

Kua hokia te whenua. Kua maru te ngaakau o te iwi ki te koa, ki te maarire. Me ko te awa e rere, te hoohonu o te wairua tau. I te haere o te waa, ka korowaitia e te hiitori, ka korowaitia hoki taatou e te whenua.

Land is returned. **The hearts of the people are full of joy and relief.** Satisfaction flows as deep and as meaningful as our river. Today as history unfolds and envelopes us, so too does the land.

Sir Robert Te Kotahi Mahuta, Deed of Settlement signing, 22 May 1995



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NAA KIINGI TAAWHIAO

Maaku anoo e hanga toku nei whare

Ko ngaa pou oo roto he maahoe, he patatee

Ko te taahuuhuu he hiinau

Me whakatupu ki te hua o te rengarenga

Me whakapakari ki te hua o te kawariki.

I shall build my house from the lesser known trees of the forest.

The support posts shall be maahoe and patetee, and the ridge pole of hiinau.

My people will be nourished by the rengarenga and strengthened by the kawariki.

COMMEMORATING 20 YEARS OF RAUPATU SETTLEMENT

The signing of the Deed of Settlement at Tuurangawaewae Marae on 22 May 1995 was a monumental moment in the history of Waikato-Tainui.

Until that date the iwi had battled for 132 years for the wrongs of the colonial New Zealand Government to be acknowledged and addressed.

The land wars of the 1860s and the land confiscations that followed had a profound effect on our people and tribal fortunes, resulting in hundreds of deaths, the raupatu of 1.2 million acres (12,000 km²) including Waikato river, the labelling of Waikato as 'rebels', and widespread economic and social deprivation.

At the time of the settlement in 1995 New Zealand's Parliament heard how the invasion of the Waikato in 1863 was:

Wrongful and totally unjustified ... the confiscations were unjust, and ... Waikato-Tainui, far from being in rebellion, were in fact defending hearth and home ... The Waikato war and the confiscations that followed caused devastation ... The people were dispersed, and there was widespread suffering, distress and deprivation ... The land of their ancestors had been taken from them with the stroke of a pen.*

We remember those tuupuna who fought and died protecting the mana, whenua and awa of Waikato-Tainui, and acknowledge those who later continued the fight through legal recourse and dogged political negotiation, and those who kept the home fires burning and the resolution strong. And we acknowledge the Crown for its determination to see settlement achieved.

This booklet has been published to commemorate 20 years of post-settlement social, cultural, environmental and economic self-determination, progress and development. It bears witness to the burgeoning of Waikato-Tainui.

Kia niwha, kia uu, kia ita!



OREWORD FROM KIINGI TUHEITIA

I wish this could be a different time, under different circumstances, and with different feelings, it is however not the case, the time is now, the circumstances and purposes are this marked milestone in our history, my feelings and my words are very real for me so I should not be concerned with wishes alone.

Twenty years ago today I stood beside my mother, the late Queen, and observed as she signed the settlement documents at Tuurangawaewae Marae. Earlier on the same day inside Mahinaarangi House I watched and heard Sir Hepi Te Heuheu attempting to persuade my mother not to sign the agreement. I was then told that the Korotangi was being returned to us that same morning under a degree of secrecy, I guessed the secrecy was to enhance the surprise value for the people. On top of that, my wife was in the hospital about to give birth to our second child. It was a typical day in the Whare Ariki but a day that would have very different impacts on us later.

For the people and the Tainui Maaori Trust Board, the one thing on their minds was the settlement. For me there were so many things going on that I could not even begin to know or appreciate what my mother had to cope with. She had so much to deal with and she had her hand on almost every detail of the ceremony and the occasion. She instructed me out to the road to meet the Prime Minister and his party and escort them onto the Marae as we normally did. She then grabbed my hand and said to me to stand by her when it all started. At that moment I had the strangest feeling come over me, which I didn't pay a lot of attention to at that time.

I want to acknowledge my mother in this foreword. She told me that sometimes you do things that may not necessarily be what you want to do but you have to do and this was one day when that was the case. I recall in a very vivid way just how regal she was that day.

I have been King and Head of the Tribe for nearly half of this 20-year period since settlement in 1995. Not only since 1995, but during my reign, Waikato has had the aid, advice and assistance of many individuals in the form of chairpersons and directors of our companies, trustees, staff and advisors. These people have helped shape what and where we are today and I would like to thank you sincerely. Be assured, your personal contributions have been invaluable to the tribe and the Kiingitanga, thank you again for the part you played and the valued contribution you have made.

To my knowledge, there have been a total of 60 Crown apologies conveyed and recited to Maaori for every imaginable breach of the Treaty. They range from failure to uphold the Treaty of Waitangi, the destruction of crops and homes, mass migration to outnumber and out-vote Maaori, the theft of land and confiscation, acts of war and genocide, and the denial of Maaori sovereignty. It has been said that an apology that costs nothing, is worth nothing. The breaches against Waikato and Tainui came at great cost and my focus will remain in the future, looking forward at what lies ahead for us.

This historic settlement 20 years ago and the subsequent settlements have all impacted on this tribe, Maaori and the country in numerous ways. I have as I said been King and Head of the Tribe for half this time. In my time, following in the footsteps of my tuupuna, what they had done years before, I repeated in 2008 and 2010 relative to the Waikato River settlement.

I wish to pay a particular acknowledgement to both the late Lady Raiha Mahuta and Tukoroirangi Morgan

MIHI

Tuia te rangi e tuu iho nei Tuia te papa e takoto Tuia te hira o te kaupapa e huihui ai taatou i te raa nei.

Aue te mamae i te titiro ake i te hunga i para i te huarahi kua kore i kitea i teenei raa.

Ngaa mauri o te Kiingitanga, ngaa pou o te kaupapa i tutuki te Take Raupatu e rua tekau tau ki muri nei.

Moe mai koutou ngaa pou haapai i te kaupapa ka ngaro nei.

Taatou i teenei raa, i teenei waa maumahara. Ngaa iti me ngaa rahi. Teenaa koutou, teenaa taatou katoa.

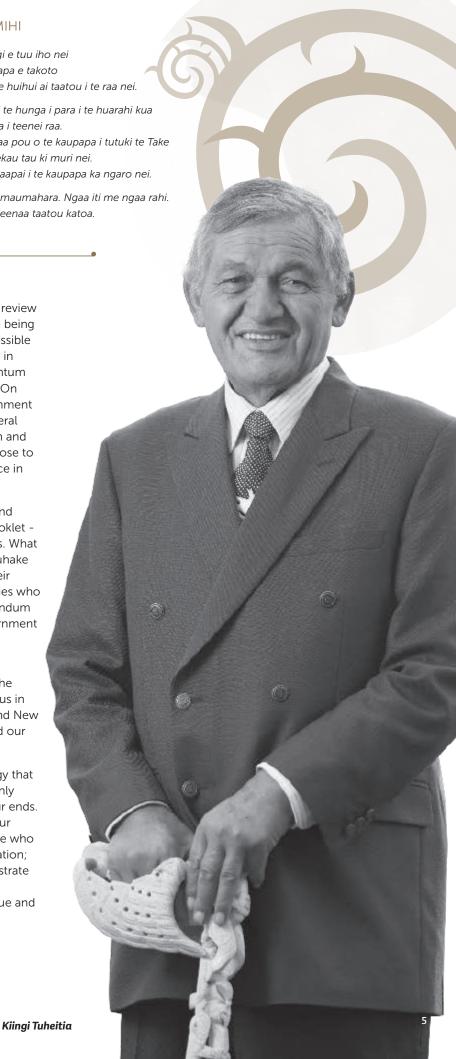
for that work. On reflection and in my personal review of that settlement, boundaries and people were being pushed beyond that which one thought was possible at the time. Tuku and Raiha achieved for Maaori in that settlement, nearly twice the value and quantum of what the 1995 settlement realised for Tainui. On the occasion of the Ascent ceremony at Government House Vogel, I sat alongside the Governor General Sir Anand Satyanand as he signed the legislation and passed it into law. The Governor General then rose to speak and that was to be my very first experience in such matters.

What needs to be said about the last 20 years and this milestone has been said by those in this booklet -Nanaia, Jim, Doug and the tribal representatives. What I want to see now is how we pursue Mana Motuhake in a real way. How do we hold the Crown to their promises? What are our risks from political parties who act as the Crown moving forward? Is the referendum on the New Zealand flag a precursor to a Government Declaration of a Republic?

For me, this first 20 years is only the beginning. My focus will remain on Maaori sovereignty in the partnership that was promised and guaranteed us in the Treaty; the type of sovereignty for Maaori and New Zealanders that will work in both a Republic and our present political environments.

To my people of Waikato, remember "an apology that costs nothing, means nothing". The money is only compensation; it is a means for us to pursue our ends. It is a hand up, not a hand out. We along with our whanaunga in the south got far more than those who came after us in 1995. That came with an obligation; the type of obligation that leaders must demonstrate and deliver. We must help other iwi and hapuu claimants and we must all be a part of this unique and important redress process.

Pai marire.





Historical accounts and the public record agree that the invasion of Waikato by the colonial Government was unjustified.

The Waikato Raupatu Claims Settlement Act 1995 contains a preamble which sets out the history and background of the Raupatu and the claim. Drafted and agreed by both Waikato and the Crown, it serves as the official public record.

Following is the Preamble*, starting in 1858 when Pootatau Te Wherowhero was named King through to 1995 when the Deed of Settlement was signed and legislation passed.





44 KIINGITANGA

In 1858 Pootatau Te Wherowhero was raised up as King to unite the iwi, and preserve their rangatiratanga and their economic and cultural integrity, under his authority in the face of increasing settler challenges, Waikato regarding themselves as principal kaitiaki of the Kiingitanga and as remaining so ever since.

Those chiefs who formally pledged their land to Pootatau Te Wherowhero gave up ultimate authority over the land to him, along with ultimate responsibility for the well-being of the people, and through this bound their communities to the Kiingitanga, resisting further alienation of their land.

The New Zealand Government at the time perceived the Kiingitanga as a challenge to the Queen's sovereignty and as a hindrance to Government land purchase policies, and did not agree to any role for, or formal relationship with, the Kiingitanga.

INVASION, HOSTILITIES, AND CONFISCATIONS OF WAIKATO LAND

In July 1863, after considered preparations by the New Zealand Government, military forces of the Crown unjustly invaded the Waikato south of the Mangataawhiri river, initiating

hostilities against the Kiingtanga and the people. By April 1864, after persistent defence of their lands, Waikato and their allies had fallen back before the larger forces of the Crown and had taken refuge in the King Country.

By Orders in Council under the New Zealand Settlements Act 1863, the Crown unjustly confiscated approximately 1.2 million acres of land from the Tainui iwi in order to punish them and gain control of the land placed by them under the protection of the Kiingitanga (although the Crown subsequently paid small amounts of monetary compensation and returned, by Crown grants, but not under customary title and generally not to those who had fought for the Kiingitanga, approximately onequarter of the land confiscated).

The negotiations between Waikato-Tainui and the Crown were conducted in good faith and with a generosity of spirit

Widespread suffering, distress, and deprivation were caused to the Waikato iwi (both north and south of the Mangatawhiri river) as a result of the war waged against them, the loss of life, the destruction of their taonga and property, and the confiscations of their lands, and the effects

of the Raupatu have lasted for generations.

The Kiingitanga has continued to sustain the people since the Raupatu, and its leaders have petitioned the Crown for justice and for the return of land since 1865.

ROYAL COMMISSION

A Royal Commission (the Sim Commission) was appointed in 1926 to consider the confiscations under the New Zealand Settlements Act 1863 and its amendments.

In response to the Sim
Commission's findings and
recommendations, compensation
was granted pursuant to the
Waikato-Maniapoto Maaori
Claims Settlement Act 1946 by
the payment of an annual sum of
money into the Tainui Maaori Trust
Fund, to be administered by the
Tainui Maaori Trust Board for the
benefit of those members of the
Maaori tribes in the Waikato District
whose lands had been confiscated.

WAITANGI TRIBUNAL

In 1985 the Waitangi Tribunal wrote in the Manukau Report (Wai 8) at page 17: "It can simply be said that from the contemporary record of Sir John Gorst in 1864, from the Report of the Royal Commission 60 years after that, and from historical research almost

a century removed from the event, all sources agree that the Tainui people of the Waikato never rebelled but were attacked by British troops in direct violation of Article II of the Treaty of Waitangi".

"land for land"
-"i riro whenua atu,
me hoki whenua mai"
("as land was taken, land
must be returned")

On 16 March 1987 Robert Te Kotahi Mahuta, on behalf of himself and on behalf of the members of Waikato-Tainui, the Tainui Maaori Trust Board, and Ngaa Marae Toopu, submitted a claim to the Waitangi Tribunal under the Treaty of Waitangi Act 1975 in relation to the Raupatu, that claim being registered with the Waitangi Tribunal as Wai 30.

COURT OF APPEAL

The injustice of the Raupatu is as keenly felt by Waikato today as in the past, as has been testified by Waikato kaumaatua and kuia in the affidavits filed by the plaintiffs in R T Mahuta and Tainui Maaori Trust Board v Attorney-General [1989] 2 NZLR 513.

The Court of Appeal noted in that case that the Sim Commission's report had failed to convey "... an expressed sense of the crippling impact of Raupatu on the welfare, economy and potential development of Tainui", and that the subsequent annual monetary payments made by the Government were trivial "in present day money values", and concluded that "Some form of more real and constructive compensation is obviously called for if the Treaty is to be honoured".

NEGOTIATIONS WITH THE CROWN

In 1989 the Crown and Waikato entered into direct negotiations in which Waikato pursued compensation on the basis of their long established principles of "land for land"—"i riro whenua atu, me hoki whenua mai" ("as land was taken, land must be returned") and "ko te moni hei utu mo te hara" ("the money is the acknowledgment by the Crown of their crime").

In 1993 as a goodwill gesture the Crown vested the Hopuhopu Military Base in Pootatau Te Wherowhero for the benefit of Waikato.



The Crown and Waikato have negotiated with each other in good faith in an endeavour to settle the Waikato claim and to remove the sense of grievance felt over time by Waikato.

SETTLEMENT OF CLAIMS

The Crown now acknowledges that grave injustice was done to Waikato when the Crown, in breach of the Treaty of Waitangi, sent its forces into the Waikato, occupied and subsequently confiscated Waikato land, and unfairly labelled Waikato as rebels:

- after—
- (a) the Crown and Waikato had considered the Treaty of Waitangi, the particular terms of reference of the Sim Commission, the findings and recommendations made by the Sim Commission in accordance with those terms of reference, and the compensation already paid or provided to Waikato (including the compensation provided in response to the findings and recommendations of the Sim Commission) and had agreed on the inadequacy of that compensation;

.... it is not possible to crush those who have right on their side. Sooner or later justice will prevail. For Waikato that time has now come. No longer are they regarded as rebels. Fair restitution has been provided. The suffering is now at an end.

Sir Douglas Graham 19 October 1995



- (b) the Crown had recognised the significance of the "land for land" principle to Waikato;
- (c) the Crown and Waikato had agreed that the Crown should now make full and final restitution to Waikato in respect of the Raupatu claims,—

The Crown and Robert Te Kotahi Mahuta on behalf of Waikato-Tainui, accordingly recorded, on 21 December 1994, in a heads of agreement their agreement in principle to the matters required to effect a settlement of those claims, and, on 22 May 1995, the Crown and Waikato-Tainui signed a deed of settlement.

Land transferred to Waikato under the deed of settlement will be held communally in a trust to be established by Waikato and part of that land will be registered in the name of Pootatau Te Wherowhero as provided for in this Act, that name giving expression to the significance of the pledges made by the chiefs to Pootatau Te Wherowhero and of the reaffirmations of those pledges, as expressed in the kawenata, by those who have continued in support of the Kiingitanga.

The trust deed for the trust to be established by Waikato will provide

that no land of the trust that is registered in the name of Pootatau Te Wherowhero shall be sold or mortgaged to, or be capable of being vested in or transferred to, any person or body, and that no land may be transferred out of the name of Pootatau Te Wherowhero without the consent of the "custodians of Te Wherowhero title" referred to in that trust deed.

As the Crown now holds only a small proportion of the land originally confiscated and the land now held cannot be evenly distributed among the 33 hapu affected by the Raupatu, the restitution provided for in the deed of settlement is to be for the benefit of all Waikato collectively, under the mana of the Kiingitanga.

By the deed of settlement—

- (a) the Crown has acknowledged that the settlement provided for in that deed does not diminish or in any way affect the Treaty of Waitangi or any of its articles or the ongoing relationship between the Crown and Waikato in terms of the Treaty of Waitangi or undermine any rights under the Treaty of Waitangi, including rangatiratanga rights; and
- (b) Waikato have acknowledged that the settlement provided for in that deed is fair, final, and durable.



KEY: CONFISCATED LAND



IMELINE OF SIGNIFICANT EVENTS

"The Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the grievance of Raupatu finally settled as to the matters set out in the Deed of Settlement signed on May 22 1995 to begin the process of healing and to enter into a new age of co-operation with the Kiingitanga and Waikato."



1839

Te Wherowhero signs the Declaration of Independence



1858

Pootatau Te Wherowhero is crowned the first Maaori King

1863

Invasion of the Waikato – July to December. New Zealand Settlements Act. Government confiscated 1,202,172 acres. Later 314,364 acres were returned to kuupapa natives

1350

Tainui arrives in Aotearoa. Tainui people settle in Auckland, Hauraki, Waikato and the King Country

1840

The signing of the Treaty of Waitangi



1860

Taawhiao Pootatau Te Wherowhero becomes the second Maaori King

1835

Declaration of Independence signed by 35 northern chiefs declaring Maaori sovereignty

1859

The start of the land conflicts between Maaori and Government

1864

Soldiers allotted sections taken from the confiscated lands which included a town acre and a farm section



1867

Maaori

Representation

Bill created three

North Island and

one in the South

Maaori seats in the

1903 Mahuta accepts a seat on the NZ Legislative Council to seek redress for Raupatu.



1912 Kiingi Te Rata succeeds his father to become the fourth Maaori King



1914 Te Rata leads deputation to England to petition Crown on the Raupatu claim, received same advice

1930

Rangatahi group established by Tumate Mahuta and Pei Te Hurinui Jones to negotiate with Government on Raupatu



1933 Kiingi Koroki anointed as fifth Maaori King

continued







1928 Sim Royal Commission to review the Raupatu issue. Commission found Raupatu to be "immoral, illegal and excessive"

1936 Prime Minister Savage promises settlement of 5,000 pounds per year

1884

Taawhiao leads deputation to England to petition Crown on the Raupatu claim. Advised to petition New Zealand Parliament



1916 Government attempts military conscription in Waikato during World War I

1978

Trust Board annuity reassessed at \$15,000 per annum



1989

Tainui Coalcorp case taken to High Court and heard before Court of Appeal. Tainui receives unanimous decision in favour

1946

Tuurangawaewae hui – Prime Minister Fraser offers 6,000 pound per year for 50 years, and 5,000 pounds thereafter in perpetuity. Kiingi Koroki accepts offer but does not consider it as "full and final" settlement. Tainui Maaori Trust Board established to administer payments.

1984

Te Hiikoi ki Waitangi Manukau Claim Hui Taumata

1987

Waitangi Tribunal receives Waikato-Tainui claim concerning lands confiscated, Waikato River bed, fisheries and harbours

1990

Opening of Raupatu hearings at Owae Marae, Waitara, Taranaki. Presentation to Waitangi Tribunal and Crown of Tainui claims

1939

World War II – Raupatu negotiations suspended

1983

The Tainui Report released

1985

Waitangi Amendment Act allows Tribunal to recommend on claims back to 1840

1975

Waitangi Tribunal established

1966

Te Atairangikaahu succeeds her father to be the sixth monarch of the Kiingtanga



1991

Direct negotiations with National Government begin. National Government agrees to return Hopuhopu Military Camp and reimburse Trust Board for costs of negotiations



1994

December 21 the signing of the Heads of Agreement at Hopuhopu

1998

The tribe votes that the successor of the Board will be called Te Kauhanganui

1999

The Tainui Maaori Trust Board is formally dissolved on April 30 and the first Te Kauhanganui meeting is held on August 13

Waikato River settlement historic, environment and legal research is completed for negotiations with the Government



2006

Kiingi Tuheitia is crowned

2009

New Government seeks a review of the Deed and a subsequent Deed of Settlement is signed, including the Kiingitanga Accord to protect the integrity of the Settlement

1993 Hopuhopu and Te Rapa returned



1996

The Trust Board begins a two year consultation process with tribal members to find a suitable post-settlement governance structure

1995

May 22 the Deed of Settlement is signed at Tuurangawaewae Marae. To signify the event, the Crown returned to Tainui the taaonga, Te Korotangi. The settlement package totalled \$170m, the majority of which is the value of returned confiscated lands (3%).

2008

The Waikato-Tainui Deed of Settlement for the Waikato River is signed



2010

The Waikato-Tainui Raupatu (Waikato River) Settlement Act receives the Royal Assent



As principal negotiator for the then Tainui Maaori Trust Board and Ngaa Marae Toopu my father led Waikato-Tainui in the negotiations with the Crown which first commenced in the late 1980s and finally culminated in the 1995 Waikato Raupatu Lands Settlement.

The land confiscation that took place in the 1860s significantly impacted on the psyche of Waikato, our refuge as caretakers for the Kiingitanga and the intergenerational desire to seek redress for the injustices that had occurred.

The founding principles for the Waikato Raupatu Claim, and its negotiation and settlement, had its origins in words left by the 'old people':

'I riro whenua atu, me hoki whenua mai'
As land was taken, so land should be returned
'Ko te moni hei utu moo te hara'
Money is payment for the sins committed

These principles informed the settlement reached by Te Puea and the Labour Government of Peter Fraser in April 1946. They continued to guide the way in which settlement redress would ultimately be considered in the 1990s.

The return of Waikato lands was always a priority to advance the socio-economic position of Waikato-Tainui in a rapidly growing and changing society. A major turning point that heralded change was the 1989 Court of Appeal case in which the Trust Board contested the sale of Coalcorp on the basis that it was part of the Waikato raupatu claim. This resulted in a landmark decision by the Court of Appeal, which agreed with the tribe's claim, and led to the establishment of 'direct negotiations' between the Trust Board and the Crown.

then Minister of Justice (Hon Bill Jefferies), the issue of a 'full and final' settlement was raised. Under the Labour Government a pure monetary approach to compensation was offered to the value of \$9 million. This was rejected by my father and he always took great delight in

In 1990 when my father had his first meeting with the

highlighting the inadequacy of such an approach. My father educated

My father maintained the view that the value of a Waikato settlement relative to the loss incurred must remain fair and durable for future generations

politicians of the day that the Crown had prospered 'on the back' of confiscated Waikato lands.

Under the National Government a new 'fiscal envelope' policy was promoted to resolve Treaty Claims. My father maintained the view that the value of a Waikato settlement relative to the loss incurred must remain fair and durable for future generations.

The Crown assured Waikato-Tainui that the proposed value of the settlement was 17 percent of the Crown's intended total expenditure of Treaty settlements but the Crown was reluctant to guarantee that it would not ultimately spend more. This was a real sticking point for my father who was concerned for the intergenerational equity of the settlement, particularly given the Crown's demand that the settlement be 'full and final' in respect of the tribe's raupatu claims (save for certain excluded matters, including the Waikato River). The inadequacy of the 1946 'full and final settlement' was a constant reminder of this concern.

Ultimately, through persistent efforts by the Waikato-Tainui negotiating team, my father and the then Minister in Charge of Treaty of Waitangi Negotiations, Sir Douglas Graham (as he is now known), settled on a relativity mechanism to maintain the value of Waikato's settlement against the total value of future settlements. That mechanism was critical to reaching final agreement.

The agreements reached were matters of personal integrity for my father and, I firmly believe, Sir Douglas Graham.

While much exchange occurred between officials, the ultimate integrity of the agreements rested at the top, in the engagements and commitments between my father, Te Atairangikaahu (and Waikato), Sir Douglas and the Rt Hon Jim Bolger (and the National Government).

My father committed to the resolution of raupatu to seek redress for the injustices which had occurred. He was acutely aware that generations before him struggled with the consequences of being made a landless tribe. This impacted on the social, economic, cultural and environmental well-being of Waikato. He believed that the resolution of raupatu brought with it the hope for a new generation to determine their own future or, as he would say, 'be the architects of our own destiny'. This was a vision of growth and prosperity which fulfilled the saying of Taawhiao that we would fashion our own house and be sustained by the simple fruits of our labour so that we could advance a better future for our children and mokopuna.

For Waikato-Tainui, the Treaty Settlement experience has transformed the way in which we seek to determine our future prosperity for the next generation.

Early on I knew life wasn't going to be easy, it was going to be tough. I had a funny feeling that I'd make millions of dollars, but I haven't yet – not for myself anyway. Raupatu was a cause, in a sense, worth dying for, and if I was going to putt out, then I wanted to do it for something that was worth dying for. I was afraid of nothing after that.

Sir Robert Te Kotahi Mahuta, A Fire In Your Belly 2000

T HON JAMES BOLGER ONZ

In pride of place in the Bolger dining room is a photo that marks the beginning of a new era in New Zealand. 155 years after the signing of The Treaty of Waitangi - Tiriti o Waitangi - the photo, captures the precise moment that Dame Te Atairangikaahu on behalf of Tainui and I on behalf of the Crown put our signatures on The Deed of Settlement at Turangawaewae on 22nd May 1995.

With that signing New Zealand began a new journey of understanding and partnership, originally promised at the signing of the Treaty in 1840.

My personal journey in many ways began when as a 6 year old, in 1941, the Bolger family moved to a small farm at Rahotu, coastal Taranaki, and our Maaori neighbours provided transport to school until a school bus came on the scene a few years later. From that point on I have been in constant contact with Maaori throughout my life.

There were many personal and political interactions through the years and through it all I was gaining a better insight into the depth and complexity of Maaori grievances and the inadequate response by successive Governments down the years, ranging from denial to token compensation.

Most can recall the evocative photo of Dame Whina Cooper with a staff in one hand and holding the hand of her young granddaughter in the other, setting off in 1975



Rt Hon Jim Bolger



Tuurangawaewae Marae, 22 May 1995

from Te Hapua on the hikoi to Parliament, to present her petition to stop the alienation of Maaori owned lands and providing redress for past wrongs.

In 1976 with the change of Government I became Under Secretary to the Minister of Maaori Affairs, Hon Duncan MacIntyre and Chair of the Maaori Affairs select committee of Parliament. As such I was Chair of the Select Committee meeting held in Auckland to hear submissions on the 1975 petition of Dame Whina Cooper and others regarding the earlier alienation of Maaori land and the passionate request for redress. We were all moved by the story she and others told.

The story was too powerful and too painful to be ignored.

Moving forward to 1988, when many believed Maaori were receiving too much attention, as Leader of the National Party I told the Party's annual conference 'that I would never be a racist' no matter how many votes that might gain and optimistically committed the Party to the goal of settling all major claims by the year 2000. I had greatly underestimated how complex many of the claims were and many are still in the process of being resolved.

The good news is whereas in the past many New Zealanders, mainly though lack of knowledge, were opposed to Treaty settlements,

today all but a few acknowledge that the settlement process was and is right and support the process.

Much has been written about the process leading up to the signing of the Treaty in 1840 and the hopes of a New Zealand moving forward together. Recall that Governor Hobson greeted each Chief after they signed at Waitangi with the phrase; 'he iwi tahi tatou-we are now one people.'

That optimistic observation by Hobson, although no doubt well intentioned, confirms the new Colonial Government's lack of any real understanding of Maaori views and attitudes especially as regards to the ownership of land.

With the benefits of hindsight, that lack of appreciation of the other side's values and views is understandable as they came from distinctly different histories.

The optimistic hopes expressed at the signing were sadly soon replaced by disagreements which lead on to the Land Wars in the Waikato and elsewhere. Those wars devastated Maaori primarily because their assets were stolen. If New Zealand had taught its colonial history more accurately, then gaining acceptance that a new approach was required would have been more easily achieved.

The Hon Doug Graham (now Sir Douglas) was the person I chose to lead my Government's new approach to be upfront about our colonial past, to openly acknowledge the hurt and loss that Maaori suffered and to begin the process of negotiating redress. Such success as has been achieved is due to the courage and leadership from Maaori being matched by similar leadership from the Crown.

Such success as has been achieved is due to the courage and leadership from Maaori being matched by similar leadership from the Crown

The breakthrough came when on the eve of Christmas 1994
Doug Graham rang to seek my agreement to initial the agreement that he and the late Sir Robert Mahuta, with support on both sides, had reached. I readily agreed and pay tribute to Tainui for agreeing to settle first and by so doing enabled New Zealand to take the first steps along a new road.

Both parties knew that we couldn't rewrite history but we could write the opening chapters of a new narrative of working together to achieve the original goals set out in the Treaty of Waitangi in 1840.

THE APOLOGY

The Waikato Raupatu Claims Settlement Act 1995 records the formal apology from the New Zealand Government to Waikato-Tainui for invading Waikato, labelling Waikato as 'rebels' and confiscating lands.

E whakaae ana Te Karauna ko oona reo ko oona mana i hara ki nga tikanga o Te Tiriti o Waitangi i taa raatou whakawhiunga i te Kiingitanga me Waikato ki ngaa hooia i Mangataawhiri i te marama o Hongongoi 1863 i raro i ta raatou tohu whakaingoa. 'he iwi whakakeke a Waikato'.

E whakaatu ana Te Karauna i toona pouri tino hoohonu, aa, kaaore he mutunga o taana tuku whakapaa mo ngaa taangata i mate i ngaa parekura whakaeke o aana hooia, aa, mo te taaorotanga hoki o ngaa whenua tae atu ki te whakararurarutanga o te nohoanga o ngaa lwi.

E whakaae ana Te Karauna teeraa ko ngaa raupatutanga o ngaa whenua me ngaa rawa i whakamanahia e te Ture Mo Te Whakanoho i Te Hunga Maarie, ara, te lwi Paakeha 1863, a Te Paaremata o Niu Tireni he mahi tino hee, e peehi kino nei i a Waikato mai raano. E noho pani tonu nei raatou i roto i te rawakoretanga me to hauwareatanga o ngaa mahi toko i te ora, o ngaa mahi whanaketanga mo ngaa lwi o Waikato.

E maarama pai ana Te Karauna teeraa ko teenei pouritanga tino toimaha, kaaore nei anoo kia whakatikaina i raro i te Tiriti o Waitangi kei te whakataairi i eenei puutake e rua a Waikato: 'i riro whenua atu, me hoki whenua mai' te tuatahi; 'ko te moni hei utu mo te hara' te tuarua. Hei whakatutuki, e whakaae ana Te Karauna ki te whakahoki ki te iwi ngaa whenua e taea ai i roto i teenei whakaaetanga kei raro i toona mana i Waikato.

E whakaae ana Te Karauna teeraa anoo ngaa whenua raupatu o Waikato te tino taakoha nui ki te rangatiratanga me te whanaketanga o Niu Tireni ahakoa kei te noho rawakore tonu te lwi o Waikato i oona whenua me ngaa hua o aua whenua.

Noo reira ka kimi Te Karauna, mo te taha ki ngaa lwi Katoa o Niu Tireni, i te huarahi e whakamaarie ai i eenei tuukinotanga, araa, mo te waahanga e taea ai, aa, i teenei whakatutukitanga o teenei take whakamau o Te Raupatu. He whakaotinga teenei i raro i ngaa take raarangi o Te Pukapuka Whakaaetanga i hainatia i te 22 o ngaa raa o Haratua 1995, maana hei arahi atu ki te ao hoou o te mahi tahi ki Te Kiingitanga me Waikato.



The Crown acknowledges that its representatives and advisers acted unjustly and in breach of the Treaty of Waitangi in its dealings with the Kiingitanga and Waikato in sending its forces across the Mangataawhiri in July 1863 and in unfairly labelling Waikato as rebels.

The Crown expresses its profound regret and apologises unreservedly for the loss of lives because of the hostilities arising from its invasion, and at the devastation of property and social life which resulted.

The Crown acknowledges that the subsequent confiscations of land and resources under the New Zealand Settlements Act 1863 of the New Zealand Parliament were wrongful, have caused Waikato to the present time to suffer feelings in relation to their lost lands akin to those of orphans, and have had a crippling impact on the welfare, economy and development of Waikato.

The Crown appreciates that this sense of grief, the justice of which under the Treaty of Waitangi has remained unrecognised, has given rise to Waikato's two principles 'i riro whenua atu, me hoki whenua mai' (as land was taken, land should be returned) and 'ko to moni hei utu mo te hara' (the money is the acknowledgment by the Crown of their crime). In order to provide redress the Crown has agreed to return as much land as is possible that the Crown has in its possession to Waikato.

The Crown recognises that the lands confiscated in the Waikato have made a significant contribution to the wealth and development of New Zealand, whilst the Waikato tribe has been alienated from its lands and deprived of the benefit of its lands.

Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the grievance of raupatu finally settled as to the matters set out in the Deed of Settlement signed on 22 May 1995 to begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato.

This Apology was given the Royal Assent by Queen Elizabeth II in 1995. It remains the only New Zealand legislation to receive Royal Assent by the Queen.



The inevitable tension and dispute over land between Maaori and the new settlers in the years following the signing of the Treaty of Waitangi were to have two long lasting impacts on Waikato-Tainui.

The first was the settler encroachment onto land of the iwi, skirmishes and eventually pitched battles between soldiers and warriors, and then the confiscation by the Crown of almost all of the iwi rohe. The second, which arose from the first, was the rise of the Kiingitanga intended to unite disparate hapuu under one authority to discourage land sales. The tragedy was that the confiscation or raupatu meant there was no longer any land to retain.

For over 100 years Waikato-Tainui harboured a grievance over the loss of the land and sought redress from successive governments. Some progress was made but it was not until 1991 that the Crown and Waikato-Tainui finally met in an atmosphere of goodwill to address the grievance. In December 1994 at Hopuhopu, a Heads of Agreement was signed by Robert Mahuta and by me as Minister of Treaty of Waitangi Negotiations. This led to a Final Deed of

Settlement signed on the 22 May 1995 at Tuurangawaewae by Te Arikinui Dame Te Atairangikaahu and the Rt Hon Jim Bolger ONZ, the Prime Minister.

The settlement was the first major settlement of land claims by any iwi and was followed by many other settlements with other iwi in the following decades. The format set out in the Waikato-Tainui Deed has been used as a precedent for all other settlements.

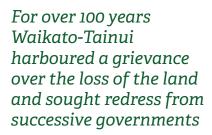
The negotiations between Waikato-Tainui and the Crown were conducted in good faith and with a generosity of spirit. Both sides appreciated the unique nature of the issues where actions or omissions of long ago were at long last being addressed a century after the event. If the negotiations were to succeed both parties knew that any settlement would have to take into account the ability of the Government to meet all the demands made on it, be fair to both the taxpayers and the iwi, and

be fair between Waikato-Tainui and other iwi with grievances of their own. It would be a political settlement between equals rather than simply a commercial transaction, one which laid the sadness of past events to rest and then contained a commitment from each to respect each other and to comply with the Principles of the Treaty into the future.

The negotiations between Waikato-Tainui and the Crown were conducted in good faith and with a generosity of spirit

The actual settlement contained three elements. First, it recorded for posterity the grounds for the grievance by briefly outlining the factual history and the breaches by the Crown of its Treaty obligations and fiduciary duties. Secondly, it contained a sincere apology







to Waikato-Tainui for those breaches on behalf of the people of New Zealand without which the settlement would have been quite inadequate. Thirdly, it provided for compensation based as far as was possible on the principle 'as land was taken so land must be returned'. The compensation therefore included the return of land and financial compensation as well. The Settlement Deed stated that the settlement was a full and final settlement of all historical grievances.

Over the 20 years since that momentous occasion courage and skill. It is now a major player in the Waikato economy and a beacon of hope to all

Waikato-Tainui has met the challenges of today with New Zealanders.

What does the settlement mean to all New Zealanders? It means the ability of each one of us and our children and our grandchildren to enjoy harmonious race relations is enhanced. It means that cultural differences can and must be respected. It means that where generosity of spirit exists, no obstacle need be insurmountable.



Sir Douglas Graham 19 October 1995



Susan Pepperell Former Waikato Times reporter

At the end of last month New Zealanders in their hundreds of thousands turned out to Anzac Day ceremonies around the country – and the world – to commemorate the centenary of the Gallipoli Landings in the First World War.

It was a day not only to honour those who died, but to reflect on how those events in our history have shaped our identity and what it means to be a New Zealander.

Twenty years ago, the thousands of people at Ngaaruawaahia's Tuurangawaewae Marae were engaged in what, with the enormous benefit of two decades of hindsight, seems to me a similar reflection.

On that day, when Waikato-Tainui and the Crown signed a settlement deal to right 132 years of wrong, the dawning of a new history rose from the paepae, crept over the region's towns and city and nestled into the surrounding hills.

A collection of snapshots remain in my memory. The grey and black coats of ministers and dignitaries, hands touching the beautiful Korotangi, that sacred Tainui artefact returned to where it is most revered. I recall also a haka on the forecourt so ferocious the chests of the performers turned bright red from slapping; a group of weeping kuia tightly holding hands.

I perched under a tree and scribbled in my reporter's notebook. My story began: "It is the beginning, it is the beginning."

Those were the words of the auxiliary Bishop of Hamilton, Max Takuira Mariu as he spoke about the promise of his generation to generations yet to come.

Maaori and pakeha leaders stood together and talked of reconciliation, healing and hope. The Crown's apology acknowledged its representatives had acted unjustly and had had a crippling impact on the welfare, economy and development of Waikato.

But the difficult negotiations were over and it was time for a collective generosity of spirit. History happened formally at 11.50am when the then Prime Minister Jim Bolger and Te Arikinui Dame Te Atairangikaahu signed the Deed of Settlement that marked the return of 15,782ha of confiscated land.

"What we do must be honoured by us and by successive generations," Mr Bolger said.

And so the celebrations began. Haka, waiata and laughter. Oh, and protest too. Eva Rickard, as staunch and outspoken as ever, declared it a day of mourning. For most, it was anything but.

The early years following the settlement were tumultuous for Waikato-Tainui. There were dreams that would never be realised and massive internal struggles that resulted in poor decisions and pandering to the vanities of a few.

But as Waikato-Tainui gained experience and learned from its



mistakes, its politics - always robust and confrontational - became more about the issues and less about the personalities. Well, to a point, as politics is always about personalities.

If there is to be one enduring message from that day it came from Sir Robert Mahuta, the man who did more than anyone to secure the historic settlement.

"It marks the turning point in our destinies," he said. "Both Waikato-Tainui's and the Crown - but wider still in terms of the destiny of this country."

He would live for only another six years, tragically not long enough to see the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act become law in 2010, establishing the tribe as guardians of the river in partnership with local government agencies.

I am not Waikato-Tainui but I am from Waikato. Today, whenever I return, the hard fought gains of the tribe are visible almost everywhere. The most visible and greatest of them all is the river.

It marks the turning point in our destinies, Both Waikato-Tainui's and the Crown - but wider still in terms of the destiny of this country

I grew up living beside it, and today my work brings me into contact with groups involved in projects to restore it. They are part of the legacy of 1995 and as I drive or walk alongside it I see the new plantings and the clearings and I know where scientists and hapuu stand side by side sharing their knowledge and skills.

My rose-tinted glasses can't, however, mask the disparities in our society and the extreme hardships many Maaori face. May 22, 1995 didn't fix that and it is wrong to believe it should have. There is still much to be done.

Waikato-Tainui's settlement was the beginning. Reflecting 20 years on, it has made us all better New Zealanders.



In 1995 Waikato-Tainui was the first iwi to settle its Treaty of Waitangi claim. Thousands turned out to witness and be part of this historic occasion.



Korotangi is returned to Waikato-Tainui



The two signatories to the Deed of Settlement







The Waikato-Tainui and Crown leaders who were integral to settlement being achieved. Sir Robert TeKotahi Mahuta, Te Arikinui Dame Te Atairangikaahu, Rt Hon Jim Bolger, Sir Douglas Graham



This year, as we mark the 20th anniversary of our Raupatu settlement, we have the opportunity to reflect on the benefits the settlement has brought and the progress made in tribal development.

As the first tribe to settle its Treaty of Waitangi claim we took responsibility to be trailblazers for those who would follow. The process of negotiation, terms of our settlement, spirit within which the settlement was reached, and partnership forged with the New Zealand Government are the legacy Waikato-Tainui is privileged to have led and left.

Now, two decades later, we can demonstrate to all – and especially to our tuupuna – that the dreams they had for our iwi are being fulfilled. We may have been a greenfield proposition 20 years ago with no template to follow, we may have encountered many challenges, and there may still be much more work to do, but we are on a pathway that has brought and will undoubtedly continue to bring success.

In this section we document the development that has occurred since 1995. This is the result of tireless work by former and current leaders, management and staff who gave generously of their time, skills and commitment to driving positive change. It is also a tribute to our members especially our kaumaatua, who grasped the opportunities presented to build positive lives.

The settlement inspired a new confidence and gave us the tools to create an innovative and sustainable future. In 2015 we stand proudly as a people who faced down the wrongs of the past, sought justice and resolution, and emerged resilient and determined to go on and build a prosperous future

Ki te kotahi te kaakaho ka whati, ki te kaapuia, e kore e whati.

Rahui Papa Chairman, Te Arataura Parekawhia McLean CEO, Waikato Raupatu Lands Trust Now, two decades later, we can demonstrate to all – and especially to our tuupuna – that the dreams they had for our iwi are being fulfilled

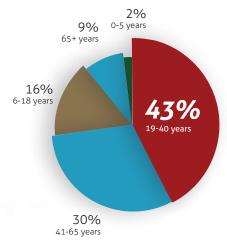


KIINGITANGA

As kaitiaki of the Kiingitanga we are proud to report that this historic movement continues strongly as a symbol of Maaori unity – mana Maaori motuhake. Our tribal commitment to the King Movement, the principles upon which it is founded, and its unifying force remain unyielding and enduring.



Koroneihana



MEMBERSHIP

In 1995 Waikato-Tainui numbered approximately 20,000 members. Since then membership has more than tripled to now stand at 68,000. Our members live all over the world but 60 percent reside within the Tainui rohe. Our age demographics mirror the national profile for Maaori with two-thirds of us aged 40-years and younger.



CLAIMS

The 1995 settlement excluded the Waikato River, the West Coast harbours and the Wairoa and Maioro land blocks. In 2008 a settlement was reached with the Crown for Waikato River, with the Crown acknowledging that the Raupatu of the 1860s had denied Waikato-Tainui its rights and interests in the river.

The settlement focuses on the need to respect and restore the well-being of our tupuna awa and has created a new era of cogovernance and co-management between Waikato-Tainui and the Crown. The Waikato Raupatu River Trust was established in 2010 as the implementation arm of the settlement.

In 2012 Waikato-Tainui received the first payment under the relativity clause within the Deed of Settlement. Developed by Sir Robert Te Kotahi Mahuta, this clause ensured that the value of our settlement would be protected and enables Waikato-Tainui to claim additional redress if the total value of all settlements exceeded \$1B. That mark was reached in June 2012. The relativity clause provides for Waikato-Tainui to make further claims for additional payments every five years up until 2044.



Waikato River

ENVIRONMENT

Like our tuupuna before us, we take seriously our Kaitiaki responsibilities of relating to our environment. We are defined by our tupuna awa and our whenua. Our award-winning environmental management plan – Tai Tumu, Tai Pari, Tai Ao – is recognized for crossing the cultural, linguistic and legislative divides to create transformational change.

2015 New Zealand Planning Institute Best Practice award for Excellence in Strategic Planning and Guidance: Tai Tumu, Tai Pari, Tai Ao

We cannot remake 150 years, much less 100 years; we cannot remake 10 years, but we can devise honourable compensation and recompense in circumstances where it is required. My plea today is that when New Zealanders across the land see the event recorded in the 6 o'clock news tonight, they reflect just a moment and say: "Isn't that the better way?"

GOVERNANCE AND STRATEGY

An aspect of the legislation covering our settlement was the requirement that a tribal governance entity be created to replace the incumbent Tainui Maaori Trust Board. Soon after settlement a three-year consultation process began to identify the governance structure that members preferred.

In 1999 the structure was approved and Te Kauhanganui, comprising three representatives from each of the 68 marae, was born. Soon after, the tribal executive committee Tekaumaarua was created. In 2005 Tekaumarua became Te Arataura.

This structure remains in place today however a review of governance and representation arrangements was commenced two years ago. A new model has been identified and is expected to be adopted this year. The Marae Model is aimed at ensuring governance arrangements provide for new, more efficient and effective ways to deliver outcomes.

Te Kauhanganui is led by our 50-year blueprint for success. Known as Whakatupuranga 2050, this farreaching strategy was developed in 2007 and provides the vision, guidance, focus and strategy for development. It can be viewed at www.waikatotainui.com.

COMMERCIAL

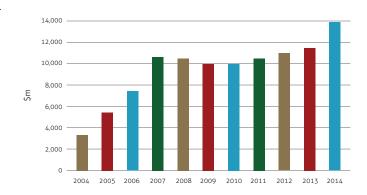
Tainui Group Holdings Ltd (TGH) is the tribe's commercial entity. TGH was formed in 1999 as a holding company over TGH Fixed Income Limited (formerly known as Tainui Corporation Limited essentially a property landlord) and TGH Property Limited (formerly known as Tainui Development Limited - property development and investments). In 2002 these entities were restructured and TGH became one single commercial operational arm with a total asset value of \$166M. By 2014 TGH's total assets were valued at \$841 million, boosting consolidated total asset values for Waikato-Tainui to \$1.1B.

TGH is primarily an intergenerational investment company managing tribal-owned land holdings (commercial, forestry and farming) and developing key projects including hotels (Ibis

Tainui, Novotel Tainui, and Tainui Auckland Airport Hotel), residential subdivisions (Huntington, Rotokauri), and The Base at Te Rapa. It also manages the tribe's fisheries interests (Waikato-Tainui Fisheries Ltd), is investigating the potential commercial and residential development of 500ha at Ruakura, and recently diversified its interests with the acquisition of shareholdings in Waikato Milking Systems, Genesis Energy and Go Bus.

The revenues generated by TGH fund tribal activities. Since 2004 TGH has returned \$104M to the Waikato Raupatu Lands Trust in dividends. Concurrently, \$56M has been distributed for education (grants, scholarships, Waikato-Tainui College for Research and Development), the Kiingitanga (Koroneihana, Office of the King), marae, and a range of cultural and community activities.

Dividends since 2004





MARAE

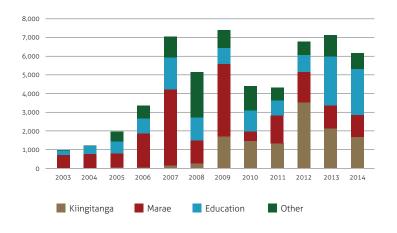
Marae are the lifeblood of Waikato-Tainui and providing support is essential. More than \$19M has been granted to the 68 Raupatu marae since 2003 to fund annual operational costs and development. This excludes the one-off \$15M grant made to marae in 2014.

A number of initiatives are underway with marae, including a unique insurance scheme which offers full insurance cover to marae with all costs paid by Waikato-Tainui.

I believe that in some ways we are going back over the century to the wishes of the original kingmaker, Wiremu Tamihana, who in 1865 laid down his taiaha before the Government and before Carey at Tamahere as a maungarongo - a covenant of peace. This is what this agreement, the Waikato-Tainui Raupatu claim settlement, stands for. It is a covenant of peace.

Hon John Luxton, former Minister of Maaori Affairs 19 October 1995

Distributions since 2003



CULTURE

Preserving tribal customs and traditions to ensure we retain our cultural integrity is imperative. Initiatives have included the restoration of Mahinaarangi and Turongo House at Tuurangawaewae Marae, funding for Koroneihana and poukai, provision of Pai Marire waananga and resource kit, introduction of the Taahuhu Maatauranga Maaori - Master in Maatauranga Maaori in association with Te Waananga o Raukawa, kapa haka sponsorship, and support for Tuurangawaewae Regatta.



EDUCATION

For Sir Robert education was the key to tribal development and in 1996 he described it as the primary means to achieve "tribal growth, financial independence, social self-reliance, maintenance of cultural integrity, and investment in the talents of our people". Our recently published education strategy, Ko Te Mana Maatauranga, is inspired by this whakaaro.

Education has been a priority and this is demonstrated by the provision of \$14M for grants and scholarships since 2003. Tertiary study has been the focus to date with the majority of recipients studying Bachelor degrees and higher. Support for education has also included funding for Kohanga Reo and the Waikato-Tainui College for Research and Development. In addition, tribal members have access to a range of education and employment programmes including financial literacy, home ownership, business development, governance training, and employment training, cadetships and apprenticeships. Most of these initiatives are with a range of partners whom we have forged enduring relationships with.

Our commitment to education is also evident in the relationships we have forged with WINTEC, University of Waikato, Te Waananga o Raukawa, and Te Waananga o Aotearoa.

The opening of the College (then named the Tainui Endowed College) at Hopuhopu in 2000 realised a dream for both Sir Robert and Te Arikinui Te Atairangikaahu. She described it as "a gift to the nation" and her hopes were that it would be "a place of open enquiry, discussion and a springboard to action". The College was rededicated in 2010 and now provides an internationally acclaimed MBA, the Taahuhu Maatauranga Maaori, seminars and research services.

HEALTH AND WELLBEING

The Raupatu of the 1860s had a devastating effect on our people. Among other things, the confiscation of the most fertile, productive lands stripped the iwi of the economic base, wrecking our established agricultural commerce and resulting in poverty and deprivation.

It is no surprise, then, that promoting the health and wellbeing of the people is a top priority. The decision to become a Whaanau Ora Provider, the subsequent launch of Te Ope Koiora – the Waikato-Tainui arm of Whaanau Ora – and the ongoing support provided is indicative of our commitment to improving the health status of members. Funding is also provided for our kaumaatua to ensure they have access to the medical and related services they need.

Participation in sport and physical activity is a favourite pastime of our people and, to encourage this, our contribution has included grants, sponsorships, staging of the popular biennial Waikato-Tainui Games and, more recently, the annual Tri-Maaori event held at Karapiro.

Participation in sport and physical activity is a favourite pastime of our people





Mehemea ka moemoea ahau, ko ahau anake. Mehemea ka moemoea a taatou, ka taea e taatou.

If I dream, I dream alone.
If we all dream together, we can succeed.

Te Kirihaehae Te Puea Herangi

PHOTO ACKNOWLEDGMENTS

Thank you to the National Library of New Zealand for use of selected images within this document.

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