACKNOWLEDGEMENTS AND APOLOGY

#### ACKNOWLEDGEMENTS

- 3.1 The Crown acknowledges that addressing the grievances of the Hapū is long overdue.
- 3.2 The Crown acknowledges that when it purchased the Ahuriri block in 1851 –
- 3.2.1 it failed to consult the Hapū in the first stage of the negotiations;
  - 3.2.2 the Crown sought to purchase this land for the lowest price Māori would accept, and was aware that the Hapū were discontented with their share of the purchase price;
  - 3.2.3 Tangoio Māori did not receive the full, ongoing economic benefits from European settlement the Crown led them to expect if they agreed to sell for the price offered by the Crown; and
  - 3.2.4 the Crown did not ensure that adequate reserves of land from the Ahuriri purchase were protected in Hapū ownership, and this was a breach of the Treaty of Waitangi and its principles.
- 3.3 The Crown acknowledges that when it acquired the Mohaka block in 1851 –
- 3.3.1 it paid a low price, and Ngāi Tahu did not receive the full, ongoing benefits from European settlement they were led to expect in accepting a low price; and
  - 3.3.2 it breached the Treaty of Waitangi by failing to ensure that adequate reserves were set aside for Ngāi Tahu.
- 3.4 The Crown acknowledges that in 1866, rather than continue negotiations to preserve the peace at Omarunui, it issued an unreasonable ultimatum demanding the surrender of all those inside the pā. This led to a Crown military attack which endangered the lives of all men, women and children inside the pā. The Crown's forces killed more than twenty people defending themselves at Omarunui and Petane. The Crown acknowledges that these attacks were an injustice and breached the Treaty of Waitangi and its principles.
- 3.5 The Crown acknowledges that the detention without trial in harsh conditions on the Chatham Islands for nearly two years of at least thirteen members of the Hapū after they were interrogated at Omarunui was an injustice and a breach of the Treaty of Waitangi and its principles.
- 3.6 The Crown acknowledges that the summary executions by Crown forces at Ngatapa in January 1869 breached the Treaty of Waitangi and its principles and tarnished the honour of the Crown.
- 3.7 The Crown acknowledges that –

## DEED OF SETTLEMENT

### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.7.1 in 1867 it proclaimed a confiscation district which included most of the takiwā of the Hapū; and
- 3.7.2 subsequently, all the customary interests of the Hapū in their land in this district were extinguished and the Crown retained the Tangoio North block of more than 9,000 acres and these actions breached the Treaty of Waitangi and its principles.
- 3.8 The Crown further acknowledges that most of the land in the confiscation district, which it agreed to return to Māori ownership in 1870, remained in Crown title for more than forty years until Crown grants were issued to the Māori owners who had been occupying it.
- 3.9 The Crown acknowledges that it never provided for any independent investigation of the customary interests of the Hapū in the blocks it agreed to return to Māori ownership in 1870 and that –
- 3.9.1 in 1870 it used more than 30,000 acres at Kaiwaka to reward a Crown ally; and
- 3.9.2 the Crown excluded Hapū members from the ownership of Kaiwaka and this was a breach of the Treaty of Waitangi and its principles.
- 3.10 The Crown further acknowledges that it made the prejudice arising from this breach worse by declining repeated requests from the Hapū to allow an investigation into their rights in Kaiwaka. The Hapū bore crippling legal expenses as a result of trying to establish their legal rights to Kaiwaka.
- 3.11 The Crown acknowledges that –
- 3.11.1 it did not consult the Hapū before introducing native land laws in the nineteenth century which provided for the individualisation of Māori land holdings that had previously been held in tribal tenure; and
- 3.11.2 in 1866 the Native Land Court awarded ownership of the Moeangiangi Reserve and the Petane and Te Pahou blocks to fewer than ten individuals, and by 1873, individual owners had sold all the Hapū land in these blocks; and
- 3.11.3 by allowing these individuals to sell Hapū land in the Moeangiangi Reserve and the Petane and Te Pahou blocks, the native land legislation did not reflect the Crown's obligation to actively protect the interests of the Hapū in these blocks, and this was a breach of the Treaty of Waitangi and its principles.
- 3.12 The Crown acknowledges that the compulsory vesting of Tangoio South in the Ikaroa District Māori Land Board in 1907 breached the Treaty of Waitangi and its principles.
- 3.13 The Crown acknowledges that between 1911 and 1930 it purchased nearly all of the land returned to Hapū individuals in 1870. The Crown further acknowledges that –

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- 3.13.1 it made a sham of a provision in the native land laws for Māori to make land alienation decisions collectively by purchasing substantial quantities of land from individual owners after the owners had collectively decided at hui not to sell their land; and
  - 3.13.2 the Crown misused its monopoly powers by preventing some land owners of the Hapū from completing negotiations with private parties to lease their land so the Crown could purchase it; and
  - 3.13.3 it further misused its monopoly powers by imposing them for long periods on some owners who had shown no inclination to sell to the Crown and were left with little choice but to sell to the Crown if they wished to derive economic benefits from their land; and
  - 3.13.4 the Crown exploited the willingness of some owners to sell, to acquire so much land that those who did not wish to sell were left with too little land to maintain a viable presence in the region; and
  - 3.13.5 the Crown's actions were unfair, oppressive, and did not live up to the standards of good faith and fair dealing which are expressed in the Treaty of Waitangi and its principles.
- 3.14 The Crown acknowledges that its failure to protect the Hapū from being left with insufficient land for their present and future needs by the 1930s –
- 3.14.1 had a devastating impact on their economic, social, and cultural well-being and on their development and was a breach of the Treaty of Waitangi and its principles; and
  - 3.14.2 contributed to significant population losses suffered by the Hapū before 1930, and that for too long Hapū members have endured poverty, poor health, poor housing, and low educational standards.
- 3.15 The Crown acknowledges that extensive deforestation and pastoral farming in the late nineteenth and early twentieth centuries has contributed to significant environmental change in the Hapū takiwā with increased erosion and flooding. The Crown further acknowledges –
- 3.15.1 the poor health of Lake Tūtira;
  - 3.15.2 the pollution of the coastline;
  - 3.15.3 the degradation and loss of many mahinga kai of the Hapū; and
  - 3.15.4 the severe impact of flooding on the community and marae at Tangoio.

#### **APOLOGY**

- 3.16 The Crown makes this apology to the Hapū, their ancestors and their descendants.

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### 3: ACKNOWLEDGEMENTS AND APOLOGY

- 3.17 The Crown is deeply sorry that it has not always lived up to its Treaty of Waitangi obligations and that it has breached the Treaty of Waitangi, and its principles, in its dealings with the Hapū. The Crown recognises the tireless efforts and struggles of the ancestors of the Hapū in the pursuit of their longstanding claims for justice and redress from the Crown.
- 3.18 The Crown is deeply remorseful for its unjust attacks on Omarunui and Petane in 1866, the deaths that were caused, and the subsequent imprisonment of some of your people. The Crown sincerely apologises for the immense prejudice it inflicted on the Hapū by the proclamation of a confiscation district, the loss of Tangoio North, and the exclusion of the Hapū from the ownership of Kaiwaka.
- 3.19 The Crown profoundly regrets compounding this prejudice by purchasing most of the remaining land of the Hapū before 1930 in ways that were unfair and oppressive. The Crown is very sorry it left the Hapū virtually landless, and for the harm this caused to your tribal structures and ability to exercise customary rights and responsibilities. The Crown apologises for its failure to respect the rangatiratanga of the Hapū and for Crown acts and omissions which have impacted on your lands, fisheries and other taonga, and your capacity for social and economic development.
- 3.20 The Crown acknowledges that many family lines have died out and cannot be brought back. It profoundly regrets the poverty and poor health which have long afflicted your people. It deeply regrets its acts and omissions which have affected your capacity for social and economic development and your physical, cultural, and spiritual well-being.
- 3.21 Through this settlement the Crown is seeking to atone for its past wrongs towards the Hapū, to restore its tarnished honour, and to begin the process of healing. The Crown hopes that this apology will mark the beginning of a new relationship between the Crown and the Hapū based on respect for the Treaty of Waitangi and its principles.