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Remaking Community
Building Principles of Communal Tenure into Contemporary Housing Developments

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Models of land administration often promote the formalisation of land under multiple ownership to a more individualised, Western style of tenure, such as the British system of land tenure imposed on a communal Māori society. However, the dangers for Māori land under multiple ownership are that Māori values might become diluted or even lost in this transition as social responsibilities become divorced from land rights. Recognising this, planners of some Māori land development projects have sought to reintroduce key communal or socially-based tenure principles to the planning equation. But what are those principles? Are they succeeding? Do some principles produce better outcomes than others? And why might they work in some instances but not others? This paper describes initial work on a project, due to run to the end of 2019, which sets out to identify principles of socially-based tenure which have been used to foster sustainable communities in Māori planning initiatives. Preliminary case studies include a kaumātua housing scheme and an urban papakāinga development, and demonstrate principles such as whanaungatanga (participation and membership) and rangatiratanga (self-determination). By understanding how these complex principles operate and interrelate, and by assessing the degree to which they are perceived to succeed, these cases point to the possibility of creating a measure of social capital potential. This could be used to leverage funding decisions through a system capable of demonstrating marked differences where particular principles are supported, incorporated and invested, and could conceivably produce a distinctive planning model based on social sustainability to inform decision making processes in urban environments and land development projects.

INTRODUCTION

Māori are still relatively close to their indigenous roots and, it could be argued, more sensible to the importance of communal values in harmonious survival. Māori probably arrived in New Zealand around 1300 AD (Wilmhurst et al 2008), only about 22 generations before the Treaty of Waitangi was signed in 1840. They are the tangata whenua – the original occupants of the land. In the intervening years, survival has never been straightforward. Māori were a bellicose people who, as numbers grew and competition for resources became more intense, could only survive by cooperating in offence and defence. Cooperation was important to success in hunting and agriculture, especially at higher latitudes and before Pākehā (Europeans) introduced potatoes which grew easily in New Zealand's climate compared with earlier crops Māori brought from Polynesia (Williams 2004a: 2). Precarious survival engendered a holistic attitude towards the environment, a recognition of the importance of extended family, sub-tribe and tribe, and a respect verging on reverence

for the land. Even today, and where family members are no longer living on their original family lands, it is often still regarded as tūrangawaewae – a standing place for the feet.

> *Māori land has several connotations for us. It provides us with a sense of identity, belonging and continuity. It is proof of our continued existence not only as people, but as the tangata whenua of this country. It is proof of our tribal and kin ties. Māori land represents tūrangawaewae.*
>
> <div align="right">*(Asher and Naulls 1987: 81)*</div>

Māori managed and governed land and resources communally; in other words, survival was only perceived as possible by virtue of belonging to a social group. When Pākehā came, they brought with them a perspective of land as a commodity, with a value governed by its market potential (Patterson 1992; Durie 1998; Greer & Patel 2000; Mead 2003; Williams 2004b). From the Treaty of Waitangi until the end of the 19th century the two value systems were brought together, not always smoothly or equitably. In particular, the Native Land Acts altered the way that Māori could own and use land. Land loss, urban migration, and the imposition of the British system of individual ownership on the communal nature of Māori use rights undermined the structure and 'cohesion' of Māori society (Durie 1998), and at least some of the principles of a communal or socially-based tenure system were lost or diluted in this transition (Goodwin 2011).

While individualised tenure offers some advantages for systematic and orderly development, it is no panacea. Even carefully planned housing developments may be beset with maladies, including disconnection with the environment, between neighbours and a propensity to harness greed and polarise rich and poor. There has been a backlash, manifested in a variety of attempts to reintroduce communal values into mainstream planning processes and developments. For instance, in New Zealand, some Māori planning initiatives are characterised by a recognition that communal values are important and an attempt to reintroduce them to the planning equation. At a policy level, Awatere et al. (2008) offer nine Māori urban design principles as a means of incorporating Māori cultural aspirations and character into the planning and design of papakāinga (communal villages). Similarly, Auckland City Council have adopted the Te Aranga Māori design principles which offer practical guidance for incorporating Māori values in urban design (Te Aranga 2008). These and other innovations point to a growing movement for Māori-focused frameworks to inform and provide for development of Māori land in a way that Western frameworks have not been able to achieve, and further research is currently being undertaken by Fergusson et al. (2016) and others to assess the uptake and utilisation of these design principles in practice and post-construction.

However, while planning and urban design may recognise the importance of isolated communal principles, such as the provision of walkways, or enabling passive surveillance, what is unclear from the literature, and what this research sets out to investigate, is whether a more holistic application of socially-based tenure principles could inform decision making processes in land development and housing. Specifically, a socially-based tenure perspective is sought that extends beyond the realm of planning and design to include physical, legal, social, organisational and economic elements of land development, all of which play a part in the development of strong and sustainable communities. There is much however, that we do not yet understand. Does the principle of mahi (work, perhaps in the form of sweat equity where would-be owners are prepared to contribute labour) trump the principle of non-marketable housing (in other words, a recognition that housing is in a class of its own and arguably should not be bought and sold on an open market)? Are some principles symbiotic, needing to operate simultaneously? And are others mutually exclusive?

This leads to the overarching research topic, namely the incorporation of social-tenure principles in planning. In the spirit of socially-based systems, this topic needs to be multi-dimensional, with the first objective being to identify specific principles of socially-based tenure. Second, to review contemporary attempts at introducing socially-based tenure principles into housing and land development initiatives. This includes assessing where principles have been applied and the outcomes these have generated, whether any refinements have been attempted and how those have fared, and an assessment of the mechanisms used for achieving such developments in law, in the cadastre and in practice. Third, to develop and test a tool which could be used by owners or developers to measure socially-based tenure principles from a

development proposal and identify strengths and weaknesses in terms of how that proposal might facilitate or prohibit community building.

Socially-Based Tenure Principles

For the purposes of this paper, communal or socially-based tenure is defined as comprising land which is not openly marketed and whose use-rights are not listed in a register, which has non-exclusive rights (except in some instances, homesteads), and has land rights that are bound up with the duties and responsibilities associated with belonging to a social group. Conversely, individualised tenure is defined as having marketable land rights that are registered by the state; are exclusive (i.e. right-holders are able to forbid trespassing); and are held separately from social responsibilities. In practice, a complex continuum lies between these two extremes. Strictly speaking, Māori Freehold Land (MFL) in New Zealand is not held under communal tenure; however, it retains some of the characteristics and performs some of the functions of communal land.

As noted above, work has already been done generating Māori design principles with the aim of introducing Māori understandings and values into housing, land development and land development processes. In 2002, Hoskins et al. prepared *Ki te hau Kāinga: New Perspectives on Māori Housing Solutions*, a report which identifies papakāinga as an appropriate housing model aligning with Māori aspirations, and the authors provide guidance both at a house-specific level and at a general master-planning level. This was extended further over the following years, culminating in the process-oriented Māori urban design principles offered by Awatere et al. (2008), which complemented and also informed the outcome-oriented Te Aranga Māori design principles which delve further into the practical application of such principles. More specifically, regional toolkits such as *Te Keteparaha mo ngā Papakāinga* developed in the Western Bay of Plenty offer practical, step-by-step guidance for communities developing papakāinga development proposals (Kingi and Viriaere 2015). Further research is currently being done to look at the uptake of some of these design guides and principles, and whether they are generating the intended outcomes. All of these innovations support a growing movement for Māori-focused frameworks to inform and provide for development of Māori land in a way that Western frameworks have not been able to achieve.

In addition to indexing these and other principles, the next phase of this project is to start understanding the complex relationships and dependencies between them. Can we, for example, quantify the importance or level of success of different principles by comparing similar developments which have and have not included such principles? And why might certain principles work in some developments but not in others? This might allow us to identify which principles are more critical to the success of a project or community, and could guide development design and investment decisions where some but not all principles can be afforded.

Place-Based Evaluations

This research uses a comparative research design with a multiple case study approach with real-world examples to test some of these questions. Case studies are appropriate as they seek to understand real-world situations predicated on 'contextual conditions' which cannot be controlled such as in a laboratory environment (Yin 2014: 16). Two preliminary cases have been included in this paper: first, a Kaumātua village project located in Hamilton, and second, the Whare Ora papakāinga located in Kaitaia. These cases were selected for initial analysis based on their documented use and adoption of one or more core social tenure principles, as well as having demonstrated positive social outcomes over a sustained period of time (longer than one year).

Kaumātua Village, Hamilton

The concept behind the Kaumātua Village project in Hamilton arose from a concern regarding the living conditions of some kaumātua (elders) in the city and a desire to provide them with warm, safe houses. A joint venture between Rauawaawa Kaumātua Charitable Trust (RKCT) and Te Runanga o Kirikiriroa (TROK) enabled the housing development to come alive. The project was developed in two stages: stage 1 consisting of eight units, and stage 2 consisting of six units. The units comprise one or two bedrooms, one bathroom unit and either an integrated garage, on-site parking (uncovered or carport) or on-street parking.

The units have been designed based on the papakāinga model, where people learn to share and care for one another and look after one another as a quasi-whānau (family). Physically, the units are generally arranged around a central, communal space (platform/area under a shade sail) to encourage community interaction and passive surveillance, whilst also providing for the need for private spaces within individual units. One of the benefits of this layout was immediately apparent when a resident fell ill and other residents could easily rally around and provide support by cooking meals and watching over them. This degree of support is unlikely to have occurred in more isolated units or where a communal space had not laid a foundation of trust and cooperation. In the same development, the residents refused the offer of a commercial gardener to visit to mow the lawns, with one of the kaumātua from within the village instead insisting that he was capable. He now mows the lawns across the whole site, which is recognized and supported by the other residents with a koha (donation) in return. These specific aspects align with the principles of whanaungatanga (participation and membership) and manaakitanga (hospitality and security) as design qualities highlighted by Rolleston (2006) and others (Awatere et al. 2008; Rolleston & Awatere 2009; Awatere et al. 2013). Historically, participation in Māori society included responsibilities and roles in order to support the day-to-day functioning of the community, and membership was founded on genealogy. In a contemporary context, this concept could be prescribed by the physical layout of the development which encourages collectiveness rather than isolation or segregation, as well as these informal, ad-hoc agreements for mahi which promote a sense of belonging or investment in the group.

Whare Ora Papakāinga, Kaitaia

The Whare Ora papakāinga is a communal village located on the outskirts of Kaitaia, a small town in the Far North of approximately 5,000 people. This project saw former state houses relocated to the site and refurbished for the project, which aimed at moving particularly vulnerable members of society living in substandard or unsafe conditions into stable, affordable homes and a safe living environment. The village currently includes nine houses and a childcare centre building, and upon completion, is envisaged to include a medical centre, social support service, industry training facilities and community gardens. Residents sign up to a drug, alcohol and violence free policy within the village and utilise a rent-to-buy scheme to eventually own their own home.

This development demonstrates the principle of rangatiratanga (self-determination) in that it supports families to support themselves, through wraparound services such as budgeting for residents to work towards their goals of home-ownership. The project offered trade training involved with the refurbishment of the relocated houses, as well as associated opportunities for sweat equity to lower costs whereby residents were encouraged to help paint and decorate houses prior to moving in. As well as fostering self-determination, this builds in the concept of mahi and provides opportunities for creativity to blossom.

Facilitating Development

Efforts to facilitate development utilising social-tenure based principles such as the Māori urban design principles are often met with complex and confusing legislative processes. For instance, it is perhaps significant that with the Whare

Ora papakāinga, the legal category of the land was changed from general land (i.e. privately owned freehold land) to Māori freehold land (i.e. land which has been investigated and has had the status determined as Māori freehold land by order of the Māori Land Court. Almost all Māori land is Māori freehold land.). The papakāinga provisions in the local district plan (which allow for mixed-use community facilities as well as housing) could be used on Māori land but not on general land. This required an application and due process through the Māori Land Court including extensive proof of whakapapa (ancestry). This time consuming and costly step could have been avoided if planning legislation allowed for this type of development on general land to begin with. There are precedents of constructive engagement between runanga/representative bodies and their local district councils which have achieved pragmatic compromises over papakāinga land, such as Rāpaki in Christchurch, and the provisions within the Whangārei District Plan (Whangārei District Council 2011). Transferable lessons and approaches from these experiences could assist other councils in their approaches to achieve similar results.

Discussion and Conclusions

When we consider the idea of reintroducing principles and values of social tenure into planning, it might also help to look at what happened when they were taken out to begin with. Before, land rights were only secure if people remained part of an integrated community – there was an inbuilt survival incentive to cooperate for hunting, cultivation, fighting etc. After, land rights are secure even to uncooperative and antisocial individuals, and welfare benefits are an automatic right of citizenship (i.e. state security is more important to survival than whakapapa).

Previously, land rights were bound up with duties to family, community (including retrospective and prospective community: ancestors and children), and the spirit world. Survival was also tied to sound relationships with the natural world. Afterwards, these duties become voluntary, personal and, with the direct link to survival removed, sometimes excluded from busy schedules.

Similarly, equitable benefits and group membership would historically pass to all (i.e. no member would be denied shelter and food), but management would pass either to individuals or families according to need, mana (prestige), ahi kā (the continued exercising of those duties) etc. Afterwards, in the absence of a will or set organisational structure (e.g. a whānau/family trust), tenancy in common established by the Māori Land Court means individual ownership interests are apportioned to all heirs. This conveys not only joint land rights to all heirs, but joint management of that land through an apportionment of a shareholding. This often results in "large committee" issues and inefficient utilisation. Those bottom-line food and shelter benefits are now tied to citizenship, not to the land.

Previously, belonging groups shared a common history and usually common ancestor/s, and comprise kinship units. After, through treaty and naturalization, nations are larger groups with more disparate members having diverse histories and experiences. Strong cohesion today is typically associated with smaller groupings (e.g. sports clubs) and blood lines (families) rather than tribes. Here lies the challenge: to enable and provide for cohesion in society through land development based on social and communal values.

The initial cases mentioned above display some elements of socially-based tenure in a move which seeks to reverse the shifts of individualisation on society by re-introducing communal based principles. In terms of this research, the next step is to refine and validate the database of principles using the literature and discussions with kaumātua (elders). Further case studies with similar features (such as another kaumātua housing scheme) will be selected and matched with respect to locality, size and neighbourhood age. This seeks to control for as much variation as possible between sites to enable comparisons to be made, and to then guide the development of a measurement tool based on social-tenure principles. This could then be used by landowners and developers when formulating development proposals to assess the strengths and weaknesses of a proposal, or to understand possible implications of adopting particular socially-based principles.

This may also have implications for funding of such developments. Decision making could take into account values and aspirations, in addition to the economic reality. Success does not have to be measured solely on the economic bottom line, but can instead include a social bottom line, an environmental bottom line and so on. Both public money and philanthropic funding may be leveraged through a system which is capable of demonstrating marked differences and outcomes beyond the economic value where particular socially-based principles are supported, incorporated and invested. Similarly, a potential weighting factor to support future negotiations with district councils to enable this form of development is the social capital potential that is a feature of groups with strong belonging links.

Beyond this, is how those principles can be extrapolated from Māori land and potentially applied to general land. Here, alternative developments such as co-housing associations and retirement villages which are often based on similar values and also often include communal principles may offer valuable insights. Similarly, such developments may also offer insights to how diverse developments are incorporated alongside and within existing communities to avoid an 'us' and 'them' mindset from residents within a communal development and those neighbouring. Robin Kearns and others are investigating similar issues with a recent housing development in Waimahia Inlet, Auckland and the perceptions of surrounding residents towards this development in their 'backyard' (Kearns, 2017).

As Marwa Al-Sabouni notes, the challenge then lies in doing such research without offending those who are struggling with the basic human needs. For many, simply the task of establishing housing is the principal, fundamental goal, but a forward-thinking, inter-generational and long-term approach must prevail over an immediacy for action in order to combat 'dysfunctional community development' (Jojola 2013: 470).

> *How to dare to dream of a better built environment, when the residents just want to block the holes in their walls with a nylon sheet and sleep through the night.*
>
> *(Al-Sabouni 2016: 54)*

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