

Report of the Waitangi Tribunal on the Orakei Claim

10 Pathway to the Future 1978-1987

10.1 The Ngati Whatua of Orakei Maori Trust Board

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The 1978 arrests did not mark the end of protests at Orakei but the settlement of 1978 provided vastly better hopes for the people, some land, and a vehicle on which to travel along a new route. A stock take of Ngati Whatua assets did not give cause for over-excitement. Some 29 acres hardly compared with the 700 acres once held, or the larger estates of other tribes or tribal trusts measured in thousands of acres. But such an accounting belies the potential of Ngati Whatua. Unlike the former estate, or the estates of those tribes with more land, that of Ngati Whatua is owned communally, like Maori land of old, and the plague that individual ownership brought to the tribe is finally buried.

The real advance in 1978 was not the equivalence received but the recognition and concessions never previously allowed. The land has been made Maori freehold land, and by special Act was made inalienable; and 113 years after the Maori Land Court was constituted, it was decided the land could be held communally, vested in a tribally elected board "to hold, conserve and administer as a perpetual estate and turangawaewae for its beneficiaries" section 7 Orakei Act 1978). Who said it couldn't be done? How many tribes sought just that one hundred years ago? Ngati Whatua 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.

Even more significantly, after all the people had been through it was conceded Ngati Whatua did belong. No more a dying race, a race better off in the country, or a people better left to scatter, 'to live the free life they prefer'. The most important part of the Orakei Act is in the preamble recognising "the special relationship of [the Orakei hapu of Ngati Whatua] with the land." How many really understand the importance of that to a Maori?

On the relationship of land to mana H S Toia says

land therefore has significance not for its own physical attributes but because its location is perceived to reflect the mana of a group. The concept of territoriality emphasises that it is the location of the land rather than its magnitude which is the relevant consideration (Toia: 1985).

Pride led Hawke to protest and loyalty to people and place. The goal was never in dispute, only the means of getting there and the assessment of political realities. Who can say who was right and who wrong? Does it matter now? What matters more is whether the people can still pull together. For unlike

many other Maori trusts where land development is an end in itself, the Orakei estate is people intensive and the development of the people takes priority. There is potential for over 100 new home units to swell the size of the community several times. The definition of beneficiaries makes the trust more tribally affiliated than family oriented and includes everyone, putting paid to past distinctions between owners, non owners and the like. There would seem to be, in the Ngati Whatua Trust Board, a potential to pull to order the multitudinous special interest committees of Orakei under the umbrella of one tribal authority representative of the people and existing for the benefit of just the people.

Michael Rameka led the way. Rather than hold to an independent trust for the Okahu Church and Urupa, and though he is its chairman, he asked that the reservation pass to the Board so that there might be but one body for Ngati Whatua. Meanwhile the Board itself in a careful dovetailing of modern and traditional expertise, has an advisory panel of elders serviced by a research support group of the young. The time honoured bond between young and old may yet be restored.

But does the Ngati Whatua Trust Board have the legal capability to represent its people and plot their progress? The history of Orakei is the history of all Maori, marked as it is by persistent attempts to uphold tribal authority - that which the Treaty terms 'rangatiratanga' and we call 'mana'. The restoration of that mana is the key issue in this case and accordingly we made it clear in our hearings that the role of the Ngati Whatua Trust Board was very much in question. Is it really the modern embodiment of a traditional runanga or has Ngati Whatua authority still been denied the recognition it deserves?

Past criticisms of the Orakei Maori Committee as not exclusively Ngati Whatua nor inclusive of them all made it clear that that body was not the tribal authority the people sought but it appears to us the Board cannot represent Ngati Whatua on all issues either, at least in terms of its Act. There are also serious questions in our view as to whether the Board has appropriate freedom to acquire or hold further land for example, including by way of illustration, the marae. We raised those questions in the course of hearing and in the background Report sent to parties before the final hearings took place, for in terms of the Treaty the issue is fundamental. Rangatiratanga, or tribal authority, was meant to be guaranteed.

Our conclusions on that issue are in Chapter 12 of this report. For now we note the establishment of the Board did not immediately bring to heel the divisions of the past. The ideological struggle was continued with the refusal of some of the Action Group to pay their rent.

Though the Board cut the rents to the bone it needed an income to meet mortgage repayments to the Maori Trustee, rates, insurance and maintenance. From 1979 rents were cut, the rents then ranging from \$3.50 to \$14 per week depending on the number of bedrooms plus \$13 weekly, discounted for pensioners, for rates, insurance and maintenance. The outgoings compare favourably with those paid in 1978 to the Housing Corporation although the

Corporation itself charged minimum rents. Corporation rents ranged from \$7.65 to \$47.55 and averaged \$27. That in turn was less than what are called 'fair rents' based on Government Valuations and which would have produced a range from \$30.40 to \$79.50 with an average of \$55.62.

Despite concessions rent arrears at June 1984 were \$16,135 (excluding \$17,000 owing to the Corporation before change over). Of this \$13,593 was owed by five of the 'protest' families. Eventually the Board took legal action against them. Only then was the matter resolved. We are advised that the parties have since been reconciled over this problem and rents are now paid in full.

There are other indications that Ngati Whatua has better things in store. After some initial hiccups the Ngati Whatua Trust Board was in regular operation with every intention of maximising its potential.

An interim Board of seven elders, mainly in their sixties and seventies, was appointed by the Minister of Maori Affairs on 9 November 1978, all selected, with one exception, from those who attended the 'settlement' meeting the preceding February.

Their names, including those who replaced them are important for although most were not mentioned in the evidence and data compiled for this report, the history in this report is limited to the issues in the claim. Those appointed to the Board must stand as prominent figures in any general history of Orakei. The Interim Board included Piriniha Reweti, Pateoro Maihi, Pukekawa Poata Uruamo, Tautoko Morehu, Kelvin Povey Uruamo, Te Reo Hapai Morehu and Hapi Pihema. The Board included as well Paora Kawharu II and Mrs Kane Reweti, the two surviving children of Otene Paora. Another appointee, Mrs Rangiaho Puriri, was a daughter of Nia Hira, a principal kaumatua in Orakei in the 1930's and 1940's. These elders came to the Board to spearhead a five year struggle to mould the various factions into an effective community.

The Interim Board was to last only until beneficiaries could be defined and an election held but defining the beneficiaries took longer than expected. Since they are all the descendants of Tuperiri, circa 1740, the compilation of family trees necessarily took a time. It was not till July 1982 that the Maori Land Court could issue an official list of some 600 names (it is now about 1,000) and not till 20 February 1984 (after elections in 1982 were declared invalid) that an elected Board was announced.

Twenty-one sought to fill eleven vacancies. It is interesting to note that D T Tumahai, who was mainly neutral in the internal disputes, polled highest from a return of 217 valid ballot papers while I H Kawharu formerly in the moderates and M J Rameka, once of the Action Group, were elected with only three votes separating them. J P Hawke who continued the protests till 1982, was not elected. Most wanted an end to that sort of thing.

The new Board had many tasks to attend to. A new rent fixing formula was settled, scaled low to favour the tenants, cattle purchased, some commercial cropping begun, and, so long as rents were paid, the Board was put on a viable

footing. Then major planning started. Optional development plans were investigated, alternative accommodation strategies debated and finite plans for a subdivision costing some \$2 million (at 1984) were produced to provide for 28 home units. There is a prospect of a better pathway to the future beginning with a call to the scattered seeds of Ngati Whatua to come home, and to those already there, to knit together. In the Maori idiom, Ngati Whatua may yet hear again the call of the tui - tuia, tuia, tuia mai tatou (bind, bind, bind us together).

Still unity for Ngati Whatua remains illusory without resolution of two major sources of division. The first relates to the Orakei marae, a topic left out of the debate in the settlement of 1978, the second to the settlement itself, for in the eyes of some a settlement based on reparation in respect of two blocks only with no account taken of other land losses and the destruction of the papakainga in particular, is not a proper settlement at all. We now refer to each in turn.

Waitangi Tribunal, Department of Justice, Wellington.

10 Pathway to the Future 1978-1987

10.2 The Status of Orakei Marae

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The development of the Orakei Marae has been covered (para 8.6). We have seen that the 'natural control' passed from Ngati Whatua residents to a widely representative body of marae trustees. Aided by the hardworking Education Centre and a Development Council formed for the conduct of a public appeal, a multi-cultural marae was taking shape. Maori however called it 'a pakeha marae' where things were ordered on Pakeha terms. The suspicions of Ngati Whatua that that was so were affirmed in 1976 when a reception centre was erected ahead of a dining room much needed for the proper conduct of tangi. Yet Ngati Whatua responsibility to the new marae, even at the expense of forsaking the old one, was inevitable from the moment the meeting house was ritually named Tumutumuwhenua.

We noted too (para 9.4), that in the following year, 1977, the split with the marae trustees and Education Centre became an open chasm. The trustees had been in communication with the Government since 1968 when they sought (and in 1974 obtained) an extension to the marae area. They wrote subsequently for more land but had not had a reply when in 1976, the Government announced a comprehensive development plan for the area and protests erupted at Bastion Point. In 1977, when the Minister of Maori Affairs visited Orakei the marae trustees responded with a proposal far wider than their earlier request for another boundary extension. In diametric contradiction of both the Action Group and moderates the marae trustees and Education

Centre presented a carefully prepared sixty page submission, for the Kitemoana Street houses to be vested in the marae trustees with rents applied to the maintenance of the multi-cultural marae, and for the new housing area to be allocated to them too, to house, of course, all people. With bitterness the elders listened as references to Ngati Whatua became replaced by eulogies to all Maoris, the submissions stating

The [marae] Trust Board has as basic policy recognised the need to establish a marae for the traditional uses of the peoples of the tribes of Tamaki to replace the ancestral marae lost on Okahu Bay.

Did the Okahu Bay marae belong to the 'tribes of Tamaki'? Were the new migrant tribes and the people of Auckland generally to receive the compensation for Ngati Whatua's loss?

To the tribunal the late Hapi Pihema replied

Who are these people that aspire to control my Orakei marae? What is their relationship to the lands and to the people? ... Ever since my ancestor Apihai Te

Kawau, invited Governor Hobson to this location, there has been trouble over these lands. First the Crown, then the Church and now these people - all were welcomed by Ngati Whatua, they expressing their friendship and concern about my future well being. They finished up coveting my turangawaewae.

The split further divided Ngati Whatua, some preferring to stand alongside those of the marae trustees and the Education Centre who had done much valuable work. But there were to be many changes and eventually Ngati Whatua were to rally to the view that the marae was theirs and they ought to have its control.

The enthusiasm of the Development Council was dimmed by charges of 'outside domination' and criticism from elders and 'Bastion Protestors' alike. In 1977 it went into recess. Work continued in carving, scroll painting, tukutuku panelling and landscaping, the Education Centre raising enough money to keep three carvers employed.

In 1979 the Education Centre sponsored and managed a Temporary Employment Programme through the Labour Department to keep the carvers employed and to start work on a dining hall. It ran for about two years, engaging 50-60 workers, mainly local young people. It ran into numerous management difficulties, mainly because the Government money came 2-3 months behind the actual payment of wages (which were met by an overdraft), and the Centre ended up with a shortfall of \$38,000 and interest of some \$8,000 both of which had to be met from its own fundraising accumulations. In the midst of this, economy cuts forced the termination of the Administration Officer's job, and later that of the Director.

The programme ended in 1979, but the foundations had been laid for a dining hall, and in the following year the Centre opened another public appeal to build it.

The dining room has yet to be built. Progress slowed considerably as another order came to pass. The former chairman of the marae trustees, one of Maoridom's notable figures, died in 1978. Several elders died including two who had taken notable roles in the past. Piriniha Reweti, a sixth generation descendant of Tuperiri died in 1978, and Te Puru o Tamaki Downs, a seventh generation descendant, died in 1979. There were also vacancies amongst the marae trustees - and Ngati Whatua made its move.

They approached the Auckland District Maori Council and advised their concerns. The latter agreed that its two vacancies amongst the trustees be filled by Ngati Whatua representatives. The move was upheld by the Maori Land Court, despite opposition from the Director for the Education Centre, and in 1980 Ngati Whatua had six trustees out of sixteen. Later they obtained another 'seat' from the Auckland District Maori Council and had seven.

There were now other trustees who seriously questioned whether the right thing had been done by Ngati Whatua and for the first time the Ngati Whatua view predominated. The Education Centre tendered its resignation as the

body responsible for marae administration. By a slender majority the resignation was accepted, and in 1982 the Orakei Marae Committee was appointed to the task under the Chairmanship of none other than J P Hawke. The control was shifting to persons of Ngati Whatua.

Since then the marae trustees have been unable to obtain a quorum for their meetings. The carving work continued through the Labour Department's Work Skills Programme. The Education Centre continues its numerous educational and cultural programmes with success. It has added to its many projects a community house, a neighbourhood support group, and a school-leavers training and employment preparation scheme. There is now a substantial bursary fund for all levels of schooling. It is to the great credit of the Centre that despite the upheavals and its loss of the control of the marae, it has never waned nor retreated from its primary goal - the education of the marae children. But neither do some of its members retreat from its other goal - the control of the marae.

Meanwhile, in other parts of Auckland other marae were being built. In 1959, when the Maori Land Court order was made, there were only two marae, both in South Auckland. Now there are at least sixteen. Seven are multitribal, two are church based and six are distinctly tribal. Even more significantly Maoridom has come to recognise that amongst the many marae, Orakei should take precedence, at least in central Auckland, as the marae matua or parent marae of the tangata whenua, Ngati Whatua of Orakei, just as Piritahi, Pukaki, Ihumatao and Te Puea hold status in South Auckland. For shortly after their 'urbanisation' the new Maori migrants were questioning the initial move to multi-tribalism and asking after the essence of marae and what it is to be Maori. Does one belong to a race or does one belong to a family that belongs to a hapu that belongs to a tribe? The true nature of Maori society and Maori marae was in issue.

We will pursue that issue in Chapter 12. For now we follow the action taken by Ngati Whatua, who, having gained some 'seats' on the Trust Body, were increasingly looking once more to matters of original title. The marae issue had lain dormant for a few years while Ngati Whatua dealt with the protests at Bastion Point and negotiated for a settlement. Later they were busy constituting a Trust Board, arranging a loan, deaning beneficiaries and becoming operational. It was not until 1982 that they could bring their energies to bear on the marae issue again and indeed the sound establishment of the Trust Board was necessary to underpin the claim. It was hoped the marae would be vested in that Board, with some representation for local civic bodies, and representation for Ngati Whatua of other areas (for the naming of the house as Tumutumuwenua meant they too had a say). To that end a meeting was held at 51 Kitemoana Street on 26 March 1983 with the Prime Minister in attendance.

It was then considered again, for whom is the marae held, in terms of law, and from the face of the Court Order the answer was "Maoris". "Maoris" it seemed meant Maoris, not "all people". The Prime Minister seemed sympathetic but then the Government changed. The matter was raised with the

current Minister of Maori Affairs in November 1984 but then this claim to the Waitangi Tribunal intervened.

Ngati Whatua, not presuming for one moment that "Maoris" might really mean just them, held three meetings to consult with Maoris. True to local protocol they consulted first with their Ngati Whatua 'cousins' at a general meeting in Aropawa Kaipara. On Friday 7 October the Kaipara sector carried the 'take' (issue) back to Orakei for a second meeting with Ngati Whatua as a whole. Meantime a powhiri (invitation) had issued to 'all Maoris' to gather at Orakei and discuss the issue, by notifying each of the Auckland marae, the Maori Members of Parliament, the New Zealand Maori Council and Department of Maori Affairs.

The marae trustees, Mayor and Minister of Lands were also invited. The latter advised that as the land was not Crown Reserve but Maori Land it would be better to consult the Minister of Maori Affairs. That was done. The meeting to discuss the issue was held at the marae on Saturday 8 October with the Minister of Maori Affairs present with representatives of his Department along with the Maori Council, the Maori Members of Parliament and some 80 adults.

Nearly all of the several Auckland marae were represented too. Those that were not, Tirahou, Freemans Bay and Waititi, sent letters supporting Ngati Whatua control, the latter listing 30 Maori organisations that also supported that view.

Those present unanimously favoured the Ngati Whatua claim. In the three meetings there was no dissent. And so it was put to us that this marae was reserved for 'Maoris', and now 'Maoris' had unanimously resolved that the mana of the marae, the right to its control, belonged to the tangata whenua, Ngati Whatua.

That is how Maori people settled the matter. Tradition had at last followed the children to the cities. The symbolism in Auckland's Maori name, Tamaki Makaurau took new meaning - Tamaki where all may belong, not despite, but because of Ngati Whatua. It remained only to see if officialdom would be moved to acknowledge tradition too.

But the general public was involved as well, by virtue of the public appeals. The total net income from the appeals was applied to the meeting house and reception centre in conjunction with monies raised locally. There were three public appeals.

(1) The Centre's radio appeal in 1971 which raised about \$4000.

(2) The Development Council's Appeal 1973-1977 which raised \$173,671, from local bodies (\$45,000), Savings Banks (\$10,000), Charitable Trusts (\$27,350), businesses (\$34,265), churches and schools (\$1,793), individuals (\$19,195), fund raising events (\$33,360) and interest (\$2,438). After deduction of costs, \$153,600 was applied to the main buildings.

(3) The Centre's 1980 appeal which included donations from the Auckland City Council (\$10,000), Auckland Savings Bank (\$10,000) and an accountancy firm (\$1,000).

It is difficult to quantify how much is 'public' and how much 'local' as local people were engaged in the fund raising events. Only some things can be identified, like the gift of electrical wiring by an Auckland businessman. It is clear however the largest single contributor was the Crown. P H Corvette advised of an additional \$60,637 Government subsidy through the Department of Maori Affairs. The New Zealand Forest Service gave totara logs for carving. The Department of Labour gave most through the TEP scheme that operated for just over two years. Full figures were not supplied but for 12 months to 31 March 1980 it was given as \$375,000. Here again an apportionment is difficult because the scheme served social purposes other than marae building.

Nor is it easy to assess who might 'own' the various buildings on the marae, legal technicalities apart. The Education Centre accepts the marae trustees own the Reception Centre, Te Pou Whakairo, the meeting house Tumutumuhenua, the dining hall foundations and a share in the toilet and ablution block as these were paid from appeal funds and subsidies. It claims to own the buildings called Te Koha and Te Puawai, the 'wharehui' and carving shed, a storehouse and storage shed and a share in the toilet and ablution block. There are difficulties here again because the community assisted the Centre's fund raising and worked voluntarily on buildings.

The Centre allows its buildings to be used by Ngati Whatua people. It also houses two caretakers on the marae.

In its accounts to March 1982 the fixed assets of the marae trustees are valued at \$564,202.

The conflict was not resolved when the matter was referred to this Tribunal, some of Ngati Whatua insisting that the marae be vested in the Ngati Whatua Trust Board, some of the Education Centre insisting that it be held as a public marae with the trustees constituted as provided for in 1959.

Waitangi Tribunal, Department of Justice, Wellington.

10 Pathway to the Future 1978-1987

10.3 The Status of the 1978 Settlement

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Nor did the 1978 settlement bring resolution to the continuing debate. For the Action Group the settlement made matters more pressing. The success of their claim depended on the uncommitted Crown lands remaining uncommitted, but the settlement contained a commitment to settle future use for an time. Even in the month following the arrests of May 1978 the Action Group moved back into action publishing a newsletter to clarify the Group's stand - the return to Ngati Whatua of all the 'open land' on the Orakei sea front to be administered by the Ngati Whatua Trust Board, the vesting of the marae in the Board, the 'removal' of the \$200,000 'price tag', and the vesting of the old houses in the Board for occupation, free of rent, by former tenants.

No sooner had the Court of Appeal disposed of the complaints about the convictions than protest was renewed. In 1981 the Crown moved to sell its 4.25 acres. As far as the Action Group was concerned it had never retreated from its view that it was part of the land to which Ngati Whatua were entitled. Then to its surprise it learnt few others had retreated either. The open-space campaigners were back campaigning for more open space too. A 'Joint Working Group on Bastion Point' was formed, but many different and conflicting interests it needed to represent. This time however the 'low income' housing group had a special case.

Low income housing had been specifically recommended for the area by the joint Planning Study Group in 1977, the report adding, "the land should remain with a public agency such as the Housing Corporation or the Auckland City Council." There was a view the Crown had accepted that. The Minister of Lands' announced in February 1978 that the decision to vest the land in the Housing Corporation was "in line with the planning proposals" and the preamble to the Orakei Block (Vesting and Use) Act 1978 said the land was vested in the Corporation "in broad accordance" with the Study Group's recommendations. The Corporation however proposed to sell the land to the highest bidder, and when tenders were prepared in April 1981, the battle was renewed.

On 4 May the Prime Minister countered mounting criticism by advising the profit would assist in forming the area added to the Parks. Nonetheless the criticism continued and the Corporation's drainage and sealing operations were continually hampered by 'sit in' protests led by the Action Group. A first set of protestors was arrested in March 1982. There were then no injunction proceedings and not the same mistakes in the prosecution. Amongst those convicted and fined were the 13 claimants in this case. Others escaped conviction because the Court could not be satisfied beyond reasonable doubt that they were present on the Crown's land. Then there was a second 'sit in'.

It was followed by a deputation to Parliament, not of protestors but prominent citizens, but there was no change in the Government's heart. The Ngati Whatua Trust Board had till then been intentionally silent but on 29 March, Professor Kawharu for the Board issued a prepared statement to the New Zealand Herald, removing the Board from the debate. "Ngati Whatua" he stated, after referring to the settlement of 1978, "have taken the matter no further, regarding the administration of Crown land to be the sole responsibility of the Crown".

Some of Ngati Whatua disagreed and were amongst the 120 included in the second arrests of 4 April 1982. On that occasion there were fewer mistakes stiff. Nearly 100 were convicted and fined, amongst them once more the 13 claimants in this case. Twenty two appealed, including the current claimants, but the appeals clearly lacked substance and were readily dismissed.

Something was achieved from the protestors' point of view. The furore attracted few developers and there were no acceptable tenders. J P Hawke's offer of blankets and other goods of the kind and quantity proffered to Te Kawau for the sale of Central Auckland, was amongst the tenders rejected.

Then the Government changed. The Branch Manager for the Housing Corporation confirmed that since then there have been no instructions to deal with the land. J P Hawke confirmed the claimants' fines had not been paid. Two weeks earlier his wife had been arrested at home, his daughter before then, and Hilda Harawira had been apprehended at the airport, but for him the 'knock on the door' had still to come.

Waitangi Tribunal, Department of Justice, Wellington.

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10.4 Unity and 'the necessary Laws'

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Hope came when the Treaty of Waitangi Amendment Act 1985 enabled a review of Crown policy and action prior to 1975, and indeed from 1840. For the first time the issues confronting Orakei could be directly addressed in full. A new claim was filed and in November 1986 was heard at Orakei marae. In the course of hearing evidence in the afternoon of the opening day, the House was largely emptied. We learnt later Ngati Whatua was meeting separately at the same time.

Rev. Marsden explained the purport of that meeting the following day. The Orakei Trust Board, he said, had striven to uphold the tribal kaupapa that Ngati Whatua should act only in accordance with the law. The Board and many tribal members had felt unable to support the original Hawke claim and at the tribunal's last sittings, had confined themselves strictly to matters arising post 1975. Since then the law had changed.

The tribunal had been reconstituted, was able to hear the sorts of concerns the Orakei people had and to review afresh the whole of their post European progress this time in the light of the Treaty their forebears had signed. The tribe had therefore to meet to reconsider its position and had chosen to do so when the tribunal met and the people were together.

As a result, Marsden announced, "we are now one entity". It was resolved, he said, that the tribe would stand united with its tamaiti (son), Joe Hawke, in the matter of the claim.

Danny Tumahai, Vice Chairman of the Ngati Whatua Trust Board affirmed that resolve. In 1978 he said, the Board adopting the opinion of the past elder Piriniha, stated publicly it would forego further claims against the Crown at Orakei, unless fresh evidence were unearthed and upheld in a New Zealand Court of law. We did not think it necessary to quibble whether the tribunal is a Court. Of significance was the search for unity, after a century of division, as Mr Tumahai advised that the Board, elders and whanau now stood together and supported the claim (subsequently affirmed in a letter from the Board of 12 March 1987). They had healed the past. "Yesterday" said Tumahai "there were tears in the eyes of our elders as we came to that agreement." The house was packed with emotion as the settlement was relayed to us. Unity was found not in spite of the law but because of it.

Such is the remarkable consistency of Ngati Whatua policy, recalling to mind Te Kawau's exhortation to his people to respect the whiteman's laws. It brought back to us his reasons for seeking both the Treaty of Waitangi, and, through a settlement in Auckland, a partnership with the white man's tribe.

It reminded us too of the reliance of this great leader, born in pre-settlement times, on even the documentation of the law, as expressed in his farewell to Governor Grey in 1853

Friend, when you arrive on the other side tell the Queen about the good arrangements you have made in regard to the formation of a township on our land and let this land [Orakei] be reserved for our own use forever and let us have a Deed for it so that it may be safe.

Despite all that has happened we do not think faith in legal process can be seen to be misplaced. To contemplate otherwise is to invite the disorder that Te Kawau and Tuhaere sought firmly to put in the past. It should not be forgotten however, whenever the story of Auckland is told, that Ngati Whatua of Orakei was never other than a loyal tribe that sought no more than one comer of the world to be forever theirs. Save for the protests of the last decade, those of Orakei never sought to pursue that quest through other than "the necessary Laws and Institutions" promised in the Treaty of Waitangi. We have attempted no complete count of the number of occasions Ngati Whatua attended before Courts of many sorts, Commissions, committees, and Parliament, the highest Court in the land, in the pursuit of their single goal, but we have reviewed the results, and now with hindsight we ask, what laws and institutions are needed today?

Waitangi Tribunal, Department of Justice, Wellington.