

1 BACKGROUND

BACKGROUND

- 1.1 In this background section, the Hapū describe their kōrero tuku iho (Hapū history) about their origins and takiwā (traditional area). The Hapū also discuss their pursuit of redress and the Waitangi Tribunal inquiries into their claims.

THE HAPŪ AND THEIR TAKIWĀ

- 1.2 The Hapū are commonly known as –
- 1.2.1 Ngāti Marangatūhetaua (also known as Ngāti Tū);
 - 1.2.2 Ngāti Kurumōkihi;
 - 1.2.3 Ngāi Te Ruruku (ki Tangoio); and
 - 1.2.4 Ngāi Taurā.
- 1.3 Their collective takiwā (traditional area) is generally described as extending from Maungaharuru (the Maungaharuru range) in the west, Tangitū (the sea) in the east, the Waikari River in the north to Te Wai-o-Hingānga (Esk River) to Keteketerau (the former outlet of Te Whanganui-ā-Orotu) in the south.
- 1.4 The Hapū are tāngata whenua within their takiwā. They have held, and continue to hold, ahi-kā-roa (long occupation) since the original inhabitants first settled the land. Even in the era of the musket, the invasion by surrounding iwi and the exodus of many Ngāti Kahungunu hapū to Te Māhia, there were Hapū whānau who remained on the land.
- 1.5 Today, their marae is located at Tangoio.
- 1.6 Some parts of the takiwā towards Te Whanganui-ā-Orotu in the south are shared with a closely related, neighbouring hapū based at Petane. Similarly, in the area bordering the Waikari River and northwards to the Waitaha Stream, the takiwā is shared among the descendants of Te Keu-o-te-rangi (see clause 1.26 regarding Ngāi Tahu).

THE ORIGINS OF THE HAPŪ

- 1.7 The origins of today's Hapū came from the following early groups of people within the takiwā –
- 1.7.1 Ngāti Whatumamoā: the descendants of the explorer chief Mahu Tapoanui. Mahu's direct descendant Te Orotu established his people permanently at Ahuriri;
 - 1.7.2 Ngāti Awa: the descendants of the explorer Toi Kairakau (also known as Toi Te Huatahi). Toi established his southernmost pā (fortified village) at the head of the Tangoio valley; and

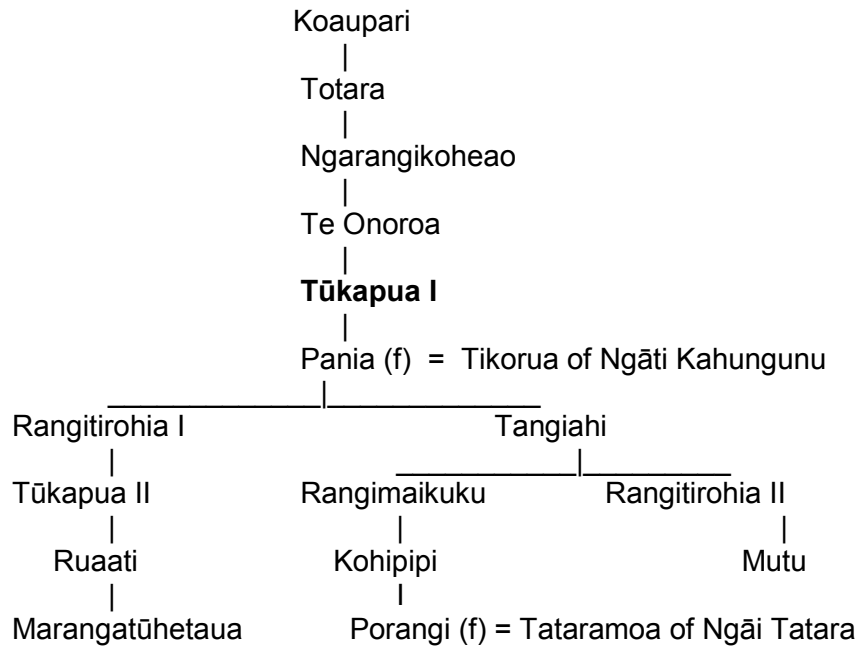
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- 1.7.3 Ngāi Tahu: the descendants of Te Keu-o-te-rangi originally inhabited the lands bordering the Waikari River.

MARANGATŪHETAUA

- 1.8 Below is a whakapapa (genealogical) chart showing the descent lines of some of the key Ngāti Tū tīpuna (ancestors).



- 1.9 Tūkapua I is the source ancestor of Ngāti Tū. Tūkapua I is a direct descendant of Toi Kairakau, the famous navigator and seafarer who established his southernmost pā at the head of the Tangoio valley, aptly called the Pā-o-Toi. Descending through Toi's son Awanuiarangi (of Ngāti Awa), a great, grandson named Te Koaupari, came to Ahuriri from the Bay of Plenty. Tūkapua I is the great, great, grandson of Te Koaupari.
- 1.10 Although Tūkapua I is the source ancestor for Ngāti Tū, the name of the hapū is Ngāti Marangatūhetaua. The Hapū takes its name from Marangatūhetaua, its famous fighting chief in recognition of his many deeds and the respect that his people had for him. Marangatūhetaua is a descendant of Tūkapua I.
- 1.11 Ngāti Tū's pā include Pukenui (at the head of Te Ngarue Stream), Te Pōhue, Motu-o-Rūrū at the junction of the Mangaone River and the Waikinakitangata Stream and Te Rae-o-Tangoio, an elevated promontory in the Tangoio valley which jutted into the (former) Tangoio lagoon, Whakaari and Ngāmoerangi.

Ngāti Whakaari

- 1.12 Ngāti Whakaari is a section of Ngāti Tū; that lived at Petane. Their founding chief is Whakaari. He is a descendant of the Ngāti Tū chief, Kohipipi through his son Te Kaupeka. The pā site Whakaari (also known as Flat Rock) is believed to have been named after the ancestor Whakaari.

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Ngāi Te Aonui

- 1.13 Rangitirohia II of Ngāti Tū married Hinekahu of (a different) Ngāi Te Aonui based in the Wairoa district. Their son was Mutu, and their descendants also became known as Ngāi Te Aonui and were based at Moeangiāngi. The source of their mana whenua was through Rangitirohia II. Over time, Ngāi Te Aonui was absorbed by Ngāti Tū through further intermarriage. Ngāi Te Aonui were also known to have occupied the pā Te Puku-o-te-Wheke at Arapawanui.

Ngāti Rangitohumare

- 1.14 Ngāti Rangitohumare takes its name from Rangitohumare, the first wife of Te Huki of Wairoa. Rangitohumare was born and raised at Oueroa pā in Heretaunga. They had numerous children, including Te Hauwaitanoa. Te Hauwaitanoa settled at Arapawanui and it is from Te Hauwaitanoa's descendant, Toroa, that Ngāti Rangitohumare descend. A small hapū, Ngāti Rangitohumare was over time absorbed into Ngāti Tū through intermarriage. Ngāti Rangitohumare were known to have occupied the pā Te Puku-o-te-Wheke at Arapawanui.

Ngāi Taurira

- 1.15 The origins of Ngāi Taurira go back to another group of early inhabitants, Ngāti Whatumamoa. Ngāti Whatumamoa are the descendants of the explorer Mahu Tapoanui. Although Mahu did not live at Ahuriri, he visited the area as part of his explorations. It was Te Orotu, a direct descendant of Mahu, who seven generations later established his people permanently at Ahuriri. Te Whanganui-ā-Orotu (also known as the Napier Inner Harbour) takes its name from this tipuna. Heipipi, is the principal pā of Ngāti Whatumamoa and spreads along the Petane hills between Bay View and Kaimata. Eventually Orotu abandoned the area, leaving Ahuriri in the possession of his son Whatumamoa, the eponymous ancestor for Ngāti Whatumamoa.
- 1.16 Tunuiarangi (also known as Tunui), was a tohunga, leader of Ngāti Whatumamoa and chief of Heipipi pā. Taurira, the eponymous ancestor of Ngāi Taurira, was the great, grandson of Tunui. Ngāi Taurira is an ancient Hapū, preceding Ngāti Tū, and has largely been absorbed by Ngāti Tū through intermarriage. Taurira and his descendants were based on the Te Waka part of Maungaharuru and their pā sites included Pirinoa, Taurua-o-Ngarengare and Tauwhare Papauma.

NGĀTI KURUMŌKIHI (FORMERLY KNOWN AS NGĀI TATARA)

- 1.17 Ngāti Kurumōkihi were formerly known as Ngāi Tatarā. They are a group who emerged from the interaction between Ngāti Tū and the Ngāti Kahungunu migrants, Taraia I and his generals, who had come into the takiwā. One of Taraia's most influential generals was Kahutapere II. Kahutapere married Hineterangi of Ngāti Awa (of the tāngata whenua) and established himself at Otiere pā on Roro-o-Kurī island in Te Whanganui-ā-Orotu. They had five children, one of whom was Tataramoa, the eponymous ancestor of Ngāi Tatarā.
- 1.18 Kahutapere wished to establish his children in various areas. Tataramoa was invited by Mutu of Ngāti Tū to live at Moeangiāngi, and later at Tūtira. After his arrival at Tūtira, Tataramoa married Porangi, the daughter of the Ngāti Tū chief, Kohipipi. He then established his residence at Te-Rae-o-Tangoio. His father-in-law, Kohipipi lived nearby at Pukenui pā, and then later at the Pā-o-Toi.

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- 1.19 Living at the same time as Tataramoa was Ngāti Tū chief, Marangatūhetaua. Marangatūhetaua lived at Ngāmoerangi pā which was located on the south side of Te Ngarue river mouth and within sight of Tataramoa's pā, Te Rae-o-Tangoio. Marangatūhetaua was in charge of Ngāti Tū's warriors and it is said he gave Tataramoa the task of stopping raiding war parties.
- 1.20 Sometime later, Tataramoa and his wife parted. Tataramoa and his people then occupied a pā on the hilltop south of the Moeangiangi river mouth. Tataramoa remained particularly associated with Moeangiangi on the coast and with the inland areas around Lake Tūtira.
- 1.21 At that period in history Tataramoa's people were known as Ngāi Tatara, but later events at Lake Tūtira saw the hapū change its name to Ngāti Kurumōkihi.
- 1.22 Ngāi Tatara pā include the twin pā sites on neighbouring peaks, a short distance north-east of Lake Opouahi, namely, Kokopuru and Matarangi. These pā are associated with the principal Ngāi Tatara chief of later times, Waiatara. At Tūtira are other Ngāi Tatara pā including the island pā - Tauranga-kōau, Oporae and Te Rewa-o-Hinetu.

NGĀI TE RURUKU (KI TANGOIO)

- 1.23 Marangatūhetaua and Tataramoa were both getting on in years when friction broke out between their people and another hapū that was interfering with the eel baskets of Ngāti Tū, and taking eels from Tūtira. They also went to the fishing grounds at Tangitū and seized the waka (canoes) of Ngāti Tū and Ngāi Tatara and drove the local people away in the process.
- 1.24 Marangatūhetaua sought the help of Te Ruruku, a Wairoa chief. Te Ruruku helped Ngāti Tū and Ngāi Tatara to repel the invaders and in return he was gifted land. Tribal archives record, "ko Waipātiki nā Marangatū i tuku ki a Te Ruruku" – Marangatūhetaua gifted land at Waipātiki to Te Ruruku. Included within this gift was the pā, Te Wharangi, located on the hill to the north of the Waipātiki River mouth. Therefore, Ngāi Te Ruruku gained their occupation rights within the takiwā through tuku whenua, and such rights were specific to those who maintained ahi-kā-roa, namely the descendants of Hemi Puna and Taraipine Tuaitu. Other pā associated with Ngāi Te Ruruku include Ngāmoerangi, Whakaari and Te Puku-o-te-Wheke at Arapawanui.
- 1.25 Alongside Ngāti Tū and Ngāti Kurumōkihi, Te Ruruku and his descendants became responsible for the military stability of a considerable takiwā comprising the lands of Ngāti Tū, Ngāti Kurumōkihi and Ngāi Tahu. The reputation of these lands rested on its bounty as a food resource. It possessed the superior fishing grounds of Tangitū, the coveted eeling lakes at Tūtira and its tributaries, the tributaries of the Waikari River and the renowned bird-snaring grounds of Maungaharuru.

NGĀI TAHU

- 1.26 Ngāi Tahu was a small hapū which had ahi-kā-roa along the Waikari and Waitaha Rivers and their tributaries. The eponymous ancestor of Ngāi Tahu is Tahumatua II. Tahu's descendant, Te Keu-o-te-Rangi, fathered four children: Toenga, Tukapuarangi, Te Whiunga and Hinekaraka. The descendants of these four children were known as Ngāi Tahu and those who maintained their occupation were the tāngata whenua. Various branches of Ngāi Tahu were known by other names and represented

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smaller family groups, such as Ngāti Hikapii, Ngāti Hineiro, Ngāti Moe, Ngāti Peke, Ngāti Rangitakuao, Ngāti Tataku and Ngāi Te Maaha. There are kāinga and pā associated with Ngāi Tahu along the Waikari, Anauroa and Waitaha Rivers and their tributaries. The kāinga and pā of Ngāi Tahu in the lower Waikari River area, and as far north as the Waitaha Stream, include Kumarawainui, Tutaekaraka, Hurihanga, Takapuwahia, Tokatea, Pukepiripiri, Puketaiata, Tauwhare and Kaiwaka. The kāinga and pā in the upper Waikari River and its tributaries include Te Nakunaku, Waipopopo, Tawhitikoko, Patokai and Tiekenui.

LANDS AND TAONGA OF THE HAPŪ

- 1.27 The following whakataukāki (tribal proverb) of the Hapū describes the takiwā of the Hapū and refers to the abundance of resources within the takiwā.

Ka tuwhera a Maungaharuru, ka kati a Tangitū,
Ka tuwhera a Tangitū, ka kati a Maungaharuru.
When the season of Maungaharuru opens, the season of Tangitū closes,
When the season of Tangitū opens, the season of Maungaharuru closes.

- 1.28 The resources available on the coast at Tangitū when combined with those available in inland areas meant that the Hapū had nourishment all year without having to leave their tribal boundaries. Hence another Hapū whakataukāki,

“Ko tō rātau pā kai ngā rekereke”, “their fortified villages were in their heels”.

- 1.29 Tohunga (high priests) from the Tākitimu waka instilled the mauri (life force) of birdlife on Maungaharuru and the mauri of fishlife along the coastline. These rich resources are taonga (treasures) to the Hapū.
- 1.30 The importance of various taonga, significant sites and places, are detailed in the Hapū values and statements of association set out in the documents schedule.

THE HAPŪ PURSUIT OF REDRESS

- 1.31 Te Tiriti o Waitangi / the Treaty of Waitangi was not signed by the Hapū. The Hapū acknowledge, nevertheless, Te Tiriti o Waitangi and value the possession of their lands and taonga as guaranteed in the second article of the Treaty.
- 1.32 For generations, the Hapū have sought redress for the many breaches of the Treaty by the Crown. They have made claims, petitions, submissions and taken legal action to seek redress for Treaty breaches.
- 1.33 The Hapū have filed various claims with the Waitangi Tribunal, to have their grievances heard, reported on and acknowledged.
- 1.34 Led by Te Otane Reti, members of the Hapū were a part of the Wai 55 claim, which was lodged with the Waitangi Tribunal in 1988. This claim dealt with Te Whanganui-ā-Orotu, the Napier Inner Harbour, and addressed the rights and interests of Ngāti Tū and Ngāi Te Ruruku, and other hapū with rights and interests in Te Whanganui-ā-Orotu.

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- 1.35 In 1992 the Hapū, together with other groups, lodged their joint claim in respect to the Mohaka-Waikare raupatu (confiscation), Wai 299. This claim covered the Mohaka–Waikare confiscation district, “which lay roughly between the Ahuriri block to the south, the sea in Hawke Bay to the south-east, the Mohaka block to the north-east, and the 39th parallel or provincial boundary to the north.”
- 1.36 The original Wai 299 claimants were Bevan Taylor, Gerald Southern, Arona Rangitere Taurima, Fred Reti, Rere Puna, Heitia Hiha, and Tania Hopmans.
- 1.37 The Hapū of Ngāti Tū and Ngāi Te Ruruku were also a part of the Wai 400 claim, which was lodged in 1993 and covered the former Ahuriri block, which was one of the three early Crown purchases in Hawke’s Bay arranged by Donald McLean in 1851.
- 1.38 One of the Hapū, Ngāi Tahu, also had claims to the lands within the Mohaka Block, Wai 119, which was also one of the early Crown purchases in 1851.
- 1.39 The Wai 119, 299 and 400 claims were heard by the Waitangi Tribunal as part of the Mohaka ki Ahuriri Inquiry, Wai 201.
- 1.40 The Hapū were also part of the Wai 692 claim, which was lodged in 1998 and raised matters in relation to Napier Hospital and health services with both historical and contemporary aspects.

TE WHANGANUI-Ā-OROTU WAITANGI TRIBUNAL INQUIRY

- 1.41 The Waitangi Tribunal Inquiry into Te Whanganui-ā-Orotu took place between 1993 and 1994, and the Tribunal reported in 1995.
- 1.42 Te Whanganui-ā-Orotu was the estuarine lagoon which formerly occupied a large area north and east of Napier until the time of the Hawke’s Bay earthquake in 1931. The estuary was a vitally important fishing and resource-gathering area for the Hapū and they made continued efforts to protect their position regarding the lagoon.
- 1.43 The claim related to the loss and despoliation of the lagoon and its islands, which the claimants argued was their “taonga over which they have rangatiratanga and which, but for statute law, rightfully belongs to them.” The claimants argued that they had never sold the lagoon or its islands, but the Crown had taken them by asserting that Te Whanganui-ā-Orotu had been included in the Ahuriri purchase of 1851. The Tribunal agreed that the claim was well founded and made a number of recommendations for remedies.
- 1.44 The Hapū have agreed that their claims to Te Whanganui-ā-Orotu will be settled by another group mandated by the Hapū and others, and recognised by the Crown.

NAPIER HOSPITAL AND HEALTH SERVICES CLAIM WAITANGI TRIBUNAL INQUIRY

- 1.45 The Waitangi Tribunal Inquiry into the Napier Hospital and Health Services claim was included in the Mohaka ki Ahuriri inquiry and took place between 1998 and 2000. The Tribunal’s *Napier Hospital and Health Services Report* was released in 2001.

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- 1.46 The claim related to the Crown's obligation to provide for the health and wellbeing of Māori and to honour a promise to provide health and hospital services from a particular site. The contemporary aspects of the claim included the regionalisation of Hawke's Bay hospital services to Hastings and the closure of Napier Hospital.
- 1.47 The Tribunal found in regards to the contemporary aspects of the claim that the claimants' concerns were well founded and recommended the establishment of a bicultural community health centre. A Deed of Settlement of the contemporary aspects of the claim was signed on 3 October 2008.
- 1.48 The Hapū have agreed that their historical claims regarding the Napier Hospital and health services will be settled by another group mandated by the Hapū and others, and recognised by the Crown.

THE MOHAKA KI AHURIRI WAITANGI TRIBUNAL INQUIRY

- 1.49 The Waitangi Tribunal Inquiry into the Mohaka ki Ahuriri district took place between 1996 and 2000. The first hearing was held at Tangoio Marae.
- 1.50 The Wai 299 claimants stated that their claim was "primarily a raupatu grievance." They expressed the position that, "[t]he evidence for the claimants has shown that ultimately the principles in the Treaty were to be subordinated to the self-interest of the Crown's policies for colonial settlement as well as the personal interests of its members of government."
- 1.51 The Tribunal's, *Mohaka ki Ahuriri Report* was released in 2004. The Tribunal reported that the claims of the Hapū were well founded, and concluded that the Crown has breached the Treaty in a number of ways. In particular, the Hapū wish to highlight the following breach conclusions:
- 1.51.1 the Crown negotiated unscrupulously to purchase land at Ahuriri and Mohaka in 1851, and negligently failed to involve the Hapū in the negotiations for Ahuriri;
 - 1.51.2 the Crown was against assisting Māori to develop their land. Its fixation on acquiring Māori land meant that in the end Māori were left with precious little land to develop;
 - 1.51.3 the Ikaroa District Māori Land Board imposed tough leasing conditions on Hapū lessees;
 - 1.51.4 the Crown was unjustified in its attacks on Pai Mārire followers at Omarunui and Petane, and its subsequent pursuit of the escapees, and destruction of their (and others') property;
 - 1.51.5 the Crown unlawfully confiscated land from the Hapū, and had no basis for depriving the Hapū of ownership of the Tangoio and Maungaharuru blocks within the boundaries of the confiscation;
 - 1.51.6 the Crown did not provide any redress for its exclusion of the Hapū from the title for the Kaiwaka block in 1870, despite Hapū protests over many years,

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and the expensive legal action they unsuccessfully took to be included in the title;

- 1.51.7 the Crown 'returned' confiscated blocks to named individuals, some of whom had no customary right to it;
 - 1.51.8 the Crown 'did not honour its promise to pay for the cost of surveying the land it returned to Māori ownership in the confiscation, and failed to enforce restrictions on alienation it had agreed would be imposed on this land except to suit its own purposes;
 - 1.51.9 the Crown failed to adequately protect the environment in Mohaka ki Ahuriri including Lake Tūtira, coastal reefs and other places. Controls on the slash and burn practices of European pastoralists were eventually put in place, but these "have often been too little and too late". This failure negatively impacted on the resources that the Hapū treasured and the little land they retained; and
 - 1.51.10 the Crown failed to make adequate efforts to halt Māori depopulation and improve the health and living standards of the Hapū to standards equal to that of Pākehā. The native land legislation imposed a revolution in Māori land tenure that seriously undermined the social, political, and economic structures of customary Māori society.
- 1.52 The Tribunal recommended that the Crown and claimants negotiate for the settlement of the claims in light of its findings as to breaches of the Treaty and that the claimants' current views must be taken into account.
- 1.53 The Tribunal also commented that it should be taken into account that the Mohaka-Waikare raupatu claimants (including the Hapū) have never been compensated as have others suffering confiscations in other districts, who were then able to put monies towards social and economic advancement of their hapū/iwi.

MAUNGAHARURU-TANGITU INCORPORATED MANDATE AND NEGOTIATIONS

- 1.54 After the release of the Tribunal report, Maungaharuru-Tangitu Incorporated (MTI) approached the Crown on behalf of the Hapū to begin negotiations.
- 1.55 In 2008, the Hapū and Ngāti Hineuru were recognised as a 'Large Natural Group' by the Crown for negotiation purposes.
- 1.56 The Maungaharuru-Tangitū Hapū gave MTI a mandate to negotiate a deed of settlement with the Crown and submitted a Deed of Mandate dated 28 March 2009 to the Crown.
- 1.57 The Crown recognised the mandate on 20 October 2009.
- 1.58 MTI and the Crown –
- 1.58.1 by terms of negotiation dated 26 June 2010, agreed the scope, objectives, and general procedures for the negotiations; and

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- 1.58.2 by agreement dated 22 September 2011, agreed, in principle, that the Hapū and the Crown were willing to enter into a deed of settlement on the basis set out in the agreement.
- 1.59 The agreement in principle was signed at Parliament by MTI and representatives of more than 100 kaumātua and other members of the Hapū who attended the signing.
- 1.60 Since the agreement in principle, MTI and Ngāti Hineuru progressed in separate negotiations with the Crown.
- 1.61 Since the agreement in principle, MTI and the Crown have negotiated, and have initialled, a deed of settlement.

RATIFICATION AND APPROVALS

- 1.62 The Hapū –
- 1.62.1 have, in December 2012, by a majority of 95.23%, approved the governance entity receiving the redress; and
- 1.62.2 have, since the initialling of the deed of settlement, by a majority of 97.94%, ratified this deed and approved its signing on their behalf by the governance entity.
- 1.63 Each majority referred to in clause 1.62 is of valid votes cast in a ballot by eligible members of the Hapū.
- 1.64 The governance entity approved entering into, and complying with, this deed by resolution of trustees on 11 May 2013.
- 1.65 The Crown is satisfied –
- 1.65.1 with the ratification and approvals of the Hapū referred to in clause 1.62; and
- 1.65.2 with the governance entity's approval referred to in clause 1.64; and
- 1.65.3 the governance entity is appropriate to receive the redress.

AGREEMENT

- 1.66 Therefore, the parties –
- 1.66.1 in a spirit of co-operation and compromise and with an open and honest intent wish to enter into this deed settling the historical claims; and
- 1.66.2 agree and acknowledge as provided in this deed.