

ORAKEI

Teacher's Notes

This resource has been planned for use with the Fourth Form Social Studies syllabus, in particular Modules 4.1 (The Treaty of Waitangi) and 4.2 (The search for security, justice and human rights).

Main Themes:

- Tribal identity and authority / Tino rangatiratanga (cf "Maori identity")
- Tribal ownership of land / European title to land
- Urban development : Gains and losses
- Retention / loss of things of value
- Forms of protest

Concepts of Justice / Injustice
Right / Wrong
Lawful / Unlawful action

- Resolution of grievances

Notes on Tribal identity and Maori identity

The Waitangi Tribunal noted that "an inability (by various authorities) to see Ngati Whatua as other than simply "Maoris" has plagued the Orakei people throughout this century and with the most serious consequences for them." (Orakei Report p.30)

(Example 1): The hapu was concerned that profits from resale of their land was effectively funding the development of Auckland. So in later sales (from the 1860s) it was agreed that 10% of the resale price would be returned to Ngati Whatua in cash or services. Complaints by the hapu over non-payment of the 10% monies after 1874 were investigated in 1927. The government view prevailed, that national expenditure for Maori education and health services ought to be treated as fulfilment of the obligation.

(Example 2): The deed for the land gifted to the Anglican Church by Te Kawau in 1858 was in Maori and provided for the land to be used for a chapel, a burial ground and *the* school (ie for Te Kawau's people according to the chief's pact with the Church.) The land passed to the Church via the Crown, which translated the deed to read "for schools for the benefit of the Aboriginal inhabitants of the Colony of New Zealand." After the Crown acquired the land, legally, in 1926, it was sold and the monies applied to the Native Schools Trust now represented in St Stephen's and Queen Victoria Schools Trust Board.

(Example 3): The establishment of the national marae at Orakei was a product of the pan-tribal philosophy of the 1950s which resulted from the second great Maori migration - to the cities. More migrated to Auckland than anywhere else, at the same time as an influx of Polynesian settlers. The first Maori migrants sought a Maori identity only and a meeting place that would be pan-tribal, multi-cultural and regional. European Aucklanders were becoming increasingly

involved in Maori community projects. Only later in the Orakei marae project was any thought given to the prior rights of tangata whenua as customary holders of local mana. Ngati Whatua hapu by this time were dislocated, dispersed and disillusioned. Because of the loss of the Okahu Bay papakainga, a generation of them had grown up without the traditional marae training.

Notes on Land sales - Maori / European views

The Waitangi Tribunal notes (Orakei Report p.27):

"The earliest sales, though seen by settlers as simple conveyances, may have been seen by Maori as treaties of cession of tribal lands to the intent that both parties to the agreement might belong to them. The Maori soon learnt the value Europeans placed on their lands and became better bargainers, but it is doubtful they knew the European understanding of the first sales. Conversely, there are doubts the Europeans appreciated or understand yet the nature of Maori transactions. The execution of early documents is not proof of a cession intent and there are many instances where the oral tradition recording a people's understanding of an agreement varies markedly from the words on the executed deed.

"To the early Maori it was proper to extend hospitality to new arrivals, to provide them with a place for their homes and cultivations and to expect gifts in exchange. It did not follow, in the customary perspective, that the land was irrevocably given for their exclusive use. Te Kawau referred to Auckland as "the township on our land", as though he had still an interest, as late as 1853.

"It might also have been considered the Treaty of Waitangi made the Crown the parent of both Maori and European so that a cession or sale to the Crown was a cession to the combined group of Maori and European. At the other end of the island Wakefield's policy of creating Maori reserves within each block of land sold, at least showed an intention to secure a place for the Maori within ceded lands and a share in increasing capital values."

In the same context, Sir Paul Reeves has remarked:

"There were marked differences between European and Maori conceptions of sale, gift or trust. A Maori gift was sometimes intended to create a continuing relationship or obligation."

Additional Resources

Bastion Point. (Video, 28 mins). Pohlman Productions, 1980.
(Available from School Library Service - please give ample notice)

Kawharu, Ian Hugh. Orakei: a Ngati Whatua community. Wellington: NZ Council for Educational Research, 1975

Orakei (Bastion Point): Case study of a claim to the Waitangi Tribunal. Wellington: Waitangi Tribunal Division, Dept of Justice, 1990

Report of the Waitangi Tribunal on the Orakei Claim (Wai-9). Wellington: Brooker and Friend, 1987