

# Te Korowai o Wainuiārua Provisional Crown Acknowledgements

## Early Contact

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### Treaty of Waitangi

1. The Crown acknowledges that by signing te Tiriti o Waitangi/the Treaty of Waitangi in Whanganui in May 1840, tūpuna of Te Korowai o Wainuiārua sought a Treaty partnership based on upon fairness, justice, and honour. However, in breaching te Tiriti/the Treaty on many occasions against Uenuku, Tamakana, and Tamahaki, the Crown has failed to act in a way that respected and honoured its Treaty partnership. The Crown has also failed to protect the tino rangatiratanga of ngā hapū of Te Korowai o Wainuiārua. Therefore, the following acknowledgements are well over-due:

### 1848 Whanganui Block Purchase

2. The Crown acknowledges that it represented to Te Korowai o Wainuiārua tūpuna that its purchase of the Whanganui block in 1848 was the completion of Commissioner Spain's 1846 recommended award, which provided for the New Zealand Company to receive a 40,000-acre grant in return for a £1,000 payment and reserves. However, the area the Crown surveyed and included in its 1848 purchase was more than double the Spain award, and reserved less land for the owners than the one tenth recommended by Commissioner Spain, while the Crown still only paid £1,000. The Crown's failure to inform the tūpuna of Te Korowai o Wainuiārua that its purchase greatly exceeded Commissioner Spain's recommendation was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles of good faith and fair dealing.

## The New Zealand Wars

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### Warfare in Taranaki Leading to Warfare in Whanganui

3. The Crown acknowledges that tūpuna of Te Korowai o Wainuiārua sought to avoid warfare in their rohe but that the Taranaki wars led to the outbreak of warfare in the Whanganui district in 1864. The tūpuna of Te Korowai o Wainuiārua were forced to decide on their allegiance to the Kīngitanga, the Pai Mārire, and the protection of the European settlers in the battle of Moutoa island, which ultimately pitted whānau against each other and resulted in a loss of life and trauma on both sides.

### The Crown's Attack on Ōhoutahi in 1865

4. The Crown acknowledges that it was ultimately responsible for the outbreak of warfare between the Crown and the Kīngitanga in the Te Korowai o Wainuiārua rohe which began with the battle at Ōhoutahi pā in 1865. The Crown acknowledges that the battle caused the deaths of Te Korowai o

Wainuiārua tūpuna, and that its actions were a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### Raupatu

5. The Crown acknowledges that the confiscation/raupatu of Te Korowai o Wainuiārua interests in Taranaki in 1865 breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### The Crown's Labelling of Te Korowai o Wainuiārua as Rebels

6. The Crown acknowledges that its labelling of Te Korowai o Wainuiārua tūpuna as 'rebels', 'hostile', and 'Hau Hau' during the New Zealand Wars created enmity among whanaunga along the Whanganui River. The Crown further acknowledges the sense of deep grievance and stigmatisation generations of Te Korowai o Wainuiārua uri have felt as a result of the Crown's unfair labels.

### Nineteenth Century Land Loss

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#### Lifting the Aukati Around Te Rohe Pōtae

7. The Crown acknowledges that:
  - 7.1. the iwi of Te Korowai o Wainuiārua retained rangatiratanga over their lands in Te Rohe Pōtae which was protected by an aukati from 1866 until 1885;
  - 7.2. after the Crown opened negotiations in 1882 to build the North Island Main Trunk railway through Te Rohe Pōtae, the iwi of Te Korowai o Wainuiārua sought to preserve their ability to exercise rangatiratanga over their lands by joining an 1883 petition seeking to exclude Te Rohe Pōtae from the jurisdiction of the Native Land Court which the Crown refused to agree to; and
  - 7.3. the Crown gained enormous benefits in the years after the aukati was lifted in 1885 as it was able to build the North Island Main Trunk railway and purchase land for European settlement in Te Rohe Pōtae, but these years brought enormous change and land loss for the iwi of Te Korowai o Wainuiārua who did not receive the long-term economic benefits the Crown had led them to expect.

## Native Land Laws

8. The Crown acknowledges that it introduced native land legislation which transformed the collective customary ownership of iwi of Te Korowai o Wainuiārua into one based on individual rights without their consultation. The Crown further acknowledges that the native land legislation:
  - 8.1. forced the iwi of Te Korowai o Wainuiārua to engage with the Native Land Court to protect their interests in their lands and they had no choice but to participate if they wanted to integrate their land into the modern economy;
  - 8.2. contributed to internal dissension and conflict within the iwi of Te Korowai o Wainuiārua and with their neighbours;
  - 8.3. engendered significant financial costs for those who engaged with the Native Land Court, such as the cost of land surveys;
  - 8.4. caused hardship for Te Korowai o Wainuiārua iwi who endured poor living conditions during protracted hearings and, in some cases, Te Korowai o Wainuiārua tūpuna passed away with awaiting hearings to take place; and
  - 8.5. made their land more susceptible to partition, fragmentation, and alienation. The Crown's failure to protect the tribal structures of Te Korowai o Wainuiārua iwi from the effects of the native land legislation was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

## Kemp's Trust

9. The Crown acknowledges that the iwi of Te Korowai o Wainuiārua sought to vest some of their lands in Kemp's Trust to provide for the collective administration of land in their rohe but the Crown refused to support the Trust. The Crown did not provide an effective form of collective title until 1894. This failure was a breach of Te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

## The Waimarino Block Purchase & Tongariro National Park

10. The Crown acknowledges that it purchased a large amount of land in the Waimarino block in order to fund the North Island Main Trunk Railway line, provide for settlement and to create a national park. The Crown further acknowledges that, through this purchase, it acquired more land than was necessary to accomplish these purposes.
11. The Crown acknowledges that despite being aware of the significance of Ruapehu maunga to the iwi of Te Korowai o Wainuiārua, it did not consult them in relation to reserving the mountain peak for the purposes of creating a national park before or after opening discussions with another iwi.

12. The Crown acknowledges that it rushed through its purchase of 411,196 acres of land in the Waimarino block in 1887 from seventeen Te Korowai o Wainuiārua hapū in unreasonable haste, and that:
  - 12.1. many hapū of Te Korowai o Wainuiārua did not know the location of their interests relative to the proposed boundaries of the vast block and, therefore, exactly what land was being purchased by the Crown because:
    - 12.1.1. the Crown proceeded with the purchase despite its awareness that Te Korowai o Wainuiārua had not been provided an opportunity to inspect and object to the survey before the Court awarded the Crown a majority of interests in the block; and
    - 12.1.2. the Crown discouraged applications of Te Korowai o Wainuiārua individuals to have their interests partitioned from the Waimarino block because it would delay its purchase;
  - 12.2. many hapū of Te Korowai o Wainuiārua were unable to ensure they were paid a fair price for their land because:
    - 12.2.1. the Crown proceeded with the purchase of the Waimarino block by making its own determination of the strengths of interests of individuals from seventeen Te Korowai o Wainuiārua hapū and made payments according to this judgement;
    - 12.2.2. the Crown did not inform the owners of the price per acre of the Waimarino block;
    - 12.2.3. contrary to the provisions of its legislation, the Crown purchased the interests of minors before their appointment of trustees had been formalised; and
    - 12.2.4. these acts and omissions meant that the Crown's purchase failed to meet the standards of reasonableness and fair dealing that found expression in te Tiriti o Waitangi/the Treaty of Waitangi and was a breach of te Tiriti/the Treaty and its principles.
13. The Crown acknowledges that it failed to pay a fair price for the Waimarino block and its valuable resources and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
14. The Crown acknowledges that it did not carry out the terms of the Waimarino block purchase deed and arrangements made during negotiations for setting aside reserves for the hapū of Te Korowai o Wainuiārua and that this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles. The Crown further acknowledges that:
  - 14.1. it reserved less land to the sellers of the Waimarino block than the Crown had promised hapū of Te Korowai o Wainuiārua during negotiations;

- 14.2. the Crown dishonoured its commitment in the Waimarino purchase deed to agree the location of the seller reserves with the sellers, and instead determined the location of the reserves with minimal consultation; and
- 14.3. as a result, Te Korowai o Wainuiārua lost ownership over kāinga they continued to occupy and wāhi tapu, including:
  - 14.3.1. Tīeke kainga which the Crown acquired despite a special arrangement made with the owners to reserve this site of immense significance from the purchase. The Crown further acknowledges that its ownership of Tīeke remains a substantial source of grievance for Te Korowai o Wainuiārua; and
  - 14.3.2. large parts of the western slopes of Ruapehu maunga up to its sacred peak which the Crown acquired without the consultation or consent of the iwi of Te Korowai o Wainuiārua despite being aware of its significance to them.
15. The Crown acknowledges that:
  - 15.1. despite being aware that the iwi of Te Korowai o Wainuiārua had:
    - 15.1.1. interests in land that the Crown wanted to include in what became the Tongariro National park,
    - 15.1.2. protested about clashing Native Land Court sittings that meant they had been unavoidably absent from important hearings for some of these lands, and
    - 15.1.3. made direct approaches to the Crown and repeatedly sought rehearings of Native Land Court awards which had excluded them from the legal ownership of some of these lands;
  - 15.2. it did not consult the iwi of Te Korowai o Wainuiārua, or take steps to provide for their interests, when developing policy for the establishment of Tongariro National Park;
  - 15.3. it exercised powers under the Tongariro National Park Act 1894 to compulsorily take further lands from the iwi of Te Korowai o Wainuiārua without paying compensation when the Tongariro National Park was proclaimed in 1907;
  - 15.4. the combined effect of the Crown's acts and omissions in establishing the Park caused the iwi of Te Korowai o Wainuiārua severe prejudice over many decades and breached the Treaty of Waitangi and its principles.
16. The Crown acknowledges that from 1907 it failed to include the iwi of Te Korowai o Wainuiārua in the ongoing management arrangements of the Tongariro National Park, and failed to respect their rangatiratanga and kaitiakitanga over the maunga, and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

17. The Crown acknowledges that detrimental changes to the natural environment of the Tongariro National Park through commercial development and the introduction of exotic species have caused great distress to the iwi of Te Korowai o Wainuiārua, who have been unable to exercise their kaitiaki obligations to safeguard taonga within the park from degradation.

#### The Taumatamāhoe Block Purchase

18. The Crown acknowledges that in purchasing the Taumatamāhoe block it:
  - 18.1. made advance payments on a block it called Tangarakau in 1879 before the Native Land Court had determined ownership of any of the land in question, and despite the strong opposition of some owners to selling this land;
  - 18.2. despite the Tangarakau block being only partially included in the Taumatamāhoe block and only some of the recipients of the pre-title advances being awarded shares in Taumatamāhoe block in 1886, the Crown treated all the money it paid as advances for Tangarakau as payments for the Taumatamāhoe block;
  - 18.3. purchased the undefined interests of owners in the block from 1889 without the Native Land Court having determined where hapū interests were located;
  - 18.4. continued purchasing interests for more than two decades until it had acquired more than 90% of a block some of its owners had wanted to retain in their ownership;
  - 18.5. applied for seventeen partitions between 1889 and 1923. Each partition required a further survey cost and a share of which was imposed on the non-sellers; and
  - 18.6. the cumulative effect of these actions was that the Crown failed to negotiate in good faith or to actively protect the interests of the iwi of Te Korowai o Wainuiārua and this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

#### Landlessness

19. The Crown acknowledges that:
  - 19.1. it purchased most of the land owned by the iwi of Te Korowai o Wainuiārua in the late nineteenth century;
  - 19.2. it was made aware by the 1907 Stout-Ngata Commission that Tamahaki did not want to sell any more land. Despite this, the Crown continued to purchase most of their remaining land until 1927;
  - 19.3. despite owning almost half-a-million acres of land around the Waimarino No.4 non-seller block, it acquired, through compulsory acquisitions and purchasing, land from the owners of

this block for roads, railway, defence and scenic reserve purposes until less than one per cent of this block remained Māori freehold land;

- 19.4. it did not monitor whether the iwi of Te Korowai o Wainuiārua retained sufficient land for their economic, social, and cultural needs; and
- 19.5. the iwi of Te Korowai o Wainuiārua are virtually landless and the Crown's failure to ensure they retained sufficient land is a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

## **Twentieth Century – Attempts to Retain Land and Public Works**

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### **The Vested Lands Scheme**

20. The Crown acknowledges that it failed to actively protect the interests of Te Korowai o Wainuiārua iwi after they vested their lands in the Aotea District Maori Land Council and Board between 1903 and 1907 for the purpose of having these lands developed for commercial agriculture while remaining in the ownership of Te Korowai o Wainuiārua iwi.
21. The Crown further acknowledges that the iwi of Te Korowai o Wainuiārua expected their lands to return to them after 42 years, but from 1926 the Crown became aware that the owners would not be able to pay the compensation due to regain control of their land, and its failure to make arrangements to achieve this was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### **Whanganui River Scenic Reserves**

22. The Crown acknowledges that it did not engage in reasonable consultation with the iwi of Te Korowai o Wainuiārua, or fairly balance their interests and the public interest, in its acquisition of their land for scenery preservation. These failures led the Crown to compulsorily acquire more than 3,000 acres of hapū lands along the banks of the river including farmland and urupā, and breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### **The North Island Main Trunk Railway**

23. The Crown acknowledges that it breached te Tiriti o Waitangi/the Treaty of Waitangi and its principles when it broke a promise it made to the iwi of Te Korowai o Wainuiārua in 1885 and failed to meet its legal obligations when it took 207 acres of land in 1910 from the iwi for the North Island Main Trunk Railway and did not pay compensation.

### **The Defence Lands**

24. The Crown acknowledges that it did not consult the iwi of Te Korowai o Wainuiārua before it compulsorily acquired thirty percent of the Waimarino No.4 non-seller block in 1911 and, therefore, did not provide the owners with the opportunity to negotiate the amount of land taken. The Crown

acknowledges that these actions were in breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### **Tongariro Power Development Scheme**

25. The Crown acknowledges that it failed to consult with the iwi of Te Korowai o Wainuiārua when it established the Tongariro Power Development scheme despite being aware of their concerns and this was inconsistent with the Crown's duty to act in good faith and was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.

### **Whanganui National Park**

26. The Crown acknowledges that the prejudice arising from its beaches in acquiring land in the Whanganui district was increased when this land was included in the Whanganui National Park in ways that limited the ability of the iwi of Te Korowai o Wainuiārua exercise their kaitiakitanga over the land and resources within the Park's boundaries despite their significant contribution to the conservation estate.

### **Socio-Economic Consequences**

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#### **Te Reo Māori**

27. The Crown acknowledges that it failed to actively protect and encourage the use of te reo o Whanganui among the iwi of Te Korowai o Wainuiārua, which had a detrimental impact on te reo Māori and mita. Te Korowai o Wainuiārua iwi have thereby suffered a loss of their taonga. The Crown's failure to actively protect te reo o Whanganui was a breach of te Tiriti o Waitangi/the Treaty of Waitangi and its principles.
28. The Crown acknowledges that in the second half of the twentieth century, Te Korowai o Wainuiārua children who attended Crown-established schools were punished for speaking their own language and this has contributed towards the decline of te reo Māori among the iwi of Te Korowai o Wainuiārua.

#### **Loss of Identity and Socio-Economic Issues**

29. The Crown acknowledges that:
  - 29.1. its breaches of te Tiriti o Waitangi/the Treaty of Waitangi and its principles since 1840, including its failure to protect them from landlessness have significantly hindered the economic, social, and cultural development of the iwi of Te Korowai o Wainuiārua;
  - 29.2. the virtual landlessness of the iwi of Te Korowai o Wainuiārua has made it difficult for them to maintain a distinct presence and identity in their rohe; and



- 29.3. the efforts of Uenuku, Tamakana, and Tamahaki to re-establish their presence and connection to the land, especially since the 1990s, represents a strong determination to survive and thrive in their rohe.

#### Contribution to New Zealand

30. The Crown acknowledges the significant contribution the iwi of Te Korowai o Wainuiārua have made to New Zealand, including:
- 30.1. significant areas of their rohe have been used for farming and public works for the conservation of natural scenery for all New Zealanders to benefit, and
  - 30.2. the great sacrifice of lives for the defence of the country in international conflicts.
31. The Crown has failed for too long to appropriately recognise the generosity and contribution the iwi of Te Korowai o Wainuiārua have made to New Zealand and pays tribute to this service.