ORAKEI
The Waitangi Tribunal Claims
A Resource for Schools
SET FOUR
Only a few kilometres from the centre of Auckland city there is a piece of land called the Orakei Block which has a special significance for both Maori and non-Maori people alike. Situated between Hobson Bay and Mission Bay, it includes the suburb of Orakei, Okahu Bay, Orakei Domain, the Savage Memorial, and Bastion Point.

The history of this land tells us much about how the city of Auckland was created. Ngati Whatau of Orakei, the Maori hapu which once owned the land, paid an immense price when it was lost to them. The story of the land at Orakei helps us to understand what tribal land ownership means to the Maori people.

NGATI WHATUA—THE PEOPLE OF ORAKEI

In 1840 Ngati Whatau of Orakei invited English settlers to share the land with them. Te Kauwai, their paramount chief, wanted to offer hospitality, but he also wanted to gain some security against other tribes, especially the northern tribes which had muskets. So in February 1840 Te Kauwai and six other chiefs travelled to the Bay of Islands to invite Governor Hobson to come and live with them, partly to seek protection from their enemies. On 20 March Te Kauwai and other chiefs of Ngati Whatau of Orakei signed the Treaty of Waitangi. By September the British flagstaff was raised at a point which is now the top of Queen Street, and Auckland became the capital of New Zealand.

Ngati Whatau of Orakei agreed to hand over approximately 3000 acres of land for a township to be established. The details of the sale of the land were to be worked out later. In the following years the peaceful, loyal and law abiding hapu defended the new Auckland settlement many times against invading tribes.

Ngati Whatau made other gifts of land. In 1858 they gave land at Orakei to the Anglican Church for a chapel and school. The following year they gave a headland at Orakei, Takaparawha Point, to the Crown for a defence post against a feared Russian invasion. The land was given on the condition that it if it was no longer required, it would be returned to them. This was part of the Maori custom of giving gifts to friends.

As more settlers arrived, more and more land was required. Thousands of acres were sold by Ngati Whatau of Orakei to the Government and, over a couple of years, to private settlers. The tribe probably believed that these sales meant that both parties, themselves and the buyer, then belonged to the land together. Later, Governor Grey decided that much of the land should not have been sold to private settlers so most of it was bought or simply taken by the Crown, without compensation.

The Crown paid £341 (English Pounds) for the original land handed over for the settlement (3000 acres). Six months later just 44 acres of that land was resold by the government to settlers for £24,275. The money was used to build roads, bridges, hospitals and other services for the new town. The early development of Auckland was paid for by profits made from the sale of tribal land of Ngati Whatau of Orakei.

Te Kauwai had always made it clear that the 700 acre Orakei block, the papakaianga of the hapu, was not for sale. It was to be reserved in tribal ownership for Ngati Whatau of Orakei forever. By 1854, only fourteen years after their initial offer of land for Auckland, it was all the land the hapu had left. Orakei was their “last stand.”

Glossary:
- hapu - subtribe
- kaumataua - elder
- papakaianga - home base
- tangata whenua - people of the land
- turangawaewae - standing place, place of belonging
- urupa - cemetery
- whenua rangatira - special land, reserve
THE NATIVE LAND COURT DECLARATION (1869)

The troubles at Okaikei really began when the Crown set up the Native Land Court. In 1869, the Native Land Court was established to administer land claims. This was in response to growing discontent among the local people over the loss of their traditional lands. The court was set up to resolve disputes and to assign land to the native community. However, the court's decisions were often biased against the native population, leading to further discontent.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei was one of the tribes affected by the Native Land Court. They were unhappy with the decisions of the court and felt they were being discriminated against. They held meetings to discuss their concerns and decided to take action against the court.

THE SEWER OUTFALL (1908)

The government passed a special Act of Parliament to take land at Okaikei Bay so that a sewer pipe could be laid across the beach in front of the Ngati Whaia village. This sewerage project was seen as a way to improve the health and well-being of the community. However, the Ngati Whaia were opposed to the project, feeling it was an invasion of their land.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei were determined to fight against the sewage outfall project. They held meetings and discussed their options. They felt that the sewerage pipes would be an eyesore and that they would destroy the view that they enjoyed from their homes.

Compulsory Acquisition of Land (1912–1950)

The government continued to acquire land from the Ngati Whaia of Okaikei. This was part of a larger trend of the government acquiring land from local communities to expand their settlements. The Ngati Whaia were unhappy with the land acquisitions and felt that their rights were being ignored.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei were determined to fight against the land acquisitions. They held meetings and discussed their options. They felt that their rights were being ignored and that they were being treated unfairly.

The Evictions (1952)

In 1952, the remaining inhabitants of Okaikei were evacuated from their homes and relocated to a new site. This was part of a larger trend of the government relocating people from their traditional lands to make way for development. The Ngati Whaia were unhappy with the eviction and felt that their rights were being ignored.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei were determined to fight against the eviction. They held meetings and discussed their options. They felt that their rights were being ignored and that they were being treated unfairly.

The National Marae (1959)

In 1959, the Ngati Whaia of Okaikei built a marae to commemorate their ancestors and to preserve their cultural heritage. The marae was built on the site of the old marae that was destroyed during the eviction of 1952. The marae was a symbol of the Ngati Whaia's determination to preserve their culture and their rights to their lands.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei were pleased with the construction of the marae. They felt that it was a symbol of their determination to preserve their culture and their rights to their lands. They continued to fight against the government's policies that threatened their way of life.

The Taking of Land for Defence (1886)

In 1885, the government built a fort at Takapuna to defend against possible attacks from the Maori. This was part of a larger trend of the government building forts to defend against Maori attacks. The Ngati Whaia were unhappy with the fort, feeling that it was an invasion of their lands.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei were determined to fight against the construction of the fort. They held meetings and discussed their options. They felt that the fort was an invasion of their lands and that they were being treated unfairly.

Plans to Subdivide Bastion Point (1976)

In 1976, the government announced plans to subdivide Bastion Point for high-income housing and parks. This was part of a larger trend of the government developing land for housing and parks. The Ngati Whaia were unhappy with the plans and felt that their rights were being ignored.

The response of Ngati Whaia of Okaikei

Ngati Whaia of Okaikei were determined to fight against the subdivision. They held meetings and discussed their options. They felt that their rights were being ignored and that they were being treated unfairly.
WHAT THE WAITANGI TRIBUNAL SAID IN ITS REPORT (1987)

- The Crown failed to keep its part of the Treaty of Waitangi, the promise to protect the rights and property of the hapu.
- The Oakei Block should have been kept as a reserve in tribal ownership.
- The Crown made Ngati Whataua of Oakei virtually landless. Their mana and authority was destroyed by the Native Land Court and they were left without sufficient resources for their own needs.
- Ngati Whataua of Oakei had no power to stop the Crown taking over their land and destroying their papakāinga.
- The Crown didn’t ensure that a marae site was set aside for Ngati Whataua of Oakei.
- The protest at Bastion Point was inconsistent with the Treaty of Waitangi because the protestors broke the law by trespassing. The Waitangi Tribunal did not comment on whether the protestors’ convictions should remain.

WHAT THE WAITANGI TRIBUNAL SAID SHOULD BE DONE

- Okahu Park and the headlands of Bastion Point (apart from the Savage Memorial) should be returned to Ngati Whataua of Oakei in tribal ownership. The land should be used as public parks, managed by the hapu and Auckland City Council together.
- The Oakei marae, the Okahu church and urupa should be returned to Ngati Whataua of Oakei tribal ownership.
- The hapu should not have to pay the $200,000 for the return of land under the 1978 settlement.
- A further 3 hectares of land at Bastion Point should be returned to Ngati Whataua of Oakei for development as they saw fit.
- $5 million should be paid to Ngati Whataua of Oakei to fund the hapu’s development.
- The tribal authority of Ngati Whataua of Oakei should be officially recognised.
- Members of Ngati Whataua of Oakei should have first option to occupy State houses at Oakei.

WHAT THE GOVERNMENT DID

The Government agreed with the Waitangi Tribunal’s findings. It paid $3 million to Ngati Whataua of Oakei to assist it with housing and other development. It passed a new law, the Orakei Act 1991, to recognise the rights of Ngati Whataua of Oakei under the Treaty of Waitangi.

The Act:
- recognises the Ngati Whataua o Orakei Trust Board as the tribal authority which represents all members of the hapu;
- returns to Ngati Whataua of Orakei an area of hapu land. Part of this land cannot be sold or leased, and will be used for a marae, a church and an urupa. It will be the turangawaewae of the hapu, forever.
- sets aside an area of whenua rangatira, a Maori reserve for the benefit of the hapu and the people of Auckland. The Trust Board named this area Takaparawa Reserve. It will be looked after by the Auckland City Council and the Ngati Whataua o Orakei Trust Board together;
- hands back to the Ngati Whataua o Orakei Trust Board as hapu land, some lands which were going to be used as roads.

The Government intends this to be a “full and final settlement”. The Ngati Whataua o Orakei Trust Board may still negotiate settlement of any other outstanding claims it may have in the Auckland area which relate to the customary rights of the hapu.

In 1987, as they considered the sad history of the loss of land by Ngati Whataua of Orakei, the Waitangi Tribunal saw a spark of hope. They said that the government settlement of 1978, though it gave back so little to the hapu, was the beginning of vastly better hopes for the people, and a vehicle on which to travel along a new route.

From that point, what little land Ngati Whataua of Orakei owned, it owned communally, like Maori land of old. The plague that individual ownership brought to the tribe was finally buried. As the Waitangi Tribunal said, “Ngati Whataua of Orakei may have little land left, but it is the only tribe in New Zealand to own all that it has in the customary way.”

Far right: Okahu Bay, January 1890.
Right: Te Haearenga Mai—The IV Commonwealth Festival of the Arts, a public event taking place on the domain at Okahu Bay, site of the Ngati Whataua of Orakei papakāinga.

Photos: Margaret Kawharu