

# What are the main Ngāti Raukawa Treaty claims?

26 March 2019

The claims lodged by Ngāti Raukawa raise many issues. They relate to the Crown's land purchases, Māori economic development, the capacity for self-government, loss of rangatiratanga, the manner of political engagement, the impact of the New Zealand wars, the Native Land Court, Land Boards, Land Development Schemes and the Māori Trustee, 20<sup>th</sup> century land alienation, the creation of townships, the settlement of WWI and WWII soldiers, local government and rating, landlocked land, public works including for roads and railways, the provision for marae and papakainga, the management of land and water, education and social issues and the protection of culture.

But while the claims raise many issues, some issues will count for more in settlement negotiations because of the unique way in which those issues played out in the Raukawa District.

One issue concerns the amount of land taken from the hapū, even before the end of the 19<sup>th</sup> century, as a proportion of the total landed area and the local, Māori population. The loss put the Raukawa hapū amongst the most landless hapū in the country. It left them with a legacy of missed development opportunities and a reduced capacity for self-government.

A second issue concerns the way the land was taken. It was taken by a profound stealth. This will be a critical part of the case put to the Waitangi Tribunal when it sits in September.

The land was taken first in the north, occurring mainly before 1873. No land was taken in the south until after 1873. In addition, things that happened in the north later flowed on to the south to affect the determination of land rights there. When we talk refer to the lands in the "north" we mean the lands north of the Manawatū river from the mouth to a point shortly below Shannon where it traces the southern boundary of the Kaihīnu block.

The taking of the land was also done in one way in the north, and in another in the south. This explains why the claims differ from place to place. In the north it was taken by direct negotiation between Crown purchase agents and the hapū leaders. This practice is known as Crown Pre-emptive purchase.

In the south it was taken after the Native Land Court had established a host of separate titles and had appointed individual owners in each. Each was then acquired by private agreements between the owners and either the Crown or individual settlers.

The starting point for each case is that the hapū possessed the land concerned, and for claim purposes, they owned it.

The main case concerning the lands in the north is that the hapū did not wish to sell and specifically sought to reserve 319,500 acres for themselves and their successors forever. To gain some idea of the area concerned it extends from shortly south of Foxton to shortly north of Poupatate; and from the coast to the Taonui stream. Raukawa claims that none of that area was validly purchased.

The main case for the south is that the hapū sold not one acre; and yet nearly all the land was purportedly purchased – such was the effect of the Native Land Court system. That is to say, the land was apparently sold by individuals without the approval of the true landowning group – the hapū, as a customary, political entity.

There are also some special cases in the south. One concerns the hapū of the Horowhenua block who were left landless or nearly so, as a result of a highly questionable decision of the Native Land Court. At the heart of the Court decision is an attitude about who held the mana in the district. This attitude provided part of the rationale for the excessive taking of the land in both the north and south.

Another case concerns the Crown's award of a significant proportion of the Ōtaki lands to a Church without an adequate inquiry as whether this was in the best interests of the local hapū and without adequate terms of trust to reflect the Māori law of reciprocity in relation to gifts.

*This is a slightly abridged version of a paper prepared by Sir Edward Taihākurei Durie, Chairman, Raukawa Māori District Council and distributed to Council members following their March 2019 meeting.*