

**HILLARY LECTURE, 2001**  
**Auckland War Memorial Museum**  
**Maori Court**

**LAND AND IDENTITY IN TAMAKI: A NGATI WHATUA PERSPECTIVE**

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Good evening ladies and gentlemen. Tena koutou.

As is only too well known, Maori communities throughout the country have had many adjustments to make in the course of colonisation and modernisation. So in responding to the Museum Circle's kind invitation to speak about the Ngati Whatua of Orakei I thought I would offer this sketch of their colonial and post-colonial experience, and offer it not least, as a mark of respect to Sir Edmund Hillary and his colleagues for their work among the Sherpa of Nepal.

The severest challenges of modernisation for any small-scale traditional society are those that strike at the heart of their sense of cultural identity and social purpose. Modernisation, even when desired, is likely to produce within it uncertainties, contradictions and tensions – not to mention problems of resources. These are the very factors, as I understand it, that Sir Edmund and his colleagues have been attempting to alleviate with their work in raising levels of health and education among the Sherpa. At all events, I bear these matters in mind in talking to you about the Ngati Whatua of Tamaki – a people far distant in place and culture, but similar perhaps, in values and expectations to the Sherpa, likewise caught up in the turmoil of social change.

In addition, I hope that my sketch will allow a better appreciation of a recent and innovative attempt to broaden the base of accountability of our Museum: and I refer to the role of the Taumata-a-Iwi and the place of Ngati Whatua in it.

Ngati Whatua originated at an indeterminate point in time in the far north and made their way through the Hokianga down into the Kaipara. By the 16<sup>th</sup> and 17<sup>th</sup> centuries they were well established around the Kaipara harbour. In the early 18<sup>th</sup> century a serious altercation occurred in the southern Kaipara between the Waiohua of Tamaki and Ngati Whatua, which resulted in a heavy loss of life among Ngati Whatua. Honour required the account to be settled, and it was not long after that

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<sup>1</sup> Given under the auspices of the Museum Circle, Auckland War Memorial Museum,

Ngati Whatua evened the score and took possession of the Tamaki Isthmus. Following custom, Ngati Whatua invited the vanquished Waiohua to join forces with them, an invitation which was accepted and confirmed in a number of marriages. Under the leadership of Tuperiri, Ngati Whatua established themselves in the following decades throughout the isthmus, particularly along the axis between Te Arapueru (Mt. Mangere) and Maungakiekie, Tuperiri's pa. Beyond this defence line Ngati Whatua managed the day-to-day control and exploitation of the whole isthmus and the adjoining harbours.

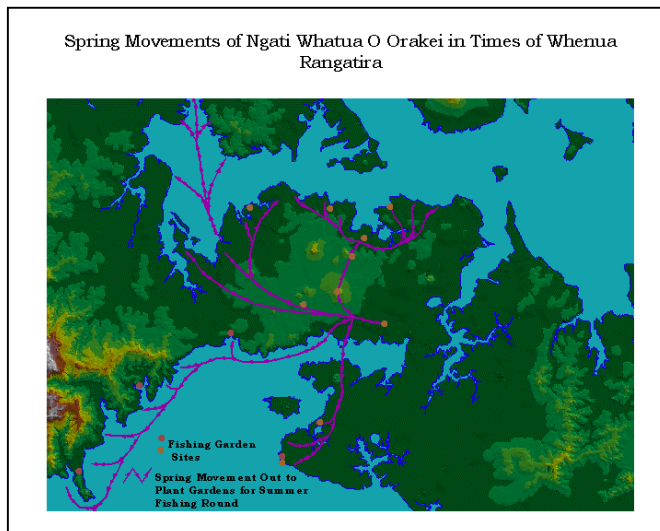


**'HIKURANGI'**  
Tuperiri's pa on Maungakiekie on cusp of three craters

Witness accounts in the Maori Land Court over a century later indicate that Ngati Whatua continued to be active in the local political economy in the years prior to the Treaty. However the viability of any economic organisation in pre-contact

times was always likely to be dependent upon the outcome of successful political strategies. Thus Ngati Whatua had been ensuring their political control of the Tamaki Isthmus by establishing mutually beneficial alliances with the neighbouring Tainui and Ngati Paoa tribes on their southern borders. I should elaborate.

In the latter part of the 1820's and early 1830's Ngati Whatua had been forced to seek refuge from the threat of their musket-armed cousins to the north, Nga Puhi, and found it with yet other kin in the northern part of the Waikato. Then when there was an evening in the balance of the musket-determined power, Ngati Whatua felt able to return to reoccupy their former settlements in the isthmus. But, of course they had incurred a substantial debt to Tainui and they settled it by the gifting of a number of blocks of land. One, for instance, was between Mt. Hobson and the western slopes of Maungakiekie. Tainui demonstrated the value of this land, their mana, and their links with Ngati Whatua by holding a large scale hui attended by Maori and Pakeha from far and wide in 1844. They also received land from Ngati Whatua in the vicinity of Onehunga, the Orakei Basin, and Mt. Roskill.



These acts were known as ‘tuku rangatira’, gifts between chiefs. But chiefs were acting here less in their personal capacity than as representatives of their people. In fact, such transfer of use rights in land was an effective and proven mechanism for establishing alliances – a mechanism,

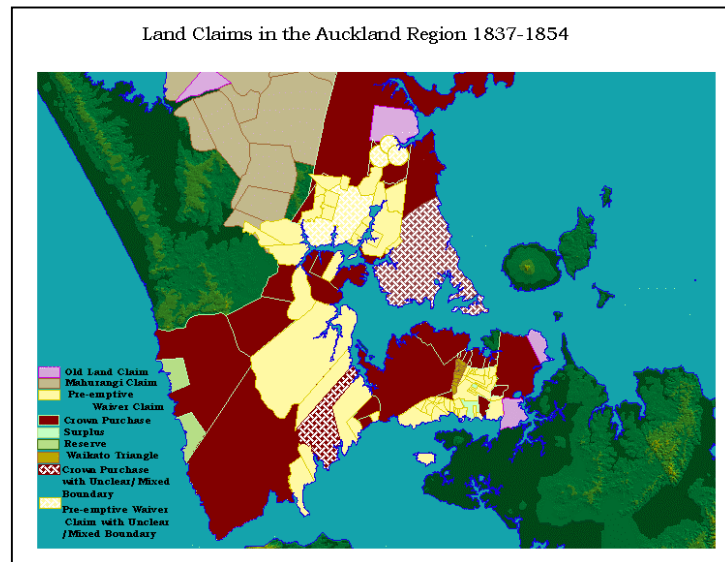
however, in which the underlying title remained with the donor group.

A similar relationship to that with Tainui was also established with Ngati Paoa. Ngati Paoa, who occupied areas in the firth of Thames and Waiheke Island, received land from Ngati Whatua in something akin to a dowry, in the vicinity of Maungarei (Mt. Wellington) on the western bank of the Tamaki estuary in the late 18<sup>th</sup> century. Thus in addition to the day-to-day tactics of maintaining the internal integrity and safety of the tribe, chiefs also had to take care to maintain stable external relations by way of tuku rangatira – the granting of access to lands and associated resources to allies.

I have dwelt on the principle of ‘tuku rangatira’ because it was fundamental to the events that followed shortly after, namely the arrival of the Treaty of Waitangi in Tamaki in 1840. The Treaty was signed on behalf of Ngati Whatua by Apihai Te Kawau, Te Reweti and Te Keene Tangaroa at ‘Manukau’ (somewhere in the vicinity of the tribe’s ancestral settlements of Onehunga, Mangere, and Ihumatao). There are two dimensions to the Treaty, one found in the English version and one in the Maori. For Ngati Whatua, the substantive Treaty is the Maori language version. (On screen is the first, second and third articles of the Treaty in Maori. Under each article is the English translation of the Maori – which is not, however, the official English version).

Having signed the Treaty, Apihai Te Kawau promptly sent a small deputation to Kororareka to invite Captain Hobson to relocate his fledgling administration to the Waitemata. At this juncture what Ngati Whatua wanted more than the Treaty of Waitangi was a specific treaty between themselves and the Crown in and over the Tamaki Isthmus. From a Ngati Whatua perspective there appeared to be something to be gained by attracting the Crown here in order to get the Treaty’s protection as well

as access to the new technologies that Ngati Whatua sorely needed. For example, there was the magical tool of literacy, new medicines to combat introduced diseases that the rongoa – the traditional medicines – were unable to overcome. And above all there was the opportunity for trade that new settlement would provide.



Underpinning the invitation to the Crown was a tuku rangatira in the form of a 3,000 acre block of land with its 'apex' at the top of Maungawhau (Mt. Eden), from there in a straight line down to Mataharehare (Hobson Bay), around the coast line to Opuu (Cox's Creek,

Westmere) and from that point back up to the top of Maungawhau. These 3,000 acres effectively cover the whole of the central city of present day Auckland. Furthermore, in the event that Hobson did in fact relocate himself here, there was promise of even more land, a substantial 8,000 acre block covering the suburbs of Epsom, west across to Pt. Chevalier, Avondale, and north to Cox's Creek. Land, per tuku rangatira, was offered because of the prospect of an alliance like those already existing between Ngati Whatua and Tainui and Ngati Paoa. However, this was clearly not in the mind of Governor Hobson, for when he eventually came to the Tamaki Isthmus he offered to 'buy', first, the 3,000 acre block and then the 8,000 acre block.

Unfortunately, there was no such thing or word in Maori as money at this time, so to begin with, 'buying' and 'selling' were utterly foreign concepts for Ngati Whatua to have to come to terms with. Even more foreign was the concept of legal title to land and the framework of law and commerce surrounding it. But whatever the nature of the titles, the Crown felt able to claim them as its own. More than a third of the Tamaki Isthmus thus passed out of Ngati Whatua control, enabling the Crown both to provide the settlers with the land they needed and to do so at astronomical rates of profit for itself. Payment in the form of meeting the expectations of Ngati Whatua was never considered by the Crown, just as the variety of trade goods and sovereigns were never considered by Ngati Whatua to be anything

other than symbols of an alliance yet to be confirmed. These things were 'koha', gifts, just like the Treaty blankets. The people undoubtedly continued to believe that the land and their mana were still theirs, untouched and beyond negotiation. Hobson and his officers and their families were invited – like the missionaries before them – to share the bounty of the land and the harbours so long as they resided within the Ngati Whatua domain and shared their taonga, ie. their skills and knowledge, with Ngati Whatua.

As we know, Hobson's health soon failed him, and his successor Fitzroy arrived here in 1842 only to find himself charged with administering a strangely bankrupt colony. He therefore decided on the device of setting aside the protective obligation of the Crown to be the sole purchaser of Maori land. But in contrast to the collecting of signatures for the Treaty, Fitzroy's was a unilateral, individual initiative. Worse, it was also a fundamental breach of a treaty which had only just been signed.

I should point out that the Treaty of Waitangi was, as might be expected, a quid pro quo in which, for the ceding of the sovereignty (kawanatanga) of this country to the Crown, the Crown guaranteed to protect the Maori people in the exercise of their chieftainship – their rangatiratanga – over their people, their lands and their other valuable resources or 'taonga'. The Maori people, and Ngati Whatua in particular, were not interested in the ownership or 'possession' of land as the Treaty expressed it. Philosophically, at least, it was land that possessed the people. Land was a medium for building and maintaining relationships. Buying and selling real estate was unknown. But it was soon to become only too problematic. Indeed, Ngati Whatua, like Maori people throughout the country had some harsh lessons to learn very early in the colonisation period. On the other hand, the problem for the Crown was how to individualise communally owned tribal estates so that they could be engaged in commerce and acquired for settlement.

This last, then, was the incentive for Governor Fitzroy to set aside the preemptive clause in Article II of the Treaty, so allowing Maori individuals the unfettered right to dispose of interests in their communal estates directly to private purchasers. Such disposal was invariably without authority, and of 'interests' that were undefined. It was thus that the Crown's Treaty promise to protect Maori interests was 'waived'. Also waived, or rather ignored, were the colonial office instructions to buy land from the Maori in such a way that the vendors would never deprive themselves or their tribal groups of the land they would need for their existing

and future requirements. Fitzroy did have a number of protective conditions in his waiver proclamation, but the fact of the matter is that those conditions like the Treaty itself were never observed. The result of Fitzroy's waivers was that in a very short time, about 18 months in fact, Ngati Whatua allowed themselves to be stripped of most of the Tamaki Isthmus.

Realisation stirred a response. There was one piece of land in Ngati Whatua ownership still remaining on the margin of the Waitemata harbour, namely an area of 700 acres enveloping Okahu Bay, and it was this that became known as the Orakei block. In 1865 when the Maori Land Court was established it provided Apihai Te Kawau and his fellow chiefs with an opportunity to seek a Crown title to this precious land 'to make it safe for our present and future generations'. The Maori Land Court investigated the title and awarded it to Ngati Whatua. It also made the land 'inalienable' and established a trust appointing thirteen trustees to administer it. At the end of 30 years the land was still intact. But in 1898 the court, for no apparent reason, partitioned the block making the partitions the personal property of the various trustees and their immediate families, but at the expense of the majority of the hapu.

For a time little happened, apart from appeals against the partitioning, until 1913 when these 'inalienable' lands began to be purchased as a matter of government policy. By about 1930 most of the partitions had been acquired by the Crown. Although there had been disquiet, and indeed commissions of enquiry, none of the latter's findings had been accepted by the Crown. Notwithstanding the fact that the Treaty had long been regarded as a legal 'nullity', Ngati Whatua continued to believe that somehow the relationship it represented with the Crown remained. They were too naïve.

By 1951 a remnant of the former community found themselves grouped on and about their 3-acre marae and cemetery in Okahu Bay, and otherwise on land that had already been acquired by the Crown. The latter then decided that it was in the public interest that this unacceptable state of affairs should continue no longer and so the last acres were taken under the Public Works Act. The community were thereupon relocated on Crown land in State rental units on the margin of what is now Takaparawhau Park.

To the evident grief of the hapu, their meeting house, Te Puru o Tamaki, was destroyed; for there was to be no avenue left to them to retain the cultural and spiritual

heart of their communal life, or, on that or any other basis, to regain title to their former lands. The quarter acre cemetery was, for some undeclared reason, left intact, but otherwise all of Ngati Whatua's former domain in the Tamaki Isthmus had now been lost.

In 1977 there was, as I imagine everybody will recall, a renewal of the protests of the late forties and early fifties regarding the compulsory taking of these last lands of Ngati Whatua. It arose out of the government's plan of 1976 to develop Takaparawhau Park for a variety of purposes. I refrain from recounting the Bastion Point saga, but the net result of it was a return of land equivalent to that which had been taken under the Public Works Act and not used for the declared purposes.

One example of land returned began with a late 19<sup>th</sup> century rumour that the Russian navy was coming to bombard Auckland. The Crown decided that a 13-acre cliff top strip just by the present Savage Memorial was the only site in NZ's coastline for a few guns with which to defend Auckland. The Russians however, failed to appear, perhaps because of news of the Crown's strategic planning. Unfazed, the Crown took the view that, "they might come one day" and kept the land. Then in 1950, another block was taken this time for State houses. But after more than 25 years the scene was more bucolic than residential. There were no houses only stock grazing and admiring the incomparable view.

In the event, the Crown duly returned a nominal 10 hectares of land, which in fact covered the 30-odd State houses that the people had been renting after being evicted from Okahu Bay. But the point about this event in the history of the community is that when the elders were told that the government would return the 10 hectares, they said this land should come back under one title and as a trust – notwithstanding the lamentable fate of the original trust on their former 'inalienable' land. When this new trust was established by the Orakei Block Vesting and Use Act in 1978, the first requirement of the interim Trust Board was to find its beneficiaries. The Board, through the kaumatua, then determined that the beneficiaries were to be those who could trace descent from Tuperiri, leader in the conquest and occupation of the Isthmus in the 18<sup>th</sup> century.

In 1985 the Labour Government was returned to office and decided to update the 1975 Treaty of Waitangi Act by which it had established the Waitangi Tribunal. In 1975, the Tribunal could only hear grievances of Maori people against policies and practices of the Crown that affected them after the passing of the 1975 Act. The

amendment of 1985, however, extended the jurisdiction of the Tribunal back in time to 1840 thus allowing Ngati Whatua to bring the events of the late 19<sup>th</sup> and early 20<sup>th</sup> century to its notice. The struggle for survival of the Orakei hapu of Ngati Whatua is like that of most Maori communities throughout the country that have attempted to adapt to the philosophy and practice of individualisation, the pressures of commerce, of legislation, and of Crown land purchase officers. In fact the Tribunal called Orakei a ‘microcosm’ of the Maori experience. It found most of the grievances justified and said so in its report of 1987.

In 1991, 22 of the Tribunal’s recommendations were passed into law, the Orakei Act, which amended the 1978 Act. Undeniably the most important



recommendation was that the Crown should convey what had become known as the Orakei Marae – created on general land as a ‘marae for all’ - to Ngati Whatua. There was also a proposal to offer the hapu the sum of 3 million

dollars. Of this the elders said “if it is to be regarded as compensation for the dismantling of our 700 acre trust, then thank you, but no thank you. However, if it is to be regarded as an endowment fund, then certainly it would be acceptable”.

With the 1991 Act the title to the cemetery in Okahu Bay was doubled in size to half an acre, and that to the marae returned to Ngati Whatua. Also returned were the 60 hectares of Takaparawhau Park (including Bastion Point). In this case there was an understanding that the land would be kept as an open space for the benefit of Ngati Whatua and the general public. It was to be administered by a board with equal representation of Ngati Whatua and the Auckland City Council, chaired by a Ngati Whatua. Within the Park some 3 hectares were set aside by the 1991 Act to enable the hapu to undertake commercial development in order to provide an income to subsidise their education and health care programmes. The recently opened retirement village and rest home is part of this long-term strategy.





At this point in their history, then, the Ngati Whatua of Orakei have begun to shift from a grievance stance with respect to the Orakei Block, to one of settlement, responding to commercial opportunity and incentives in an effort to provide a sustainable capital base for future descendants. Let me give you one more example. In 1991 when the Crown decided to sell its surplus Rail Corporation properties throughout the country, it also decided to advise local iwi, offering them the first opportunity to buy. When the focus was directed to the Auckland railway station and the 20 hectares of reclaimed land surrounding it, Ngati Whatua were initially very interested until they learned that the price was more than 40 million dollars.

At that time the Orakei Trust Board had rather less than 40 million cents. However it was clearly an important opportunity, so the Board asked those in the market place who knew about these matters what was the best course of action to take. The word in reply was, “if you offer land for, say, 150 years and the land is what it is and where it is you’ve got a good chance of finding some people who would pay you enough money up front to go and buy the land, so that you become the landlord, and they become the tenant – especially if you offer them a further inducement of a rent holiday”. The Board stood back from this news and thought that if without using any of its own limited funds it could still acquire both the freehold of the property and in due course a substantial rent stream, waiting a few generations for the land to be free of encumbrances was a small price to pay, given their status as tangata whenua. And so with some capable joint venture partners the Board raised the money and obtained the title.

However there was a diversion. It seems that after 1992 when the Crown made its initial offer the Treasury department came to hear of it, and by 1996 the asking price had been doubled to 80 million dollars. Ngati Whatua were dismayed at this revisiting of their earlier experiences with government, but the Minister of Justice, Sir Douglas Graham rescued the honour of the Crown by adhering to the initial, agreed offer of 40 million dollars. At the ceremonial handing over of the title to this 20 hectare CBD property, the Ngati Whatua spokesman offered a tokipoutangata (ceremonial adze) to Sir Douglas. He was saluted with the words that, “the lashings of this adze are likely to last perhaps no more than 100 years, the shaft might last 1000 years but the pounamu (greenstone) will last forever. And that’s your mana”. Perhaps a bit theatrical, but Ngati Whatua don’t often have the opportunity to reinforce Treaty relationships with the Crown without having to engage in negotiation over ethical principles.

Another initiative taken beyond the bounds of the papakainga (village) at Orakei, is the lending of support to the Museum, Te Papa Whakahiku. I feel I should explain at this point that Te Papa Whakahiku is not a literal translation of ‘Auckland War Memorial Museum’. Te Papa refers to Papatuanuku, the earth mother, the place where all people will be ultimately buried (in this context, in war cemeteries here or abroad). Whakahiku means to bring together treasures, a repository, a museum. Hiku also means the tail of a fish. That is, in the North Island (Maui’s legendary fish – Te Ika a Maui) the head is regarded as at Wellington while the tail is at Auckland and all lands to the north: hence Te Papa Whakahiku.

To return, in 1996, The Auckland War Memorial Museum Act established a Maori advisory committee called the Taumata-a-Iwi. Its function is to monitor the custodial care of Maori artefacts and taonga, as well as the protocols of the Museum governing its relations with iwi and their taonga throughout New Zealand. The committee comprises five members and the basis of its constitution lies in the mana whenua held by Ngati Whatua over the site of the Museum itself (since it exists within the original 3,000 acre block offered to Captain Hobson in 1840). Ngati Whatua chose not to attempt to fulfil their manaakitanga role (ie. trusteeship vis a vis the Museum) alone, but rather to call on the alliances established with their two nearest tribal neighbours, Tainui and Ngati Paoa, well over 200 years ago. In the event, both Tainui and Ngati Paoa accepted their invitation and contribute one

representative each in joining the three Ngati Whatua representatives on the Taumata-a-Iwi.

I might add that Ngati Whatua, Tainui, and Ngati Paoa have, on a similar historical basis, joined the Crown in the Mutukaroa Trust which manages Hamlins Hill as a public domain near Penrose. Ngati Whatua and Tainui are also involved in the co-purchasing and co-monitoring, with the Crown, of health care services to all Maori living within their two respective tribal domains. And again, Ngati Whatua is joined with Ngati Paoa in the development of the Auckland City Council's Art and Culture strategy. Yet these are no more than latter day alliances of the very kind that Ngati Whatua had hoped to achieve with the Crown in Tamaki in making sense of the Treaty of Waitangi in the years following their signing of it in 1840.

In summary, then, this southern section of the Ngati Whatua tribe, living on the periphery of the business district of New Zealand's largest city, could be said to have survived the trauma of colonisation, but only just. Giving individuals unfettered rights to part with their communal estate in the 19<sup>th</sup> century without the protection promised and guaranteed by the Crown and later the Maori Land Court, demolished the people's social structure and left later generations devoid of an economic base. Families scattered and knowledge of their language and culture was all but lost by the latter part of the 20<sup>th</sup> century. Unexpectedly, opportunity to avert total loss of identity and purpose has arisen in the last decade. There now appears to be a real prospect for Ngati Whatua of Tamaki to re-enter and to contribute as tangata whenua to the world that almost engulfed them. I believe their role in the governance of the Museum plays a very special part in this process.

Footnote:

I referred to the deputation sent by Apihai Te Kawau immediately after signing the Treaty of Waitangi to invite Captain Hobson to relocate himself and his administration to Tamaki, an invitation that Ngati Whatua say was accepted. Ngati Whatua also say that it was an event that had long been foretold in a wairangi (dream). It is recorded in chant form and frequently used by Ngati Whatua today:-

He aha te hau e wawa ra, e wawa ra?

He tiu, he raki, he tiu, he raki

Nana i a mai te puputara ki uta

E tikina e au te kotiu

Koia te pou whakairo ka tu ki Waitemata

Ka tu ki Waitemata i oku wairangitanga

E tu nei, e tu nei!

What is this wind that roars and rumbles?

What is the tumult that will arise in the north?

For it is from here – and in response to my invitation –

that strange vessels will reach these shores

And in their wake a pou whakairo will be erected

by the sea of Waitemata

Indeed in my dreams I saw it standing thus by Waitemata

Standing, standing here....

A pou whakairo is a carved post supporting the ridgepole of a meetinghouse. In this context it is a metaphor for a new authority, new mana, new sovereignty, and a new culture. And in some respects, I think that is as valid today as it was then in 1840.