

A HISTORICAL PERSPECTIVE

TREATY OF WAITANGI

There is no doubt that the situation of the whole of Maoridom in this country has its origins in the history of our past beginning at the time of European contact and coming right through to the present.

We can begin by addressing the Treaty of Waitangi as this was the first Treaty agreement of any significance agreed to and signed by a large number of Chiefs from the majority of the Tribal groupings including Chiefs of Whakatohea.

This Treaty has been blatantly broken and in fact totally ignored by Successive Governments from the time it was signed by the Tribal Rangatira in 1840 right down through the years, with the flagrant ignoring of the legal rights of our people. What has been termed legalised theft was perpetrated on our people with the loss of almost all their Tribal lands.

CONFISCATION

Then the most catastrophic disaster befell the Whakatohea when their land was confiscated in 1865 for what the Pakeha called acts of rebellion against the Crown. We will not go into that event to any degree now, except to say that Whakatohea were a very prosperous people prior to the Confiscation and lost their total economy base 430,000 acres. Their kumara, potato and maize growing lands. Prior to the Confiscation the Whakatohea had a number of Schooners and were trading farm produce to Auckland city.

RELOCATION OF WHAKATOHEA

In 1874 the land settlements Commission came to Opotiki. The objectives of the confiscation had been achieved, that was the removal of the Whakatohea off his tribally owned land and relocating them on the less fertile and Steep Bush clad Hills on Surveyed titled blocks. The Crown took 35,000 more acres to pay for survey charges. Our people appealed against the survey costs but lost their Case.

Of significance then and even more so today was that the blocks to the East now known as Nukutere are surveyed into six areas and settled on that basis.

That is to say that each Block is a Hapu Block.

In the Maori Land Court in Opotiki the Whakatohea people agreed to their Six Hapu being Ngaitama, Ngatirua, Ngatipatu, Ngatingahere, Ngati-Ira, Upokorehe as the owners of those Blocks and submitted their names and those are on record as being the owners of the Nukutere Lands. This was the first Legal registration of the Six Hapu.

MAORI SOCIAL AND ECONOMIC ADVANCEMENT ACT

In 1945 the Government brought in the Maori Social and Economic Advancement Act.

This Act with the resultant policies that were implemented by the Department of Maori Affairs had some positive but also many negative results.

The Hapu responding positively formed their committee to manage their Marae. The first Group elected were the Trustees of the Marae with their duties clearly defined in the Act.

The second committee elected was the Maori Committee and they were the Committee who's duties mainly comprised Planning the modernizing of the facilities and arranging finance and subsidy applications in full discussion with the Trustees and the people of the Hapu. The processing of applications through the Maori Land Court on the legalizing of the Marae and Cemeteries was also a major part of the Maori Committee's functions.

The Hapu elected a Marae Committee and their role was the every day running of the Marae.

Whakatohea like most other Tribal areas formed a Whakatohea Maori Executive comprising of 2 member representatives from each of the functioning Marae.

From the Executive you have your members on the Wairariki regional Council and from the Regional Councils you have the representatives go on to form the Dominion Maori Council.

The Maori Social and Economic Act was the first time that legal structures were possible on the Marae and with the Subsidies as incentives plus the more stable position provided by the Reservation concept our people responded positively.

Re-organising their marae and cemeteries and modernizing the facilities as we see them today the Trust Board has supported the Hapus efforts with Grants and Insurances assistance.

The Whanau are the strength of the Hapu and the Hapu are the strength of the Iwi.

**Whaia te Pae tawhiti kia tata mai
Whaka maua te Pai tata kia Tina**

The Maori Affairs Community Officers of that era worked very hard to assist and advise our people on how to select their Committees and advise them on how to process Court Applications to Legalise the Marae and Cemeteries changing them to Maori reservations.

They also guided the Maori Committee through the procedures of applying for subsidies.

The flow of subsidy funding was arranged according to a priority listing through the Whakatohea Executive on to Waiariki District Council who would scrutinize the documentation and providing everything was in order District Council would instruct the District Office of Maori Affairs Rotorua to make the subsidy payment to the applicant Hapu.

The Community Officers also initiated a well planned effort to build homes for our people on their Papakainga near the Marae and many homes were built in Whakatohea and they are easily identified and still being occupied today.

NEGATIVE ASPECTS OF THE POLICY

But then the negative aspects began to creep in.

It soon became evident that the policy from the Department of Maori Affairs was taking a definite and predetermined change.

They made the loan conditions to any applicant such that the criteria for a housing loan required you to build in a town or city.

This was the beginning of the massive forced migration of our people away from their Hapu and Tribal roots and Culture into the towns and cities.

Initially they merged our maori homes into European suburbs in a determined effort to assimilate Maori into the Dominant Culture group.

Our Maori leaders of the time complained bitterly and tried to resist what was being done.

Many of the Cultural Officers of that time left the Department of Maori Affairs as they could not stomach what they were expected to do by the Pakeha Controlled Department of Maori Affairs.

Sir Norman Perry and the Late John Rangihau were Community Officers at that time who left as they could clearly see that the results of the changed policy would be horrendous in terms of mental violence and human suffering

Their premonitions have proved to be correct.

The uprooting of our people from their Cultural protective Mechanisms is clearly evident in the Negative Statistics that are our lot today.

This is clear evidence of the results of Government tampering with the Human Ecology. The lesson to learn here is that DEVOLUTION NEEDS VERY CAREFUL SCRUTINY

CONFISCATION RESTITUTION

The Whakatohea people had never ever accepted the confiscation of their lands in 1865. They quietly planned and worked to save money to pay the costs of mounting a case to the Government for a settlement that would recognise the unjust confiscation. A number of petitions were presented to Parliament and it was finally agreed at a meeting at Omaramutu with representatives of Government and Whakatohea that the confiscation was unfair. The sum of 20000 pounds was accepted as payment and in 1955 the Whakatohea Maori Trust Board Act was implemented.

In numerous meetings prior to the receipt of the monies in settlement for the confiscation the Whakatohea elected members to represent their Hapu in negotiations as the enclosed copy from old minute books clearly illustrates.

Although the Act was not Law until 1955 the Whakatohea began operating as an organised group in the 1940's and then an Interim Trust Board prior to the Trust Board Act becoming law.

As previously stated old minute books recording the People of each of the six Hapu and their collection of funds to pay the legal costs etc of their claim reveals an incredible business aptitude, a fine command of the english language, a competent system of recording and disbursing funds for the payment of accounts coupled with determination and tenacity that ensured they would succeed.

Because of the Wisdom of the decision to take a lump sum of money as payment rather than a small sum in perpetuity followed by the good business management of those Pioneer Board Members competently serviced by Sonny Smith and Sir Norman Perry as succeeding secretaries, the Whakatohea have from that time and to the present day set a record of achievement second to none and has been quoted in influential circles as being a Role Model.

That we have survived and still try to live in harmony is a credit to the tolerance of Maoridom.

**I GIVE YOU A LITTLE MORE GENERAL HISTORY TO CONSIDER
THE MAORI PRISONERS ACT OF 1880**

The chilling recitals of this Act should be made known to every New Zealander. To quote one sentence of this Act.

AND WHERE IT IS NOT DEEMED NECESSARY TO TRY THE SAID NATIVES IN ORDER TO INFLICT PUNISHMENT; (does this remind you of South Africa)

Therefore under this Act hundreds of Maori people were imprisoned without any investigation or trial.

Many of those Maori died in prison the humiliation of their circumstances removed any will to live.

**THE NATIVE LAND ACQUISITION AND SETTLEMENT ACT
WAS PASSED IN 1893**

By statute the Governor was given power to take any Native Land for settlement whether the owners wanted to sell or not.

Compensation was to be paid but the average rate of payment was five shillings per acre (50 cents).

The actual going market rate at that time was 30 pounds (\$60.00) an acre.

There are numerous Acts and regulations the motives of control and assimilation so obvious and arrogant in their intentions.

The sum total of this history since the signing of the Treaty of Waitangi to the present day is one of Total Domination and control with the shifting of most of the Maori Economic Base to the Dominant Culture Ownership.

It is easy for the middle and upper middle class Maori people to have casual and shallow interest in all these events and perhaps to even believe that there are no problems or that our past history is a fairytale.

The Decisions before the Whakatohea at the present time for Devolution and the choice or selection of the method and structures are in my opinion the last decisions of any real significance on the future of our people that we will make. I urge you all to recognize this and don't make hurried decisions.

**KAUA HEI RERE TOTOAA KIA TUPATO
(DON'T BE HASTY BE CAREFUL)**

STUDY CAREFULLY WHERE WE HAVE COME FROM AND HOW WE GOT HERE.

LOOK AT THE LAWS AND REGULATIONS AND OTHER STRUCTURES THAT HAVE PLACED US WHERE WE SIT TODAY.

RECOGNIZE WHAT HAS BEEN OF VALUE TO US.

IDENTIFY WHAT HAS BEEN RESTRICTIVE AND HARMFUL.

GATHER AND SIFT THROUGH ALL THESE FACTS.

THEN MAKE YOUR DECISION.

WHAKATOHEA RUNANGA A IWI

A Perspective on the establishment of a Runanga by the Whakatohea Maori Trust Board.

1 HISTORICAL BACKGROUND LEADING TO THE PRESENT POSITION

- 1 The Trust Board when it built the first office building had already recognised that it must take a stronger administrative position on behalf of its people.
- 2 Government Policies on Devolution were not in any way evident when the Trust Board on its own initiative made plans and built the Office in Moody Place in 1978. The plans and policy directions were put to the Annual General Meeting in 1978 and there was unanimous approval for the Board to proceed.
- 3 During the Past 7 years the Trust Board has taken on a role of Interim Iwi Authority more by default than by design as there was a vacuum in that area of operations.
- 4 The Whakatohea as a total people had never expressed any desire for change nor any significant dissatisfaction as the events developed.

Until this devolution policy which seems to have thrown Maoridom throughout New Zealand into a state of turmoil.

An example of the work that the Board began pursuing on Whakatohea behalf was the formation of 438 Trusts such as, and other listed functions.

- 1 The election of Trustees for Whakapaupakihī and the formalising of lease conditions with Mangatu Inc in 1979.
Negotiations with Mangatu the current leasee to renew the leases and review rents.
- 2 When the County Council without proper authority put a road on Maori Land at Rahuī. It was the Trust Board that put an Injunction on the Council and negotiated the settlement to the satisfaction of the owners. The Opotiki District Council was charging the owners for the cost of the road.
Due to the Trust Boards Intervention the Council agreed to drop the roading charges against the land owners.

- 3 Settling of negotiations with Judge Jury on 438 Trust Titles improvement in the Whakatohea on a planned basis.
438 Trusts such as: Nukutere Whakapaupakihī Otanemutu Huarau TeWaiti, Te Rāhui, Ngātilra, Ngātingahere, Hiwarau.
The 438 Trust formations over Whakatohea Lands was a major titles improvements task and the setting up of trustees on those 438 Trusts provided a management tool that enabled those blocks to develop.

Today Nukutere because of the amalgamation of titles and the proper management group the forestry lease negotiations became possible and the land is being developed and there is now a considerable income flow with cash savings in the bank. Prior to that the land was derelict being farmed in a manner that was of no benefit what so ever to the owners a similar positions apply to Ngātingahere Lands 438 Trust, Whakapaupakihī 438 Trust and Otanemutu 438 Trust.

JUDGE DURIE WHO LATER BECAME CHIEF JUDGE OF THE MAORI LAND COURT AND PRESENTLY PRESIDING OVER THE WAITANGI TRIBUNAL with CLAUDE EDWARDS AND SIR NORMAN PERRY about 11 years ago met here in the Board Rooms. They held policy discussions and laid and formulated the directions and planning for this very significant titles improvement and land development for Whakatohea Lands.

- 4 Kaumatua flats. Matangipuhia.
In the years following the confiscation of Whakatohea lands, the Government gave blocks of land within the township, to the Hapu of the Whakatohea. One such block situated on the corner of Church Street and High Street was owned by the NgātiRua Hapu. At that time the land was a ponding area and had very limited potential so the Hapu desired to sell it. The Board then made moves to purchase the land rather than let it fall into European ownership. The Board then made plans to secure the Kaumatua flats for the Whakatohea, and as a result, there is an asset that in the future will belong to the Iwi, through the efforts of the Board and its negotiations with TE TAI.
- 5 Te Kohanga Reo.
Over a number of years, a Kohanga Reo group had been planning to secure a permanent building of its own. They had been operating out of temporary facilities for some time, which were often unsuitable. The opportunity arose for the Board to purchase a section which was practically opposite Matangipuhia. This enabled the Kohanga Reo to build a permanent structure of their own. The close proximity to the Kaumatua flats presented the opportunity for Whakatohea Kaumatua Pakeke to become involved.

This is another example of having recognition to Article II of the Treaty.

TACTICAL, FACILITATOR, NEGOTIATOR

The Trust Board Involvement with these 438 Trusts has included:

- 1 Negotiating Forestry lease conditions with Caxton for Nukutere.
- 2 Appearing on behalf of Nukutere in a case opposing restrictions imposed by Department of Conservation on the forestry developers plans (we won the appeal).
- 3 Managing and paying for the Insurances on all the Marae in the Whakatohea. (The Whakatohea Trust Board were the first Board in New Zealand to do so, Tainui have since followed suit).
- 4 Through the Mataatua Land advisory Committee arranging Development Finance.
- 5 Assisting one particular 438 Trust to buy back about 10 acres of land that had dropped out to European Ownership.
- 6 Negotiating with Natural Gas Transmission Ltd in easement rights for Maori Land in our area.

The general thrust of the promotion of 438 Trusts was towards better land utilisation.

THESE ARE CLEARLY RESPONSIBILITIES IN LINE WITH THE PRINCIPLE OF ARTICLE II OF THE TREATY OF WAITANGI.

PERMANENT WORK OPPORTUNITIES.

Running in tandem with titles improvement and land utilisation the Board played a very significant role encouraging Industry to Opotiki.

- 1 New Zealand Safety footwear.
- 2 Coast Biologicals.
- 3 M.G. Atwill Enterprises.
The Board, with Sir Norman Perry, were instrumental in helping to establish this fashion footwear business in Opotiki. From small beginnings of a feasibility stage, where support and encouragement were provided to the present time whereby there is a staff of 14, with a possibility of further expansion. Significantly, the staff is mainly composed of maori, many of whom, were MACCESS trainees.

- 4 The Department of Social Welfare (this sub-office in Opotiki is here solely due to a long period of discussion and negotiation by the Boards Executive team with Social Welfare Department Executives).

There are 60-70 permanent jobs in Opotiki because of the Boards efforts in these operations.

It is not widely known that it was the Whakatohea Trust Board that negotiated with Government a change in the Maori Trust Boards Act.

Inserting a clause that would permit Trust Boards to take shares in Private Companies.

Prior to this Trust Boards could not take any interest in Private or Public Companies.

This change to the Maori Trust Boards Act was a most significant achievement by Whakatohea with Norman Perrys help that has allowed Maori Trust Boards to progress in a choice of business activities that previously were prohibited to them.

When the building previously known as textiles was offered to us to purchase we did not hesitate and it has been of tremendous value already in providing the necessary office space to cater for the increased work load, anticipating the trend of Government policies as we foresaw them to be.

A further reminder that Article 2 of the Treaty of Waitangi can be applied to these activities that the Board have undertaken and that the principles of the Treaty were evident in dealings with Maori land, Marae and Taonga long before the Government gave recognition in 1984 to the Treaty as a founding document for our country.

It was the Dominion Maori Council who placed an injunction on the sale by the Government of State owned assets.

A High Court sitting with five European Judges on the bench ruled in favour of the Dominion Council.

Their Unanimous decision was that the Government in dealing with matters affecting Maoridom must observe the principles inherent in the Treaty of Waitangi.

PRO ACTIVE RESPONSES

The Trust Boards role as Facilitator, Manager, Administrator and Planner has not come about by accident or good luck.

Rather it has been a planned response to the policy decision made by the Board in 1978 when we built the Moody Place Office for the aforementioned purposes. (Facilitator, Manager, Administrator and Planner).

The Boards Executive spend a considerable part of its time in keeping a close contact and information network with those people in Government Departments at Regional and Head Office level.

The Trust Boards and Head Office level.

Examples of such contacts are -

- Mr Bruce Jefferies, Regional Conservator, Department of Conservation.
- Judge Hingston, Mr Corbett, Registrar and Mr Hunt, Assistant Registrar, Maori Land Court.
- Mr Jim Goodfellow, Mr Steve Young, Department of Labour.
- Principals and Lecturers of Waikariki and Bay of Plenty Community Colleges.
- Mr W Malcolm, Vice Chancellor Waikato University.
- Health Department. Claude Edwards position as member of the Ministers Maori Advisory Committee and contact at Area Health Board level.
- UPPER MANAGEMENT Departments of Social Welfare, Justice and Internal Affairs
- THE TRUST BOARD enjoys excellent relations with all other Iwi and Trust Boards as well as large incorporated blocks such as Mangatu 64, Torere 64, Tumunui, Wakatu Incorporation, Ngaitahu and numerous others.

There are also direct liaison with Regional and local Government, with an example being Whakatohea input and concerns regarding the proposed sewage disposal review by the Opotiki District Council.

There have been further discussions regarding the Maori Fisheries Bill and consultation with Dr George Habib, Marine Scientist, in reference to proposed fish quota for Iwi and our negotiations and liaison with them is an indication the political influence of the Board in both Article II and Article III responsibilities.

GOVERNMENT PROGRAMMES

Since the early eighties, the Board has participated in various Government programmes on behalf of the Iwi. Even at this stage, the Boards role in providing these services can be viewed as an interim one, whereby the Boards status as a body corporate, enabled Government Departments to negotiate the delivery of such services within the context of the accountability of funding and outcomes that needed to be achieved. THE BOARDS INVOLVEMENT IN SUCH PROGRAMMES WAS A MINISTERIAL EXPECTATION. ACCORDINGLY THE BOARD RESPONDED IN ITS INTERIM POSITION.

It can be noted that the Boards involvement in these programmes represented a change in policy direction from one of developing land assets to addressing Iwi social and economic problems which were beginning to become more prevalent due to Government economic policies. In accepting the responsibilities of addressing these problems, other aspects of the Boards activities were unintentionally set aside due to the increasing enormity of the social problems.

In some cases, some programmes undertaken by the Board proved to be a disadvantage financially but the expectation to deliver the services were seen as a priority obligation.

This aspect of Government funded programmes to Iwi, is inherent within the principle of Article III, of the Treaty of Waitangi.

Examples of programmes as undertaken by the Board are -

- MAATUA WHANGAI
- PEP WSDP
- TAPS
- MACCESS
- MANA
- REHABILITATION PROGRAMMES THROUGH MAHI TAHI ENTERPRISES
- HEALTH COMMITTEE AND USE OF OLD OFFICES

CLEARLY ARTICLE III ACTIVITIES

With these activities of the Board showing a distinct difference based on the Treaty of Waitangi, this proposal is designed on a division of functions. The Trust Board to continue with Article II function.

The Runanga A Iwi to concern itself with Article III functions overlapping areas to be discussed.