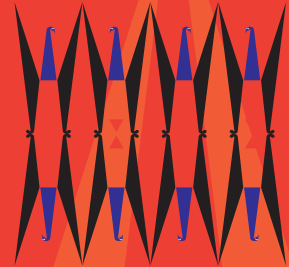


Ngā Pae o te



Māramatanga

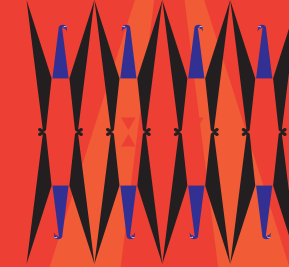
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Tihei Oreore

Monograph Series - PUBLIC SEMINARS

Dec. 2005 - Volume 1, Issue 1

Ngā Pae o te



Māramatanga

Tihei Oreore

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December 2005 - Volume 1, Issue 1

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NGĀ PAE O TE MĀRAMATANGA

PUBLIC SEMINAR SERIES

Series Editor
J.S. Te Rito

Editors:
Bruce Duffin, Phoebe Fletcher and Jan Sinclair

Background on Ngā Pae o te Māramatanga

Ngā Pae o te Māramatanga is one of seven Centres of Research Excellence that were funded by the New Zealand Government in 2002. It was established as The National Institute of Research Excellence for Māori Development and Advancement and is hosted by the University of Auckland. Its participating entities are spread throughout New Zealand. The Institute offers three distinct but intersecting programmes: Research, Capability Building and Knowledge Exchange.

Whakataukī (Proverb)

Ko te pae tawhiti arumia kia tata	Seek to bring the distant horizon closer
Ko te pae tata whakamaua	But grasp the closer horizon
Kia puta i te wheiao ki te aomārama	So you may emerge from darkness into enlightenment

The Māori name for the Institute means “horizons of insight”. This is symbolic of the role of the Institute in assembling a critical mass of excellent researchers to undertake high quality research that leads to practical outcomes which result in the development and advancement of Māori.

Directors

Professor Michael Walker and Professor Linda Tuhiwai Smith

FOREWORD

The inaugural Ngā Pae o te Māramatanga Seminar Series 2004 and inaugural Professorial Lectures were well received by the seminar attendees. The kaupapa of the seminars and inaugural lectures was to showcase Māori researchers and their work. The seminars have provided an opportunity for showcasing an excellent sampling of the wealth of Māori research excellence which exists.

The seminars generated interest amongst a broad range of groups. This was reflected in the seminar audiences which included researchers from institutions and communities, professionals in the field, students, and both the Māori and general media.

A highlight of the series included two professorial lectures which were delivered in Tāne-Nui-ā-Rangi, Waipapa Marae. Professor Margaret Mutu, Head of Department of Māori Studies, presented her lecture entitled: *Recovering Fagin's Ill-gotten Gains: Ngāti Kahu's experience in the Treaty claims settlement process*. Professor Linda Smith, Joint Director of Ngā Pae o te Māramatanga, presented her lecture entitled: *Māori Education in Uncertain Times: legacies, learnings and challenges*. These were both extremely well received by the large audiences that attended them. Sadness followed Professor Mutu's lecture however when Professor Mutu's husband, Tūhoe Mānuera, suddenly passed away.

The seminar series concluded with a powerful joint presentation by Professors Ranginui Walker and Hirini Mead, discussing their view of Māori research excellence. Professor Ranginui Walker's lecture was titled: *Growing Research Skills at Iwi Level*. Professor Hirini Mead's lecture was: *Researching Issues of Interest to Māori*.

This monograph is a compilation of papers written by some of the presenters from the 2004 seminar series.

The Joint Directors of Ngā Pae o te Māramatanga, Professors Linda Smith and Michael Walker, would like to thank all of the presenters for their invaluable contribution to the success of this Inaugural Ngā Pae o te Māramatanga Seminar Series 2004 and Inaugural Professorial Lectures.

Ngā Pae o te Māramatanga Seminar Series and Inaugural Professorial Lectures 2004

April 27, Dr Elizabeth McKinley (Waikato University)

Brown bodies, white coats: Postcolonialism, Māori women and science

May 11, Professor Garth Cooper (Auckland University)

Diabetes in NZ Māori: is a genetic approach to diagnosis and management warranted?

May 19, Professor Margaret Mutu, Inaugural Professorial Lecture (University of Auckland)

Recovering Fagin's Ill-gotten Gains: Ngāti Kahu's experience in the Treaty claims settlement process

May 26, Professor Linda Smith, Inaugural Professorial Lecture (University of Auckland)

Māori Education in Uncertain Times: legacies, learnings and challenges

June 22, Dr Shane Wright (University of Auckland)

Does Evolution Have Wheels in the Tropics?

July 20, Dr Papaarangi Reid (Eru Pōmare Centre)

Monitoring the Crown

August 3, Panel: Hūhana Smith (Te Papa Tongarewa Museum of New Zealand) and Brett Graham (Elam School of Arts)

Māori and the Arts

August 17, Panel: Professor Trish Johnstone (Te Whare Wānanga o Awanuiārangi) and Dr Margie Hohepa (University of Auckland)

Māori Education

September 14, Panel: Dr Cheryl Smith (Whanganui), Dr Leonie Pihama, Dr Rhys Jones and Dr Paul Reynolds (University of Auckland)

Māori Health and Ethics

September 28, Panel: Hugh Morris and Kepa Morgan (University of Auckland)

Construction Workshops with Uku: harakeke reinforced soil-cement buildings

October 12, Panel: Dr Brad Coombes (Geography, University of Auckland), Mārama Muru-Lanning (Anthropology, University of Auckland), Josie Keelan (Education, Auckland University of Technology), and Pauline Harris (Astrophysicist, Canterbury University)

Māori Across the Disciplines

October 26, Aroha Mead (Victoria University of Wellington)

Māori Cultural Capitalism, Intellectual Property Rights and Pluralism

November 9, Panel: Emeritus Professor Ranginui Walker (University of Auckland) and Distinguished Professor Hirini Moko Mead (Te Wānanga o Awanuiārangi)

Māori Research Excellence

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Brown Bodies, White Coats: postcolonialism, Māori women and science

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Abstract

In Aotearoa/New Zealand journeys of discovery and colonisation were also scientific journeys that brought 'Māori woman' under the intellectual control of the emerging 'scientific' academy. This paper argues that the historical construction of 'Māori woman' through the discourses of Enlightenment science continues to affect the constitution of the subjectivities of Māori women scientists today. The paper draws on a doctoral thesis¹ that used literary historical techniques to investigate the imperial archives and feminist narrative interviews with 16 Māori women scientists to collect the research data. I explore the conditions by which the subject 'Māori woman scientist' emerges and how the Māori women experience these conditions in relation to how they see themselves. I conclude by arguing that the identity of 'Māori woman scientist' appears to be 'impossible fiction' due to the fragmented nature of the sign—'Māori', 'woman' and 'scientist'—that can be 'traced' to the historical construction of the signs.

Introduction

In the Museo Nazionale Antropologia e Etnologia² in Florence, Italy, is a New Zealand Māori³ cloak displayed alongside other Māori items possibly collected on James Cook's third voyage to New Zealand in 1777 (Beever and Gresson, 1995). Traditionally Māori women wove the cloaks from the golden-brown coloured fibres of dried New Zealand flax (*Phormium tenax*) and incorporated on the outer surface further materials mainly for decoration. These materials would be feathers, dog hair and other plant material such as dyed flax and seaweed (Papakura, 1986). A local museum curator, who

1 McKinley, Elizabeth (2003) Brown bodies, white coats: postcolonialism, Māori women and science. Unpublished Doctor of Philosophy thesis. University of Waikato, Hamilton, New Zealand.

2 The National Museum of Anthropology and Ethnology

3 Māori is the name given to the indigenous people of Aotearoa New Zealand

'rediscovered' the "Seaweed Cloak No. 42" in Florence, brought back a tiny fragment of the outer surface material for positive identification and passed it onto Maryanne, one of the Māori women scientists in the wider study, to examine. The piece was identified as *Polytrichadelphus magellanicus*⁴—a native moss. The Māori 'seaweed cloak' in the Florence museum was in fact a 'moss cloak'. The Museum of New Zealand in Wellington⁵ holds the only other known example and is one of much lesser quality (Beever and Gresson, 1995).

Finding the Māori "seaweed cloak" in the far-off lands of Europe and the return of the 'unknown fragment' to New Zealand and its identification has enabled 'Māori woman traditional cloak maker' and 'Māori woman scientist' to come into view together and connect within the discipline of science. The brown cloak made by a brown body has been brought home to a white coat that covers a brown body—once again to objectify and place under the microscope and to become 'known'. Maryanne returns the 'gaze' of the Enlightenment colonial 'scientists'. She embodies both the 'knower' (scientist) and the 'known' (Māori woman) but simultaneously displaces both by not being an exact 'copy' of either. In this brief moment—in the space of the narrative—Maryanne stands in an "undecidable enunciatory space" where a doubled inscription emerges (Bhabha, 1994, p.136). Maryanne is neither one nor the other but simultaneously the repetition and the 'imposter'—the Māori woman scientist.

In this paper I will explore the identity of the 'Māori woman scientist' in relation to the historical constitution of 'Māori woman' through the discipline of science and its 'gaze'. First I will argue that the 'gaze' has been pivotal in colonial relations with respect to the production of historical knowledge of 'Māori woman'. Secondly, I will show how similar discourses have been used by the Māori women scientists in their narratives regarding their identity as both Māori women and scientists. Furthermore I argue the Māori women scientists manage their simultaneous object and subject status through a desire for 'invisibility'. Finally I conclude that the 'undecidable enunciatory space' or in-between space exhibited by Maryanne in this opening narrative disrupts and displaces the historical constitution of 'Māori woman' and 'scientist' through a counter-gaze.

Reading the 'scientific gaze'

Researching the imperial archives has shown that the subject 'Māori woman' is situated in a network of writing—a mass of documents that captures and fixes the marked body as a sign of negative difference in colonial and postcolonial discourse (Bhabha, 1994). The importance of establishing Māori women historically as 'Other' for the Māori women scientists today is twofold. Firstly, the images and representations in the imperial archives have left behind a legacy of what it is to know

⁴ Beever and Gresson (1995) suggest Māori knew the *Polytrichum* moss, and probably the *Polytrichadelphus* as well, as 'teterewhete' and 'totara'. Apparently the 'totara' tree is not unlike the foliage of polytrichaceous mosses.

⁵ Now known as Te Papa Tongārewa.

Māori women—for both the dominant culture and Māori women to 'know' Māori woman as 'Other'. This 'régime of truth' (Foucault, 1980) is found in both the imperial archives and the women's narratives about how others see them and how they see themselves. Secondly, the introduction of a 'fear of difference' into the discourse of science not only set the standards for the theory of 'race', but also provided the rationale for the exclusion of 'inferior peoples' as incapable of doing science that left a legacy for a significant period of time (Schiebinger, 1989). Inherent in the Enlightenment sciences is the idea that Māori women were unable to become scientists because of their pathological nature. The sense of difference—what Māori woman is purported to be able to do and what the Māori women scientists do—impacts on Māori women because it shapes how individuals understand themselves. Māori women scientists have to manage these differences, whether real or imagined, if they are to share the social status of the scientist—a social status that has become 'open' to Māori women only from the later part of the 20th century.

The 'body' forms the basis of a doubling that is present throughout this paper. First there is the 'written body'—the subject position or discursive positioning of Māori women scientists—and secondly, the corporeal or physical body. This 'doubled' body, written and corporeal, cannot be treated separately as they continually refer to each other. As Judith Butler (1993) explains:

... there is an 'outside' to what is constructed by discourse, but this is not an absolute 'outside,' an ontological thereness that exceeds or counters the boundaries of discourse; as a constitutive 'outside,' it is that which can only be thought in relation to that discourse, at and as its most tenuous borders (p.8).

The socially constructed body of the Māori woman scientist has 'markings'—both corporeal and linguistic. The markings come to be identified with a presence of the past—a past that Homi Bhabha (1994, p.156) suggests has "ghostly repetitions of other stories". These 'other stories' often encompass the 'fear of difference' experienced by the Māori women scientists and established in Enlightenment science. As such, this doubled body has an ability to transcend time through a web of discourse. These connecting discourses between archives and subjectivity are complex and can be largely identified through a discourse of 'blood', which encompasses 'race', 'sex' and 'skin/colour', and those discourses of racial and cultural dominance and degeneracy.

The Enlightenment scientific discourse of 'race' was constructed on the relationship between visual markers of difference, such as skin colour and other physical features, and invisible properties, such as intelligence. As such, the emerging science disciplines of the late 18th and early 19th century subjected Māori bodies to various forms of scrutiny and measurement as to their 'bodily' differences in the pursuit of a 'science of order' (Foucault, 1970). This 'gazing' created the discipline of science while simultaneously disciplining the body/native as to their place in a 'science of order'. Sometimes this 'gaze' was represented through photographs, paintings or drawings. For example, evolutionary theory in the nineteenth century became embroiled in amassing measurements and using statistics in

an attempt to become more authoritative in its attempt to place social ranking and social disability on a biological and scientific footing (Gould, 1981; McClintock, 1995). In believing the features of the face spelled out the character of the race, including intellectual ability, scientists amassed measurements including: the length and shape of the head; protrusion of the jaw; length of the forearm (the characteristic of apes); under-developed calves; ear-lobes (a sign of sexual excess notable in prostitutes); straightness of hair; length of nasal cartilage; low foreheads; facial hair; and prehensile feet (see Colenso, 1865). Furthermore, many descriptions of Māori included observations regarding noses large and flat, dark eyes, a variety of shapes of faces, teeth and an observation of Māori having less hair than Europeans—especially eyebrows and beards (Darwin, 1999). Māori head shape was very important.

The head was well shaped, oval, with a fine forehead, and well developed cerebral regions. Sometimes the forehead assumed the Turanian type, giving almost a pyramidal appearance; and a few rare instances have been noticed of an approach to the peculiar Mongolian eyes and eyebrows (Colenso, 1865, p.5).

Such images endured and were picked up by painters (see Figure 1).

Figure 1: Head of a Māori Girl: Charcoal drawing by Christopher Perkins. 1932 (Keith, 1976).



Figure 1 is a painting called *Head of a Māori Girl* painted by Christopher Perkins in 1932. Described as a *conté* (Keith, 1976), or a painting that tells a short story, it accentuates the features Colenso mentions above. Other ethnographers and anthropologists had other classifications of Māori. When people from the Pacific Archipelago were 'discovered' they added a fifth category of humankind—Caucasian (European), Mongolian (Asia), Ethiopian (African), American and Malay (includes New

Zealanders). The last four groups were seen as examples of degeneracy of the original Caucasian strand. The mixing of the blood between the races was related to an ability to be educated and civilised, as well as providing a basis for taxonomy.

The increase in the proportion of 'European blood', through interracial marriage and reproduction, came to be seen as a means to ease Māori away from their 'natural' evil inclinations and to make them more desirable to European males. These 'hybrid' women came to be seen as more 'European-like' in every way. In addition to 'racial' typologies, Māori women were seen as sexual beings. The primitive female as a sexual object appears in many works of art and has become a central metaphor for sexuality in many Western societies. This discourse can also be seen in the postcard craze around the turn of the century that went with a burgeoning tourist industry (Te Awakotuku, 1991). While many of the postcards and pictures serve as ethnographic representations, others project images of fantasy and desire, promiscuity and eroticism, the exotic and the alluring.

Figure 2: A Māori Maiden of High Degree. Reproduced courtesy of the University of Waikato Library (New Zealand Collection).



Among the early 20th century postcards were those of Māori maidens with looks that lie within the boundaries of desirability acceptable to the Pākehā voyeur (Figure 2). Many of them represent a feminine ideal of aristocracy, or the upper-class female, most claiming them to be a pūhi or a princess. The photograph features a woman with a physical appearance of large eyes, flowing dark hair, light coloured skin, aquiline nose, oval jaw, and a sweet, passive and vulnerable gaze. As became her high status she shows only one or part of a shoulder. Juxtaposed are the signs of her uncivilised nature—being dressed in native costume with a cloak that temporarily screens the naked flesh underneath the cloak. The women in the postcards are not chosen for their Māoriness but for their conformity to a particular European taste in female representation—a fine-boned facial structure and pale skin contrasted with her ‘Otherness’ of dark hair, eyes and native costume. There is no doubt that many of the ‘Māori maidens’ in the postcards were the offspring of intermarriage—biologically hybrid and probably culturally as well. Postcards and pictures represent part of the Western colonial gaze, which dwells voyeuristically on native clothing, postures and gestures; exoticising, and eroticising, the female ‘Other’. The offspring of intermarriage were seen as a benefit to the Māori race and a sign of superiority:

The Euronians are a very superior race: they inherit the fine physical constitution of the native, with the mental vivacity of the European; and we are encouraged to hope for the legitimate amalgamation of the native and European races at no very distant period. (Brown, 1845, p.42).

Brown’s statement draws attention to the mind-body dualism where Māori were seen as ‘bodies’ and Europeans were the ‘minds’. This meant that intellect was the preserve of Europeans and interracial reproduction was also a means to ‘civilising’ Māori by increasing their ‘intellect’, or mental vivacity, by increasing the proportion of ‘white blood’. Hence, hybridity was seen as a biological condition under which other ‘hybrid’ conditions, such as increased intellect, could exist.

A touch of the tarbrush

Similarly, many of the Māori women scientists described themselves in relation to the amount of ‘Māori blood’ they had in them and connected it to ‘skin colour’ and their authenticity as Māori. It was not unusual for the women to express their Māori ancestry through ‘blood’. This was usually done in one of two ways. The first is through reciting whakapapa or kinship. However, for many ‘unmarked’ women, tended instead to cite their own bodily make-up in fractions of blood—the biological connection. Even notions of ‘blood’ led to ambiguities. For one of the women in the study, Mere, this can be seen through the different names used by herself, her mother, teachers and school friends. Mere attended school and university during the 1950s and 1960s. Mere’s Māori mother gave all her children names to reflect the ‘bloodlines’ of the family. Mere was given Māori names, her sister got the Scottish and French names, while her brother was given English ones. Blood is being given the power to call Mere and her siblings into the symbolic order and as such becomes a central organising

metaphor for Mere's narrative. Blood constitutes one of the fundamental values in a society such as Māori, where alliances according to descent lines long remain an important element in the mechanisms of power (Papakura, 1986; Pere, 1988). Coming from a sheep stud-farming family, where the 'bloodlines' of their stock are very important, Mere often spoke of herself in a way that associated her background in bloodlines and farming with her own Māori ancestry. For Mere, her Māori identity through name and body is borne of bodily origins meaning identity cannot be externalised and expelled entirely. Blood relations for Mere played an important and ambiguous part in identity formation in her teenage years. For Mere's mother, blood is an important part of being authentically Māori in a cultural sense—not just any Māori ancestry, but a particular threshold. She often spoke to Mere by saying "the blood has run out with you", with the implication that Mere's generation has fallen below that threshold. The move of naming your children with respect to ancestry yet telling them not to formally acknowledge this ancestry confounds any simplistic understanding of the relationship between racial identity and racial non-identity, between racial authenticity and a non-preference for identification.

However, Mere's narrative also reminds us that it works in reverse when she was asked if she had a 'touch of the tarbrush'. That is, any amount of 'Māori blood' was a 'polluting' of white blood and automatically attached itself to ideas of degeneracy as she was reminded of the natural 'unreliability' and propensity to 'drunkenness' in Māori shearers. On a visit to the home of a new university friend, situated on a large high country farm in Canterbury, Mere was once again confronted with the marking of her name.

I can remember during the course of the weekend her father saying to me, "You wouldn't have a touch of the tar brush, would you?" I said, "No, no, my mother just liked Māori names, you know like Ngaio Marsh"⁶. So that was when I began lying. A lot of it was because [of] the conversation that weekend. I remember him explaining to the Springboks [a South African rugby football team visiting also that weekend] why they [the farmer] never employed Māori shearers on the property because they were too unreliable, they'd get drunk and wouldn't turn up for work the next day. I can remember this sinking sense of shame and thinking "when am I going to be asked?" Inevitably I knew the question would come.

Mere disavowed her Māori ancestry as she sensed a hostile environment. While not denying that she had a Māori name she did not have to 'admit' to Māori ancestry, which was seen as something different. Through her fair skin and her withholding of conversation on the ancestry marker she reinforces the hegemonic assumption that she is 'white'. Mere appears to 'pass' in so much that she enters the conversation with her friend's father under the presumption of being Pākehā⁷. Without the name, Mere's body becomes 'unmarked' and hence "constitutes the currency of normative whiteness" (Butler, 1993, pp.170-171).

⁶ A well known New Zealand writer who has a Māori name but no Māori ancestry.

⁷ Name given to a white New Zealander.

In contrast, the ‘white’ or Pākehā make-up of these women is not referred to as ‘blood’. In other words, to have no blood is to be ‘white’, pale, unmarked and, hence, to ‘pass’ unnoticed—to be ‘no body’. Katerina made a comment connecting the ‘colour’ of her body with not learning Māori language at school:

You sometimes feel that you are lacking something by not having learned the language. I mean I’m brown and I can’t hide it.

This stands in stark contrast to pale Jane’s comment about her looks:

I’m lucky, nobody knows [I’m Māori]. I’m the opposite. I mean they just don’t know. Some do but the majority don’t know.

There is a contradiction that turns on the same discursive positioning of Māori women through, but not entirely, amounts of ‘blood’—Māori woman speaking as ‘Māori woman’. Anxieties regarding the mixing of other bodily fluids have been projected onto blood making it "a very expansible and inclusive fluid" (Haraway, 1997, p.232).

This discourse of degeneracy and progress found in discourses of ‘blood’ in Māori women connects with a number of references in the women's narratives. For example, Kate works in the forestry sector—a very male dominated industry. She begins by saying she has a wonderful boss, but others from outside her immediate environment see her differently.

I feel like when I'm outside of the CRI [Crown Research Institute⁸] that people don't expect you to be able to do things because of the way I look sometimes. I feel like I'm being pre-judged all the time... I hate this. When you go to a conference representing the CRI I always have this feeling that people think I'm less than what I am. Maybe I look scary but people will go up and talk to the guys and just start raving away. But people don't come up and talk to me in the same way. And I don't know whether it's because they think that I'm not a scientist so therefore I [am] not as valuable to talk to, or because they're scared to talk to me because I might be some rabid feminist activist or something but I just feel that way.

Kate suggests that she is ‘pre-judged’ through having the visual markers of being a ‘Māori woman’ and that this interferes with her identification as a ‘scientist’. She notes that her male colleagues do not suffer the same form of alienation. Furthermore, she proposes that even when people cannot ‘see her’ that her Māori surname is enough to give people the idea that she is not the person to contact.

Like I've written a paper and there's two names on it [and] people do remember my name but they don't bother to ring me. They always call the other person Michaela⁹ [female student] and I feel like as if because they think that the other person is the person who knows more about this topic because their name might be Smith. Like I had a student working for me and I'd sent out some letters asking forest owners about their plantations and what they had and my name was definitely first and yet so often people would ring for Michaela who I just put at the bottom. Half the time they'd ask for Michael [male].

⁸ Crown Research Institutes are Government-funded scientific research institutes in New Zealand. There are seven of them.
⁹ All names are pseudonyms.

Kate resembles her scientist colleagues on paper but is betrayed by a striking feature—her name—that identifies her as both Māori and woman. Kate is doubly marked in her name. However, she finds that some people think a ‘Māori woman’ should not be a ‘scientist’ and disclosure of this comes to her when she tries to publish papers under her name. Foucault in his paper ‘What is an author?’ argues the author’s name on a text is part of the discourse of ‘author’ function—that is, appropriation, ownership and authentication. In other words, naming is about authority (1984, p.105). For Kate, it is about the authority of being a ‘scientist’ while also being a ‘Māori woman’.

Kate’s narratives highlight issues of “illusory separated identities” (Trinh, 1989, p.104) that suggest a form of dualistic reasoning. Here her concerns focus on the split ‘Māori/woman scientist’:

I can never tell whether people look at me and see me as Māori or see me as a woman scientist. And if I get treated differently I can't really say that's because I'm Māori or because I just feel different.

The dualities raised by Kate—Māori/woman, scientist/woman, scientist/Māori—were not unusual among the Māori women scientists’ narratives. Kate’s overall perception was that ‘Māori’ and ‘woman’ interfered with the authority of ‘scientist’ but sometimes she wasn’t sure which subject position was causing an confusion. That ‘woman’ may be a secondary attribute to ‘Māori’ (or vice versa) is a perception that is consistent with a logic of acquisition and separation. Kate is being called into science as a Māori and possibly as a woman, but being denied her existence as a scientist. Her surname ‘exposes’ her and she is characterised in racial and sexual terms regardless of the fact that she is also a scientist. Science has no bodily origin and, perhaps by implication, neither does the ‘scientist’. According to Kate’s narratives a ‘scientist’ has an unmarked (white) body and an unremarkable name. Kate, on the other hand, is caught in her marked body that is named and inscribed with meaning beyond her control. Kate can only fantasise about wholeness—not only is she fragmented, but she is at once “invisible, visible (exposed), hypervisible, and pathologised in dominant discourses” (Hammonds, 1997, p.93).

Kate’s Māori surname raises an issue of Māori language and its relationship to ‘being bright’. It appears that the physiological classification of racial difference was transferred to that of language where a ‘science’ of linguistics allowed a system of classification and differentiation that was predominantly cultural (Young, 1995). For the coloniser to be fully human was to speak the English language and to abandon native languages, which included taking on English names. The women's narratives suggest the educational institution continues to be a site of Māori language suppression, especially for 'bright' girls. For example, Katerina spoke of the dilemma between taking Māori language as a school subject and being a ‘good student’, because taking Māori meant participation in the cultural protocols which took her away from her other studies. This can become a tension between school and culture for Māori high achievers. The disapproval by schools of a strong ethnic identity can produce conflicting and ambivalent feelings in students towards developing a strong racial and ethnic

identity and towards performing well in school (Smith, 1993). Ambivalence and conflict can be at the centre of the high achieving Māori woman's response to school and schooling resulting in complex strategies to either resolve or cope with the ambivalence that they feel. Katerina developed practices and behaviours rewarded in the school context to achieve academic success by giving up Māori language and hence not being behind with her work. For other women, in order to do 'sciences' at school meant that they could not do Māori language as they were often timetabled in the same period. Jane recalls being placed in the 'top stream' at school, but that meant she was unable to take Māori language despite being able to do modern European languages. Behind such timetabling practices is the inherent assumption that students who do Physics do not study Māori language. These narratives are about telling bright students that Māori is not needed or required for their future roles, something other women researchers have identified in relation to 'bright' Māori girls' schooling (Middleton, 1985; Te Awekotutku, 1991). The English language carries the sign of English authority. In the abject or 'cast out' world of Māori, being bright comes from 'across the borders'—something that was not associated with Māori—and separated these Māori women from other Māori students.

Many of the women have held the identification of Māori woman separate from knowing themselves as 'bright'/'scientist'. Implied in all these examples is that not only that Māori women are projected as 'bodies' rather than mind, but also that the body—in its wild and unruly form—needs putting in its place. As the women described in various narratives, being 'not able', 'less than', 'honorary white', and 'naturally Māori' are all connected to processes of subjugation that are made possible and plausible through a stereotypical discourse of racial typology. There is always a relational advantage to being white and male, and Māori women are seen as being constitutively deficient.

Fleeing the brown body

I have argued that the Māori women scientists having found themselves constituted as 'bodies' or objects of science cannot be scientists (minds) or subjects of science at the same time. Hence, central to the Māori women scientist's sense of self in their narratives appears to be a desire for invisibility. The 'flight' from her body is not always dependent on whether the body is seen as brown but the identity of being a Māori woman. For example, Katerina looks Māori in that she has dark skin and hair but can deny her markings when she is with Pākehā—she can 'disembody':

I noticed it more if there was a Pākehā person in a room full of Māori people than if I was a Māori person in a room full of Pākehā people. I didn't feel anything different. But if I was in a room full of Māori people and there was a Pākehā person it [was] noticeable. Whereas when I was in a room full of Pākehā people I didn't think I stood out as much.

Katerina only sees her difference when she is with people that are the same as her and she notices 'whiteness'. Bhabha (1994) argues that "the question of identification is never the affirmation of a pre-given identity, never a self-fulfilling prophecy—it is always the production of an image of identity

and the transformation of the subject in assuming that image” (p.45). Katerina recognises that she must ‘disembody’ for her to be accepted by Pākehā people. Kristeva (1982) argues that abjection designates a cast out status within the terms of sociality and in casting off her body Katerina finds sociality. In casting off the body, she has shed the ‘Māori woman’ and become a scientist—a mind with no body. The issue here is that both ‘sex’ and ‘race’ have bodily origins, which means they cannot be externalised or completely expelled. For many of these women this ‘materiality of identity’ (Butler, 1993) does not translate into being a scientist. However, more importantly for Katerina is that which is cast out cannot re-enter the social without a dissolution of identity. The desire for sameness as her Pākehā colleagues requires Katerina to disembody—to forget her markings, to forget her colour, to have ‘no body’. The body of the ‘Other’, that is in noticing other Māori around her, is what reminds her of her difference.

Other Māori women scientists pass for ‘white’, which is relatively easy with 'pale' bodies and/or Pākehā names. For example, Maryanne is “one-sixteenth Māori” and when she told her colleagues I was coming to interview her "they were surprised". However, for some of the women the 'flight' was from the collective 'Māori body', which could be achieved by sending children away to boarding school or through 'streaming' at the local school. For example, Diane saw ‘streaming’ or tracking as a positive influence in her life:

What I believe is a major influence at the very beginning was when I got to intermediate, it was streamed and I was fortunate enough to get into the top stream. I believe [that] was what set me on the track [to being successful in science] because you never ever got Māori in those classes.

Diane sees this as a positive influence in her achieving success at school as ‘Māori’ were not there to distract her. Clearly Diane saw her Māori school friends as not working towards academic achievement and she credits streaming as a way that lifted her above other Māori. Diane implies in her statement a stereotyping of Māori that motivated her to dissociate herself from that negative image of Māori—as not capable. In this way she desires to be like those that are intelligent who, for her, were Pākehā students. Another example is Mere, in her own re-naming to Meré, can also be seen as 'fleeing' from the collective and individual Māori body.

So for the rest of my three years in Canterbury [University] I decided I'd put in an acute above the last 'e' and pretend my name was Meré. I'd pretend that it was French and that took care of that. A lot of people even today ... call me Meré.

The Māori name Mere was placed in the abject domain in order for others to re-inscribe her body. The re-naming of the body by the self is the ultimate form of 'Othering'—a successful attempt to make the ‘native’ the ‘Other’ in their own land. All these women can be seen as ‘fleeing’ the enclosure of the symbolic 'brown' body in a desire to transform ‘difference’ into a positive sign, that of whiteness or 'not Māori'.

The desire to transform one's visibility comes with ambivalence for many of the women. The women almost apologise for being 'inauthentically' Māori as there is some pressure today to no longer 'pass'. For those who embody 'whiteness' it is a problem. For example, Arihia being told by a kaumātua, or Māori elder, the story about the kiore (Polynesian rat) is "not for you Pākehā" leaves her with a sense that her identity is out of her control.

When I'm with Māori who don't know me I'm greeted as a Pākehā. I'm used to it now, that slight hurt I have. I was down at a marae (meeting house) [in] Rotorua—... and I walked in and on the right was a most magnificent pou (a wooden carving of an ancestor) and in his hand was a kiore. ... I'd been researching the traditions of the kiore ... I just thought there must be a most wonderful story behind this [and] I'd love to know what it is. So I sat through the proceedings and at lunch-time I [asked who could tell me] some of the stories here of these pou. I went and asked [about] the kiore. I said "I'd love to know that story" and he said "Oh, not for you Pākehā". Then he added insult to injury "You Pākehā [from] the universities, you just come down here to take all our knowledge and then you go away and write about it". I didn't even want to try and break through that. I just took it all. [I] just smiled and backed off.

Arihia has been at the forefront of the debate regarding the protection of the kiore and for the Department of Conservation not to treat it as analogous with the common pest of the Norwegian rat that made it to Aotearoa/New Zealand aboard ships. Arihia has written articles looking at the Western science view of rats as being disease carriers and pests and the transference of attitude by regulatory bodies to all 'rats' including the kiore. Yet the kiore is significant in Māori culture and in some tribes is considered to be part of their whakapapa¹⁰ (Haami, 1993). As a result of the active work of which Arihia was part, the Department of Conservation has put aside an island sanctuary for the kiore. This is so that the kiore will not become extinct, as on other islands all rats—both Polynesian and Norwegian rats—are being exterminated in order that the islands can become sanctuaries for some of our endangered native bird species. The borders Arihia faces, while objectified in the narratives, are borders that interface the inside of the subject and the outside object to the subject.

Furthermore, at university Caroline suggests that there was a difference between the 'white coats' of science and 'brown bodies' of Māori Studies, suggesting that the 'white coats' of science portray 'whiteness' for some Māori despite the colour of the body underneath. Similarly, Caroline describes forms of alienation she experienced at university, particularly with respect to other Māori on campus. The implication from her experiences is that her identity as Māori is not the same as that of other Māori students. Caroline had enrolled in an undergraduate science degree and went to inquire about scholarships for Māori students:

It really was awful. Quite soul destroying. I'll never forget that. There were people down in Māori Studies who made you feel awful. You'd go down there to find out about a scholarship ... and you'd just get turned away. And there's also a huge distance between chemistry and Māori Studies—there's a huge difference—so you're really going out of your way to go down to Māori Studies.

¹⁰ Ancestry.

Caroline found opposition where she least expected it—among those whom she saw as ‘her own’ people. Morrison (1994) suggests that this exclusion by one’s own can occur with Black kids because of their contempt for their own Blackness. In the same sense, the rejection by other Māori is the acceptance of the stereotype by others of what it is to be ‘Māori’ and Caroline disrupts and disturbs that identity for other Māori. Caroline seems to equate the physical distance between the Chemistry block and Māori studies on campus as a metaphor to convey her sense of alienation as a Māori woman science student from other Māori students on campus, especially those in Māori Studies. She also refers to Māori Studies as 'down', referring to both its physical location with respect to Chemistry—at the bottom of the hill—and also symbolically as being 'less than' science. Donna, another of the women, suggested the white coat makes science a "Pākehā subject" and questioned that it may leave a mark on her brown body. The alteration of appearance becomes a touchstone for difference. The desire to emerge as authentically 'Māori woman' and 'scientist' through mimicry—the process of repetition—"is the final irony of partial representation" (Bhabha, 1994:88). The Māori women scientists' ‘whiteness’—achieved as a result of their bodies or coats—can be seen as determining orientation while those about them label their conflicted sense of identity as pathological.

I have argued that the notion of embodiment is central to this paper. The production of Māori women as ‘Other’ in Enlightenment science's discourses involved the division between European (man) as mind and Māori and women as the body. As Radhika Mohanram (1999) has argued with regard to the Black body:

To the body is connoted such qualities as passion, biology, the inside, otherness, inertness, unchanging, stasis, matter—a more primitive way of being. To the mind is attributed reason, the self, the same, action, movement and intelligence, a more developed way of being or not being. [...] The black body is metonymically linked to the women's body in the power/knowledge system of Western Enlightenment, progress and modernity (p.199).

The body contains within it the markers of 'race' and 'woman' as I have argued. However, bodies have a way of being seen again and again throughout historical time—a 'genealogical' or whakapapa body—and with the case of 'racial' markers it signifies 'origins'. These bodily 'markers' of being Māori and woman were objectified in Enlightenment science as sites/sights of difference and through their biological repetition persist in the subject today. In order to attain the 'mind' status of the scientist Māori women need to flee their bodies, to flee themselves. However, the 'body' not only grants the subject a sense of personal identity, it also grants them a sense of belonging to a normative group. The Māori women are caught within the sign of double articulation—the eye/I—that manifests itself as an ambivalent desire to be 'brown' and 'white' through their mixed and split 'origins' and identifications.

Conclusion/Opening

A recent article in the Hawkes Bay Today (24 August, 2001) focuses on five women of the Ngāti Kahungunu tribe who “are doing their bit to change the image of scientists as white-coat-clad

laboratory dwellers” (McCauley, 2001) by throwing away their white coats. The picture accompanying the article shows the women on a 'rocky shore' landscape with the sea behind them and dressed in shorts, jerseys and coats. The article reports on a meeting the National Institute of Water and Atmospheric Research (NIWA) to discuss a proposed memorandum of understanding with Ngāti Kahungunu. Part of the strategy discussed between the groups is to promote science as “a worthy career for Māori and women”. Dr Perry, the Pākehā male scientist, is quoted as saying NIWA “had made a real effort to employ Māori and women. It had a Māori employees’ network, although with only seven Māori out of hundreds of employees nationwide it was still on a small scale” (McCauley, 2001). The Māori women scientists were said to be meeting girls at local Māori girls’ boarding school to get them to consider science as a career and to inform them that finance was available for Māori students through various scholarships.

This paper has argued that there is an impossibility in ‘Māori’, woman’ and ‘scientist’, that has been produced through the production, exclusion and repudiation of the abject, which will continue to threaten their subjectivity in their science endeavours. The subject ‘Māori woman scientist’ is ‘unattainable’ and excluded in the article in favour of ‘Māori’ and ‘women’ (and ‘scientist’). However, my point here is that the discarding of the ‘white coat’ may be the beginning of the undermining of colonial authority in science but will never be enough in itself. The white coat has its purpose in dirt and disorder—both physical and symbolic. It is the latter I am concerned with here for I have argued that the white coat is not only there to camouflage the body that is ‘dirty’—black or brown—it is also there to mimic the white body of the scientist. The undifferentiated whole white (scientist) body does not disappear with the removal of the white coat and, as such, colonial authority is still recognisable. However, the removal of the white coat serves to highlight the ‘Other’ “as a subject of difference that is almost the same, but not quite” (Bhabha, 1994, p.86, original emphasis). And therein lies the danger. Like the notion of ‘passing’, being a Māori woman scientist depends not on excess but on equivalency. In other words, taking off the white coat reveals the brown body (difference) and Māori women’s bodies can never have the same imitative license. In the opening narrative to this paper Maryanne returns a "counter-gaze that turns the discriminatory look, which denies her cultural and sexual difference, back on itself" (Bhabha, 1994, p.47). In looking at the brown cloak but still wearing the white coat, Maryanne seems to have found a means of undermining the practice, and hence authority, of a colonial science and its persistence today.

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Recovering Fagin's Ill-gotten Gains: settling Ngāti Kahu's Treaty of Waitangi claims against the Crown

Inaugural Professorial Lecture¹¹

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19 May 2004

Some 19 years after lodging their claims with the Waitangi Tribunal, in 2003 Ngāti Kahu finally entered formal negotiations to settle all their historical claims with the Crown. Given that Ngāti Kahu has been articulating their grievances for over 160 years, this is relatively rapid progress. The purpose of Treaty of Waitangi claims against the Crown is to successfully settle grievances which have arisen as a result of the Crown's breaches of the Treaty of Waitangi. For a settlement to be successful it must remove the prejudice caused by those breaches by, for example, restoring to Māori lands and other resources taken in breach of the Treaty; providing those rights and privileges guaranteed to all citizens but denied to Māori; and enabling Māori to fully participate in and contribute to New Zealand society. The Crown's reluctance to date to remove the prejudice caused to Ngāti Kahu and its determination to continue breaching the Treaty, as we are currently witnessing with its proposal to confiscate the foreshore and seabed from Māori through legislation, mitigates against the successful settlement of claims and places even greater strain on the relationship between Ngāti Kahu and the Crown.

The current generations of Ngāti Kahu fondly cherish the dream that would see an end to the conditions forced upon by them by the Crown's ongoing breaches of the Treaty of Waitangi. The Waitangi Tribunal described those conditions as "physical deprivation, poverty, social dislocation as families dismembered in search of work elsewhere, and loss of status during the long years of petition and protest".¹² With it Ngāti Kahu also wish to put behind them their longstanding distrust of the Crown. On the marae, the manner in which kaumātua characterise the Crown as the ultimate master thief brings to mind the infamous thief of English tradition, the character called Fagin, the crafty head of the school for thieves.¹³ English tradition is contemptuous of Fagin. Ngāti Kahu has often wondered why that same tradition has not been more effective in curbing the Fagin-like behaviour of the Crown.

¹¹ Another version of this lecture, under the same title, has been published in *Waitangi Revisited: Perspectives on the Treaty of Waitangi* edited by Michael Belgrave, Merata Kawharu and David Williams (Oxford University Press, 2005). The two versions differ in the main in that this version deals with the foreshore and seabed claims but not with the fisheries claims.

¹² Waitangi Tribunal 1997:404

¹³ From Charles Dickens' *Oliver Twist*. My thanks to Reina Whaitiri and the staff of the Department of English at the University of Auckland for their advice concerning the archetypal master thief of English culture and tradition.

Ngāti Kahu live in the hope that the kaumātua of the generations to come will be able to pass on a different and more positive characterisation of the Crown to their children and grandchildren. They look forward to witnessing the successful rehabilitation of the Crown from a seemingly incorrigible master thief to an honest, honourable and law-abiding partner to the Treaty of Waitangi. As a result, they hope that one day Ngāti Kahu will once again come to enjoy and prosper from their own ancestral lands and seas. At present these are almost solely the preserve of the largely Pākehā population currently residing in Ngāti Kahu's territories who prosper as a result of the benefit they derive from the lands and resources stolen from Ngāti Kahu.¹⁴ Recent governments have acknowledged that the Crown has been directly responsible for the current unjust state of affairs. The former Minister in Charge of Treaty of Waitangi Negotiations, Sir Douglas Graham, admitted as much to Federated Farmers when he told them "the Government's ill-gotten gains at the expense of Māori have been enjoyed by successive generations of New Zealanders".¹⁵ Yet Ngāti Kahu are realistic and know that political rhetoric counts for little if there are no sound policies to back it up. As such they are highly critical of current government policy for the settlement of Treaty of Waitangi claims, a policy which was drawn up without full consultation, and which Māori rejected.¹⁶ For 10 years now, the policy has proved to be a major barrier to the successful settlement of claims. Ngāti Kahu consider that fundamental changes to the current policy are required if their claims are to be settled in a manner that removes both the prejudice and the sense of grievance, is fair, comprehensive and just, and ensures that the settlement is full, final and durable¹⁷.

This lecture considers the affects that the Crown's policy are currently having on the settlement of Ngāti Kahu's claims. It commences with an overview of the process Ngāti Kahu has followed over the last two decades in prosecuting its claims against the Crown. This is followed by an outline of the major issues identified by the claimants in their land claims, which includes the recently heard claims relating to the foreshore and seabed. A summary of Ngāti Kahu's Treaty claims settlement policy package drawn up over a period of five years follows.¹⁸ The Crown's Treaty settlement policy is then summarised. Certain aspects of settlements achieved by other Māori claimant groups under the current policy are then considered briefly. I then draw on the findings of a recently conducted survey of claimant negotiators involved in negotiations with the Crown¹⁹ to ascertain the likelihood of the present day settlements being full and final. In reaching the conclusion that the Crown's current policy is seriously flawed, I offer some suggestions on possible pathways forward to finally resolving Ngāti Kahu's Treaty claims against the Crown.

14 Te Rūnanga-a-Iwi o Ngāti Kahu 2000:13. The Waitangi Tribunal (1997:7) noted in respect of "...Government programmes instituted to relieve Māori of virtually the whole of their land..." that "There is little difference between that and land confiscation in terms of outcome..."

15 Bennion, June 1997:1

16 Graham 1998:65.

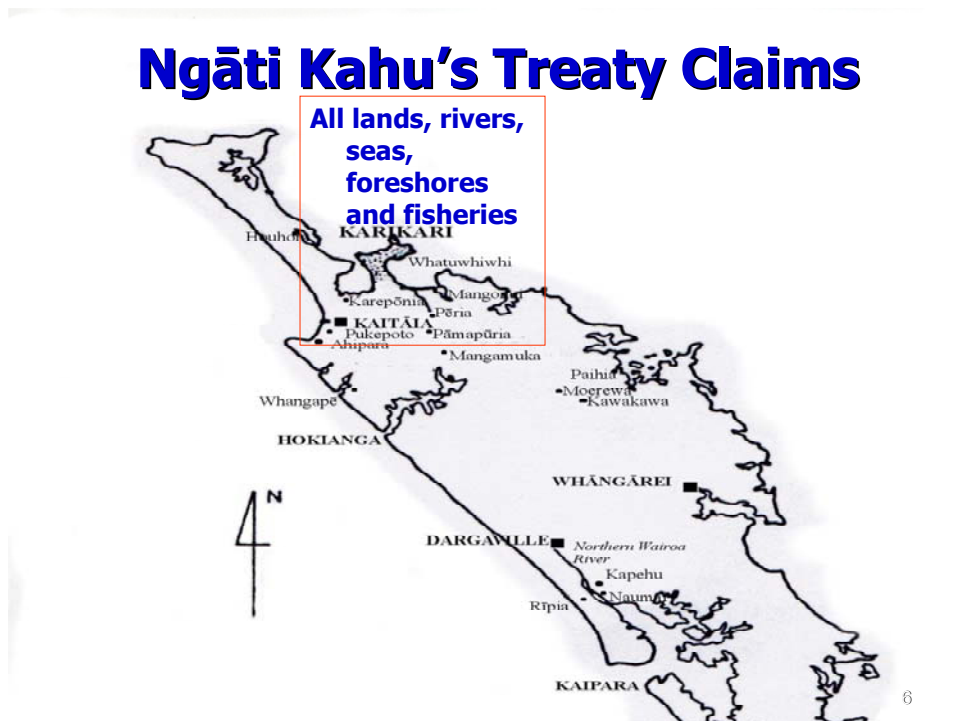
17 Office of Treaty Settlements 2002:84.

18 Te Rūnanga-a-Iwi o Ngāti Kahu 2000 and Mutu and Matiu 2003: 206-10.

19 Tuuta 2003.

Ngāti Kahu in the Claims Settlement Process

Ngāti Kahu are the descendants of Kahutianui, daughter of Tūmoana and ancestor of Te Rarawa, and Te Parata who reached Aotearoa on board the Māmaru. They hold mana whenua over the area of Te Hiku o te Ika (the Far North) which stretches from the Rangaunu harbour in the north, south to Te Whatu (Berghan's Point), inland along the Maungataniwha range and from the western end of the range back to Rangaunu, taking in Takahue, Pāmapuria and Kaitāia. (See map below.) Today, there are twelve Ngāti Kahu hapū in fifteen marae communities in Ngāti Kahu's territories. Our marae are located on the remnants of our lands still under our control, which is less than 6 per cent of our territories.²⁰ Ngāti Kahu's population, based on whakapapa rather than census data, is approximately 15,000 and more than 80 per cent of Ngāti Kahu live outside our territories, mainly in cities such as Auckland.



In 1984, McCully Matiu, as the chairman of the Ngāti Kahu Trust Board,²¹ lodged a Treaty of Waitangi claim (WAI 17) against the Crown with the Waitangi Tribunal on behalf of Ngāti Kahu and its associated iwi.²² The claim is for all tribal lands, rivers, foreshores and fisheries. Ngāti Kahu seeks the return of all these and the payment of restitution for the innumerable breaches of the Treaty perpetrated against them by the Crown. It was the second of the 33 claims that have been lodged to date relating to Te Hiku o te Ika (the Far North). In 1986 the five iwi of Te Hiku o te Ika, Ngāti Kahu, Te Rarawa, Te Aupouri, Ngai Takoto and Ngāti Kuri, agreed to combine their claims for the purposes of

²⁰ Approximately 12,000 acres out of more than 250,000 acres of dry land are still in Ngāti Kahu control.

²¹ In 1995 Ngāti Kahu transferred responsibility for the claims to Te Rūnanga-ā-Iwi o Ngāti Kahu, the mandated iwi authority, which was also chaired by McCully Matiu.

²² Waitangi Tribunal 1988(a). While the claim focussed on the sewerage scheme at Taipa, it also signalled Ngāti Kahu's wider claims.

presenting their cases to the Waitangi Tribunal.²³ The consolidated claims (WAI 45) became known as the Muriwhenua Claims.²⁴

Hearings for the claims of Ngāti Kahu and the other four iwi ran for eight years from 1986 to 1994. Ngāti Kahu's objections to a proposed tourist development at Karikari²⁵ and the proposed sewerage scheme at Taipa were heard first, separately and ahead of the rest of the Muriwhenua claims. Late in 1986 fisheries matters were severed from the rest of the claims of the five iwi in response to the Crown's moves to allocate property rights in the fishing resource. In 1988 the Tribunal issued both its *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim* and *Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim*. The former report made no recommendations specifically in relation to the sewerage scheme. It did however signal that the much wider problems relating to the use of Ngāti Kahu's lands would be dealt with in the land claims. The latter report upheld the claims of the five iwi to their fishing resources. It also signalled the start of the very difficult and protracted negotiations, which ultimately led to the controversial Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. Ngāti Kahu were effectively excluded from the decision making surrounding the settlement of this part of their claims. Eleven years later proceeds from that 'settlement' have still not been allocated and those who took the fisheries claims are still unable to derive a living from their own fisheries.

Following the issuing of the fishing report, hearings then continued into the land claims. In 1994, several months after the last hearing into pre-1865 matters, the Government issued its *Crown Proposals for the Settlement of Treaty of Waitangi Claims*. Like Māori throughout the country, Ngāti Kahu rejected the so-called "fiscal envelope". It contained policies which signalled the government's intent to not only commit further breaches of the Treaty of Waitangi but also to deny to Māori claimants many legal rights ordinarily available to New Zealand citizens.²⁶

In 1995, following a hui of Te Taitokerau which drew up a general statement on the negotiations process,²⁷ Ngāti Kahu commenced consultation with each of its claimant whānau, hapū and marae about how their claims were to be settled. Most of 1996 was taken up sifting through mandate issues until they were resolved to the satisfaction of an overwhelming majority of Ngāti Kahu whānau, hapū and marae. In 1997 the Tribunal issued its *Muriwhenua Land Report* on the claims up to 1865. It upheld all Ngāti Kahu's land claims for the period, signalling that it was prepared to make binding recommendations if necessary in accordance with its recommendations for the transfer of substantial

23 Waitangi Tribunal 1988(b):245-254. Although each iwi has their own distinct identity and ancestral land base, they are closely related with, for example, Ngai Takoto claiming descent from Ngāti Kahu ancestors, and Te Aupouri traditions originating primarily from within Te Rarawa.

24 Despite common usage amongst bureaucrats, politicians and the media, the name Muriwhenua is not the name of either the five iwi of Te Hiku o te Ika, their collective lands or the general region. The name Muriwhenua is an ancestral name and also the name of a particular area of land north of Awanui shared by Te Aupouri, Ngai Takoto and Ngāti Kuri. After long debate kaumātua of the five iwi decided to use this name for their combined claims and also for the rūnanga set up to take the claims to the Tribunal. The Tribunal erred in using the name to describe both the people and the lands of the five iwi. The name is not used as such by the iwi themselves.

25 WAI 16, a claim brought by Reremoana Rutene and eventually resolved in the Court of Appeal in *Environmental Defence Society Inc and Tai Tokerau Māori Council v Mangonui County Council* [1989] 3 NZLR 257 although issues relating to other lands on the Karikari peninsula remained and were dealt with along with the other Muriwhenua claims.

26 Mutu 1995(a).

27 Mutu, 1995(b).

property. It noted “this should include binding recommendations in respect of Crown forests and State enterprise assets.”²⁸

By this time Ngāti Kahu had developed a draft of its proposals for remedies, taking a mainly restorative approach but keeping in mind what full restitution based on legal principles would deliver to achieve a full and final settlement. They were also considering options for settling their claims including returning immediately to the Tribunal for binding recommendations, continuing with their post-1865 claims or entering direct negotiations with the Crown without a Tribunal report for the post-1865 period.²⁹ Hui-ā-iwi of Ngāti Kahu convened in 1998 resolved to enter direct negotiations with the Crown to settle their claims but kept open the option of returning to the Tribunal for binding recommendations. The same hui appointed four negotiators issuing instructions that they settle the claims in accordance with the Ngāti Kahu Treaty claims settlement policy package which was formally approved in 2000.³⁰

The package included detailed schedules of all lands to be returned to each of its 14 marae along with a raft of other remedies designed to restore “justice, along with social, economic, political and spiritual well-being”. The package is based on an analysis of the resources, services, standard of living and legal protections available to the non-Ngāti Kahu and largely Pākehā population living within Ngāti Kahu’s territories.³¹ It was formally presented to the Crown in a public meeting held to discuss the settlement of the claims in November 2000.

Pre-negotiations processes imposed by the Crown effectively stalled formal negotiations until 2003. From the outset the negotiations have experienced difficulties stemming mainly from the lack of compatibility between Ngāti Kahu’s Treaty claims settlement policy and that of the Crown.

The Ngāti Kahu claims³²

Ngāti Kahu’s claims against the Crown are based on the understandings reached in discussions between our ancestors and the British Crown, understandings that clearly recorded in the original (Māori language) versions of the Declaration of Independence and the Treaty of Waitangi, He Wakaputanga o te Rangatiratanga o Nu Tireni and Te Tiriti o Waitangi. Te Tiriti o Waitangi was based on He Wakaputanga. A copy of the He Wakaputanga along with a translation and the English version sent to King Willian IV is reproduced at Appendix 1. He Wakaputanga set out the following matters:

28 Waitangi Tribunal 1997:404.

29 Te Rūnanga-ā-Iwi o Ngāti Kahu et al 1997:79-81

30 Te Rūnanga-ā-Iwi o Ngāti Kahu 2000.

31 Mutu and Matiu 2003:206.

32 The main source for the next sections is Mutu and Matiu (2003: Chapter 9).

It announced the establishment of the Te Whakaminenga o ngā Hapū o Nu Tīreni (the Confederation of the tribal groupings of New Zealand).

It acknowledged the mana and rangatiratanga of the paramount chiefs of the many hapū in respect all lands north of Hauraki, and declared that the paramount chiefs would never give any law-making power to anyone else for the lands over which they held authority.

It announced that the paramount chiefs would meet every autumn at Waitangi to set down laws, and invited the southern iwi to join Te Whakaminenga.

It announced that the paramount chiefs would send “an equivalent” (translation) of the Declaration to the King of England who had acknowledged their flag, and, to aid and assist them in discharging their responsibilities of protecting and looking after those of King’s subjects living here, it invited him to be their mentor as they learnt the new ways (of his people).³³

Te Tiriti o Waitangi

Te Tiriti o Waitangi confirmed He Wakaputanga in its acknowledgement of Te Whakaminenga o ngā Hapū o Nu Tīreni. It then set out what the agreed relationship between two sovereign nations, the collective hapū of Nu Tīreni and the British Crown, was to be. A copy of the original Tiriti along with a translation and the English version, the Treaty, are reproduced in Appendix 2.³⁴ Te Tiriti has four main parts:

The Preamble: This sets out the reason for Te Tiriti; it undertakes to protect Māori from the negative impacts of English settlement and to uphold and respect Māori paramount authority (tino rangatiratanga) in exchange for the Queen’s governance over the country (kāwanatanga)

The Tiriti then goes on to set out three ture (laws):

The First: The Queen of England shall make laws and keep peace and good order.

The Second: Māori shall retain complete and absolute power, control and authority over their lands, homes and everything else they value. Māori, if they so wish, may make the use of lands that are their own available to the Crown for a price that they agree to.

The Third: The Queen shall protect Māori and ensure that they have all the rights, privileges and obligations of British citizens.

When, in the 1960s, McCully Matiu took over the mantle of tino rangatira (paramount chief) of Ngāti Kahu, he inherited the clear understanding of his forebears of exactly what both the Declaration of Independence and the Treaty of Waitangi guaranteed to all Māori, and the same calm determination to ensure that those promises were eventually implemented. This included ensuring that the succeeding

³³ See Mutu 2004(a) for a linguistic analysis of the content of both the Māori and English versions of the Declaration of Independence.

³⁴ I have included my own translation of Te Tiriti in the appendix rather than the oft-quoted translation of Sir Hugh Kawharu (Kawharu 1989:319-21) in order to provide a more accurate translation of tino rangatiratanga as ‘unqualified exercise of their paramount authority’ (rather than ‘unqualified exercise of their chieftainship’), and hoko as ‘trade, exchange’ rather than ‘buy, sell’ since the English cultural notion of buying and selling land was not present in Māori culture in 1840. Māori-English dictionaries of the period translate hoko as ‘traffic, barter, trade, exchange’ and it is not until 1893 that the translation ‘buy, sell’ is attributed to hoko as ‘a modern meaning’ (Mutu 1992(a); Williams 1844; Tregear 1891).

generations would be able to continue where ever he left off.³⁵ Above all was the clear understanding that it was his responsibility to ensure that the mana of Ngāti Kahu (and closely related Te Rarawa) was never compromised, no matter how virulent the onslaught of Pākehā settlement may become.

When Ngāti Kahu made its claims against the Crown, they were signalling to their Treaty partner that the Treaty had been breached. In developing its settlement package, Ngāti Kahu relied on the following underlying principles:

- the guarantees made in the Te Tiriti o Waitangi
- what the situation would have been if the Treaty had been adhered to
- what the situation actually is and how it came to be like that
- what it will take to correct the current situation, that is, the remedy
- that the remedy must be delivered to those who have suffered.

The Situation With the Treaty in Place

In essence, the Treaty guaranteed Māori the preservation of their way of life, including being able to draw on the positive aspects of English culture such as their technology, skills and material wealth in exchange for permitting the Queen to govern. In subsequent dealings with the Crown in the 1850's and 1860's, the Crown agents further promised that if Māori handed over their lands, then, among other things:

- the Crown would ensure there was plenty of land left for all Māori to prosper on for the many generations to come and that the Crown would always make sure that that was the case,
- that trading centres would be established which would benefit those Māori who gave over their lands,
- that all technological advances brought and developed by the English would be shared with Māori and used for the advantage of Māori,
- that full health and educational services would be established for all the iwi and that the iwi would all be properly serviced in this respect,
- that British immigrants would not be able to steal from Māori, or trick or deceive them without the Crown stepping in to protect Māori.³⁶

Under these promises, Ngāti Kahu today would be a thriving, prosperous iwi with a sufficient land and sea base from which to conduct all its economic activities. It would also have a fully functional social structure based on its own whānau, hapū and marae which ensured full participation for all its members in both the Māori and the Pākehā worlds.³⁷

The Actual Situation

Evidence presented to the Waitangi Tribunal by kaumātua and other Ngāti Kahu representatives between 1990 and 1994 and over 16 hearings, detailed the specifics of Ngāti Kahu and the other iwi's

³⁵ McCully Matiu passed away in March 2001 after fighting for more than 50 years to have Ngāti Kahu's claims upheld.

³⁶ Waitangi Tribunal 1997.

³⁷ See Mutu and Matiu 2003:186-7 for a list of specific conditions that would deliver this situation for Te Whānau Moana hapū of Ngāti Kahu.

land claims.³⁸ In January 2004 Ngāti Kahu representatives appeared again before the Tribunal in an attempt to prevent their foreshore and seabed being confiscated through legislation.³⁹ The evidence presented demonstrated that because of a long series of breaches of the Treaty of Waitangi by the Crown, that are still going on today, Ngāti Kahu has lost control of almost all its land base, has been in a state of severe social and economic deprivation and has been politically marginalised for more than 160 years, has been driven out of its territories as a result and has been denied any Crown protection.⁴⁰ The Crown, in an attempt to rebut each claim, also presented extensive documentation and reports.⁴¹ The Tribunal's 1997 Muriwhenua Land Report deals only with the pre-1865 period. However, the findings were that the evidence already presented to the Tribunal and the research already completed are sufficient to indicate that all the iwi of Te Hiku o Te Ika were driven into a state of physical deprivation, poverty, social dislocation and protest.⁴² The Tribunal noted that these serious social and economic conditions still prevail in Muriwhenua today and that substantial benefits should be transferred to the iwi of Muriwhenua as a result.⁴³ The Tribunal's 2004 Report on the Crown's Foreshore and Seabed Policy found that the policy clearly breaches the Treaty and fails in terms of domestic and international law, including the rule of law and principles of fairness and non-discrimination. The Tribunal also found that the policy, which it considered to be completely unnecessary, gives rise to serious prejudice to Māori by cutting off Māori access to the courts, expropriating their property rights in the foreshore and seabed, treating them as inferior class of citizen in New Zealand, and providing no compensation for their loss.

Overall Issues Raised in Claims

The overall issues raised by Ngāti Kahu and the other hapū and iwi of Te Hiku o Te Ika as part of the Muriwhenua claims were divided into fisheries and land claims, and then, more specifically on the land issues, the national foreshore and seabed claim. I will not discuss the fisheries claims in this lecture,⁴⁴ but will focus instead on the land claims.

Land Claims

The land claims examined the numerous strategies employed by the Crown to deprive whānau, hapū and iwi of their lands and economic bases. The evidence produced for the Tribunal was extensive.⁴⁵

38 In addition to extensive and mainly oral evidence given by kaumātua and other claimants, a large number of technical reports, which described in great detail how Ngāti Kahu and the other iwi came to be so severely deprived, were entered as evidence into the record of the Tribunal. These reports were Mutu 1992(b), 1993(a) and (b), Rigby-Koning 1989, Rigby 1990, 1991, 1992(a), and 1992(b), Boast 1991(a) and (b), 1992 and 1993, Salmond 1991 and 1992, Geiringer 1992 and 1993, Wyatt 1992, 1993(a) and (b), Metge 1992, 1993, Alemann 1992, 1993(a), (b) and 1994, Nepia 1992, Geiringer and Wyatt 1993, Oliver 1993, Koning and Oliver 1993.

39 Mutu 2004(b).

40 See Mutu and Matiu 2003:193-4 for a list of specific causes and conditions which have given rise to this state of affairs.

41 The reports presented to the Tribunal by the Crown in rebuttal of claimant evidence were Walz 1991, 1992, Sinclair 1991, 1993, Armstrong 1992(a), (b), 1993 (a), (b) and (c), Head 1992(a) and (b), 1993, Loveridge 1993, Armstrong and Sinclair 1993, Sinclair and Gould 1993.

42 Waitangi Tribunal 1997:404.

43 Ibid.

44 See Mutu 2005:192-5 for discussion of Ngāti Kahu's fisheries claim.

45 See footnote 25.

The main issues raised are listed below but only the first three have been thoroughly canvassed to date in hearings before the Tribunal in the 1990–1994 hearings.⁴⁶

Pre-1840 transactions which Ngāti Kahu understood to be temporary allocations of use rights, tuku whenua, and not permanent alienations as claimed by Pākehā settlers and the Crown. Ngāti Kahu lost control of 56,068 acres as a result of pre-Treaty transactions.⁴⁷

Surplus Lands retained by the Crown after investigating the pre-Treaty transactions which should have been retained by Ngāti Kahu. The Crown acquired more than 30,000 acres of Ngāti Kahu lands using this mechanism.

Crown purchases of Māori land between 1840 and 1865 which, like the pre-Treaty transactions, were tuku whenua, not permanent alienations. Ngāti Kahu lost a further 127,347 acres to Crown purchases.

⁴⁸

The Consolidation and Land Development schemes which were administered through the Department of Māori Affairs and the Māori Land Court. Consolidation of large numbers of shares over several blocks in different areas into shares in one block effectively disinherited the owners of a multiplicity of ancestral rights. The land development schemes subsequently established made Ngāti Kahu land owners slaves to the Department on their own lands, as the Department incurred unsustainable debt over the lands and then evicted Ngāti Kahu from their own lands.

The operations of the Native/Māori Land Court, which commenced in 1865, to transfer as much of the land as possible from Māori control to Pākehā control.

The rating of Māori Land, which has been a cause of considerable grievance since 1871 and remains so to this day. Many Ngāti Kahu blocks have been confiscated for unpaid rates, although the Rating Powers Act 1988 removed the power to do so. Of the approximately 13,000 acres of land still under the control of Ngāti Kahu today, most are in very remote areas and receive no services for the rates that are charged. Despite this they are valued and rated according to their potential use (often as tourism lands) rather than their actual use as ancestral Māori land. Ngāti Kahu seeks a recommendation that the rating of Māori land be abolished, so that their occupation of their lands is undisturbed, as guaranteed by the Treaty of Waitangi.

⁴⁶ See Mutu and Matiu 2003:199-205 for a more detailed explanation of these issues.

⁴⁷ Te Rūnanga-ā-Iwi o Ngāti Kahu 2000:54.

⁴⁸ Te Rūnanga-ā-Iwi o Ngāti Kahu 2000:54.

Crown denial of Article III rights has resulted in lack of proper and adequate education, health services, roading, housing, employment and the myriad of other entitlements delivered to non-Māori in the district.

The proposed Foreshore and Seabed Bill confiscates these areas from Māori in clear breach of the Treaty.

Research Methodologies

The research undertaken and presented to the Tribunal in the hearings between 1990 and 1994 was multi-disciplinary, drawing on the fields of Māori oral traditions, History, Anthropology, Linguistics and Law. Iwi experts and scholars of the customs, values, traditions and histories of Ngāti Kahu and the four other iwi gave many hours of oral evidence to the Tribunal. The Crown attempted to have the Tribunal disregard all such evidence, arguing that the Tribunal could only consider expert evidence that was compiled using a strictly western and specifically English methodological and scholarly approach. Claimants countered this by outlining the history of Māori studies as a discipline within the New Zealand university system, where scholarly works of experts in both oral and written form have provided the base from which the discipline has been developed.⁴⁹ Western trained academics working in this discipline had long acknowledged the scholastic expertise of those trained in traditional Māori institutions of learning as the most reliable and accurate source of Māori understanding and knowledge. Western methodologies and approaches to Māori matters undertaken from within a western values system would only ever be able to provide an outsider's interpretation of particular observable features of Māori society and culture and could not claim to understand how Māori interpreted the world around them. Much of the expert evidence provided orally to the Tribunal attempted to explain how Māori understood the land transactions that took place between them and the English in the 19th century. However, to provide some accommodation for the Crown's dismissive approach, the claimants commissioned western trained historians, anthropologists, a linguist, and legal researcher to translate and interpret the evidence of the iwi experts and scholars. The Crown employed a team of historians to rebut this evidence, but they often floundered, not only because the facts presented were difficult to refute, but also because they lacked the expertise to deal with research reports from disciplines other than their own.

The Tribunal's *Muriwhenua Land Report* and its Findings

Until its 16th hearing in 1994, the Tribunal had only considered the period to 1865. On 26 March 1997, it was finally able to present its report and findings on this period to the people of Te Hiku o Te Ika in its *Muriwhenua Land Report*. It upheld all the claims of the iwi, indicating that none of the

⁴⁹ Mutu 1993(c).

lands transacted during that period had in fact been sold and that “there was a lack of clear evidence concerning the extinguishments of native title” (1997:7). These findings cover approximately 170,000 hectares (419,900 acres) of land throughout Te Hiku o Te Ika. Approximately 184,000 acres or 44 per cent lie within Ngāti Kahu’s territory. Since the Crown could not show that native title to these lands had been extinguished, the whānau and hapū of Ngāti Kahu still own them.

In respect of the post-1865 matters the Tribunal indicated that, while equally as serious, they would probably not add much to the level of reparation that had to be made for the severe damage done in the nineteenth century. The Tribunal was very concerned at the level of poverty, social dislocation and deprivation which still exists in Muriwhenua, and the need to start remedying it as a matter of urgency. It indicated that rather than just returning land and compensation, that it would prefer a package of remedies which would restore the iwi to prosperity (and involve a much wider ranging settlement package). It went as far as indicating that it was prepared to use its powers to order the return of certain lands (State-owned Enterprise, Crown forest and certain other Crown lands) if that was the wish of the iwi of Muriwhenua. This was the first time the Tribunal had signalled it was prepared to use these powers.

The Tribunal’s Report on the Crown’s Foreshore and Seabed Policy

As already outlined above, the Tribunal once again upheld all the claims brought by iwi, this time from throughout the country. It found that the policy breaches the Treaty fundamentally and seriously. It also contravenes domestic and international law, discriminating against Māori in removing only their property rights, hence violating the rule of law. Not only was the policy unfair to Māori, it was completely unnecessary. The Tribunal went as far as saying “the Government’s unilateral decision to do away with these Māori property rights ... could only be justified if chaos or disorder would result if there was no intervention, or if we were at war or facing some other crisis.”⁵⁰ The many breaches of the Treaty contained in the policy included:

- Understating then removing Māori rights including the right to go to court (a constitutional right of every citizen)
- Expropriating the foreshore and seabed from Māori
- Enacting a regime that recognises fewer and lesser rights than Māori currently have
- Purported enhanced participation in the coastal marine area by Māori would probably fail
- No benefits will accrue to Māori but significant benefits will be delivered to others.

⁵⁰ Waitangi Tribunal 2004:108.

Remedies

At the end of the exhaustingly long process of presenting a claim, the real aim has been to achieve a fair and equitable settlement.⁵¹ For although the greatest focus is on the loss of land and the need to have it returned, a great many other things were also lost, or never given when promised. Since 1995 Ngāti Kahu have been developing the following Treaty claims settlement policy package. It takes a restorative approach and is based on the relatively high standard of living and quality of life the non-Māori communities in Kāiātaia, Taipā and Mangonui and the surrounding districts (all within Ngāti Kahu's territories) currently enjoy and which they wrongly assume is available to every resident in the district. The package also assumes that the Crown will adhere to the recommendations of the Waitangi Tribunal, and that there will be "the transfer of substantial benefits" with which to achieve this. It considers not only the return of lands lost, but also what is required to rebuild our shattered economic base, regain our socio-economic and political independence and restore the mana of Ngāti Kahu to its full strength. It sets out what Ngāti Kahu considers it can fairly and reasonably expect to achieve by way of full and final settlement of their historical claims over the next 25 years.⁵²

The Ngāti Kahu Settlement Package⁵³

The following summarises the content of Ngāti Kahu's settlement package:

- The Crown shall provide a full, detailed and unconditional admission of the breaches of the Treaty against Ngāti Kahu, give a full and unreserved apology, and enact legislation to ensure that breaches of the Treaty against Ngāti Kahu can never happen again.
- The Crown shall provide a full range of measures to restore Ngāti Kahu's social, economic, political and spiritual well-being and these measure are to include:
 - physical redress by vesting title of all Crown, SoE and ex-SoE land and specific blocks of private land it has purchased within Ngāti Kahu's territories in Ngāti Kahu at \$0 cost to the settlement;
 - Writing off of all debts incurred as a result of schemes run by the Department of Māori Affairs on remaining Māori land;
 - wiping off all back rates on Māori land, abolishing the rating of all Māori land and paying full costs and compensation;
 - ensuring full local government services are provided to all Māori lands;
 - providing fully resourced educational, health, housing, social services and marae services and facilities to every Ngāti Kahu community;
 - making provision for Ngāti Kahu to conduct its own justice system in accordance with Ngāti Kahu's tikanga;
 - acknowledging Ngāti Kahu's ownership of all its natural resources and enacting of

51 Precedents set for fair and equitable settlements include:

the Equiticorp settlement (claiming back \$327m it paid to the Crown in 1988, settlement paid by Crown in 1998: \$268m. Source: The Independent 11 July 2002);

the Tifford (Te Roroa) settlement (Crown paid \$3.25m in compensation after acquiring 94 acres of farmland. Source: Ngā Korero March 1998.);

the West Coast native forests settlement (\$120m paid to local authorities in compensation for stopping the logging of native forests on the West Coast. Source: www.planetark.org 16 May 2000);

the Air New Zealand bail out (Crown paid \$1.035 billion to prevent the airline collapsing. Source: NZ Herald 28 November 2001);

the Tranzrail bailout (Crown paid \$44 million to stop an assets sale. Source: www.tranzrail.co.nz/newsroom 20 June 2003).

N.B. None of the settlements of Treaty claims to date have been fair and equitable and therefore do not qualify as precedents.

52 Ngāti Kahu realises that the damage incurred over the past 163 years may well take more than 25 years to repair.

53 Te Rūnanga-ā-Iwi o Ngāti Kahu 2000.

- legislation to ensure the complete protection of those resources;
- purchasing of a wide range of viable and fully operational commercial ventures for Ngāti Kahu and provide Ngāti Kahu with sufficient expertise to ensure that the ventures remain viable and provide a sufficient return to Ngāti Kahu;
- providing full funding and resources for a corporate body to manage the affairs of Ngāti Kahu (including a full media service) and produce revenue and income to ensure Ngāti Kahu's self sufficiency;
- enacting of legislation which fully protects all Ngāti Kahu's intellectual and cultural property;
- enacting of legislation which ensures that Ngāti Kahu is directly represented locally, nationally and internationally, for example, on the Far North District Council and the Northland Regional Council, in parliament and at the United Nations;
- all and every cost associated with bringing these claims, negotiating them and settling them plus restitution for the conditions that Ngāti Kahu has had to endure for the past 163 years.

Such other remedies as the Waitangi Tribunal might determine having regard to the justice of our claim.

The Crown's Treaty Claims Settlement Policy

In December 1994 the Crown published its Crown Proposals for the Settlement of Treaty of Waitangi Claims which became known as the “fiscal envelope”. Nine years after its first release, the policy is little changed and is still operational despite repeated and consistent rejection of the policy by Māori. With more than 1000 claims now registered with the Tribunal the Office of Treaty Settlements (OTS) lists just 15 Deeds of Settlement that have been completed under this policy on its website. The list indicates that a total of \$648.873 million has been paid out, most of it to assist claimants to buy small portions their own lands back from the Crown. In summary the policy sets out a negotiations process that has been unilaterally determined by the Crown and provides that claimant representatives must:

- meet Crown requirements in respect of proving their mandate;
- accept a Crown decision to accept or reject that mandate;
- have a governance structure which meets Crown defined criteria and is approved by the Crown;
- accept any Crown decision not to enter negotiations (regardless of any Tribunal findings);
- negotiate on behalf of large natural groups rather than individual whānau and hapū claimants;
- agree to settle all claims of the claimant group;
- accept that the Crown will base its offer of redress on its position in respect of the claim regardless of Tribunal findings to the contrary;
- not pursue any other avenue of redress, including the courts;
- agree to remove all memorials on titles;
- agree that any settlement will be final;
- accept that the Crown will determine the redress it will offer before it enters negotiations but will not disclose that to claimants until negotiations are nearing completion;

The “fiscal envelope” policy:

Provides that the Crown will unilaterally determine which surplus lands and assets it will continue to sell off and which it will retain, regardless of claimants' wishes for them all to be retained for settlement purposes; Even if the Crown accepts that a claim is valid it will

determine which, if any land will be returned but in general only small pieces of land will be returned and conservation estate lands will not be available;⁵⁴

Provides that the Crown will not recognise Māori ownership of the coastal marine area (the foreshore and seabed), of water in rivers, lakes and the sea, of Māori customary fisheries, of geothermal resources, of nationalised minerals (petroleum, uranium, gold and silver), of native flora and fauna; it will only consider transferring ownership of certain sites within wetlands, lagoons, indigenous forests and tussock lands which it accepts are of special significance to claimants; it may correct place names if the whole community's interests are balanced; it may consider transferring the ownership of river and lake beds and minerals that have not been nationalised; may consider returning moveable taonga but only if they are in Crown ownership and it is in the public interest;

Provides that the Crown has set limits on what and how much redress is available;⁵⁵

Provides that the powers of the Waitangi Tribunal and the Courts to review the particular claim or settlement will be removed;

Provides that legislative protection mechanisms will be repealed;

Provides that the Crown will not settle unless there is sufficient level of support both among the claimant group and in the broader political environment.

Settling Ngāti Kahu's Claims Against the Crown

As with the fisheries settlement Ngāti Kahu has joined Māori throughout the country in openly criticising the Government's settlement policy.⁵⁶ The criticisms, conveyed in hui around the country and in written submissions on the policy are:

the poor consultation in the formulation of this policy, which did not accord with court requirements,⁵⁷

the principles used and the lack of reference to the Treaty in these principles, denying Māori legal rights available to other New Zealanders (such as the normal legal entitlement for full restitution based on the value of the property at the time of the loss, plus compound interest, and, access to the Courts),

the imposition of non-Māori processes and structures on claimants,

the government's non-negotiable stance on several aspects of the policy,

54 The "conservation estate" is the lands administered by the Department of Conservation which was established in 1987. It covers an area of some seven million hectares, or 30 per cent of the country (www.doc.govt.nz). It is made up of all Crown lands not transferred to State Enterprises from the New Zealand Forest Service, Lands and Survey Department, Department of Agriculture, Ministry of Agriculture and Fisheries, the Department of Internal Affairs, the Marine Department, Ministry of Transport, Transport Department (Conservation Act 1997). Apart from administering national parks, conservation parks, reserves, conservation areas, marine reserves, inland waters and rivers, it also administers many farms, camping grounds and other areas with little or no conservation value (Graham 1997:61).

55 The "fiscal envelope" was funded through cuts of \$200m per year from the Department of Māori Affairs budget (The Hon. Winston Peters, NZ Parliamentary debates, 8 June 1995 p.7194) and was capped at \$1 billion. In 1996 the government announced that as a part of the Coalition Agreement between NZ First and NZ National Party it would discontinue the fiscal envelope—but use present settlements as benchmarks and remain "fiscally responsible" (Bennion, Dec.1996:7). Although successive governments claim that they have retained this policy, the fiscal cap appears to be still operational. The OTS website indicates that as at June 2003 the total amount of redress allocated for settlements and agreements in principle was still well within the \$1 billion cap at \$736.874m and settlements were noticeably reducing in size (see Table 1).

56 Mutu 1995(a).

57 For example *Wellington International Airport v AVR NZ* [1991] 1 NZLR 671.

the government's assumptions and claims of ownership of natural resources and the conservation estate,

the billion-dollar cap.⁵⁸

Despite these serious criticisms, the policy and its implementation has remained intact and almost unchanged since 1994. Even a change of government has seen no real change to the policy. However one significant change has occurred: where negotiations for the Tainui, Ngai Tahu and fisheries claims were negotiated between the Minister and the Māori negotiators, most other claims have been conducted in the main by officials from the Office of Treaty Settlements. Judging from their performance to date, they are under instructions to employ whatever tactics are needed to implement the policy without any deviation.⁵⁹

As with the fisheries settlement, Ngāti Kahu perceives that the policy and the process are fatally flawed. The approach taken by the policy indicates clearly that there is no good faith on the part of the Crown in that it will ignore the Treaty in attempting to settle claims. Even though they are still at the early stages of their negotiations Ngāti Kahu has experienced serious difficulties with the policy particularly where the Crown has insisted on negotiating with large natural groupings. Although the five iwi had combined their claims in order to present them to the Tribunal, it had never been their intention that the body set up to take the claims to hearing would then become the recipient of each whānau, hapū and iwi's resources. Yet such a body was much more suited to the Crown's Treaty settlement policy of disposing with as many claims as swiftly and as cheaply as possible. Furthermore, the Crown's assumption that the Māori fisheries negotiators and officials would also negotiate the settlement of the land claims was unhelpful. The Minister's statement of his "greatest admiration for the fisheries negotiators"⁶⁰ alerted the iwi to the magnitude of the battle ahead of them to retain control over their claims.

Yet the experience of the fisheries settlement had galvanised the five iwi and they were not about to let their land claims head off in the same direction. Disputes between the mandated claimant representatives and the individuals favoured by the Crown were particularly bitter. In Ngāti Kahu's case it resulted in the \$0.5 million in legal fees and costs already mentioned.⁶¹ Whānau, hapū and iwi of the mandated representatives in particular, resented the way the arguments were fought out in the national media,⁶² yet instructed their representatives to rebut the numerous false statements provided to the media by the Crown and their favoured negotiators. Finally even the hard-nosed government officials had to concede that it simply would not work, and in 2000 the Crown agreed to allow each of

58 Mutu 1995(a), Kawharu 1997:140-168, Durie 1998:190-4, Ward 1999:33 and 52-4, Moon 1998:173.

59 Tuuta 2003, Mutu 2003(a):103.

60 Graham 1997:70.

61 Although the litigation was taken against the mandated iwi authority in respect of the fisheries settlement, the same litigant was simultaneously trying to gain control over the land claims. Once he withdrew the fisheries litigation, both the Fisheries Commission (Te Ohu Kaimoana) and the Crown formally recognised the mandate given by the people to Te Rūnanga-ā-Iwi o Ngāti Kahu in 1996 to administer both the fisheries and the land claims.

62 Numerous items have appeared since 1994 in the New Zealand Herald, the Dominion, the Evening Post, on local and national radio and on national television.

the five iwi to negotiate the settlement of their own claims and to select their own negotiators. Although Ngāti Kahu had made a very clear decision after a lengthy and robust process in 1996, it took the Crown seven years to recognise that decision.⁶³

Even under that arrangement, some Ngāti Kahu claimants, in keeping with the need to maintain their own rangatiratanga, have told the Crown they wish to settle their claims themselves. Te Rūnanga-ā-Iwi o Ngāti Kahu, as the mandated iwi authority, accepts that, in terms of tikanga, they have an unchallengeable right to do so. The Crown, on the other hand, has attempted to instruct the Rūnanga to take responsibility for those claims. The Rūnanga has refused to do so since one of its fundamental principles is to respect and uphold the mana of each of its whānau and hapū. Ngāti Kahu kaumātua have always been very clear that their marae, hapū and iwi bodies are organised and managed according to Ngāti Kahu tikanga.⁶⁴ Negotiations must be conducted according to tikanga and the Crown has accepted certain aspects of this approach, by for example, coming into Ngāti Kahu's territory to conduct negotiations. However its adversarial and dictatorial approach is an anathema to Ngāti Kahu and it has already seen the negotiations stall once. Officials effectively have no choice but to adopt a dictatorial approach given the very inflexible and mean-spirited nature of the policy and the fact that they are trying to force Māori to accept the imposition of a non-Māori policy that they have repeatedly rejected.⁶⁵

Despite the fact that it is the Crown who has been found guilty of repeated breaches of the Treaty of Waitangi and their own laws by the Waitangi Tribunal, they do not provide full funding for any part of the settlement process. More recently they have made small contributions towards the Ngāti Kahu costs of mandating (less than one per cent), and pre-negotiations costs (less than 10 per cent). The Crown requires far higher standards of accountability and far greater level of proof of mandate⁶⁶ than are required of non-Māori organisations before they will provide any contribution. Yet they refuse to provide any level of accountability to the claimants for the almost unlimited resources they draw on and balk at providing documentary proof of their mandate to negotiate.⁶⁷ The Crown is fully aware that partial funding cannot meet the costs to claimants of the negotiations, let alone pay any fees for the negotiators.⁶⁸ The Crown ensures that it has complete control over the "negotiations" by creating situations where claimants have to beg, and are unable to complete the necessary additional research which would provide even greater strength to their position. Ngāti Kahu has made it clear that once the Crown's contribution has run out, it will not continue to work voluntarily for the Crown and

63 Mutu 2003(b):1.

64 Mutu and Matiu 2003.

65 Tuuta 2003:60 reporting the experience of negotiators quotes "...the majority of the Crown officials we dealt with ...know we're not getting a fair deal but that's the way the game is."

66 Crown requirements for proof of mandate are along strictly Pākehā lines, with the rights of individuals uppermost. No allowance is made for Māori social structures whereby whānau and hapū appoint their representatives and send them to hui to speak on their behalf.

67 Ngāti Kahu required the Minister in Charge of Treaty of Waitangi Negotiations to append a copy of her ministerial warrant to the Terms of Negotiation as proof of her mandate to negotiate.

68 Most iwi have access to the Crown Forestry Rental Trust to help bridge at least part of the gap in funding and to get the work done. Although Ngāti Kahu meets all the eligibility criteria, it has been denied any funding from that source. The Māori Affairs Select Committee has investigated several allegations of corruption against the Trust and published a report condemning the manner in which the Trust denies funding to certain claimants.

negotiations will cease until funding is made available. That situation has arisen twice already and after a few months, the Crown paid the next tranche of its contribution that was, each time, long overdue.

Settling Māori Claims Against The Crown

Although Ngāti Kahu has set out matters specifically relating to their own needs in their settlement package, they are mindful that in settling their Treaty claims, there is a need to consider the experiences of other whānau, hapū and iwi across the country who have or are also seeking to have their claims settled. As such Ngāti Kahu, under the leadership of McCully Matiu, always ensured they kept in touch with a wide range of hapū and iwi representatives through the whakapapa links Ngāti Kahu has throughout the country, through various regional and national hui, through the commercial and customary fisheries debates and through a range of networks built up over many generations. Although the Crown insists that negotiations be conducted confidentially, Māori leaders still keep each other informed about their progress and experience, albeit on a very informal basis.

Many impoverished claimants, including Whakatōhea, Te Roroa, and Te Aupōuri, have refused to accept the Crown's offensive offers preferring to keep their dignity and mana intact. Sir Douglas Graham reports one kaumātua saying "We must always remember that it is better to have nothing than to be nothing."⁶⁹ Others take a more pragmatic view, hoping that even with the crumbs offered as settlements they may be able to start trying to rebuild their whānau, hapū and iwi base. Over the past 26 years, fewer than 20 of the more than 140 claims upheld by the Waitangi Tribunal have been settled and no claimant group has received all the land and compensation they are entitled to as Table 1 below demonstrates. It also demonstrates how, by steadily reducing the value of settlements over time, the Crown has been able to stay well within the \$1 billion budget originally set in 1994. The list indicates that of a total of \$736.874m set aside to date, a total of \$648.873 million has been paid out. These 15 settlements covered claims for more than 37 million acres (15 million hectares) and the country's entire fisheries resources and are roughly estimated to be worth approximately \$1318 billion.⁷⁰ In other words, claims are currently being settled on an overall average of less than 0.1 per cent of their full value—and even that is falling.

⁶⁹ Graham 1997:72.

⁷⁰ Based on compensation paid to Alan Tifford for the taking of 94 acres in Te Roroa's territories.

Table 1: Settlements and Agreements-in-Principle Included in the Crown's Fiscal Envelope as at December 2003⁷¹

Claim	DoS or AIP date	Population	Land/resource under claim	Land/resource returned	Money paid by Crown
Ngāti Rangiteaorere ⁷²	1991		300 acres (to be returned by the Anglican Church)	Church returns land	\$0.76m
Fisheries	1992	Approx. 500,000	NZ's entire fisheries resource		\$170m
Ngāti Whakaue	1994		Gifted lands in Rotorua	Some railways land	\$5.21m
Hauai	1995	Māori owners	62 acres	62 acres	\$0.716m
Waikato/Tainui Raupatu	1995	33,000	1.2 million acres	Te Rapa 29 ha Hopuhopu 188 ha	\$170m
Waimakuku	1995				\$0.375m
Rotomā	1996				\$0.044m
Te Maunga	1996		6070 sq m ex-Railways land		\$0.129m
Ngai Tahu	1997	29,133	34.5 million acres	Conservation lands	\$170m
Ngāti Turangitukua	1998	4947	1665 acres		\$5m
Pouākani	1999		100,000 acres	A Landcorp farm of 2142 ha; 250 acres of conservation land	\$2.65m

⁷¹ Sources: Office of Treaty Settlements Web page www.ots.govt.nz; Bennion's Māori Law Review, Durie 1988:203, reports of the Waitangi Tribunal, Graham 1997:68-86.

⁷² Graham 1997:68.

Te Uri o Hau	2000	5000	113,000 acres	Conservation lands	\$15.6m
Ngāti Ruanui	2001	4000	352,000 acres	Conservation lands	\$41m
Ngāti Tama	DoS73	1000	103,970 acres	Conservation lands 1870ha	\$14.5m
Ngāti Awa	DoS	13,000 (22 hapū)	245,000 acres	Conservation lands 64ha	\$42.39m
Ngāti Tūwharetoa ki Kawerau	DoS		87,000 acres	Conservation lands 66ha	\$10.5m
Ngā Raurū	AIP		152,700 acres	Conservation lands 20ha	\$31m
Te Ati Awa	AIP	13,000	185,000 acres	Conservation lands 20.2ha	\$34m
Ngāti Mutunga	AIP	1500	75,000 acres	Conservation lands 115.9ha	\$14.5m
Rangitāne o Manawatū	AIP	2500	421,700 acres	Conservation lands 3.4ha	\$8.5m
Totals	13 completed 3 DoS 4 AIP		More than 37.5374 million acres plus the country's entire fisheries resources		\$736.874m

73 DoS = Deeds of Settlement have been drawn up but are awaiting legislation.

Can such settlements be full and final?

There are serious questions however over whether the settlements are in fact full and final. History shows that full and final settlements only work when they provide adequate redress on terms which current and future generations will view as just.⁷⁴ According to a recent survey conducted of negotiators involved in the Ngāti Awa, Te Uri o Hau, Te Atiawa, Ngāti Tama and Rangitaane o Manawatū claims,⁷⁵ it appears that at least several settlements will not be seen as such. The survey indicates that there is significant resentment harboured by negotiators at having to accept far less than is fair or reasonable and that the settlements are full and final. None consider that there had been negotiations, but rather the Crown decreeing what the settlement would be. Most encountered serious difficulties as the Crown ran them into the ground financially. They were all angry at the Crown's refusal to disclose its methodology for calculating compensation amounts. The lack of a relativity clause in recent settlements effectively pits all other iwi against Tainui and Ngai Tahu, both of whom have relativity clauses guaranteeing additional compensation for them if the government exceeds the \$1 billion cap. Some felt that an independent arbiter was needed to stop the Crown's unreasonable behaviour. All felt that the process was a clear breach of the Treaty. And none consider that any of the Crown stated aims of removing the prejudice and the sense of grievance, of ensuring that the settlement is fair, comprehensive, final and durable, and of providing a foundation for a new and continuing relationship between the Crown and the claimants based on the Treaty⁷⁶ had been achieved. It is probably only a matter of time before an application is made to the Waitangi Tribunal about the process. Certainly Ngāti Kahu has been weighing up its options before it heads back to the Tribunal for binding recommendations over State-Owned Enterprise and Crown forest lands and certain other Crown lands.⁷⁷ We will then probably leave the job of recovering title to the rest of Ngāti Kahu's assets to the next generation.

The solution provided in English tradition for Fagin's offending was the long arm of the law. Despite the power wielded by the Crown in respect of its law-making capacity, it is still the only avenue that has delivered Māori any relief to date. However the same English tradition does not provide any means for rehabilitating Fagin. The Crown will have to find its own ways of changing its attitude and its behaviour towards Māori if future generations of Ngāti Kahu kaumātua are to form a different and more positive view than the one held by kaumātua today. The Crown will have to work far harder than it has ever worked before to earn the respect of Ngāti Kahu.

74 Kelsey 1993:268

75 Tuuta 2003.

76 OTS 2002:84.

77 Pursuant to the Treaty of Waitangi (State Enterprises) Act 1988 and the Crown Forest Assets Act 1989.

Ngāti Kahu decisions

Ngāti Kahu has always retained the belief that all the lands in our territories are ours and that we have never relinquished our mana. Accordingly hui of Ngāti Kahu remain resolute that the hapū of Ngāti Kahu will take back control of their lands. We would prefer to do so in agreement with the Crown but will not wait forever for the Crown to reach that agreement. Neither will we accept the Crown's attempt to confiscate our foreshores and seabed. Ngāti Kahu is very clear that the Crown's declaration to do so is tantamount to a declaration of war against Ngāti Kahu. We will retain full authority and control of our foreshores and seabed and if the Crown opposes us, we will look to the rest of Māoridom to support our fight against them. We will also work with other iwi throughout the country to set up our own political system which upholds our mana and the Treaty of Waitangi.

Conclusions

Ngāti Kahu patience has been stretched to breaking point. The 50,000⁷⁸ participants in the national hīkoi of protest against the government's foreshore and seabed policy clearly demonstrated that all other iwi feel the same. If the Foreshore and Seabed Bill passes into law, as it seems the government is determined it will, we will enter a dark period in this country's history as Māori have indicated very clearly that they will fight for what they believe is right.

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⁷⁸ Government and media estimates varied between 15,000 and 30,000 participants and tried to play down the size of the hīkoi. However, the unofficial estimate of the New Zealand Police was 50,000.

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Appendix 1

Declaration of Independence 1835

The wording of the original document with a translation by Margaret Mutu and the 1840 English version drawn up by James Busby

Original Document	Translation by Margaret Mutu	Translation by missionaries sent by British Resident to the Under Secretary of State 2nd November 1835
He Wakaputanga o te Rangatiratanga o Nu Tireni	A declaration of the paramount authority in respect of New Zealand	Declaration of the Independence of New Zealand
1. Ko matou ko ngā Tino Rangatiratanga o ngā iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau 28 o Okatapa 1835 ka wakaputa i te Rangatiratanga o to matou wenua a ka meatia ka wakaputaia e matou he Wenua Rangatira kia huaina Ko te wakaminenga o ngā hapū o Nu Tireni.	1. We, the paramount chiefs of the tribes of New Zealand north of Hauraki met at Waitangi in the North on 28 October 1835 and declared the paramount authority over our lands and said we would declare a State of Peace to be called The Gathering/Confederation of the Tribal Groups of New Zealand.	1. We, the hereditary chiefs and heads of the tribes of the Northern parts, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October 1835, declare the Independence of our country, which is hereby declared to be an Independent State, under the designation of The United Tribes of New Zealand.
2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei ngā Tino Rangatira anake i to matou huihuinga a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kāwanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni ko ngā tangata anake e meatia nei e matou e wakaritea ana ki te ritenga o	2. The kingly authority and ultimate power, authority and control of the lands of the Confederation of New Zealand is declared here to lie only with the paramount chiefs at our meeting and we also declare that we will never give over law-making power to any other persons or any other government to have any say over the lands of the Confederation. The only people who we have	2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any

<p>o matou ture e meatia nei e matou i to matou huihuinga.</p>	<p>said are authorised to set down our laws we have spoken of at our meeting.</p>	<p>function of government to be exercised within the said territories, unless by persons appointed by them, acting under the authority of laws regularly enacted by them in Congress assembled.</p>
<p>3. Ko matou ko ngā Tino Rangatira ka mea nei kia huihui ki te rūnanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga kia mau pu te rongo kia mutu te he kia tika te hokohoko a ka mea hoki ki ngā tauwi o runga kia wakarerea te wawai kia mahara ai ki te wakaoranga o to matou wenua a kia uru ratou ki te wakaminenga o Nu Tireni.</p>	<p>3. We the paramount chiefs say here that we will meet at the council at Waitangi in the autumn of each year to set down laws so that judgement will be correct, that peace will prevail, that wrongdoing will end, that trading will be conducted properly and correctly, and we also say to the tribes of strangers of the south to abandon fighting so that they can give thought to saving our lands and so that they can join the Confederation of New Zealand.</p>	<p>3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United tribes.</p>

<p>4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawē atu i to matou aroha nana hoki i wakaāe ki te kara mo matou. A no te mea ka atawai matou, ka tiaki i ngā pākehā e noho nei i uta e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga. Kua wakaetia katoatia e matou i tenei ra i te 28 o Oketopa 1835 ki te aroaro o te Reireneti o te Kingi o Ingarani.</p>	<p>4. We have said that a document/letter is to be written to the King of England concerning the compilation of this Declaration of ours to convey our warm acknowledgement that he has agreed with the flag for us. And because we look after and protect the Europeans living ashore here who come here to trade, so therefore do we say to the King that he remain as a mentor to us in our ‘childhood’ [i.e. as we are learning their ways], lest our paramount authority be denied. We have all agreed on this day, the 28th of October 1835 in the presence of the King of England’s Resident.</p>	<p>4. We also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purpose of trade, they entreat that he will continue to be a parent of their infant State, and that he will become its Protector from all attempts upon its independence. Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty’s Resident.</p>
<p>Ko matou ko ngā Rangatira ahakoa kihai i tae ki te huihuinga nei no to nuinga o te kaipuke no te aha ranei—ka wakaāe katoa ki te waka mutunga Rangatiratanga o Nu Tireni a ka uru ki roto ki te whakaminenga.</p>	<p>We the chiefs, even though we did not reach this meeting because there were so many ships or for whatsoever reason, all agree to the final paramount authority of New Zealand and enter into the Confederation</p>	<p>---no translation---</p>

A declaration of Independence of Native Chiefs of New Zealand made in 1835 in the British Resident in New Zealand.

Appendix 2

The Treaty of Waitangi—The Wording of the Original Document with a translation by Margaret Mutu and the 1840 English version drawn up by James Busby

The Original Document	Translation by Margaret Mutu	English version drawn up by J. Busby, British Resident
<p>Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki ngā Rangatira me ngā Hapū o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ra he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki ngā Tangata Māori o Nu Tirani—kia wakaetia e ngā Rangatira Māori te Kāwanatanga o te Kuini ki ngā wahi katoa o te Wenua nei me ngā Motu—na te mea hoki he tokomaha ke ngā tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.</p>	<p>Victoria, the Queen of England, in her concern to protect the Chiefs and subtribes of New Zealand and in her desire to preserve their paramount authority and their lands to them and to maintain peace and good order considers it necessary to send a chief to arrange with the people of New Zealand so that their chiefs will agree to the Queen's government over all parts of this land and (adjoining) islands and also because there are many of her people already living on this land and others yet to come.</p>	<p>Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands.</p>
<p>Na ko te Kuini e hiahia ana kia wakarite te Kāwanatanga kia kua ai ngā kino e puta mai ki te tangata Māori ki te Pākehā e noho ture kore ana.</p>	<p>So the Queen desires to establish a government so that no evil will come to Māori and European living in a state of lawlessness.</p>	<p>Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the</p>

<p>Na, kua pai te Kuini kia tukua ahau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo ngā wahi katoa o Nu Tirani e tukua aianeī, amua atu ki te Kuini e mea atu ana ia ki ngā Rangatira o te wakaminenga o ngā hapū o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.</p>	<p>So the Queen has seen fit to send me, William Hobson a Captain in the Royal Navy to be Governor for all parts of New Zealand (both those being allocated now and in the future to the Queen and says to the chiefs of the Confederation of the tribal groupings of New Zealand, and other chiefs these laws spoken of here.</p>	<p>necessary Laws and Institutions alike to the native population and to Her Subjects has been graciously pleased to empower and authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.</p>
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<p>Ko te tuatahi</p> <p>Ko ngā Rangatira o te Wakaminenga me ngā Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu—te Kāwanatanga katoa o o ratou wenua.</p>	<p>The first</p> <p>The Chiefs of the Confederation and all the Chiefs who have not joined that Confederation give absolutely to the Queen of England forever the complete government over their land.</p>	<p>Article the first</p> <p>The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.</p>
<p>Ko te tuarua</p> <p>Ko te Kuini o Ingarani ka wakarite ka wakaae ki ngā Rangatira—ki ngā hapū ki ngā tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko ngā Rangatira o te Wakaminenga me ngā Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te wenua—ki te ritenga o te utu e wakaritea ai e ratou ko te</p>	<p>The second</p> <p>The Queen of England agrees to protect the Chiefs, the Subtribes and all the people of New Zealand in the unqualified exercise of their paramount authority over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will allow the Queen to trade for (the use of) those parcels of land which those whose land it is consent to, and at a price agreed to by</p>	<p>Article the second</p> <p>Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of</p>

<p>kai hoko e meatia nei e te Kuini hei kai hoko mona.</p>	<p>the person whose land it is and by the person trading for it (the latter being) appointed by the Queen as her trading agent.</p>	<p>the United Tribes and the Individual Chiefs yield to her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.</p>
<p>Ko te tuatoru Hei wakaritenga mai hoki tenei mo te wakaatanga ki te Kāwanatanga o te Kuini—Ka tiakina e te Kuini o Ingarani ngā tangata Māori katoa o Nu Tirani ka tukua ki a ratou ngā tikanga katoa rite tahi ki ana mea ki ngā tangata o Ingarani.</p>	<p>The third For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand (i.e. the Māori) and will give them the same rights and duties of citizenship as the people of England.</p>	<p>Article the third In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.</p>

<p>W.Hobson Consul + Lieutenant Governor</p> <p>Na ko matou ko ngā Rangatira o te Wakaminenga o ngā hapū o Nu Tireni ka huihui nei ki Waitangi ko matou hoki ko ngā Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.</p> <p>Ka meatia tenei ki Waitangi i te ono o ngā ra o Pepueri i te tau kotahi mano e waru rau e wa tekau o to tatou Ariki.</p> <p>Ko ngā Rangatira o te Wakaminenga</p>	<p>W.Hobson Consul + Lieutenant Governor</p> <p>We the chiefs of the Confederation of the tribal groupings of New Zealand who met here at Waitangi, along with the chiefs of New Zealand see the setting out of these words, they are taken and unanimously agreed to by us and so our names and our signatures are indicated.</p> <p>This was done at Waitangi on the 6th day of February in the year of our Lord eighteen hundred and forty.</p> <p>The chiefs of the Confederation</p>	<p>Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully attached our signatures or marks at the places and the dates respectively specified.</p> <p>Done at Waitangi this sixth day of February in the year of our Lord one thousand eight hundred and forty.</p>
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Mana Taonga At Te Papa:

research guidelines and dealing with iwi, hapū, whānau—the intricacies, challenges and excitement of research around taonga and contemporary practice

Hūhana Smith

At the Museum of New Zealand Te Papa Tongarewa an important principle known as mana taonga guides the practice of all staff, particularly for curators involved in research around taonga Māori, other cultural material and for contemporary expressions of Māori visual culture held in the collections. Mana Taonga is the principle that is observed for all collections but is premised on values and systems of understanding that are intrinsically Māori.

Mana Taonga signals that the museum no longer has a unilateral right to determine how a taonga should be stored, exhibited, represented or reproduced. It is an encompassing principle that confers on all people with connections to Te Papa's collection a right to stand on the marae at Te Papa. While recognising Mana Taonga and the diversity of iwi and hapū affiliates in relation to taonga, the museum stands in the tribal region of Te Ati Awa so their mana whenua status is duly acknowledged. With historical land tenure shifts and changes exacted by customary means, the curatorial team often consider the needs of Ngāti Toa Rangatira, Ngāti Ira or Ngai Tara as well. Te Ati Awa and Ngāti Toa Rangatira have significant roles to play as kaikaranga or kaikorero on the paepae of Rongomaraeroa, before the whare structure Te Hono ki Hawaiiiki as integral to the marae for all peoples at Te Papa. Te Papa stages iwi exhibitions and while recognising mana whenua, the kawa of the marae identifies with the resident iwi for the iwi exhibition's duration. For example, the current kawa of the marae is Whanganui.

In caring for taonga, the Mana Taonga principle recognises whakapapa connections and relationships with iwi, hapū and whānau. These provide the foundation for Māori participation at Te Papa. The underlying principle of mana taonga acknowledges the spiritual and cultural connections of taonga with their people through the whakapapa of the creator of specific taonga, the ancestors after whom the taonga is named, and the whānau, hapū or iwi to whom the taonga belongs. This principle gives iwi the right to care for taonga, to speak about them, and to determine their use by the museum. (Smith 2003: 2 after MONZTPT Mana Taonga 1992)

This approach encourages researchers to seek the innate complexities or contextual connections between peoples and their taonga or other cultural material that resides within Te Papa, and to often

consider research within a bicultural and cross-disciplinary framework. Mana taonga therefore offers unique, intricate, exciting and challenging ways of engaging in research.

The rights of mana taonga cannot be erased and continue to exist for those taonga held within Te Papa's care. In a practical sense, mana taonga provides iwi and communities with the right to define how taonga within Te Papa should be cared for and managed in accordance with their tikanga and custom. (MONZTPT Mana Taonga 1992)

Engaging with iwi, hapū and whānau around taonga

In looking to our team of curators Māori, we engage in collaborative investigations with collection managers and with iwi or hapū researchers who have and will produce inventories of tribally affiliated taonga. Due to the dynamic nature of taonga and their intricate histories, taonga have often been gifted to cement ties between peoples or commemorate significant events over a successive period, so the actual iwi and hapū affiliations may be many. Curators seek advice and substantiated korero-a-iwi with all affiliates, which makes for complex but essential research work.

The team is also conscious of difficulties when dealing with taonga especially those that have reached the collection by more dubious means:

Many taonga have been bought, stolen, confiscated, or bartered; some were removed without ceremony from sacred places. This severance continues to impact on descendants today. (Smith 2004. 2)

The taonga tawhito or ancient necklace featured below from Te Wāhanga o Tangaroa or Wairau Lagoons in Te Waipounamu was uncovered in 1939 by a schoolboy. His discovery or fossicking opened up a series of excavations, which took place at various times between 1942 and 1965. Skeletons, adzes and other personal taonga were later removed against the wishes of the local people, in particular Rangitāne elder Peter Hohua McDonald. He was incensed by the pillage of his ancestors and made his feelings known to the archaeologists. He was escorted away by police and threatened with imprisonment for disturbing the peace (Smith 2004: 7). While this necklace is extremely fragile, with specific conservation care requirements, Rangitāne representatives remain the first contact regarding any enquiry or research endeavour around this taonga.



Figure 1: Hei (necklace), Ngā Kākano or Te Tipunga

Waitaha/ Rangitāne (attributed), [Bone? Sea mammal teeth?] /pendant tooth: 108 x 34 mm; reels, various sizes: 20–33mm length. 11–23mm height, 15–28mm diameter. Purchased 1940.

Our teams work on establishing important relationships with wānanga, Māori studies and Museum studies departments in universities as well as research centres like International Research Institute for Māori and Indigenous Education (IRI) and Ngā Pae o te Māramatanga (NPM). Oftentimes curators are dealing with overseas institutions, are actively involved in cultural exchange programmes or are working on indigenous scholarly exchanges and residencies. Curatorial staff lead seminar programmes at universities. Te Papa is currently a case study for the post-graduate paper *Taonga Tuku Iho: Heritage Aotearoa* at Massey University, Palmerston North and often engages with other museums, institutions and entities as well, through the National Services Peer Review Programme.

Curators constantly seek iwi, hapū or whānau support and consent to present taonga in exhibitions or publications and engage in active dialogue and facilitation with iwi or hapū representatives for ensuring their narrative, voice and interpretation is present. Te Roopu Whakamana Māori is a group charged with looking after bi-cultural policy and development and oftentimes tikanga Māori facilitates this process. The team works in tandem with Te Roopu Whakamana Māori, seeking expertise especially around significant iwi or hapū relationships and their aspirations, particularly for taonga of national significance that may be under Treaty claim. For example, the focus of the relationship between Te Papa and the iwi owners of the whare wānanga Te Hau ki Turanga of Rongowhakaata is the long-term care and management of this significant Taonga. Te Papa considers the needs and wishes of Rongowhakaata in respect of how their Taonga is used and portrayed and due to Waitangi Tribunal processes currently underway Te Papa deals sensitively and carefully with iwi representatives around this taonga.

Our team also addresses kaupapa Māori methods of research and the benefits of taonga research for iwi and hapū. The team generates knowledge and is aware of current ICPR issues, developments and ethical research practices. Research guidelines are currently being devised for internal and external researchers and for the new digitisation project for future information management.

The Intricacies of Curatorial Practice

Throughout our work we recognise our obligations and responsibilities as kaitiaki to taonga, iwi, hapū and whānau, the knowledge and narratives, spiritual and cultural relationships therein. Many a time we are dealing with taonga that have been severed from their relationships with peoples, hence the kaitiaki or guardianship role. Curatorial practice is therefore a humbling but exciting job.

Te Papa is hard work as well, as our team contributes to a very busy exhibition programme, associated events or digital audio guide information through the use of our research resources, curatorial and conceptual development skills.



Figure 2:

TOP Kawwhata Mere Pounamu (Greenstone Weapon) Te Puāwaitanga Ngāti Kawwhata/ Ngāti Haua. Kawakawa (nephrite), cord / 289 x 99.4 x 18.3mm

BELOW Wehiwehi Mere Pounamu (Greenstone Weapon), Te Huringa II, Ngāti Wehiwehi/ Ngāti Mahuta, Kahurangi (nephrite), cord/ 336 x 92.7 x 14.6mm, Purchased 2002

The taonga pictured here came back to New Zealand through rather protracted means. These taonga commemorated two significant ancestors of Tainui whakapapa. They were gifted to the Prince of Wales by the fourth Māori king, Te Rata Mahuta (Ngāti Mahuta), and King movement leader Tupu Tāingakawa Te Waharoa (Ngāti Hauā) during the Prince's royal tour in 1920. These Waikato leaders sought an audience in Rotorua with the future King, especially to discuss the ongoing issue and the difficulties for their people over their confiscated lands. As the narrative goes, Kawwhata (as the father of Wehiwehi) was gifted with the blade to the Prince and purportedly Pōtatau Te Wherowhero was one of the holders or kaitiaki of the taonga. The gesture gifted backwards gesture indicated that the

mere needed to return one day. Wehiwehi (of more early 20th manufacture) was gifted with the handle to the prince. These gestures of relationship building however, were never reciprocated.

The mere came into the possession of Mohamed Al Fayed when he purchased the Windsor estate. The later auction of this extensive estate including the mere was scheduled in late September 1997. Three days before the Sotheby's auction, Dodi Al Fayed and Diana, Princess of Wales, were killed in a car accident in Paris. Out of respect at their tragic demise the auction was postponed for six months until 1998.

Around this time political posturing in New Zealand over the taonga created renewed interest in the mere pounamu. Any press, media hype or agitation by Māori and Māori politicians is going to impact on prices achieved at auction. At the time of sale, no one knew who the mystery bidder was or who had secured the taonga at inflated prices. In late 2001 contact was made with staff at Te Papa from Germany concerning the mere pounamu. Negotiations were entered into and the taonga were secured for the same price paid in 1998.

In 2002, the mere pounamu had their first New Zealand presentation at the kawē mate of the late Sir Robert Mahuta, previous board member of Te Papa. Dame Te Atairangi Kāhu and Sir Robert's whānau were in attendance. Later in September the same year, an emotional but happy crowd of iwi and hapū numbering over two hundred and affiliated to Ngāti Kauwhata and Ngāti Wehiwehi, warmed and welcomed the taonga home. A memorandum of understanding is currently being drawn up between Te Papa and key representatives of the iwi over these taonga.

Mana Taonga, Publications, Exhibitions, Databases and Collection Development

We create and contribute to major and minor publications, as in the recent *Icons Ngā Taonga* and produce journal articles. Of particular importance is the research conducted for collection development, in order to acquire taonga from national and international auctions and private collectors. This is often a fraught process for staff as the process is beset by monetary over cultural value. The auction house or market place is not cognisant of tikanga Māori.

The mana taonga principle reminds us of our obligations to extend museological practice and to be aware of the sensitivities and intricacies of what were often difficult historical contexts for taonga, particularly those that entered the collection at times of conflict and social disruption. From the 1860s until the early 1980s, museums in New Zealand often collected and then interpreted taonga without any referral to, or contribution of, iwi or hapū. While some taonga in the collection may have been gifted, they were inevitably sold off to collectors. Over time many taonga were bought, stolen, bartered, confiscated or unceremoniously removed from areas of cultural importance to iwi and hapū. This severance continues to impact on descendants today (Smith 2003: 3). If the curatorial team can

alleviate the schism through careful acquisition for collection development after determining that iwi or hapū cannot, we recreate pathways to reconnect peoples with their taonga.

Our Māori curatorial team contributes to better ways of framing information or collection databases with use of te reo Māori and Māori knowledge systems and ways of knowing. This approach will also prove vital for the digitisation and management of information held at Te Papa.

Curators are out in the field working with experts and writing about the revitalisation of customary skills and methodologies. They readily seek and record the mātauranga Māori and skills of manufacture and execution. Some current projects include Toki making and the manufacture and carving of musical instruments or customary net and hīnaki making with significant local elders. Interface with other curatorial teams, such as art and visual culture in areas of contemporary Māori culture, assists us in getting publications like the next *Taiāwhio* series of conversations with contemporary Māori artists printed as it is another necessary education resource for senior secondary and tertiary students.

While we have a back-of-house emphasis, we are out the front offering specialist knowledge, coordinating external specialists to other sectors of the museum including Discovery Centres, exhibition talks, lectures at conferences both nationally and internationally, and offering seminars to staff and international dignitaries.

Current research for the exhibition programme includes:

- Māori Showbands online exhibition;
- Genomic Revolution including a comprehensive Māori perspective;
- Tokyo National Museum cultural exchange and taonga exhibition;
- *Stamped*—a stamp exhibition with historical Māori perspective and involvement in postage;
- *Out on the Street Tutū Te Puehu: New Zealand in the 1970s* including Māori protest movement section from the rights and confrontation era;
- Space/ Tātai Arorangi
- *Shaping the Land* (working title), bicultural approaches and understanding of the environment

Other research assistance includes:

- Repatriation of Human Remains Project
- Digitisation Project
- Digital Audio Guide Pilot
- Publications
- *Taiāwhio* (Book Two)
- Kākahu project
- Journal papers on significant Taonga

Engaging in Challenging and Exciting Research

The Senior Curator and the Mātauranga Māori curatorial team are currently engaged with Research Fellow, Dr Haidy Geismar from the University College London. Dr Geismar is based at the University of New York. She is leading a valuation of taonga research project in collaboration with Auckland University and Te Papa Tongarewa Museum of New Zealand.

This research aims to provide a comparative overview of models of valuation available to those producing, circulating and representing cultural property in contemporary New Zealand. It will compare the ways in which value, as monetary price, is formed within the international auction market (focusing on Europe and North America) and by dealers and collectors, with alternative strategic understandings emergent in New Zealand that focus more on indigenous cultural and social values. The focus of the project will be a discussion of the sale of Māori *taonga* at auction.

This research project and connection to Te Papa came about when the auction of significant taonga at Dunbar Sloane in November 2002 in Auckland realised curatorial fears that national auctions houses were exploiting particular criteria and methods in order to achieve inflated prices for taonga Māori within New Zealand. Estimates and later prices achieved at the auction in 2002 doubled or trebled in just two years. The majority of taonga in the November 2002 auction went to private collectors. Alarm bells rang for curatorial staff at Te Papa and the Leadership team was made aware of possible implications for the institution and how perhaps the curatorial team could get around creating a more conducive model that recognised our commitment to Mana Taonga, including cultural value rather than just monetary value.

In 2001, as an artist and after reading the work of Dr Geismar, she helped inspire a series of paintings during the 2001–2002 painting period around the issues of exploitation of criteria at auction for indigenous cultural material and the dilemma of personal museum involvement in the process.⁷⁹ When we met at the Pacific Arts Association conference in Christchurch in 2003, our discussion and mutual interests sparked off an opportunity for Dr Geismar to engage with us at Te Papa at a more comprehensive level.

79 The series for "*Traffic*" exhibition executed in 2001 and 2002 and held at Ferner Galleries, Parnell in September 2002 investigated taonga Māori captured by international auction houses. A large painting in particular, "*Sale by Epithet*" highlighted the dilemma of being involved as a museum professional in the very complex negotiation of price-related to objects or taonga Māori as cultural property within an international market. Personal dismay remains at the exploitation of the criteria of authenticity or the exhibition-performance that is price and how New Zealand auction houses and particular gallery dealers readily exploit this historical international model. The series attempted to make taonga disappear as an imaginary protection device from the complex constraints of the catalogue, where the language of description and market combines with photographic techniques to create visual value and price, firmly entrenched in a culture of commerce. In leaving shadows of taonga or empty voids, the artist was reminded of the words about land and identity by Nopera Panakareao who in May 1840 was assured by Ko te atakau o te whenua i riro ia te Kuini, ko te tinana o te whenua waiho ki ngā Māori. (The shadow of the land goes to Queen Victoria but the substance remains with us.) Only a year later after the signing of the Treaty of Waitangi, Nopera Panakareao lamented and revised his judgement convinced that in fact the shadow of the land would be the Māori portion.

As outlined in the research proposal, this research was stimulated by an initial enquiry mounted jointly by the accounting department and the Māori curatorial team at Te Papa Tongarewa. In keeping with its role as a government institution, the Museum must place a monetary value on every item in its holdings for insurance purposes. Current valuations are drawn solely from market values, often at odds with the cultural values ascribed by Māori communities that are explicitly not measured in monetary terms. In keeping with the museum's mandate as a 'bi-cultural' institution, museum curators and administrators at Te Papa Tongarewa are keen to develop a methodology for the attribution of value to their collections; one which takes into account often conflicting value judgments, and which positions market values as but one choice out of a selection of ways to describe the worth of a cultural treasure, whether it be material or immaterial.

Dr Geismar's research therefore strengthens the Mana Taonga principle to assist in seeking alternative market values and Māori interventions into 'tribal art' auctions. Her research is a comparative case study to assist the development of museum policies of valuation for 'indigenous' cultural property in the context of international market interest.

Over the past few years, the auction hall has become a site of contestation and political agency. Activists have contested the sale of diverse artefacts from ancestral carvings to the radio spectrum, claiming them as Māori taonga. In doing so they have asserted their indigenous political rights, and contested the applicability of market values in an indigenous context. Economics at auction themselves are oddly paradoxical. Whilst many commentators consider the auction to be an exemplary market, where the laws of supply and demand are perfectly balanced from day to day, the case of Māori interventions highlight the potential of auction sales to be subverted or even fail. What implication do these interventions have for more conventional economic analyses? (Geismar 2004)

This project is designed to be constructed as a direct comparison to previous research that examined the constitution of price for Pacific artefacts at auction in Europe and North America (Geismar 2001) and the negotiation of these values by Pacific Island museum workers who must protect, conserve and represent indigenous culture in the context of international museum work (Geismar 2003). Building upon this research, the project will highlight the potential impact of the increasing convergence of competing value systems on the development of the market, on museum buying and valuation policies. This comparative research will be of significant value to those trying to understand the complex development of the increasingly international circulation of cultural property between museums and the marketplace.

Project outline

During the period of research, in Auckland and in Wellington, Dr Haidy Geismar interviewed curators, community leaders, dealers, auctioneers and gallery workers, focusing especially on the auctioning of Māori cultural property. The focus developed a qualitative assessment of the diverse

ways in which values are constituted around the sale of Māori cultural property, and examined in particular the effect of this on Museum attitudes to the value of their collections.

Expected outputs

The main output of the research project will be the final report delineating current models of value that are promoted both by activists and within the market, and assessing the viability of incorporating 'indigenous' values into market mechanisms. It is anticipated that this could be a contributing document to the museum's current project of constructing a valuation policy that both takes into account and addresses some of the problems of its bicultural mandate.

This project will also enable links between curators in New Zealand and the United Kingdom (most specifically between Te Papa Tongarewa and the Cambridge Museum of Archaeology and Anthropology).

A journal publication will also be written in order to communicate this research to a wider audience of museum workers, academics, and Pacific Islanders. It is anticipated that this work will be of potential benefit to any museum with strong responsibilities to an indigenous source community. (Geismar 2004)

Other projects for the Māori curatorial team at Te Papa

While the curatorial team actively participate with iwi, hapū around taonga to improve and reactivate relationships with taonga, we also engage with projects that will take us into the community, particularly for collection development or production of quality publications.

Potential and ongoing projects for 2005 include a collaborative research effort with Auckland Museum to create an international inventory of taonga Māori. With overseas support garnered from a recent Director Mātauranga Māori visit to America, we aim to have curators in strategic positions around the world to collate and verify information around taonga Māori. Our team also continues a curatorial involvement in the Repatriation of Human Remains or Karanga Aotearoa research project.

Mana Taonga remains an important principle to underpin all curatorial research work at Te Papa. Te Papa recognises the connections between the knowledge systems and visual culture of the past, present and future and works to meet the challenges these connections create for the museum and iwi and hapū. Enhancing the mātauranga Māori surrounding taonga, or the narratives of a peoples' relationship with taonga, remains highly rewarding and edifying for those staff intimately involved.

The museum is committed to celebrating a Māori visual culture that acknowledges innovation, recognises Māori knowledge systems and revers the connection and continuity between ngā tūpuna, ngā uri me ngā whakatipuranga e whai ana—the ancestors, descendants and future generations to come. (Smith 2004: 3)

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Whakawhānuitia te Hinengaro: Phase one⁸⁰

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Introduction

Since the early 1980's, we have seen the emergence and growth of Kaupapa Māori education along with the development of other forms of Māori-medium education, such as bilingual and immersion provisions. In 2003 approximately 14 per cent of Māori taura (pupils) experienced some level of their school instruction through Māori language, with over half of these in close to full immersion in Māori medium education. Just over five and a half thousand taura attend Kura Kaupapa Māori (KKM). KKM education is still in relatively early stages of development. KKM whānau have been rather wary about research taking place within their walls, and of researchers in general. Its youth, coupled with a critical awareness of the historically negative impact of research on Māori, has meant that there is a small although growing corpus of research coming out of these settings.

Our country is one of a number in which an indigenous people identify schooling through the medium of the indigenous language as a critical factor in its retention and regeneration. Focusing on literacy, literacy instruction plays an integral role in the regeneration of an endangered indigenous language such as Māori (Baker, 1996; Fishman, 1991; Hohepa, 1999). In these situations (schools) have a complex role. They have a role that involves developing the academic expertise of their students in ways that actively advance the agenda of indigenous language and cultural regeneration and maintenance. The challenge to address both these without sacrificing either is a huge task. For kura the challenge gives added dimensions to what counts as quality teaching and learning outcomes.

Research-based interventions in low decile English medium schools have demonstrated that teachers can raise the rates of Māori early literacy progress significantly (Phillips, G., McNaughton, S., and MacDonald, S. 2001; Flockton and Crooks, 2001). Whilst there is evidence that show gains in students' decoding, there is a concern about the wide and increasing disparities in achievement on comprehension tasks (Lai, McNaughton, et al 2003). This situation exists in a context where

80 The research project of which this study is a part was made possible through grant support from Ngā Pae o te Māramatanga Centre of Research Excellence. We acknowledge the support and assistance of colleagues from Wānanga o Awanuiarangi, Waikato University and the University of Auckland, along with our host organisations, the International Research Institute for Māori and Indigenous Education and the Woolf Fisher Research Centre of The University of Auckland. We also acknowledge kura staff, taura and kura whānau members who help make up the research collective undertaking this project.

internationally there is large body of empirical and theoretical knowledge about reading comprehension and its relationship to language development in English medium literacy practice (Block, Gambrell and Pressley, 2002). It is claimed that knowledge about reading comprehension can bring about a transformation of comprehension teaching in schools (Pressley, 2001). Work being carried out by the Woolf Fisher Research Centre indicates how this knowledge can be transferred to teachers' practice in English medium schools. Current published research however provides little guidance for teachers working with bilingually developing students who may be learning in a second language, which can be the case in Māori-medium schooling (Block, Gambrell and Pressley, 2002; Garcia 2003).

With regards to literacy development in KKM, leading Māori researchers in te reo Māori literacy⁸¹ have expressed concerns about the dangers of little systematic literacy and language research conducted in Māori medium settings. The danger is that Māori literacy teaching and learning, professional development and resource development will be largely informed and driven by English medium knowledge and understandings.

Cath Rau, one of the key literacy researchers for Māori medium education, makes the observation that developing literacy instruction and assessment through arbitrarily and uncritically emulating practices for English medium can seriously compromise the integrity, the reliability and the validity of such measures. Additionally, such an approach assumes pedagogical and cultural compatibility. Back in 2001 before reports from the Ministry of Education's Best Evidence Syntheses projects began being published, Cath Rau stated that

It would appear that aspirations for pedagogical and epistemological self-determination in Māori medium education are being compromised by internal and external pressures to both mirror and 'catch up' with English medium education (2001, 2).

In relation to literacy development, there has been research carried out on tamariki learning to read in te reo Māori in the early years of primary schooling. (E.g. Rau, C., Whiu, I. Thomson, H., Glynn, T., and Milroy, W. 2001).⁸² Two other areas focused on in recent research have centred on literacy programmes in Māori medium education are effective literacy teaching and learning strategies and resources (*Te Toi Huarewa* study by Bishop, R., Berryman, C and others 2001)⁸³ ; and the development of literacy and language assessment tools (E.g. NEMP, AsTTle, Te Reo Proficiency

81 E.g. Rau et al (2001). The research project of which this study is a part was made possible through grant support from Ngā Pae o te Māramatanga Centre of Research Excellence for Māori Development and Advancement. We acknowledge the support and assistance of colleagues from Wānanga o Awanuiārangi, Waikato University and the University of Auckland, along with our host organisations, the International Research Institute for Māori and Indigenous Education and the Woolf Fisher Research Centre of The University of Auckland. We also acknowledge kura staff, tauira and kura whānau members who help make up the research collective undertaking this project.

81 E.g. Rau et al (2001).

82 See e.g. Rau, C., Whiu, I. Thomson, H., Glynn, T., and Milroy, W. (2001) *He Ara Angitu: a description of success in reading and writing for five-year-old Māori-medium tauira*. Report to the Ministry of Education. Wellington: Ministry of Education.

83 E.g. Bishop, R., Berryman, C., and Richardson (2001) *Te Toi Huarewa: Effective teaching and learning strategies, and effective teaching materials for improving the reading and writing in te reo Māori of tauira aged five to nine in Māori-medium education*. Final Report to the Ministry of Education. Wellington: Ministry of Education; and Ngā Taumatua Research Project, currently undertaken by the Woolf Fisher Research Centre for the Ministry of Education.

Test).⁸⁴ However there is not a great amount of information about what happens in literacy instruction in later years of KKM primary schooling, as tamariki move from ‘learning to read’ in te reo Māori to ‘reading to learn’. Being able to comprehend what you read becomes more and more critical.

There is also still relatively little that focuses on the systematic examination of patterns of literacy instruction and language learning and development. We see this as extremely significant when on the one hand schooling is such a primary site for Māori language and cultural regeneration and when on the other literacy is such an important focus of schooling. This situation exists in a context wherein our country there has been a growing focus on effective teaching or as it’s been termed ‘quality teaching practices’ for “diverse students” in schooling, coming out of “best evidence” derived from a synthesis of research findings linked to student outcomes.

Best Evidence Synthesis or BES as it has been affectionately nicknamed, acknowledges that there is a gap in evidence, in research based evidence, pertaining to KKM. It has been raised at a number of meetings on BES that this is a noticeable gap in the available, meaning published in some form, research literature. There is also undocumented work or research on Māori education development including KKM other Māori medium settings that may not be generally available or even known about.

What has emerged out of such meetings is the thought that there may be a strong case for a BES iteration that focuses on what works for Māori learners across KKM settings. Whether or how this is undertaken clearly needs much further consideration and discussion. It is not a decision that rides just with Ministry or researchers, Māori or otherwise. It is a decision that involves KKM education whānau and communities.

Ngā Pae o te Māramatanga is the main funding provider for the University of Auckland’s IRI⁸⁵ and Woolf Fisher Research Centre project that examines reading accuracy, comprehension and language use of KKM taura. The study covers Year 3 (approximately 7 years old) to Year 8 taura (approximately 12 years old). The Ngā Pae project covers Years 4 to 8. A PhD postgraduate researcher is focusing on Year 3 and Year 4, which essentially extends our study back one school year. The study looks at kaiako (teacher) literacy instruction practices, particularly pertaining to comprehension and Māori language and vocabulary.

During 2004 there were six kura involved in the project, we are collecting data with about 200 tamariki and 15 kaiako. The study is about strategic professional development for Māori-medium kaiako to support and improve literacy development of taura, in particular reading comprehension,

84 E.g. NEMP, AsTTle, Te Reo Proficiency Test.

85 International Research Institute for Māori and Indigenous Education.

and their Māori language development, particularly vocabulary development. Participating kura are involved in data analysis and in scoping intervention strategies for next year with the goal of piloting professional and whānau development procedures.

The rest of this paper discusses patterns that are emerging from our first phase of data collection. At the time this paper was written, we had just finished taking this data back to each kura to discuss with whānau members ranging from tumuaki (principals), kaiako (grannies), kuia, parents, board chairs, cleaners and caretakers, administration staff. It has been exciting and it has been challenging! We've been asked questions like, "Who are you doing this for", "Who's going to benefit and how?", "Who will own the information and it better not be for the Tāhūhū o te Mātauranga".

These have been really important experiences for us as Māori researchers. Each of the kura involved in the research was approached in 2003, before we wrote our grant application to Ngā pae o te māramatanga. When we were successful in getting a grant and getting university internal ethics approval, a member of our team revisited each kura early in 2004, before the school year started. We have tried to develop and carry out a project with kura, with well-informed and highly-involved kura, and we are always finding that we can still do things better. Mind you, it did not help when board elections happen between developing the idea of a project with kura, gaining agreement to be part of the project from kura, and collecting and reporting back data. What was really heartening was that in one case, the tumuaki and parents essentially answered questions about who owned the information, and who should benefit, and how we all are working to try and make this happen.

At this point we are not concerned about how generalisable any findings or our data might or might not be outside the kura in the project. We may never be concerned with this, I do not know, let us just say "generalising" is not a priority for us. What we are concerned about is whether data can be used effectively by us, by us I mean the researchers, kaiako and kura whānau, to make positive changes for the learning of our tamariki and the teaching of our kaiako.

The primary purposes for the study being reported here are two-fold: to collect baseline data in order to develop preliminary reading comprehension profiles for Years 3 to Year 8 taura participants in the study; and to gain a preliminary understanding and knowledge about the reading comprehension-related instructional patterns of kaiako participants in their classrooms. The study provides a descriptive analysis of data collected from two different sources: taura raw scores on reading comprehension assessment measures developed for the project; audio-taped recordings of the ways that taura use Māori language in retelling a read text; video-taped classroom observations of kaiako teaching.

Methods

Participants

The research collective for the project that this study is part of involves six Kura Kaupapa Māori⁸⁶ schools located in rural communities or small rural townships in Te Taitokerau. Baseline reading comprehension and language data were collected for 194⁸⁷ taura at the beginning of this school year. Classroom observation data of reading instruction was collected from and discussed with kaiako.

The Measures

In English medium schools there are readily available language and reading comprehension tests and assessments that many such schools use. What this means is that it is relatively straightforward to identify which assessments schools are using and/or arrange for schools to use recognised, standardised measures that can be reliably compared across schools (Lai, McNaughton, et al, 2003). This is not the case in Māori-medium schools: there are few similar readily available standardised language or reading comprehension measures.⁸⁸ What generally happens is that each kura develops its own individual assessment procedures to collect information about their the progress of their taura, which may not compare reliably across different kura. Similarly, the current level of readily available Māori language teaching resources means that teaching in Māori-medium demands a high level of kaiako preparation time. In cognisance of these factors and given the developmental nature of this study, the decision was made that the research team rather than kaiako would collect baseline data on the reading comprehension and language use of each taura, using a retelling task and reading comprehension. Measures were specifically developed as part of the overall project.

The language use and reading comprehension measures were developed in cognisance of language and reading assessments already available in the Māori language⁸⁹ and research literature pertaining to reading assessment and bilingual taura. Texts were selected; the separate comprehension components for assessment were identified; and scoring and weighting for each of the separate components was developed. Alongside the development of the measures (for the assessment of taura performance) were researcher assessment scripts and kaiako classroom observation and discussion guidelines.

86 Kura Kaupapa Māori tend to be small schools; only two of the schools participating in this study have more than 100 taura. Two-thirds of the total number of taura in Years 3 to Year 8 attending the 6 participating kura are participating in the research project.

87 41 Year 3; 42 Year 4; 42 Year 5; 24 Year 6; 25 Year 7; 20 Year 8. These figures indicate that in general there are fewer taura enrolled in Kura Kaupapa Māori across the late primary school years.

88 Those available focus on emergent and early reading, that is 'learning to read'. AsTTle has been developing assessments for use with the latter years of Māori-medium primary schooling. When this project began only one of the six kura had been involved with the AsTTle project by completing assessments and returning them to AsTTle for analysis. However none of the kura had received sufficient professional development to be able to use them for this study.

89 particularly Aka (the School Entry Assessment with a range of tasks developed in te reo Māori), Ngā Pūkete Pānui Haere (running records in te reo Māori) and Iti Rearea (3 minute reading assessment) and AsTTLE.

Texts

Texts⁹⁰ for the measures were selected from the range of commercially produced Māori language readers available to all schools and graded by two researchers in accordance with the Ngā Kete Kōrero Framework (Ministry of Māori Development, 1996). This framework has been developed to grade Māori language reading material into levels of increasing difficulty. Twelve non-fiction (expository or informational) texts were selected from five of the total range of the seven different Māori language series available as standard issue to schools. Expository or informational texts are little used by primary schools despite the daily demands for the reading of informational texts in our lives (Duke, 2000 cited in Block and Pressley, 2002: 259), for example, newspapers, magazines, entertainment guides and increasingly non-linear texts such as computer-generated hypertexts. Ogle and Blachowicz (2002) contend that reading has been largely associated with the reading of fiction, arguably, to the possible disadvantage of taura faced with the prospect of difficult content areas in their latter years at school.

Language Use and Comprehension Components

Five separate components emerged for assessment:

- Tāruarua (Retell—language use measure)
- Maharatanga (Recall—information directly from text)
- Whakataunga (Inferencing—response that might be implied from but is not directly stated in the text)
- Te Whakamārama Kupu (Vocabulary Meaning—contextualised meanings of selected vocabulary items in the text)
- Te Whakauru Kupu Ngaro (Cloze—filling in missing words from a Cloze paragraph paraphrased from the text).
- Checks for Māori language question format and general Māori language content of the measures were undertaken by tribal elders who are native speakers of Māori, and members of the research advisory group. Researchers undertook training sessions and trials in using and scoring the assessment measures.

Assessments were carried out one-to-one with each participating taura and took up to 20 minutes to complete. All taura responses were captured on audiotape accompanied by researchers' written notes for assessment and scoring purposes. The audio-capture ensured that the problems associated with scoring of retellings (Francis and Reyhner, 2002) were minimised, and provided a record for future use in identifying developmental changes (in language-use and reading comprehension for non-fiction texts) across year-level cohorts over time.

90 The final selection of texts contained an average count of 278 words. The word count was important so that a reading could be achieved within 3 minutes. Timed trials were conducted with taura and adults who were not a part of the study. All texts contained some graphic representations. Topics were divided equally between those that might be found in Social Studies / Social Science, and science and technology themes. Of the final selection, ten texts were Māori translations of the original English text and two texts were originally written in Māori.

A running record was of the way that each taura read the text used for the assessment and accuracy and self-correction rates were calculated. These rates were not incorporated into the final scoring given for the assessment measures; however they gave useful insights into the kinds of relationship that can exist between decoding and comprehending Māori text.

Scoring

Each component of the assessment measures attracted sub-scores, giving a total score of 55. The distributions of the highest possible sub-scores for each component are shown in Table 1.

Table 1: Distribution of Component Sub-scores

Comprehension Component	Sub-Scores
1. Tāruarua	16
2. Maharatanga	12
3. Whakataunga	12
4. Whakamārama Kupu	9
5. Te Whakauru Kupu Ngāro	6

A criterion-referenced approach was used to score the assessments, using pre-determined criteria for each component. Scoring the way that taura retold the text and responded to questions about the text took into account that although they were being instructed through the medium of Māori, they were bilingually developing taura. What this means is taura were given points for their responses according to criteria that included possible Māori, bilingual and English responses. For example, responses to *Whakataunga* (Inferencing) questions were scored using the following criteria:

0 = No response or irrelevant inference;

1 = Relevant English inference;

2 = Relevant Māori or bi-lingual inference; and,

3 = Contextualised Māori inference.

Kaiako observations

Fourteen kaiako participated in the study. Observations of each kaiako were made during the teaching of reading in two separate sessions.⁹¹ These were video-taped and captured the interactions between kaiako and a group of taura. At least a month prior to filming kaiako were asked to:

- choose one non-fiction text or reader suitable for their class programme and year or group level;
- prepare (for Day 1) one 15-minute lesson introducing the text; and,
- prepare (for Day 2) one 15-minute follow-up lesson using the previous day's text.

⁹¹ In some cases we were only able to observe one session, due to e.g. kaiako absence, changes in teaching timetables, or other circumstances outside of our, or kaiako's control.

The kaiako observation data were transcribed and the transcript data were separated into kaiako-tauira exchanges. Kaiako and tauira turns in each transcript were quantified. Kaiako utterances in each transcript were then coded according to the following language and literacy measures: text-related strategies (prediction, inference); language-related strategies (vocabulary, Māori/English focus); talk-related strategies (extended, elaborated); larger, encompassing strategies (questions and feedback); and other. These are briefly defined in Table 2 below:

Table 2: Short definitions for transcript codes used

Kaiako turns	an utterance or utterances made by the kaiako, bounded by a pause, by reading from the text, or by an utterance of another person in an exchange.
Tauira turns	an utterance or utterances made by a tauira, bounded by a pause, by reading from the text, or by an utterance of another person in an exchange.
Kaiako initiations	kaiako utterance that begins an exchange or begins an interaction with a tauira within an exchange.
Kaiako other	kaiako utterances that do not focus on or relate to the text and/or to reading and gaining meaning about the text, e.g. classroom management, management of reading lesson such as turning pages, etc.
Kaiako questions	questions asked by the kaiako.
Kaiako vocabulary	kaiako utterances that focus on: a lexical item at the surface text level; asking for or giving a lexical item; the meaning of a lexical item.
Kaiako feedback	contains information that evaluates, reinforces/restates, clarifies, reworks, extends or elaborates an utterance by a tauira.
Kaiako predictions	kaiako makes or asks tauira to predict something about the text.
Kaiako inferences	kaiako makes or asks tauira to make an inference / propose a possible answer in light of information from the text and their own knowledge and experiences.
Kaiako elaborated talk	where a word or phrase is commented on, explained, illustrated, by the kaiako before or after reading a word or section of the text.
Extended talk	A one-to-one kaiako-tauira interaction that continues longer than three turns (i.e. longer than a simple IRE interaction), e.g. comments, explanations and descriptions.
Kaiako language focus	an utterance that focuses on the language that is being used in an utterance (i.e. English or Māori) or on the meaning/translation of a lexical item or phrase from English to Māori or vice versa.

Feedback to kura

Following the scoring and analysis of Māori language use and comprehension measures and coding and analysis of classroom observation data, the researchers made a return visit to each kura site. Each kura was presented the year by year results for all tauira across the six kura participating in the study, and a breakdown of how each year group performed across the different components, which are described in the Results section below. They were also presented the year by year results for tauira attending their respective kura. This gave kura an indication where the scores of their tauira fell in relation to the total group at each year level. Each kura was also presented with the observation data collected for kaiako from their respective kura that are participating in the study.

Previous studies have shown the potential for change that can come about when researchers discuss data with research participants (Hohepa, 1999; Lai, McNaughton, et al, 2003). Currently professional development and learning opportunities specifically targeted to Māori medium are very limited. The research project that this study is part of involves working with members of each kura (including staff and parents) in the analysis of data and identification and critiques of teaching and learning strategies emerging from the data. For kaiako, this is seen as providing rich opportunities for contextualised professional development. As such the project involves improving literacy instruction school by school through information sharing and collaboration (Morrow, Gambrell and Pressley, 2003).

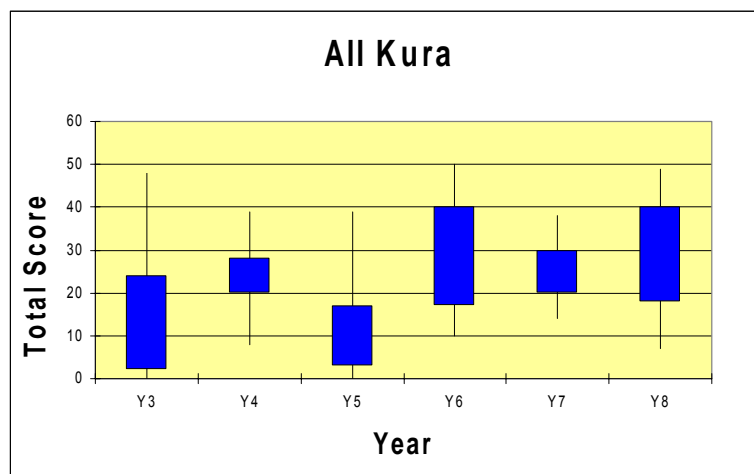
Results

General patterns at each year level

Apart from one or two tauira at each year, all tauira were able to read the texts with between 88 per cent and 100 per cent accuracy, the majority read with 90 to 95 per cent accuracy. The total scores that tauira reached on the language use and reading comprehension measures indicate that there is a lot of variability in how successfully tauira were able to complete the different components at each year. Figure 1 shows the greatest differences appeared at Year 3, with tauira scores ranging from 0 to 48 out of the possible 55, followed by Year 5. Year 3 and Year 5 showed the most variability across the higher scorers. Year 7 tauira showed the least variability with scores ranging from 14 to 38. The longest tails were found at Years 4 and 8.

The patterns shown across the years shows upward movement in (at least $\frac{3}{4}$) of tauira's scores from Year 3 to 4; Year 5 to 6 and Year 7 to 8. Visually, Figure 1 shows a zigzag pattern with a drop in scores achieved by the majority of the tauira from one 2 year group to the next.

Figure 1: Range in total scores at each year level



Tauira experienced varying amounts of success across the different components of the language use and reading comprehension measures, shown in Figures 2 through to 7. These figures show the percentage of tauira in each year that gained a low, medium or high score for each component. This was calculated by dividing the possible obtainable scores for each component into three. For example, the highest score obtainable for Maharatanga (recall) was 12. A high score was 9 to 12, medium score was 5 to 8 and low score was 0 to 4.

One of the consistent patterns was that at each Year level Whakamāramatanga Kupu (giving contextualised meanings of selected vocabulary items in the text) was the most, or a very close second most, likely category for which tauira were likely to achieve a low score. Whilst there was a lot of variation apart from Whakamāramatanga Kupu, there were two other common categories that tauira experienced lower success with across the different years; these were Whakataunga (Inference) and Te Whakauru Kupu Ngaro (Cloze).

Figure 2: Year 3 tauira scores by language use and reading comprehension component categories

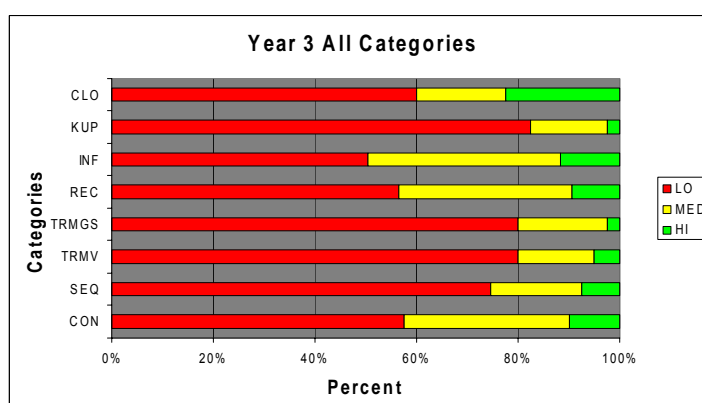


Figure 3: Year 4 taura scores by language use and reading comprehension component categories

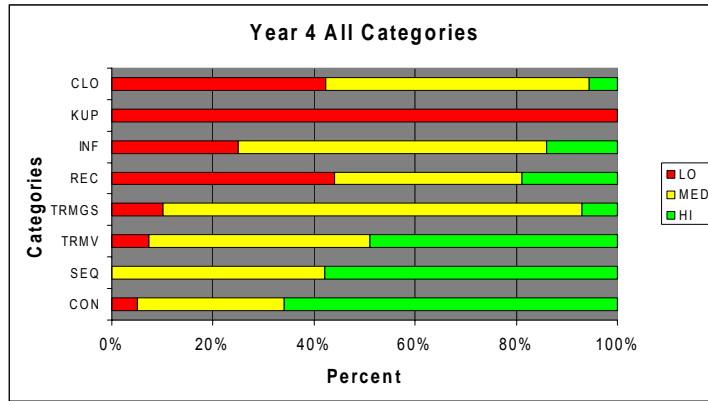


Figure 4: Year 5 taura scores by language use and reading comprehension component categories

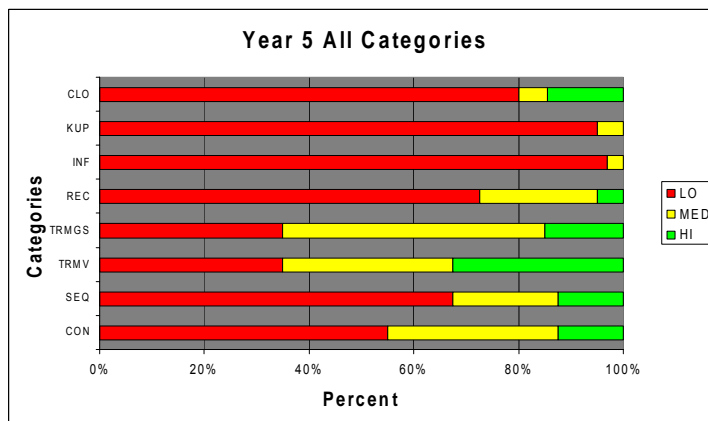


Figure 5: Year 6 taura scores by language use and reading comprehension component categories

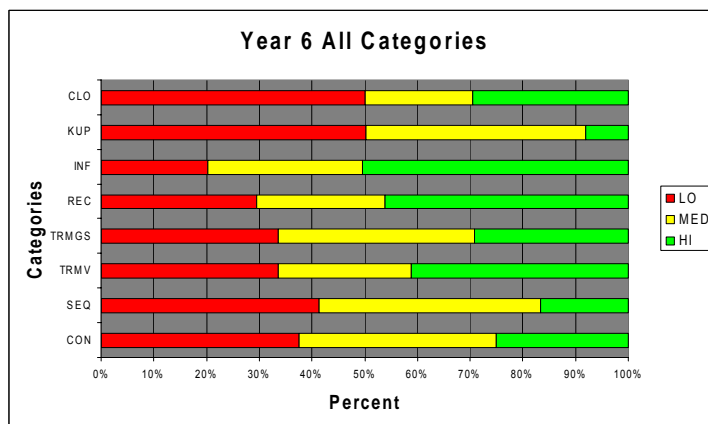


Figure 6: Year 7 taura scores by language use and reading comprehension component categories

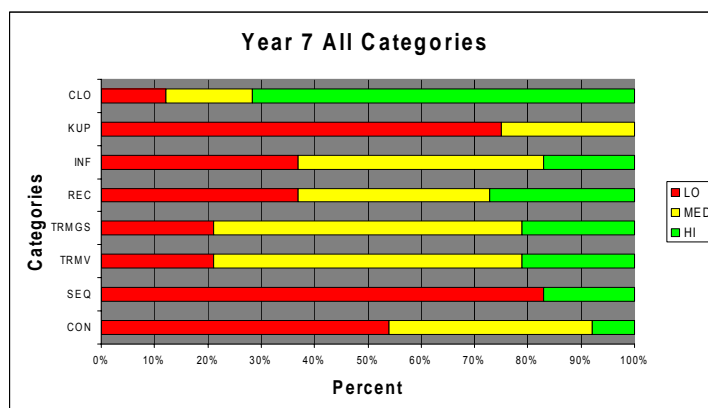
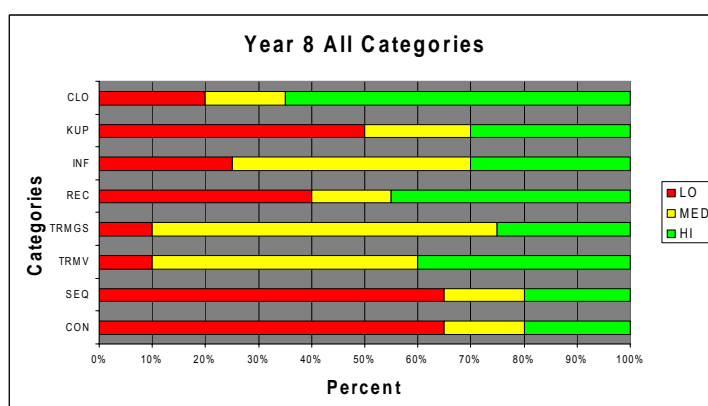


Figure 7: Year 8 taura scores by language use and reading comprehension component categories



Classroom observations

Classroom observations provided a snapshot of kaiako practices for literacy instruction in the context of using a non-fiction text for small group teaching. Analysis of the observations revealed strategic practices with kaiako use, focussing on text meaning and comprehension by taura, of that meanings. What we were interested in was patterns of use by kaiako which emerged across the different types of strategies categorised for this study. There was some variation amongst kaiako teaching at the same year level⁹² and across year levels in the patterns of strategy use reflected by the analysis of the transcripts. However, across the majority of kaiako, the graphs for types of utterances observed were more similar than different in look. Below are three examples of graphs showing the coded utterances for kaiako from Years 3, 5 and 8 respectively. These graphs reflect the range in patterns across the kaiako.

A pattern noticeable across all kaiako was that they made little use of the text-related strategies of predicting what might be in the text or inferencing from the text in their interactions with taura around

⁹² Due to the small size of many kura, kaiako often have classes that include taura from different school years. As kaiako were generally working with small groups during observations they are identified by the year that best represents the majority of the taura that they were teaching at the time.

text. Figures 8 and 9 that show relatively few to no predicting or inferencing utterances in comparison to total number of kaiako utterances reflect the patterns found with all but three kaiako. Figure 10 shows a relatively greater frequency of text-related strategies being used by a Year 8 kaiako.

There was greater variation reflected across kaiako in terms of language-related strategies. All kaiako focused on vocabulary items in the text. However half produced relatively low levels of utterances concerned with vocabulary, similar to the level shown in Figure 9. Utterances concerned with lexical items ranged from those with a surface or text focus, to those focused on asking for or giving a lexical item, through to those that explored contextual meanings of lexical items in the text. Instances of kaiako utterances coded as vocabulary are being analysed and rated in relation to the degree that they connect with gaining meaning contained in the text. Indications are that over half of the utterances by kaiako focused on vocabulary are concerned with surface text features, while under 20 per cent are concerned with exploring contextualised meaning of lexical items in the text.

In relation to utterances that reflect a kaiako focus on the language of use, kaiako very seldom made utterances that referred to English or Māori or used English. Four made no such utterances. When kaiako did so, it was in the context of taura using English words or phrases. All taura and kaiako in Kura Kaupapa Māori are bilingual speakers of Māori and English, however observations taken for this study reflected the level of commitment kaiako have to maintaining the classroom as a Māori language setting in line with Māori language regeneration goals of the Kura Kaupapa Māori movement.

Figure 8 shows no instances of kaiako using the talk-related strategies that were coded for elaborated talk and extended talk. For half of the kaiako, there were utterances that included elaborated talk. Except for one kaiako, these utterances were at very low levels, compared with total number of utterances by kaiako. Similarly, across observation transcripts nine utterances by kaiako included instances of extended talk for all but two of the kaiako; these were at very low levels.

Figure 8. Total number of Year 3 kaiako utterances for each type of utterance

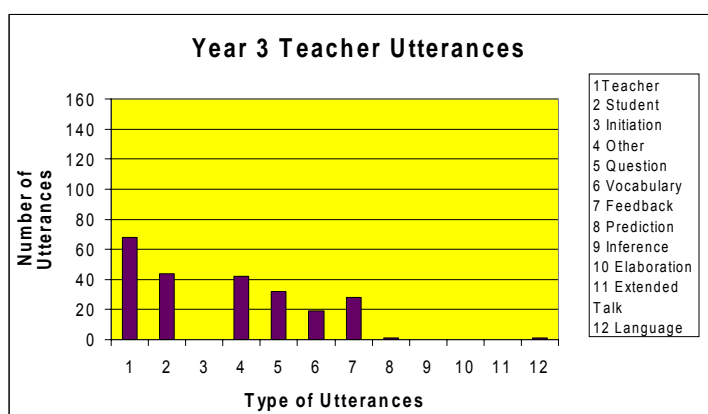


Figure 9. Total number of Year 5 kaiako utterances for each type of utterance

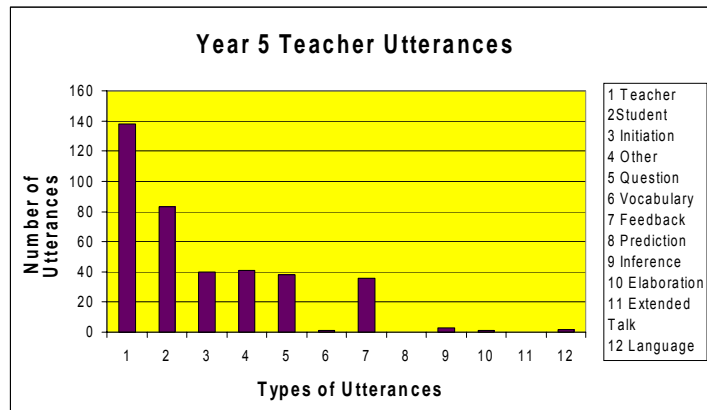
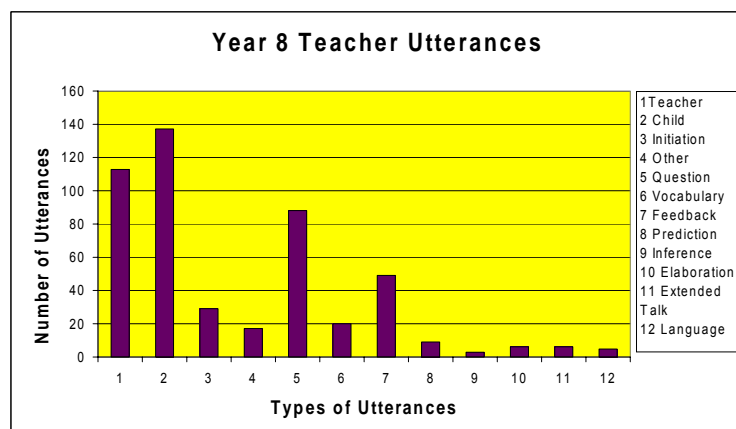


Figure 10. Total number of Year 8 kaiako utterances for each type of utterance



The use of Questions and Feedback were strong features of all interactions of kaiako with tauria during the observation lessons. For all but two of the 14 kaiako, at least half of the utterances made were questions. Instances of kaiako utterances coded as Questions are currently being analysed in relation to the degree to which they connect with gaining meaning from text. Early analysis is revealing that about a quarter of the questions asked by kaiako are minimally connected to gaining meaning from the text; under a third are highly connected to text meaning. Feedback utterances by kaiako are similarly being rated in terms of how much information they provide tauria that clarify and add to the utterances of tauria. The early indications are that over half of the feedback given by kaiako was non-descriptive (e.g. the Māori equivalents of good, yes, right, you don't say?). Less than a fifth of the feedback utterances are being found to clarify and add to the responses of tauria (e.g. Māori equivalents to C: The tide is out? Yes, its probably going out because you can see the rocks and seaweed.).

The majority of utterances made by two-thirds of the kaiako focused on text or text meaning to some extent, although current analyses on kaiako utterances coded as Feedback and Questions are revealing that a large proportion tend to be focused on surface text compared with deeper text meanings.

However for the remaining third, the category Other,⁹³ had the greatest number of utterances. The category Other held the third highest number of utterances for a further three kaiako.

Discussion

The scores of tauira from the assessment measure taken in relation to their reading accuracy rates point to a weak relationship between decoding, Māori language use and reading comprehension for these Māori-medium tauira. Nearly all the tauira involved in this study showed that they had developed decoding skills necessary and sufficient to accurately read texts identified as suitable for their year level.

While there was little variation between tauira across reading accuracy levels on texts used for assessment, there was a lot more variation on the scores they achieved on the Māori language, retelling, comprehension and vocabulary components of the assessment measure. Components of the assessment that focused on vocabulary knowledge proved challenging for tauira across all levels, particularly providing contextualised meanings for vocabulary items in a text that they were able to decode effectively.

The profiles developed for each year reflect that there was a drop in scores across two year groupings. What this reflects is the increasing text complexity and decreasing support such as illustrations to gain meaning and to provide a scaffold for retelling and Māori language use across the years.

This study is interested in how kaiako in Māori-medium settings approach the teaching of reading comprehension (and language) from non-fiction texts. Classroom observations provided a snapshot of the literacy instruction practices of kaiako across classes ranging from Year 3 to Year 8. The patterns of strategies used were surprisingly similar across all but a few of the kaiako. We found that apart from three exceptions, teaching strategies tended to focus on surface text and surface meanings compared with strategies such as predicting and inferring which are linked into higher-level reading comprehension skills such as analysing, synthesising and evaluating. While kaiako made use of questioning to assist tauira to engage with meanings contained in the text, the questions asked related to surface aspects of the text rather than demanding higher level thinking about meaning from tauira. Similarly kaiako feedback to tauira tended to provide little in the way of information about their utterances and how they linked to text meaning. The degree of similarity of instructional patterns raises question around the extent that kaiako are relying on practices that are relevant to tauira learning to read, rather than reading to learn. That is, using instructional practices that shift the emphasis from showing tauira how to read, to showing tauira how to get meaning and make meaning from text. Māori

93 Kaiako utterances that do not focus on or relate to the text and/or to reading and gaining meaning about the text, e.g. classroom management, management of reading lesson such as turning pages, etc.

is a second language for nearly all the kaiako in this study. We already know that kaiako find comprehension difficult to teach (Block, 2001). Trying to do so through a second language increases the challenge.

The data presented in this paper have already been presented and discussed with each kura participating in the research project. The research project is about improving literacy instruction kura by kura through information sharing and collaboration. In many of the kura discussions have included not only staff and participating kaiako, but also school governors, the parents and grandparents of taura, and community members. While this study is part of a descriptive baseline phase in a larger project that includes an intervention phase, the discussions have provided an opportunity for kaiako to start thinking about and critiquing their own literacy teaching practices. Some kaiako have reported anecdotally that they are already using the video recordings of their classroom teaching as an opportunity to reflect on their practice, and in a few instances to discuss their practice with colleagues. While the potential ramifications of this may not sit well in a ‘purist research’ view of research that incorporates baseline and intervention phases, they sit well in a Kaupapa Māori view encapsulated in the proverb ‘nāku te rourou, nāu te rourou, ka ora te iwi’—with your food basket and my food basket our people will live. As researchers and kaiako we work collectively to ensure the educational wellbeing of our taura.

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What's the point in consulting if you're not going to listen? Tokenistic consultations with Māori on the issue of genetic engineering

Paper presented by **Paul Reynolds**

For Ngā Pae o te Māramatanga

“Māori Health and Ethics”

Auckland University

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Māori have been “consulted out”. There is a history of consultation that has occurred with Māori but not necessarily by Māori and for Māori.⁹⁴ In this brief paper I will be looking at one particular aspect of health and well-being. I want to look at consultations that have occurred with Māori around the issue of genetic engineering. I provide here just a few examples of consultations with Māori around issues related to genetic engineering (GE).

Consultations with Māori

1. Review of the Patents Act 1953

This review was initiated in 1989 by the then Ministry of Commerce (now called Ministry of Economic Development) as a general overhaul of the country's intellectual property laws. Since 1989, Māori have made submissions on this issue in 1992, 1994, 1999 and 2002.⁹⁵ There appears to be consistency in all of the submissions made by Māori. The consultations with Māori revealed unanimity that there should be a halt to all decision-making on this issue until the Waitangi Treaty Claim 262 (WAI 262) is heard and decided. There was general opposition to patenting of genetically modified products and processes because of the concern with social and environmental effects as well as cultural and spiritual concerns with the alteration of life forms.⁹⁶ More specifically, the Ministry of Economic Development summarises the Māori submitters' views on genes.

Genes are a part of the whakapapa relationship with animal or plant life. For Māori, a gene has mauri (life essence) that continues to exist ex-situ (when taken from its original place). The same perspective

94 Refer to ‘Section 3: Māori views’ of the May 2000 IRI Report on “*Māori and genetic engineering*,” and *Working paper on dialogue issues*, Dr Cheryl Smith, 13 May 2003.

95 Ministry of Economic Development discussion paper on website, March 2002, *Review of the Patents Act 1953: Boundaries to Patentability*, Section 4: Māori and the patenting of biotechnological inventions, <http://www.med.govt.nz/buslt/int_prop/patentsreview/discussion/patentsreview-06.html>, accessed on 27 September 2003. Summaries of the submissions are available on this website. It appears the Government has received ample submissions for each consultation round conveying concerns of Māori, but chooses to ignore Māori concerns when policy decisions are made.

96 Ibid.

is carried over to issues of replication, trans-genetic engineering and cloning. Hence, to alter the “genes” or genetic material is to alter the blood of ancestors, thereby altering the whakapapa relationship by changing or introducing “new blood.”⁹⁷

The resulting recommendation from this consultation was that a Māori Consultative Committee for the Intellectual Property Office of New Zealand be established. The new committee’s role would be to provide advice only to the Commissioner of Patents, with the ultimate decision on whether or not to issue a patent continuing to rest with the Commissioner.

2. 1996 Exploratory Report Commissioned by the Ministry for the Environment

In a 1996 exploratory report entitled *Genetically Modified Organisms and Māori Cultural and Ethical Issues*, commissioned by the Ministry for the Environment, policy writer Nici Gibbs outlines the basis of Māori concerns about genetically modified organisms.

Gibbs believes Māori have unique concerns about genetically modified organisms that are based on three key concepts:

mauri (emphasising the life force present in all elements of the natural world); whakapapa (emphasising the interconnectedness of all elements of the natural world); and kaitiakitanga (emphasising the responsibilities of present generations to maintain the integrity of the natural world for future generations).⁹⁸ The purpose of this government-commissioned report was to offer up questions for further debate and explore whether “genetic manipulation is never an acceptable technology, or whether genetic manipulation may be morally and ethically justifiable by Māori in some instances.”⁹⁹

3. 2001 Report of the Royal Commission on Genetic Modification

The 2001 Report of the Royal Commission on Genetic Modification highlights the findings of its extensive consultation with Māori at consultation hui and in the commission hearings. The Commissioners, in summarising “Te Ao Māori: the traditional Māori world view”, state:

Māori spiritual values we heard about frequently involved the concepts of whakapapa, mauri (*life essence*), tapu (*sacred*) and noa (*free from tapu*) (and whakanoa (*make common*)), hara (*sin*) and kē (*not sin*), mana (*influence/authority*), ihi (*power*) and wehi (*fear/awe*), whānau, hapū and iwi. All are relevant not only to understanding the holistic or ecological approach Māori have to their environment, but also to explaining why Māori prioritise a duty of kaitiakitanga or “obligated stewardship.” To Māori this duty is easily explained by tracing whakapapa (*genealogy*) up through the ancestors, to the Gods, and ultimately to Papatuanuku, the Earth Mother, and Ranginui, the Sky Father. By going sideways in these kinship links, Māori trace descent lines for all living creatures and so have to honour them as kin.¹⁰⁰

97 Ministry of Economic Development information paper on website, February 1999, *Māori and the patenting of life form inventions: An information paper produced by the Patenting of Life Forms Focus Group for the Ministry of Commerce*, <http://www.med.govt.nz/buslnt/int_prop/māoripatent/māoripatent-03.html>, accessed on 27 September 2003.

98 Ibid. 44.

99 Ibid. 45.

100 Royal Commission on Genetic Modification, *Report of the Royal Commission on Genetic Modification: Report and recommendations 2001*. (Wellington: PrintLink, 2001), 19.

Māori have described their whakapapa links to all things and a consequent, inherent kaitiaki responsibility to all things. They stated that life must not be interfered with because the integrity of whakapapa must be kept intact.

The majority of oral and written submissions made to the Royal Commission by Māori opposed genetic modification, in particular, the mixing of genes to create transgenic organisms. They expressed concern that there was a breach of the Treaty of Waitangi in terms of inadequate consultation with the Treaty partner. There was also concern with indigenous flora and fauna and traditional knowledge being conceived in intellectual property terms. The Commission seemed to politely acknowledge these concerns and then dismiss them.

It is a myth that there are a variety of Māori views related to GE:

I am tired of reading reports, generally written after conducting consultations with Māori, that purport that there are a variety of views around genetic engineering technologies. Fundamentally, there is not. When we use our own terminology, when we refer to our tikanga, when we look at the issues collectively rather than as an individual, the views from the majority of Māori on genetic engineering technologies converge.

To illustrate, a case in point was the apparent diversity of views made in submissions by Māori organisations to the Royal Commission on Genetic Modification. The Royal Commission on Genetic Modification was required to report to the New Zealand Government on two main areas:

1. The strategic options available to enable New Zealand to address, now and in the future, genetic modification, genetically modified organisms, and products; and
2. Any changes considered desirable to the current legislative, regulatory, policy, or institutional arrangements for addressing, in New Zealand, genetic modification, genetically modified organisms, and products.¹⁰¹

The outcome from the Commission process was that genetic modification would proceed, with caution.

Between July 2000 and April 2001 the Commission held a variety of consultations and a number of formal hearing processes.¹⁰² Consultations with Māori, the Treaty partner, included national hui (*meetings*) and ten regional hui held throughout the country. Prior to these hui, Ngā Kaihautu Tikanga Taiao representatives consulted with Māori communities around the country.¹⁰³

The commission received a total of 292 applications for Interested Person status, of which 15 were from Māori or Māori organisations. Interested Person status was deemed as having an interest in the inquiry that is distinct from that of the public, which conferred on Interested Persons speaking rights in

101 GM Commission website, <http://www.gmcommission.govt.nz/inquiry/open_statement_0708.html>, *Inquiry activities: Commission's opening statement*, Wellington scoping meetings, 7 August 2000." Accessed on 7 November 2000.

102 RCGM, *Report of the Royal Commission on Genetic Modification: Appendix 1*. (Wellington, New Zealand, 2001), 107.

103 Ngā Kaihautu Tikanga Taiao is the Māori advisory body of ERMA.

front of the commission. Of the 117 groups or individuals granted Interested Person status, only seven were Māori.¹⁰⁴ The seven conferred Interested Person status were: Te Rūnanga o Ngai Tahu; New Zealand Māori Council; Ngā Wāhine Tiaki o te Ao; Muaupoko Co-operative Society; Māori Congress; Federation of Māori Authorities; Wai 262 Claimants, Ngāti Wai, Ngāti Kuri, Te Rarawa.¹⁰⁵ If you were not granted Interested Person status, you could still submit a written submission.

As the most visible and proactive supporter of genetic engineering and genetic modification in New Zealand, the Life Sciences Networks' Royal Commission closing submission conveniently positioned general public opinion as broad and Māori as divergent.

It is submitted by the New Zealand Life Sciences Network (Inc) and those of its members represented in this submission ("the Network") that, based on the content, and weight, of the huge amount of evidence received by the Royal Commission, the single critical issue is where New Zealand draws the line on the use of genetic modification:

1.7 A broad spectrum of opinion exists. The various communities, which made submissions and gave evidence, while having some intended cohesion, also had a range of internal differences. They also "borrowed" arguments from other communities where those arguments tended to support their central theme.

1.8 Some Māori organisations, (Ngā Wāhine Tiaki o te Ao, National Māori Congress, NZ Māori Council, Muaupoko Co-operative Society, WAI 262 claimants) took a position which may be summarised as:

1.9 No use of genetic modification is acceptable in New Zealand because it offends deeply held spiritual and cultural beliefs in whakapapa, mauri, mātauranga (knowledge); it transgresses a Māori role as kaitiaki of the land, the environment and all living things whether they are indigenous or introduced species and is in breach of Treaty rights. Furthermore, the whole process of consideration of genetic technology by state institutions excludes Māori from their right to be consulted effectively pursuant to the Treaty of Waitangi and, the process of the Royal Commission is in breach of the Crown's obligations to deal directly with the Treaty partner on matters which are addressed within the Treaty itself. Genetic modification is such a matter because it has the potential to impact on our taonga (precious treasures), our forests, lands and rangatiratanga (sovereignty).

1.10 However, this was not a universal view and significantly more accepting views were put forward by other Māori organisations (Te Rūnanga o Ngai Tahu, Federation of Māori Authorities) and individuals (Ammunson and Cairns). Consequently, the Royal Commission should draw the conclusion that Māori, as a sector of the community, are as divergent in their views as other sectors of the community.¹⁰⁶

104 RCGM, 2001: 117.

105 Te Rūnanga o Ngai Tahu is the governing body that oversees the South Island's Ngai Tahu tribe's (Ngai Tahu is the third largest tribe in NZ) activities and administration of over 30,000 members. The New Zealand Māori Council is a body that represents over 900 tribes throughout New Zealand. Ngā Wāhine Tiaki o te Ao is an organisation of professional Māori women who are opposed to GM. Muaupoko Co-operative Society represents Muaupoko iwi between the Manawatū River and Waikanae. The Māori Congress was formed in July 1990 under the patronage of the Māori Queen, Dame Te Atairangikāhu and the late Tūwharetoa paramount Chief, Sir Hepi te Heuheu and Mrs Reo Hura, the leader of the Rātana Church. The Congress is a national body that seeks to provide a forum for hapū and iwi to come together to discuss issues of shared concern with a particular focus on the future development of iwi Māori. The Federation of Māori Authorities represents land-owning trusts in NZ. Wai 262 Claimants are a group of iwi seeking a hearing with the Waitangi Tribunal to determine Māori cultural and intellectual property rights and Māori sovereignty.

106 Closing submissions on behalf of the New Zealand Life Sciences Network (Inc) and listed member organizations, RCGM.

The individuals with divergent views, Paora Ammunson and Tamati Cairns, happened to be paid consultants who were acting as witnesses for the Life Sciences Network in the Royal Commission. The total number of Māori organisations granted Interested Person status was seven. All seven Māori organisations had concerns with genetic modification.¹⁰⁷

Recent and Upcoming Examples of Consultation

New Zealand is in a period of rapid change in relation to the regulation and legislation of biotechnologies and other emerging technologies. There are a number of public consultations that have been completed in the last year or so, and others that are on the horizon.

In 2004 the Human Assisted Reproductive Technology Bill, known as the HART Bill, was put before parliament and passed into law.¹⁰⁸ The HART Bill gives New Zealand the dubious honour of being the first country in the world to sanction inheritable genetic modification.¹⁰⁹ An example of inheritable genetic modification considered in the HART Bill is the genetic modification of germ cells (sperm or egg) or embryos so that modified genetic makeup is passed on to the next generation.¹¹⁰

In 2004 the Health Ministry conducted consultations with the public in order to offer policy direction to the government on a new bill that will be introduced to parliament to regulate the storage and use of body parts and human tissue and tissue-based therapies, including organ and tissue donations.¹¹¹

In 2004, the Bioethics Council completed consultation with the New Zealand public on the ethical, spiritual and cultural dimensions of using human genes in other organisms. In 2005 the Bioethics Council has also been conducting public dialogue with the New Zealand public on animal-to-human transplants, or xenotransplantation.

All of these dialogue and consultation sessions include dialogue and consultation with Māori but ultimately Māori views are marginalised in the reports that are produced.

107 The Life Sciences Networks' Royal Commission Closing submission statement that reads, "significantly more accepting views were put forward by other Māori organisations (Te Rūnanga o Ngai Tahu, Federation of Māori Authorities)" is, I think, a stretch of the truth. Throughout the Te Rūnanga o Ngai Tahu submission there is concern with the inadequacy of the Royal Commission process to consult with all Māori and concern that only seven Māori organizations were granted Interested Person status. Te Rūnanga o Ngai Tahu states that a "precautionary approach" needs to be taken on this matter. Perhaps this is where the Life Sciences Network sees a "significantly more accepting view." However, in Section B (i) Summary of their submission, Te Rūnanga o Ngai Tahu states its precautionary approach is to say "no" to genetic modification. Accessible from RCGM website:

<[http://www.gmcommission.govt.nz/pronto_pdf/te_runanga_o_ngai_tahu/Te%20Runanga%20o%20Ngai%20Tahu%20\(SUB%20IP%200041\).pdf](http://www.gmcommission.govt.nz/pronto_pdf/te_runanga_o_ngai_tahu/Te%20Runanga%20o%20Ngai%20Tahu%20(SUB%20IP%200041).pdf)>, accessed on 18 April 2004.

The Federation of Māori Authorities submission, although appearing supportive of genetic engineering as an avenue for increasing agricultural productivity, particularly as it is a national body representing Māori landowners, outlines the fundamental values of tikanga Māori that need to be incorporated in any decisions made about GM and is emphatic that Māori need to be adequately consulted. The Federation of Māori Authorities submission also states upfront that all the members of the Federation do not support the statements made in the submission. The Federation of Māori Authorities submission is accessible from the RCGM website:

<[http://www.gmcommission.govt.nz/pronto_pdf/federation_of_maori_authorities/Federation%20of%20Maori%20Authorities%20\(FoMA\)%20\(SUB%20IP%200069\).pdf](http://www.gmcommission.govt.nz/pronto_pdf/federation_of_maori_authorities/Federation%20of%20Maori%20Authorities%20(FoMA)%20(SUB%20IP%200069).pdf)>, accessed on 18 April 2004.

108 New Zealand Ministry of Justice website, <<http://www.justice.govt.nz/pubs/other/pamphlets/2003/hart/questions.html>>, accessed on 14 April 2004.

109 See the Center for Genetics and Society website for a brief critique of the HART Bill, <<http://www.genetics-and-society.org/policies/other/newzealand.html>>, accessed on 14 April 2004.

110 New Zealand Herald, *Opinions aired on tissue storage, organ donation*, 28 April 2004.

111 New Zealand Herald, *Opinions aired on tissue storage, organ donation*, 28 April 2004.

Consultation That Was Conducted By Māori and For Māori

In May 2000 the International Research Institute for Māori and Indigenous Education (IRI) based at Auckland University produced a report titled *Māori and Genetic Engineering*. The report explored three key areas (food, human health and biological diversity) by conducting twenty-four key informant interviews with Māori who were knowledgeable about tikanga Māori and/or GE and related issues as well as 19 general focus groups with a total of 94 Māori from a variety of locations, age brackets and backgrounds.

Both key informant interviewees and focus group participants raised concerns regarding many aspects of tikanga Māori, including interference with the wairua, whakapapa, and mauri of a species, and the kaitiaki role of Māori. In particular, the mixing of whakapapa in transgenic research was seen as abhorrent and a desecration of mauri, or life force, and wairua, spirit. Both interviewees and focus group participants also saw the Treaty of Waitangi as the foundation document and process where Māori may assert tino rangatiratanga over their taonga and all living things, including indigenous flora and fauna. They viewed New Zealand intellectual property regimes as breaching the rights of Māori (whānau, hapū, iwi) as tangata whenua, granted them in the Treaty of Waitangi, which is the basic argument made by the WAI 262 claimants. Both groups had similar dilemmas over human health research, inasmuch as it was felt that sick whānau members might benefit from genetic experimentation that leads to a cure of disease. Both groups, however, saw cloning as abhorrent. The report highlighted the fact that the key informants and focus group participants believed that there was a critical need for more open and urgent discussion around human health research.

Conclusion

Although government-commissioned consultations with Māori revealed markedly similar and consistent concerns in their summarised reports, the result has been that all of this consultation has been for nothing. The government is intent on narrowing the sphere of Māori authority. Moana Jackson is right that it is not enough that “we be heard with ‘exquisite politeness’ and then marginalised”, as was the case in the Royal Commission Report.

Construction Workshops with Uku Harareke Reinforced Soil-cement Buildings

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Tēnā tō matua i tākai i te whare rā
Ehara ka huri tua, ehara ka huri aro
Kei riro i a koe te hono o ngā whare e tū nei
Tū tonu, tū tonu, tū tonu!

E ngā mana, e ngā reo, rau rangatira mā
Tēnā koutou, tēnā koutou
He pūkōrero tēnei hei whakamārama i ngā mahi e pā ana ki te kaupapa hanga whare uku kei runga i ngā whenua Māori o etahi o ō tātou whanaunga, ngā whānau Māori. Noreira kei roto i ngā wehenga, ko ngā whakaaro o ngā hunga mahi i tēnei wā. Mauri ora ki a koutou katoa!

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Ngā mihi ki ngā hapū me ngā rangatira e whai nei i te mana motuhake o te haukāinga. Ko koutou ngā ahi kā hei whakatipu i ēnei kaupapa e pā ana ki ngā mahi papakāinga.

Introduction

Residential construction approaches that incorporate earth materials for walls and floors are not new. There are examples of established earth building technologies in most countries the world over, including New Zealand and Australia. The technologies used to create these buildings in New Zealand were mostly imported and often from countries where seismic considerations regarding structural integrity were not a relevant design consideration. There are also examples of earth construction in New Zealand that pre-date European contact, such as the earthen floor of the common whare, and in particular the highly sophisticated earth construction technologies demonstrated in pā maioro (earth ramparts of fortified pā Māori) built during the New Zealand Wars.¹¹²

The rationale for the widespread adoption of earth as a housing material may relate to the availability of suitable construction material at or near the building location, but must also reflect the characteristics of earth construction:

¹¹² Belich, James, *The New Zealand Wars*, Auckland University Press: Auckland, New Zealand, 1986.

- High thermal mass
- The use of renewable resources
- Low cost
- Low toxicity
- Low noise transmission
- Durability

Although isolated examples of experimentation with building forms to meet Māori housing needs can be identified in the later part of the 20th century, progressively increased regulation and control of the residential construction industry has meant that few opportunities now exist to innovate without creating nationally acceptable building alternatives that will comply with the New Zealand Building Code. Current housing demand has crystallised the need for investigation of alternative building forms to assess their suitability.

The Uku project centres on the innovation of new approaches for efficient low-cost housing construction using earth fibre composite. There are three strands to the research: the determination of the necessary technologies; the identification and reduction of legal and financial barriers to technology adoption; and the focus of this aspect of the project—community acceptance and adoption.

Earlier research has established manufacture mixtures and quality tolerances that produce the required structural competence and increased ductility characteristics for earth. Construction approaches that facilitate shorter construction timeframes and also allow the use of indigenous materials and labour are required. The benefits of earth construction include: low cost, low energy requirements resulting from high thermal mass; use of renewable resource; low noise; durability and health advantages. The proposed fibre reinforced panel technology adds ease of construction to these benefits.

Ownership and involvement in this process and therefore confidence in the achievability of outcomes is considered a key success factor. Thus, the first phase of the current research effort has involved the design and construction of two simple buildings using conventional earth construction techniques to provide a base-case assessment of earth construction applicability to the particular characteristics of housing provision on Māori land. The design and construction of these buildings will be discussed and in particular the challenges that were overcome.

Developing appropriate forms of technology transfer during this research and sharing the outcomes with Māori community groups throughout the country is considered as a very important component. The project has prioritised the opportunity for Māori to be involved and see opportunities they can take up. The project has built on existing community skills and learnt by involvement how these can be developed to provide for the community's real needs and opportunities.

The Nature Of Māori Housing Demand

During the 20th century, the Māori population increased more than ten-fold while the total amount of land in indigenous control reduced a further 60 per cent.¹¹³ This left little more than 5 per cent of the total land area in Aotearoa New Zealand potentially available for the development of residential housing.

The vast majority of the land that remains in indigenous control is held in rural areas and under hereditary title. This land is ‘Māori land’ and subject to specific laws in New Zealand (Te Ture Whenua Māori 1993) and falls under the jurisdiction of the Māori Land Court. This land is also predominantly owned by multiple owners, whose representation spans across several generations. This complicates the management of this land where development is intended, as many of the owners are now located in the cities and do not have either the strong ties to their traditional lands or the traditional knowledge of genealogical links amongst the many owners to understand how progress towards a meaningful outcome might be facilitated. Indeed the Māori Land Court has indicated that less than half of all Māori land blocks have been registered under the appropriate trust structures under the 1993 Act.¹¹⁴ The diluting effect of successions to the land by successive generations adds further complications, as often descendants do not have sufficient land-holdings in a particular block in an individual capacity to enable the Māori Land Court to issue an occupation license when that person might want to proceed independently.



Figure 1: Haumi Papakāinga, Rotoiti, NZ.

Once land availability is resolved, land block suitability is typically a mixed blessing. Much of this land is remote, meaning that the environment is often in a near-natural state. However, this also means that access costs can become insurmountable. The legal, planning and professional engineering resources necessary to overcome the legal and physical barriers to access often have a very high cost.

¹¹³ Pool, Ian and Pole, Nicholas. *The Māori Population to 2011: demographic change and its implications*. NZ Demographic Society. 1987.

¹¹⁴ Hoskins, Rau. *Barriers to the adoption of Uku Technology within Māori communities*. Project Report 2004.

Further, the provision of reticulated infrastructure (water, electricity, sewerage, telecommunications) for these developments often does not eventuate and the owners settle for temporary make-shift arrangements based on roof catchment for water, portable generators for power supply, and rudimentary ablutions (long-drops). Mobile phone technology is now reasonably priced and with improved coverage in remote New Zealand locations provides a workable solution if contact with the outside world is required.

Combined with remote location, land access is also difficult as a result of New Zealand's terrain, especially along the less developed coastal margins. Steeper terrain also means that the availability of level construction sites is restricted and confined to narrow coastal margins and valleys. The need for large-scale earth moving equipment can be cost prohibitive in these circumstances.

This remnant land is typically such as it has limited potential for economic development. This means that there are limited employment opportunities associated with the land other than subsistence farming. The lack of economic rural land assets means that most of the younger Māori labour force has relocated to the cities for work. Appropriate labour availability for earth construction in these rural locations is therefore a challenge. The limited employment opportunities in these rural locations combined, with the often limited earning potential of the target end-users, makes large financial outlay a sure impediment to development.

It is estimated that approximately half of the housing demand in these rural locations is the necessary replacement of existing housing approaching the end of its design life or now considered to be substandard. The balance of demand is from urbanised Māori wishing to relocate to their ancestral lands and utilise these assets when opportunities in the city no longer offer any long-term benefits for themselves or their families.

Due to the nature of land ownership (succession to title through genealogy), it is appropriate to acknowledge the demand for long-term housing solutions (the grandchild of the grandchild or six generations)¹¹⁵. This characteristic of Māori land is one that compliments the long-term permanence of earth construction and therefore is a welcome synergy.

Defining the Challenge

An earth construction system that targets the tangata whenua as the end-users must necessarily resolve the following challenges in relation to the urban and rural construction trials:

¹¹⁵ Morgan, Kepa. *Kimihia Katoa Ngā Putake o Te Kaupapa*, Sustainable Cities Trust, September 2002.

- Designs requiring a minimum of input by professional engineers
- A design-life of six generations
- Construction technology that is readily adopted by a non-technical workforce
- Construction technology not overly dependent on large complex machinery
- Low cost construction technology

Thus the Uku project progresses the development of new approaches for efficient low-cost housing construction using earth fibre composite. There are three strands to the research identified from the challenges that need to be overcome: the determination of necessary technologies; the identification and reduction of legal and financial barriers to papakāinga lending; and the key to this project's success—"community involvement". Resolving these challenges will produce a residential housing solution that is both holistic and consistent with aspirations for sustainable development of Māori land.

This paper focuses on progress with the construction trials being carried out with Te Whānau ō Haunui at Waimango and Kōkiri Te Rāhuitanga Trust at Ōtara, to enhance technology transfer and early adoption by potential target end-users of the new technology being developed.

Existing Solutions

Te Rūnanga o Ngāti Pikiao have been pro-actively seeking solutions to housing challenges for more than a decade. In 1994 the rūnanga produced a Māori land construction guide under contract to a government department, published in 1995.¹¹⁶ The completion of a Papakāinga Resource Kit saw some progress in addressing the administrative barriers preventing the development of Māori land for housing and the lack of technical expertise. However, the financial barriers of affordability continued to be a problem with more accessible timber construction methods.

The investigation of existing earth construction methods revealed the potential for cost advantages over timber construction as well as other benefits. In order to realise these cost advantages, however, it was necessary to identify or develop an earth construction technology that was suited to the unique characteristics presented by development on Māori land. The goals were to lower cost, improve quality, increase sweat equity input, reduce external resource dependency, while enhancing the living environment to improve health and increase longevity. The specific engineering challenges were to address the seismic deficiencies inherent in earth, to develop an accessible building system that had these characteristics: ease of construction; use of local materials; use of local labour force; and short time-frames; while incorporating traditional flax and earth technologies.

In 1996, the rūnanga were granted research funding to investigate the applicability of earth construction to Papakāinga housing, and in particular, test a new building material option. The Earth Building Composites Using Indigenous Fibres project aimed to develop new techniques in low cost

¹¹⁶ Te Rūnanga O Ngāti Pikiao. *Papakāinga Resource Kit*. Te Puni Kōkiri. 1995

earth house design and construction.¹¹⁷ This research involved extensive testing for recipe optimisation; the identification of preferred flax cultivars, and full-scale in-plane shear testing of two 2.8m x 1.2m x 150mm thick wall panels. This research established the potential for fibre-reinforced earth composite using flax fibre and optimised the mixture proportions for the desired structural characteristics of tensile strength and shear capacity. The new knowledge from this research, while very useful, was not developed enough to be accessible for the target group. Further research was required to allow the benefits and potential opportunity to be fully realised.

To date the inapplicability of New Zealand codes for fibre-reinforced earth composite (FRECRETE) construction has meant this solution has not been viable on a large scale. Thus the current research is technically focused on the development of applicable construction technologies that exploit the unique characteristics of FRECRETE. At the same time, developing appropriate forms of technology transfer during this research and sharing the outcomes with Māori community groups throughout the country is considered as a very important component.

Therefore this project has prioritised the opportunity for Māori to be involved and see opportunities they can take up as they develop their own futures. The project has built on existing community skills and learnt by involvement how these can be developed to provide for the community's real needs and opportunities.

This approach was anticipated in the 1997 Annual Report thus:

This new construction method will provide owners of multiple-tenure Māori land with the opportunity to access appropriate low-cost housing. The expected outcomes would involve housing, social, health, employment and educational benefits. Wider benefits arising from this research would include energy conservation, a future industry base, sustainable resource use, and urban planning relief.

The first phase of this project has involved the design and construction of two simple buildings using conventional earth construction techniques to provide a base-case assessment of earth construction applicability to the particular characteristics of housing provision on Māori land. The design and construction of these buildings will be discussed and in particular the challenges encountered and overcome.

Community Involvement

Effective relationships with Māori organisations and groups from different areas are essential to the successful transfer and uptake of the technology developed. Therefore early involvement of the Māori community is considered essential for the achievement of the goals identified by the Rūnanga in 1997.

¹¹⁷ Te Rūnanga O Ngāti Pikiao. *Pūrongo mo te hui-ā-tau* (Annual Report). October 1997.

Relationships have been created that provide interaction with tribal groups from the Taitokerau (Northland), Waiariki (Bay of Plenty), and Tairāwhiti (East Coast) areas.

A critical measure of the value of this research project resides in the ability of Māori community organisations to directly apply the research outcomes (technologies and systems) in the provision of their own housing and building solutions. In this regard, a critical focus of the project has been the identification of such appropriate groups and involvement in the research as it progresses to form viable project management, feasibility, design, training programmes and construction teams. This is also intended to deliver an improved understanding of the current and future housing needs associated with Māori communities developing Māori land.

The researchers engaged in this project have facilitated the involvement of potential end-user groups from a significant geographic area in the upper North Island. Significant end-users involved in feedback meetings / discussion associated with this project include:

- Trustees granting access to flax plantations on Māori land at Te Hāpua, Lake Rotoiti
- Ngāti Tura and Ngāti Te Ngākau—traditional harvesting of flax
- Te Rūnanga o Te Whānau¹¹⁸ CEO as member of Māori Community Reference Group (MCRG)
- Project Manager Te Rarawa¹¹⁹ Housing Strategy MCRG member
- Te Wānanga o Aotearoa¹²⁰ course designer involved in feedback meetings as member MCRG
- Waimango Papakāinga Trust representatives as members of the Māori community reference group and involved in uku (earth building) rural trial
- Kōkiri Te Rāhuitanga Trust as a member of the MCRG and involved in uku urban trial
- Weavers interested in the prototype flax stripper

In developing these networks there has been a strong reliance initially on oral communication, kanohi-ki-te-kanohi (face-to-face), as this is the most appropriate communication medium for Māori and allows the participants to build relationships based on trust. The process has drawn on Māori processes and practices.

Initially a meeting or series of meetings are held to establish an empathy with the tribal group concerned and their spokespersons. The usual sequence of discussion consistent with Māori thinking is the acknowledgement of a common empathy; this empathy is established at a number of levels: at the spiritual level, typically with the aid of prayer; at the traditional level with the aid of genealogy and ancient oratory about tribal origins; at the aspiration level with discussion of the land concerned and the alignment of over-arching objectives; and finally at the project level.

¹¹⁸ Tribal council service provider based in the East Coast region of the North Island

¹¹⁹ Tribal council based in the region north of Auckland

¹²⁰ Te Wānanga o Aotearoa is a tertiary education provider in New Zealand with 36,000 students enrolled throughout NZ

Thus the foundation is laid carefully, relying on traditional approaches to new ventures that have been practiced and perfected continuously on our traditional meeting places over the centuries. The pattern followed for each occasion varies in response to the location, venue, who holds authority, and the capacities of those involved.

At the project level there is broad discussion including the potential benefits of participation in the research phase of this project, sharing the research goals, and achieving participant buy-in and commitment. This leads to the Memorandum of Understanding (MOU) or other forms of agreement that facilitate the project proceeding. Relationships have also been established with skilled tradespersons with experience in Māori land development where this construction input has been required to supplement that of the participating hapū.

In practice, preliminary hui were facilitated via pre-existing relationships that several members of the project team had with potential participant communities. The success of these hui was pre-determined in part by these relationships. This is because the pre-existing relationships had provided essential knowledge regarding which people in participant groups held the authority



Figure 2: MCRG Meeting—Waimango. April 2004

and skills to enable successful participation of the hapū and also the context within which the research project would be relevant to each group's overall aspirations. In addition, the trust accruing from these previous relationships assisted in quickly moving the collective aspirations of both the hapū and the research team to a consensus on how to best progress the project.

Thus preliminary hui were held with both Kōkiri te Rāhuitanga Trust and the Waimango Papakāinga Trust in October 2003 and both groups confirmed their support for the project. These preliminary meetings were followed by the dissemination of draft MOU and feedback, leading to MOU sign-off with both groups indicating full agreement on the documents. Input from both communities allowed the development of similar architectural and structural designs and the completion of plans submitted for building consent. This input identified a strong preference to use soils sourced on-site for traditional reasons and to achieve a maximum level of autonomy.

Hui were also held within the Te Arawa rohe with various hapū, which culminated in the hui at Te Hāpua to confirm the availability of harakeke for the project, and hui at Hamurana to negotiate site access, and labour requirements for harvesting and processing.

Rural Construction Trial Site

The selected rural trial site is located on the land of the Waimango Papakāinga Trust adjacent to Tīkapa Moana, approximately 13 kilometres north of Kaiaua.



Testing of soil-cement mixtures made from soil samples from the rural site indicated that satisfactory soils were achievable after modification of shrinkage properties with the addition of locally sourced sand.

Figure 3: Waimango Papakāinga

Urban Construction Trial Site

The selected urban trial site is located on the land of Kōkiri Te Rāhuitanga Trust at Ōtara in South Auckland. Both sites are within reasonable proximity of the University of Auckland and meet the criteria of a rural and an urban development site.

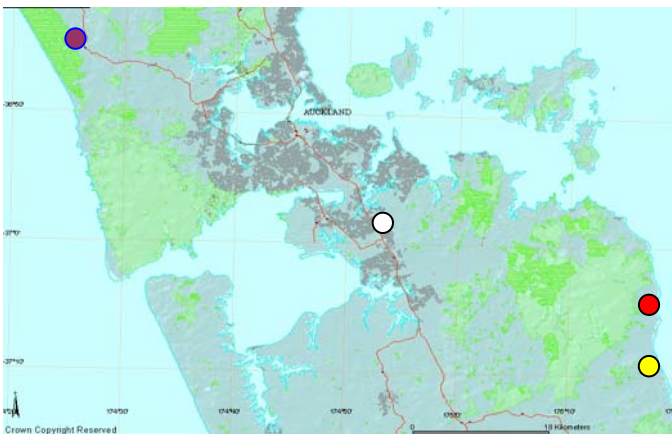


Figure 4: Kōkiri Te Rāhuitanga Trust Site.



Figure 5: Papakāinga sites and soil sources¹²¹

Testing of soil samples from the urban site indicated that this soil was not suitable, but satisfactory soil-cement mixtures were achieved using a quarry soil. The alternative soil used for the urban trial has been procured from two sources in the Woodhill/Waimauku area. The properties of the soils used in each trial are discussed in more detail later in this paper.

Design Concept

Plans for the construction of the uku buildings were developed in consultation with the two Trusts and after considering the proposed use and location of the whare within their respective papakāinga. Following approval of the initial sketch designs, specific design in accordance with NZS4297:1998 *Engineering design of earth buildings* was carried out and working drawings completed.

The design uses a reinforced concrete floor and perimeter footing to support the walls with continuous vertical reinforcement terminating in a reinforced concrete ring-beam. Earth wall thickness of 280mm is based on the minimum dimension for code compliance in terms of thermal performance as both buildings were required to be suitable for habitation. This approach was consistent with the design philosophy of the New Zealand code. However, it was a compromise in the context of using the enhanced



Figure 6: Perspective 'Uku' whare - Waimango

¹²¹NZTopoOnline. Crown Copyright Reserved

properties of the fibre-reinforced earth composite, for which much thinner walls are possible. The roof is a Pacific gull-wing plywood diaphragm on exposed rafters.

To facilitate the primary goal of introducing a target end-user group to earth construction techniques, the wall materials are generally cement-stabilised earth with one panel constructed from fibre-reinforced earth composite (uku). The inclusion of this uku panel in the design was to provide an opportunity for feedback on the additional difficulty—if any—in using this material. Structural design by a chartered professional engineer was necessary to achieve compliance with building code requirements.

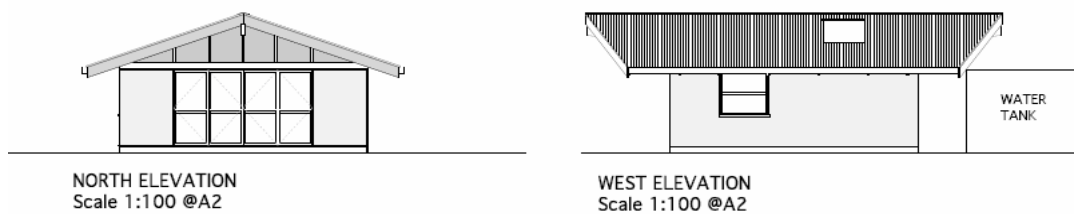


Figure 7: Elevations of Uku building

Flax and Soil Materials

The construction trials require the supply of flax and soil materials in sufficient quantities and of suitable quality to meet the design specifications. The Arawa flax variety was harvested at Te Hāpua on the shores of Lake Rotoiti over a period of three days in November 2003. The harvest was carried out by Ngāti Tura and Te Ngākau. All those involved had harvesting expertise from previous weaving experience. Traditional practice requires harvest before the flax flowers. The traditional harvest method, which cleans the plant and revitalises the core, was used. This meant that the core of the plant was left on each bush to regenerate and the older leaves at the perimeter of the plant were harvested. Access to harvest the remaining flax has been encouraged as the harvested portion is thriving in response to the work completed.

Difficult access prevented the use of a heavy trade vehicle. The flax leaf was shuttled on a small truck out to Maniatutu Road. The harvested leaves were too heavy to be handled in the fadges purchased and so the leaves were gathered directly onto the small truck and then transferred to a larger transport using a forklift. In this regard the gathering of flax in these quantities was very labour intensive.

A significant departure from traditional practice was the use of off-site processing of the flax leaf using the flax threshing machine at Foxton Museum. This meant the practice of returning the waste

material to the base of the plants could not be performed. The processed fibre was dried, collected and stored ready for incorporation into the construction trials.

The soil for the rural trial was sourced on-site. Samples from three separate locations were considered. One of the soils provided more consistent compressive strength and so was chosen for extraction. This soil was also considered superior on the basis of colour.



Figure 8: Waimango Soil Source

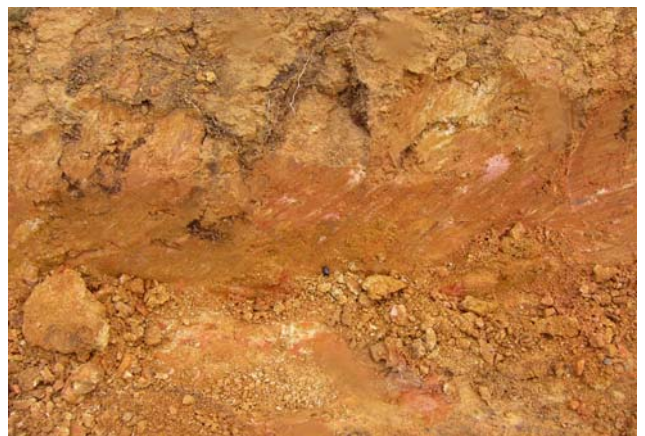


Figure 9: Excavated Soil—Waimango

The compressive strength of the chosen Waimango soil stabilised with 8 per cent cement was not adequate in terms of the design code requirements (table 10). The minimum code compression strength (1.3Mpa)¹²² equates to a test result of 1.2MPa for the sample dimensions¹²³ used.

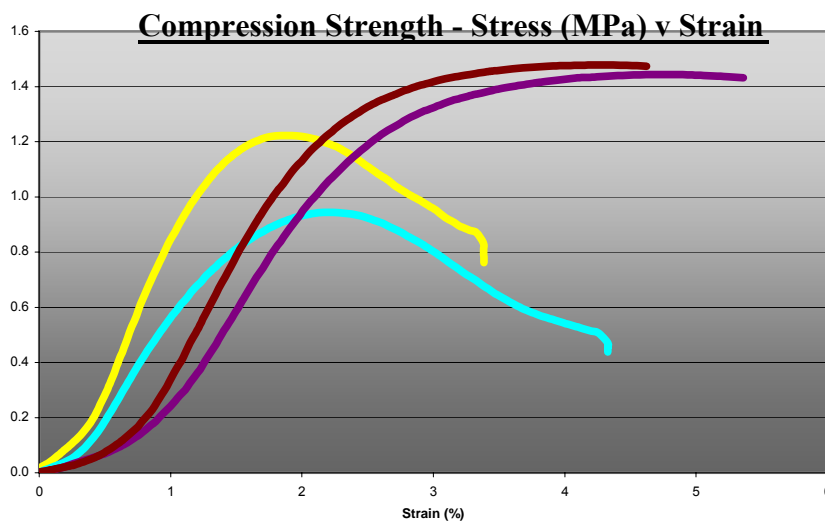


Table 10 Compression Test Results¹²⁴

¹²² NZS 4298 1998 *Materials and Workmanship for Earth Buildings*.

¹²³ *Construction workshops with Uku Phase 1 Report*

¹²⁴ UKU –Fibre-reinforced Earth Composite for Indigenous Housing Solutions, EarthBuild05, Jan 2005 .

The compressive strength of the cement stabilised soil with fibre reinforcement averaged 1.56MPa. All results for 8 per cent cement content and 50mm fibre length demonstrated a consistent increase in compression strength. Average compression strength is 46 per cent higher than that recorded for the un-reinforced soil cement samples.

Test	WC(per cent)	Compression (Mpa)	Average Fc (Mpa)
C2b	27.5	0.95	1.07
C2c	29.3	1.22	
C2d	31.4	0.94	
C2e	30.3	1.22	
C2f	30.9	0.96	
C2i	25.3	0.98	
C2j	28.1	1.09	
C2k	27.8	1.17	
C2n	24.20	1.44	1.56
C2o		1.47	
C2p		1.73	

Figure 11 Compression Strength¹²⁵ Soil C2

As observed in Table 10, testing of fibre-reinforced soil samples (C2n, C2o, C2p) provided a minimum 35 per cent increase in compressive strength for the 8 per cent cement content and 50mm fibre length and a significant increase in the observed duration of load capacity of each sample, enabling the higher loads to be sustained up to approximately 8 per cent measured strain.

Note the addition of 30 per cent sand to reduce shrinkage improved the compressive strength of the unreinforced soil cement material. Subsequent testing has confirmed that the compression strength of the actual mixture used during construction is adequate for code compliance. The sand source was the Kaiaua quarry approximately ten kilometres away.

The ability to use soils sourced on-site was a significant outcome for the rural trial. The suitability of the local material offset the significant additional work component created, due to the need to manually screen the local soil using a wirewove bedbase. Identifying the soil source that will continue to be available for future projects is an enduring benefit.

¹²⁵ Adapted from test data files compiled by John Moala, University of Auckland, January 2004

The soil for the urban trial construction was unable to be sourced on-site. Samples from two separate locations were considered. These soils, while achieving satisfactory compressive strength results, were considered unacceptable,¹²⁶ characterised by high shrinkage (4 per cent) due to the high natural moisture content (40 per cent) of the silty loam. The maximum shrinkage allowed in the design code is 0.05 per cent for rammed earth construction¹²⁷.

Therefore substituting an imported soil source for the urban trial was necessary. Following testing of three quarries located to the northwest of Auckland, 30m³ of processed soil from Lyons Quarry located at Waimauku was selected and imported onto site. A further 30m³ of processed soil was imported from Houghton's Quarry at Waimauku to complete the walls. Testing for these soils also indicated that the addition of fibre improved the strength properties of the cement stabilised earth.

Waimango Construction Trial

Construction of each corner section as an integral unit is considered to be advantageous for rammed earth walls. This preference influenced the choice of contractor for earth construction supervision and precipitated changes to the planned construction approach that originally used a modular false work and formwork system. Thus the Waimango construction trial rammed earth walls used a second-hand plywood formwork system based on an early Bryan Easton design.¹²⁸



Figure 12: First rammed earth wall corner section

¹²⁶ Construction workshops with Uku Phase 1 Report

¹²⁷ Table 2.1 Tests for standard grade earth construction NZS4298:1998

¹²⁸ Easton D., *The Rammed Earth House*, Chelsea Green



Figure 13: Dewatering perimeter foundation trench

Construction progress at Waimango did not achieve the planned programme. Plans to complete earth wall construction over a two week period during February 2004 using the volunteer labour force did not come to fruition. The workforce do not live on site, and had organised coinciding annual leave for a two week period, however, construction during this period was frustrated by wet weather.

The month of February 2004 was the wettest on record with 300 per cent of the average rainfall in previous years recorded.¹²⁹ The inclement weather impacted directly upon the earth wall construction and also frustrated materials delivery for preceding work, such as the concrete floor slab pour. The remote location of this site became an issue following heavy rainfall on three occasions when the public road was closed as a result of slips.

The resultant delay caused by the inclement weather in February had a compounding effect as not only was the labour force reduced to three people for the remainder of the project, but their availability was limited to weekends. The resulting intermittent commitment to the most labour intensive aspect of the construction programme meant that four months were required to complete the earth walls.

The achieved wall construction programme is shown on the following floor plan.

¹²⁹ www.niwa.cri.nz/ncc/cs/0402sum.pdf

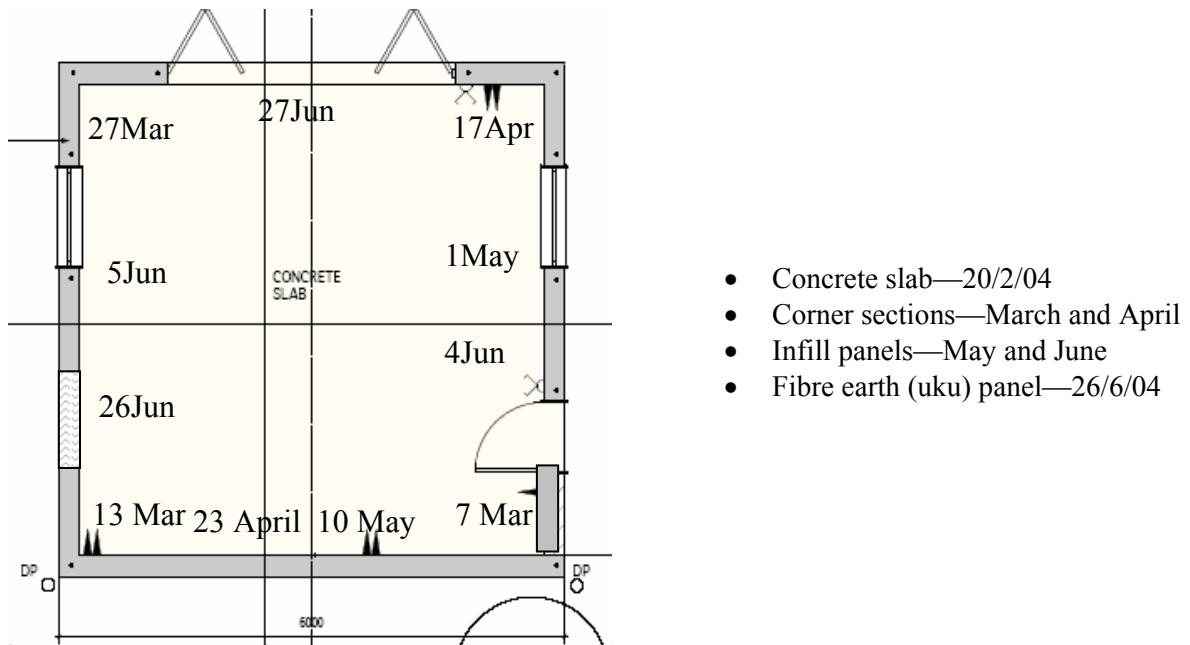


Figure 14: Waimango construction schedule

The batching process incorporated 9 per cent cement and 30 per cent sand for shrinkage control. A tractor mounted rotary hoe was initially used, but was prone to mechanical failure and later replaced with a manually operated rotary hoe as the mix proportions were more accurate mixing 0.3m^3 batches. The earth walls were constructed by compacting the loose soil cement mixture in 150mm layers to form a monolithic wall panel. Optimum compaction was verified audibly by the change in sound of the compaction device when maximum density had been achieved.

Fibre-reinforced panel construction

The fibre-reinforced panel at Waimango was constructed last on 26 June 2004. This panel was identical to previous panels with the addition of 0.5 per cent flax fibre by weight. Views of the fibre-reinforced panel are shown below:



Figure 15: Fibre-reinforced earth wall panel



Figure 16: Fibre-reinforced panel (exterior)

Feedback concluded that the addition and effective distribution of fibre throughout the mixture was considered difficult to achieve. The workforce resorted to laying fibre into the loose material during placement in the formwork. This process requires further experimentation to improve on-site methods.

Discussion

The construction programme for the rural trial was seriously compromised by a number of inter-related events and constraints that resulted in a delay to the planned completion date of almost six months. Some of these events and constraints are representative of the challenges that will be faced by Māori communities attempting similar projects in the future. Understanding the increased labour requirement due to the decision to use locally sourced soil, the need for long lead times to determine soil suitability, the huge impact that the weather can have when taking into account the isolated nature of many potential development sites, the pressures that will be placed on the volunteer workforce, the need for strong project leadership, and finally effective commitment from the workforce, are all take away lessons from this project.

The ability of the volunteer workforce to quickly gain confidence in all aspects of the earth wall construction process confirms the suitability of this type of construction for Māori land development. Further the acceptance and value associated with the resulting building amongst the extended family

has been a significant motivator for many of those that were not involved in the project directly but now have a greatly increased interest and affinity for uku.

Difficulties with the addition of fibre to the earth fibre panel were not able to be overcome on this trial and may have reflected particular characteristics of the soil being used for construction. Further investigation of the effects of the chemical properties of the mixture and alternative methods of mixing that produce a more uniform distribution of fibre is necessary as the adoption of this material hinges on the practicality of its use on site.

An effective relationship with the hapū, Te Whānau ā Haunui, has been essential to the successful transfer and uptake of the technology adopted. A critical measure of the value of this research project resides in the ability of Māori community organisations to directly apply the research outcomes (technologies and systems) in the provision of their own housing and building solutions.

In this regard a critical focus of the project has been the identification of such appropriate groups and involvement in the research as it progresses to form viable project management, feasibility, design, training programmes and construction teams. This is also intended to deliver an improved understanding of the current and future housing needs associated with Māori communities developing Māori land.

Overall the rural trial has provided a valuable opportunity to assess the potential applicability of earth construction for the provision of housing solutions on Māori land. The resulting feedback from Te Whānau A Haunui and others involved with the project has been very positive. The inevitable lessons associated with applying a new construction system with a previously inexperienced untrained workforce on a remote site have at times been testing, but in the end the final result is confirmation of the project's worth. Te Ahuone was opened late in December 2004, but early enough to demonstrate the superior nature of earth construction for housing solutions for Māori.



Figure 17: Waimango Construction Trial August

Ōtara Construction Trial

Construction at Kōkiri Te Rāhuitanga Trust at Ōtara also commenced during February 2004. The excavation for and construction of the reinforced concrete floor slab was accelerated to allow the construction of an earth corner panel during the Eco-Show¹³⁰ held on site between 25 and 29 February. Difficulties in co-

ordinating labour availability, a requirement of the Memorandum of Understanding, were experienced on this site and subsequently this trial was suspended until more certainty could be provided by the host trust in this regard. One corner panel was completed before the project was suspended, which confirmed the suitability of the soil sourced from Lyons Quarry. A Bobcat was used for the mixing process at Ōtara. This reduced the labour required and allowed efficient handling of the material and placing in the formwork.



Figure 18: Waimango rural construction trial



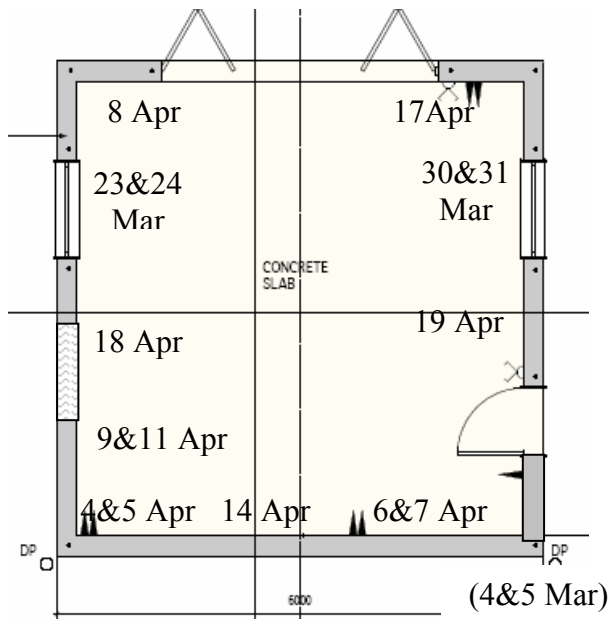
Figure 19: Corner panel at Ōtara



Figure 20: Modular false-work and formwork

The construction trial at Ōtara resumed in late March 2005. The modular false-work and formwork system was adopted for the remaining earth wall construction. This resulted in increased efficiency for formwork and false-work set-up and stripping activities.

Rapid progress was made on the remaining earth walls at Ōtara and, despite continued difficulties with labour reliability and several days lost due to wet weather, these were completed in less than three weeks. The modular system allowed much longer sections of wall to be constructed and did not require a special corner set-up as these were constructed as two separate sections without compromising the structural integrity of the building. The achieved wall construction programme is shown on the following floor plan.



- Concrete slab—18/02/04
- Earth panels—23/03/05—19/4/05
- Fibre earth panels—14/04 and 18/4

Figure 21: Otara construction schedule

Fibre-reinforced Panel Construction

Feedback advised that the fibre-reinforced panels at Ōtara were much easier to construct. The process used was to first mix the fibre into the dry soil, then add the cement and finally add water to achieve the desired moisture content. Mixing was achieved using the Bobcat and this was very effective, with fibre thoroughly distributed throughout each batch. The compaction process was similar but required slightly more effort.

One aspect that became more difficult was the transfer of the loose batched material from the Bobcat bucket into the formwork using shovels as the loose material resisted shovel penetration and separation. The addition of fibre was not considered overly difficult by the workforce and was readily incorporated into the established mixing process.



Figure 22: Placing mixture into formwork

Discussion

The Ōtara trial presented a different set of challenges. The urban location of this trial eliminated many of the issues related to the isolated nature of Waimango. The volunteer workforce lacked commitment, and once motivated became attractive candidates for other employers. Again, the ability of the volunteer workforce to quickly gain confidence in all aspects of the earth wall construction process confirms the suitability of this type of construction for Māori land development.

The urban construction trial benefited from the continuity of the earth wall construction phase and the community quickly became sufficiently confident to attempt earth walls on two consecutive weekends without supervision. Further the urban participants have signalled their intention to purchase a Bobcat and other plant to construct additional rammed earth buildings.

Conclusions

The continued interest and commitment of Te Whānau ā Haunui (Waimango) and the Kōkiri Te Rāhuitanga Trust community to earth building and uku is testament to the value of the rural and urban trials. The outcomes are a credit to all those involved and the first step towards resolving several of the challenges identified in the introduction. In this regard both trials have produced buildings that:

- Have an expected design-life in excess of six generations and use construction technology which:
- Is readily adopted by a non-technical workforce
- Is not overly dependent on large expensive machinery
- Is potentially low cost



Figure 23: Te Whānau ā Haunui in front of Te Ahuone at Waimango Papakāinga

The key to this project's success has been the effective involvement of the target end-user group, Te Whānau A Haunui, as this hapū will be the most effective advocates for the suitability of this approach both within their own development and also for other groups interested in their experience.

The quality of the resulting building at Waimango has been confirmed with the issue of a certificate of compliance in April 2005, and rammed earth walls at Ōtara have achieved superior quality to those at Waimango.



Figure 24: Kōkiri te Rāhuitanga Trust input on the urban trial at Ōtara

Commitment from the urban community has been much more difficult to establish and maintain: however, this community appear to be potentially better resourced in the immediate future to capitalise on the technologies shared in this project. Construction of the urban trial is expected to be complete late May 2005.

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The Waikato River and Electricity Companies: Besides Electricity, What Else Is Generated?

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In this paper I discuss how Waikato River landscape and communities are being reconfigured by modern words and ideas belonging to the discourses of environmentalism, neo-liberalism and third-way politics. In using the term ‘reconfigured’ I acknowledge Appadurai’s (2004:60) notion that in today’s world, people and spaces must be considered as fundamentally fractal, meaning they possess “no Euclidean boundaries, structures, or regularities”. While recent discussions framing the anthropology of globalisation have drawn on this idea, social science representations of space are still “remarkably dependent on images of break, rupture and disjunction”. For Gupta and Ferguson (2004:65), “the distinctiveness of societies, nations, and cultures is predicated on a seemingly unproblematic division of space, on the fact that people occupy naturally discontinuous spaces”. The Waikato River is therefore an interesting focus, as historically just as today, the river is a contested entity that has the ability to transcend territories and private spaces. By crossing boundaries it forces people to relate to one another legally, economically, socially, politically and environmentally.

In particular, this piece of research analyses and reports on how language is being used by electricity-generating companies (and specific Māori individuals and groups) to assert and legitimate their standing and role both within the Waikato River landscape and with the New Zealand business community, regulatory authorities and Māori. Of particular interest is the reconfiguring power of the word “stakeholder”, a word that in its modern use is contrasted with “shareholder”. Māori iwi (tribes) traditionally connected to the river have been re-labelled as “stakeholders” along with a range of other groups. It is my contention that, without a coherent understanding of the meaning of terms such as stakeholder, local Māori are not able to adequately participate in decision-making concerning the river. It is worth mentioning that the term stakeholder was frequently used in the electricity generator Mighty River Power’s (referred to as MRP for the rest of this paper) 2001 *Annual Report* and 2001 *Sustainability Report*. Preliminary analysis of the word stakeholder shows it comfortably fits into the

discourses of 'Environmentalism', 'Neo-Liberalism' and 'Third-Way Politics'. In this paper, scrutiny of the word stakeholder will reveal the layers of multiple meaning that are 'fixed' within the term and show how the word has become a new signifier in Waikato River discourse, albeit a rather ambiguous one.

If we consider the word stakeholder as a 'Saussurean type signifier' (Cobley and Jansz 1998:11) for the Waikato River, rudimentary notions of 'river stakeholders' could include images of people holding onto stakes made out of materials of their choice that are stuck into the river. These stakes might be positioned in different parts of the length of the river, some firmly implanted in the riverbed and others barely attaching to the water's surface. The stakes might vary in size and strength, reflecting whether the holder of the stake has a greater or lesser interest in the river. Waikato and Ngāti Raukawa stakes might be visualised as very old and ornately carved wooden palisades with symbolic representations depicting the history and traditions of the tribes and the river. Tribal members might conceive that their stakes were initially stuck into the river by the great Tainui chief Taikehu. While these figurative assertions may hold value for those of us trying to grapple with conceptualisations of stakeholders being new signifiers for the river, they do not add any certainty for the many ways in which the word is being politically deployed in commerce and politics today. In the early stages of this research the one thing that is apparent is that there is little agreement about the modern meaning of the word stakeholder. The problems surrounding this word becomes obvious when considering the following comments and views expressed by a number of diverse people:

It is a word you have to be careful with, a word that comes straight from neo-liberal rhetoric (University of Auckland academic).

The word stakeholder is a 'politically fashionable' word and is certainly one which is much used (and abused) in parliament (National Party politician).

What do you mean stakeholder in the river? That word stakeholder is too blunt (Māori Kaumātua-Elder).

We use the word stakeholder to give people a special status, we need to identify them because they can influence decisions that effect us, it's a risk management tool nothing more (Environmental lawyer).

Its an ambiguous word that gives people a false sense of security"(University of Auckland academic).

What is a Stakeholder?

In the *Oxford English Dictionary Second Edition Volume XVI Soot-Stipe* (Simpson and Weiner 1989: 463), a stakeholder is defined as the "one who holds the stake or stakes in a wager" and also as the "one who has a stake in something, especially a business". While the dictionary provides only two brief definitions, the first which seems to have emerged from gambling and the second associated with

business, it also provides an account of the word's written record, a record that dates back to 1708 and extends through to the present day (see Appendix 1 for the written record and other notes on stakeholders).

Further consultation in *Webster's Dictionary* (1961) also provided two definitions for the word. These were a "person entrusted with the stakes of two more people betting against one another" and a "person entrusted with the custody of property or money that is the subject of litigation between rival claimants in which the holder claims no right or property interest". Here I argue that the second definition extends the word's association from one of gambling to one of guardianship and dispute resolution. Within a dispute resolution context it is possible to speculate that the word may have evolved from the word being used in gold mining when rival prospectors "'staked claims". However, the real significance is that both definitions stress the importance of the stakeholder being entrusted with a responsibility and delivering either money or property to which the holder has no right or interest. Interestingly, research in more recent literature shows a new variation on this idea. While the *Concise Australian Dictionary* (2004) and the *Concise Oxford Dictionary* (1978) both offer traditional gambling definitions of "an independent party with whom each of those who makes a wager deposits the money, etc., wagered", they also offer "a person with an interest or concern in something". Indeed, the meaning of the word becomes contradictory once these two definitions are offered together. For in the first instance we are told that a stakeholder is "an independent person, entrusted with other people's stakes" and then we are told that a stakeholder "has interests or concerns". I argue that these simple but contradictory definitions have created the ambiguity of the word stakeholder. This confusion was discussed in Oxford's *Twentieth Century Words*. The purpose of this particular dictionary is to provide reasoning around the invention of new words and to track word transformations. It noted that R.E Thomas, a government commentator, used the word stakeholder in 1976 in a public address that compared stakeholders, shareholders and Marxist understandings of ownership (Ayto 1999:506).

In the early 1980s the New Zealand Labour Government first introduced the term stakeholder in neo-liberal rhetoric as part of an early attempt at third-way politics. However, since that time, the word has taken on a great array of meaning. In particular, business management theorist R.E. Freeman's (1984:46) famous stakeholder definition of "any group or individual who can affect or is affected by the achievements of the organisation's objectives" strongly directs the word's use and understanding in New Zealand commerce and politics today. One only has to view the MRP 2001 *Annual Report* where Freeman's definition is cited in the text, or examine recent transcripts from the parliamentary debates that discuss stakeholders to see how influential Freeman has been in developing modern conceptualisations of stakeholders.

Furthering the definition, *Oxford's Twentieth Century Words* explains that it was the British Labour Party leader, Tony Blair, applying Thomas's stakeholder notion and coining the terms 'stakeholder economy' and 'stakeholder democracy' (Miller 2001:232) that really popularised the word. According to Bullock and Trambly (1999:823), Blair's use of the word can be traced back to ideas of inclusion that were theorised by 18th Century neo-classical economist Adam Smith and 19th Century civil rights activist Thomas Paine. Blair is first recorded using the term 'stakeholder economy' in 1996 in Singapore, where he identified a "stakeholder economy as a rational economy in which all members of society had a stake in its success" (Ayto 1999:506). Ideas of the 'stakeholder economy' revived a reformed type of third-way politics, which framed the Labour Party's campaign for the 1996 British election. However, while this political tactic was popular with middle-class voters, it is reported that a hostile response from right-wing voters saw Blair back away from the 'stakeholder economy' as an alternative to socialism and capitalism. According to Bullock and Trambly (1999:823), his retreat has seen a much narrower definition of stake-holding emerge, one that has transformed Anglo-Saxon capitalism into one which views the company as an intermeshing series of interests. Instead of managers simply being custodians of the interests of shareholders alone, the corporation is viewed as "representing a much broader array of stakeholders: that is in the workforce, consumers, the environment and the broader public interest". Ironically, the word even has a business management theory based around it now. Stakeholder Theory was formulated by Donaldson and Preston in 1995. Basically, the theory defines which groups of stakeholders require management attention, and which do not (Mitchell et al. 1997:2). In the mid-1990s, New Zealand business and political communities embraced reformed Third-Way Politic understandings of the word "stakeholder". It is important to note that modern meanings fixed within words such as stakeholder have helped pave the way in the restructuring of New Zealand's electricity industry. Furthermore, such words have also aided in directing a course of business action for the relatively new company MRP, which was established in April 1999. From this brief analysis of the word perhaps it is possible to see why the term stakeholder now holds so much meaning for the Waikato River. The Waikato River is New Zealand's longest flowing river and, of course, has a variety of stakeholders.

The Waikato River is a Significant Electricity Resource for New Zealand

The development of the electricity industry in the Waikato region began in the 1920s after large stretches of land around the Waikato River were acquired by the state. It is well documented that the advent and development of electricity generation considerably improved the lives of all New Zealanders. However, the alienation of Māori from the river and their ancestral lands was an adverse consequence of the industry. Māori with territories around the Waikato River included people from the tribes of Ngāti Tuwharetoa, Ngāti Tahu-Ngāti Whaoa, Ngāti Raukawa and Waikato-Tainui. These tribes had lands taken from them so that hydro and thermal power stations could be built and power station villages could be set up to house electricity department employees. Furthermore, the actual

construction of the dams resulted in parts of the river becoming permanently inaccessible to Māori. Dams not only divided the river into sections making parts of the river unsafe, but they also changed the river's water flow and capacity. In anthropological terms, what Māori experienced with this estrangement from the Waikato River and their lands is defined as 're-territorialisation'. Ina and Rosaldo (2004:12) discuss the impacts of 're-territorialisation' on culture and explain "that a connection between culture and specific place can be weakened, although it does not mean that culture altogether has lost its place". Fookes (1976) described the re-territorialisation of Huntly Māori when the Huntly Power Station was developed in 1973 as a process that included "the removal of Māori households from their land and relocation in Huntly Borough; the breaking up of kinship groups; the loss of land and all that this symbolised to Māori; the undermining of leadership and morale; the loss of quality of life in its social, cultural, economic and spiritual aspects; and resultant community unrest and loss of confidence in the existing social order." While it is acknowledged that Māori continued to have a territorialised existence around the river after the 1920s, it is apparent that their existence was certainly a lot less stable.

In this paper I argue that in recent times many Māori are again experiencing re-territorialisation around the Waikato River. However, this time the re-territorialisation is better described as a 'metaphorical sense of re-territorialisation' as people are not being physically separated from the river. Rather, they are becoming alienated from the river and its environments through the creation of an elite language that is used by elite groups when they discuss the river. This elite language has gained much ground since April 1999 when the State Owned Enterprise, ECNZ, New Zealand's largest electricity generator was separated into three new competing electricity companies. With the state's deregulation of the electricity industry, the new companies were not only expected to maintain the business that had been transferred to them from ECNZ, but they were also expected to find and create new markets. Of the three companies formed, two were dependent on the Waikato River for their generation processes. These were Genesis Power, which has a major thermal station in Huntly, and MRP, a hydro generator with nine power stations on the river. After more than a year's trading, the companies had to report the status of business back to shareholders. For the new companies however, reporting back was not just about sharing the company's profits and outlining new areas of business. It was also about creating new corporate identities.

Constructing a New Identity for the Company and the Waikato River

For MRP, the smallest of the three companies, the identity that has been created is one that reflects an earnest, efficient, forward-thinking and shrewd character. It is an identity, in my opinion, that has been very successful in fusing the company with the Waikato River. According to Abner Cohen (1974) the core task of any group is that they must create a boundary and define an identity. Cohen explains that mythologies of descent, genealogy, alliances under symbolism, ritual beliefs and practices, moral

exclusiveness and style of life all help to create boundaries and define identities. For MRP, the boundary created and identity defined is best described as emerging from the ritual beliefs and practices of business and the moral exclusiveness of science.

Since 2001, when MRP first began circulating its sustainability and annual reports, the company's identity has been framed by ecological notions focusing on "the Waikato River as a sustainable resource". Analysis of MRP public reports shows a favouring of language deeply rooted in the discourses of environmentalism, neo-liberalism and third-way politics. Following discussions on discourse that investigated the 'development' and 'tradition' of Tainui Māori, Meijl (1990:49) pointed out that "the analytical concept of discourse comprises the practical articulations of language units greater than sentences, which are not simply subjective enunciations, but 'events' of discursive formation". Foucault's (1972:270) notion of discourse theory explains the concept of the 'discursive field'. Unlike traditional ethnography that suppressed accounts from the field by non-anthropologists, ethnography that is shaped by ideology of the discursive field includes both professional and non-professional accounts. These competing accounts are placed within a discursive field that is structured by power relations, highlighting the relationship between language and power (Jordan 2001:121).

From my analysis I contend that the modern words in the MRP reports are politically powerful and are driving new meanings for the Waikato River (see Appendix 2 for a comprehensive list of new 'river' words). From the environmental arena, words such as "sustainability", "renewable" and "resource" now have a strong association with the river. From third way politics, notions such as "public resources", "shared responsibility", "stewardship" and "river community" are finding new meaning against the backdrop of the river. In the neo-liberal category, words such as "transparency", "accountability", "measurement" and "performance" also have a place within the river context. In MRP's 2001 *Sustainability Report* (2001:28), MRP and Māori understandings of the river were compared, showing that "although Māori spiritual and cultural beliefs are explained in terms that are unique to them many of the values that they represent are shared with us". Referring back to the idea of Māori experiencing a metaphorical sense of re-territorialisation, I argue that modern words are new signifiers for the Waikato River. I also submit that these new words are competing with traditional Māori language and other specialist river language to be acknowledged and understood. According to Kāwharu who wrote extensively on the meaning of kaitiakitanga (simply translated as "guardianship"), "language like culture is always evolving to dynamically meet present circumstances" (2000:350). To address Kāwharu's view, another valuable part of my PhD research (albeit not in this paper) will be to find out what the consequences of this new river rhetoric are for Māori language and knowledge associated with the Waikato River. For instance, how do local understandings like kaitiaki, taniwha, rāhui, wairua, mauri and wāhi tapu stand up against the modern river dialogues of stakeholder, stewardship, management, sustainability, renewable resource, conservation and ecological-enhancement.

It is apparent that local river community acceptance of the company has also been important in MRP identity formation. This is highlighted in the text of the MRP 2002 *Annual Report*, which included a series of interviews with representatives from some of the Waikato River's stake-holding groups. Of the seven interviews collected, three were with Māori. Analysis of the Māori interviews revealed that in one interview, the person not only used Māori words such as marae, kaumātua, taonga and hapū but also modern River dialogue such as "energy potential", "continuous sustainability" and "capacity to recycle". This interview, however, was the exception as the other two Māori interviews, while full of Māori words, did not include any modern river dialogue.

In the MRP reports, the word 'stakeholder' functions as a modern tool to identify people. Specifically, it is used to identify groups of people with interests in the company and also groups of people with interests in the Waikato River. Frequency of the word stakeholder in MRP reports shows the word dominated the texts of the 2001 *Interim Annual Report* and 2001 *Sustainability Report*. In the 2001 *Interim Annual Report*, two pages were dedicated to defining the term stakeholder and identifying company and Waikato River stakeholders, while the 2001 *Sustainability Report* used the word stakeholder 22 times in its text. After 2001, the word stakeholder has been used considerably less in such reports. For instance, in the 2002 *Annual Report* the word was only used twice and in 2003 the word was used four times. A possible conclusion that can be drawn from MRP's retreat from stakeholder dialogue could be that the company felt it had done a very good job of presenting its stakeholder commentary in 2001. Also in 2001, a senior management position was created within the company that focused on communications with all Waikato River stakeholders, such as local iwi, Environment Waikato and Genesis Power Ltd. With this position in place it is possible that the company appeared to resolve its stakeholder objectives. Furthermore, it is also necessary to appreciate that while meeting certain statutory requirements, annual and sustainability reports function as important marketing devices that report back on a wide variety of business dialogues.

To conclude my discussion of MRP's reports it is important to mention that the texts of the reports were supported with many striking photographs. These pictures illustrated the prominence of the dams and power stations on the Waikato River and also showed company employees performing technical and scientific procedures against the backdrop of the river. In my opinion the photography professionalises the company and connects MRP to the Waikato River landscape. The purpose of the visual representations is nicely articulated by Strang (2004:61) when she discusses the dialectical engagement people have with their environment:

people draw on the things they observe to create metaphors to describe themselves and their own physical, emotional and mental processes, they also use themselves to describe the world. The result is flowing patterns of linguistic and visual association, meaning and value.

Conclusion

In this paper I introduced the idea that new words associated with the discourses of environmentalism, neo-liberalism and third-way politics are powerful tools for electricity generators with interests in the Waikato River. I argue that words which are selected to be part of annual and sustainability report texts are contributing to the formation of a new and elite language for the Waikato River. It is probable that this new language will have alienating affects on most Māori who have interests in the Waikato River. However, there will be some Māori individuals and groups who are able to use this new language to better their positions within tribal, state and commercial structures. Generally speaking, Māori who are engaging in the modern river dialogue are those who have bureaucratic roles within tribal and/or state structures, as well as recent university graduates. Put simply, those people who engage and understand this new river dialogue are able to participate in decision-making discussions for the river. It seems that at some level they will be included in the management of the river while those who do not understand may well be excluded. Therefore, if local river Māori want to continue to be involved and influential in the Waikato River they must not only retain competence in traditional language and ideas that evoke Māori meaning for the river but they must also know how to engage in modern river dialogue. It is important that local river Māori recognise when it is politically worthwhile engaging and using new river words in discussions and when it is politically worthwhile leaving them alone. Indeed, most of the new river dialogue is of little practical use to Māori who use the river for spiritual, food collecting and recreational reasons. A strong history of association with the Waikato River gives local river Māori a continuing connection to the river. According to Gadamer (1982:259) “understanding is not to be thought of so much as a method of analysis but as the placing of oneself within a process of tradition, in which past and present are constantly fused”. With this thought in mind, there would seem to be many new understandings and opportunities to be fostered for local Māori around the Waikato River. Drawing upon their historic and modern understandings, it is important that local river tribes continue to build on the river knowledge they already have so they may maintain and secure future connection. But it is also necessary to understand the meaning of new river words; the demarcation of the word stakeholder has shown that being labelled a stakeholder in the river does not entitle one to own or have any special rights in the river.

In 2003 MRP and Waikato-Tainui signed a Partnership Agreement in regard to the Waikato River (see Appendix 3 for a version of the Partnership Agreement). This agreement which is full of modern river words frames the way MRP and Waikato-Tainui intend to work together to preserve and enhance the Waikato River. Interestingly, the first line of the Partnership Agreement states that MRP and Waikato-Tainui are “key stakeholders in the welfare of the Waikato River”. This Partnership Agreement, which was signed off by the chairman of MRP’s Board and the chairman of Waikato-Tainui’s Executive Council, is the only document I have been able to find where Waikato-Tainui acknowledge in writing

that they are stakeholders in the river. In all other documents that have discussed Waikato-Tainui's interest in the Waikato River the tribes standing is that they were *kaitiaki* of the Waikato River. Perhaps what is significant here, though, is that prior to this formal agreement all other Waikato-Tainui tribal documents regarding the river had been constructed and signed off by the late Sir Robert Mahuta. As a tribal leader, who was a scholar in Māori linguistics (1974), he was well aware of the power of language and discourse and therefore would have purposely kept away from words and terms that threatened the Tribe's political position with the river. In this regard I need to draw your attention to Waikato-Tainui, Ngāti Raukawa and Ngāti Tahu-Ngāti Whaoa all having Waitangi Claims on the Waikato riverbed. It is possible that in the future these tribes could have ownership rights in the Waikato riverbed meaning they would no longer be just stakeholders in the river. However, whether they would be considered shareholders instead or would want to be termed shareholders would have to be determined. With this premise in mind a question that has to be asked is "what is the real value in constructing formal 'Partnership Agreements'?"

Appendix 1

More Definitions for Stakeholders

The *Oxford English Dictionary* gives an account of the word 'stakeholder's' written record. The first record comes from *The British Apollo Journal* (No 55.2/1) in 1708 with "which will oblige your humble servant and stakeholder". Their second record from 1815 is credited from *Sporting Magazine* XLV with "a Bank of England note, which was lodged in the hands of a stakeholder as a deposit". The third entry from 1858 comes from St Leonard's handy book, *Property Law IV 20*, whereby "when the deposit is directed to be paid to the auctioneer, he is entitled to retain it until the contract is completed, because he is considered a stakeholder or depository. While the records so far correspond with the dictionary's first definition of "someone holding the stakes in a wager", their fourth entry from 1965 in Ansoff's *Corporate Strategy* shows a notable change with a commercial use of the word where "the objectives of top management can and frequently do come in conflict with objectives of other stakeholders in the firm". From here on the written records in the dictionary correspond more with the business definition given. In 1975, *The Economist Journal* (11 Jan 79/2) stated "a good few of the smaller stakeholders in the North Sea are now trying to find buyers so they can get out". Yet it is the record from 1976, from *Government of Business* i:22 that is also cited in Ayto's *Twentieth Century Words: The Story of New Words in English Over the Last Hundred Years* (1999:506), of R.E Thomas's address which contemplated types of state ownership, that really catapulted the word into its modern sense. Thomas explained "three approaches are considered here; the shareholder approach advocated by free enterprise theorists..., the stakeholder approach as portrayed by Dahrendorf and the Marxist approach". Continuing in a similar fashion, an entry from 1985 in *Business Week* (3 June 94/2) reported "the oil giant had arranged to buy out two other major stakeholders gaining majority control". This was the last entry in this dictionary for the word "stakeholder".

The word “stakeholder” has been identified by Mitchell et al. (1997:1) to mean "primary and secondary stakeholders; as owners and non-owners of firms; as owners of capital or owners of less tangible assets; as actors or those acted upon; as those existing in voluntary or involuntary relationships with firms; as right holders; contractors; or moral claimants; as resource providers to or dependants of a firm; as risktakers and influencers; and as legal principals to whom agent-managers bear a fiduciary duty". Certainly, this line-up of business stakeholders shows stakeholder presence virtually everywhere.

Appendix 2

Words and Concepts Providing New Meaning and Understanding for the Waikato River

Environmental

Aquatic Biota, Conservation, Eco Efficient, Ecological Enhancement, Emergency Preparedness Planning, Emission of Greenhouse Gas, Environmental Footpath, Environmental Impacts, Environmental Integrity, Enviro-Mark Standard, Fossil Fuel, Geomorphology, Green Branding, Heritage Value, Hydrology, Hydrogen Economy, Innovative Energy Solutions, Modified Environment, Natural Assets, Natural Energy, Niche Generation, Resource, Solar, Stakeholder, Sustainable Development, Sustainability Matrix, Wind Power.

Neo-Liberal

Accountability, Audit, Competitive, Competitors, Empowerment, Management Measurement, Monitoring, Performance, Reporting, Rewards, Shareholder, Shareholder Value, Stakeholder, Stakeholder Rating, Surveillance, Transparency.

Third-Way Politics

Accountability, Benefits our Communities, Community Bases, Human and Intellectual Capital, Partnership, Public Interest, Public Resources, Redesign Electricity Industry, Relationship Building, Shared Obligations, Shared Responsibility, Stakeholder Dialogue, Stakeholder Trust, Social Progress, Stewardship.

Appendix 3

Media Release—8 July 2003—Key Parties Create Waikato River Partnership,

Waikato-Tainui and Mighty River Power, two of the largest stakeholders in the welfare of the Waikato River, have signed a partnership agreement outlining how they will work together to contribute to the future wellbeing of the river. Waikato-Tainui regard the Waikato as their ancestral river while most of Mighty River Power's current electricity generation comes from the eight dams and nine stations along the Waikato. Last night the two organisations signed an

agreement outlining the way they would work together to ensure the preservation and enhancement of the river and its surrounds for future generations.

We were very pleased to enter a partnership that recognises the ancestral role the river holds for Waikato-Tainui and acknowledges the contribution the river makes to our spiritual and temporal health, says Waikato Raupatu Trust chairman Kīngi Pōrima.

Mighty River Power has recognised that as tangata whenua we exercise mana whakahaere over the region and we believe the presence of the dams has had an impact on our relationship with the river. However, we also acknowledge that the dams and their operations have produced positive community benefits.

Mighty River Power Chairman, Rob Challinor says the agreement with Waikato-Tainui shows the iwi have a clear vision and commitment to the future of the river as well as a dedication to community leadership in the Waikato.

It has been a pleasure working with Waikato-Tainui. Both of our organisations share a strong commitment to the preservation of the river, as well as a desire to make a constructive contribution to the Waikato community. The signing of this agreement is a tangible demonstration of that commitment, with the ultimate beneficiary being the Waikato River.

The partnership focuses on several initiatives, including the following:

- Enabling Waikato-Tainui to realise, in practical terms, their interest in managing the river
- Establishing river-related enhancement projects, remedial works and scientific studies in and around the Waikato River and adjacent locations
- Undertaking activities and promoting projects to improve the education, employment opportunities, health and well-being of the people of Waikato-Tainui
- Enhancing the cultural relationships that are fundamental in Waikato-Tainui's relationship with the Waikato River
- Waikato-Tainui and Mighty River Power have established a Partnership Committee, which will carry out the various initiatives outlined in the deed of memorandum.

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Appendix 4

Determining the Topic

My PhD topic, *The Waikato and the St Lawrence: A Critical Study of River Stakeholder Society*, was inspired by a recent visit to the province of Quebec in Canada. I visited Quebec in February and March of this year. The purpose of the trip was to familiarise myself with the place and make contacts as I wanted to do a year long stint of fieldwork there later in the year. At the time my plan was to do a comparative study of Māori and Québécois youth. I was hoping to do an innovative ethnography and chose the youth of Quebec to compare with Māori rangatahi (youth) as I was told that many Québécois youth were politically minded and had firm ideas about their self determination, which would have matched nicely with Māori rangatahi notions of tino rangatiratanga (self-determination). This is a simple explanation as to why I thought a comparison of the two cultures might work and be interesting. However, it is important to mention that around the time of leaving for my reconnaissance trip, some family members and friends of mine both Māori and Pākehā explained that they were having difficulty comprehending, firstly, why I needed to go halfway around the world to do research, and then, secondly, why I wanted to do research that compared Māori with French-speaking Canadians. My response to them was that this was my topic and I would just have to see how it went once I was over there.

As I sat in my seat on the aeroplane ready to leave New Zealand two thoughts reverberated in my head, the first was what the hell am I doing here and the second was that this could go really badly. On my arrival at Montreal Airport I was met by some Québécois youth. Of the small group meeting me I knew one person; actually, to be more precise, in the whole of Canada I knew one person. That person's name was Natacha Gagne. I had met Natacha in New Zealand three years earlier during the one-and-a-half years she spent carrying out PhD fieldwork, which contemplated Māori autonomy. During that time we cultivated a strong friendship. It is important that I acknowledge the fine care and support that I received from Natacha, her partner Sebastienne, their family and Professor Eric Schwimmer while I was in Quebec. Had it not been for these people and a few others who I have footnoted, it is possible that my trip could have been a very bad experience as within the first week of my visit I realised as lovely as the young Québécois people were, their political positioning and the reality of Quebec separating or not separating from the rest of Canada was not going to sustain my interest for a PhD. Comparing Māori Rangatahi and Québécois youth just wasn't going to work. For a start, not all Québécois youth were as politically minded and interested in self determination as I thought they would be. Though, now on reflection, the ironic thing is that not all Māori rangatahi are politically minded and interested in tino rangatiratanga. However, the main reason I decided to change topic—and I became properly aware of this after I did a small presentation at McGill University—was that when I was answering questions from the audience I could see that my work actually polarised sections of Māori society. It focused on the tensions between rangatahi and kaumātua (elders), the

struggles between modernists and traditionalists and the conflict between chiefly lineages and the new educated elite. As a Māori and an anthropologist I realised I wasn't interested in working on a PhD study that magnified hostilities between Māori. I know now in this short time of reflexivity with the upbringing I have had and because of my anthropological training that I would rather engage in a PhD study that is timely and cutting-edge, has potential for longevity and ultimately focuses on Māori strengths and opportunities.

For this reason it was fortunate that on the third day of my trip Natacha and Sebastienne took me to Quebec City. Natacha wanted to immerse me in Québécois culture and as part of my immersion she took me to the heart of the city, to a place that was elevated where you got a very good view of Chateau Frontnac. Chateau Frontnac is a hotel that looks like a castle and has an image that is often used in Canadian travel brochures. After being positioned for the best view of Quebec City I turned to the left and that is where I first saw the glorious St Lawrence River. I recall saying to Natacha “What is that?” Her response was “Oh that’s the fleuve St Lawrence, the St Lawrence River”. She then explained that the French word ‘fleuve’ did not translate to mean an ordinary river—that was “rivière”. Rather, a fleuve was the grandest of rivers. I was mesmerised by the fleuve; in my life I had never seen a river that was so wide or a river in a partially frozen state with huge blocks of blue-white ice floating down it. The encounter I had with the St Lawrence on that day is how I have begun to comprehend the Māori understanding known as ‘te ihi, te wehi, te wana’ which are very intense relational emotions present within the self (Kruger 1980). Translated, the ihi means the power or authority, the wehi is the awe and the wana the fear or the thrill. These sensations were all present as I stood and watched the St Lawrence River in Quebec City. Quebec (or Kebec), is an indigenous Canadian word for “where the river is narrow”.

Having lived on the banks of the Waikato River at Turangawaewae Marae in Ngaruawahia until I was sixteen years old I thought I had a pretty good knowledge of rivers. I knew about flooding, fogs, currents, swells, high and low water lines, the types of food you can collect from the river, safe areas for swimming, less dangerous areas to jump into the river from train and car bridges, the river as a mode of transport, some of the spiritual understandings and healing properties of river waters, how the river maps the Tainui region, oral traditions belonging to the river and even some of the meaning and symbolism associated with local taniwha. Yet none of this knowledge was relevant to my understanding of the St Lawrence River and how people lived with it. Gadamer established a connection between the anticipatory character of understanding and interrelated notions of prejudice, authority, and tradition. According to Gadamer (1982:259) “understanding is not to be thought of so much as a method of analysis but as the placing of oneself within a process of tradition, in which past and present are constantly fused”. In Quebec City my past experiences with the Waikato River somehow gave me a connection with the St Lawrence River. This intuition provided me with a sense that there were many new understandings and opportunities to be conceived around rivers and the people

who have attachments in them. In an instant, an exciting but very bare new horizon appeared for me around my notion of river. So, now, instead of doing a comparative study of Māori and Québécois youth, I will do a comparative study of the Waikato and St Lawrence Rivers. And, of course, because I am an anthropologist, not a geographer or an environmentalist, I need to focus on people rather than the rivers. Selecting people to study on the rivers was not an easy decision but after consideration of the areas of anthropology that I am interested in I have decided to focus on river stakeholders.

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Contested Conservation Legacies and the Co-option of Māori Resistance Through Co-management

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...champions of co-management...are strangely oblivious to the curious mix of unexamined romantic/modernist assumptions underpinning 'co-management' and its implicit promise of an ahistorical future perfect (van Sittert 2003: 200).

How can such a nation of evictees, squatters, and land barons—among whom exclusion is the governing principle—now share a landscape? (Hughes 2001: 743).

Introduction: The Appropriateness of Co-management

Implicit within many of the memoranda of understanding between the Crown and Māori which have recently evolved for the conservation estate, co-management is an attempt to produce better and fairer institutions of environmental management. It is applied to protected areas to reduce their social impacts, incorporate indigenous peoples into decision making, and generate policies which reflect local ecology and culture (Conley and Moote 2003). Co-management refers to institutional structures for dialogue and power sharing amongst resource users and managers, who “negotiate, define, and guarantee amongst themselves an equitable sharing of the management functions, entitlements, and responsibilities for a given territory” (Castro and Nielsen 2001: 230). Yet co-management has not always reduced the conflicts between indigenous peoples and park managers. Through evaluation of debates about co-managing Te Urewera National Park, I conclude that the demand of indigenous peoples for co-management has often been exaggerated, leading to the likely persistence of conflict after the negotiation of collaborative regimes. Historical legacies of land alienation affect present relationships between Māori and conservation authorities, and it is unrealistic to assume that the former will embrace co-management when it is offered as a token resolution of land grievances.

Co-management appears to be an obvious strategy for resolving the tensions between Articles I and II of the Treaty of Waitangi as they apply to the management of natural resources. While collaborative governance is implicit within Waitangi Tribunal recommendations which affect the conservation estate (e.g., Ngai Tahu, Ngāti Ruanui), the management approach has been much slower to evolve here than in Australia or Canada. Moller *et al.* (2000) contend that there are few legal impediments to co-management in New Zealand, but they also highlight the success of recreational and environmental groups in contesting and, ultimately, limiting the implementation of collaborative agreements within

the Ngai Tahu Settlement Act 1998. This contestation will undoubtedly arise when any co-management offerings for Te Urewera are submitted to public scrutiny, but the approach has encountered more substantive barriers at earlier phases of the policy process. A legacy of disputable transactions (as was the case for most of the land which now comprises South Island national parks), Crown confiscation (e.g. Taranaki), and compulsory acquisition (e.g. Whanganui) of Māori land reduces the legitimacy of state management of national parks. Where title to the land in a national park is disputed, acceptance of co-management may legitimise state control of that space, conflicting with and sometimes co-opting indigenous agendas for land repatriation. It is pertinent to question *why* and under what conditions Māori would likely demand co-management.

This paper is based on research which was commissioned to qualify environmental claims within the Urewera Inquiry District of the Waitangi Tribunal. An extensive account of the basis for these claims cannot be presented here (see Coombes 2003; Coombes and Hill 2005), but it is substantially grounded in land loss rather than the appropriateness of Pākehā conservation approaches. Most of the twenty claims within the inquiry district include generic statements against Crown acts and omissions which have affected iwi. Only a few cite explicitly the impact of conservation, but nearly all focus on alienation of the land which now comprises the national park, signifying the priorities of claimants. Many request the return of land as reparation for their grievances. Although the research did not centre on the local suitability of co-management, this theme was a primary concern of research participants. Most of the research was archival but in addition, 17 Treaty claimants were interviewed. Although the Māori participants were selected primarily because of their role in Treaty claims, these individuals are likely to be involved in any future negotiations for co-management. Indeed, several of the Māori participants have already been involved in the informal joint management which is analyzed below. Several research hui with Tūhoe communities provided an important feedback mechanism. Notably, Māori participants at these hui were aware of the capacity of the research to support a case for co-management, but they were reticent about this prospect.

Focusing on the period since the Department of Conservation (DoC) became responsible for the park in 1987, I present four cases where local Māori have evaluated co-management, but where the approach was either rejected or received only conditional support. Two clear themes emerge from this analysis. First, tangata whenua were preoccupied with their land claims and were wary about the potential of co-management negotiations to disturb, delay or co-opt those claims. A commonly repeated objection at research hui was that “co-management conflicts with our wider agenda”. Second, all parties recognized the potential of co-management to generate conflict between and within iwi. Competing claims to mana whenua were apparent to all, and there was no obvious ‘community’ with whom DoC could co-manage Te Urewera.

Co-managing the Possum Problem

Because varying degrees of power-sharing are labeled co-management, some purportedly collaborative structures fail to balance power hierarchies, conforming more to consultation than partnership (Notzke 1995). In that context, indigenous delegates may join “advisory groups from which no one seeks meaningful advice”, so that co-management “essentially co-opts local interests, providing only a venting outlet” (Castro and Nielsen 2001: 235). Consultation in such forums is typically *ex post facto* and may legitimise preordained policy, or yield the compliance of the indigenous partner rather than their effective representation. Under neoliberalism, some co-management agreements make local people responsible for public environmental services, whilst granting them limited funds or power (Sundar 2000). Engagement in co-management negotiations can therefore be invidious for indigenous peoples.

The first explicit consideration of co-management in Te Urewera highlights that these fears of co-option are real, as well as confirming that there are important institutional impediments to the approach in New Zealand. As was the case locally, Māori throughout the country have protested the use of sodium monofluoroacetate (“1080”) poison in control of the brushtail possum (PcfE 1994). In the mid-1990s, tangata whenua opposition to 1080 became so intense that DoC investigated co-management as a means to secure support for its pest control objectives. Staff of the conservancy surrounding Te Urewera were asked to comment on the briefing document titled “*Comanaging the Possum Problem*”. Purporting to investigate “how a local community–DoC co-management possum strategy could be developed”, the project brief included a narrowly-defined role for co-management:

Given recent responses to the management of possums on the conservation estate we suggest that there is a degree of urgency in the development, evaluation and potential adoption of alternate processes if the use of some presently available technologies is not to be lost through the lack of public acceptance (DoC 1995: 2).

The sole purpose of co-management in this context was to safeguard a particular technology, leaving no scope for indigenous perspectives on pest management. Furthermore, decisions under this collaborative model were required to conform to a National Possum Project (NPP), the strict financial conditions of which privileged only aerial application of 1080. Any co-management committee for the control of introduced species would be forced under the NPP to ensure a minimum 80 per cent kill rate for opossums at \$20 per hectare or less. These are the typical operational parameters for 1080 and Māori preferences for ground control using traps will rarely achieve such targets. In this invidious context, a co-management body would take responsibility for deciding policy on the one available technology. It could do little more than bring an unwarranted sense of community sanction and legitimacy to a predetermined DoC policy.

The potential for co-option is revealing, but so too were comments of conservancy staff on the briefing document. Suggestions that the public should be invited to deliberative sessions to decide appropriate

strategies received little support: “Are the knowledgeable going to attend?” “Time is precious” and, “Who has the experience etc in community?” (Comments on DoC 1995, SPR 706). Submissions on a written request to trial the model in the conservancy elicited an account of its

“Disadvantages”: (1) Raising the profile attracts unwarranted attention. (2) Yet another constraint. (3) Costly... (4) Usefulness???” (Submissions, 14.3.1995, SPR 706).

The remainder of this paper focuses on the strategic opposition of tangata whenua to co-management, as well as internal disputes which were induced by the prospect of collaboration. However, the narrow definition of the term in official conservation discourse, its fraught use in efforts to procure compliance for pre-determined strategies, and institutionalised cultures of disdain for public involvement also contribute to co-management’s stalled evolution.

The Awkward Formalities in Agreement

Attempts to establish a formal management agreement between DoC and tangata whenua for a sub-unit of the park signify another set of dilemmas in co-management for indigenous peoples. In 1997, a group of 50 local Māori—Ngā Tamariki o Te Kohu—occupied an area of exposed lakebed at Waikaremoana. The land had been dewatered after a hydroelectric scheme was developed downstream of the lake during the 1940s. This use is also subject to Treaty claims, as the lakebed is in customary title but the Māori owners were given no opportunity to object to the scheme. In 1918, the Crown lost an attempt to displace customary title to the lake in the Native Land Court. It appealed, but the original decision was not confirmed until 1947, by which time the power scheme was substantially complete. Because the lake is a scenic focus for the region, the government then endeavored to purchase the lakebed. An arrangement was negotiated in 1971 whereby Ngai Tūhoe and Ngāti Kahungunu lease the lakebed to the government so that it can be managed as part of the park. Management of the lease has been controversial for younger Māori and disaffected groups who sometimes challenge the authority of the Tūhoe-Waikaremoana Trust Board (TWkTB), which administers the lease for Tūhoe. The occupation reflected perceived disenfranchisement from both park and iwi management structures. During and after the occupation there was conspicuous tension between the TWkTB and Nga Tamariki.

In August 1998, a Joint Ministerial Inquiry (JMI) heard Ngā Tamariki grievances about customary resource rights, use of poisons in pest control, and lakeshore erosion. Noting that “more can be done to...manage the leased area at Lake Waikaremoana in a manner which gives effect to the principles of the Treaty of Waitangi”, the JMI recommended the negotiation of “a formal management agreement” to “give tangata whenua a more inclusive and transparent role in issues relating to the management of the leased area” (TPK 1998: 25). Dialogue on this cautious recommendation of collaborative management was slow to commence, partly because the prospect of a formal agreement was perplexing for local iwi:

We considered this idea, but some of the people thought of it as a diversion—a diversion perhaps designed with malice, or perhaps just unintentionally. Who knows? But you have to ask, was it just coincidence that it came about so close to the hearing of our claims? Either way, there was a concern about how this might affect our claim. Some of us want something more than sharing management—after all, the claim is mostly about who is the rightful owner of Te Urewera. They say that if there's sharing to be done, then it's us who should do the sharing, on our terms (Tūhoe elder, interview 16.10.2001).

Indifference to co-management negotiations reflects a fear that such deliberations may expose broader agendas to undesirable risk.

The difficulty in identifying an appropriate community of interest with whom DoC could negotiate also confounded the possibility of a formal agreement:

The issue has been informally canvassed with the trust boards who are less than enthusiastic...A letter has been received from one person seeking to establish co-management under Ngāti Ruapani. That proposal is not expected to sit easily with other iwi (Rept. 6.10.1988, MAO 020).

That the attempt of Ngāti Ruapani to engage in co-management negotiations did not “sit easily” with other parties is revealing. Inter- and intra-tribal competition for the right to be a co-management partner led to fears of conflict, stimulating withdrawal of all parties. Ruapani are simultaneously a tangata whenua group at Waikaremoana, a hapū of Tūhoe, an affiliate of east coast Māori and an independent iwi in their own right and there has been extensive conflict about how their claims can be incorporated into Tribunal hearings. By February 1999, DoC confirmed that it was “approaching the [JMI] recommendation cautiously”, characterising it as “a massive and potentially disruptive issue” (Rept. 28.2.1999, MAO 020). All accepted that it was inappropriate for DoC to choose its co-management partner and that, if iwi could not settle the matter internally, abandonment of negotiations was preferable to public struggles for authority.

The politics of determining a co-management partner became more complex over time:

Two individuals have expressed an interest in negotiating an agreement for management of the Waikaremoana area. [The Tūhoe] Trust Board has indicated that they have no interest in the issue. The Waikaremoana Māori Committee has advised that they are still more concerned about the ownership issue...The [Kahungunu] Trust Board has indicated that they would be prepared to consider...an agreement with them having a governance role over Te Urewera National Park. The ownership / mana whenua matter is not one that can be resolved by the Department of Conservation...No further action (Rept. 31.10.1999, MAO 020).

Discourses about legitimacy and ownership merged with concerns about how to negotiate with plural interests, leading to inertia. By April 2000, interest in the JMI's recommendation for a formal arrangement had diminished, with Tūhoe and DoC focusing on preparations for the Tribunal hearings and the development of a new park management plan (Rept. 6.4.2000, MAO 020). Too often, the advocates of co-management have simplified the diversity of interests within Māoridom. The imagined communities of some approaches to co-management are represented as homogeneous unit's, with strong and uniformly shared norms which govern behavior. This “vision of small, integrated

communities using locally-evolved norms and rules to the ways that manage resources sustainably and equitably” fails to attend to differences within communities, and these differences affect management outcomes (Agrawal and Gibson 1999: 633).

Advancing Informality?

Failure to identify a co-management partner after the JMI focused attention on an existing experiment in collaborative management. The Āniwaniwa Area Office and local Māori have developed a programme of ‘informal joint management,’ although labeling this partnership or co-management is contentious for both parties. The Āniwaniwa model developed in response to enduring tensions, which a DoC officer characterised as “a big gulf of misunderstanding and misconceptions”. In his words, development of an inclusive system of management was an attempt to “bridge the gap” and to provide opportunities for cross-cultural learning:

The original concept, still valid today, was to bring people on board to have a say, be informed and be part of the decision making process. Delegates...have an open invitation to attend the monthly review and planning...meetings. [They are] also involved in business planning, although this year the national directions did not allow any flexibility so there was no opportunity for input by tangata whenua. Tangata whenua still have input on operational issues, helping prioritize how jobs are done. Notwithstanding this, tangata whenua are concerned that there is conflict between national and local priorities...Tangata whenua are also involved in strategic planning...However there is concern that there are some strategic processes that affect the Lake [Waikaremoana] but are done outside and without tangata whenua input (File note 72149, MAO 001).

The national directions which are identified in this statement include fixed expenditure requirements, standard operating procedures and restrictive mandates. The national office of DoC employs these to confine conservancy actions within the scope of national policy.

In conjunction with this inflexibility, the lack of a clear warrant for co-management leads to disparate responses. Tangata whenua “applaud the apparently successful co-management model at Āniwaniwa” but they are “at a loss as to why the model is not being applied across all areas” (Tūhoe submission 10.9.2001, MTP 126). They argue that ecological, cultural and historical contexts are similar in other management areas of the park, and that the spatial disparity in applying joint management exposes the Āniwaniwa model as an aberrant departure from an otherwise mono-cultural system. Indeed, the informal joint management evolved solely from the efforts of an enlightened ranger, and there are no policy mechanisms to encourage cautious or disinclined administrators elsewhere. The lack of a more comprehensive approach to co-management, as well as the obstacles to fulfilling the Āniwaniwa model, may be more revealing than any of the accomplishments of that model.

Yet there is considerable evidence of the success of the Āniwaniwa model. Iwi have developed

...a real understanding of what DoC is doing and how much it has to spend. They no longer have unrealistic expectations because of the open book policy...There is now a high level of trust between all parties” (File note 72149, MAO 001).

Local Māori have welcomed the “very open-door policy relationship with the Department” (Marae Committee Chair, interview 23.11.2002). Conservation programmes are less contested than they once were and newfound degrees of trust have become a basis for harnessing the voluntary initiative of Māori in collaborative forest restoration (Hill and Coombes 2004). Nonetheless, there are divergent opinions about whether the Āniwaniwa model can be universalised to resolve historical conflicts. Some interviewees believe that formal approaches to co-management will fail because they require a singular iwi partner, resulting in an incapacitating mire of tribal and sub-tribal competition for statutory acknowledgment. They suggest that the informality in the Āniwaniwa model bypasses tribal and sub-tribal politics, providing the only realistic mechanism for collaboration. Through liaison with an informal but motivated group of local Māori, rather than engaging in an arrangement which requires identification of a formal partner, DoC can distance itself from claims that it has interfered unduly in tribal concerns:

The Waikaremoana Inquiry recommended that a formal agreement be drawn up, but Area staff, and tangata whenua were generally reluctant. They feel that the informal process is closer to a Māori structure, with the unwritten but present rules (Wharenuī rules) that underlie this traditional structure. “No rules make it work” because there are no exclusions (File note 72149, MAO 001)...

This discovery indicates a need to incorporate indigenous systems for conflict resolution into co-management frameworks, and validates further experimentation with informal joint management. It suggests that proponents of co-management may be more successful if they accept indigenous approaches to interaction, debate and consensus (Lane 2002; Vertanen 2003). Yet, there can be no certainty that park managers will be able or willing to adjust their practice to this extent, signifying again the considerable challenges of collaborative conservation.

Other interviewees argued that the informal agreement is not a basis for developing a park-wide model for co-management. One noted that the lack of a “formal status” represented a failure to properly resolve mana whenua conflicts:

Unless some formal relationship is established between DoC and tangata whenua founded upon a robust process, I am afraid that the problems that we are having with various sections of our people will continue” (TWkTB 2.11.1999, MAO 020).

Circumvention of tribal and sub-tribal politics has brought short-term benefit’s, but longer-term legitimacy will require appropriate confrontation of the mana whenua predicament. The arrangement remains restricted to the Āniwaniwa Office for a variety of reasons, including recognition that

expansion will implicate a greater range of iwi and hapū, thereby leading to more intense competition for mana whenua.

In addition, some suggest that the Āniwaniwa model is limited to short-term management, whereas genuine co-management is based on meaningful contributions to governance and policy formation. Decisions about spending and conservation priorities are made elsewhere, resulting in a reluctance to consider the joint arrangement as shared decision making or a means to overcome land grievances. Although both DoC and Māori have evaluated the possibility of upgrading the model to a more radical governance regime, there is a disparity in their anticipation of future management *and* ownership relationships. According to a key Māori delegate for the Āniwaniwa agreement, “We’ve told DoC that this is a form of practice. We’re rehearsing our park administration skills because one day we will have these lands back. We’re not interested in collaboration unless it will lead to repatriation of our lands” (Marae Committee Chair, interview 21.4.2004). DoC officers have considered whether the informal joint management could become the basis for formal co-management, but some Māori participants argue that the Āniwaniwa model is an experiment which foreshadows self-determination in conservation practice. Consequently, it is unwise to separate analysis of the prospects for co-management from consideration of the politics of ownership.

Submitting to Co-management?

Tangata whenua also asserted the interconnectedness of ownership and (co)management in submissions on a 1999–2003 review of the park management plan. Such plans are updated every decade, with those from 1976 and 1989 yielding concerns about customary resource rights and ongoing consultation. Māori submissions were generally critical of the draft plan, and of the consultative process for its development. The planning exercise provided an opportunity for tangata whenua to publicize their concerns, but it was an inappropriate forum in which to address them. A DoC officer (interview, 30.10.2002) acknowledged that the plan’s focus on management conflicted with the primacy of ownership disputes for tangata whenua: “I just sat and people talked about the plan, and what they wanted to see. But bottom line...we want the park back, we want our land back.”

Situated between Māori critique of park management and their calls for return of land, co-management became one focus of demands for alternatives. Yet the range in Māori perspectives on co-management is suggestive both of its potential attractions and aversions for iwi. Tūhoe submitters were disdainful about the loss of ancestral lands, as well as the illegitimacy of management structures which fail to address ownership conflicts. The Manuwarū Māori Executive (submission 28.3.1999, MTP 125) stated resolutely that “Land was taken—land must be returned.” The joint Tūhoe submission (10.9.2001, MTP 126) included a caveat that it was made subject to the outcomes of their Tribunal claim:

Whilst Tūhoe lost the sovereign title of much of its ancestral lands to the greed of the Crown, Tūhoe has never relinquished its spiritual sovereignty over Te Urewera. The claim is over the entire Te Urewera National Park.

Therefore Māori consideration of co-management was typically placed in the context of historical grievances and contested ownership, resulting only in tentative and conditional support for collaboration:

Management of Te Urewera National Park should be undertaken in a manner in which to ensure Tūhoe mandate to manage. People have no confidence in the Department to manage Te Urewera...Co-operative management of the Park was necessary (West Tūhoe Exec. 8.4.1999, MTP 125).

Over the years the roles have changed where DoC. is now 'Tangata whenua' and tangata whenua is now regarded as another 'Joe Public.' We seek to strive for equal partnership in the running of Te Urewera park in all facets of park management (Hinepukohurangi Trust 1.6.1999, MTP 126).

Iwi may support co-management even where they contest the title of conservation lands. Nonetheless, these quotations highlight that demands for co-management are not always about the appropriateness of management outcomes but rather may reflect opposition to the *right* to manage. A family submission from Ruatahuna stated this most eloquently:

Te Urewera has its own boundaries so now do away with East Coast Hawke's Bay Conservation Board. Do away with Te Tairāwhiti...and get back to Te Rohe Pōtae o Tūhoe, Te Urewera...Nā Tūhoe nā Whenua. Ko D.O.C. te Partner (Huiroa whānau, MTP 126).

Proclaiming that Tūhoe are of and from the land, the final sentence also asserts that DoC can *only* be a partner. While the common definition of a partner implies an equitable division of authority, the phrase signifies and contests an alleged directionality in the Treaty partnerships of conservation. The submitter may accept that DoC and Tūhoe should be partners, but his declaration pejoratively reverses their perceived positions to effect local change. The author challenges the legitimacy of state management within Te Urewera and of any concept of 'partnership' where the Crown—with false munificence – offers collaboration from the presumed status as first partner. When asked whether Tūhoe wanted co-management as an outcome of the management planning exercise or as resolution of its Treaty claim, one interviewee replied that "Co-management is not what we want, it's what we'll get" (Tūhoe elder, interview 3.9.2001). Claimants viewed co-management with a resigned acceptance of its likely role in Treaty settlement, rather than as the successful culmination of their political strategies. This finding may explain the persistence of conflict between indigenous peoples and conservation authorities after the establishment of co-management regimes (Castro and Nielsen, 2001).

Conclusion: Ownership And (Co)Management

Two themes dominate recent debates about co-management in Te Urewera: the inescapably complex nature of ‘community’ politics, and the centrality of land grievances to Māori. First, an uncritical acceptance of homogeneity within indigenous communities leads to a recurrent failure to investigate their demand for co-management. My case studies highlight a need to be attentive to diversity to ensure equity in management outcomes. Whether it is based in conflicts between iwi and their hapū, or the young and the establishment, plurality is both pervasive and a potentially irresolvable obstacle for collaborative approaches. A state preference for negotiating with iwi over hapū may make co-management unworkable. Second, the relationship between management and ownership of parks may require further consideration if co-management is to be successfully implemented. DoC attempts to evade responsibility for ownership grievances, particularly through reference to having no mandate to address such concerns:

This plan is developed within the confines of legislation...and addresses management issues only. Aspects of the status of land ownership in relation to Te Urewera National Park land [are] outside the scope of this plan. The Crown is addressing land ownership claims through the Waitangi Tribunal Claims process...It is not the role of the Department to address these issues and this plan is focused on management aspects of the park. (DoC 2003: 5)

It is doubtless true that DoC lacks a mandate to resolve ownership disputes, but the history of Te Urewera means that it is not realistic to manage the park under the assumption that management can be separated from ownership. Because co-management is merely a form of management, this finding has implications for the veracity and acceptability of the approach.

Co-management is an obvious strategy for resolving the grievances between indigenous peoples and conservation authorities, but the conflicts which some intend the approach to resolve are embedded in the politics of substantive historical events and colonial processes. The potential effectiveness and legitimacy of co-management may therefore be dependent on appropriate resolution of the historical legacies upon which so many of our parks are premised. Hence, current policy for Treaty settlements may be the most significant impediment to the evolution of effective co-management in New Zealand. Unlike the case in Australia (Lane 2001), Canada (Berkes *et al.* 2001) or even South Africa (Ramutsindela 2003), where the state has experimented with land transfer and lease back arrangements to resolve land claims over national parks, Crown policy here is “to keep conservation land in public ownership unless there is strong justification for vesting title in claimant groups” such as the enclosure of sacred burial sites (OTS 2003: 113). The acceptability of co-management for Māori is likely to be negligible when co-management is presented as a token solution to their *land* claims rather than being embedded within broader considerations of historical justice. The lasting significance of land loss explains the apparent illegitimacy of state conservation agencies. Remediation of this illegitimacy is a protracted social process and suggestions that it can be accomplished within a single experiment in alternative governance are likely to be met with further resistance.

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Researching issues of interest to Māori

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It would be true to say that in recent times research activity into Māori issues has increased dramatically, so much so that there is now a shortage of historians. There are few historians to do all of the research that is now required by iwi and by the Waitangi Tribunal. One positive outcome from the present situation is that being a historian offers opportunities for gainful employment. But, one might ask why it is that most of the research being done by historians for Waitangi Tribunal purposes is not being carried out by Māori. It is apparent that we are not trusting Māori to do their own research. There may be other reasons but I suspect that it is because there is a belief that Māori are biased. If Māori do the research for their own case the result can never be judged as being excellent research. There is the lingering suspicion that Māori researchers become advocates for their case and therefore are likely to interpret the facts in favour of their iwi. This is then judged as bad research.

There is an assumption that the Pākehā historians such as Michael Bassett, for example, are much more credible and dispassionate in the work they do and that they never become advocates for the other side. But is this right? Why would their research be judged as excellent and used as a basis for making judgements about a case? Why would research done by Māori be treated as suspect and have to be checked against the “dispassionate” work of a Pākehā historian? Or is this a hangover of the days when Pākehā research needed to be validated by British scholars.

It is my personal view that the ethnicity of the researcher is not the issue here. What we ought to do is conduct the test of due diligence on each researcher regardless of their ethnicity. The skills and experience they have are the key indicators. What is their track record? What sort of training have they received? Are they reliable observers of human activities? Have they done other research? If so, then what, where and how? Do they treat evidence with care? Are they critical thinkers? When interpreting the facts do, they build a case in logical sequence or do they leap to conclusions and leave the facts dangling in the air? Does the work done by the researcher measure up to expected standards of excellence? One other question: Why do we think that historians are the most reliable to do research on Māori issues? Where are the anthropologists, sociologists and educationists, and other experienced researchers? My main question is directed at the anthropologists: Where are you?

I think the public at large have short-term memories. When it comes to Māori researchers they tend to forget that we have a tradition of great work done in the past. We as people have a track record. This track record rests on the works of some outstanding individuals such as Te Rangihiroa, Sir Peter Buck for example. His research background was based earlier in medicine but later in anthropology. He was an anthropologist who, following the traditions of that discipline, conducted a great deal of his research in cultures other than his own. His works are lasting legacy for all Polynesians as well as for us. There is something to be said in favour of this tradition. More aspiring Māori researchers should conduct research in other cultures as an essential part of their training experience. It is a test akin to washing dishes at the wharekai before moving into the meeting house. Then there was Tā Apirana Ngata, Sir Apirana Ngata, who came from a legal background and thus knew the value of evidence. Both of these men were remarkable individuals and both left us with some remarkable works.

A host of Māori informants provided valuable information for Pākehā writers and scholars. Te Rangikāheke of Ngāti Rangiwewehi, Te Arawa, is an outstanding example but there are many who were the informants for S. Percy Smith, John White, Elsdon Best and others. Sometimes their names were recorded as Best did and sometimes they remained nameless, well in the background. But their work is available to us today. In the end we have to acknowledge the value of the person who did the work of recording our traditions and of directing and managing a useful research project.

Some informants worked with a Māori co-ordinator of research, a Māori researcher and scholar. An example was Taite Te Tomo of Ngāti Tūwharetoa and Ngāti Raukawa, who became a dedicated research collaborator with Apirana Ngata in his Ngā Mōteatea project. He not only provided explanations for many waiata but he would also debate some of the issues with Apirana Ngata whenever they met at some marae. In other words, the research project involved open debate at marae and involved, willingly or unwillingly, a large number of the Māori public. Interpretations were challenged and debated in an effort to find what may be called “the truth” and what “pono” is in the Māori sense.

Aware of the suspicion that the research conducted by Māori is often not regarded as reliable and dispassionate, I turn now to the Ngā Mōteatea Research Project conducted by Sir Apirana Ngata, the results of which are familiar to many of us in this room. Writing in 1928, this is how Ngata described his project:

It has been an earnest desire of mine for these many years to have a collection made of songs, chants, and Māori ritual: to ascertain the names of the composers, the tribe to which each song belonged, to explain the reason for the composition or the inspiration for it, and also to explain some of the archaic words in these songs, the names of the ancestors, place names, or battles, or customs or ancient gods.

Of course the time for doing this work was when the elders were alive, but being pre-occupied with the pursuit of European knowledge this work comes belatedly now.¹³¹

In a 1929 Preface to Vol. 2 he added this message to the readers:

If any errors are detected in our songs or in our explanatory notes, or if it's found that a song has been attributed to some other tribe, do not be afraid to make it known. All we are concerned about is to be entirely correct.

In his original Māori text he said:

Ko te whai mō tātau ko te tika anake.¹³²

An objective of excellent research is “to be entirely correct” or “ko te whai i te tika anake”.

Although many waiata had already been recorded by earlier collectors, the difference in Ngata's project was that he was working collaboratively with many tribal elders to assist in ensuring that the results of the project met the standards of being “entirely correct”, which is probably an impossible goal to achieve. But Ngata was aiming high. The other difference was that he wanted explanations about the content of the songs and he strove to identify the composers as well as the ancestors and places mentioned in the texts. Again he set the goals and worked hard to achieve them. The whole project was ambitious but Ngata was clear about what he had to do. His research project was a long-term effort that he worked on during his many travels in the country as a Member of Parliament and later as a retired politician. He enlisted the help of many elders and made sure to record the sources of his information. He told us who supplied the text and who provided the explanations.

The important debate occurring at the time he was working on Ngā Mōteatea was whether Ngata and his collaborators were being paid and getting rich on the knowledge that was being passed onto the team. One can account for the mean mindedness of the people by being aware that everyone was poor at the time he began; but, in fact, this attitude of mind continued well into the closing decades of the 20th Century and there are echoes of it still to be heard today. Ngata sounded bitter about this debate and rightly so. He wrote:

As for me, the man engaged in the heavy task of editing the songs, tracing those already published in several books, collecting the explanatory material from many people individually at various places; all the time working under great difficulty, on account of the importance and the arduous nature of other work for the Māori race. It was a task to which I dedicated myself out of my love for the treasures of our ancestors; I am not being paid, and indeed, it would be quite impossible to recompense me for the mental stress and strain by any monetary reward.¹³³

Here was a major piece of research being carried out with no financial support and, in fact, because of the raging debate about this issue it was best not to talk about funding at all. The research was also

131 (1928 Preface to Vol. 1)

132 (1974 XXXVIII, XXXIX Preface Vol. 2)

133 (1974 XI Preface, Vol. 2)

being done by a group of voluntary collaborators and helpers, most if not all of whom were Māori and spread out all over the country in different tribal areas. Some of his helpers could write and knew how to use the Post Office system. But many of them had to be met by Ngata on a face-to-face basis. This is a key requirement of research among Māori—that it is done as much as possible on a “kanohi ki te kanohi” basis—that is, face to face. Modern technology is no real substitute for “kanohi ki te kanohi”. It was not until publication was discussed that funding was made available for the project. So this is doing research the tough way. What is remarkable about Ngata and his team is that they could have been buried under the difficulties they faced but instead they shone like a beam of sunlight that pierced a blanket of dark overhanging clouds. With the help of Pei Te Hurinui Jones and many others who joined the project at the publication stage Ngata achieved a work of lasting value.

There are two questions to ask about this research project. First, did it reach the standards of excellence as required today? The Māori public would answer in the affirmative to the question and many of the general public would agree that it took great determination and a high level of scholarship to achieve the results that we are able to view in the four volumes of Ngā Mōteatea. Second, is the work biased? Or, to put the question another way, could the historians have done as well or better than Ngata and his team? The answer has to be that the work is not biased and in fact the question is irrelevant. Ngata and his team provided us with a wonderful model of collaborative research and began it at a critical time when many of the people who had the knowledge about many of the waiata were alive and willing to help.

As a nation we tend to ignore Māori researchers and Māori scholars generally. We do not write articles about them and it is only very rarely that we honour them. It is true the country honoured Sir Peter Buck and Sir Apirana Ngata but both of these great men were also politicians and were a part of that arena. I know two of our group who have been honoured by the nation and I am reminded of the saying: “Engari te ngaringari, he pai ake i te tino kore rawa”, or “A small portion is better than no portion at all”.

There seems to be an assumption that it is easy for Māori researchers and scholars to conduct research among their own culture. Perhaps another assumption underlying this first one is that Māori society is simple anyway and is not as complex and as sophisticated as Pākehā society. But the country thinks that when a Pākehā researcher and scholar carries out research about us and among us that it is something really great. They have had to work with a different culture and learn how to navigate a pathway through their tikanga and kawa. Then, at the end of the day, they present their contribution towards intercultural relationships. Perhaps they are great researchers and scholars and their works are great contribution towards the nation’s pool of knowledge. Honouring them is not a problem for it is a good thing that a person is recognised for their skill in research and writing up the results of their research.

The problem is, then, why is it that Māori researchers and scholars tend to be ignored? Is there a problem at the university level? Could it be that some of the universities are not rigorous and demanding enough in the training of Māori scholars at PhD level? It is reasonable to believe that a person who has gained a PhD qualification is capable of carrying out a high level research and is able to put all the results together in a well presented report. It is important that the universities and wānanga produce able, and disciplined and well-trained scholars who are capable of undertaking some of the research that historians appear to monopolise at the present time.

There are some issues regarding our ability to carry out high level research and some issues regarding our reputation as researchers. On the first point Ngā Pae o te Māramatanga is assisting us to move forward and catch up to Te Rangihīroa and Apirana Ngata who set some pretty good standards some years ago. Even with more and more Māori scholars qualifying with PhD degrees we have not really made the gain strides forward that we need to make. We are capable of doing so and I am confident that we can. The University of Auckland and Massey University have produces some results. The Wānanga are just beginning to but what is the rest of the tertiary sector doing?

As to our reputation, this matter has to do with public perceptions which could be coloured by several layers of stereotypes. It is clear, however, that we need to manage this aspect of research and scholarship. The Pākehā sector seems to be well organised in this respect. Despite the activities of a few Māori magazines and now of Māori TV, we are not so well organised, but need to be. We cannot place too heavy a burden upon Ngā Pae o te Māramatanga to look after this aspect all by itself. A collective response is needed to improve our image and to lift public perception of our work. Are we too modest about ourselves and too aware of our limitations? Or is the problem quite the reverse; do we not fit well with the work produced or with the lack of it?

These are the challenges to which we need to attend. And maybe it is our women who will now lead the way. If so where are they and let us get on with it. It is evidence of scholarly wisdom that we now want to see.

Quality assurance in tertiary education from a Māori (indigenous) perspective

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The Concise Oxford Dictionary defines “quality”: to mean “possessing a high degree of excellence, concerned with maintenance of quality (quality control)”. The cultural context of west European tradition, in which the definition is located, is not stated. This paper examines what Māori, the indigenous people of New Zealand, require by way of quality in higher education.

In the 19th Century, education was presented to Māori by the colonising Pākehā as a civilising and politically neutral enterprise. But the question of whose knowledge and what constitutes knowledge for inclusion in the curriculum was inherently ideological and political.¹³⁴ Māori knowledge, being ‘subjugated knowledge’ in Foucault’s terms, was disqualified as inadequate, naïve and located low down on the hierarchy of knowledge, beneath the scientific level of cognition.¹³⁵ The consequence of that disqualification was the erosion of Māori language and culture to the point of imminent Māori language death identified by Benton in 1969.¹³⁶ Loss of language, culture and identity in the face of the invading culture was socially debilitating for Māori. The alternatives were assimilation or a ‘return to knowledge’ through local criticism outside the established regimes of influence and power.¹³⁷

Māori rejected assimilation and opted for a return to knowledge whereby quality in education meant the reproduction of their own language, culture and social usages. But in doing so, they also accepted the need to function effectively in the invading and dominant culture. Thus, Māori who were committed to their identity as Māori are by definition bicultural.¹³⁸

In opting to maintain their own culture, Māori developed a two-stage strategy. The first stage involved proposals for ameliorating the alienating effect of mainstream education by pressing for the inclusion of Māori knowledge in the curriculum. This task preoccupied Māori intellectuals for eight decades of the twentieth century. Although largely accomplished, it is still work in progress. The second stage,

134 Apple, Michael, *Ideology and the Curriculum*, vii.

135 Foucault, Michel, *Power/knowledge*, p.82.

136 Benton, Richard, *Who Speaks Māori in New Zealand?* p.13.

137 Foucault, Michel, p.81.

138 Apple, Michael, op. cit, p.6.

begun in 1980, was marked by Māori initiatives to take control over their own education from pre-school through to the tertiary level. This too is work still in progress.

The New Zealand public school system was established in the second half of the nineteenth century. The Native Schools, established in 1867 as part of that system, were artefacts of colonialism designed to ‘process people’ as well as to ‘process knowledge’. They served as ‘agents of selective tradition and cultural incorporation’. Sir Apirana Ngata, farmer, politician and the leading Māori intellectual of the twentieth century drew that conclusion long before it was penned by Apple in 1990. Ngata wrote:

There are Māoris, men and women who have passed through the Pākehā whare wānanga (highest school of learning) and felt shame at their ignorance of their native culture. They would learn it if they could, if it were available for study as the culture of the Pākehā has been ordered for them to learn....It is possible to be bicultural.¹³⁹

In 1923 Ngata translated that insight into transforming action by persuading Parliament to support the publication of research into Māori culture. He clearly understood the nature of power and knowledge—that is, the ability of the state to generate ‘truth’ through research activity and thereby manage the social and political economy. Ngata’s efforts culminated in the establishment of the Māori Ethnological Research Board to publish the work of Best, Buck and Skinner. Ngata adroitly used the imprimatur of the Board to persuade the Senate of the University of New Zealand to include Māori language as a subject of study for B.A. To placate potential opposition, Ngata compromised. He pleaded that Māori be admitted into the curriculum among the foreign languages. The Senate stonewalled the request on the grounds that there was no literature to support a teaching programme.¹⁴⁰ Ngata overcame that objection by citing the work of Sir George Grey, *Ngā Mahi ā Ngā Tūpuna*, (Māori myths and traditions) the Māori translation of the Bible and *Ngā Mōteatea* (songs, chants poems). Ngata’s own collection of songs, chants and poetic laments and lullabies was published in 1924 as supplements to the Māori newspaper *Te Toa Takini*. *Ngā Mōteatea*, with translations and annotations, was subsequently published in three volumes by the Polynesian Society, with the first volume appearing in 1959. As the epitome of quality and scholarship, *Ngā Mōteatea* earned Ngata the award of a D.Litt. from the University College of Canterbury in 1948.

The Senate’s agreement to admit Māori language as a degree subject took a further twenty five years to translate into action, but not without prompting from Ngata. At the Young Māori Leaders Conference that he organised at Auckland University College in 1939, Ngata asked the delegates to consider whether Māori language, traditions, history and literature should be taught in schools at the secondary and tertiary level. He also pressed the university to establish a chair in anthropology in the hope of luring his colleague Dr Peter Buck back from Hawai’i. The conference recommended the

139 Ngata, Sir Apirana, *Ngā Mōteatea* (1928, xiii).

140 Walker, Ranginui, *Ka Whawahai Tonu Matou Struggle Without End*, 1990, p.195.

establishment of a Māori social and cultural centre for adult education through Auckland University College, Auckland Teachers College, the Workers Education Authority and the Technical College.¹⁴¹

The outbreak of World War II delayed Māori penetration of the academy until 1949 when Maharāia Winiata was appointed as a tutor in Māori adult education at Auckland University. He was followed by the appointment of Bruce Biggs as lecturer in Māori language in 1951, and Matiu Te Hau in 1952 as a tutor in adult education. The pedagogy of the adult education tutors concentrated on what might be termed cultural reconstruction, validation and incorporation of Māori knowledge into the academy, albeit in the marginalised Department of University Extension. Biggs, domiciled in the Anthropology Department, provided academic respectability to the enterprise with his emphasis on quality research in Māori and Polynesian linguistics. The breakthrough made at Auckland was emulated over the next thirty years by the establishment of Māori studies at all teachers colleges, polytechnics and universities.

In this early period of Māori penetration of the academy, students invariably found the university alien and intimidating. They tended to major in Māori Studies and anthropology where they felt culturally comfortable. In order to increase recruitment and spread Māori students across all faculties, Māori academic staff decided to establish marae on campus to make the university more user-friendly and culturally welcoming to Māori. It was a protracted ten-year struggle. Victoria University opened Te Herenga Waka marae in 1987 and Auckland opened Waipapa marae the following year. Other tertiary institutions did likewise. The modification of tertiary education provision to accommodate the two founding cultures of the new nation was extended to incorporate the cultures of tangata Pasifika with the opening of the fale at Auckland University in 2004.

Although Māori staff and cultural symbols had the desired effect of increasing Māori participation in tertiary education, the university was still an intimidating institution for students from low deciles schools. Their sense of cultural alienation was heightened in faculties with competitive and limited enrolment. Students that enrolled in medicine, law and engineering under MAPAS, the Māori and Polynesian Admission scheme, were particularly vulnerable to criticism of lowered entry standards. To ensure their survival, students formed their own study networks and support groups for their preferred mode of group learning.

The Māori effort to make tertiary education more responsive to the indigenous culture of New Zealand, and by extension the Pacific, was complemented by the Hawke Report 1998. Hawke advocated decentralisation of post-compulsory education and training and recognition of Māori claims to education under the "principles of the Treaty of Waitangi." Education was subsequently aligned with the Government's Treaty settlement policy by an amendment to Section 181 (b) of the Education

141 Peters, Michael, Editor and Giroux, Henry A., *After the Disciplines*, 1999, p.p.190-191

Act 1989 requiring University Councils to “acknowledge the principles of the Treaty of Waitangi”. The law required Tertiary Education Institutions (TEIs) to take account of the Treaty in their defining documents, including mission statements, charters and profiles.¹⁴²

Initially universities made a ritual bow to the Treaty by acknowledging its principles but little else. In 1995, the inclusion of Treaty compliance in the first cycle of audits by the New Zealand Universities Academic Audit Unit obliged universities to develop their understanding of the Treaty and its place in the life of the nation. David Woodhouse, CEO of the academic audit unit, helped them with an extensive paradigm of “Audit Factors Relating to the Treaty of Waitangi”. The salient features of Treaty compliance pioneered by Woodhouse include:

- Māori participation in decision-making at all levels
- regular consultation with tangata whenua (people of the land)
- iwi (tribal) input into charters and profiles
- visible symbols of Māori culture in an institution
- staff development courses on Treaty awareness
- support mechanisms for Māori students
- relevant courses dealing with Māori knowledge and culture
- support for research projects relevant to Māori.¹⁴³

Treaty compliance was new territory for tertiary education institutions. Following the first round of general audits, two universities one polytechnic and the Royal New Zealand College of General Practitioners commissioned their own audits on Treaty compliance. They were interrogated on measures taken to:

- increase recruitment, retention and graduation of Māori students
- provide learning support for Māori students
- recruit Māori staff
- identify students with academic potential for induction as junior staff
- increase Māori participation in governance and management.¹⁴⁴

The emancipatory thrust of Treaty audits was sanctioned by the Ministry of Education’s Tertiary Education Strategy released in 2002. The Tertiary Education Commission optimistically looked forward to 2007 when:

- Māori will exercise greater authority and responsibility within the tertiary education system
- Māori communities will increasingly engage with a tertiary education system that is more supportive of the Māori world view, and which is inclusive of tikanga Māori (customary practice).¹⁴⁵

142 Walker, Ranginui, op. cit., p.346.

143 Woodhouse David, 'Audit Factors Relating to the Treaty of Waitangi', *New Zealand Universities Academic Audit Review*, Appendix 2, p.20.

144 Walker, Ranginui, *Review of Māori in the University*, 1998, pp.3-4.

Treaty of Waitangi Review of the University of Otago, 1998, pp.12-26.

Review of Manukau Institute of Technology Compliance on Treaty of Waitangi Obligations, 2001, pp.3-5.

Treaty Audit Royal New Zealand College of General Practitioners, 2001, pp.8-10

145 Ministry of Education, *Tertiary Education Strategy*, 2002, p.29.

These statements by the commission define the end point of the two-stage strategy initiated by Māori intellectuals to make mainstream tertiary education more user-friendly to Māori students. As indicated earlier, it is still work in progress.

Wānanga

The second stage of Māori taking control over their own education at the tertiary level was initiated by Professor Whatarangi Winiata of Victoria University. On his return from Canada in 1978, Winiata was horrified to learn that his own tribe was facing Benton's dire prognosis of Māori language death. He launched the Generation 2000 project with the objective of quadrupling the number of Māori language speakers in his tribe by the turn of the century.

Between 1978 and 1981, Winiata made four submissions to the Government on behalf of his tribe, the Raukawa Marae Trustees, to fund a Māori institute of learning. Notwithstanding that the teaching of courses in Māori language, customs and hapū and iwi history had been started by voluntary staff, they were rebuffed. Undeterred by the unfavourable response, the Raukawa Trustees established Te Wānanga o Raukawa, their centre of higher learning at Ōtaki. In 1984 the wānanga began offering its first degree programme, a Bachelor in Māori Administration. Although the degree had no official recognition, the Raukawa Trustees had confidence in the ability of their own people to deliver quality teaching to the students. The objective was to produce bilingual and bicultural administrators capable of working for their own people or in the public service.

Winiata's vision of establishing a wānanga to satisfy Māori educational and cultural aspirations, not adequately met by mainstream tertiary institutions, was validated in 1988 by the educational reforms under Tomorrow's Schools. The provision for "special character schools" and Hawke's recommendation to recognise Māori claims to education as a Treaty right, were incorporated in the Education Amendment Act 1990. The Act allowed for the establishment of colleges of education, polytechnics, universities and wānanga.¹⁴⁶ The Act states:

A wānanga is characterised by teaching and research that maintains, advances and disseminates knowledge and develops intellectual independence, and assists the application of knowledge regarding āhuatanga māori (Māori tradition) according to tikanga Māori (Māori custom).

Three wānanga were accredited by the New Zealand Qualifications Authority (NZQA) under the legislation, Te Wānanga o Raukawa (Ōtaki), Te Wānanga o Aotearoa (Te Awamutu) and Te Wānanga o Awanuiāraangi (Whakatāne). Although these three institutions have much in common in relation to 'āhuatanga māori,' they also have their own distinguishing characteristics.

¹⁴⁶ Walker, Ranginui, op. cit., p.346.

At Raukawa Winiata focuses on iwi/hapū studies, the socio-political structures of Māori society that were subjugated and damaged by the colonial enterprise of the nineteenth century. Research at this wānanga is concentrated on recovery of the suppressed knowledge on iwi and hapū as a contribution to redefining “āhuatanga māori”. The research outputs of students are lodged with tribal archives.

For Rongo Wetere at Aotearoa, one of the fundamental objectives of the wānanga is to increase Māori participation in tertiary education. With ten campuses and 33,000 students, Aotearoa is the largest tertiary institution in New Zealand. It is the most successful institution at recruiting second-chance adult students and staircasing them on to higher education.

Garry Hook at Awanuiārangi has redefined the objective of the wānanga, in the two years since his appointment, to become one of the elite providers of tertiary education in New Zealand. As a scientist, Hook has dedicated the wānanga to increase the output of Māori scientists, a gap that was until recently neglected by mainstream universities.

Degree proposals from wānanga are subjected to a rigorous process of scrutiny and approval by NZQA. Wānanga have to convince a panel of stakeholders in tertiary education, including, polytechnics, colleges of education and universities, that they are capable of teaching degree programmes. The degree requirements laid down by NZQA include:

- capacity to support a degree programme in terms of facilities, resources, and quality management systems
- qualified staff who are engaged in research
- the title aims and learning outcomes of degree proposals are coherent
- appropriate delivery and learning methods
- assessment procedures that are fair, valid and consistent
- student guidance and support systems
- provisions for evaluation and review of programmes
- provision of facilities for research and support for staff engaged in research¹⁴⁷

Although all three wānanga have had their degree proposals accredited by NZQA, they do have a problem arising out of their special character regarding “āhuatanga māori”. In this respect wānanga are boutique providers of tertiary education. Their core programmes are centred on the recovery and strengthening of Māori language, culture and customary usages damaged by colonialism. Accreditation panels have no problem measuring these against existing degrees in universities. But with the extension of the field into iwi/hapū (tribal) studies and mātauranga Māori, (Māori knowledge and epistemology) accreditation becomes more problematic. One wānanga has developed a matrix of

¹⁴⁷ NZQA, *Approval and Accreditation of Courses Leading to Degrees and Related Qualifications*, 2003, pp.1-13.

10 values for “āhuatanga māori” and requested that the quality of its programmes be audited by NZQA under that matrix.¹⁴⁸ The values are:

- Manaakitanga (kindness, generosity, hospitality, care, support)
- Rangatiratanga (chiefly dignity and behaviour marked by noblesse oblige)
- Whanaungatanga (kinship, relationships)
- Kotahitanga (unity, sense of group belonging)
- Wairuatanga (spirituality locating man within and not above the natural order)
- Ūkaipōtanga (nurturing mother, earth mother)
- Pukengatanga (repository of higher learning)
- Kaitiakitanga (guardians, care for the natural order)
- Te Reo Māori (Māori language)
- Whakapapa (genealogy of knowledge, Māori epistemology).

Although the values have a degree of concordance with NZQA requirements in quality assurance, the ways in which some of them are expressed in the pedagogy and management of wānanga far exceed NZQA requirements. Three examples of whānaungatanga, wairuatanga and manaakitanga serve to illustrate the point of cultural difference.

Whanaungatanga, for example locates an individual within the kin groupings of whānau, (extended family) hapū (clan) and iwi (tribe). It was this kinship nexus that Winiata invoked to establish Te Wānanga o Raukawa. Whanaunga (kinsmen) with high level tertiary qualifications gave their services free of charge to establish the teaching programme for the wānanga. Although the wānanga is now a fully funded institution, there is still a large pool of whānaunga on the roster as kaiawhina (guest lecturers).

Wairuatanga for instance, has been invoked to generate ‘te kawa o te ako’ the protocol of learning as a tapu, (sacred) undertaking in the manner of the ancient schools of learning. This means that the mind must be kept clear of the polluting effects of drugs and alcohol. Wairuatanga has also been used to invoke ōhākī, the last testament of a staff member dying from cancer to persuade staff to vote for a smoke-free campus.

In the event of student bereavement, manaakitanga triggers a whole nexus of Māori mortuary practices from staff and students. These include whaikōrero (eulogies) waiata, (laments) collecting koha, (monetary gift for funeral expenses) escorting the bereaved student back to their home marae for the tangi (funeral) and a formal welcome back when they return to class. These practices far exceed what is demanded by way of student support in mainstream TEIs.

The problem of cultural difference in values, by way of quality assurance, is compounded when a degree proposal is submitted in the Māori language. In this case NZQA has to rely on the expertise of an all-Māori accreditation panel. In February 2005 Te Wānanga o Raukawa submitted a degree

148 Te Wānangā-o-Raukawa, *The Iwi Presence and Governance and Management at Te Wānanga-o-Raukawa, Part One*, 2005, p.18.

proposal in early childhood education in the Māori language. It was the first degree accreditation conducted entirely in Māori. The report, submitted to the Wānanga in Māori had to be translated for NZQA the accrediting body.

As the wānanga expanded their degree programmes into education, science and business, the NZQA requirements became a straitjacket constricting the expression of “āhuatanga māori” in terms of the 10 values matrix. In attempting to meet the requirements of NZQA in a degree proposal for a Bachelor of Māori Business for example, the proponents often end up with a “me too” look about their degree. But as Māori extend mātauranga Māori into these domains, as they are doing in teacher training and pre-school education, then it becomes apparent that the NZQA paradigm for assessing wānanga degrees is outmoded. Consequently, Te Tauihu o Ngā Waka, a consortium of the three wānanga is proposing that NZQA devolve power to accredit degrees to a Wānanga Qualifications Validation Authority. A precedent has already been set for that to happen by the devolution of quality assurance functions in polytechnics to APNZ, the Association of Polytechnics in New Zealand.¹⁴⁹

Legislation for a Wānanga Qualifications Validation Authority is currently in draft form, pending an appointment with the Minister of Education. In the meantime Te Tauihu o Ngā Wānanga is pressing ahead through WINHEC, the World Indigenous Consortium on Higher Education, to establish an international indigenous system for quality assurance and degree accreditation. To this end, a panel from America, Hawai’i, Australia and New Zealand was convened in July 2004 at the three wānanga. The panel considered the draft document Guidelines for Accreditation of Indigenous Higher Education Programmes. The panel interrogated three programmes, one from each wānanga using the guidelines. A pre-school training programme derived entirely from Māori (indigenous) epistemology received the highest rating.

Conclusion

In conclusion, quality in higher education for Māori people means the inclusion and reproduction of their own language, culture and whakapapa (epistemology) in the curriculum of both mainstream tertiary institutions and wānanga. Implicit in this project for wānanga, is matching quality assurance requirements as defined by NZQA. But in the development of their pedagogy since their inception in 1992, wānanga have defined “āhuatanga māori” in such a manner that they have outgrown the NZQA framework. Wānanga have become a cultural vehicle in their own right for the reproduction and transmission of “āhuatanga māori”. The next stage in their development is the delivery of quality assurance in terms of indigenous epistemology in the international arena. The establishment of WINHEC is a step in that direction.

149 NZQA, op. cit., p.51.

Growing research skills at iwi level

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Ngā Pae o te Māramatanga

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Introduction

The charter for research in Māori culture is laid down in the creation myth of Ranginui and Papatuanuku. Tāne and his brothers lived in the world of darkness between the enclosing bodies of their parents. The darkness in the myth referred as much to the darkness of mind, as the absence of light. Tāne's restless search for enlightenment is encapsulated in the phrases "kimihia e Tāne, rangahaua e Tāne" (searched for/sought after by Tāne). These phrases, cited in the tauparapara, 'Tōia Tainui tapotū ki te moana' identify Tāne as the progenitor of research activity. Tāne's search for enlightenment culminated in the separation of earth and sky, bringing te ao mārama, the world of light, into being.

In Māori epistemology, all knowledge emanates from the celestial realm of the gods. Rangiātea, the storehouse of occult knowledge and prototype of kura and whare wānanga, was situated in the uppermost realm of the heavens. In the tauparapara "tēnei au te hōkai nei i taku tapuwae," Tāne ascended to the uppermost realm of the heavens to fetch the three baskets of knowledge, te kete tuauri, te kete tuatea and te kete aronui. This knowledge Tāne disseminated on earth to be discovered by human beings for their use.

The human progenitor of research was the culture hero Māui who reached into the baskets of knowledge for karakia of good and evil and the material things that humans need to know for their sustenance and well being. The ideal of research is to benefit humankind. This Māui did by inventing ropes, bone weapons, fishhooks and unlocking the secret of fire-making. Subsequent generations of humans made increments to the store of knowledge started by Māui. Ruatēpupuke, the patron of carvers, for instance, fetched knowledge of carving from the domain of Tangaroa. The accumulated knowledge was passed on orally in schools of learning known as kura or whare wānanga.

Students known as pia were carefully selected for training in whare wānanga. The schools met in the winter months and studied a complementary curriculum divided into two parts: Te kauae runga (The celestial realm) and Te kauae raro (The terrestrial realm). Graduates emerged as tohunga (experts) in

the various fields of human endeavour after several years of study. These experts included tohunga ahurewa (high priests of astronomy, whakapapa, sacred and esoteric knowledge), and tohunga mākutu (masters of witchcraft). There were also sub-branches of tohunga for technical knowledge in carving, house-building, tattooing, canoe building and so on.

The pre-European culture fashioned by Māori is preserved in museums and written accounts published by Reverend Richard Taylor, Percy Smith, Elsdon Best, Sir George Grey and John White. The vast literature on the subject of pre-European Māori culture provides modern day Māori researchers with the backdrop to help them understand the impact of European colonisation and illuminate the present survival of that culture.

With the advent of Christianity and modernity in the 19th century, chiefs sent their children to mission schools instead of whare wānanga to learn the secrets of a more advanced technological culture. That objective was thwarted by the limitations of the religious curriculum. The mission schools were replaced by the Native Schools Act 1867 and with the passing of the Tohunga Suppression Act 1907, wānanga faded into history. On the other hand, converts who learned to read and write spread literacy as well as the word of the Bible to most villages in the country. This had the effect of shifting oral recording and transmission of knowledge to doing it in writing. The most notable scribes in the transition from the stone-age to modernity such as Te Rangikāheke, Te Mātorohanga and Whatahoro Jury recorded their knowledge in manuscripts and family whakapapa books. These early manuscripts are written in Māori, so a researcher wanting to access mātauranga Māori recorded in the nineteenth century needs to be able to read Māori and translate it accurately.

Whakapapa

Mātauranga Māori is codified in whakapapa. For this reason, whakapapa is more than just a list of ancestors from canoe forebears down to a living person. The word whakapapa means the layering of information from the beginning of the universe in a sequence that is rational and progressive in the sense of evolution. Orators in their whaikōrero on a marae invariably structure their speeches according to the principles underlying whakapapa. Thus a speech might begin with references to the creation era of Ranginui and Papatuanuku, the homeland of Hawaiki, the ancestral waka that brought forebears to Aotearoa and culminate in the whakapapa of the orator, thereby identifying himself and his right to speak on the marae. Each period, level or name in a whakapapa, have korero or stories attached to them. These hapū and iwi stories are usually encoded in the visual forms of carving and tukutuku in ancestral meeting houses. Ancestral houses as well as whakapapa books are a primary source of information for a student of mātauranga Māori.

For the uninitiated, a caveat is entered here on the nature of whakapapa. The whakapapa of founding ancestors in New Zealand connect up with the myth figures such as Māui, Tāwhaki and Rata who lived a long time ago in the Māori mythological Garden of Eden known as Hawaiki. New Zealand whakapapa dealing with real men and women range from 15 to 30 generations in length, giving a time depth of less than 1000 years of human history. The contradiction is reconciled by the construction of some genealogies as ‘tātai hikohiko’. These words translate as a lineage of flashing lightning, signifying that it as a lineage of luminaries.

Given the thousands of years of human existence in tribal societies it was not possible to record the names of all ancestors by oral transmission. Only the luminaries who had pivotal roles in the evolution and development of the Māori world were recorded in whakapapa. Because genealogies were truncated, they were not absolute. They could also be lengthened by the insertion of extra epochs in the creation, or deities in human lines to enhance them. A tribal whakapapa in effect is a comprehensible paradigm of reality capable of being stored in the human mind and transmitted from one generation to the next.¹⁵⁰

The Tools of Research

The basic tools of research are the five senses of hearing, sight, smell, touch and taste. It is through these five senses that humans make observations about facts in the world of reality. But making sense of the facts observed occurs in the mind, by way of classifying data, seeing connections, establishing causal relations and generating hypotheses that can be tested by experimentation. This is the essence of the scientific method. With the exception of lunatics and the feeble-minded, all adult humans are capable of this higher level of intellectual activity. Polynesian forebears of the Māori demonstrated the veracity of this proposition by their observations of the movement of celestial bodies across the night sky, and using them to navigate on voyages of discovery around the Pacific Ocean. Celestial navigation was supplemented by observations of other natural phenomena such as cloud formations over land, ocean currents and migratory birds. In the case of migratory birds flying overhead at night, their association with navigation is recorded in the aphorism “He kāhui manu ki te rangi, he waka tere ki te moana” (a flock of birds in the skies, a canoe upon the sea). Using the Doppler Effect the navigator stayed on course by detecting any variations in sound frequency of the birds overhead.

Tools of Technology

With the advent of modern science, observations through sensory perceptions have been supplemented and amplified by technology such as microscopes to peer into the world of microbes and telescopes to detect galaxies in the outer reaches of space. It is important to note that technology does not change

¹⁵⁰ See Walker R., ‘A paradigm of the Māori View of Reality’ in *Ngā Kete Wānanga*, Manukau Institute of Technology 1999, pp.6-11.

the fundamental principles of research based on observation through our senses. Technology merely expands our view from the micro to the macro levels of reality. In our own time, the range of observation has been extended by electron microscopes down to the atomic level and radio telescopes to the very edge of the universe and the beginning of time.

Rapid advances of technology in the 20th century also increased the range of methods for recording and retrieval of data from typewriters to tape recorders and computers. Computer literacy is as much a prerequisite for a researcher now as the ability to write. A researcher must also be able to write to an acceptable standard in the English language. This means being able to write English in a logical, lucid and precise manner. Notwithstanding such abilities, the first draft of a report should be submitted to at least one or two able proof-readers for corrections and suggestions for improvement.

Development of Iwi Research

It is an unfortunate fact of history that British Imperialism in the 19th century all but destroyed Māori language and culture. Māori adapted to the new world by sending their children to Pākehā schools of learning instead of wānanga. Consequently, wānanga became moribund and mātauranga Māori shrivelled and almost died out. Children in the urban milieu grew up not knowing their iwi, their hapū or even their waka. But the cultural revival promoted by Sir Apirana Ngata in the first fifty years of the last century effloresced into a stunning cultural renaissance in the second half of the century. That renaissance was marked by a desire to find out about the past, by way of whakapapa, or iwi and hapū tikanga that might culminate in a report or book on tribal history. Published books of this era include Tūhoe, Te Arawa, Tainui, Tākitimu, Tūwharetoa and Whakatōhea. These tribal histories had integrity of their own arising out of the sacred nature of knowledge taught in whare wānanga.

In the final quarter of the last century the establishment of the Waitangi Tribunal gave new impetus to hapū and iwi research. The objective of research for Treaty claims is to extract settlements from the Crown for breaches of obligations entered into under the Treaty of Waitangi. Research for Treaty claims must have integrity not only in terms of the tapu nature of wānanga, but also be able to withstand scrutiny under the rigorous conventions of Pākehā scholarship. Research reports on claims to the Waitangi Tribunal, or to the Minister of Treaty Settlements, without the citation of sources are useless.

Research Techniques

Research on whakapapa for whānau, hapū and iwi, or Treaty claims against the Crown, might be carried out by anyone who belongs to the groups under investigation. In this case a researcher has the advantage of being an insider, of already knowing some of the terrain under investigation.

Alternatively, outsiders might be commissioned to do such research. The caveat for the insider is the need to be objective and hard-headed to avoid the pitfall of bias in the selection of facts uncovered by research. The outsider, although not having the insights of an insider nonetheless has value of the fresh eyes of the stranger.

Whatever the case, whether insider or outsider, there are protocols to ensure that the research is rigorous, relevant, and of benefit to the people:

- The first step is to define the subject of research. This means giving the research topic a succinct title that encapsulates what the kaupapa of the research is about.
- Research must be informed by theory to select facts relevant to the kaupapa. In the case of Treaty claims a theory of power, domination, struggle and emancipation would be appropriate. Māori intuitively understand a theoretical framework of this kind, but might be reluctant to state it as the basis of their research because it is a challenge to established regimes of power. There is ample justification for taking up such a theoretical position in the works of Gramsci, Fanon, Freire, Foucault and Said.
- The kaupapa of the research should be elaborated by a statement of its objectives and a demarcation of its boundaries, including the time period under investigation, so that the research is focused and does not stray into unrelated territory.
- The third step is to pose the questions to be investigated concerning waka, ancestors, territory, settlement, papakāinga, battles of conquest or in defense of territory, mahinga kai, urupā, the impact of colonisation and the acts of the Crown that led to dispossession of land and resources.
- The fourth step is to set out the methodology, or how the research is to be carried out. These include observations of hui on marae, interviews of kaumātua and other informants, recording interviews in long-hand, on cassette, audio-tape or even video camera. Although most Māori are accustomed to these devices, it is a matter of courtesy and research ethics that permission be sought from informants before using them.

Included in methodology is the search for documentary evidence in existing literature, whakapapa books and archives in local and national libraries. Government documents, particularly appendices of the Journal of the House of Representatives, parliamentary debates and the files of Native Affairs, are important sources of information. The selection of material to photocopy is determined by the questions posed in the research paradigm.

One of the most valuable sources of traditional evidence that should be consulted for hapū and iwi history is the minute books of the Native Land Court. But these must be treated with a degree of circumspection as the court was the new battleground over land, where some claimants were not above distorting whakapapa to gain advantage.

Research sometimes uncovers information not anticipated by the questions set out in the research kaupapa. For this reason the research paradigm should not be a straightjacket that prevents the inclusion of serendipitous discoveries. That is one of the purposes of research, to discover new information and insights to add to the known body of knowledge.

It would also be useful to establish a timetable to complete sections of research tasks otherwise the research might drag on longer than is necessary.

The research report might include tribal maps diagrams and graphs for territory, population, place-names and areas of hapū occupation. While much can be done by an amateur using computer graphics, cartography is the domain of the specialist, so mapping costs have to be factored into the research programme.

The aphorism “Mā te huruhuru te manu ka rere” is a truism for research activity. This means the researcher must establish a budget before commencing research. Costs to be factored into the budget might include travel, accommodation, photocopying, purchase of material and equipment and whether the researcher is paid or voluntary labour.

Having established the research paradigm (kaupapa), the ethics of research require the researcher to seek permission and support from kaumātua and community leaders before proceeding. The ideal is collaborative research between the researcher and the community. Community ownership of a research outcome makes it a politically more potent document.

Storage and Retrieval of Data

Once research starts, data begins to accumulate. The researcher must ensure that the information is stored in appropriate files, catalogued and easily retrieved. Storage may be in hard copy or electronic form. In the case of computer files, backup copies should be kept on discs and stored in a separate location from the computer. When the researcher is satisfied that the field has been mined of all the relevant information, the next step is to synthesise the material into a succinct report. The objective of a report is to argue a case, underpin it with facts and critical analysis and draw conclusions. If the project is large enough, the written outcome might be a book. As each section of a report or a chapter of a book is written, it would be prudent for the researcher to submit the first draft to a small select group of kaumātua or community leaders to read for approval, suggestions or corrections of matters of fact. This modus operandi ensures that the research has integrity as a joint enterprise between the researcher, the subjects of the research and other stakeholders.

Citation of References

In writing a report or a book, the researcher must cite accurately the sources of information as footnotes or endnotes. Modern computer programmes have these facilities built in. Failure to acknowledge a source of information devalues a report and leaves the researcher vulnerable to a charge of plagiarism or ‘whanako korero.’ If the source of information is a published book, the author’s name, date of the book’s publication and the page number are cited in the footnote or endnote. But the full details of the book, naming the author, title of the book, publisher and date of publication must be set out in a separate section at the end of the report as a bibliography. Similarly there should be a separate section listing Māori or other newspaper sources cited in the report. Examples of these conventions can be studied at the end of most scholarly books. Where a report has Māori words or phrases incorporated in what is mainly an English text, a glossary should also be included at the end for Pākehā readers.

Treaty Claims Against the Crown

The research methodology set out above is applicable to the preparation of an iwi claim to go before a hearing of the Waitangi Tribunal, or if the case is well founded, to enter into direct negotiation with the Crown.

Making a claim against the Crown under the Treaty of Waitangi assumes that the researcher understands the Treaty itself and the current discourse between Māori and Pākehā on the Treaty. Current debate on the Treaty centres on terms such as “partnership”, “principles of the Treaty” and “tino rangatiratanga.” Of these, only the latter is to be found in the Treaty. The words “partnership” and “principles of the Treaty” came out of the judgements in the High Court on the Māori fisheries claim and the State Owned Enterprises claim.¹⁵¹ The words “partnership” and “principles” were not defined and have tended to obscure what Māori want and can secure from the Crown.

If the debate is based on the Māori version of the Treaty signed by the rangātira of the hapū, and the English version is used only as an auxiliary to the primary document, then the kaupapa of the Treaty becomes explicit:

- Under Article One, Māori ceded Kāwanatanga, not mana to the Crown. This means the Crown had the right to set up a system of government and the mechanisms of the state including Parliament, government departments, the judiciary, law enforcement and local bodies.
- Under Article Two, the Crown guaranteed Māori the ‘tino rangatiratanga,’ absolute chieftainship over their lands, forests, fisheries and taonga. The word taonga subsumes intangible values as well as material treasures.

151 Walker, R. *Ka Whawhai Tonu Matou Struggle without End*, 1990, pp.26-268, and pp.273-277.

- Under Article Three, the Crown guaranteed Māori all the rights and privileges of British citizenship. Subsumed under citizenship are the Magna Carta, habeas corpus, the Bill of Rights and the democratic values of freedom, equality and justice.

Most Treaty claims against the Crown are made under Article Two. So the objective of research for a Treaty claim is to prove a breach by the Crown of the rights it guaranteed under this article.

Treaty Audits

With the advent of Tomorrow's Schools and the educational reforms that came into vogue in the last decade, all educational institutions make reference to the Treaty of Waitangi in their charters. Consequently, holding agents of the Crown accountable for delivery of equality to Māori under Article Three of the Treaty has come into vogue by way of Treaty compliance audits of educational institutions. Universities and polytechnic institutions are extensions of kāwanatanga and may be interrogated on their performance in increasing the recruitment of Māori students, their retention and graduation rates. They may also be interrogated on their accommodation to tino rangatiratanga by way of provision for Māori in their governance, management and staffing structures. The objective of a Treaty audit is to persuade tertiary institutions to take active measures to close the educational gap between Māori and Pākehā towards the ideal of equality guaranteed in Article Three of the Treaty. The following institutions have undergone Treaty audits:

- Auckland University
- Otago University
- Manukau Institute of Technology
- The Royal College of General Practitioners

The Treaty audit reports are available on inter-loan from the Auckland University Library. The kaupapa in these documents might be used as a paradigm by iwi who want to interrogate their local education providers.

Treaty audits might be extended to other arms of kāwanatanga such as local bodies in the light of hardly any Māori being elected in 2001 to regional councils and health boards. Iwi researchers wanting to do something about the inadequate representation of tino rangatiratanga by kāwanatanga in regional councils and health boards might begin by seeking answers to the following questions:

- The composition of the population in the iwi region.
- The number and proportion of Māori to Pākehā on the Regional Council and Health Board.
- Is the kāwanatanga of the Regional Council and Health Board balanced by representation of tino rangatiratanga?
- Did the iwi put up and support Māori candidates for local body elections?
- What are the obstacles to Māori election to local body office?
- Pākehā out-voting Māori?

- Māori not appealing to Pākehā voters?
- Low Māori voting?

The iwi of Mataatua in the Eastern Bay of Plenty made their position on Māori participation in local bodies known to their Regional Council. The Regional Council was aware that Māori representation on the Council was inadequate, erratic and could not be guaranteed. In an attempt to rectify the situation, the Council supported the introduction of The Bay of Plenty Regional Council (Māori Constituency Empowering) Bill by the member for Eastern Māori, Mr Mita Ririnui. The Bill aimed to establish one or more Māori electoral districts in the Bay of Plenty region. The number of Māori electorates would be determined by dividing the Māori electoral roll for Parliament, by the total number of voters in the general electorates of the region.¹⁵² The Bill was enacted last year and provided for three Māori seats in the recent municipal elections thereby setting a precedent for other regional councils.

Conclusion

In conclusion, this paper indicates that research is a natural human pursuit whose aim is to discover truth about the nature of reality. All humans are capable of finding out things for themselves, and when they do they discover that knowledge is empowering. But where empowerment through knowledge is sought at the political level, such as a claim to the Waitangi Tribunal, or representation in local government, then to be effective in achieving the desired objective, research must be conducted in a manner that is rigorous, professional and above all bullet-proof.

Heoi anō he kōrero hei whakamutunga. Ka pikihia e te tangata rangahau ngā wawata.

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¹⁵² Bay of Plenty regional Council (Māori constituency Empowering) Bill, Sections 5(2)(b) and 6(2) p.2

Glossary

āhuatanga Māori	Māori features, aspects, matters; tradition
Aotearoa	New Zealand
hapū	pregnant; sub-tribal kin group
harakeke	flax
hīkoi	walk; march; used contemporarily for ‘protest’ march
hui	gathering; meeting
hui-ā-iwi	tribal gathering
iwi	tribal kin group
kaiako	teacher
kaikaranga	person (usually woman) who performs karanga (ritual call)
kaikōrero	person (usually man) who performs oratory
kaitiaki	guardian; care-taker
kākahu	clothing; cloak
karakia	prayer; incantation
karanga	high pitched ritual call of welcome or farewell by women
kaumātua	elderly person
kaupapa	cause; subject; topic
kawa	protocol; etiquette; procedure
kāwanatanga	government
kōrero	conversation
kōrero-ā-iwi	tribal tale, discussion or narrative
kura	school
kura kaupapa Māori	Māori language total immersion primary school based on Māori cultural foundations
mā te huruhuru te manu ka rere	a bird needs feathers to fly; money is needed to buy things
mahinga kai	places where food resources are gathered or worked
mana	recognised political and occupational control; authority over land, people and resources
mana whakahaere	management or operational authority
mana whenua	authority over particular land area
marae	village focal area
mātauranga	education, knowledge
mauri	life essence
mere	club, hand weapon, a short flat weapon of stone
ngā	the (plural)
ngā kete kōrero	the baskets of stories or narratives
ngā mōteatea	the traditional chants or laments
Ngā Pae o te Māramatanga	The Horizons of Insight
ōhākī	deathbed wish or words

pia	student
Pākehā	person of Anglo-saxon descent whose ancestors colonised Aotearoa since the 1800s
papakāinga	village
pounamu	NZ greenstone; jade
rāhui	boundary
rangatahi	youth
rohe	district, region
rūnanga	assembly, council
Tāhūhū o te Mātauranga	Ministry of Education
taiāwhio	go round about, encircle
tamariki	children
tangata Pasifika	Pacific Island person
tangata whenua	people of the land; indigenous
taniwha	water ‘monster’; ogre; powerful person (figurative)
taonga	gift; treasure
tauira	pattern; example; or student
tauparapara	incantation used to open a speech
te reo	the language
tikanga	customs; practices
tino rangitiratanga	sovereignty; absolute authority; chieftainship
tiriti	Treaty
tōia Tainui tapotū ki te moana	drag Tainui down to the sea side
tuku whenua	gift land
tukutuku	lattice work panel for wall decorations
tumuaki	principal; boss; person-in-charge
uku	clay
urupā	cemetery
wāhi tapu	sacred place
wairua	spirit
waka	canoe; receptacle
wānanga	contemplate deeply; meditate (verb)
whaikōrero	Māori oratory, speech
whakapapa	genealogy
whānau	extended family
wharekai	dining hall
whare wānanga	traditional institute of higher learning; university or tertiary institute (modern usage)

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