

Report of the Waitangi Tribunal on the Orakei Claim

Title

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REPORT

OF

THE WAITANGI TRIBUNAL

ON

THE ORAKEI CLAIM

(WAI-9)

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The clouds in yonder horizon
Across the sea, are playing with
The winds, whilst I am here
Yearning and weeping for my son - Ah! he's
More than a son to me;
he's my heart's blood...

Te Kawai
Orakei
19 December 1853

Waitangi Tribunal, Department of Justice, Wellington.

Letter to the Minister

Letter to the Minister

Hon K T Wetere
Minister of Maori Affairs
Parliament Buildings
WELLINGTON

Te Minita Maori,

Te Rangatira tena koe. Tatari tonu koe i te ao, e te po. Tenei ra katahi ano ka puta, ka puea nga whiriwhiritanga a to ropu whakamana te Tiriti. Kohikohi noa te marama hei tirohanga atu i nga wai ki Rangitoto, to takutai moana, e whanga mai ra.

Whakatutu ai nga kapua i Maungapohatu, he puhanga ka rere i te hau. Tena koe i te ringa ka motuhia atu nei, Te Rangihau, hauraranga noa ana i nga rerenga.

Nga tama toa kei te rangi e haere ana. Tangi awhio atu te karoro ki waho te moana.

In 1975 Joseph Parata Hawke of Orakei became the first claimant to the Waitangi Tribunal on a matter relating to fishing rights in the Waitemata Harbour. He was also the first to bring a claim when our jurisdiction was extended in 1985 to cover Crown policies and practices from 1840.

It is appropriate these initial claims came from Orakei. The Maori people there were first to promote British settlement following the Treaty of Waitangi. They moved to protect the settlers from threatened attacks on the new town of Auckland and rallied support for the Crown when New Zealand was on the brink of civil warfare. They led some of the earliest pan-tribal conferences that rank high in Maori history. They developed and through all adversity maintained a policy of respect for law, order and due process.

Yet it was this group of Maori people who suffered at the hands of the Crown one of the worst cases of cultural genocide this country has known. We now report to you on the Orakei claim and the history of the Orakei people. It is not only a troubled account but complex and has been the subject of many earlier enquiries. Our analysis differs in that the story of Orakei now falls to be measured against the yardstick of the Treaty that preceded the settlement of the Orakei people's lands.

The length of this report is not just because this is our first 'old land claim'.

The story of Orakei gives sharp relief to the same problems that beset other people in other places and covers national policy from 1840 to the present day. For Orakei is a microcosm of the country and we have hoped that our full analysis of this case will aid the settlement or more ready disposal of others.

To assist you we open Part I of our report with a summary of the major findings and an outline of our recommendations. The claim itself is described in

chapter 2 while chapters 3 to 10 review the relevant history. The application of the principles of the Treaty to the data so compiled is considered in Part II where we conclude with our full findings and recommendations.

Nga tumanako enei a matou. Tenei te tangi atu nei ki a koe, me Tamati, i runga i nga ahuatanga o tenei wa.

"Te Rangi toku torona, Te Whenua toku turangawaewae."

Heoi.

Waitangi Tribunal, Department of Justice, Wellington.

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