

A brief timeline of how the land of
Aotearoa/New Zealand came into Pakeha control

Training & Development

Prepared by the Waitangi Consultancy Group

A brief timeline of how the land of Aotearoa/New Zealand came into Pakeha control

In 1840, when the Treaty of Waitangi was signed, the British Crown had formally acknowledged that all the land in Aotearoa/New Zealand (c.66,000,000 acres) belonged to the iwi.

The iwi controlled the economic activity, with the exception of a few, isolated Pakeha entrepreneurs, who had usually been adopted into a tribe and reciprocated by the exchange of the skills and technology they brought with them from England.

The timing of the Treaty of Waitangi was influenced by the decision of the New Zealand Company to send settlers to Aotearoa without the backing of the British Government. The opposition to the Treaty by the New Zealand Company was quite explicit:

"We have always had very serious doubts whether the Treaty of Waitangi made with naked savages by a consul invested with no plenipotentiary powers, without ratification by the Crown, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment."¹

What particularly incensed the New Zealand Company was the pre-emption clause, through which land could only be sold to the Crown, which they feared would put an end to their illegal land transactions.

The New Zealand Company view of the Treaty was stiffly denied by the British Government in correspondence with the Governor of New Zealand:

"I repudiate with the utmost possible earnestness the doctrine maintained by some that the treaties which we have entered into with [the Maori people] are to be considered a mere blind to amuse and deceive ignorant natives. In the name of the Queen I utterly deny that any treaty entered into and ratified

by Her Majesty's command was or could have been made in a spirit thus disingenuous or for a purpose thus unworthy. You will honourably and scrupulously fulfil the conditions of the Treaty of Waitangi."²

Land was used to finance the government. Settlers put pressure on Fitzroy to make it easier for them to buy Maori land — and thus began a process which was to last for the next 100 years — Pakeha settlers pushing the (usually willing) Crown into forcing Maori to part with their land. In Auckland some of the original land bought from Ngati Whatua was sold by the Crown at a per acre increase of over 8,000 times.³

1844: Governor Fitzroy issued a proclamation to waive the pre-emption clause in Article II to allow settlers to buy land directly from Maori — upon payment of a 10 shillings per acre fee to the Government. This was then reduced to one penny per acre (less than one hundredth of the original figure) and by the end of 1845 settlers claimed to have bought 100,000 acres of land, mostly near Auckland.

1846: Crown pre-emption was restored by Governor Grey.

1846: New Zealand Government Act: led to Royal Instructions to Governor Grey asking that Maori lands be registered — ownership was to be confirmed on the basis of occupation — all other lands would become Crown land.

1852: Constitution Act: gave voting rights to males who held individual title to property — since most Maori held land in communal title, they were disqualified from voting.

But the implications of these actions were initially only clouds on the horizon. Maori prospered in the early years after 1840:

"In 1857 the Bay of Plenty, Taupo and Rotorua natives — being about 8,000 people — had upwards of 3,000 acres of land in wheat, 3,000 acres in potatoes, nearly 2,000 acres in maize, and

1 British Parliamentary Papers, vol XIII, (1844), 289 quoted in *Waitangi: Maori and Pakeha Perspectives on the Treaty of Waitangi*, p73

2 Lord Stanley, British Secretary for the Colonies, to the Governor of N.Z., 1845

3 Te Roopu Whakamana i te Tiriti o Waitangi/Waitangi Tribunal Orakei Report, 1987, p21



upwards of 1,000 acres of kumara. They owned nearly 1,000 horses, 200 head of cattle, 5,000 pigs, 4 water-power mills, and 96 ploughs, as well as 43 coasting vessels averaging nearly 20 tons each, and upwards of 900 canoes."⁴

Between 1845–1853 the Crown authorized the purchase of 32 million acres of land, including most of the South Island. In its recent Ngai Tahu Report, the Waitangi Tribunal found that all of the purchases breached the Treaty of Waitangi in some way. In its findings on Ngai Tahu mahinga kai, the Tribunal held that:

"Governor Grey and his negotiators acted contrary to the policy... expressed in Article 2 of the Treaty. The lack of an adequate land base left Ngai Tahu a disintegrated tribe without power, without an effective voice, and unable to participate in the political economy of the nation. Ngai Tahu were victims of settlement because it appears it was not intended by the Crown's agents that they should ever have a stake in it"⁵

But in Auckland, Wellington, Canterbury, Nelson and on the east coast of the North Island Maori tribes were still the main suppliers of food for local markets. Timber mills were established by Maori in Northland. At the same time settler numbers were increasing, particularly with the activity of

the New Zealand Company, who had invested in the colonisation of the country and resented continuing Maori ownership of the land. In Auckland, too, settlers were pushing for more land in the Waikato to be 'freed up' for Pakeha settlement.

1858: Kingitanga Movement established to oppose land sales and ensure Maori control of the land. At his election as the first king, Te Wherowhero likened the Pakeha to the kotuku (white heron):

"The kotuku sits upon a stump and eats the small fish; when he sees one he stoops down and catches it, lifts up his head and swallows it. That is his constant work"⁶

It is ironic that the symbol for the 150th commemorations of the signing of the Treaty of Waitangi was the kotuku.

1859: Only 7 million out of 26 million acres in the North Island had been acquired and Governor Gore-Brown reported to the Colonial Office that:

"The Europeans covet these lands and are determined to enter in and possess them — *recte si possint, si non, quocumque modo* — rightly if possible, if not then by any means at all"⁷

1860: Kohimarama Conference — Maori chiefs from most of the iwi gathered with Governor Gore-Browne to discuss the Treaty of Waitangi. The Governor's agenda was to get Maori support, but the chiefs used the opportunity to renew their commitment to the Treaty as a sacred covenant. This included iwi whose chiefs had not signed the original document in 1840.

In the first 20 years after the signing of the Treaty of Waitangi, responsibility for negotiations with Maori had rested with the Crown. After 1861, however, the British government transferred increasing responsibility for Maori affairs to the settler government.

1861: Gore-Browne was replaced as Governor by Grey and war broke out, first in Taranaki, then in Waikato. The Royal Commission to Inquire into Confiscation of Native Lands, (Sim Commission), reported back to the New Zealand Government in 1928 that:

"..Wiremu Kingi and his people were not in rebellion against the Queen's sovereignty; and

4 Firth, R.W. *Economics of the New Zealand Maori*, Government Printer, 1959, p446

5 "those places where food was procured or produced" Te Roopu Whakamana i te Tiriti o Waitangi/ Waitangi Tribunal, *Ngai Tahu Report* Vol I, 1991, p 150

6 *ibid*, pl62

7 Butterworth, G.V. *Aotearoa: 1769 to 1988*, Department of Maori Affairs, 1988 (p 54)

when they were driven from the land, their pas destroyed, their houses set fire to, and their cultivations laid waste they were not rebels and they had not committed any crime. The Natives (sic) were treated as rebels and war declared against them before they had engaged in rebellion of any kind, and in the circumstances they had no alternative but to fight in self-defence.⁸

1863: The land wars spread to Waikato and the Bay of Plenty. The Waitangi Tribunal stated in 1985 that the war in the Waikato was initiated by Governor Grey and the settler government, and that the British troops were sent into the Waikato to attack the Tainui people in direct violation of Article 2 of the Treaty of Waitangi.⁹

The Land Wars were used by the settler government to push through legislation that was to prove far more 'successful' in forcing Maori from their land.

1862: Native Land Act: the first land act dispensed with Crown pre-emption and began the process of surveying the land and providing a certificate of title.

Two Auckland businessmen, Frederick Whitaker and Thomas Russell — partners in the same legal firm — provided the political strategy and the legislative framework to disinherit the Maori people, particularly in the fertile lands of Taranaki, the Waikato and the Bay of Plenty.

Whitaker was Attorney-General in the early 1860s and Russell was the Colonial Defence Minister. Both were involved in the establishment of the Bank of New Zealand and owned shares in the Bank, which soon gained the government account. They were also both involved in land speculation and stood to gain considerably from 'freeing up' Maori land. Whitaker apparently believed that:

"any man who gets land out of the hands of the natives and cultivates it is a public benefactor"¹⁰

He was responsible for the following three pieces of legislation:

1863: New Zealand Settlements Act: authorised the confiscation of lands from those in 'rebellion' in any district. 3.25 million acres were confiscated in the North Island, though about half of this was returned later.

1863: Suppression of Rebellion Act: allowed the suspension of habeas corpus and trial by court martial for those in 'rebellion'.

1864: Public Works Land Act: gave the government power to take Maori land compulsorily with compensation payable only to 'loyal' Maori.

In relation to the above laws, one historian noted:

"As was often the case the great argument used to justify British imperialism — that it introduced the rule of law — was brought into disrepute by the prostitution of that law to the interests of the colonising race"¹¹

1865: Wiremu Tamihana Tarapipi, one of the key figures in the King Movement, petitioned the Queen and the settler government for a commission of enquiry into the Waikato confiscations. It was referred to the General Assembly, who agreed grudgingly to receive it, but did nothing.

Two million acres were finally confiscated during the Land Wars. After the wars Maori economic achievement continued, in spite of the almost complete lack of government support. Pastoral farming was started in the East Coast and Hawkes Bay and sheep farming among Tainui, flour mills and schooners were reactivated.¹²

It was the Native Land laws that did most to demolish Maori economic development. They accelerated the sale of Maori land in the North Island by means that may have been lawful, but are now seen to be immoral. Less than 3% of the land was taken in confiscations, whereas over 10% went through the workings of the Native Land Acts.

1865: Native Land Act: The preamble to the Act stated its objective:

to encourage the extinction of (native) proprietary customs

The right was given to any person to apply to the Court for determination of title to land. The Court could decide only on the basis of evidence before it. If Maori owners did not take part in this long and costly process, title would automatically vest in the claimant. Maori owners who did take part would often incur debt which resulted in forced sales.

8 Report of the Royal Commission to Inquire into Confiscation of Native Lands (1926–1928). AJHR, Vol 29, p11

9 Te Roopu Whakamana i te Tiriti o Waitangi/Waitangi Tribunal Manukau Report, 1985 p 17

10 Oliver W. (ed) *Dictionary of New Zealand Biography*, Vol I, p 587

11 Ward, A. *A Show of Justice*, AUP/OUP, 1973

12 Asher, G. and Naulls, D. *Maori Land*, New Zealand Planning Council, 1987, p40

Once a title had been issued, the land could be sold or leased to anyone.

The Act established the Native Land Court and began the legal process of changing the ownership of the land from tribal ownership to individual title. At this stage the number of owners' names was reduced to 10 for land titles under 5,000 acres. The Waitangi Tribunal notes:

"It will be seen at once that tribal ownership and tribal authority and control were each done away with. Land was awarded to individuals and those individuals could sell their individual shares without reference to the tribe.... The consequences were far reaching. Individual claims and individual ownership exacerbated family disputes, always present but formerly controlled through the influence of chiefs and elders. The individual assumed an unaccustomed authority and traditional leadership waned.."¹³

1866. Te Kooti was denounced wrongly as a Hauhau supporter, arrested and imprisoned without trial on the Chatham Islands. While there he had a miracle cure from tuberculosis and was told in a vision to found a new church and to lead his people from bondage. He escaped from the Chathams and returned to New Zealand, where he founded the Ringatu faith and led a guerilla war to regain the land.

1867: Maori Representation Act: a side effect of the moves to individualize Maori land title was that increasing numbers of Maori males were now able to vote. There was considerable resistance among the settlers to the prospect of Maori voters outnumbering Pakeha in some electorates. As a result, the 4 Maori seats were introduced, which limited the Maori vote to these 4 seats and ensured that a Pakeha majority was entrenched in every other seat. The original intention was that the Maori seats should be held by Pakeha on behalf of Maori voters; but since 3 seats were in the North Island and only 1 in the South Island, the South Island settlers insisted that the seats be held by Maori.

At this stage, the tide of history was running against Maori. The British Empire was at its most powerful and most self-confident; which often translated into an attitude that all others were inferior — and that the greatest gift that could be bestowed upon people of other cultures was the opportunity to become British and to cast off the 'shackles' of their 'inferior' culture. This attitude of cultural supremacy is reflected in the legal and political decisions made against

the Maori people.

1877: In the case of *Wi Parata v. Bishop of Wellington*. Chief Justice Prendergast ruled that Maori aboriginal title was not capable of legal recognition and that the Treaty of Waitangi must be regarded 'as a simple nullity' on the grounds that treaties entered into with 'primitive barbarians' lacked legal validity. It is sometimes said that Maori have only begun protesting in the 1980s about breaches against the Treaty. The truth of the matter is that Maori have always protested over injustices against their rights, but from the time of the Prendergast judgement, they could not cite the Treaty or their aboriginal rights in defence of their cause within the Pakeha legal framework. During the 1880s more than 1000 Maori petitions were presented to the General Assembly — but this made little difference.

1879 Fifty years before Mahatma Gandhi a sophisticated programme of passive resistance was organised by the chiefs Te Whiti and Tohu at Parihaka against the occupation of their land. In response to unjust acquisition of land by Governor Grey, Te Whiti instructed his followers to continue to work their land:

"Go, put your hands to the plough. Look not back. If any come with guns and swords, be not afraid. If they smite you, smite not in return. If they rend you, be not discouraged. Another will take up the good work. If evil thoughts fill the minds of the settlers and they flee from their farms to the town, as in the war of old, enter not into their houses, touch not their goods nor their cattle"¹⁴

The ploughmen followed Te Whiti's advice, but were arrested; most of them were imprisoned without trial under the Maori Prisoners' Trial Act; this provided that they be brought to trial within thirty days of the opening of a new session of Parliament. The trials kept on being delayed, however, because the Government knew that the alleged offences would not carry the jail sentences they wished to impose.

1880: A year after the arrest of the ploughmen the Maori Prisoners' Act provided for indefinite detention without trial. This suspension of the right of habeas corpus was in flagrant breach of Article III of the Treaty of Waitangi. The government then proceeded to survey Maori land under armed guard. The Maori response was to feed the surveyors — and to continue farming their land. This led to the armed constabulary pulling up fences

13 Te Roopu Whakamana i te Tiriti o Waitangi/Waitangi Tribunal Orakei Report, 1987 p30 – 31

14 quoted in Scott, D. *Ask That Mountain*, Heinemann/Southern Cross, 1975,



Confrontation at Jury's farm, Tikorangi

on land, which they had designated for roads. The Maori rebuilt the fences and kept on farming. So the Native Minister Bryce ordered the arrest of anyone who re-erected a fence and another Maori Prisoners' Detention Act was hastily put through Parliament to enable the fencers to be jailed. This was followed up by the West Coast Settlement (North Island) Act

"whereby any Maori could be arrested in Taranaki without warrant. If he erected or dismantled a fence or building, if he cut, broke or removed survey pegs or if he 'digs up, ploughs, breaks or disturbs the surface of any land so that 'peace may be endangered' or the occupation of the land 'may be hindered' he could be jailed for two years with hard labour."¹⁵

1881: Armed troops marched into Parihaka, pushing through young girls who were massed at the entrance to the settlement to



Te Whiti

block the way. No resistance was offered by the Maori. Te Whiti and Tohu were arrested and imprisoned and those remaining at Parihaka were forcibly resettled. The houses at Parihaka were destroyed.

1881: Annual meetings at Te Tii marae in Waitangi led to Nga Puhū working toward the establishment of the Kotahitanga movement — its vision was to unite the tribes under the Treaty and to re-establish mana Maori motuhake — Maori sovereignty.

1882: A deputation of northern chiefs went to England to petition the Queen. They asked for a Royal Commission:

"to abrogate the evil laws affecting the Maori people, and to establish a Maori Parliament, which shall hold in check the European authorities who are endeavouring to set aside the Treaty of Waitangi; to put a bridle on the mouth of Ministers for Native Affairs who may act as Ministers have done at Parihaka... and to draw forth from beneath the many unauthorised acts of the New Zealand Parliament the concealed Treaty that it may now assert its own dignity"¹⁶

The petition was referred back to the New Zealand government and Prime Minister, Frederick Whitaker, dismissed it on the grounds that few Maori knew of it.

1883: Dr Alfred Newman maintained that New Zealand was the healthiest country in the world. His statistical evidence ignored the poor levels of health among Maori people, which is not altogether surprising, since two years earlier he had applauded the presumed demise of the entire race:

15 Scott, D. *supra*, p78

16 Walker, R. *Ka Whawhai Tonu Matou: Struggle Without End* Penguin 1990, pl61

"...the disappearance of the race is scarcely a subject for much regret. They are dying out in a quick easy way, and are being supplanted by a superior race."¹⁷

1883: Ngati Maniapoto objected to the government moves to push the railway line through their land they kidnapped a government surveyor:

"to show their objection to the ... prospecting for a railway line, as they say that the introduction of roads and railways over Maori land is only the beginning of the end, and that after those and other signs of civilisation are developing in their midst they are powerless to retain their lands and their destruction as a race follows as a matter of course."¹⁸

Eventually Ngati Maniapoto did allow part of the King Country to be surveyed for the railway. The conditions for this were:

- the land titles were registered as hapu interests, not in the names of individuals;
- Native Land Court hearings were to be in Maori villages;
- alcohol was banned.

But the conditions were not respected. Titles were registered in the names of individuals and disputes broke out. The chiefs managed at first to restrain individuals from selling land and they encouraged sheep farming projects. But there was no Government support for this and once a few individuals began selling land, others quickly followed suit. By the late 1890s the majority of the Ngati Maniapoto land had been bought, the authority of the rangatira was undermined and the population decreased in the 1891 and 1896 census, as the tribe lost its means of survival.¹⁹

1884: King Tawhiao led a deputation to see the Queen, accusing the New Zealand government of trampling on the guarantee of chieftainship to lands, forests and fisheries under the Treaty of Waitangi. The Permanent Under-Secretary for Colonies refused an audience with the Queen, noting (with a prejudice entirely consistent with the times) that the Queen seldom saw colonial governors, let alone Maori chiefs.²⁰ The petition was referred back to the New Zealand government. No action was taken.

1888: The Native Land Court disallowed Tainui claims to land in the King Country, on the



grounds that they had taken up occupation after 1840. The population fell in the 1880s, as the tribe was unable to support itself on the reserves granted.

1888: The Kotahitanga movement was formally established and plans made to set up a Maori government. One of the key movers of Kotahitanga was Tuhaere of Ngati Whatua. The first Maori Parliament was held in Waipatu in 1892 and continued for eleven years.

In 1891 the Liberal Government had gained power on a platform of taking land from the large runholders and the absentee landlords and developing smallholdings. The big landowners proved too difficult to dislodge, so the Government used the more easily accessible Maori-owned land to fulfil its election promises. It is ironic that the

17 Newman, A.K. *A Study of the Causes leading to the Extinction of the Maori*

18 AJHR 1883 G-1 p6, quoted in Bennion, T. *Settlers in their own land — the nineteenth century Maori economic experience*, unpublished essay

19 M.P.K. Sorrenson "Land Purchase Methods and their Effect on Maori Population 1865-1901", *Journal of the Polynesian Society*, Vol. 65 No September 1956, p194

20 quoted in Orange, C. *The Treaty of Waitangi*, Allen & Unwin/Port Nicholson Press, 1987, p213

Te Rangihiroa (Sir Peter Buck)



Minister of Lands at this time, John McKenzie, was the son of a Scottish crofter, who had been forced from his own land by the English in the Highland Clearances.

By 1892 Maori retained 10,849,486 acres of land, (about 16% of the total acreage).



Sir Apirana Ngata

2,442,469 acres of this land was leased to Pakeha. Much of the remaining land was in remote areas of the North Island.²¹

1892: Tuhoe land was the last tribal land to be surveyed. By 1907 only 10% of their land remained in tribal ownership and most of this was not suitable for economic development. The population declined in the 1901 census.²²

1893: Native Land (Validation of Titles) Act: since the first Native Land Act in 1862 there had been over 36 general Acts affecting Maori land. This Act (often referred to as the Validation of Invalid Land Sales Act) dealt with the confusion created by so much legislation by legalising past illegal acts — it assisted Pakeha to gain titles from unlawful transactions and exacerbated Maori grievances.²³

1894: Advances to Settlers Act: provided low interest loans to settlers, which were not available to Maori because of the multiple ownership of their land. It was not until the land settlement schemes promoted by Sir Apirana Ngata in the late 1920s that some limited state assistance was given to Maori farming initiatives.

In 1896 the Maori population fell to 42,113 — the lowest point in the nineteenth and twentieth centuries. Maori life expectancy was under 25 years (in 1891). It was against this background that the Young Maori Party emerged. Its leaders, Sir James Carroll, Sir Apirana Ngata, Te Rangihiroa (Sir Peter Buck) and Sir Maui Pomare were all graduates of Te Aute College and were all strong in their cultural identity. Faced with the commonly held theory that Maori people were dying out, they initially pursued a policy of encouraging Maori to succeed in the Pakeha world. They introduced measures to improve Maori health, and they made some Pakeha aware of the obstacles facing Maori efforts to retain and develop their land. But they did not succeed in reversing the alienation of Maori land.

1900: Maori Lands Administration Act: the Liberal Government accepted Maori recommendations to control the pressure on them to sell more land. A system of Maori-dominated land councils was introduced to encourage leasing.

1904: Rua Kenana established a community at Maungapohatu in the Urewera mountains,

21 M.P.K Sorrenson: Maori and Pakeha, in *The Oxford History of New Zealand*, Clarendon /OUP, 1981, p187

22 Asher, G. and Naulls, D. supra, p34

23 Te Roopu Whakamana i te Tiriti o Waitangi/Waitangi Tribunal Orakei Report, p44



Rua Kenana

based on trust in God and a commitment to keep their land in Tuhoe control. The community was broken up by the government in 1916.

1905: Maori Land Settlement Act: reversed the Maori Councils Act and re-introduced the selling of Maori land under Pakeha control

1907: The Commission on Native Lands and Native land Tenure (the Stout - Ngata Commission) officially documented for the first time the difficulties facing Maori landowners and called for action to assist them. Nothing was done.

1909: Native Lands Act: this Act contained a provision, which entrenched the Prendergast judgement that aboriginal title is not capable of legal recognition. [This provision was re-enacted in the Maori Affairs Act of 1953 and is still in force.] Another section of the Act allowed for Maori land to be used for roads and railways with no compensation paid.

1911: The Reform Government was voted in and pursued a policy of actively encouraging Maori to sell land. The Native Minister, Herries, was particularly eager to divest Maori of their lands. Between 1911 and 1920 Maori tribal holdings were reduced from 7,137,205 acres to 4,787,686 acres (c. 7% of the land).

1914: King Te Rata led a deputation to England. He was given an audience with King George V on condition he did not raise any contentious issues. No action was taken on his concerns.

1917: Conscription was brought in against Waikato when they refused to volunteer for World War I. Princess Te Puea Herangi led the movement against conscription.

1918: Tahupotiki Wiremu Ratana started the Ratana movement — a religious and political movement aiming to unite Maori under one God and to have the Treaty of Waitangi incorporated into domestic law.

The pressure to acquire Maori land had increased with the end of World War I because the government wanted to find land to resettle returned servicemen. Resettlement land was not available for Maori servicemen, because they already had an interest in land — even though most of them were not able to draw income or food from their land, because of the fragmented ownership.

1921: Coates succeeded Herries as Native Minister. He was more sympathetic to Maori issues and wanted "to remove the old grievances, so that economic and social change could proceed"²⁴

1922: The Te Arawa Trust Board was set up following Crown acceptance of Maori fishing rights and rights to Rotorua lakes. In 1926 Tuwharetoa gained similar concessions from the Crown.

1924: Ratana went to see King George V with grievances about the Treaty of Waitangi. He



Te Puea

24 quoted in King, M. *Between Two Worlds Oxford History of New Zealand*, p 291

was not allowed an audience with the King; instead his petition was referred back to the New Zealand government. Ratana then turned his political energies to winning the four Maori seats. A pact was made with the Labour Party — Ratana members would support Labour and in return Labour would entrench the Treaty in statutory law.

1926–8 The Royal Commission to Inquire into Confiscation of Native Lands (the Sim Commission) investigated the confiscations, particularly in Taranaki and Waikato and concluded that a grave injustice was done. The report recommended financial compensation, which was then offered to the iwi on a take-it-or-leave-it basis by the Crown as 'final settlement'.

1932: Eruera Tirikatene became the first Ratana M.P. with a policy of standing "for the rights and privileges of the whole Maori race, as embodied in the Treaty of Waitangi."²⁵ One of his first actions was to present a petition containing over 30,000 signatures, asking for the Treaty to be made part of New Zealand statutory law. The petition was stalled by the Coalition Government.

1935: The first Labour government won office, promising 'equality with racial individuality'. But the government continued to stall on Tirikatene's petition until 1945, when it was considered by the Maori Affairs Committee, which recommended that it be dealt with by displaying a copy of the Treaty in every school.

During the 1930s depression, most Maori were in the rural areas and only eligible for unemployment relief pay of 3s 9d per week, whereas people in the towns were paid 9s per week. No women or Asians were eligible for any relief pay.

1938: Social Security Act introduced by the first Labour government. For the first time Maori (and Asians) were eligible for welfare benefits that had been available for Pakeha since the introduction of the old age pension in 1898. The price, however, was high — because social security was organised on an individual basis, it caused a further erosion of the collective base of Maori tribal society.

1939–45: World War II saw the creation of the Maori Battalion and the Maori War Effort Organisation co-ordinated by the Hon. P.K. Paikea. What was remarkable was that for the first time a Pakeha government recognised that organising tribally was the most effective way for Maori — this resulted in the establishment of 365 tribal committees.

1945: **Maori Social and Economic Advancement Act:** Paikea's plan had been to extend the structure of the War Effort Organisation to peace-time New Zealand. But Paikea died in 1943 and the Department of Native Affairs (which had been sidelined by the tribal committees) reasserted control.

After World War II there was a major relocation of Maori from rural areas to the towns. This was facilitated by a shortage of labour and encouraged by the Department of Maori Affairs. It was also helped by a Catch 22 situation in housing. In the 1930s there had been government support to demolish substandard Maori accommodation. While the resulting improvement in Maori housing was soon seen in better health statistics, some Maori were forced to relocate to the towns by the provisions of the Town and Country Planning Act, which limited housing in rural areas and thus prevented the replacement of their accommodation.

The move of Maori away from their tribal lands helped to create another divide-and-rule situation. It made it more difficult for Maori to push for tribally organised Maori policy, and easier for the government to encourage the formation of a pan-tribal response to address the needs of the urban Maori. The response was to 'integrate' Maori into New Zealand society — by a policy of 'pepper-potting' in the provision of state housing, by the introduction of a smattering of Maori action songs within the education system — and the establishment of government supported pan-tribal organisations.

1951: Maori Women's Welfare League set up as a pan-tribal organisation.

1953: **Maori Affairs Act:** the Maori Affairs Department was set up to act as Maori land Purchase Agent for the government. Maori land deemed 'uneconomic' could be compulsorily purchased at state valuation. The Maori Trustee (a Pakeha) was given power to buy and sell Maori land worth less than 50 pounds without the owners' consent.

1962: New Zealand Maori Council set up, with district committees based, not on iwi, but on the boundaries of the Maori Land Court.

1967: **Maori Affairs Amendment Act:** made it easier to transfer Maori land to general title and opened up membership of land incorporations to non-owners. It fitted into the prevailing ethos of integration:

"Europeanisation of Maori land, which is the basis

25 quoted in Orange, C. supra, p233



of identity as tangata whenua, would resolve once and for all the Maori problem by conjuring it away, and so realise the Pakeha dream of 'one people'. For Maori people the Act was seen as the 'last land grab' by the Pakeha. In the next decade it triggered the Maori land rights movement, a movement that was to expose to the world at large the inherent contradictions between the colonised and the coloniser in New Zealand society" ²⁶

- 1967: Rating Act: enabled local bodies to lease or sell Maori land, where rates were outstanding, even though the land in question was not producing any income for its owners.
- 1973: New Zealand Day Act designated February 6, Waitangi Day, a public holiday. This became a focus for protest — first by Nga Tamatoa, then by Waitangi Action Committee and other groups.
- 1975: Treaty of Waitangi Act — established the Waitangi Tribunal to hear claims of breaches against the Treaty of Waitangi. Only breaches that occurred after 1975 were considered.
- 1975: Land March — led by Dame Whina Cooper from Te Hapua to Wellington under the

slogan "Not One More Acre of Maori Land".

- 1978: Bastion Point was occupied for 506 days to stop the government subdividing Ngati Whatua land that had been taken from the iwi.
- 1984: Te Hiko ki Waitangi — brought together the Maori political movements, the Kotahitanga and the Kingitanga for a peace walk to Waitangi to seek justice.
- 1985: Treaty of Waitangi Amendment Act: amended the 1975 Act so that Maori could take claims to the Waitangi Tribunal dating back to 1840. This was the first time that the iwi had had a platform within the Pakeha system, where they were allowed to bring forward their historical grievances. The reaction of many Pakeha New Zealanders was fear and bewilderment — for the first time in the twentieth century, the extent of injustice against Maori reached Pakeha consciousness.
- 1986: State-owned Enterprises Act: provided for the transfer of Crown land to state-owned corporations. Maori could see that this was a step towards privatisation of Crown assets and would reduce the possibility of getting any of their land back from the Crown. The NZ Maori Council brought a case against the Crown to the Court of Appeal.

Because the legislation included a clause requiring that nothing in the Act be inconsistent with the principles of the Treaty of Waitangi, the Court of Appeal ruled that the government must include safeguards for Maori.

- 1988: Treaty of Waitangi (State Enterprises) Act: enabled the Waitangi Tribunal to make binding recommendations on land transferred to State owned Enterprises. Crown lawyers discovered a way round this legislation was to retain the asset in Crown control, but managed by the SOE, until it was put up for sale. The land could thus move from Crown ownership to private ownership and dodge the provisions of the Act. This action has been criticised by the Court of Appeal.
- 1990: Commemoration of 150 years after the signing of the Treaty of Waitangi.

In 1840 iwi controlled practically all of the 66 million acres which is the land mass of Aotearoa/New Zealand. In 1990 about 3 million acres remains in Maori tribal possession. Some of the best land that is in tribal ownership is not under Maori control

— it is under perpetual leases set up by the government, which return 4% on the unimproved value of the land for a period of 21 years, after which the rent is reviewed.

Although the Waitangi Tribunal has documented breaches of the Treaty, which challenge the notion of British justice, (see e.g. Orakei Report), little has been done to recompense the iwi and to restore their economic base.

Both Labour and National administrations have stated their commitment to give priority to the just settlement of outstanding grievances. The record is not impressive. Under Labour less than 2,050 acres have been returned, following recommendations from the Waitangi Tribunal — of that 2000 acres represents one farm on Waiheke Island. In addition 10% of the fisheries resource is to be transferred to Maori — but under the Crown control of the Maori Fisheries Commission.

The National government has suggested it will renege on Labour's commitment to return the land at Bastion Point to Ngati Whatua. It has stated it will negotiate with Ngai Tahu, following the findings of the Ngai Tahu claim. It remains to be seen whether negotiations will follow the pattern set by previous governments over the last 150 years, whereby the Crown decides what will happen and effectively overrides the protests of the iwi by legislation, if litigation fails.

It is often said that we should leave the past behind us and look to the future together as New Zealanders. In order for that to happen, the unresolved injustices have to be faced up to and rectified. The basis of a harmonious future between all people in Aotearoa/New Zealand has to be the just settlement of Treaty claims and the restoration of an economic base to the iwi. If we achieve this, we will be handing down to our children a real foundation for racial harmony.