

TE ROROA

The Waitangi Tribunal Claims
A Resource for Schools
SET THREE

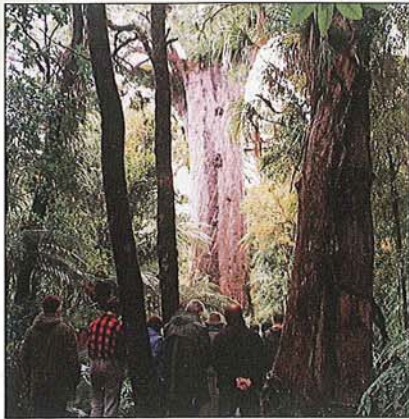
TE ROROA

Te Iwi, Te Whenua The People and Their Land

The lands of the Te Roroa people are in Northland. Hundreds of years ago they occupied lands stretching from the Kaipara Harbour north to the Hokianga Harbour, including the magnificent kauri forest at Waipoua.

There were many pa throughout Te Roroa land; the area was rich in natural resources. Many places were *mahinga kai*, where food was gathered and prepared in traditional ways:

- the fertile river valleys were intensively cultivated with kumara, taro and other crops
- the forest provided rats, birds and plants for food, clothing, medicine and other needs
- there was plenty of fresh water
- the sea and rivers were full of eels, herrings, whitebait and other fish
- along the coast shellfish grew in abundance.



Tane Mahuta, the giant kauri tree in the Waipoua Forest, named after the god of the forests and all things that live there.

Photo: Waitangi Tribunal.

WAHI TAPU

There were many *wahi tapu* on this land, places of deep spiritual, cultural and historical significance to Te Roroa because of their association with the tribe's ancestors. Some of the most important *wahi tapu* are Manuwhetai and Whangaiariki, Maunganui Bluff, Kawerua, Waipoua, Kaharau, Te-Taraire and Lakes Taharoa and Kaiwi.

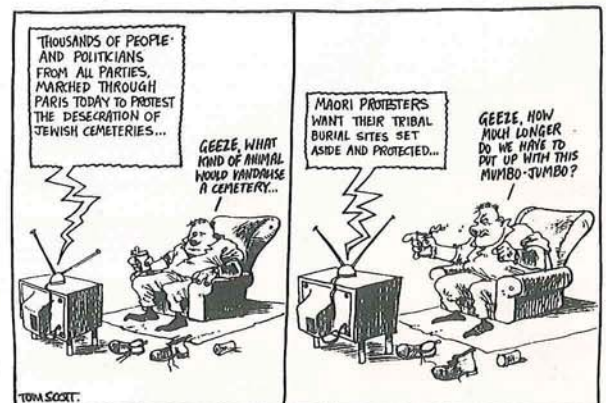
Wahi tapu provide the spiritual and

cultural base of the Maori people. *Wahi tapu* may be *urupa* (burial grounds) or other special places associated with birth or death, with chiefly persons and with traditional canoe landing and building places. Temporary *tapu* may be placed on hunting or fishing grounds or cultivations to conserve and protect their resources. *Wahi tapu* may also include places associated with particular *tupuna* (ancestors) and events associated with them. *Wahi tapu* provide "cultural and tribal markers."

The significance and the *tapu* of these sites remain over time. So when, in the 1870s, Te Roroa chiefs were considering sales of their land, they knew that it was important for the whole *iwi* that these areas were kept out of the sales, for the wellbeing of the tribe and for future generations.

WHAT HAPPENED TO THE TAONGA, THE SACRED TREASURES OF THE TRIBE?

During the course of the land sales from the 1870s on, many sacred treasures were lost or violated. Many *wahi tapu* have been alienated from tribal ownership, damaged and desecrated through land sales, settlement, and new types of development. Many of the *wahi tapu* are now private farmland or State Forest planted in exotic trees for logging. Other areas have been



sold for beachfront housing subdivisions.

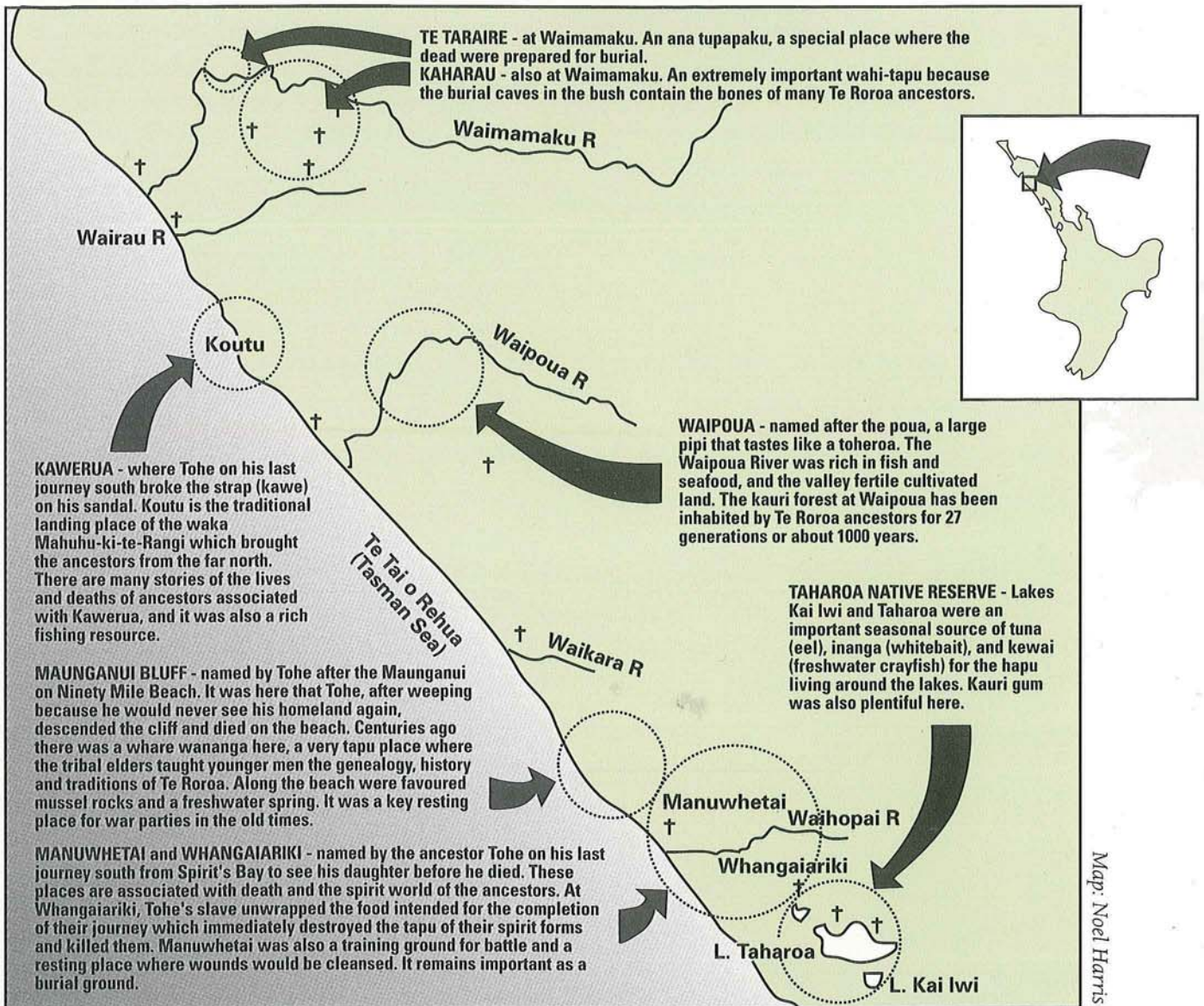
Some of the sacred burial places have been discovered and then looted over the years. Human remains and sacred objects such as carved *wakatupapaku* have been sold or taken to museums where they have been handled and studied by scientists and others, although the tapu has not been lifted from them. This has caused considerable distress and grief to Te Roroa. The dignity of such tapu objects was violated when they were handled by strangers in this way.

In 1988 some of the most sacred taonga of Te Roroa, *koiwi* (bones) and *wakatupapaku* of

their ancestors, were returned to them from the Auckland Institute and Museum for reburial.



At Manuwhetai this cross marks the site of an ancient burial ground in a pohutukawa grove. The site has recently been recovered and protected. Photo: N.W. Hogg.



MAP 1: Te Roroa lands showing some of the most significant wahi tapu. (= denotes urupa sites)

GLOSSARY OF TERMS

- ana tupapaku - burial caves or crevices
- iwi - tribe, people
- kaumatua - elder
- koiwi - bones
- papakainga - tribal estate
- mahinga kai - traditional resource areas where food is gathered or produced
- mana - power, reputation
- tamana - advance payment
- urupa - burial ground
- wahi tapu - spiritual place(s) of special significance to tangata whenua
- wakatupapaku - burial chests deposited in caves and crevices
- whare wananga - house of learning

TE ROROA

Nga Whenua I Hokona How The Land Was Lost

LAND SALES

In the years up to the 1870s there was increasing European settlement around Te Roroa land by missionaries, gum diggers, flax and timber traders, and service people such as storekeepers.

In the 1870s negotiations began for the sale of large areas of Te Roroa land to the Crown. Under the Treaty of Waitangi the Crown had the first option to buy land that Maori owners were willing to sell. Te Roroa were willing to sell because they wanted more Europeans to come and live among them, to provide new goods and services to their communities.

From about 1870 the Crown was eager to purchase more land, as quickly and cheaply as possible, in order to develop farming and forestry. Crown land purchase agents were sent to persuade the Maori to sell. They had money with them so they could pay *tamana*, (cash deposits) to individuals to encourage them to sell land.

The Crown wanted to buy most of Te Roroa land. Te Roroa were willing to sell but wanted to keep certain areas, wahi tapu, traditional mahinga kai, and *papakainga* out of the sale.

HOW BOUNDARIES WERE MARKED

Maori chiefs used "oral maps" to mark the boundaries of their land. The names of significant landmarks were held in the tribe's memory through stories told about the ancestors who named them and why they were named. So the people knew their land, talked about it and "mapped" it by relating these stories. The "oral map" served two purposes: it marked the key features and boundaries of the land and it kept the history of the people alive.

The Europeans who came to Aotearoa, on the other hand, brought with them European traditions of making maps. They recorded the official boundaries and key features of areas of land by drawing lines, symbols and words on paper. European maps did not have the very personal aspect to them that Maori oral maps did.

THE ROLE OF THE NATIVE LAND COURT

Maori traditional attitudes to land were very different from the European concept of ownership. To the Maori, land belonged to the whole tribe for all time. Those who currently occupied and used the land had inherited it from their ancestors, going right back to Papatuanuku, the earth mother. Maori saw themselves as guardians or trustees of the land, holding it collectively and caring for it for the benefit of future generations. When Te Roroa sold land, they believed they still retained their spiritual relationship with the land, and remained its guardians for the future.

Whenever Maori landowners wanted to sell land, the law said they had to first apply to the Native Land Court to register their ownership. The land had to be surveyed and then the court would determine who officially owned the land. Only then could the sale go ahead.



Judge Fenton, first Judge of the Native Land Court, who introduced the ten-owner system of recording title to Maori land.



The Waimamaku Valley where the wahi tapu of Kaharau and Te Taraire are situated. Photo: Waitangi Tribunal.

Around this time, when the Native Land Court decided who owned a block of land, it registered ownership of the block in the names of just ten “owners”. Those ten people may not have been the ones traditionally entitled to inherit guardianship of the land, but the Native Land Court registration system gave them the legal right to sell the land. All those who were not named among the ten owners were disinherited of their tribal land.

The three case studies which follow illustrate how different areas of Te Roroa land were sold or alienated by various means. Locate each of these areas on Map 2 as you read these case studies.

CASE STUDY ONE: THE LOSS OF KAHARAU AND TE TARAIRE

Kaharau and Te Taraire were wahi tapu included in the Waimamaku No.2 block. During the sale of the land there were three different survey plans made of the Waimamaku No.2 block and confusion arose over which areas were to be kept out of the sale:

- **the Smith plan.** In May 1875 the government surveyor S. Percy Smith submitted to the Native Land Court only a rough sketch plan of the Waimamaku No.2 block, ready for the court hearing in June. Smith had asked the Wilson brothers to

survey the land but this had not yet been done. Smith’s sketch plan clearly showed Te Taraire and roughly showed a “reserve” (Kaharau) outside the area of land for sale.

- **the Wilson plan.** Produced over a month after the court hearing, it clearly showed Kaharau and Te Taraire as areas to be reserved from sale. Te Roroa chiefs saw the Wilson plan and believed that it would become the official record of the Waimamaku survey. But the court rejected it as imperfect.
- **the Kensington plan.** This was drawn by the government’s chief draughtsman Kensington in December 1875 from his office. He didn’t visit the site. Kensington’s plan was sent to the court long after the hearing and attached to the deed of sale, thus becoming the official record of what land had been sold.

If Kensington had gone to Waimamaku the chiefs would most likely have pointed out to him the features of the land which traditionally marked the boundaries of the wahi tapu to be reserved. As the wahi tapu at Kaharau and Te Taraire were not marked on this plan as reserves they were officially included in the sale, unbeknown to Te Roroa and contrary to their wishes.

CASE STUDY TWO: THE SALE OF WAIPOUA-MAUNGANUI

Crown agents took advantage of a dispute which two chiefs, Tiopira and Parore, had over ownership of the Waipoua-Maunganui block. During the survey the Crown partitioned the land into two separate blocks. The chiefs then agreed between themselves that the Maunganui block should belong to Tiopira and Waipoua to Parore. The area known as Waipoua No 2 would be a native reserve belonging to Tiopira. The Native Land Court made this agreement official, and named ten owners, including both chiefs, for each block.

The Crown land purchase agent then dealt with each of the owners separately. First he got Tiopira to sign the deeds of sale before the purchase price had been written in. Then, by offering a higher price, he persuaded the reluctant Parore to sell, and wrote the higher price into the deed. He paid Parore tamana of 500 pounds to persuade him to sell, and also granted him a reserve, a 250 acre eel fishery at Lake Taharoa on the Maunganui block.

The Crown was in a hurry and failed to

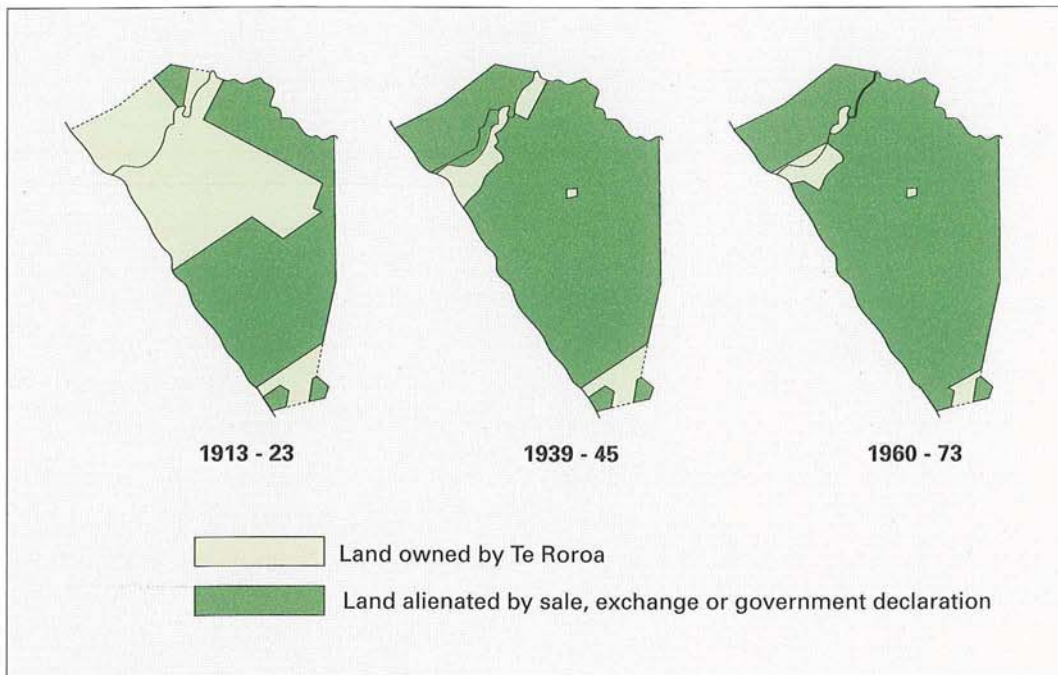
survey the land properly before the sale went through the court. The chiefs had a spoken agreement with the purchase agents that certain wahi tapu on the Maunganui block would not be sold but would be kept as native reserves. When surveying the Maunganui block, the European surveyors drew straight lines across the map instead of using traditional boundary markers such as landmarks and rivers. Some intended reserves were by-passed by the straight lines.

Two reserves, Manuwhetai and Whangaiariki, were specially surveyed on a separate plan. But this survey did not become part of the plan which was attached to the deed of sale. That is how Manuwhetai and Whangaiariki became part of the land sold. Maunganui Bluff was sold simply because it had not been surveyed, so it didn't appear as a reserve on the plan. Te Roroa did not realise that their wahi tapu had been sold until some years later when the Crown subdivided the land and sold it again.

Map 2 shows the areas which were intended to be reserved, and how much land was actually reserved.



Maunganui Bluff, a key feature of the Maunganui block and ancient site of a whare wananga. Photo: N.W. Hogg.



The alienation of Waipoua No.2 Native Reserve

CASE STUDY THREE: THE SALE OF WAIPOUA NO 2 (WAIPOUA NATIVE RESERVE)

This was the block of land (known as Waipoua Native Reserve) which the two chiefs Tiopira and Parore had agreed would be Tiopira's tribal reserve. It covered 12,220 acres including the kauri forest. Because the land had been registered with the Native Land Court it was no longer one area under tribal control but could be surveyed into separate little parcels, each with an individual "owner". This made it easier for the Crown to buy it.

In July 1917 the government said that if the owners of Waipoua Native Reserve wanted to sell their land, they could only sell it to the government. Over the next few years, the Crown bought much of the land bit by bit. While many of the Maori owners were overseas fighting in the First World War, Crown agents gained agreement to sell from the people left at home. When the owners returned from the war they found that their land had been sold.

By 1923 the Crown had purchased over 6113 acres. The government decided what the price for the land was, in some cases based on outdated land values. The value of the native timber on the land was not included in the price, and nor were any buildings. The government logged the timber, replanted much of the land in pine forest or sold the land for farming, and made a large profit.

Between 1939 and 1945 a further 4734 acres were purchased by the Crown. This was at a time when most of the Te Roroa men were fighting overseas in the Second World War. Te Roroa gave the Crown some land for a school to be established at Waipoua.

In 1972 the government said that land could again be sold to anyone. Between 1960 and 1973 the Crown had acquired nearly 450 acres more. Of the 12,220 acres originally set aside as a reserve, only 690 acres now remain as Maori land. All of it is in multiple ownership rather than a tribal reserve as Tiopira had wanted.

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- *koiwi* - bones
- *papakāinga* - tribal estate

- *mahinga kai* - traditional resource areas where food is gathered or produced
- *mana* - power, reputation
- *tamana* - advance payment
- *urupa* - burial ground

- *wahi tapu* - spiritual place(s) of special significance to tangata whenua
- *wakātupapaku* - burial chests deposited in caves and crevices
- *whare wananga* - house of learning

TE ROROA

Te Ao Hou Life In Today's World

LOSS OF MANA

The mana of the Te Roroa chiefs was related to their ability to control their main economic resource, the land, for the benefit of the tribe. By the 1920s they had lost most of their land. Some of the consequences were:

- loss of the tribe's economic base
- loss of access to traditional mahinga kai
- loss of ready access to their spiritual base in the Waipoua kauri forest
- different ways of using the land, resulting in ecological damage
- unrestricted public access to wahi tapu, violating the sacred nature of these places.

LIFE IN WAIPOUA TODAY

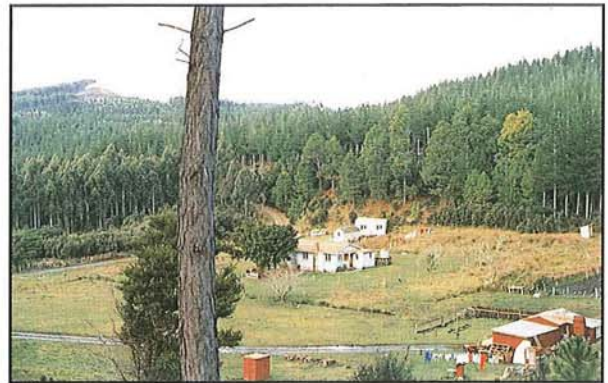
When the Te Roroa people sold their land they expected in return to have roads and schools constructed, and to become less isolated from the rest of the country. Roads were built inland between Katui and Waimamaku, and in to the Forest Headquarters, but they by-passed the Waipoua Settlement. Map 3 shows how isolated the settlement is.

The settlement has no electricity, telephone or postal services. The people travel to the Forest Headquarters to collect their mail and use the telephone. Electricity has not been supplied to the settlement on the grounds that it would create a fire hazard for the forest and would be a nuisance during logging operations. No water supply or sewage system has been installed.

Te Roroa donated land to the Crown for a school in 1939. A school was eventually built but was closed down again after a few years because the rolls were too low.

Regular medical and dental care for the

Waipoua Settlement people ceased when the Native School closed down in 1956. Now a doctor and nurse visit the settlement only about every six weeks.



*Waipoua settlement today, surrounded by exotic forest.
Photo: Waitangi Tribunal.*

TE ROROA'S ATTEMPTS TO HAVE THEIR GRIEVANCES HEARD

It was some years after the land sales, when the land was opened up by the Crown for sale to others for settlement, farming and forestry, that Te Roroa realised they had lost their land for good. Ever since then they have put their case to the government, asking for the return of the land they intended to be kept out of the sales. Different governments have made different responses:

- during the lifetime of those who sold the land the government did nothing
- in 1908 the Stout-Ngata Commission recommended turning some Te Roroa wahi tapu into reserves. But by then it was too late - most of the land had been sold into private hands
- in 1939 the government established the Acheson Inquiry to look closely at the history of the land sales. The Inquiry concluded: "The circumstances of this

case...cry aloud for redress. The two reserves (Manuwhetai and Whangaiariki) are theirs and should be returned to them, no matter what cost to the Crown this may involve." The government did nothing

- in 1986 Te Roroa first approached the Waitangi Tribunal asking it to investigate the improper sale of the Maunganui block. By 1990 they had lodged a full statement of claim covering all their grievances.



Te Roroa people discuss their claim with members of the Waitangi Tribunal at Maunganui Bluff, Kawerua and Koutu. Photos: Waitangi Tribunal.

THE FINDINGS OF THE WAITANGI TRIBUNAL (1992)

- the Crown used unfair methods to purchase Te Roroa lands
- the Crown failed to make proper provision for native reserves
- Te Roroa's community was destroyed, resulting in loss of mana
- the Crown allowed the violation of Te Roroa's taonga
- the Crown denied Te Roroa the benefits of development enjoyed by other New Zealanders
- the Crown failed to listen to Te Roroa grievances.

LAND IN PRIVATE OWNERSHIP TODAY

Many people who are not Te Roroa are now the owners of Te Roroa land. They bought their land in good faith. This means that they paid the market price for it and the sale was conducted according to the law. They probably didn't know the history of the land they were buying, how it had been lost to the traditional owners, or that Te Roroa had had a grievance about it for many years. They would probably have been unaware that their land might include a sacred site of special significance to Te Roroa people.

The private landowners have spent a lot of money and, in some cases, generations of work, on developing it for their own use. Some of the land has been sold and resold to many people over the years and may now be a productive farm, an exotic forest, or a small residential section near the beach. If the present owners want to sell their land, they too want a fair deal.

The Waitangi Tribunal suggests that Te Roroa people could come to an agreement with today's private owners, to ensure that wahi tapu are restored and protected for the future.

The government has noted the recommendations of the Waitangi Tribunal and wants to help resolve the grievances that have existed for so long. The government has a difficult task - it must try to take account of Te Roroa's claim at the same time as understanding the position of today's private landowners.

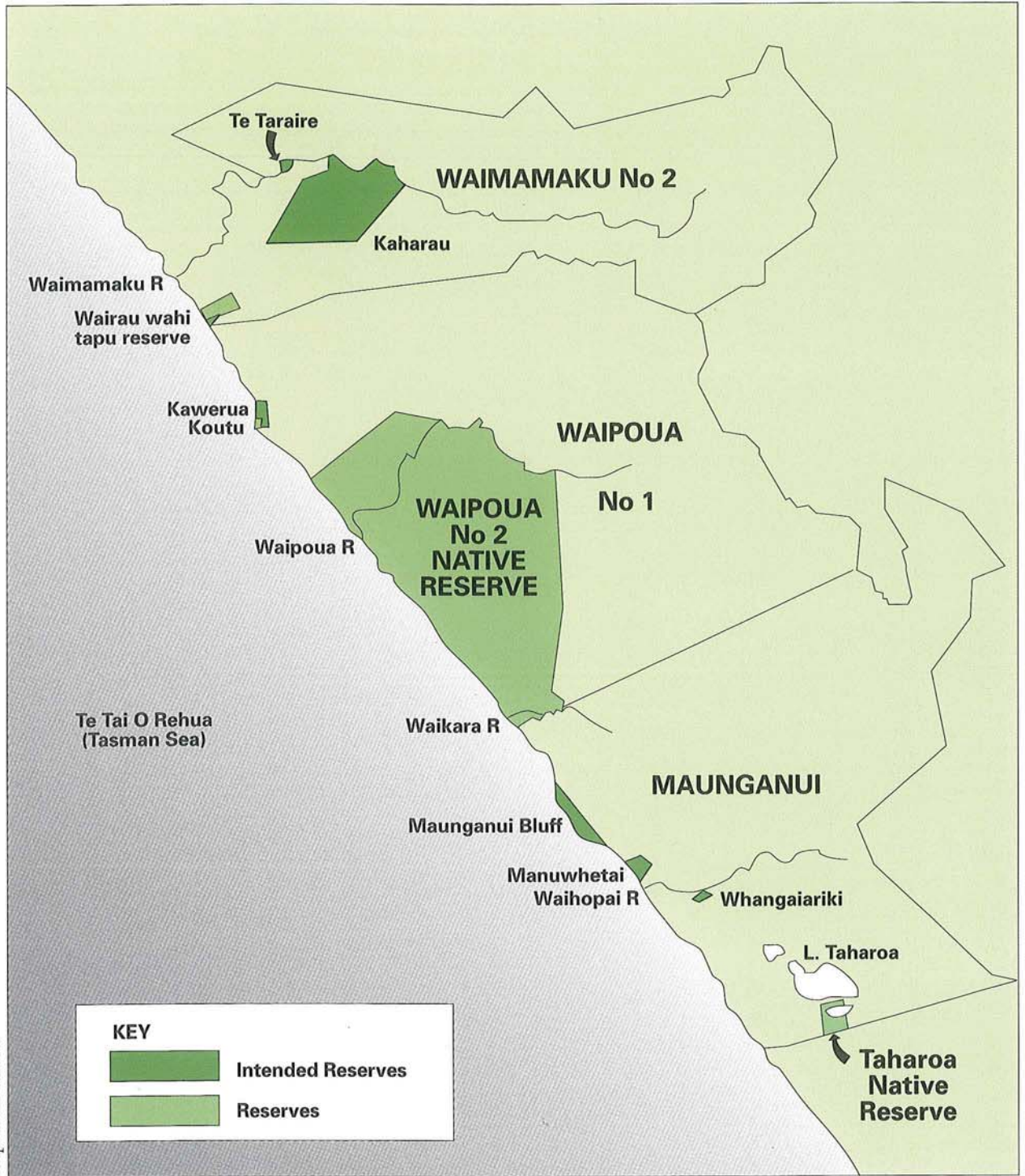
The government says that, while wrongs may have been committed in the past, it would be "a far greater and more blatant wrong" to interfere with the private ownership of land today. The government is now negotiating with those farmers and other landowners who wish to sell their land. Once they agree on a fair price for this land, the government will buy it and then give it back to Te Roroa.



Protest at Maunganui Bluff. Photo: Waitangi Tribunal.

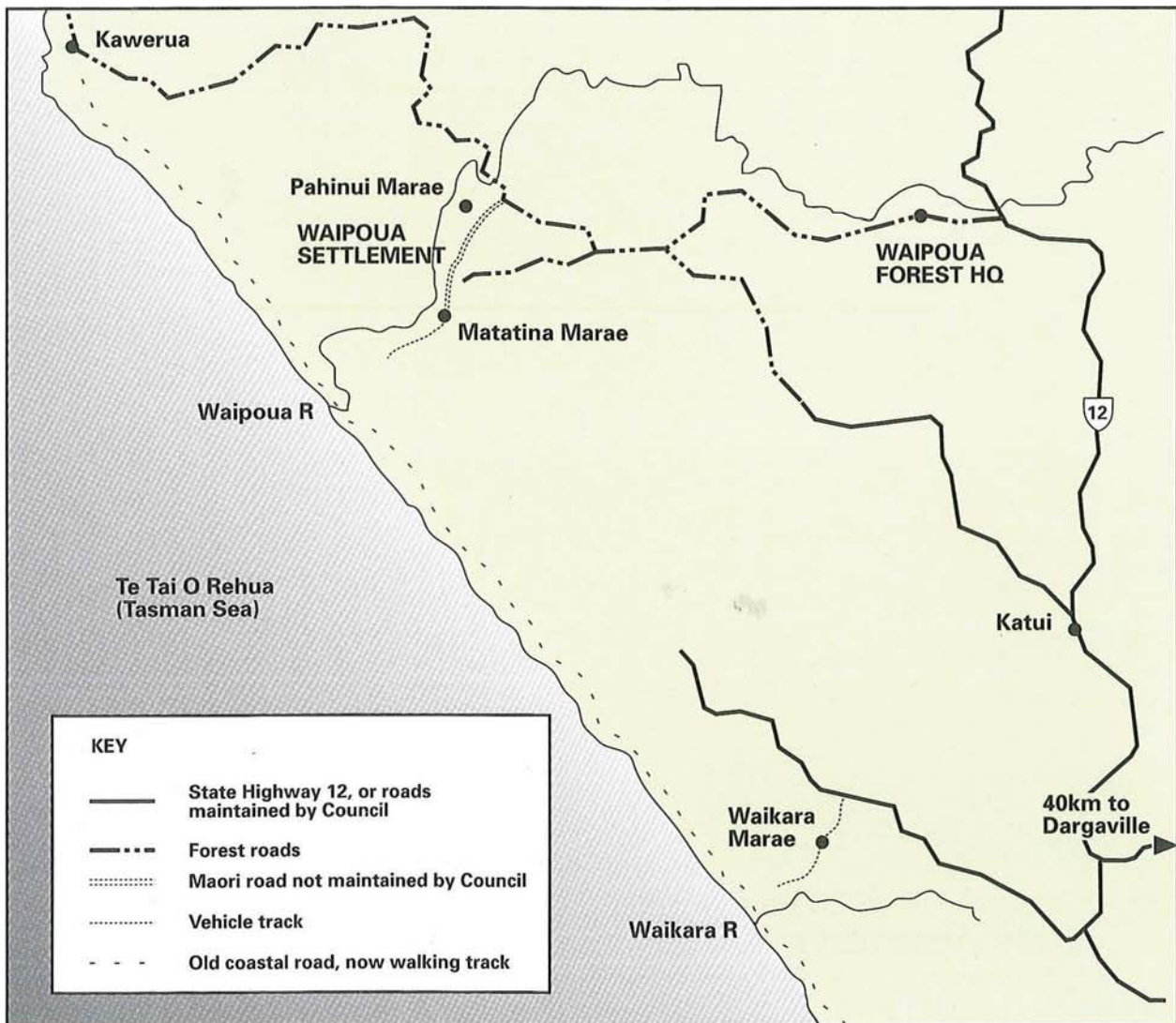
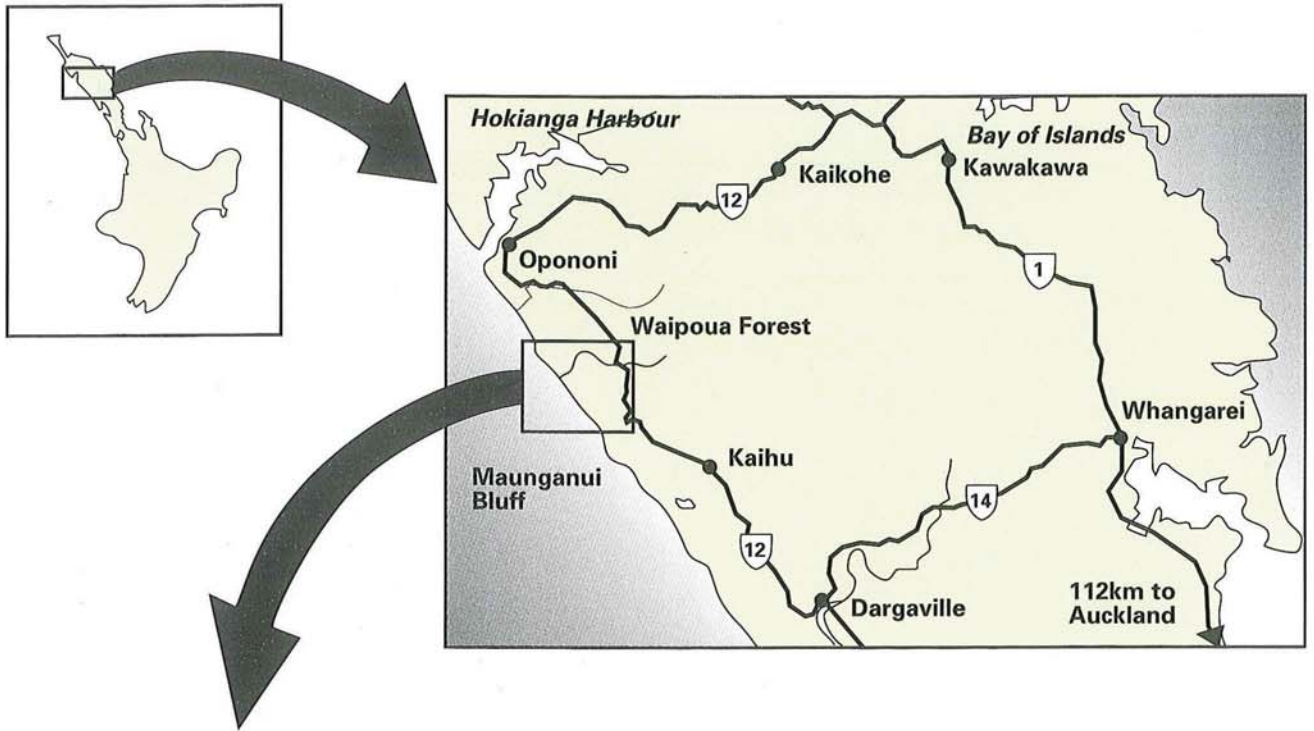
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Map: Noel Harris

MAP 2: The main blocks of Te Roroa Land.



Map: Noel Harris

MAP 3: Waipoua Settlement.