

CHAPTER 1

THE WAIHEKE CLAIM

The claim has two elements. The first describes the immediate cause of complaint– that the Board of Maori Affairs (the Board) disposed of lands comprising the Waiheke Development Scheme (the Waiheke Scheme) to the Waiheke Station Evans Partnership (the Evans Partnership) when it ought, the claimants say, have passed the land to the Ngati Paoa tribe.

The second element describes the gravamen of the complaint, that Crown policies fail to support the tribal groups that were parties to the Treaty of Waitangi, and in particular, those tribes like Ngati Paoa now so lacking for land or other endowments that they are threatened with extinction.

We begin with brief descriptions of the Waiheke Scheme and the current circumstances of Ngati Paoa before assessing both aspects of the claim in more detail.

The Waiheke Scheme comprises some 2,050 acres at Onetangi to the north-east of Waiheke Island in the Hauraki Gulf with access by road to the wharf at Man-o-War Bay. Though the land has been developed by the Board of Maori Affairs, it is not Maori land. The Board bought it with ‘taxpayer’ money from private owners, and it is Crown land.

In much earlier years the land was owned by Ngati Paoa, for Waiheke Island was once the northern sentinel of that tribe guarding the seaways to their mainland villages on the west coast of the Hauraki Gulf. But Ngati Paoa have not owned the land since 1858 when some 11,000 acres that included what is now the Waiheke Scheme was sold to the Crown. The Crown granted the land in many small allotments to various settlements. Eventually several of those allotments came into the ownership of one K M Scott. The Board of Maori Affairs was not involved at all until 1965 when it undertook the development of Mrs Scott’s acquisitions.

The Board spent heavily on development. Later it bought the land from Mrs Scott. It became apparent however that the Board’s farming operations could not sustain the cost and in 1983, the Board agreed to alienate the land by lease with purchase rights to the Evans Partnership.

The current troubles then surfaced. Members of Ngati Paoa considered the Board ought to have preferred an arrangement with them for traditionally Waiheke was their land. The Board, it was considered, had a commitment to Maori people and was bound to have regard

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to Maori circumstances and customs not least of which required recognition of tribal boundaries and tribal needs.

On 30 January 1984 a group of Ngati Paoa occupied the land to protest the proposed alienation. They were not removed until arrested on the Board's charges of trespass.

In the meantime this claim had been filed and when the trespass charges were disposed of, the claim was heard. The claimants sought a recommendation that the lease be declared 'null and void' and that the Board negotiate with the tribe to establish a Ngati Paoa trust upon the land.

The full text of the claim was set out in a document filed by Hariata Gordon on 8 March 1985. Though it came in the form of a submission it outlined the immediate concerns clearly enough. Apart from some abbreviation to the introduction the claim is as printed in Appendix I. In her closing submissions, Counsel for the claimants amended the remedies sought and asked for relief in four areas. These are described in Appendix II. A summary of the proceedings is contained in Appendix III.

Upon hearing the immediate cause of complaint, that the scheme should have passed to a Ngati Paoa Tribal Trust, it was soon apparent the claim addressed much wider issues – for the real plight of Ngati Paoa is that it has been rendered almost landless. It is a tribe that lost with its land, its own identity, and yet, it was this once powerful tribe that held in former days a large slice of what is now Auckland and a substantial part of the Hauraki Gulf and Plains. The tribe suffered more than most the bad effects of European contact and then for no other reason than that it occupied some most desirable real estate and held to a strategic land corridor that led the way to other good pickings both north and south. In the result nearly all of its territory, being most at risk, was alienated early, last century in fact. Lacking a land base for its endowment, Ngati Paoa was denied the opportunity afforded other tribes to capitalise on the good effects of European settlement as an agricultural economy brought New Zealand to prosperity.

Such is the lot of landless tribes. By the middle of this century one might well have asked, did Ngati Paoa exist or didn't they? Whether they were unnoticed when the Board disposed of the Waiheke Scheme is a question to be dealt with later, but certainly Ngati Paoa thought they were overlooked, and being by-passed, slighted. It was necessary in their view to remind the bureaucracy that though the land was no longer theirs, the land was still there to behold and Ngati Paoa was still here to.

Thus the Waiheke occupation was more than an attempt to recapture a part of the world that once belonged to them. It was a proclamation of survival, and a call to the scattered remnants of a once powerful tribe to come together, to seek an ancestral base from which they might recapture the pride of their forbears and bring hope to a younger generation that might otherwise be lost to the cities.

So it was that this claim illuminated broad issues sparked off by the arrangements for Waiheke Station and exposed a range of questions that Ngati Paoa introduced to us.

THE WAIHEKE CLAIM

It is timely now that we should introduce Ngati Paoa, the people and their land, to trace their progress to 1840, when they sought a pact in the Treaty of Waitangi, and to outline their decline, focusing thereafter on that part of their ancestral land that led to this inquiry – the land on Waiheke Island.

