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Te Kākanoruatanga

State and Māori Agendas
for Biculturalism.

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A Thesis presented in partial fulfillment of the requirements
for the degree of

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Abstract.

This thesis is about biculturalism in Aotearoa/New Zealand and its objectives through the eyes of iwi Māori and the State. Several facets of biculturalism are explored.

Firstly the meaning of biculturalism is obscure. The term has lacked clear definition. There has been confusion over its intentions and differing expectations of its goals. Biculturalism does not have a single meaning nor is it a static state. It refers at one moment to institutional arrangements and at another to processes between groups and institutions.

The second part of the thesis illustrates how the State and iwi Māori have to a large degree been talking past each other. The different understandings of biculturalism are reflected in the conflicting views of the Treaty of Waitangi, views not dissimilar to the differences between the English and Māori texts of the Treaty.

The State has made some attempts to acknowledge Māori interests within its institutions, and these attempts are described. Tentative explanations of power sharing have been sufficient only to frustrate iwi Māori by their failure to address a basis for the principle of self determination.

A resurgence of autonomous Māori organisations at both the tribal and intertribal levels is discussed within the framework of parallel and separate Māori development.

A focus on restructuring within the State institutions leads to one version of biculturalism. A focus on interaction between Māori and State institutions leads to another aspect, perhaps more relevant to the twenty first century, emphasising the development of processes for negotiation between partners within the overall context of a single nation.

Table of Contents

Table of Contents.....	i
List of Tables.....	ii
List of Appendices.....	ii
He Mihi.....	1
Preface.....	2
Introduction.....	3
SECTION ONE: NGA WHAKAMARAMA O TE KAKANORUATANGA	9
Introduction.....	9
1. Definitions of Biculturalism.....	10
2. Rationales for Biculturalism.....	27
Summary.....	42
SECTION TWO: TE KAKANO PAKEHĀ.	44
Introduction.....	44
4. Early Themes Protection, Assimilation and Integration.....	45
5. Recent State Agendas for Biculturalism.....	56
Summary.....	81
SECTION THREE: TE KAKANO MAORI.....	82
Introduction.....	82
6. Two Reoccurring Themes Mana Motuhake and Māori Development.....	83
7. Recent Māori Agendas for Biculturalism.....	88
Summary.....	100
SECTION FOUR: TE TUĀPITITANGA.....	101
Introduction.....	101
8. The Interface Conflicting Agendas.....	103
9. Bicultural Processes A Means For Genuine Powersharing?.....	112 120
Summary.....	122
SECTION FIVE: TE HAUMAUIUI.....	123
Glossary.....	126
Appendix One.....	127
Appendix Two.....	132
Bibliography.....	139

List of Tables.

Table 1.	A Bicultural Continuum.	page 16
Table 2.	A Summary of Crown Responses to Tribunal Recommendations, 1991.....	page 69
Table 3.	An Example of a Bicultural Process.....	page 116

List of Appendices.

Appendix 1.	The Treaty of Waitangi: English and Māori Texts.....	page 127
Appendix 2.	Summary of the Recommendations of the Report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare. (Puao-Te-Ata-Tu/Daybreak Report).....	page 132

He Mihi.

He kupu mihi, he kupu aroha hoki ki a koutou i awhinatia mai te mokopuna nei.

Ko te mihi tuatahi ki te Atua, nāna tēnei tamahine i arahi i roto i ēnei mahi katoa. Korōria ki tōna ingoa tapu.

Ki a koutou, ki te Tari Māori o te Whare Wānanga o Manawatu, tēnā hoki koutou. Nā koutou hoki tēnei tamaiti i manaaki. Tēnā rā koutou. Ki te Tumuaki, ki a Meihana Durie, ka nui te mihi ki a koe mō tōu tautoko hoki. Tēnā rawa atu koe.

He tokomaha ngā tāngata i whaakina mai ō rātou whakaaro mō tēnei kaupapa, e kiia nei, ko Te Kākanoruatanga; ko ngā kaihautu o ngā tari o te Kāwanatanga, mai i Te Whanganui-a-Tara, whiti atu ki te Manawatu, ki Taranaki hoki. Tēnā Koutou.

I awhina a Elizabeth Harrison rāua ko Mākere Edwards ki te whakatakoto i ngā Kōrero. Tena kōrua.

Ka huri ngā mihi nui ki te iwi o Ngā Ruahine iwi, ki ngā kaitiaki o tōna tari; koia ko te whānau o Te Kopae Tamariki kia U ki te Reo kei Ngāmotu hoki. Tēnā koutou i whakaae kia hopukia e ahau ngā kōrero.

Ki te whānau whānui, ki ōku hoa, kua kore he kupu hei whakaatu i ngā whakaaro mō koutou ki roto ki tāku whatumanawa...

Ka huri ngā whakaaro ki a rātou kua ngaro atu. He nui ā rātou mahi ki te wero atu ki ngā tūāhuatanga Pākehā, arā, ko te Kāwanatanga hoki, kia pūmau tonu ai tātou ki ngā tāonga whakahirahira o ngā mātua tūpuna. Ka whakaaturia ā rātou kōrero, a rātou mahi i roto i ēnei tuhituhinga.

Nō reira e ngā hau e whā, e ngā kārangatanga maha o te motu, tēnā koutou, tēnā koutou, tēnā tātou katoa.

Preface.

The decade up to 1991 was a time of rapid change and saw the reshaping of the State-Māori relations in Aotearoa/New Zealand. It was during this period that the concept of biculturalism came into vogue. A whole new form of terminology entered the realm of Māori-State dialogue. Concepts such as biculturalism, partnership and power sharing found favour in the State bureaucracy and amongst Māori, but as the decade came to a close, it was increasingly obvious that the two 'partners' had differing ideas as to what biculturalism actually meant. This gave rise to conflict and frustration.

This thesis has two main objectives; firstly to examine the many meanings and forms of biculturalism in Aotearoa/New Zealand and to contextualise their differences. The second objective is to examine the agendas of the State and Māori for biculturalism during the past decade, illustrating the fundamental differences in their philosophies and expectations. Means by which outcomes of mutual benefit for the State and Māori may be achieved are then discussed.

This thesis has evolved from research in the fields of sociology and Māori studies in recent years, and first hand experience of confusion and frustration over the issue of biculturalism. When discussing the topic 'at home', I was sometimes greeted with surprise that I should be researching a topic that, if not outdated, had certainly been discarded as the preferred avenue for Māori advancement. The honest (and occasionally demoralising) comments from whānau reflect the frustration felt by many Māori, that the much vaunted 'biculturalism' had not borne fruit. So in part this study addresses the question, does biculturalism have any continuing relevance?

'Te Kākanoruatanga' will not be the last word on biculturalism. However in attempting to draw together the views, conflicts and expectations of Māori, and Tāuiwi as represented by the State, this thesis proposes a framework to assist in understanding the concept and its implications.

Introduction.

At the outset some explanation of the terminology used in this study is necessary.

What constitutes the State in 1992 is a complex question. At the time of the signing of the Treaty of Waitangi, the State was synonymous with the British sovereign, Queen Victoria and the British Parliament. Today the British sovereign (also the New Zealand sovereign), is no more than a symbolic figurehead and the British Parliament has no residual authority over New Zealand. The powers of State have long been transferred to a local New Zealand government, made up of elected representatives of the society itself, including some Māori members of Parliament. But the State does not reside entirely in Parliament or in a control government. Its authority has in many instances been devolved to regional authorities, State Owned Enterprises or to semi-independent State institutions.

A definition of the State provided by Ben Tovim et al 1986 is useful to overcome the complexities of this situation. The State is defined as having three main characteristics:

1. The State is made up of those public institutions, including central, regional and local government, which provide an administrative structure for society. They are public organisations in that they are accountable or answerable through elected political representatives.
2. The State regulates and provides 'a framework for activity outside their domain... through laws, policies and administrative practices'. The State has a major influence on the way in which society is organised, and it is one factor in determining the rules of political and economic activity.
3. The State is seen as a site of struggle where those involved seek to change the role of public institutions 'in terms of their status and/or relationship to bodies outside their formal institutional bodies'.¹

¹ G. Ben Tovim, J. Gabriel, I. Law, and K. Stredder, *The Local Politics of Race*, Basingstoke, 1986 as discussed by Paul Spoonley, *Racism and Ethnicity*, Auckland, 1988, p.72.

At times the State is referred to as the Crown, this being 'Her Majesty in right of her Government in New Zealand'. The Crown includes organisations appointed to carry out the duties and functions of government that are administered by public funding. Such bodies range from regional and district councils to local school boards of trustees.

This thesis does not attempt to scrutinise all areas and operations of the State. Rather, it focuses rather on the policies and practices of the central State with some consideration also given to the judicial authority of the courts and their interpretations of State legislation.

It would be simplistic and misleading to suggest that the State is completely unmindful of Māori aspirations or that it exists only to satisfy Pākehā needs. Indeed many New Zealanders, Pākehā and Māori, perceive the State as a third party, somewhat removed from their own reality and not necessarily responsive to their views. Although the structures of the State are based largely on Pākehā cultural norms and practices, with Pākehā holding most of the power within these structures, Māori are not completely without influence. Increasingly, Māori individuals are visible at the many levels of the State as politicians and civil servants, while iwi and other Māori organisations are able to influence change by challenging the system from outside its parameters.

What is meant by 'Māori' in this work must also be clarified at this point. Although examples of different iwi responses do arise, this study is concerned primarily with the common interests and concerns of collective iwi Māori and the pan tribal Māori organisations, and their associations with the State. This is not to deny the different philosophies and outlooks of individual iwi, hapu and whanau. Just as their histories and experiences of European colonisation are diverse, so too are their subsequent relations with the State.

The essence of being of 'Maori' is rooted in the iwi, hapu and whanau to which one belongs. John Rangihau's often quoted words express these sentiments:

Although these feelings are Maori, for me they are my Tuhoetanga rather than my Maoritanga. My being Maori is absolutely dependent on my history as a Tuhoie person as against being a Maori person. It seems to me there is no such thing as Maoritanga because Maoritanga is an all-inclusive term which embraces all Maoris. And there are so many different aspects about

every tribal person. Each tribe has its own history. And it's not a history that can be shared among others. How can I share with the history of Ngati Porou, of Te Arawa, of Waikato? Because I am not of those people. I am a Tuhoe person and all I can share in is Tuhoe history....

There are obvious difficulties in looking so broadly at 'Māori' views. There is a danger that the different experiences of each whanau, hapu and iwi will be lost under the umbrella of the 'Māori' label. There is suspicion that it is used as a means to assimilate Māori into one homogenous mass, which denies their different concerns and desires.

I can't go around saying because I'm a Maori that Maoritanga means this and all Maoris have to follow me. That's a lot of hoocy. I have a faint suspicion that Maoritanga is a term coined by the Pakeha to bring the tribes together. Because if you cannot divide and rule, then for a tribal people all you can do is unite them and rule. Because then they lose everything by losing their own tribal histories and traditions that give them their identity.²

While in recent years there has been a resurgence in the utilisation of tribal structures, Māori as opposed to Pākehā viewpoints, have simultaneously become more common. The term 'Māori' is now used to present common iwi interests and concerns in a united political front.

To call one's self Māori was to distinguish oneself from Pākehā. To say 'Māori is my name' was, and is, to assert an identity over and against the Pākehā. ...the idea of a separate Māori polity, like the idea of Māori people being separate, was and remains recognisably a move in the politics of ethnicity: a move in the business of claiming a share of the social product. The Māori are to be numbered with other peoples of the world who this century have consciously, and for their own protection and benefit, constructed an ethnic identity out of numerous tribal identities.³

In the past decade, more than any other time, there has been a growing convergence of opinion among iwi Māori on a number of issues relating to their relationships with the State and Pākehā. Māori have sought to work in unity to challenge their circumstances and find solutions to the problems they face.

² John Rangihau, 'Being Maori' in Micheal King (ed.) *Te Ao Hurihuri. The World Moves On: Aspects of Maoritanga*, Auckland, 1981, (first published 1975), pp.174-5.

³ Andrew Sharp, *Justice and the Maori*, Maori Claims in New Zealand Political Argument in the 1980's, Auckland, p. 50.

Without a united standpoint on issues such as the Treaty of Waitangi, that has emerged in recent times, it is unlikely that Māori, let alone each individual iwi would have been able to influence the State to the degree they are able today.

This thesis does not attempt to investigate all Māori views or views of individual Māori, as they surely differ as much as Pākehā views do. Instead it looks at Māori perspectives be they tribal, regional aggregations or national organisations. Such groups are not just spokespersons unto themselves but representative of their iwi. By implication iwi views are incorporated. Reports such as the Maori and the Criminal Justice Report and movements like Te Kohanga Reo for example are also indicators of Māori opinions are on matters to do with justice and education.

When discussing the agendas of Māori for biculturalism in this text, assessments are based on major national hui, reports and documents and views of Maori groups such as Te Kohanga Reo and the National Māori Congress, bodies that express representative views of Māori.

No pretence is made to give detailed consideration to the viewpoints of Pākehā, or of Tauwiwi generally. Rather the thesis focuses on the relationship between Māori and the State and the bicultural relationships that derive from arrangements between and within State and Māori institutions. This is not to deny that Pākehā opinion is not important. Indeed if biculturalism is to have a future then Pākehā understanding and cooperation is essential.

Extensive use is made of secondary sources and written materials. Reports and minutes of hui, newsletters and periodicals, including governmental publications, all have been excellent sources for Māori viewpoints. Likewise Māori media such as Marae and Te Karere on television and Mana news and Te Upoko o Te Ika on the radio have also been informative sources of Māori views on current issues. Informal interviews were conducted with Māori State servants in Palmerston North, Taranaki and Wellington. Government reports, reviews, annual reports have been used to document the State's agendas for biculturalism. Secondary sources that have analysed government policies have also been valuable. Again State servants were helpful in explaining the policies and practices of their workplace.

A further convention used in this thesis is the title Aotearoa/New Zealand rather than New Zealand or Aotearoa singularly. The use of both names is reflective of the relationship between the State and Māori, and represents both Māori and Pākehā labels for their homeland. At times only one of the two labels is used, to signify the viewpoint of the particular group under discussion.

As many Māori words are now more commonly used, the practice of italicising them has not been followed. Macrons have been used in the text to indicate the long vowel length, rather than the double letter or no indication at all, in keeping with the policy of the Department of Māori Studies, Massey University. Quotes are spelt exactly as they are written in the source from which they are taken, with or without macrons.

Further analysis is required to ascertain the relationship between ethnicity, class and gender generally and how these factors impact upon and are influenced by the implementation of biculturalism. Research on the extent to which Pākehā class structures impact on Māori society today is required, and for Māori to continue to re-assess their strategies for development to balance pursuing Pākehātanga with maintaining Māoritanga. The way in which the State distributes its resources among and within iwi is also worthy of analysis. Iwi, hapū and whānau views of biculturalism need to be documented and their relationships with the State both past and present assessed.

Research and analysis of the concept of biculturalism itself, has been limited in scope, and the differing Māori/State expectations have lacked in-depth coverage. It is hoped that this study will contribute to the analysis of biculturalism in Aotearoa/New Zealand and the ensuing partnership between Māori and the State. It attempts to clarify the varying views of Māori and the State, and to suggest ways in which these differences may be overcome.

The first section looks at the many meanings of biculturalism and how the concept has evolved in Aotearoa/New Zealand. The rationales that underlie the implementation of and objections to biculturalism are discussed, and comparisons are also made of the State-indigenous relationships in Australia and the United States of America to gauge where the developments in Aotearoa/ New Zealand lie in the international context.

The agendas of the State for biculturalism are the focus of Section Two. The section begins with a brief overview of the State's intentions towards Māori at the time of the signing of the Treaty and in subsequent periods. At times the State has tried to protect Māori interests but more often has instigated assimilative policies aimed to draw Māori into the mainstream Pākehā defined society. This is followed by an indepth coverage of the State's response to calls for a bicultural partnership with Māori in the 1980's. This section shows the State has made limited attempts to accommodate Māori perspectives within its institutions but which fall short of enhancing Māori self determination. Its bicultural policies have attempted to meet Maori aspirations but without making fundamental changes to the balance of power or arrangements within it's institutions. The State's limited adoption of biculturalism was generally a means to alleviate Māori social and economic disadvantage rather than to enhance Māori self determination.

Section Three looks to Māori aspirations for biculturalism. The 1980's began with Māori views converging on issues such as the Treaty of Waitangi and the need for greater autonomy from the State. Greater representation of Māori views within State institutions was also advocated. Frustrated by the State's limited efforts, Māori sought to have their aspirations for greater control over their lives furthered through parallel and independent Māori institutions rather than relying on State defined structures and processes to have their interests and concerns met.

The manner in which the two agendas came together is discussed in Section Four. The contrary aims and expectations of the bicultural partnership, as held by Māori and the State led to confusion and frustration on both sides. The idea of bicultural processes as opposed to bicultural restructuring within the State is explored, as a means to extend the meaning and potential of biculturalism.

Section One.

Ngā Whakamārama o te Kākanoruatanga. Understanding Biculturalism

*Tungia te ururua, kia tupu whakaritorito te tupu o te harakeke.
Burn the overgrowth, to make the flax put forth new shoots.*

Introduction.

Biculturalism has many meanings. Its definitions so far have been limited and have not addressed important issues raised by the term itself. Does biculturalism refer to arrangements between Māori and Pākehā or to understandings between tribes and the state; or is it about the cultural context of New Zealand's major institutions; or, simply the New Zealand way of life? Clarification is needed.

To a large extent differing views reflect the differing perspectives Māori and Pākehā have both brought to the debate with their own priorities and their own traditions. In a contentious and at times conflicting climate, clarity, let alone agreement, has been absent.

In a search for greater understanding the origins and subsequent usages of the term biculturalism will be explored in this chapter. The rationales for the implementation and denial of biculturalism are then discussed in light of their contribution to current debate and their implications for the future. It will be shown later in the chapter that the Treaty of Waitangi is of central importance to the development of biculturalism in Aotearoa/New Zealand. Its signing represented a formal agreement between two nations, each with its own cultural characteristics, represented by the tribes and the British Crown. The co-existence within a new single nation was prescribed.

Nor does the debate end in Aotearoa/New Zealand. It has parallels in other countries and these will be examined in some detail.

1. Definitions of Biculturalism.

The meaning and application of biculturalism in an Aotearoa/New Zealand context has broadened greatly in the past two decades. Until quite recently biculturalism was viewed in terms of a personal involvement or appreciation of two cultural systems or an interaction between two cultural systems, though without emphasis on political or power sharing dimensions.

One of the first discussions of biculturalism made in the late nineteen sixties reflects this line of thought. Schwimmer 1968⁴ suggested biculturalism replace the 'ambiguous and tendentious' term integration. He defined biculturalism as:

...the conscious confrontation and reconciliation of two conflicting value systems, both of which are accepted as valid. Any degree of familiarity with a second culture will soon lead to a contradictory situation where there are two alternative correct ways of acting, such as a Pakeha and a Māori way. In such a situation, we have to make a choice; and we can be called bicultural only if we have made such a choice while aware of the value involved in it.⁵

A bicultural person, he argued, 'accepts as legitimate the values of a second culture, is to some extent familiar with these values, and can turn to them, if necessary, for subsidiary relationships'. Although some differentiation is made of a 'bicultural individual, a 'bicultural society, 'bicultural solution' and 'bicultural institution', Schwimmer argued biculturalism was a burden on the individual, in almost all instances upon Māori individuals, and discounted institutional obligations and responsibilities.

That understanding of biculturalism was characteristic of the dominant social and ideological thought prevalent in that decade. The onus was for Māori people to be 'bicultural' while the members of the majority culture could generally remain monocultural electing to join if they desired into the romanticised world of the Māori. Being bicultural was a matter of personal choice for Māori. For the most part, society expected Māori to live and work in the same manner as Pākehā while

⁴ Eric Schwimmer, (ed.) *The Maori People in the Nineteen-Sixties*, Auckland, 1972, (Reprint), pp.9-64.

² *ibid.* p.13.

retaining token elements of their culture such as 'cultural' performing groups, waiata a ringa, haka and poi. Schwimmer is also privy to this view.

Biculturalism should not be made into a cult. It is healthy that the main burden of it falls on the individuals in the context of their private lives and private relationships, and that it is carried along, to a large extent, by participation in the creative arts....It is right that it is supported, not too heavy-handedly, by the education authorities, and that Māori culture remains to the Pakeha a private experience on whatever level he chooses. It is not at all regrettable that so much of Māori culture is imbibed by the Pakeha in entertainment and other artistic spheres, for it is on the unconscious, symbolic level that genuine biculturalism has its genesis. But those who have to deal professionally with Māori much of the time ought to aspire to a higher level of bicultural sophistication than the average person.⁶

Contemporary definitions of biculturalism have a broader application than Schwimmer envisaged in the late nineteen sixties. Not only is the concept applicable to the preservation of Māori cultural and linguistic identity in a predominantly 'European' defined society but it is also applied to the position of the Māori people, individually and collectively, within Aotearoa/New Zealand and their political and socio economic standing and has implications for social institutions.

In 1984, the Anglican Church of New Zealand took a first step in considering the implications of the Treaty of Waitangi to its organisation⁷. One of the views forwarded for further consideration in its discussion paper of 1984, was that the Articles of the Treaty necessitated the principles of partnership and bicultural development. This view was confirmed by the Church's Bicultural Commission in 1986:

The Treaty in Article One granted the power to the British Crown to bring and maintain law and order. It also acknowledged both the prior existence of Māori people, and the right of the new settlers to share the resources of New Zealand. The Treaty created one nation but acknowledged two peoples with two distinct cultures. It recognised and established the principle of partnership...

⁶ *ibid.* p.18.

⁷ See *Te Ripōata a te Komihana mo te Kaupapa Tikanga Rua mo te Tiriti o Waitangi/ The Report of the Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi, 'The 1984 Discussion Paper' in *Te Kaupapa Tikanga Rua, Bicultural Development*, 1986.*

The Treaty guarantees Māori rights and interests and does not merely recognise them. This means that the State is required to take positive action to protect cultural values and not merely refrain from interfering with the protective steps taken by Māori people themselves. The Treaty clearly implies the principle of bi-cultural development.⁸

The Commission considered partnership to involve 'cooperation and interdependence between distinct cultural or ethnic groups within one nation', and bicultural development to be 'the process by whereby two cultures grow and develop within one nation in a spirit of mutual respect and responsibility'.

Broader interpretations of biculturalism were also promoted in the Pua Te Ata Tu Report of the mid 1980's. While biculturalism included 'understanding and sharing the values of another culture' in a 'social and cultural partnership', the report advocated that institutions must be accountable for meeting the particular needs of their clients according to their cultural background, especially those of Māori. Biculturalism, it was argued, involved the 'sharing of responsibility and authority for decisions with appropriate Māori people, and the 'understanding and/or preserving another language, allowing people the choice of the language in which they communicate officially'.⁹

The focus on institutions rather than individuals illustrates the departure from Schwimmer's position. Spoonley 1988 elaborates on biculturalism in terms of the State's commitments and policies.

In effect, this would mean that a range of institutions would need to change so that Māori values and interests would be represented in their policies and practices. For example, if the right to use Māori were more widely recognised then many institutions from the courts through to private companies would have to ensure that bilingual employees would be available along with the appropriate forms. Further, the notion of power sharing would have implications for the way in which decisions are made. In many situations, where the employees and administrators are overwhelmingly Pakeha while the clients and customers

⁸ Te Ripoata a te Komihana mo te Kaupapa Tikanga Rua mo te Tiriti o Waitangi, The Report of the Bi-cultural Commission of the Anglican Church on the Treaty of Waitangi, in *Te Kaupapa Tikanga Rua, Bi-cultural Development*, 1986, p.25.

⁹ Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, *Pua Te Ata Tu, (Daybreak)*, Wellington, 1988, pp. 19-20.

are Māori, mechanisms such as effective consultation or affirmative action policies in hiring and promotional procedures, might need to be implemented in order to grant Māori a much greater say.¹⁰

Walker, 1986, goes further. He views biculturalism as a global arrangement between two conflicting basic cultures, the culture of the indigenous people and the culture of the metropolitan people. The indigenous culture is characterised by a unique relationship between the people, the earth and its resources that aims to maintain the balanced order of nature whereas the metropolitan society, a development of the Industrial Revolution, is characterised by 'the aggregation of people into a nation state, with an infrastructure of centralised political power and a bureaucracy through which power is devolved down to the parochial level of local authorities and characterised by the capitalist mode of production'.¹¹ The two cultures were brought into contact through European expansionism that led to the colonisation of indigenous cultures by metropolitan cultures.

While looking into the relationship between Māori and the criminal justice system Moana Jackson also made comment on the nature of bicultural restructuring of state institutions and bicultural processes. In the Māori and the Criminal Justice Report, he argues that current thinking on biculturalism did not go far enough to recognise the status of Māori as Tangata Whenua. Bicultural initiatives by the state were 'commendable but only a first step'. More authority for the Tangata Whenua and partnership with government departments in bicultural initiatives was advocated. He warned that biculturalism was in danger of being defined from a monocultural perspective. A redefinition of the bicultural process 'shaped by input and processes that reflect both the notions of partnership and the realities of equal power resources and responsibility' was recommended.

Jackson was critical of the the bicultural initiatives implemented in the late 1980's. Simply increasing the numbers of Māori staff in an institution or exposing all staff to Māoritanga were insufficient. Biculturalism he claimed required the 'recognition of Māori models of operation and Māori perspectives.

It requires an acknowledgement by the system of its own institutional racism and the effect it has had on general Māori values and specific Māori behaviours such as criminal offending. It

¹⁰ Paul Spoonley, *Racism and Ethnicity*, Auckland, 1988, pp.105-6.

¹¹ R. J. Walker, *The Meaning of Biculturalism*, 1986, p.2.

also requires a recognition of the valid contribution those values still make to issues confronting the justice process, and a willingness to share the resources and authority which will make those responses a practical reality.¹²

Jackson offered two options for biculturalism in the criminal justice system. The first addressed the operations of the existing system and recommended means by which it may be adapted to be more culturally sensitive. The second outlined the need to establish a parallel system based on kaupapa Māori and aimed to give substance to the meaning of tangata whenua status.

Where biculturalism has been adopted as official or at least tentative policy it has been viewed mainly in terms of restructuring within the State to recognise and respond to the rights and needs of Māori.

Māori on the other hand have argued that biculturalism and the attainment of equity are not synonymous. Proactive goals which go beyond a knee jerk response to Māori demands, required active participation and a joint approach to framing questions and providing answers.

Sharp 1990 and Durie 1991 have provided frameworks to clarify the conflicting goals. Both writers seek to understand biculturalism by focussing on its outcomes as well as its structures and processes. Sharp identified two modes of biculturalism: bicultural reformism and bicultural distributivism while Durie introduced the concept of a bicultural continuum.

Sharp's bi modal views went some way to recognise how Māori expectations of biculturalism might be different to the viewpoints of the State and Pākehā.

Bicultural reformism for example arose out of measures granted to Māori because of their perceived socio-economic disadvantage. Reformism did not cede that Māori claimed equity with the State with entitlements to share decision making and power. Māori were considered to be one among many minority groups in Aotearoa /New Zealand and the present system could cater better for Māori needs so that inequalities between Māori and Pākehā in areas such as health, education and justice could be redressed. This type of biculturalism, bicultural reformism,

¹² Moana Jackson, *The Maori and the Criminal Justice System. A New Perspective*, Wellington, Vol 2, 1988, p.209.

seeks to adapt the existing social structures but particularly government departments to be culturally sensitive and responsive to Māori concerns. Bicultural reformism measures do little to redistribute the balance of power and resources between the state and Māori. Some cosmetic changes are made to accommodate Māori viewpoints in the structures of the State but without effecting substantial alteration to the structure and *modus operandi* of the organisation. Tangata whenua status by itself, was not seen as sufficient reason to promote policies of biculturalism.

Since the mid 1980's bicultural reformism has been a feature of central government though increasingly, regional authorities have considered the adoption of similar (though with varying degrees of agreement and acceptance) such policies. This development stemmed from the realisation that the 'system' was a monocultural (Pākehā) one which disadvantaged other cultures and required transformation if minority groups were to attain social and economic equity in relationship to other New Zealanders. However, increasing Māori criticism of bicultural policies focussed on the retention of power sharing and control by the State. The State and its servants, Māori and Pākehā, were able to decide the nature of a relationship with iwi Māori and which dimensions of a Māori perspective would suit their own organisational needs. Pākehā were often seen as the major beneficiaries of 'bicultural' initiatives because they gained access to Māori knowledge without necessarily empowering Māori people themselves.

Ranginui Walker favoured this view, 'Biculturalism means more than Pakeha learning a few phrases of Māori language and how to behave on a marae. It means they will have to share what they have monopolized for so long, power, privilege and occupational security'¹³

Sharp's second mode, bicultural distributivism, reflected Māori aspirations for greater control in the political arena. Bicultural distributivism was described as giving recognition to Māori mana motuhake, the right of Māori to exist as a distinct and unique culture of equal value to the Pākehā culture. It also acknowledged the uniqueness of Māori as Tangata Whenua in Aotearoa /New Zealand. Distributive biculturalism emphasised the empowerment of Māori by distributing funds directly to Māori people rather than incorporating Māori values and needs into the mainstream. Sharp noted Māori contentions that the two

¹³ Walker, 1986, p.5.

founding cultures of New Zealand should be seen as equals and resource allocation should be premised on that equality.¹⁴

In an effort to bring some order to the confused understandings of biculturalism Durie used a different approach. He emphasised that biculturalism ought not be viewed as a single or final state but as a process which encompassed several distinct forms.

Table 1.
A BICULTURAL CONTINUUM

	Unmodified Mainstream Institutions	Introduction of a Māori Perspective	Māori Involvement in mainstream Institutions	Parallel Māori Institutions	Independent Māori Institutions
Principles	Homogeneity	Cultural Pluralism	Participation	Partnership	Rangatiratanga
Aims	~Uniform Approach	~Cultural Sensitivity	~Māori Dimension with Corporate Identity	~Integrated Māori Development (social,cultural economic)	~Mana Māori Motuhake ~Māori Management of Māori Resources
Goals	~Simplicity ~Institutional Focus ~Consumer Adaptation	~Greater Understanding ~Cultural Exchange ~User Friendly	~Institutions Representative of Community ~Effective Māori Participation	~Shared Decision Making ~Contractual Relationships ~Shared Objectives	~Retention Māori Structures and Processes ~Māori Control ~Tikanga Māori
Limitations	~Cultural Oppression ~Institutional Racism	~Superficial ~Cultural Erosion	~Conflict of Tikanga ~Assimilation	~Duplication ~Double Standards ~Organisational Confusion	~Economies of Scale ~Separate Development

Source: M.H.Durie, *Te Kawenata o Waitangi, The Treaty of Waitangi in New Zealand Society, Study Guide Two*, Massey University, 1992.

¹⁴ Andrew Sharp, *Justice and the Maori: Maori Claims in the New Zealand Political Argument in the 1980s*, Auckland, 1990, pp.227-236.

The continuum proposes five levels of biculturalism. At one extreme is the unmodified and traditional institution. There is no attempt to introduce a Māori perspective in organisational structures or procedures. The 'we are all one people' ideology prevails and the relevance of cultural diversity is ignored. It confuses institutional simplicity with fairness and expects clients to adapt to the institution's cultural mores.

In Durie's second step along the continuum, biculturalism is characterised by the introduction of a Māori perspective. The rationale is linked to the celebration of cultural diversity. Māori words, titles and greetings are incorporated by institutions, and the introduction to issues such as the Treaty of Waitangi and Māori values and perspectives becomes policy for all staff. For many organisations biculturalism is defined along these lines at least in the initial stages.

Greater participation of Māori within the workforce and commitment to having Māori perspectives recognised in an institution is the third step in the bicultural continuum. The institution seeks to reflect the essence of biculturalism by having a workforce and a set of policies which places Māori people (as distinct from views, perspectives or cultures) within the organisation itself. Sometimes Māori staff are aggregated into distinct units and charged with bringing an appropriate Māori presence to the policies and practices of the organisation. Problems may arise when there is a conflict of tikanga. Misunderstandings within the organisation regarding accountability and authority may diminish the effectiveness of such units and even when they function well, they may be remote from the decision making process. Furthermore, Māori workers within a state department quickly become state servants remote also from the priorities of their own people.

With the emergence of parallel Māori institutions (step 4), Biculturalism may be expressed as a relationship between institutions rather than rearrangements within a single institution. Kohanga Reo and Kura Kaupapa Māori are good examples of this. While their overall objectives are not dissimilar to those of the parallel Pākehā mainstream they are firmly based on Kaupapa Māori and maintain a degree of autonomy with a separate accountability system. Characteristically, Māori participation is at all levels of the institution and the goals are linked with the other goals of Māori development. Nonetheless, they are subject to some degree of State intervention.

At the other extreme of the continuum is a Māori institution, monocultural, and based solely on the norms and values of the Māori/iwi cultures. The marae is the prototype. Accountability is to the whānau or hapū. At the national level, the National Māori Congress has many of the features of an independent Māori institution. It is completely independent of the State and is an umbrella body under which iwi can work together towards the realisation of shared aspirations.

The many definitions of biculturalism highlights the differing aspirations and expectations. Using the term biculturalism in a general sense has led to conflicting expectations and confusion over its goals. Clarification is needed when the term is used, to avoid misunderstandings. The writings of Jackson, Sharp and Durie provide some means to overcome such problems.

2. Rationales for Biculturalism.

There are diverse reasons for biculturalism within the institutions of the State, and in Aotearoa/New Zealand generally. The Treaty of Waitangi, ameliorative liberalism, the doctrine of aboriginal rights and international law all add support to the argument for bicultural policies and arrangements between the State and Māori. The arguments against biculturalism are also explored.

The Treaty of Waitangi.

In 1840 the Treaty of Waitangi was signed on behalf of the tribes of Aotearoa and the British sovereign. It was hoped that the Treaty would provide for the protection of Māori people from other international powers, allow for the peaceful entry of British settlers to Aotearoa and maintain law and order. Today there is acceptance that the Treaty symbolises the bringing together of two people in one country. The relationship between them was cemented at the signing of the Treaty of Waitangi in 1840, when the Tino Rangatiratanga of iwi Māori and the Pākehā derived Kāwanatanga were acknowledged. The basic exchange deriving from the Treaty is the assignment to the British Crown the right to govern in return for the active protection of tribal rangatiratanga including resources and protection of individual Māori. The Treaty was to be a guarantee of the continued economic,

political and social independence of iwi Māori. It promised that iwi would not be subsumed by the Pākehā culture through colonization and assimilation but could adapt to utilize the material and other benefits that the Pākehā culture brought to Aotearoa. In essence, a relationship between the Crown and tribal institutions was launched based on the concept of reciprocal benefits.

There is clear basis for the biculturalism in the Treaty of Waitangi that predisposes the State to allow and foster Māori development. This view is not universally accepted. Indeed the continuing relevance of the Treaty itself has been questioned. The divergent views of the Treaty held by the State and Māori, that are highlighted by the conflicting meanings of the Māori and English versions, are discussed in greater detail in the following chapters.¹⁵

Aboriginal Rights.

The basis for biculturalism and the rights of Māori are not solely dependent on the Treaty of Waitangi. Indeed the Treaty merely guaranteed pre-existing rights Māori possessed as tāngata whenua, the indigenous people of Aotearoa/New Zealand.

There is a body of British legal theory called the doctrine of aboriginal rights that recognises the continued right of indigenous people to their lands and waters after having been 'discovered', conquered, or having ceded sovereignty to a colonising power. The doctrine is derived from English common law principles that affect the status of tribal societies upon the Crown's acquisition of the sovereignty of their territory¹⁶.

Aboriginal rights remain legally intact unless extinguished voluntarily by the people or by an Act of Parliament, in which case the indigenous people have no legal right to appeal. These rights are limited in that they apply only to property, water and fisheries rights with social and economic matters not taken into consideration. These rights were not a recognised part of municipal law. Statutory recognition is not necessary, (unlike treaty rights), for these rights to be recognised in the courts.¹⁷

15 See Appendix One Te Tiriti o Waitangi and The Treaty of Waitangi (1840).

16 Paul McHugh, *The Maori Magna Carta*, Auckland, 1991, p.70.

17 *ibid*, 1991, pp.97-143.

There are opposing views to the aboriginal rights as Mulgan 1990 demonstrates:

Genuine equality of rights demands that those with particular disadvantages should be accorded special help. The Pākehā must recognise that the Māori, as an aboriginal minority who are the victims of colonisation in their own country, face peculiar difficulties of cultural adjustment and economic survival....

They are quite justifiable for groups whose rights are threatened. Aboriginal minorities are a group of such threatened minorities whose rights are properly accorded special protection. But the ground for protection is not that they are aboriginal but that they are disadvantaged. If the disadvantage is removed so is the entitlement to special treatment. Otherwise, the result of special protection is not to achieve equality but to offer the possibility of entrenching an unequal position of superiority¹⁸.

Mulgan's view is limited and extreme. His view that disadvantage is a substitute for Tino Rangatiratanga would find little favour with Māori writers and leaders. It will be apparent in forthcoming chapters where the State has entertained notions of biculturalism, disparities between Māori and non-Māori have often been used as the main rationalisation. Certainly disadvantage should not be overlooked in a modern democracy but disadvantages and disparities alone do not equate with indigenous rights nor the guarantees of Article Two of the Treaty.

International Law.

Support for bicultural arrangements between indigenous peoples and sovereign states is also found in the doctrine of international law. Although such law has no bearing on municipal law unless specifically legislated, in the international arena it is not without influence to pressure states to recognise the rights of indigenous people.

The United Nations and many of its associated organisations have in recent decades made numerous efforts to promote the rights of indigenous peoples and responsibility of nation states to support their rights. Article 17 of the Universal

¹⁸ Richard Mulgan, *Māori, Pākehā and Democracy*, Auckland, 1990.

Declaration of Human Rights 1948 for example and Article two of the International Labour Organisation (ILO) Convention 107 on Indigenous and Tribal Populations (1957) recognise the right of all people to property.

In 1986 the Declaration on the Right to Development was adopted by the United Nations General Assembly and which the New Zealand Government was party to. The Declaration recognised the right of all individuals and collectives to economic, social, cultural and political development and the responsibility of states to support development. Ethnodevelopment and the right to culture are also endorsed in the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) Declaration on Race and Racial Prejudices 1978 and in the Draft Principles adopted by the United Nations Working Group on Indigenous Populations in 1983.¹⁹

The evolving recognition of international law has not gone unnoticed in Aotearoa/New Zealand. The Waitangi Tribunal has on numerous occasions, in its considerations of Māori claims against the Crown, recognised these international laws.

Ameliorative Liberalism.

Biculturalism is viewed as a means to alleviate the relative socio-economic deprivation of Māori. Statistics show that Māori are at greater risk of suffering from ill health, unemployment and committed proportionately more criminal offences and attained fewer educational qualifications than the non-Māori population²⁰. This situation has in part been attributed to the fact that the institutions of the State, having been based entirely on the norms and values of the Pākehā, disadvantage other ethnic groups, particularly Māori. The Puao-Te-Ata-Tu Report highlighted this fact by demonstrating the existence of institutional racism in the operations of the Department of Social Welfare. The State's institutions had to be transformed if minority groups were to enjoy equity with

¹⁹ For further comment on support for indigenous rights in international law see Benedict Kingsbury, 'The Treaty of Waitangi: Some International Law Aspects', in Kawharu (ed.) *Waitangi, Maori and Pakeha Perspectives of the Treaty of Waitangi*, Auckland, 1989, pp.121-157.

²⁰ See , Ministerial Planning Group, *Ka Awatea*, Part Three, *The of Position of Maori in Society*, pp12-46.

the Pākehā majority. Bicultural initiatives were implemented as a means to provide opportunities for Māori to participate in decision making and have access to resources that were previously denied by the monoculturally structured State institutions. It was envisaged that increased Māori participation would help to address Māori underachievement.

Sharp 1990 defines this rationale for biculturalism as ameliorative liberalism. Bicultural initiatives are adopted because Māori are 'cases of deprivation with consequent needs that must be met', not because of any inherent rights they may have as the tangata whenua.²¹ The State must intervene where necessary to help improve the position of Māori in New Zealand society so they may also share in the advantages experienced by the Pākēhā.

In the same vein it has been argued that where there is no disadvantage to be overcome, there is no basis for biculturalism:

The rationale for special treatment, that is affirmative action, is the achievement of equality for all. This means that if equality were actually achieved the justification for the preferential treatment would also disappear....From the point of view of democracy and human rights the main need for special protection for the rights of Māori is simply that they are a threatened group. It is not that they have special rights to preferential treatment and additional government support. It is rather than [sic] they have the same human rights as everyone without additional resources and support.²²

Mulgan 1989 argues here that special measures for Māori that go beyond rectifying disadvantages are an affront to genuine equality. As the preceding discussions will have shown, biculturalism has greater implications than the mere introduction of affirmative action plans. Nor should Māori self determination necessarily be restricted to working within a state defined framework.

²¹ Andrew Sharp, 1990, p.205.

²² Mulgan, 1990, pp.83-84.

Cultural Diversity - Multiculturalism or Biculturalism?

The greater recognition of cultural diversity within Aotearoa/New Zealand society is a consequence of the ethnic revival promoted in the 1970's. In response to this development, multicultural and later bicultural policies have been implemented by the State. There has been considerable debate as to the appropriateness of the two lines of policies.²³

On the one hand biculturalism emphasises the relationship between the two main cultures in Aotearoa/New Zealand and, it is argued, denies special recognition to the many other ethnic groups present.

...biculturalism does not deny the existence of other cultures besides Pākehā and Māori, it merely denies them and their cultures special recognition. Members of other ethnic minorities should certainly be accorded the full rights of democratic citizenship. But they also expect to face a society and institutions which are in some aspects more alien to them than they are to the Pākehā or should be to the Māori.²⁴

Multiculturalism in comparison does recognise the presence of many ethnic groups. However this argument is used to deny Māori entitlement to any special recognition. They are seen to be just one of the many ethnic groups of this country. Multiculturalism has been accused of reinforcing the dominance of the Pākehā culture within State institutions and fostering competition between minority ethnic groups for scarce State funding. It downplays the right of Māori to any special recognition.

...Multiculturalism invites state agencies to be aware of the *variety* of minority ethnic groups, and seldom to inspect critically the institutions of this society or of the dominance of Pakeha groups. To affirm and value cultural difference is important, but it detracts attention from central concerns if questions such as institutional racism are not given due attention. In education, it is possible to explore the culture of groups endlessly such as, for example, the Tongan, Samoan, Dutch, Yugoslav, or Cook Island Māori communities, without touching on the matter of racism. It is safe and interesting to examine these groups superficially and it can

23 See Jakubowicz 1981, Spoonley 1988, Sharp 1990, Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, 1986.

24 Sharp 1990, p.213.

be done in the complete absence of any acknowledgement of the importance of Māori - Pakeha relations or a variety of political issues.²⁵

Biculturalism and multiculturalism, when expectations and entitlements are made clear, need not be viewed as uncomplimentary. The Royal Commission on Social Policy 1988 addressed this point.

...even in 1840 there was no contradiction to the entry of settlers from diverse cultures and, indeed, the British Crown clearly represented many ethnicities including those of Welsh, English Irish and Scottish descent and other non-British settlers already in the country. The multicultural nature of New Zealand is not new and the Treaty, in providing for a partnership between Māori people and the Crown, did not prevent the Crown from addressing the cultural needs of those within its mandate.²⁶

Biculturalism acknowledges not only cultural differences but ethnic rights stemming from the Treaty of Waitangi. Its careful application and active protection will enable New Zealanders to move forward together into the twenty-first century.

Opposition to Biculturalism.

The central argument against biculturalism is that it unjustly favours one ethnic group over others. Sharp 1990 identifies this opposition to biculturalism as the Pākehā ideology of justice. This viewpoint is based on two central arguments. Firstly, that equality of opportunity justifies inequality of condition and, secondly, there must be equality before the law. It is argued that social goods, such as education, status and wealth are distributed according to one's performance. Everyone in New Zealand, including Māori, have the same opportunity to succeed, and will gain from 'the system' what they have earned. Māori, the argument goes, are in their deprived state because they have not tried as hard to succeed as Pākehā have. The social and economic deprivation encountered by Māori, results from their own doing not society's. The criticisms of outspoken businessman Bob (Sir Robert) Jones exemplify this standpoint:

²⁵ Paul Spoonley, *Race and Ethnicity*, Auckland, 1988, p.104.

²⁶ The Royal Commission on Social Policy, 'The Treaty of Waitangi' in *The April Report Volume II Future Directions*, p.53.

Māori are not obese, less healthy and enjoying a shorter life span than their fellow citizens because of deprivation and other perceived societal disadvantages.

If they are obese, it is because they over-eat: if they suffer ill-health, it is because they smoke too much, drink too much alcohol, exercise too little and other self-indulgent conduct. They have a shorter life-span for these obvious but never stated reasons, plus their shocking child mortality statistics arising from parental neglect. In short, a total lack of self-discipline.

...To an increasing degree the Māori is a passenger in contemporary society, a modern white man's burden, that should not be. But so long as we go on patronising Māoris, excusing their failures and cultivating weakness by favoured special treatment, then the Māori plight will intensifyWe must stop patronising Māoris. If it's Māori and it's wrong let us say so out loud and stop excusing it. To hell with all this sensitivity. No other race or group demands or expects it, so why Māoris? ²⁷

Biculturalism is considered unacceptable because it is seen as giving to Māori status and resources that they do not deserve. It is 'reverse racism' that favours Māori solely on the grounds of their 'race'. It is argued that these privileges to only Māori should be removed and Māori qualify for things on the same grounds as others do. There is some basis for these arguments. As the following chapters will show, Māori organisations are among the first to admit that many of their people have fallen into a dependency trap, and are taking steps toward greater self reliance. But this situation could not have occurred without a fair share of help from the State and the policies it pursued in past decades.²⁸ The irony of Jones' viewpoint is that it lends support to arguments for Māori self determination by advocating Māori take greater control over their affairs. This surely is not intended but rather Māori are expected to improve their situation according to monocultural ideals of development.

The ideology, as identified by Sharp, also stresses that everyone should be subject to the same legal system and Māori should not have any special rights. Different

²⁷ Bob Jones, 'Straight Talking About The Race Crisis', as quoted in Tim McCreanor, 'Talking About Race', in Helen Yensen et al, (eds.) *Honouring the Treaty, An Introduction for Pakeha to the Treaty of Waitangi*, Auckland, 1989, pp. 104-112.

²⁸ See Section Two, Part 4., Early Themes: Protection, Assimilation and Integration.

sets of rules such as a parallel Māori justice system would lead to anarchy and racial conflict because they 'push the races apart rather than bring them closer together'. This argument fails to realise that New Zealand's justice system, far from being neutral, is based on a system derived almost entirely from European legal values and practices.

There is wide public support for views represented in the Pākehā ideology of justice. A study of New Zealand values conducted in 1989 found that two out of three New Zealanders disapproved of special land and fishing rights for Māori and three in four agreed that Māori get a fair go in New Zealand.²⁹

Similar lines of argument to those described by Sharp, oppose biculturalism specifically on economic and moral grounds. In the past decade libertarian economic policies have come to the fore in New Zealand. These advocate less protectionism and state intervention and advocate a market driven economy instead. Biculturalism argues for economic power and resources to be redistributed between the two main cultures. Ethnic privileges that biculturalism grants to Māori are believed to distort the market economy. Furthermore the communal emphasis of Māori sovereignty and the ideals of biculturalism are seen as unproductive, therefore unprofitable and in direct conflict with the individualistic and competitive ideals of capitalism.

Moral authoritarian³⁰ groups such as the Coalition of Concerned Citizens and Concerned Parents Association groups have also opposed biculturalism. Their concerns were made most apparent when Taha Māori programmes were introduced into the primary and secondary school curriculum during the early 1980's. It was reasoned that Taha Māori was anti Christian and its spiritual dimension contravened State legislation guaranteeing the education system be based on secularism. Their concerns were shared by right wing activist Geoff MacDonald 1987 who claimed '...Taha Māori is actually the principle weapon for indoctrination of children with humanism and in opposition to Christianity'.³¹

²⁹ Hyman Gold and Alan Webster, *New Zealand Values Today*, The Popular Report of the November 1989 New Zealand Study of Values, Palmerston North 1990 pp. 29-30.

³⁰ For a definition of moral authoritarian see Jesson, Ryan and Spoonley, *Revival of the Right*, 1988, pp. 77-85.

³¹ G.MacDonald, *Kiwis at the Crossroads*, Christchurch, 1987, p. 194.

Underlying the arguments against biculturalism is the perceived superiority of the European derived cultures over Māori and other non European cultures. The British system of law is seen to be the only system. Community based economic systems such as that of Māori are branded communist and a threat to the 'good' economic practice of capitalist enterprise. Christianity is regarded as superior to Māori forms of spirituality.

3. Overseas Comparisons.

The later decades of the twentieth century have witnessed major changes in the redistribution of political power throughout the world. The conclusion of the Second World War and modernization contributed to the breakdown of colonial empires such as Britain, Germany, France and Holland with the indigenous people of their former colonial territories in Africa and Asia for instance, regaining political independence.

The process of decolonisation has been rampant throughout the Pacific in recent decades. Vanuatu, Papua New Guinea and New Caledonia are but a few examples of where the indigenous people have attempted to redefine their relationships with colonial governments. The desire of indigenous people for self determination is also apparent, if less militant in Aotearoa. Iwi Māori, too, aspire to greater political autonomy and self reliance.

A deeper understanding of recent developments in Māori-State relations may be gained through looking at similar situations overseas. The following case studies examine the relationships between the Australian Aborigines and American Indians with their respective government authorities. These indigenous peoples have experienced similar fates to Māori through the colonization of their lands, and are also engaged in asserting greater autonomy from their governments.

The Australian Aborigines.

Although geographically close and colonised by the same foreign government in relatively the same timeframe, the rights and interests of the Aborigines³² have received less recognition than has been the case for their indigenous counterparts in Aotearoa in the past and at present.

During early contact with the British Aboriginal rights were ignored. Their land was classified as having *terra nullius* status and governance over and title to all land in 'Australia' assumed by Britain. The Aborigine people were judged to be incapable of negotiating a Treaty for relinquishment of sovereign rights as was common practice at the time with other indigenous peoples.³³ There was no attempt to include the Aborigines in the administration of state authorities or to recognise their social and political structures.

Aboriginal policies varied among the individual states of Australia and were ambiguous in their aims. In part they were expressions of humanitarian concern to save the Aborigines from complete annihilation and to ease their transition into a European way of living while at the same time employing racist ideologies to rationalise dispossessing the Aborigines of their land and justifying the violence and exploitation that occurred.³⁴

The segregation policies that were introduced in Queensland, Western Australia, the Northern Territory and South Australia for example aimed to protect the Aborigines from violent confrontation with the white settlers by keeping them separate on reserves. Conveniently this also freed the land for use by the settlers. The Aborigines were treated intolerably upon most reserves. State legislation, such as the 1897 Queensland Act for example, could force any Aborigine to live on a reserve, regardless of the degree of Aboriginality or economic circumstances. Alcohol consumption, sexual relations with non Aborigines and compulsory labour were also regulated by the Act, which also gave the European supervisors complete control over aboriginal activities upon the reserves.

32 Like other indigenous people this title was adopted to identify the Aborigines commonalities in contrast to the white people they encountered. There were in fact over 500 Aboriginal tribes that each had their own land areas, dialects and practices.

33 See Paul McHugh 'Constitutional Theory and Maori Claims' in I. H Kawharu (ed.) *Waitangi, Maori and Pakeha Perspectives of the Treaty of Waitangi*, Auckland, 1989, p.57.

34 Richard Broome, *Aboriginal Australians, Black Response to White Domination 1788-1980*, Sydney, 1982, pp.88-100.

Dispersal policies implemented in other states, like New South Wales and Victoria, instead forced Aborigines from reserves into white areas of settlement because of fears about Aborigines mixing with white orphans on the reserves. In the wider community Aborigines experienced extreme racial discrimination.³⁵

Disease, and violence between Aborigine and white settlers and among Aborigines³⁶ themselves caused the Aboriginal population to decrease from between an estimated 250-300,000 in 1788 to an estimated 60,000 in 1921.³⁷ It came to be accepted by the white Australians that the extinction of the Aborigine was inevitable.

The decline reversed further into the twentieth century. While segregation policies were continued for full blooded Aborigines, assimilative policies were introduced to encourage the absorption of 'mixed blooded' Aborigines into mainstream Australian society. The Victorian 1886 Aborigines Act and 1905 Aborigines Protection Act, for example, allowed individuals who relinquished their tribal associations to be exempted from existing legislation that monitored Aboriginal rights. Similarly the Natives (Citizenship Rights) Act 1944 required that Aborigines wishing to gain citizenship rights should first have dissolved all 'tribal and native associations'. Legislation such as the Western Australian Aborigines Act 1951, Northern Territory Aboriginal Ordinance of 1911 and the Queensland State Children's Act of 1911 allowed for the removal of children with 'mixed blood' from the Aboriginal parents and placed in 'European' styled institutions. As late as 1965 state policies still maintained an overtly assimilative thrust:

Policy statement of the Native Welfare of Commonwealth and State Ministers 1965.

The policy of assimilation seeks that all persons of Aboriginal descent will choose to attain a similar manner and standard of living to that of other Australians and live as members of a single Australian community - enjoying the same rights and privileges, accepting the same responsibilities and influenced by the same hopes and loyalties as other Australians. Any

35 *ibid*, p.82.

36 Inter tribal fighting occurred as a result of European occupation of tribal homelands forcing the Aboriginal residents into the designated lands of hostile tribes.

37 Broome, 1982, p.169.

special measures taken are regarded as temporary measures, not based on race, but intended to meet their need for special care and assistance and to make the transition from one stage to another in such a way as will be favourable to their social, economic and political advancement.³⁸

It was not until the 1960's that the Federal government gained control over Aboriginal issues and a Department of Aboriginal Affairs was established to administer programmes for the Aborigines. During the same period a national protest movement that paralleled overseas indigenous and civil rights movements developed among the Aborigines. With a united voice they were able to gain national attention for their common interests such as the protection of land rights and tribal customs. These developments in the sixties led to greater interaction between the State authorities and the Aborigines themselves.

The Federal Government reassessed its Aboriginal policies during the nineteen seventies as a response to the challenges of Aboriginal protest. The Whitlam Government from 1972 to 1975 developed self determination policies for the Aborigines with four major initiatives. Legislation was created that enabled Aboriginal communities to incorporate so they could run their own affairs. An all National Aboriginal Consultative Council (NACC) was established as an advisory body to the Federal Government. Funding for Aboriginal projects was increased and a Commission of Enquiry was established to investigate the land rights of Aborigines in the Northern Territory.³⁹

A forced change of government in 1975 led to the watering down of this policy direction. Self determination policies were replaced by self management policies. These self management policies have been limited in the degree of autonomy granted to the Aborigines. The tribes are reliant on government funding and in similar arrangements to the devolution policies implemented in Aotearoa, the desire for self determination is strangled by bureaucratic accountability measures that work in favour of the Government. Nor has the level of funding required to significantly raise the living standards of Aborigines to that enjoyed by other Australians been forthcoming. It has been a case of tribes competing for the limited resources available.

³⁸ Fay G. Gale, and Alison Brookman, *Race Relations in Australia-The Aborigines*, Sydney, 1975, p.72.

³⁹ Sanders 1982,p.5.

'Aborigines are provided with the opportunity to talk to bureaucrats or listen to them in so called 'consultation' processes and thereby perhaps to influence outcomes. However, they are never given control over funds, goods or services; rather, they manage these resources according to predetermined priorities'.

Aborigines are not owners but managers, and like all managers are subject to the control of those under whose jurisdiction the assets of the community fall. The implementation of government policy through the use and conflation of terms like self management and self-determination and the much promoted ideal of community democracy is a bureaucratic fiction. It is used to disguise the limitations of what management truly entails by presenting it as a system that incorporates community control.⁴⁰

Government control of Aboriginal activities has actually increased during the 'self management' years through the establishment of government instituted Aboriginal advisory groups. While the Government is taking note of Aboriginal viewpoints and these groups have some influence to gain concessions for their people, they are limited by legislation that controls their funding and functions. The Government is able to choose the Aboriginal 'representatives' with whom it will consult. The best known of these groups, the National Aboriginal Conference (NAC), formerly the National Aboriginal Consultative Committee (NACC), was disbanded in 1985 and has yet to be replaced. Through committees of this nature the Australian government is able to restrain Aboriginal protest against the State.

Despite the intentions of Australia's Federal Government to give the Aborigines greater control over their lives, evidence to date, after ten years of self management policies, suggests that very little has changed in the economic, social and political circumstances of the Aborigines.⁴¹ They remain largely marginalised from the rest of society but lack the power and finances to exercise greater independence from the government authority. They continue to have only limited access to decision making roles within the state on matters concerning their welfare.

⁴⁰ *ibid* p. 179.

⁴¹ Kingsley Palmer, 'Government Policy and Aboriginal Aspirations: self Management at Yalata' in Robert Tonkinson and Michael Howard (eds.) *Going It Alone?* Canberra, 1990, p.171

The self management policies did allow for establishing a range of parallel Aboriginal institutions from community councils to national health services. However the movement toward greater independence has been furthered by the initiatives of the Aborigines themselves. A resurgence of Aboriginal cultural pride is reflected in their desire to have their culture and languages taught in the schools. Aborigines are returning from the cities and towns to set up outstations, living off the land but with access to modern facilities. There they are free from bureaucratic restrictions and are able to return to a more traditional lifestyle.

Aboriginal television and radio stations have been set up for the promotion of their languages and culture as well as disseminating political concerns. Community Government councils and parallel institutions are proposed. A National Aboriginal Congress is being established.⁴² An Aboriginal initiated and independent body, the National Coalition of Aboriginal Organisations (NCAO), was established in 1986 but has been hampered by limited access to resources and is set up for competition with state instituted bodies. Aborigines are challenging federal Government policies that limit the achievement of their aspirations.

Australian State policy fosters multiculturalism rather than biculturalism. Obviously Australia's population is multicultural and the Aborigine make up only a minute percentage of it, but these factors do not justify dismissing the aspirations of the original inhabitants. Their rights as tangata whenua and desire for self determination are no less authentic than the rights and needs of more populous ethnic groups. Indeed greater 'protection' and consideration is required.

The mainstream institutions of Australia's Federal government are based on the cultural norms and values of the 'British' and have served the interests of the dominant white population at the expense of the indigenous population. Some limited provisions have been made to accommodate Aboriginal rights and needs in recent years but without the required resources and decision making responsibilities being returned to the Aborigines. The institutions of the Australian State have made few attempts to accommodate Aboriginal interests.

⁴² David Turner, 'Aboriginal Development in Theoretical Perspective: from the Heavens down or the Ground Up' in Robert Tonkinson and Micheal Howard (eds.) *Going It Alone?*, Camberra, 1990, p.157

Aborigines are extremely marginalised and excluded from access to significant economic resources. Historically they have been excluded from having any voice in their political relationships with the white majority. Socio economic indices place the aboriginal population at the bottom of Australian society. Also, the fact that they constitute only a very small minority of 200,000, approximately 1.25% of a total population of 16,000,000,⁴³ has not helped their cause.

Parallels may be drawn between the experiences of the Aborigines with Māori and their relationships with the governments of their countries. Generally the experiences of Māori and Aborigine are generally similar but with significant differences.

Clearly Māori were shown tolerance and humanitarian concern by the British colonialist. Early government policies in New Zealand did not focus on maintaining segregation between indigenous and introduced cultures as was the case in Australia. In fact quite the reverse was encouraged. Early government policies in New Zealand were designed to bring Māori into closer contact with European and from an early point it was thought conceivable that Māori could be assimilated into a European mode of living. Aborigines in comparison, were treated as if sub human and segregation encouraged.

Some effort was made to protect Māori interests, highlighted by the fact that Britain recognised Māori sovereignty in 1835 and were later prepared to negotiate a treaty for the cession of their sovereignty. As history shows the agreement was far from honoured but at least Māori have had something tangible, an internationally recognised agreement with which to support their case for continued self determination. The New Zealand government, especially in recent decades, has been pressured to give some attention to its conditions. The Aborigines however, were not party to such an agreement and although there has been some talk of a treaty between the Aborigines and the Federal Government of Australia there has been little outward evidence of progress.

Numerically Māori are a far greater proportion of the population and intermarriage between the ethnic groups is very high by international comparisons. It is quite likely that New Zealanders generally have a greater

⁴³ Robert Tonkinson 'Aboriginal Ethnicity and Nation Building within Australia', in Michael C. Howard (ed.) *Ethnicity and Nation-Building in the Pacific*, Tokyo, 1989, p.147.

awareness, if still somewhat limited, of the Māori culture than Australians have of the Aborigines. The Māori activism of the 1970's & 80's has increased the public profile of Māori issues and caused the nation to re-examine its history of Māori and Pākēhā and Māori and State relations. In Australia the Aboriginal rights movement has not received the same level of public interest thus little pressure is placed upon the Government to make significant changes that might benefit the Aborigines.

Aboriginal self determination in Australia is far from being realised. Present Government policy is very limiting upon its achievement. There also appears to be a lack of goodwill in the wider society toward Aboriginal aspirations to pressure the government to relinquish greater responsibility to the Aborigines for their own lives or to make reparations for the events that have led to the marginalisation of the 'first Australians' in their own homeland.

The Native Americans.

Relations between the United States authorities and the American Indian tribes span a period of five hundred years. At times the United States has recognised the continued sovereignty and right of Indian tribes to self government, but at other times has retracted from this view and implemented policies to assimilate the Indians into the larger American society.

Current understandings of the relationship between the Federal Government and Indian Tribes derives from cornerstone legal judgements in the *Cherokee Nation v Georgia* (1831) and *Worcester v Georgia* (1832) cases. In the first case Justice Marshall described the Cherokee Nation as a domestic dependent nation whose relationship to the United States was like that of a ward to a guardian. In the later case he likened the status of Indian tribes to being 'distinctive political communities having territorial boundaries within which their authority is exclusive'. The relationship between the tribe and State was 'of a nation claiming and receiving the protection of one more powerful, not that of individuals abandoning their national character, and submitting as subjected to the laws of the master-protectorate relationship'. These judgements were significant in that the Indian tribes and nations were deemed to have lost their external sovereignty,

their right to deal with foreign nations, but maintained their right to self government, their internal sovereignty. ⁴⁴

Recognition of the tribes' rights to self government has not always been maintained by State and federal authorities. Legislation and policies have at times sought to break down tribal structures with an aim to assimilate the Indian into mainstream American society.

During the 1800's for example, tribes were relocated from their homelands to make way for European expansion. Relocation, if voluntarily, came with the promise that the Indians would retain independence in their new environments. Military force was used if they refused to comply. Some tribes were relocated several times and onto poor quality land. The Government authorities negotiated 53 reservation treaties with various tribes between 1853 and 1857 through which more than 174 million acres of land were gained for settlement.⁴⁵ The removal of Indians to new locations aided the process of assimilation by encouraging the adjustment from a hunting society to European methods of agriculture.

The reservation treaties and those made prior between the various tribes and government authorities, were designed to protect the continued rights of Indians to land and self government. These treaties however did not deter the encroachment of federal government jurisdiction.

Legislation was passed that gave the federal government jurisdiction over serious crimes committed on Indian reservations and transformed Indian land from tribal to individual title.⁴⁶ The right of Indian to maintain order among their people according to their own customs was ignored. The move to individual land titles also encouraged the demise of Indian tribal society and authority by simplifying the alienation of land⁴⁷ and fostering the values of individualism and private property ownership.

⁴⁴ Donald N. Brown, 'Native Americans and the Right of Self Government in the United States', in William Renwick (ed.) *Sovereignty and Indigenous Rights, The Treaty of Waitangi in International Contexts*, Wellington, 1991, pp.41.

⁴⁵ Sharon O'Brien, *American Indian Tribal Governments*, Norman, U.S.A, 1989, p.62.

⁴⁶ For example the Major Crimes Act 1885, and Dawes Allotment Act 1877.

⁴⁷ For example Brown 1991, p.42 states that between 1887 and 1934 when the Allotment policy was ended, 90 million acres of Indian land were removed from their ownership.

The government's intrusion upon the 'internal sovereignty' of the Indian was justified by reinterpreting the treaties and judgements such as that of the *Worcester v Gorgia* case. The guardian and ward relationship of the federal government and tribes was reinterpreted to imply that the Indian tribes were subject to the complete authority of the federal Government. The *Us v Kagma* case of 1886 for example stated:

These Indians tribes are wards of the nation. They are communities dependent on the United States. Dependent largely for their daily food. Dependent for their political rights....From their very weakness and helplessness, so largely due to the course of dealing with the Federal Government with them and the Treaties in which it had been promised, there arises the duty of protection and with it the power.⁴⁸

The federal government had the power to decide how it would protect the Indian tribes. Treaties made with the Indians in previous decades were reinterpreted as not protecting against federal intrusion but instead allowing for federal intervention.

In later decades government organisations like the Bureau of Indian Affairs and schools set up for Indians on and outside the reservations further encouraged assimilation and dependency upon government.

Some moves were made against the threat of total assimilation during the 1920-30s. Government policies on Indian affairs were reformed after reviews of the Bureau of Indian Affairs showed the department was inadequate in meeting the needs of Indians. It imposed alien forms of government on the tribal cultures and fostered dependency by excluding the Indians from managing their own affairs. A change in departmental philosophy followed. Indian economic, social, and religious concepts were once again promoted. The Indian Reorganisation Act 1934 for example was introduced to foster economic growth and self government. The preferential hiring of Indians was also encouraged in the Bureau of Indian Affairs.

Fostering the use of tribal structures was not to last. By the 1950's the government's policies had again reverted to assimilating Indians into the wider

⁴⁸ As quoted in O'Brien, 1989, p.73.

American society. The title, Termination Policies, had just that in mind for tribal structures and authorities. The policy was said :

' to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens of the United States, to end their status as wards of the United States and to grant them all of the rights and prerogatives pertaining to American citizenship'.⁴⁹

Far from liberating the tribes affected, under this line of policy the government would assume jurisdiction over their reservations, thus replacing the tribal councils. Legislation designed to set Indians apart from other citizens were to be repealed and special tax exemptions for Indians on reservations ended. It was considered that tribes who had made significant progress toward adjusting to new social pressures of mainstream society, could function capably within the mainstream without special measures of protection that they had on the reservations.

At the same time programmes with more subtle undertones for assimilation were implemented through the promotion of education, health and economic development and improvement. Indians were encouraged to resettle in urban areas in closer proximity to education and employment opportunities that did not exist on the reserves.

There was widespread criticism of this policy from all Indian tribes. The Indian activism of the sixties and seventies was in part fuelled by anger at measures advocated in the Termination Policy.

Government policies in recent decades was designed to eliminate the poverty experienced on the reservations and to foster Indian self determination. The Economic Opportunity Act 1964 was one such measure implemented, that promoted community actioned programmes and fostered strong Indian involvement.

⁴⁹ House Concurrent Resolution no. 108, adopted on August 1, 1953. as quoted in Francis Paul Prucha, *The Great Father, The United States Government and the American Indians, Volume I*, Lincoln and London, 1984, pp.1044.

Increased Indian leadership in the Bureau Indian has lead to greater tribal responsibility. Tribes have been encouraged to develop their own plans for development and to be active in national policy and law making affecting their circumstances.

Self determination was fostered under the Nixon government of the 1960's. The termination policies of the nineteen fifties were dropped completely and support given to Indian religious freedom, the return of land, water, hunting and fishing rights. Tribal activities flourished during this time with Indian controlled schools established, their courts expanded and greater control of domestic affairs endorsed.

On the reservations special efforts were made to improve the standards of social services such as the education and health care facilities and to recognise once more the internal sovereignty of Indian tribes. The Indian Self Determination and Education Assistance Act 1975 sponsored federal government programmes designed especially to meet Indian needs. Wherever possible responsibility was transferred back to tribes to encourage reduced dependency and the role of the Bureau of Indian Affairs. Government programmes and policies diversified to cater for Indians off the reserves as well, due to the urbanisation of the Indians which increased after the second world war. Other Acts such as the Indian Child Welfare Act and Indian Religious Freedom Act reaffirmed the tribal rights to determine the custody and adoption of their children and the freedom to practice traditional religions with access to religious sites.⁵⁰

Indian political activism, resurged during the sixties and seventies, also contributed to the redirection of government policies. Organisations like the National Congress of American Indians and National Youth Council advocated for Indian self determination at the government level. For the first time collective Indian action took place in demonstrations and at times militant action was taken, the most publicized of which was the occupation of Alcatraz in 1969-71.

The Reagan administration of the early 1980's, reaffirmed a government to government relationship between the Indian nations and federal government. Negotiations began towards the end of the decade for agreements between tribal governments and the federal government for further reduction of federal controls

50 Brown 1991, p.45.

and funding for tribal governments of similar standing with those given to federal agencies for mainstream programmes.⁵¹

As this discussion has shown, government policies in its dealing with the American Indian People have been all but simple. Its cyclical nature has left no room for complacency on the Indians' behalf, however for the present time the future looks promising for the American Indian. As Brown 1991 states, tribal sovereignty, which lay dormant for several generations, has re-emerged as a legitimate expression of the inherent rights of Native Americans.⁵²

Today tribes have their own independent jurisdiction upon their reservations that is recognised by the American Courts. They are able to make their own legislation and are exempt from paying taxes to the federal government. The powers of self government and use of property can still be regulated by Congress. In theory self government can be extinguished by Congress as some tribes learned in the nineteen fifties. At present government policies tend to support the drive for greater autonomy by the Indian tribes. The tribes remain cautious of the government's intentions lest they lead again to termination policies.

In contrast to the Indians' desire to maintain their separateness from the rest of society, minority ethnic groups such as Black Americans and Hispanic Americans have struggled for equal access and opportunities within mainstream American society. In addition to individuals rights guaranteed in the American Constitution the Indian tribes have collective rights guaranteed by treaty and legislation that protect their tribal rights to self government. The native Americans do of course have greater right to self determination as distinct nations whereas the Black Americans were separated from their tribal roots some centuries previous.

Many non-Indians find it difficult to understand why many Indian people wish to retain their culture, their reservations, and their governments instead of joining mainstream American society. America is working hard to create a society of equality for Blacks and other minorities and for women. The Indians' desire to be treated differently is at odds philosophically and legalistically with American notions of equality.⁵³

51 *ibid* 1991, pp.46-47.

52 *ibid* 1991, p.47.

53 O'Brien, 1989, p 291.

The tribes retained residual sovereignty over and among their people (where not ceded to the United States). Thus the laws and government of the tribes have remained intact.

There are a number of parallels between the experience of Māori and the native American. With regard to the notion of sovereignty, the American's legal interpretation varies from that of New Zealand's. In American law, sovereignty is able to be shared between the federal state and the Indian tribes. Thus, as the *Worcester v Georgia* case illustrated, the Indian tribes are considered by the Courts of that country to be domestic dependent nations. According to English law, upon which New Zealand's legal system is based, the sovereignty of the Crown is indivisible and absolute. There is some support for the view that Māori may have retained elements of political sovereignty rather than legal sovereignty.⁵⁴ The issue remains unresolved.

In America the boundaries of Indian and State authority are clearly designated. The centre of tribal maintenance of their traditions is the reservation. It is the only place left where Indians are free to exercise their right to self government in accordance with tribal tradition and to preserve culture. Indian tribal rights and laws are only applicable upon the tribal reservations. Outside the reservation an Indian is liable to the jurisdiction of the laws of the State in question. Their special rights and privileges are not exercised outside the reservation and their laws have no jurisdiction upon Indians not resident there. Government policies have supported the utilisation of tribal structures for Indian development. Similar developments are currently underway in Aotearoa/New Zealand today.

The relationship between the Native American tribes and the US government affects only a small part of the State and American society generally. Indian development is facilitated mainly through parallel and independent Indian Institutions. Until quite recently American authorities have not attempted to any great extent to cater to Indian perspectives except in institutions such as the Bureau of Indian Affairs designed specifically to address Indian related matters. American society is not encouraged by government policy to recognise Indian cultures or concerns.

⁵⁴ See Kingsbury, 1989.

In past decades some recognition of Māori tribal structures has been made by the New Zealand State. Its policies in the 1950's-70's were focused on Māori development within mainstream New Zealand society, but at the expense of Iwi development. More recently Iwi development has again become a focus of State Māori policies, with relationships between the State and parallel/independent Māori institutions being re-developed. Some efforts have been made to raise the awareness of the wider New Zealand public, of this country's history and the place of Māori within it. For example, introduction of Māori perspectives into the education curriculum of most New Zealand schools are to cater for all New Zealand children, not necessarily for the education of Māori only.

These relationships thus shown between the indigenous peoples of Australia and the United States of America with their respective Governments, highlight the fact that the past experiences and present developments in State-Māori relations are not without their parallels overseas. The present moves toward biculturalism, and by implication of that, redefining the relationship between Māori and the State, is part of a wider global development toward greater self determination by indigenous peoples and ethnic groups.

The Solemn Declaration adopted at the World Council of Indigenous Peoples inaugural conference held in British Columbia in 1975 illustrates the commonalities of the experiences and aspirations of indigenous peoples.

We the Indigenous Peoples of the world, united in this
corner of our Mother the Earth in a great assembly of men of wisdom,
declare to all nations:

We glory in our proud past:
when the earth was our nurturing mother,
when the night sky formed our common roof,
when sun and Moon were our parents,
when all were our brothers and sisters,
when our great civilizations grew under the sun,
when our chiefs and elders were great leaders,
when justice ruled the Law and its execution.

Then other peoples arrived:

thirsting for blood, and for gold, for land and all its wealth,
 carrying the cross and the sword, one in each hand,
 without knowing or waiting to learn the ways of our worlds,
 they considered us to be lower than the animals,
 they stole our lands from us and took us from our lands,
 they made slaves of the Sons of the sun.

However, they have never been able to eliminate us,
 nor erase our memories of what we were,
 because we are the culture of the earth and the sky,
 we are of ancient descent and we are millions,
 and although our whole universe may be ravaged,
 our people will live on
 for longer than even the kingdom of death.

Now, we come from the four corners of the earth,
 we protest before the concert of the nations
 that, "we are the Indigenous Peoples, we who
 have a consciousness of culture and peoplehood
 on the edge of each country's borders and
 marginal to each country's citizenship".

And rising up after centuries of oppression,
 evoking the greatness of our ancestors,
 in the memory of our indigenous martyrs,
 and in homage to the counsel of our wise elders:

We vow to control again our own destiny and
 recover our complete humanity and
 pride in being Indigenous People.

Summary.

Biculturalism has diverse forms and meanings and thus requires greater clarification than the general use of the term permits. It is a term, not only relevant to cultural and linguistic diversity. Biculturalism also implies the

distribution of power, resources and responsibility between Māori and the State. It occurs at many levels. It can be arrangements within a single organisation and/or between parallel and independent Māori and State structures.

The Treaty of Waitangi recognises a bicultural partnership between the State and iwi Māori, but is not the only premise for biculturalism. The doctrine of aboriginal rights for example argues that the rights of an indigenous people are not extinguished after their being 'discovered or conquered' by another nation. Likewise the growing body of international law pertaining to rights of indigenous peoples, also lend support to the view that indigenous peoples have a protected position in their homelands. There is some acceptance for biculturalism as a means to alleviate Māori social and economic disadvantage and to recognise cultural diversity in this country, but it is far from universally accepted as such. In contrast, biculturalism is opposed by many sectors of New Zealand society. It is considered to grant to Māori undeserved privileges and threaten national 'unity'.

The evolving relationship between tangata whenua and the State, and the current acceptance of biculturalism, is not a development unique to Aotearoa/New Zealand. Similar relationships are evolving among other indigenous and ethnic groups and their governments in other countries, as the Australian Aborigines and Native American Indians case studies illustrate.

Section Two.

Te Kākano Pākehā. The State's Agendas for Biculturalism.

He iwi Kotahi Tātou.

We are one people.

Introduction.

The now infamous words uttered by Captain Hobson at the signing of the Treaty of Waitangi, still exemplifies the main objective of the State, to bring together Māori and Pākehā as one people within a single nation. To achieve this objective the State has implemented policies that would assimilate Māori into a Pākehā defined society. The State, and prior to its inception, the British colonial authorities, has endeavoured to entrench its authority and establish the European way of life as the dominant culture of New Zealand.

But other considerations have tempered this objective. At times the State has undertaken to safeguard, and provide for Māori interests. But it has struggled to reconcile this concern with its assimilative policies. In attempting to cater for both Māori and Pākehā interests, the social, economic and political outcomes of the State's actions have often been detrimental to Māori.

Yet in the past decade the State has been more responsive to Māori interests, and cognisant of its obligations to Māori people under the Treaty of Waitangi, than at any other time this century. Some very significant developments began in the 1980's and have continued into the early nineties. These have included efforts by the State to address Māori grievances under the Treaty, to allow Māori greater autonomy in their affairs, and the implementation of biculturalism within State organisations.

The State tentatively adopted a policy of biculturalism in recognition of the rights and needs of Māori. State organisations were urged to restructure so as to better

reflect the bicultural nature of their clientele. Although the State responded positively to calls for biculturalism, that included power sharing and partnership between the State and Māori and recognition of the right of Māori to self determination, the extent to which it was prepared endorse these objectives of biculturalism, was limited. Biculturalism, from the viewpoint of the State, was justified mainly on the grounds of ameliorative liberalism, as a means to counteract Māori social and economic disadvantage.

The chapter begins by examining prominent themes in State policy for Māori in the past, namely the wish to protect the rights of Māori, while also seeking to assimilate (or integrate) them within a monocultural Pākehā dominated society. These aims were facilitated through legislation, at times coercion, and through State-sponsored Māori organisations.

Then follows a detailed account of biculturalism promoted by the State during the past decade. Biculturalism, from the State's perspective entailed adaptation of its structures and procedures to recognise Māori perspectives and values and facilitate greater dialogue with Māori.

4. Early Themes: Protection, Assimilation and Integration.

The protection of the rights and interests of Māori was a major concern of the British Colonial Office at the time it was decided to formally intervene in Aotearoa. The detrimental effects of colonisation upon indigenous populations, had been witnessed throughout the world. In England the Church Missionary Society and the revelations of the Aborigines Committee Report of 1837, raised awareness that British contact had often been at the expense of the health and welfare of aboriginal people. The Colonial Office, mindful of these views was determined to handle matters in Aotearoa with greater consideration for the protection and continued well-being of the Māori people. Although, initially not wanting to intervene formally in New Zealand, intervention was later justified as a 'necessity' to protect the Māori from the negative aspects of British colonisation. Lord Normanby's instructions to Hobson in 1839, upon which the draughting of Treaty of Waitangi was guided, exhibited such concerns:

The spirit of adventure has been thus effectively roused, it can no longer be doubted that an extensive Settlement of British Subjects will be rapidly established in New Zealand; and that, unless protected and restrained by necessary Laws and Institutions, they will repeat, unchecked, in that corner of the Globe, the same process of War and spoliation, under which uncivilised Tribes have almost invariably disappeared as often as they have been brought into the immediate vicinity of Emigrants from the nations of Christendom. To mitigate, and, if possible, to avert these disasters, and to rescue the Emigrants themselves from the evils of a lawless state of Society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of Civil Government.⁵⁵

Although Britain had been extremely reluctant to intervene formally in New Zealand it felt compelled to do so to protect both Māori and settlers from the 'evils of a lawless state of society'. Normanby's instructions stated that the 'free and intelligent consent' of Māori to British sovereignty was necessary and directed Hobson not to purchase land from the natives that would be 'essential to their own comfort, safety or subsistence'.

There was an attempt, at least on theoretical grounds, to balance humanitarian concerns for the indigenous people with concern for British subjects living abroad. But as Adams 1977 demonstrates, the concern to protect Māori people was tempered by the British government's 'dual duty' to also protect its own citizens resident beyond the boundaries of the British Empire. These two aims would later be found to be extremely difficult to balance. The Māori he contends were told only half the story, the part that emphasised the benefits they would gain from British intervention. The imposition of British law and justice was not emphasised to the tribes when they signed the Treaty.⁵⁶

The annexation, although explained to the Māoris as resulting mainly from the duty to protect them, was in reality intended to put both races on an equal footing and then govern impartially between them. The dual duty rationale contained both imperialistic and humanitarian motives for the intervention within a promise of equality and impartiality in the future government of the two races.

⁵⁵ From Lord Normanby's Instructions as quoted in *Report of The Waitangi Tribunal on The Orakei Claim (Wai-9)*, Wellington, 1987, p. 138.

⁵⁶ This view is not supported by all historians. McIntock 1958 argues in comparison, that British intervention was more for the benefit of the natives than for the protection of the British subjects.

Even the most ardent humanitarians...did not intend British intervention to benefit the Māoris at the expense of the settlers. Insofar as he regarded the protection of the Māoris as a priority, it was because of their exploited position in the frontier situation of 1839. When that imbalance had been eliminated by the introduction of British laws to control criminals, Māoris and settlers would receive the same treatment and the same protection.⁵⁷

Britain's acknowledgement of Māori sovereignty over New Zealand is clear in Lord Normanby's instructions though it is diminished somewhat by his inaccurate observation of 'the numerous, dispersed and petty tribes, who possess few political relations to each other, and incompetent to act, or even deliberate, in concert'. Māori interests would be best served by surrendering to the Crown 'a right now so precarious and little more than nominal', and that British protection 'would far more than compensate for the sacrifice.'

Although the desire to protect Māori and their interests was expressed by the British Colonial Office, (and earliest New Zealand Governments), this desire was tempered by the Eurocentric and imperialist attitudes. Underlying the British willingness to protect Māori was the assumption that the best interests of Māori would be served if they adopted European values and practices. Adams writes :

...deep-seated cultural exclusiveness prevented the recognition of anything of value in Māori society; the equal treatment promised the Māoris ultimately depended upon their becoming brown Englishmen, and amalgamation meant simply the submergence of the Māori in the European. Underlying the humanitarian idealism and the promise of impartial and equal protection lay fundamental attitudes of cultural and racial superiority.⁵⁸

It was not an objective of the British Crown to share its authority with the tribes as is evident from Normanby's failure to make any such provision in his instructions. While some provision was made for the protection of Māori people, no recognition of Māori at a constitutional level was envisaged. Rather it was assumed that Māori would be assimilated into a European [settler] governed New Zealand society.

⁵⁷ Peter Adams, *Fatal Necessity, British Intervention in New Zealand 1830-1847*, Auckland, 1977. p.170.

⁵⁸ *ibid.* p.245.

The Treaty of Waitangi, was signed on the 4th of February 1840, with the intention of safeguarding the rights of Māori while providing for colonisation of Aotearoa by Britain. The First Article granted to the British Crown some rights of government over Aotearoa. The second, guaranteed that Māori tribal rights and ownership of their possessions including their lands, fisheries and other properties (in the English text) would be protected. A similar theme of protection was evident in the third article, granting to Māori as individuals, the rights of British citizens.⁵⁹

Initially, after the signing of the Treaty the government powers tried to act in the interests of Māori. For this purpose a Protectorate of Aborigines was established. Although some efforts were made by the Chief Protector, George Clarke, and later Governor Fitzroy to include Māori within the structures of government and to look after Māori interests, the protectorate was placed in the conflicting position of trying to balance Māori and settler interests, for the Protectorate was also responsible for Government land purchases. The under-funded and staffed Government spent a great deal of its time defending Māori land rights, an unpopular move with the incoming settlers, hungry for land of their own.

What began as protectionist policies in the 1840-50s rapidly became amalgamative, the aim being to absorb Māori into a European defined society. Governor Grey (1845-53 and 1861-66) upon his appointment as Governor, undermined the powers of the Protectorate until it came under his jurisdiction. The Government instigated policies designed to amalgamate Māori within a Pākehā defined society, in the hope that Māori would discard their own culture and adopt the 'more civilised' laws, language and customs of the European. These views reflect the Eurocentric way of thinking prevalent among the government officials and settlers. Government officials did not contemplate that Māori might want to retain their own cultural norms. They also had little understanding of Māori cultural values.

A system of resident magistrates in which Māori participated was initiated in most areas to encourage Māori to adopt European law and forsake their own. The

⁵⁹ The specific differences between the English and Maori texts of the Treaty are discussed more fully in the second and third sections.

enforcement of European law was used as a measure to encourage the amalgamation of Māori and European.

In that these policies-policies of 'amalgamation' as they were generally then called-assumed a high level of capability in Pacific peoples and stood ready to meet their desire to participate in the institutions of the new order, they were liberal and progressive. Their very great weakness was that they were underlain by undoubted convictions of the superiority of English institutions, and conversely by a disastrously limited appreciation of local values, of local peoples' possible preference for their own institutions and of the difficulties they would incur in adapting to new responsibilities and obligations. Though altruistically conceived, amalgamation policies could, in doctrinaire hands, become as oppressive as settler self-interest.⁶⁰

The patchy drafting of Hobson's instructions left the Māori exposed to the impositions of State power with little influence upon it. In the colonialist's eyes, the English version of the Treaty came to justify in the colonialist eyes, the authority of the Crown and later settler Governments, to assume legal and political jurisdiction over Māori.

By the 1850's the focus had shifted from concern for the welfare of the 'natives' towards settler development and self government. Māori rights were not ignored altogether; they were simply being overtaken by new principles.⁶¹ The Treaty of Waitangi, though observed in the first few years after its signing increasingly was overlooked to cater for settler needs.

In 1852 the New Zealand Constitution Act was passed in Britain giving New Zealand self governing powers. Māori were excluded from participation within the machinery of the State as voting for representatives was restricted to male landowners. Māori males were ineligible to vote because of the requirement of individual land ownership. Although there was some scope for limited Māori self government in section 71 of the Act, it was never implemented by the Government.⁶²

60 Alan Ward, *A Show of Justice, Racial, 'Amalgamation' in Nineteenth Century New Zealand*, Auckland, 1973, p. 36.

61 Claudia Orange, *The Treaty of Waitangi*, Wellington, 1987, p. 138.

62 This section was not repealed until the passing of the 1986 Constitution Act.

The provisions of the Treaty, in both the English and Māori versions, were ignored and the interests of the settler colony clearly subsumed the State's former attitude in favour of Māori interests. Legislation such as the Native Lands Act 1862 was instigated and military force used against iwi Māori to expropriate their lands, fisheries and other resources, making them available to the white settlers and crushing resistance to the Settler Government's authority.⁶³ This action made the path clear for the introduction of a capitalist economic system, that established the dominance of Pākehā economic, political, social and legal values and practices over those of the supposedly inferior Māori culture. The State in its earliest forms and through its departments (such as the Māori Land Court and Native Affairs Department), abused its power by using its military clout and legislative power to concrete its monocultural base of authority. The result: Māori customs and values were superseded by European legal and economic systems.

State-sponsored Māori organisations were also used to further the assimilation of Māori into mainstream society. When at the turn of the century Māori resistance to state authority resulted in protest movements that aimed to maintain Māori independence such as the Kingitanga movement, State controlled alternatives were instigated to counteract their efforts. At that time the 1900 Māori Councils Act was instigated. After the Second World War when Māori had proven that tribal structures could be successfully used in an urban setting, the State chose to support the Māori Council structure instead. Again in the 1960-70s when urbanisation was on the increase, the State encouraged the Māori Council and Māori Women's Welfare League to help Māori adapt to 'modern' conditions.

The policy of assimilation was officially abandoned in the late 1950s and in its place the goal of integration became the major thrust of the State's Māori policies. Integration was to be different to assimilation that sought to absorb, blend and amalgamate Māori completely within the Pākehā culture. Instead integration sought 'to combine (not fuse) the Māori and Pākehā elements to form one nation wherein the Māori culture remains distinct'.⁶⁴ It would deliver to Māori the benefits of 'full equality' with other New Zealanders by providing special facilities 'where cultural differences handicap Māori access' to (State) facilities. The

⁶³ For example in Waitara, 1861 and Parihaka 1881,

⁶⁴ J.K Hunn, *Report of the Department of Maori Affairs*, 1960, p.15.

retention of Māoritanga would be supported 'where appropriate', and discrimination against Māori by public organisations not tolerated.⁶⁵

The 1960 Hunn report was the hallmark of the State's integration policies. Hunn was to account for Māori resources and find out how they could be better utilised for the benefit of Māori people.⁶⁶ The Report endorsed the 'evolving' integration of Māori and Pākehā and urbanisation⁶⁷ of Māori as the 'quickest and surest way of integrating the two species of New Zealanders'.

Māori were classified into three groups;

- A. a completely detribalised minority whose Māoritanga is only vestigial.
- B. the main body of Māoris, pretty much at home in either society, who like to partake of both (an ambivalence, however, that causes psychological stress to some of them).
- C. another minority complacently living a backward life in primitive conditions.

The object of policy Hunn explained, should be to 'eliminate Group C by raising it to Group B, and to leave it to the personal choice of Group B members whether they remain 'integrated' or become' assimilated'.⁶⁸

The Report looked at the areas of education, health, housing, employment, crime and land utilisation, finding that Māori social and economic development was lagging significantly behind that of Pākehā. Its recommendations to remedy the situation included the establishment of the Māori Education Foundation, the promotion of special employment opportunities for Māori (for example a Māori apprenticeship scheme), and further Europeanisation of Māori land tenure and use. Although implemented with the purpose of integration, the Hunn Report continued the assimilation of Māori into the Pākehā defined urban society. Some

65 *ibid.*

66 *ibid.*p.3

67 The Maori population was growing rapidly from 56 000 in 1920 to 158 000 in 1960 and was becoming increasingly urbanised. By 1956 twenty four percent of the Maori population was living in urban areas compared to only 19 percent in 1951 and 9 percent in 1926.

68 *ibid.*:16

provision was made for Māori to retain elements of their culture but only cosmetic elements such as the performing arts, that do not challenge or expect compromise from the State or Pākehā New Zealanders. The State was concerned about the disparity between Māori and non-Māori rates of social and economic well-being, and mistakenly presumed that the culture of the Māori was to blame. It therefore actioned the Report's recommendations denying Māori the opportunity to maintain their distinct culture within the urban environment. State initiatives were granted on the basis of Māori need, rather than on any notion of an intrinsic right to Māori self determination.

The policy of pepper-potting Māori households amongst Pākehā households in urban areas was also encouraged as a means to further integration. The Department of Māori Affairs would buy a few sections in a building subdivision, usually on a ratio of one Māori family to every five Pākehā families, so that Māori would 'merge into the neighbourhood with the majority'.⁶⁹ It was assumed that increasing Māori-Pākehā contact in this way would promote understanding between the two peoples. Walker 1972 argued this policy was based on 'Pākehā anxiety' and an 'erroneous belief that concentrations of Māoris in suburbs...heralds the creation of urban ghettos'.⁷⁰ As it happened, the policy was unsuccessful. Māori could not afford housing in these areas and had to settle for cheaper accommodation in suburbs such as Otara and Mangere.

The State affirmed its objectives for integration with major changes in legislation. The Māori Welfare Act 1962, for example, amended the provisions of the 1945 Māori Social and Economic Advancement Act, by removing the tribal basis of the Māori committees and organisations established during the Second World War. The State considered that a new emphasis on non-tribal structures was more appropriate for a rapidly increasing Māori urban population.

A four-tier system of Māori committees was set up: with local committees, (which in rural areas were often Marae committees), Māori Executive Committees, District Māori Councils, and for the first time, a national New Zealand Māori Council. Each District council was set within well defined areas based on the Māori Land Court that did not take into full consideration tribal territories. The Māori

⁶⁹ Rangi J. Walker 'Assimilation or Cultural Continuity' in Graham Vaughan (ed.) *Racial Issues in New Zealand*, 1972, p.57.

⁷⁰ *ibid.*

Wardens' Association was also affiliated to the New Zealand Māori Council. The Welfare Act bestowed to wardens the powers to prevent 'riotous behaviour and drunkenness among Māori people and those using marae facilities.⁷¹

The Act reflected the premise that Māori development should occur within the one mainstream system and that Pākehā organisational methods could be applied to Māori in a similar fashion. It attempted to address the contemporary Māori situation but represented a lack of State confidence in Māori management structures. While acknowledging State obligations to Māori, it assumed that the transition of Māori into the urban environment would be best handled by pan-tribal structures and developing new, if distinctly Western, alternatives. The State erred in prescribing for Māori rather than consulting with Māori. As a result so called Māori initiatives were largely part of a monocultural ideology, albeit with Māori trimmings. The Act underestimated the Māori desire for Mana Motuhake.

The developments that had occurred through the Māori war effort, that utilised existing Māori social structures were compromised, if not nullified, by the 1962 Māori Welfare Act, (and its predecessor, the Māori Social and Economic Advancement Act 1945.) The later Act strengthened the State's paternalistic role in Māori development.

The Māori Affairs Amendment Act 1967 had special significance for Māori land. The State was concerned about fragmentation of title and what it considered inefficient use of the land. The Act facilitated the integration of land under Māori title into the Pākehā land tenure system as a means to increase economic productivity. It upheld Pākehā perceptions of what was in the best interests of Māori land, jeopardising Māori land ownership and tenure. For example, Māori land titles with less less than five owners were reclassified as general land. The Māori Trustee was empowered to purchase and dispose of shares in Māori land under the value of 100 pounds (formerly 25 pounds). The supervisory powers of the Māori land court over the sale, lease, etc, of Māori land were also considerably relaxed.⁷² The Act focussed on alienating Māori land rather than assisting Māori to

⁷¹ See sections 30-35 of the Maori Welfare Act 1962

⁷² See John R. Dyal, *Maori Resource Development, A Handbook on Maori Organisations*, Wellington, 1984, p.13. and Ranginui Walker, *Ka Whawhai Tonu Matou, Struggle Without End*, Wellington, 1990, p.207.

utilise it, via finance and technological assistance. Collective ownership and benefit, that are the basis of Māori land values, were overlooked.⁷³

The State's policy of integration presumed that Māori culture was a severe handicap to Māori enjoying the full benefits of modern (Pākehā) society. While some attempt was made to alleviate Māori disadvantage, it was in terms of what the State thought was best for Māori. This meant helping Māori to adjust to the 'ideal' practices and values of the Pākehā culture. The policies and initiatives implemented in the name of integration, actually worked to undermine Māori cultural values and practices just as the assimilation policies of previous decades had.

Ameliorative liberalism became a major underlying principle of State policies for Māori. The disparity between Māori and Pākehā socio-economic indices was recognised and policies developed to redress the imbalances. Today's statistics highlight that the integration policy and its implementation failed to do so.⁷⁴

However well intentioned the State's motives for integration were, they displayed the arrogance of presupposing what was in the best interests of Māori. The policies and particularly the 1967 Amendment Act, were not well received by Māori. To them there was little difference in this line of policy from the goals of assimilation.⁷⁵ Frustration with the State's mishandling of Māori affairs throughout the decades, including the integration years, proved to be a catalyst for the re-emergence of vigorous forms of Māori political protest in the late 1960's and throughout the seventies. The State was reminded of its obligations to Māori under the Treaty of Waitangi, that unfinished business regarding land grievances had yet to be resolved, and that the State had still not learnt that Māori values and viewpoints of what was best for Māori, were not synonymous with its own. With New Zealand's historical secrets exposed for national and international scrutiny, the State had little choice but to re-examine its monocultural values and practices, but more fundamentally, the nature of its relationship with iwi Māori. It was in the 1980's that the State would experiment with biculturalism, and make it part of its official line of policy.

⁷³ Douglas Sinclair, 'Land Since the Treaty: the Nibble, the Bite, the Swallow' in Michael King (ed.) *Te Ao Hurihuri, The World Moves On; Aspects of Maoritanga*, 1977, pp.122-125.

⁷⁴ See Ministerial Planning group, *Ka Awatea*, 1990, Part Three, The Position of Māori in Society.

⁷⁵ See Presbyterian Church of New Zealand (Maori Synod), *A Maori View of the Hunn Report*, Christchurch, 1961.

5. Recent State Agendas for Biculturalism.

State-Māori relations continued to be a major public issue during the 1980s. The State was pressured to develop responses to the renewed call from Māori for self determination over their own affairs, for reparation for past grievances and demand for the Treaty of Waitangi to be honoured.

Initially the State's response focussed on making amends vis-a-vis Treaty obligations. But later in the decade the State was to include the implementation of biculturalism as one of its main objectives in relationship to the recognised need for greater consideration of Māori viewpoints and values. Biculturalism grew in public acceptance and tended to replaced multiculturalism, though not completely, as the political catchcry of the late 1980's.

The change from a National to Labour Government in 1984 had accelerated the new direction in State acceptance of biculturalism. Many reviews of State departments and organisations were undertaken to identify why Māori were failing so dismally within the system and how the State could in turn better cater for the needs and recognise the rights of Māori. The call for bicultural restructuring, within the State's departments and organisations was the outcome of these studies. As will be shown, the degree of restructuring carried out varied from department to department and resulted in confusion both within the organisations themselves and among the clientele they were to serve.

The efforts in the name of biculturalism by the State were performed to give recognition to its obligations to Māori as prescribed in the Treaty of Waitangi. The State interpreted these obligations to include protecting Māori interests and ensuring they enjoy the same quality of life as other New Zealanders. The State was not to acknowledge that the Treaty might entail a far greater measure of autonomy to Māori than it was prepared to allow. Thus the bicultural initiatives of the State were limited in scope, more akin to measures that would address the social and economic disadvantage endured by Māori than to facilitate genuine power sharing with Māori.

The State and the Treaty.

It is no coincidence that the State responded to both the Treaty of Waitangi and biculturalism during the past decade. Responding to one of these issues necessitated response to the other. Thus the State has recognised that there is some substance to the proposition that the Treaty created a partnership between itself and Māori. Due to this contemporary understanding, the State has given a degree of support to biculturalism.

For about a decade, after its signing, the Treaty was taken seriously. But for many decades thereafter, the implications of the Treaty (particularly of the Māori text) for power sharing between the Crown and (iwi) Māori, were ignored. This ranged on one extreme from finding the Treaty was a 'simple nullity',⁷⁶ to interpreting legislation and implementing policies that directly contravened the Treaty's provisions.⁷⁷

For the State, the major consequence of the Treaty was that it acquired sovereignty over New Zealand from the Māori tribes. According to English law doctrines, the Crown's sovereignty over its territories is exclusive, exhaustive and indivisible. Sovereignty is shared with no-one.⁷⁸ Until recently, the Treaty, particularly Articles One and Three of the English text, were cited as the source of the State's sole authority to determine Māori policy, and as justification to ignore the special entitlements guaranteed to Māori in the Second Article. The ideal of 'one law for all', that the State construed Article Three to uphold, cemented the monocultural nature of the State's administration.

The more current attitudes of the State to the Treaty have their roots in the events of the 1970's. In 1975 for example, in the last few months of the third Labour Government, the Treaty of Waitangi Act was passed. This measure was prompted by the Māori activism of the 1970's that called on the Government to honour the Treaty and redress outstanding land grievances. The Waitangi Tribunal, that was

⁷⁶ See the *Wi Parata v Bishop of Wellington* case, (1877) as discussed in Frederika Hackshaw, 'Nineteenth Century Notions of Aboriginal Title in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp.109-113.

⁷⁷ See Jane Kelsey, 'Legal Imperialism and the Colonization of Aotearoa', in *Tauīwi, Racism and Ethnicity in New Zealand*, Palmerston North, 1984, pp.15-43.

⁷⁸ Paul McHugh, 'Constitutional Theory and Maori Claims' in I.H.Kawharu (ed.) *Waitangi*, Auckland, 1989, pp.25-63..

established under the Act was given the responsibility to consider Māori grievances against the Crown that arose out of breaches of the principles of the Treaty, and to examine and report on legislation brought to its attention. The Tribunal was given the exclusive right to interpret the Treaty, taking into account both the 1840 Māori and English texts, and making recommendations to the Government, as opposed to making rulings on the claims it heard. In what was seen to be a political compromise the Tribunal was restricted to hearing claims that had only arisen since 1975. In its first seven years, six of which were under National's governance, the Tribunal remained fairly obscure. An amendment to the Act, instigated by the newly elected Labour Government in 1984, endowed the Tribunal with jurisdiction retrospective to 1840 and increased its membership from three to seven. These moves, as well as the revitalisation of Waitangi Day celebrations and attempts to incorporate the Treaty into the then proposed Bill of Rights, brought the Treaty into greater prominence and debate.

Two years later in 1986 the Labour Government Cabinet issued guide-lines to all its departments, to ensure uniformity in responding to Treaty related issues. The minute advised that all future proposed legislation be considered in light of the implications of the principles of the Treaty, that departments should consult with 'appropriate Māori people' on Treaty related issues, and that the resource and financial effects of recognising the Treaty be considered.⁷⁹

Since the Treaty of Waitangi Act 1975, a number of other Acts of Parliament have taken the Treaty into account, including the amendments in 1984 and 89. The State Owned Enterprises Act 1988 (section 9), the Conservation Act 1987, Environmental Act 1986 and Runanga Iwi Act 1990 all take into consideration the principles of the Treaty. But it has been found that the Treaty may still be relevant to interpreting an Act although that piece of legislation makes no reference to the Treaty. In the *Huakina Development Trust v Waikato Valley Authority* case of 1987 for example, Justice Chiswell concluded that although the Soil and Water Conservation Act 1967 does not make reference to the Treaty, it still had relevance to the interpretation of that Act. Justice Chiswell described the Treaty as 'essential to the foundation of New Zealand' and as 'part of the fabric of New Zealand society'.

⁷⁹ For further information and a critique of how these guidelines were developed see Jane Kelsey, *A Question of Honour?, Labour and the Treaty 1984-1989*, Wellington, 1990, pp.66-71.

Nor have the ramifications of referring to the Treaty in legislation always been obvious to the State, as the State Owned Enterprises (New Zealand Māori Council v Attorney General) case, 1987, illustrated. The State Owned Enterprises Act 1986 (section 9) stated that nothing in the Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi. However it was argued by the New Zealand Māori Council that another section, (27) contradicted section 9. Under section 27, the Council submitted that the Crown would be empowered to act inconsistently with the principles of the Treaty and thereby prejudicing future Māori claimants seeking to have Crown land returned to them.⁸⁰ The Council sought a ruling on the matter.

Consequently the Court of Appeal sought to resolve this contradiction. In doing so, it enunciated its own set of Treaty principles that effectively defined the relationship between Māori and the State. The Court of Appeal emphasised partnership (entailing the utmost good faith and reasonableness), active protection, and the honour of the Crown as important principles implied in the texts of the Treaty. Further principles were the freedom of the Crown to govern and its duty to remedy past grievances. The Court did not agree that consultation was a duty except when major changes were being proposed. Thus the judicial arm of the State as distinct from the legislature has contributed to the evolving understandings of the Treaty, and specifically its principles.

Different arms of the State have not always shared the same view of the relevance of the Treaty. The Treasury in 1987, for example, argued the Treaty had little relevance to social and economic matters that were not clearly identified in its texts; 'Where the Treaty is silent, as in respect of employment, incomes, and economic development, there would be no special claims to partnership or power sharing other than as provided under the Article III'.⁸¹ In contrast, the Royal Commission on Social Policy argued the Treaty was relevant to all areas of social policy.

⁸⁰ Section 27 outlines that Crown lands in respect of which claims had been lodged with the Waitangi Tribunal before the 18th of December, 1986, would continue to be subject to the claims. But after that date, lands unaffected by a claim, transferred by the Crown to a State Owned Enterprise (S.O.E) could be disposed of by the S.O.E as it chose.

⁸¹ See The Treasury, Government Management, 1987, pp.319-349.

The Commission is not convinced that 'areas of silence' can be so clearly identified. Within the Treaty, economic, social, constitutional, cultural and spiritual dimensions are intended. Article II obviously refers to the ownership and management of such resources as land, forests, fisheries and villages. Given the relationship of people to that environment the Article must also be concerned with economic and social issues and with the many factors that contribute to well-being. The relationship is even more evident when due weight is given to the notion of 'Chieftainship' (Māori version) and the responsibility that entails for the care and welfare of all sections of the community.⁸²

By 1989, the Labour Government sought to clarify its position on the Treaty when it identified the following set of 'Principles for Crown Action on the Treaty of Waitangi'. Its response to the Treaty to date had varied from department to department, and some common uniformity was needed. These principles were to guide State departments and agencies in approaching Treaty issues. The principles were:

1. The Principle of Kawanatanga. Government has the right to govern and to make laws.
2. The Principle of Rangatiratanga. Iwi have the right to organise as iwi and, under the law, control the resources they own.
3. The Principle of Equality. All New Zealanders are equal under the law.
4. The Principle of Co-operation. The Government and the iwi are obliged to accord each other reasonable co-operation on major issues of common concern.
5. The Principle of Redress. The Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.

The State's stand-point on the Treaty in recent times, has been that its interpretation should be relevant to today's situation, and not necessarily conforming to the Treaty's meaning in 1840.⁸³ The State applies a narrow interpretation of the Treaty, more conducive to the English version and

⁸² See The Royal Commission on Social Policy, *Te Kōmihana A Te Karauna Mō Ngā Ahuatanga a Iwi*, The April Report, 1988, Vol.II, pp.40-46.

⁸³ See Geoffrey Palmer, 'Treaty of Waitangi Issues Demand Clarity, Certainty', in *The New Zealand Herald*, Auckland, 2/1/90 .

particularly the First and Third articles. The current National government has not made its stance on the Treaty clear.

Puao-Te-Ata-Tu: The Beginnings of Bicultural Restructuring.

A central focus of the State's commitment to biculturalism has been the restructuring of its institutions and agencies to accommodate Māori perspectives and allow for greater participation by Māori in decision making. The Puao-Te-Ata-Tu Report of 1986 paved the way for the implementation of biculturalism within the State institutions, which would entail restructuring of the institutions themselves.

An advisory committee, led by respected elder John Rangihau, was given the task to advise the then Minister of Social Welfare, Ann Hercus, of the best ways in which the Department could meet the needs of Māori in policy, planning and service delivery in the Department of Social Welfare⁸⁴. The ensuing Report followed previous studies undertaken within the Department.⁸⁵ As did the earlier reports, Puao-Te-Ata-Tu recognised the existence of racism within the Department and clearly challenged the State's efforts to serve the interests and needs of Māori people.

Three kinds of racism were identified in Puao-Te-Ata-Tu: personal, cultural and institutional racism. Personal racism operates on a person-to-person level and finds expression in the actions and attitudes of individuals. Cultural racism is domination over a minority culture's distinct values and lifestyle by a 'power culture'. The power culture gives only token recognition of 'selected' aspects of the minority culture. The third kind of racism 'the most insidious and destructive form', institutional racism, received special attention in the report.

Institutional racism was defined as 'a bias in (our) social and administrative institutions that automatically benefits the dominant race or culture, while

⁸⁴ Ministerial Committee on a Maori Perspective for the Department of Social Welfare. *Puao - Te -Ata-Tu. (Daybreak)*, Wellington, 1988. p.5.

⁸⁵ See the WARAG Report and Maori Advisory Report 1985.

penalising minority and subordinate groups.⁸⁶ The Report found the Department of Social Welfare practiced institutional racism within its structures and procedures, thus entrenching Māori dependence upon the welfare system, and sustaining the disparity between Māori and Pākehā socio-economic conditions.

Puao-Te-Ata-Tu cautioned that racism was not necessarily a result of the practices of individuals working in State institutions. The procedures and nature of the institutions themselves, could be inherently racist because of their monocultural nature.

The committee recommended that the State adopt effective bicultural policies to address the deprivation, dependency and alienation experienced by Māori, through contact with the welfare system. These policies included returning to iwi the power to direct and allocate resources according to their own priorities. This refocus of policy would embrace:

- a allocating an equitable share of resources.
- b sharing power and authority over the use of resources.
- c Ensuring legislation which recognises social, cultural and economic values of all cultural groups and especially Māori people.
- d Developing strategies and initiatives which harness the potential of all of its people, and especially Māori people, to advance.⁸⁷

The Report advocated that the values, cultures and beliefs of Māori people be reflected in all policies and legislation, that Māori and the community generally, participate in decision-making bodies within the Department of Social Welfare and that Departmental staff, and that all State departments generally, be trained to understand and cater for the needs of their Māori clientele.⁸⁸

The Report was significant because it stressed that the State must show greater commitment to Māori, within the operations and practices of the Department of Social Welfare, and in all its organisations, through the inclusion of Māori perspectives. Thus, a major thrust of the Report was the call for biculturalism.

⁸⁶ Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare, (Appendix to Puao-Te-Ata-Tu, Appendix three), 1988, p.26.

⁸⁷ *ibid.*

⁸⁸ See Appendix Two for the full list of recommendations made in Puao -Te-Ata-Tu.

Biculturalism, the Report said, is a social and cultural partnership, not separatism, and is a prerequisite for a multicultural society.⁸⁹ Biculturalism within a State institution entails 'the sharing of responsibility and authority for decisions with appropriate Māori people' and the 'understanding and sharing (of) the values of another culture,...preserving another language and allowing people the choice of the language in which they communicate officially'.

Some restructuring within the Department of Social Welfare occurred as a result of the recommendations of Puaoteata. At the local level, provision was made for Māori participation in decision making bodies such as the Community Organisations Grant Scheme committees and in the now defunct District Executives Committees. There was also Māori representation on the Social Welfare Commission at the national level.⁹⁰ The increase in numbers of Māori employed by the Department of Social Welfare, and legislation such as the Children, Young Persons and Their Families Act (1989) sought to recognise Māori values.

Furthermore, as a result of Puaoteata, the State began to implement biculturalism within its organisations, albeit in varying forms and with degrees of success. Most State departments now have alternative Māori titles, their staff are trained to be more culturally sensitive to Māori values and viewpoints, staffing policies encourage the recruitment of Māori and have some form of Māori policy mechanisms, to ensure Māori perspectives are considered in policies and practices of the institutions.

The bicultural structures that have been introduced into other State organisations have taken various forms. In the Department of Health/Te Tari Ora for example, a small Māori health unit, Te Wahanga Hauora Māori, is responsible for developing policies aimed specifically at Māori and monitoring health policies generally. A Standing Committee on Māori Health, and later the Ministerial Advisory Committee on Māori Health,⁹¹ comprising of Māori health professionals and

⁸⁹ *ibid*, pp.19-20.

⁹⁰ The District Executive Committees and Social Welfare Commission were abolished in April 1991, as part of the restructuring of the Department of Social Welfare, as implemented by the newly elected National Government.

⁹¹ The Standing Committee was instigated as part of the Board of Health that existed from 1983-88. When the Board was abolished in 1988 the Standing committee was replaced by the Advisory Committee on Maori Health.

community representatives appointed by the Minister of Health, also offered advice to the Minister of Health and, in so doing has worked closely with Te Wahanga Hauora Māori.⁹²

Presently in the Ministry of Education/Te Tahūhū o te Matauranga, a senior management position of Group Manager Māori has been created to 'develop, co-ordinate and monitor the objectives of the Ministry with regard to all aspects of Māori education'.⁹³ This position replaced Te Wahanga Māori, the now defunct Māori division that was responsible for Māori policy formation in the Ministry. The Māori staff from within the division have since been relocated throughout the organisation.

Perhaps the strongest expression of a bicultural structure within a State organisation is the Ministry of Womens Affairs/Te Minitatanga Mō Ngā Wāhine. The Ministry is divided into four units, one being Te Ohu Whakatupu, which ensures that Māori women's interests are 'identified and advanced' in the Ministry's activities. Te Ohu Whakatupu is responsible for the formation of policies and programmes for the empowerment of Māori women.

The outcomes of bicultural restructuring within the State, while appearing somewhat impressive at first glance, are in fact limited. Outwardly many departments have a more bicultural appearance. The addition of a Māori name for the workplace, increased Māori representation, and instigation of training programmes designed to help all staff be more culturally sensitive to Māori issues and perspectives, have been instigated as expressions of the State's commitment to biculturalism. But the changes implemented are largely superficial. While Māori may have had greater participation in the drawing up of departmental policy, the decision making and prioritising of objectives, has remained at the senior management level, where there are few Māori. The resources available for bicultural initiatives have been modest. It is very difficult, for example, for a Māori unit such as Te Wahanga Hauora Māori, to effectively monitor the policies of the Department of Health, with only three or four staff members. State organisations have endeavoured to be more culturally sensitive, but in retaining the authority

⁹² See New Zealand Board of Health, Standing Committee on Maori Health, Submission to the Minister of Health: Maori Health Advisory Committee, July 1988.

⁹³ From the Annual Report of the Ministry of Education, for the Year Ended 30 June 1991, (E.1) p.87.

to decide what forms of Māori participation to adopt, their efforts often fall short of the expectations of the Māori staff and do little to empower their Māori clientele.

Nor has the role of Māori units always been clearly established. There have been instances when the functions of such units have not been clearly identified among the staff generally, or to the Māori clientele and the public at large. In the confusion over whether Māori or Pākehā objectives and procedures take precedence, conflict and animosity has resulted.⁹⁴ To the other extreme, the 'pepper potting' of Māori staff throughout an institution brings with it the danger of assimilating those Māori individuals, who singly, are incapable of influencing genuine bicultural reforms.

The attempts of the various State departments and organisations to implement biculturalism have actually been haphazard, adding to the confusion regarding the State's commitment to biculturalism. A survey undertaken by the Race Relations Office in 1987 for example, which examined the development of bicultural programmes within the government departments, highlighted the varying levels of implementation of biculturalism. Twenty seven government departments were asked to participate in the survey, of which twenty five replied. The survey showed that the responses could be categorised according to six levels of involvement:

1. Departments which had not yet begun to formulate a bicultural policy but were interested in the survey. (4 respondents)
2. Departments for which the bicultural programme was their Equal Employment Opportunities programme. (4)
3. Equal Employment Opportunities programmes combined with incorporation of Taha Māori. (5)
4. Departments which described bicultural programmes in terms of cross-cultural communication and education. (2).

⁹⁴ See Section Four, part 7, regarding the cases of the Wharepaia unit of the Carrington Hospital, Auckland, and the Separate Maori Social Work Unit 'scandal' at the Lower Hutt Department of Social Welfare.

5. Departments which incorporated Equal Employment Opportunities programmes, Taha Māori and further dimensions eg. power sharing; recognition of the Treaty of Waitangi; racism awareness or anti racism education programmes for staff; formulation of a committee with responsibility for the bicultural programme. (6).
6. Departments which are at present formulating their bicultural programmes. (4).⁹⁵

Although this survey was conducted four years ago when the departments were still coming to terms with the implications of Puaoteata-tu, there is evidence that Government departments are still indecisive of the nature of their bicultural policies and arrangements within their organisations.⁹⁶

In retrospect the restructuring that occurred as a result of Puaoteata-tu, within the Social Welfare Department, and in other State organisations, have introduced Māori perspectives of sorts to the workings of the State but the extent and nature of the bicultural programmes often appear random and ad hoc and do not necessarily reflect the State's expressed commitment to biculturalism.

The Waitangi Tribunal.

The Waitangi Tribunal is another example of a bicultural institution developed within the parameters of the State. While the Tribunal had begun quietly in its earliest years of operation, its recognition of both Māori and Pākehā systems of law (and retrospective powers) increased its prominence as a mechanism to resolve Māori grievances.

The workload and status of the Tribunal continued to grow throughout the late 1980's. In 1988 the Treaty of Waitangi Act was again amended to expand the membership of the Tribunal to sixteen and to enable it to sit in divisions so that more than one claim could be heard at any one time. A parallel occurrence was the

⁹⁵ Race Relations Conciliator, *Towards Biculturalism and Cultural Diversity: A Survey of Government Departments and Organisations*, 1987, pp.2-3.

⁹⁶ See the 1991 Annual Reports of the Ministry of Education/Te Tahuhu o te Matauranga and the Ministry of External Relations and Trade/Te Manatu Ahuatanga Tawahi Tauhoko.

development of a 'bicultural approach to lawmaking and administration and to the formation and delivery of public policy and services' by the Tribunal.⁹⁷

Rather than develop a legal pluralism through separate Māori units, the Tribunal has utilised the present system of a single jural order, but adapted it to have bicultural capabilities. This arrangement, in the view of the Tribunal, is the most expressive of the Treaty and best suited to the New Zealand milieu.⁹⁸ The bicultural nature of the Tribunal is clearly evident in the fact that equal credence is given to the Māori and English texts of the Treaty in formulating the principles of the Treaty, and in the equal numbers of Māori and Pākehā members of the Tribunal. Similarly the procedures and protocols of both Māori and Pākehā cultures are applied in the hearing of a claim, (at least since the Motunui claim in 1986) to suit the manner in which the claimants or Crown representatives wish to present their evidence. Hearings have thus occurred on marae, with evidence heard in te reo Māori or in a style more comfortable for the Pākehā lawyers. The different values of Māori and Pākehā systems of law are both taken into consideration.

The Tribunal has been flexible in permitting the expansion, amendment or even substitution of claims, and in considering issues that were not mentioned in the filed claims.⁹⁹ Such is the advantage of its status as a tribunal, rather than as a formal court of law, where such flexibility is not permitted. The flexibility of the Tribunal's methods has brought its share of criticism. It has been described as a Kangaroo Court by pessimistic onlookers because of what has been perceived to be inconsistent procedures. But as the Chairman of the Tribunal illustrates below, the flexibility of the Tribunal, in order to be more bicultural, has advantages:

The strength of the Waitangi Tribunal is in its ability to lay the facts bare, and to promote bicultural understandings about them. The Tribunal was tailor-made for the independent assessment of Māori claims. Its rules of operation enable it to commission research and ferret out facts and opinions that might otherwise not see the light of day. Most importantly, it is bicultural in its composition and modus operandi. That fact, in my view, has done more than anything to give the Tribunal credibility. It has bought about new cross-

44 Durie and Orr, 'The Development of a Bicultural Jurisprudence', in *New Zealand Universities Law Review*, Vol. 14, June 1990.

98 *ibid*, p.63.

99 *ibid*, p.65.

cultural understandings and has influenced legal, political and public opinion. I consider New Zealand has added a new dimension to the judicial determination of indigenous people's claims. It has provided another world-first in founding the Waitangi Tribunal and prescribing its powers and procedures. I do not think there is any other body that determines historical facts and interprets a cross-cultural treaty through a tribunal equally representative of both cultures involved, and which, in hearing claims, utilises the procedural protocols of each. It does not presume that only Anglos have laws and legal processes. And in a new development in legal pluralism, it will sit on marae, and in courtrooms, and will conduct procedures according to Māori kawa or English law as occasion demands. It has a specific statutory power to do that.¹⁰⁰

As a result of the Tribunal's work, important recommendations have been made regarding the inadequacies of existing laws and State practices that have transgressed the guarantees of the Treaty. Wide public interest has made it difficult for the State to ignore Tribunal findings.

While many Māori consider that the State has given insufficient attention to Tribunal recommendations, many have in fact been implemented.

¹⁰⁰ Chief Judge E.T.J Durie at the Oxford Symposium on New Zealand Race Relations, 29 November 1989, as quoted in William Renwick, *The Treaty Now*, Wellington, 1990, p.19.

The following table, illustrates the extent to which the Tribunal's recommendations have been implemented by the State.

TABLE 2.
Summary of Crown Response to Tribunal Recommendations,
1991.

CLAIM (date recommendations received by Crown)	NO START	R	PART	LAW	FULL	TOTAL
MOTUNUI (March 1983)				4	3	7
KAITUNA (January 1984)				1	5	6
MANUKAU (July 1985)		1	8	7	8	24
TE REO (April 1986)		2	1		2	3
WAIHEKE (June 1987)		1			2	3
ORAKEI (January 1987)		1		5	4	10
MURIWHENUA (Dec 1986- May 1988)				4		4
BROADCASTING (December 1990)	4					4
TE NGAE (December 1990)	5					5
NGAI TAHU (February 1991)	18					18
TOTAL	27	5	9	21	24	86

KEY:

R- Rejected by the Crown.

Part- Partly implemented, further action necessary.

Law- Recommendation embodied partly or wholly in legislation either passed, before the House or in final draft. Recommendations at this stage are essentially implemented.

Full- Fully implemented as recommended by Tribunal or the spirit of the recommendation is implemented.

No Start - Recommendations made by the Tribunal but not yet considered by Government.

Source: Memorandum For Cabinet Committee on Treaty Of Waitangi Issues. *Implementation Of Waitangi Tribunal Recommendations: A Report on Progress.*, 1991.

As the table illustrates the State has gone some way towards implementing the Tribunal's recommendations.

While the Tribunal itself may have an explicit intent to be bicultural, it is restrained by the more monocultural operations, values and membership of the State, which has the power to regulate the Tribunal's jurisdiction, and by the Court

of Appeal, whose findings are binding on the Tribunal. Thus the Tribunal has been dubbed a 'toothless taniwha', because it promises much but is restricted in the delivery of the recommendations it makes.

Kelsey 1990 and 1991, argues that the Waitangi Tribunal had 'capitulated' becoming 'a vehicle to deny Tino Rangatiratanga to legitimate the new principles as any other judicial or government agency'.¹⁰¹ An illustration of this criticism has been evident since the S.O.E court case. The Tribunal's views on the issues of the Crown's sovereignty, in earlier reports clearly questioned the supremacy of the Crown's sovereignty over te tino rangatiratanga guaranteed to Māori.¹⁰² But its stance weakened considerably after the S.O.E case when the Court of Appeal made it clear that sovereignty had in fact been ceded by Māori to the British Crown. In the Orakei Report, the first report after the S.O.E case, the Tribunal indicates that sovereignty rests with the Crown and states this more clearly in the later Mangonui Report.¹⁰³ The Tribunal, Kelsey contends, was a moderate option which left ultimate control in the government's hands and provided a cathartic experience where claimants could air their grievances with no obligation on government to act. Its pace and direction could be controlled to a greater extent by the government through its budget and membership. And it provided an important source of legitimation for the government's supreme authority under the principles of the Treaty.¹⁰⁴ She also suggests that the Tribunal has become more bureaucratic and impersonal in style with the lawyers playing a more prominent role in proceedings and the claimants a lesser role.

In what may be seen as a measure to bypass the Tribunal, the Labour Government in 1989 established another body, the Crown Taskforce on Treaty of Waitangi Issues, through which direct negotiation between the State and Iwi could take place. The Taskforce comprised of a Cabinet committee for Treaty issues, a committee of government officials from departments involved with Treaty issues and the Treaty of Waitangi Policy Unit operating from the Justice Department that

101 Kelsey, 1990, p.266.

102 See the Waitangi Tribunal, *Motunui Report*, 1983, pp.59-60, *Kaituna Report*, 1984, pp.18-19., and *Manukau Report*, 1985, pp.93-94.

103 See the Waitangi Tribunal, *Report of the Waitangi Tribunal on the Orakei Claim*, Wai-9, November 1987, p. 134 and *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim*, Wai-17, August 1988, p.vii.

104 Kelsey, 1990, p.235.

gives the State advice on Treaty issues¹⁰⁵ and is responsible for developing the Crown's position on the Tribunal's findings and recommendations.

The Ka Awatea Report (1991) highlights many of the ensuing problems and concerns of State's actions that relate to the administration of the Tribunal. Concern was expressed that the Tribunal and Taskforce were competing for the limited funding available from the Justice Department, and that the Tribunal's independence was queried because of its close association with the Taskforce.¹⁰⁶ The Tribunal is also under funded and under resourced. It lacks the necessary human and financial resources to deal with the claims filed, promptly.

These criticisms demonstrate the vulnerability of this bicultural body, to political action because it is an instrument of the Crown. The Tribunal is ultimately accountable to the State and not equally so to the Claimants. It may be bicultural in terms of its membership and procedures, but because decision making is the sole prerogative of the Crown, except in relation to the Treaty of Waitangi (S.O.E) Act, the development of bicultural outcomes is limited. The Tribunal's bicultural approach may be credited to the calibre of its leadership and members who have used their initiative to adapt the tribunal's proceedings to accommodate both Māori and Pākehā values and to some extent systems of law, rather than to the initiative of the State.

Regardless of the criticisms made of the Tribunal, it has provided an avenue for the State to hear Māori grievances and to provide ways of finding remedies. It has demonstrated how a previously monocultural State system of law may be adapted to give greater recognition to Māori values and perspectives.

Ka Awatea- The State's Agendas for Biculturalism in the 1990's.

The Ka Awatea Report, published in March 1991, is the first indication of the direction Māori policy is likely to take under the current National Government. It signals a shift in emphasis from the policy direction of the previous (Labour) government that was grounded on its principles of the Treaty, stressing iwi

¹⁰⁵ Ministerial Planning Group, 1991, p.89-92.

¹⁰⁶ *ibid*, p.41-43.

involvement in the delivery of social and economic services to Māori people. Ka Awatea, in contrast, primarily advocates 'special policy initiatives' for Māori as a means to address specific areas of Māori socio-economic disadvantage.

The Ministerial Planning Group, responsible for the writing of Ka Awatea, was given the task to:

- describe the current position of Māori in society,
- formulate key strategies to achieve Government outcomes,
- identify the rationale and scope for Government responsibility which includes an assessment of the current policy and delivery system in the Māori Affairs area.¹⁰⁷

The Report highlighted the continuing disparity between Māori and non Māori achievement in education, health, employment and economic development. In education, Māori are locked into a 'cycle of under-achievement'. Their attainment of educational qualifications continue to lag significantly behind that of non-Māori. In employment, Māori are concentrated in un-skilled or semi-skilled occupations, most affected by the current economic recession, and earn, on average, lower incomes. They are less likely to own or control a business. More significantly, a far greater proportion of the Māori than non-Māori workforce are among the long-term unemployed. A similarly bleak scenario is evident in the disparity between Māori and non-Māori health indices.¹⁰⁸

The Report identifies a number of causes for Māori underdevelopment. Socio-economic factors in particular are considered as influential factors. Low income families whether or not Māori, are more likely to have poorer housing and lower levels of educational attainment than high income families. In turn these factors adversely effect the chances those from lower income backgrounds have of finding employment. The report estimates that as much as one-fifth of the difference between Māori and non Māori rates of socio-economic achievement can be attributed to these factors.

¹⁰⁷ *ibid*, p.3.

¹⁰⁸ See Ministerial Planning Group, *Ka Awatea*, (Part Three, The Position of Maori in Society) for statistical background.

The negative attitudes of Māori parents and factors such as peer pressure are identified as factors relating to Māori underachievement in the education system, and similarly life style factors such as smoking and poor dietary habits are seen as major causes of Māori disadvantage in the areas of education and health.

The monocultural nature of government systems is not overlooked as a contributing factor also. The education system for example is discussed:

There is an increasing body of opinion which argues that Māori children are essentially disadvantaged because the education system is based largely on Anglo-Saxon culture, values, social norms and custom, language, curriculum content, educational goals and standards of educational measurement. Moreover, it is contended by some that the appropriateness of the system is reflected by the fact that the vast majority of teachers, principals, school boards, administrators *inter alia* are overwhelmingly non-Māori. Thus, according to analysts such as Benton and Hirsh, those cultural and ethnic factors constitute an effective, even if unintentional, barrier to education for most (but not all) Māori children. In other words, although it is accepted that there are other causes for Māori education underachievement, the appropriateness of the education system can be questioned.¹⁰⁹

Similarly, 'feelings of disempowerment of Māori people and alienation which ensues from a monocultural environment within which the health system operates' are also seen as a factor influencing Māori ill health.¹¹⁰

The youthful Māori population and the growing size of the Māori labour force are also identified as significant contributing factors to Māori socio-economic disadvantage. The fact that the Māori labour force grew at a rate of 3-3.6% from 1986-1990 while the job market has been shrinking is cause for added concern.

Ka Awatea identifies Māori development as the key issue for Māori, social, cultural and economic well-being.¹¹¹ A Ministry of Māori Development is deemed a more appropriate structure than Te Tira Ahu Iwi/The Iwi Transition Agency and Manatu Māori/The Ministry of Māori Affairs for successfully meeting the needs of Māori. The new Ministry would design policies, and give advice to other social and economic development services of the State to meet the needs of their

¹⁰⁹ Ministerial Planning Group, 1991, pp.21-22.

¹¹⁰ *ibid* p. 40

¹¹¹ *ibid*, p.9.

growing Māori clientele. It would include four specialist units to advance Māori development in the areas of education, health, training and economic resource development. The Ministry would also monitor State agencies, and implement programmes in the four areas mentioned until those government related agencies were ready to take full responsibility for them. The changes advocated in Ka Awatea, seek to have services for Māori 'mainstreamed', rather than ministries such as Manatu Māori and Te Tira Ahu Iwi specifically providing services for Māori.

Some areas of Māori development should be a function of the state while other areas must remain the responsibility of Māori themselves.¹¹² Many health problems could be overcome if Māori reassessed certain lifestyle habits such as diet, smoking and alcohol abuse. Exercise, home environment and self esteem are also contributing factors. The Māori labour force will need to become more and diversely skilled if it is to be in a position to respond to the opportunities that arise.

Ka Awatea places special emphasis on the encouragement of Māori success in the education system as the 'key' to improving Māori socio-economic status. To facilitate this objective the new Ministry of Māori Development would have responsibilities for formulating Māori educational policies, and running programmes to assist Māori to enter tertiary institutions. It would also closely supervise the mainstream education agencies, so to 'apply greater pressure for accountability of their outputs'. The Report recognises there are other forms of development in education presently being advocated by Māori themselves. To monitor the developments, Ka Awatea recommends a Māori Education Commission be established to facilitate between parents, iwi and pan tribal groups, the mainstream education system and the private sector where necessary.¹¹³

In keeping with the emphasis on mainstreaming, it is recommended that the Government monitor the outputs of its training programmes to ensure they are accountable in training and placing its recruits in employment.

112 *ibid.* p.47.

113 *ibid.* p.48.

The regional branches of the new ministry would establish training programmes for disadvantaged Māori youth to teach life skills and and also sponsor Māori to acquire business and management skills.

Ka Awatea states that the mainstream health programmes have failed in promoting health among Māori and have not sufficiently recognised the voluntary work of the Māori communities to promote health. Regionally based programmes to promote health were suggested, with a unit to be established within the new ministry to facilitate the community initiatives.

Business development is also to be encouraged. The Report suggests a new Māori business development programme be established and that the MANA enterprise schemes encourage Māori to set up small businesses, especially where they create employment opportunities. In the view of the Report, these initiatives are needed because of the 'market failure' to assist Māori business development and to encourage equity with non Māori business development. It is clear that accountability and cost effectiveness will be essential for business ventures sponsored. An Economic Resource Unit would also be established within the new ministry at the central and regional offices to encourage the development of Māori land and business and to overcome the barriers Māori encounter in establishing their own ventures. The purpose of such initiatives would be to channel government funds from negative outcomes such as government benefits, to positive outcomes such as creating employment opportunities and providing capital for Māori businesses to be established.

Ka Awatea is in part reminiscent of the Hunn Report of the 1960's because it seeks to alleviate the levels of socio-economic disadvantage Māori experience as compared to other New Zealanders. Although both reports do emphasise that Māori need to 'improve' themselves if they are to prosper, there is some recognition in the latter report that the institutions of the State are also responsible for fostering Māori underdevelopment. Ka Awatea emphasises that while iwi involvement is still to be fostered, mainstream government departments and agencies must be more accountable for their efforts to cater for Māori clientele and Ministers of those departments must be committed to ensuring their departments' responsibilities to Māori are met. Although Ka Awatea may be well-intentioned in its proposal, the evidence of the past one hundred and fifty years suggests the report may be too optimistic in its expectations of these institutions. The

responsiveness of the State departments has always been dependent on the political will of the government of the day. The Report makes little mention of the manner in which it will ensure government departments provide better services for Māori, other than monitoring their programmes. The consequences of institutions not making sufficient efforts for cater to Māori interests are not mentioned, nor the ways in which their progress will be measured, explained.

The Report reiterates the need for accountability for public funding and that the services of the new ministry must work efficiently. Evidence in *Ka Awatea* suggests that the present measures advocated are closely aligned to the State's desire to cut expenditure on social services. For example approximately 500 people were employed by Manatu Māori and Te Tira Ahu Iwi. This number was only half the number employed by their predecessor, the Department of Māori Affairs. *Ka Awatea*, by comparison estimates that only 200 staff will be needed in the Ministry of Māori Development.¹¹⁴ It will be difficult to see how a department, significantly smaller than the previous two institutions, will be able to function any more effectively, when the Report notes several times that Manatu Māori had been largely ineffective in monitoring the policies of the other State institutions.

While emphasis is placed on utilising Māori initiatives in education such as Kura Kaupapa Māori and Kohanga Reo, and it is recognised that these Māori structures contribute to improvements in Māori educational attainment, the recommendations do not address how these structures should be utilised in the future, or the extent of their relationship to the Māori Education Commission that was suggested in *Ka Awatea*. The Report had already recognised the Māori unit in Ministry of Education, Te Wahanga Māori was effectively excluded from important decision making in the Ministry of Education, even on issues relating to education of Māori. *Ka Awatea* recognises 'Māori will reclaim their Rangatiratanga in the education system. Waiting for it to be given back is no longer an option'.

The Report recommends 'that Māori have a distinctive and unique place in New Zealand society that must be preserved and enhanced; and that Māori must be able to participate fully in the future development of this nation'.

This objective would be achieved by:

¹¹⁴ Mocerangi Vercoe 'Jury out on Plan for Maori Future' in *The Dominion*, May 5 1991.

- enabling Māori to achieve standards of excellence.
- ensuring full Māori participation in decision making.
- ensuring Māori language and culture is preserved and enhanced.
- that outstanding grievances are dealt with 'speedily and fairly'¹¹⁵.

These aims encourage fuller participation by Māori within society and take steps to alleviate the barriers Māori face in achieving socio-economic equality with the non Māori population. Ka Awatea advocates bicultural initiatives within State institutions primarily on the basis that Māori are at present disadvantaged in society. Little attention is given to the Treaty of Waitangi as a basis for the granting of programmes to Māori. It is not until page 81 of the Report that the significance of the Treaty is considered in any detail, and even so, it is not considered in terms of its relevance to the proposals within Ka Awatea. Primarily it is the basis of need, rather than the recognition of the rights of Māori, for which the special programmes within this report are suggested.

The 1991 Budget Options for Māori in Health.

The National Government's Budget of July 1991 is a further indication of the the direction in which the State's Māori policies are developing. The changes to the health system advocated in the budget gives options for Māori to develop their own health services that will be more responsive to the special needs of their people. On one hand these changes are in tune with the government's efforts to reduce its expenditure on social services but at the same time offers the opportunity for health services to better reflect the cultural plurality existent in Aotearoa/New Zealand.

It is well documented that health standards between Māori and non Māori are disparate.¹¹⁶ Māori values, health perspectives and the important role of the iwi, hapu and whanau structures in maintaining and encouraging their members' health have not been utilised or given their due recognition.

¹¹⁵ Ministerial Planning Group, 1991,p.64.

¹¹⁶ See E Pomare, and G. de Boer, '*Hauora Maori Standards of Health. A Study of the Years 1970-1984*', Department of Health, 1988.

Until recently Māori have had very little influence on health care delivery and design, or policy making. Access to culturally appropriate health services has compounded the situation and many potentially helpful Māori social organisations (whanau, hapū) have been excluded.

The recommended changes in the 1991 health reforms will enable iwi Māori to have a greater say in how health services are delivered to them. The Area Health Boards presently in place will be replaced by four Regional Health Authorities (RHA) that will continue to fund general health care plans and core health services to the public. There is a proviso for special interest groups such as iwi, women and the elderly to opt out of the general health services and create health care plans designed specifically to meet their own needs. Funding that would otherwise be controlled by the RHAs will be channelled into the alternative HCPs.

An alternative health care plan need not provide every necessary health service. Instead it will be able to contract other health care providers to deliver health services to their clients. To be eligible to establish a HCP many criteria will need to be met and members will retain the option to revert to the RHA.

The implications for Māori have some promise. The Report issued by the Minister of Health, Simon Upton in July 1991 for the National Government's first budget, identifies the following advantages of the changes in the health system:

The Report identifies the following advantages for Māori under the new Health plan scheme:

- the opportunity for delivering health services in a culturally appropriate way, thus removing some of the barriers that impede Māori from using existing services:
- the opportunity for Māori to specify their own health priorities and requirements for the style of practice, and reflect these in the contracts for health services negotiated with providers;
- scope to encourage new and innovative providers to deliver health services;

- the opportunity to negotiate access to providers at an agreed price, so that Māori as individuals and members of a collective group are aware of health costs and the need to take greater responsibility for their health;
- in the longer term, the ability to reduce the overall cost of health care by encouraging preventive health measures;
- the opportunity to recognise the complex social and economic factors that affect Māori health and to support Māori development through managing resources.¹¹⁷

Iwi authorities and other Māori organisations will be able to establish health care plans concentrating on Māori health needs, addressing Māori concerns about how health services are delivered. This will offer Māori a vehicle for taking greater control over the resources used for health services for Māori.

The health plans can be implemented by iwi authorities, trust boards, or non tribal groups such as the Māori Women's Welfare League. The existing utilising health services are able to be utilised when needed, particularly in cases where highly specialised and expensive treatment is needed.

Māori responses to the new health care plan options have been generally positive.¹¹⁸

A contrasting viewpoint is that privatisation of the health system will be advantageous for Māori and other special interest groups whose needs have not been well catered for by the mainstream system to date. The range of health care plans that could be established will allow for greater consumer choice. Māori will be able to choose to utilise those plans set up by the Regional Health Authorities or to set up their own alternatives that will cater more specifically for various consumer groups needs. Giving the consumer more choices will be favourable for Māori in that health providers will need to be more consumer-responsive and address the current system failure.¹¹⁹ Those who opt out will take funding away from the other potential health providers. Health services will need to be sensitive

¹¹⁷ Simon Upton. Minister of Health, *Your Health and the Public Health. A Statement of Government Health Policy*, July, 1991 Wellington. p.70-71.

¹¹⁸ See 'Alternative Plans Interest Maori' in *The Evening Standard* 22/8/91 and 'Maori groups Keen to Plan Own Health Care' in *The Dominion* 7/8/91.

¹¹⁹ Health Care Plans-An Option for Maori Health and Related Services Taskforce Discussion Document, August 1991.

to the needs and interests of potential clients to attract their patronage. The increased competition could be favourable to Māori.

At present the largely monocultural health system is not serving the needs of Māori. There is much statistical evidence that illustrates the relative poor health standards of Māori in comparison to non-Māori.¹²⁰ Some Māori focussed initiatives have been introduced but that are largely marginalised, under resourced and have little influence on policy making. To date not enough has been done to redress the unequal access and outcomes for Māori health in comparison with non-Māori. Attempts to modify the monocultural structures of the health system to be more receptive to Māori perspectives and hopefully result in the improving health of Māori have not been very fruitful.

The new direction for health policy offers the opportunity, at least on paper, for Māori to have more influence over the health care they receive. Health care plans if initiated by tribal and non-tribal Māori groups will ensure that Māori values of health will receive the deserved recognition and Māori could be fully involved in the planning and administering of health services to their people. The culturally appropriate services, utilisation of Māori networks and structures to promote and provide health care to Māori is likely to result in greater use of health services by Māori.

These initiatives are a further example of how biculturalism may be implemented. Rather than concentrating on adapting the one system to cater for all needs, the option to establish alternative health care plans will allow Māori greater opportunity to design health services to cater for their interests in a more meaningful manner. Both Māori organisations and the state should be able to monitor each other's work to ensure that the standards reached by both systems are comparable.

There is however, always the danger that if insufficient funding is available to Māori alternatives, then the standard of the health care could be compromised.

¹²⁰ See Ministerial Planning Group, 1991, pp.36-41.

Summary.

The State has initiated some quite radical changes in its Māori policies in recent times. It has shifted to some degree, from its attempts to assimilate/integrate Māori into a Pākehā defined society, to give some recognition to, and to accommodate, the concerns and aspirations expressed by Māori.

The State did attempt to endorse biculturalism in its policies and practices. However its initiatives, the most prominent of which was the restructuring undertaken within its institutions to give consideration to Māori perspectives, were limited, haphazard and confused. Moreover, they fell well short of Māori aspirations for biculturalism.

Although biculturalism received varying degrees of support within government circles, it was mainly limited to what the State thought was most appropriate for Māori, without any substantial transfer of power to Māori that would allow them to regain control of their social, economic and political circumstances. The bicultural restructuring that occurred within the State's departments would not be to the degree anticipated by Māori.

If the State has accepted, however tentatively, a policy of biculturalism, then the major rationale has been based on humanitarian considerations and ameliorative liberalism. Where it was seen that Māori were disadvantaged, bicultural initiatives could be justified by the State. But this rationale for biculturalism would constitute only a fraction of the Māori agenda for biculturalism.

Section Three

Te Kākano Māori. Māori Agendas for Biculturalism

Toitu te kupu, Toitu te whenua, Toitu te mana.

To survive we must,

Hold fast to the language, hold fast to the prestige, hold fast to the land.

Introduction.

During the 1980's Māori challenges to the State's monocultural institutions and operations, to incorporate Māori perspectives, gained new impetus. Māori sought to redefine their relationship with the State. Frustration with the State's limited efforts toward 'biculturalism' and the renewed drive toward tribal development led to a resurgence of autonomous Māori organisations at the tribal and inter-tribal levels. Māori diversified their endeavours to secure self determination from working within State-defined structures to revitalising and utilising their own networks.

From the Māori viewpoint, biculturalism had two main focii. Firstly, the maintenance of a distinctly Māori way of life, the right to Māori Mana Motuhake - self determination, via Māori institutions and procedures. It was argued that Māori development should occur to a greater degree under Maori control, and less within the bounds of the State. This aim apparently monocultural in nature, was considered necessary to the shaping of a truly bicultural nation. Biculturalism, the argument followed, should allow for the continuation of Māori political and cultural independence alongside State structures and processes.

Secondly, Māori advocated biculturalism as a partnership between Māori and the State as defined in the Māori text of the Treaty of Waitangi. The partnership should be reflected in the activities of the State, and in the relationship between State and Māori organisations and institutions, which would imply the sharing of

resources and power. The partnership relationship would allow for participation in the shared New Zealand society without implying that Māori be isolated or detached from society as a whole.

Māori, like the State, argued biculturalism was necessary to alleviate Māori social and economic disadvantage.

Māori desires to retain self determination and to participate fully in a society shared with Pākehā is not peculiar to the 1980's. Indeed, since the days of early European settlement and most definitely when a British system of government was established here, Māori have struggled to achieve these goals, though not necessarily with equal emphasis at all times.

This section begins by examining these aims and how they have evolved and influenced the developments of the present. An account of Māori aspirations and efforts to achieve biculturalism in the 1980's then follows.

6. Two Reoccurring Themes: Mana Motuhake and Māori Development.

Mana Māori Motuhake.

The manner in which Māori have focussed on mana motuhake and Māori development in the 1980's is not new. Mana Motuhake, has and continues to exist on a tribal basis, but during the late 1800's it took on an added dimension, the desire of Māori to retain autonomy from the State. At the same time Māori have also desired to benefit from those elements of Pākehā society that would enhance Māori social, economic, political and cultural development.

Māori witnessed the growing dominance of the Pākehā and their laws and how these were disadvantaging Maori. In response to the encroachment of State power on Māori law and Māori customs, and disgruntled with the State's growing disregard for the provisions of the Treaty of Waitangi, which had guaranteed to Māori their continuing tino rangatiratanga, Māori political movements emerged,

which sought to promote inter-tribal unity, maintain land ownership and counteract the effects of assimilative State policies.

A prime example of one such movement, established in the late 1850's, was the Kingitanga movement. Its aims were to stop further alienation of Māori land and to maintain the authority Māori had over their own lives, as encapsulated in its motto, 'Ko Te Mana Motuhake'- Māori independence and self determination.

But the Kingitanga did not necessarily see the authority of the Crown as conflicting with its own mana. It envisaged that a co-joint administration over the developing nation of Aotearoa be established between the Māori King, presiding over Māori land, and the Governor, over Crown lands. Wiremu Tamihana, one of the leading proponents of the Kingitanga, depicted this concept by placing two sticks in the ground, one representing the Māori King, and the other the Governor, to show the two authorities side by side, with a third stick representing the law of God and the Queen connecting the two. Thus the parties would stand together, but with each maintaining its integrity.

Parrsonson 1981¹²¹ purports that the Kingitanga failed as a national Māori movement because it had lacked support from tribes outside the Waikato. Unity among tribes is frequently forwarded as a prerequisite to effective Māori political power. Certainly movements such as the Kingitanga attempted to bring this about, but 'failure' to do so is no negative reflection. Rather it reiterates that during that period, Māori chose to continue asserting their mana motuhake at the inter-tribal level.

Some degree of unity was forged in the 1860's by the Kotahitanga movement, which went so far as to establish a Māori Parliament. But in 1896, when the Māori Parliament sought the passage of its Māori Rights Bill through the New Zealand Parliament, in an effort to secure Maori control over Maori food resources, the attempt was definitely rejected. Such a challenge to parliamentary sovereignty could not be tolerated.

Other Māori protest movements emerged during the same twenty to thirty year period. In different ways iwi were involved in intense political activity, tribal and

¹²¹ Ann Parsonson, 'Pursuit of Mana' in W. H Oliver with B.R Williams (eds.) *The Oxford History of New Zealand*, Wellington, 1981, pp.140-167.

inter-tribal hui, and petitions to the Crown and government to perform their duties and recognise Māori rights to autonomy under the Treaty of Waitangi. In the district of Taranaki alone, several movements arose. Te Whiti o Rongomai and Tohu Kakahi of Parihaka, the Paimarire led by Te Ua Haumene, and Titokowaru shared common concerns for their people; they were faced with the threats of State/settler domination and landlessness. Such threats would in turn threaten the very survival of Māori people and their distinct lifestyles, in spiritual, physical, and economic terms.

...Te kupu a Tohu ki nga iwi e rua:

E kore e piri te uku ki te rino ka whitikia e te ra ka ngahoro...

Tohu warned the two peoples:

Clay will not stick to iron, The sun beating down upon them will cause them to fall apart.

These lines from the Taranaki haka Mangu Taipo, acknowledge that Māori and Pākehā peoples and cultures cannot become one and the same, and that attempts to make them become so will fail, sooner or later.

The State was able to undermine the above Māori movements through military force and by sponsoring alternative outlets for less threatening Māori viewpoints to be aired, such as the Māori Councils established under the Maori Councils Act 1900. While the desire for Māori mana motuhake, became somewhat overshadowed by the aspirations of later generations of Māori for their people to increasingly participate and benefit from a shared society with Pākehā, it was not completely lost. As will be shown, the desire for mana motuhake gained new impetus in the later stages of the twentieth century.

Māori Development.

Since early contact with Pākehā, Māori development, in contrast to mana motuhake, entailed the utilisation of the benefits of Pākehā society, including technological advancements and trade opportunities. The tangata whenua engaged with the new peoples and cultures they encountered for economic and other benefits.

In the early years of culture contact, till a decade after the signing of the Treaty of Waitangi, Māori prospered. Economic trade boomed and major technological advances were made. Māori had gained much through contact with the British in these respects because Māori had adapted well to new production, showing very good entrepreneurial talent. They owned their own ships and trading was well established with overseas ports such as Sydney. Māori also operated flour mills that provided supplies for the developing European settlements. Early on Māori were keen to secure Pākehā contact, selling their land to Pakeha, and obtaining goods from them in return.¹²²

The 1830-50's were generally a period of tribal enterprise. Tribes prospered as they adapted to the newly-introduced technology from abroad, and learnt new methods of production for land and fisheries. Trade networks for both domestic and overseas markets were set up. Walker 1990 and Orange 1987 describe the grand economic pursuits of iwi Māori, especially those of tribes which lived in coastal areas, and/or those with European settlements nearby.

While Māori welcomed European knowledge, they resented it being forced upon them. Although amalgamation of Māori into mainstream New Zealand was the aim of the State, it was not that of Māori. There was an acceptance of European governance but Māori did not see that their authority over their own interests would be subordinated. Settlers and government underestimated the desire of tribes to maintain their own culture. Māori preferred to adapt selected elements of Pākehā culture that they wanted and that were beneficial to their cultural norms over wholly accepting the Pākehā culture and becoming 'Europeanised' as the State and settlers envisaged.

The mid 1880's to the 1940's was a period of reconstruction for Māori.¹²³ Many tribes were suffering both economically and socially from the after effects of military conflict with the Government over the previous two decades. Māori organisations emerged that endeavoured to assist Māori in adapting to the new circumstances that they faced, in a shared society that was increasingly influenced

¹²² See Ann Parsonson 'Pursuit of Mana' and M.P.K. Sorrenson 'Maori and Pakeha' in W. H Oliver with B.R Williams (eds.) *The Oxford History of New Zealand*, Wellington, 1981.

¹²³ See Department of Maori Affairs (G.V. Butterworth), *Aotearoa 1769-1988: Towards a Tribal Perspective* 1988.

by Pākehā norms and values. To some extent these organisations undermined the more traditional Māori initiatives that emphasised Māori independence.

A prominent Māori organisation that promoted Māori development was the Te Aute College Students' Association, more commonly known as the Young Māori Party. One of the main aims of that organisation was 'to aid in the amelioration of the condition of the Māori race- intellectually, socially and spiritually'.¹²⁴ The young men of this group, many of whom went on to achieve national prominence, provided a new kind of leadership for Māori in that they were adept in both the Māori and European cultures. Unlike the more traditional leadership of the previous decades, these men saw a need for Māori development to occur within the wider framework of national development, including participation within Government defined structures. Simultaneously they encouraged a Māori cultural renaissance that included the rebuilding of marae and revitalisation of Māori art forms. Ngata, in particular fostered the utilisation of Māori land for economic development.

The desire to maintain Māori values whilst taking on beneficial aspects of the Pākehā culture is encapsulated in the often recounted words of Sir Apirana Ngata:

<i>E tipu e rea,</i>	<i>Grow up o tender plant</i>
<i>mo nga ra o to ao,</i>	<i>For the days of your world,</i>
<i>Ko to ringa ki nga rakau o te Pākehā</i>	<i>Your hand grasping the tools of the Pākehā</i>
<i>hei ora mo tou tinana</i>	<i>For your physical wellbeing</i>
<i>Ko to ngakau ki nga taonga</i>	<i>Your heart filled with the treasures</i>
<i>a o tipuna</i>	<i>of your ancestors</i>
<i>hei tikitiki mo to mahunga.</i>	<i>As a plume for your head;</i>
<i>To wairua ki te Atua,</i>	<i>Your spirit dedicated to God</i>
<i>Nana nei nga mea katoa.</i>	<i>The Creator of all things.</i>

Development continued to be an important aim for Māori in the twentieth century, particularly as the urbanisation of the Māori population accelerated. Māori from different tribal groups banded together in an effort to preserve their Māoritanga and to adjust to the new pressures of urban living. Organisations such as the Māori Women's Welfare League, and Māori committee structures instigated

¹²⁴ *ibid*, Chapter 6, p.15.

by the State have assisted in encouraging social, cultural and economic development among Māori in past decades.

Whereas *mana motuhake* and Māori development are not necessarily uncomplimentary, the tendency has been for one to be emphasised to the detriment of the other. In the 1980's both pursued with equal force.

7. Recent Māori Agendas for Biculturalism.

In previous decades Māori had challenged the hegemony of the State and brought to public attention the monocultural nature of its institutions. But in the 1980's, Māori advocated reform and greater Māori participation within those institutions. Biculturalism was accepted as a means to achieve this. From a Māori perspective, biculturalism rests first and foremost on the recognition of *mana motuhake*, the separate and independent authority of Māori to determine their own lives. Biculturalism was also accepted by Māori as a strategy to redress Māori socio-economic disadvantage.

A resurgence in the utilisation of Māori institutions outside the parameters of State control during this time. This was a result of re-emphasis on *iwi*, *hapū* and *whānau* structures as mechanisms for Māori economic, social, cultural and educational development. Biculturalism came to symbolise for Māori a partnership of equals between their institutions and those of the State. Their views of the Treaty of Waitangi paralleled this understanding.

Iwi Development.

Tama Tu Tama Ora, Tama Noho Tama Mate.

Those who take action will flourish, those who are idle will perish.

The renewed impetus for *iwi* development was accelerated at the Hui Taumata (Māori Economic Development Conference) held in 1984. The hui built on the self reliance philosophy of the Tu Tangata programmes instigated by the Department of Māori Affairs during the 1970's, under the guidance of Kara Puketapu.

It was recognised that Māori resources were generally underdeveloped particularly the people and the land. Statistics showed that the gap between Māori and non-Māori rates of achievement in socio-economic indices like health, educational attainment and income levels were widening. These disparities were first highlighted in the Hunn Report of the early sixties. Government policies had proven inadequate in addressing the problem of Māori underdevelopment.

The main objectives of the hui were to examine the impact of New Zealand's economic problems on Māori, the strengths and weaknesses Māori had in that situation and to discuss key policy issues and seek endorsement of the policies that would 'lead Māori people to a truly equal status in the economic and social life of New Zealand'.¹²⁵

The hui called for a decade of Māori development to counteract Māori dependency on the State. Rather than funding negative outcomes such as welfare dependency it was argued that funds be channelled into Māori defined programmes that fostered both economic and cultural growth and independence. Strategies for economic development, intertwined with social and cultural development were seen as the key to reversing negative Māori socio economic trends.

Many submissions presented at the hui called for the transfer of resources from government to iwi controlled programmes. The hui recommended that tribal structures be more thoroughly utilised with the establishment of Māori Tribal/Regional Groups to act as umbrella groups to spearhead economic initiatives at the local level.

It was proposed that financial assistance be made available from Māori rather than State-controlled sources. Recommendations called for the establishment of a Māori Development Commission and a Māori Development Bank. Following the Conference a Māori Development Commission was established and the MANA Enterprises scheme established to encourage small scale Māori economic businesses.

¹²⁵ Minister of Maori Affairs, Koro Wetere 'Message from the Minister of Maori Affairs' in *Maori Economic Development Summit Conference Proceedings 1984*.

The Hui Taumata of 1984 was a turning point in Māori development. A new kind of Māori activism emerged that replaced the militant protests of the 1970's. Māori began to formulate their own strategies for political and economic development and argued for the greater utilisation of their own structures namely the iwi, hapu and whanau. This began a move toward working outside State structures and State-controlled procedures.

Central to all economic development strategies is the need to equip the Māori people to direct and manage the development initiatives. The implications of resource transfer away from existing Government programmes towards innovative proposals that meet Māori tribal/regional objectives on their terms will mean institutional changes. Since the turn of the century, the Māori has not been an agent of leader of change in New Zealand economic development. Māori resources, land, people and culture, now stand at the threshold of a great leap forward. Māori initiatives, policies, management and work should be channelled to meet this challenge which is vital to the future of the Māori and New Zealand.¹²⁶

Iwi development was not limited to economic initiatives. In the 1980's, the cultural renaissance that began in the 1970's continued, shaping Māori expectations of bicultural initiatives.

It was widely acknowledged for example, that te reo Māori was on the brink of extinction, and that little had been achieved by the few measures implemented by the State thus far to alleviate this situation. Consequently, Māori took matters into their own hands. A series of language programmes designed by Māori, for Māori were developed. The first of these, Te Kohanga Reo, tackled the problem at its foundation by instilling te reo Māori in the young as their first language. Bilingual units, and later kura kaupapa Māori were to continue the efforts begun by kohanga reo through the children's primary school years.

The resurgence in iwi development had important ramifications for Māori aspirations for biculturalism. Iwi, individually and collectively, wanted to have a greater influence in how their people's needs were to be met.

¹²⁶ He Kawenata, Maori Economic Development Summit Conference, 31 October 1984, 8-9.

Māori Views of the Treaty.

*Ko te atakau o te whenua i riro i a Kuini,
ko te tinana o te whenua i waiho ki ngā Māori.*

*Only the shadow of the land goes to the Queen,
but the substance remains with us.*

The oft-quoted words of a rangatira of the Rarawa people, Nopera Panekareao, encapsulates a dominant Māori perspective of the Treaty of Waitangi, that they had not ceded their sovereignty to the British Crown. This viewpoint is still maintained by Māori.

In brief, Māori understandings and viewpoints of the Treaty, emanate from the Māori text rather than the English. In 1840, all but 39 of the Māori signatories signed the Māori version. In that version, in the First Article, a right to make laws and govern, 'te Kawanatanga katoa', over Māori and Pākehā was transferred to the British Crown. Article Two qualifies this right in that the tribes, through their rangatira, would maintain the 'unqualified exercise of their chieftainship, 'te tino rangatiratanga', over their lands their villages and over their treasures all.¹²⁷

In more recent Māori interpretations of the Treaty, their desire for a balance between the rights ceded in Article One and those guaranteed in Article Two form the basis for Māori calls for equal partnership with the State in a bicultural relationship.

Māori also came to argue that Article Two of the Māori text provides for, the active protection of Māori in the exercise of their tino rangatiratanga. The rights of individual Māori, quite apart from the collective rights of hapū are also provided for in Article Three.

In the 1980's, Māori reasserted their right to tino rangatiratanga. Māori claims for redress of State injustices were increasingly argued on the basis of the provisions of the Treaty of Waitangi. This was in contrast to the States approach of 'blending' the two Treaty texts in the form of Treaty principles. Māori understandings of the

¹²⁷ See Appendix One- An English Translation of the Maori Text of the Treaty by I.H.Kawharu.

Treaty came to be articulated with more precision and gained some acceptance by the Crown and society generally.

In previous decades Māori views of the Treaty had varied greatly. It was accorded the greatest respect by the Northern tribes whose tupuna had played the major Māori role in its signing. By contrast it was argued by Māori protest groups such as the Waitangi Action Committee to be a 'fraudulent document'. But the latter view was to be vindicated at two national hui held at Turangawaewae in 1984 and Waitangi in 1985, where iwi Māori discussed and reached some consensus about what the Treaty signified for them. Organised by the National Council of Māori Churches and the latter by the four Māori members of Parliament, these hui were a turning point in Māori support for the Treaty and its promotion as a channel for grievances against the Crown and claims to greater participation and influence in the matters effecting Māori.

Both hui reaffirmed the Treaty's importance to iwi Māori. Universal support was registered by all iwi, including those such as Te Arawa and Ngāti Tuwharetoa whose tupuna had not been party to signing the Treaty. The Treaty it was now agreed, upheld the status of Māori as tangata whenua of Aotearoa, and was a symbol of Māori mana motuhake. It would be a basis for claims in respect to the land, forests, fisheries and ethnic rights of Māori people. The Treaty it was argued, was not a source of rights so much as the recognition of pre-existing Māori rights. 'It is a symbol which reflects Te Mana Māori Motuhake. We declare that our Mana Tangata, Mana Wairua, Mana Whenua, supersede the Treaty of Waitangi.¹²⁸

The hui argued the Government to honour the Treaty through a commitment to Māori development; to remedy past grievances: to review present and past legislation, Crown policies and administrative processes in the light of the Treaty. Direct government action was needed, while the Waitangi Tribunal reviewed complex complaints.¹²⁹

It was also a strong desire of the hui that there be greater Māori participation in the workings of the Department of Māori Affairs and Māori Trustee, and that

¹²⁸ Arapera Blank, Manuka Henare and Haare Williams (eds.) *He Korero mo Waitangi, 1984*, p.2.

¹²⁹ Nga Korero me nga Wawata mo te Tiriti o Waitangi 1985 (Facsimile Report of the Treaty of Waitangi Hui- Waitangi 1985), Overview, p.8.

Government be more accountable to Māori in how it addressed Māori interests. Government departments generally needed to be more responsive to Māori interests. The hui urged a 'real Māori dimension' be introduced into all departments naming education, justice, health, social welfare and the Treasury in particular.

These hui were influential to future developments in Māori thinking on biculturalism because they raised awareness of the Treaty and fostered a sense of kotahitanga among Māori based on a shared commitment to the Treaty and its implications for the future.

With pan-tribal concensus reached, the Treaty was to play a far more prominent role in the struggle for recognition of Māori rights and grievances. Māori argued that the Treaty formed the basis of a bicultural nation, in which both iwi Māori and the Crown, representative of all other New Zealanders, would co-exist in an environment of mutual understanding and powersharing.

The Limitations of 'Biculturalism'.

Māori wanted the State to give greater recognition to their rights and concerns as tangata whenua. They challenged the monocultural nature of the State and sought to have their viewpoints recognised within its institutions. The Māori protest movements of the 1960-80's prompted the State to re-examine its position on Māori related issues and to introduce new policies aimed at alleviating Māori disadvantage and giving recognition to their status as tangata whenua. But Māori became disillusioned with the State's limited efforts to address their concerns. The anticipated gains of implementing biculturalism within the bounds of the State were not forthcoming, serving only to strengthen the resolve of Māori to create their own mechanisms through which to fulfil their aspirations.

Such was the case in the field of education. In the 1980's it was already well established that the education system had not been meeting the needs of Māori and had been a key element in the assimilation strategies of the State of past decades. The Te Reo report of 1986 highlighted the 'dismal failure' of the Education Department to cater for Māori educational needs.

The education system in New Zealand is operating unsuccessfully because too many Maori children are not adequately protected and their scholastic achievements fall short of what they should be. The promises in the Treaty of Waitangi of equality in education as in all other human rights is undeniable. Judged by the system's own standards Maori children are not being successfully taught, and for this reason alone, quite apart from a duty to protect the Maori language, the education system is being operated in breach of the Treaty of Waitangi.¹³⁰

A strategy to encourage Māori participation in the education system and to make the schooling system more sensitive to Māori, known as Taha Māori was initiated within the schooling system. The hope was that Māori rates of educational achievement would improve as a consequence of these programmes. Taha Māori literally means a Māori dimension. When applied to the education process, it calls for the 'inclusion of aspects of Māori language and culture in the philosophy, the organisation and the content of the school', throughout the curriculum rather than as a separate element, so that it is 'a normal part of the school climate with which all pupils and staff should feel comfortable and at ease'.¹³¹

Māori criticisms of Taha Māori grew in the mid 1980's. Rather than addressing the educational needs and aspirations of Māori and allowing more effective participation in decision making over Māori education, the implementation and defining of the Taha Māori programmes was controlled by the mainly Pākehā educational officials in the Education Department and in the schools. The programmes were deemed by Māori educationalists and communities to be more responsive to the need of Pākehā students to develop 'bicultural understanding' than to Māori students needs. Graham Hingangaroa Smith 1985 states:

The social political and cultural ramifications of introducing Taha Maori in schools relates to the interests of the dominant Pakeha population in wider society, particularly the preservation of the position of privilege. This is hardly surprising given that Taha Maori has been created and sanctioned by a Pakeha dominated institution - the Education Department. Maori people have different needs and expectations that will not be addressed by the proposed Taha Maori thrust in schools. It is also somewhat ironic that Taha Maori which is endorsed in

¹³⁰ Waitangi Tribunal, Findings of the Waitangi Tribunal Relating to Te Reo Maori, Wai II, April 1986, p.51.

¹³¹ Department of Education, *Taha Maori in Schools: Suggestions for Getting Started*, 1984.

the name of Maori education is more about the education of the Pakeha than about the education of the Maori.¹³²

The criticisms made here of the Taha Māori programmes are equally applicable to other instances of biculturalism. Though Māori advocated change within the State institutions, including the education system and other State institutions such as the Department of Social Welfare, the resulting concessions to incorporate Māori perspectives proved to be insufficient to fulfil Māori aspirations for greater self determination and often were of more benefit to Pākehā than to Māori.

The strategies mooted by Māori to uplift the position of their people in society would be adopted by the State in principle, but when implemented, the essence of these strategies was compromised. In effect Māori priorities were marginalised.

Parallel and Independent Institutions.

Whereas Māori had lobbied to have their perspectives recognised within the institutions of the State, by the mid 1980's there was a distinct move toward establishing alternative Māori structures that could voice Māori social, economic and political concerns and work toward their resolution. Māori re-established their own forums for Māori development, utilising the iwi, hapū and whānau networks. They also argued for parallel Māori structures to be established that were genuinely based upon Māori values, as alternatives to the already established monocultural structures that had not served Māori interests adequately. Te Kohanga Reo and Kura Kaupapa Māori were two such initiatives.

Māori organisations, such as the National Māori Congress that are completely independent of the State emerged, illustrating the continued desire of Māori for mana motuhake and to achieve Māori defined goals that had not been recognised by the State.

13 Graham Hingangaroa Smith, *Taha Maori: A Pakeha Privilege*, N.Z.A.R.E. Conference 1985, p.6.

Te Kohanga Reo.

Te Kohanga Reo began as a political, as much as an educational movement. There had been growing realisation that te reo Māori would die unless there were more fluent speakers to replace the dwindling number of Māori language speakers who were older, and therefore rapidly dying out. A strategy to counteract the decline was envisaged. The idea of a Māori pre-school movement dedicated to fostering the survival of te reo Māori was born at the Hui Whakatauirā in 1981. There a resolution was passed, calling on the Department of Māori Affairs to focus on the language as a top policy priority.¹³³ The result was the setting up of the first Kohanga Reo, a pilot scheme at Wainuiomata in 1981. It was based on the total emersion of learners in te reo and ngā tikanga Māori within the framework of whanau development.¹³⁴ From birth the child is introduced to its mother tongue, which involves all the whanau in learning.

In the six years to 1989, the number of Māori children attending Kohanga Reo doubled. (8,724 children were enrolled, 98.6% who were Māori). At the end of 1990, 616 Kohanga had been opened.¹³⁵ These figures reflect the resurgence in the desire to retain te reo Māori and correlating mounting Māori disillusionment with the State's moves to recognise such Māori educational objectives.

A continuing concern has been the lack of facilities in primary and secondary schools to cater for the graduates of Kohanga Reo. Resources and programmes have not been available because greater importance was attached to multiculturalism than to biculturalism in the wider education system. A survey of bilingual and emersion classes, for example, in a number of North Island schools showed the lack of human resources these initiatives have. Only one third of the teachers were fluent Māori speakers, and 28% of the classes operated with no Kaiarahi reo or Kaiāwhina (language assistant support).¹³⁶

Dissatisfied with the State's lack of commitment to addressing Māori aspirations in education, prompted Māori to challenge the State to rectify the situation. The

¹³³ Government Review Of Te Kohanga Reo , September 1988, p.18.

¹³⁴ *ibid*, p.26.

¹³⁵ See Manatu Maori, *E Tipu E Rea, Maori Education -Current Status*, Wellington, 1991, p.2.

¹³⁶ *ibid*, p.36.

Māori Educational Development Conference held in March 1984 for example, made the following resolutions:

That we ask the Department of Education to dismantle the hierarchy of the subject pass-rate structure in the School Certificate examination which we see as discriminatory against Maori students and that the Department in consultation with the PPTA and the Maori community formulate a fairer means of evaluation: and that Maori parents withdraw their children from the present system if this is not done.

That Maori people have the right to 25% of Vote: Education (ie. 500, 000,00).

That in accordance with the United National (sic) Declaration on Human Rights all Maori communities have the right to have their children taught in their mother tongue.

This conference declares that the existing system of education is failing the Maori people and modification has not helped the situation, nor will they. Therefore we urge Maori withdrawal and the establishment of alternative schooling modelled on the principles underlying Kohanga Reo.¹³⁷

These and other Māori aspirations were inadequately addressed by the State. As forewarned Māori instigated further parallel education programmes for their children, committed to continuing the work of Kohanga Reo.

Kura Kaupapa Māori

The education system had failed to meet the challenge to cater for the needs of children leaving Kohanga Reo. While bilingual units were in place within the mainstream education programmes, children would their fluency in Te Reo Māori within a short space of time of entering a bilingual unit.

Kura Kaupapa Māori, a Māori primary school system, like Te Kohanga Reo was based upon the tikanga and te reo Māori. In these kura, the standard curriculum is taught in te reo Māori. As of April 1991 nine Kura Kaupapa Māori were receiving

¹³⁷ R. J. Walker, *The Maori Response to Education, A Paper Presented to the PPTA Conference on 'Secondary Education - The Maori Perspective', Waahi Marae, 13 April, 1984, p.5.*

State funding, these schools catering for an estimated 250 students.¹³⁸ There are other Kura also that are operating without any State funding.

There were many barriers initially, to gaining State recognition of this form of initiative. Although severely under resourced, the determination of Māori communities held the initiatives together.

A more recent development in Māori education has been the establishment of an independent Māori education authority, appropriately named Tino Rangatiratanga. It is envisaged that the authority will parallel iwi authority developments in that the objective is Māori regain control of the education of their people.¹³⁹

The manner in which Māori developments in education have occurred is a prime example of the way Māori attitudes to biculturalism have developed in the past decade. Dissatisfaction with the State's efforts to foster the Māori language and culture in schools stimulated Māori to establish their own alternatives.

National Māori Congress.

The Māori Congress, Te Whakakotahitanga o Ngā Iwi o Aotearoa is one of the most recent Māori initiatives that aims to maintain the mana motuhake of iwi Māori; to 'stand apart from Government and to insist on uncompromised independence'. Similar to pan tribal organisations of last century, the Congress' direction is based on whakakotahitanga, Māori mana motuhake and tino rangatiratanga. Its formation was inspired by rangatira including the late Sir James Henare and Te Reo Hura, past leader of the Ratana Church with Te Ataairangi Kahu, Māori Queen and Sir Hepi Te Heu Heu, Ariki of the Tu Wharetoa tribe.

Congress is an independent pan-tribal organisation whose functions are aimed solely at furthering the unity and prosperity of iwi Māori. It has established its own framework for operating firmly on Māori cultural, political and economic objectives for Māori development. The objectives of the National Māori Congress according to its Constitution are as follows:

¹³⁸ Manatu Maori, 1991, p.9.

¹³⁹ From a Tino Rangatiratanga Communique, July 1991.

1. To provide a national forum for iwi to address economic, social, cultural and political issues within tikanga Maori.
2. To promote the exercising by each iwi, of tino rangatiratanga.
3. To provide a forum which advances iwi nationhood.
4. To promote constitutional and legislative arrangements that enable Maori people to control their own right to development and self determination.
5. To monitor Government policy and legislation and its development and implementation insofar as such legislation/ policy affects of impacts upon iwi, Maori institutions of organisations, and Maori.
6. To advance, coordinate and promote a unified national iwi position/view/response on foreign policy matters, not only to the New Zealand Government, but internationally.
7. To carry out such administrative, financial, investment of other function or activity as may be considered necessary of desirable.
8. To carry out all functions economic, social, cultural and political in accordance with the Articles of the Treaty of Waitangi.
9. To assist iwi in developing and monitoring legislation by Government that affects iwi, Maori institutions or organisations, and Maori.
10. To advance all Maori people.¹⁴⁰

As it is an autonomous body, the Congress is not accountable to the State. There is no Pākehā representation or State participation within its structures. Although Congress is aware of the policies of the State and how they effect iwi Māori, these are not the focus of its activities.

...But it is equally important that the total activity of Congress not be limited to responding to short term and inconsistent policies of State. By electing to stand apart from Government, congress has undertaken to define its own policies and determine its own priorities. To do so it must be prepared not only to challenge the Crown when the Māori position is compromised, but also to set its own agenda based on the priorities identified by iwi....Yesterday the Runanga Iwi Act; today Ka Awatea; tomorrow...? Our people cannot be left dangling on the slender thread of political promise. It is now time for Māori policies to be determined by Māori. ¹⁴¹

¹⁴⁰ See Te Whakakotahitanga o Nga Iwi o Aotearoa me te Waipounamu, The National Maori Congress, *Hui-A-Tau*, Taupo Nui A Tia, 20 Hongongoi 1991.

¹⁴¹ Durie, M. H., *Whakakotahi, The National Maori Congress and The Formulation of Maori Policy*, An Address to the New Zealand Council of Trade Unions, Wellington, 8 October 1991.

Congress will have an increasingly active role in representing Māori interests in relation to the State, particularly as it has the mandate of iwi Maori to represent their interests. Māori-State relations will be fostered where bicultural processes are utilised in Congress-State interaction. There already examples of this happening which shall be considered in the following section.

The emergence of a National Māori Congress is indicative of current Māori development that re-emphasises utilisation of iwi social, cultural and political processes in fostering the culture and wellbeing of iwi Māori. Utilisation and adaptation of Pākehā institutions have not served Māori needs or provided the opportunities for Māori to fulfil their interests themselves.

Summary.

Māori expected biculturalism to facilitate an equitable relationship with the State that would embrace the sharing of power and resources between them. Māori continued to reassert the Treaty of Waitangi as the basis of this bicultural partnership between themselves and the State.

Māori lost patience with the State's continued lack of commitment to Māori priorities for socio-economic and political development. As a result, they developed their own alternatives such as Te Kohanga Reo and Kura Kaupapa Māori to implement their objectives that the State failed to uphold. In time independent Māori institutions were established to further fulfil this role.

Thus the desire for continued Māori mana motuhake and development within a shared Aotearoa/New Zealand society were pursued with the vigour reminiscent of the struggles experienced by Māori last century.

The stage was set for new forms of partnership to be explored and defined between Māori and the State via parallel and independent organisations.

Section Four.

Te Tūāpitianga.

He Moana Kē Ta Matawhānui,

He Moana Kē Ta Matawhaaiti.

*Recognise That There Are Oceans Of Knowledge,
Do Not Be Limited By Shortsightedness.*

Introduction.

The 1980's heralded new directions in relationships between the State and Māori. The two parties began to negotiate and search for solutions to the issues raised by the Māori protest movements of the previous decades pertaining to the Treaty of Waitangi, land grievances, concern for the future of te reo Māori and the desire by Māori for greater independence from the State. The negotiations resulted in limited concessions by the State. In the development of these concessions, the concept of biculturalism was adopted by both the State and Māori. It expressed their shared goals of power sharing and partnership. But while the two parties appeared to share the similar goals, in reality their expectations and reasons for accepting biculturalism, were quite different.

For the State the implementation of biculturalism would include the restructuring of its institutions to better cater for Māori needs and the refocussing of its policies to create avenues for greater Māori self reliance. Though in many instances the State responded positively to Māori aspirations, there was reluctance to seriously address demands for autonomy, except when they coincided with State policies. The State controlled the form and extent to which bicultural initiatives developed within its domain, according to its own understandings of biculturalism, as a means to alleviate Māori social and economic disadvantage, and as a limited exercise in power sharing.

While Māori also argued for biculturalism on the grounds of ameliorative liberalism, their expectations went further. Their objectives for biculturalism

included the building of a relationship as equal partners with the State, to be reflected in resource allocation, participation in decision making and the development of policies affecting Māori. Bicultural measures were argued to be a right of Māori as tangata whenua, and as such deserved special recognition within the shared structures of society but also within the concept of self determination for the pursuit of social, cultural and economic development.

The differing expectations and rationales for biculturalism as held by the State and Māori created confusion and tension; a consequence, in the words of Metge and Kinloch, of the two, 'talking past each other'.¹⁴² The State and Māori were unable to find ways to reconcile their varying understandings of biculturalism.

This section firstly examines the differing agendas of the State and Māori for biculturalism, highlighting the controversy over, and deficiencies of bicultural restructuring. Three situations are discussed, namely the devolution of the Department of Māori Affairs, the bicultural initiative at the Wharepaia of Carrington Hospital, and the debate over the separate Māori unit of the Department of Social Welfare in Lower Hutt.

The second part of this section looks at a method by which the differing agendas of the State and Māori might be further reconciled through bicultural processes. Whereas bicultural restructuring most often ended in the agendas of one party overriding those of the other, it is argued that bicultural processes may facilitate open communication between the State and Māori, whereby the objectives and expectations of each party are clearly set out and agreement is reached between parties. Bicultural processes thus have the potential to promote genuine power sharing.

¹⁴² See Joan Metge and Patricia Kinloch, *Talking Past Each Other Problems of Cross Cultural Communication*, Victoria University, Wellington, 1978.

8. The Interface: Conflicting Agendas.

Devolution.

The ambiguity in the State and Māori agendas for biculturalism was evident during the devolution of the Department of Māori Affairs. Both parties expressed interest in working toward a partnership relationship, to have resources previously administered by the department 'devolved' to iwi authorities, thus giving recognition to the tino rangatiratanga of iwi Māori. While these were the expressed intentions, the way in which this policy was implemented had its shortcomings, at least in the eyes of Māori. This was due to the parties' differing understandings of partnership and devolution.

The devolution of the Department of Māori Affairs in the transfer of its resources, service delivery responsibilities and some decision making power to iwi, can in part be attributed to the demands made on the State by the Māori political activism of the past two decades. Māori demanded the ratification of the Treaty of Waitangi and a commitment by the State to biculturalism, that being the sharing of power and resources between Māori and Pākehā. But the restructuring that occurred within the Department of Māori Affairs was part of a wider framework of devolution¹⁴³ involving all areas administered by the State. It was part of the monetarist economic policies that had been adopted since 1984 by the third Labour Government, advocating less State intervention in the market place and greater reliance on market forces to regulate the economy. Thus in the area of education, resources and decision making has been devolved to community elected Board of Trustees, in the health sector, Area Health Boards played a similar role. And in the case of the Department of Māori Affairs resources and responsibility were devolved from the State to iwi authorities.

¹⁴³ Hugh Oliver, 'Devolution-New Times or Old Times?' in *Sites* 20 (Autumn 1990), p.110-11, identifies three major characteristics of devolution. It involves: the transfer of decision making away from the central government to the local level; local decision makers selected by the community and not simply appointed by the central State; and a situation of dual accountability whereby decision makers are accountable to the community as well as the government.

The Department of Māori Affairs was disestablished in October 1989¹⁴⁴ and replaced by the Te Tira Ahu Iwi/Iwi Transition Agency and the Manatu Māori/Ministry of Māori Affairs. The new agencies were established within a limited time-frame, to assist iwi in the preparation of social and economic programmes for their people. The Runanga Iwi Act (1990), which was later repealed by the National Government, was a further step in the devolution process, its purpose being to give legal recognition to iwi authorities, to help the State identify a legally defined body with whom it could negotiate, and to whom resources and responsibilities, such as the Matua Whāngai programmes, MANA enterprises and MACESS could be devolved to.

There were some common goals shared by the State and Māori for devolution. Māori were willing to work with the State to pursue economic goals through capitalist enterprise. They too were keen to reduce the dependency of Māori on the State and to become self sufficient through tribal structures. This economic direction is epitomised by the Tu Tangata policy implemented by the Department of Māori Affairs in the late 1970's, and the recommendations of the Hui Taumata of 1984. The ultimate aim of those two initiatives was that Māori rights to self determination/*tino rangatiratanga* be recognised giving Māori greater control over their collective well-being. This was to be encouraged by redirecting funding for negative outputs, such as prisons and benefits, into the planning and implementation of programmes by Māori for their people, utilising many under-developed Māori resources, including the people themselves, the land and culture, in the process. Thus dependency on the State would be reduced because economic and social initiatives for Māori would emanate from a strong tribal base.

The State was also in favour of greater Māori self reliance. Its new economic direction aimed at relinquishing many of what had been its own responsibilities, back to the community. The promotion of partnership with iwi was a major thrust of the devolution policy. The State considered its 'principal objectives' included honouring the principles of the Treaty, promoting decision making in the machinery of government, providing opportunities for Māori people to

¹⁴⁴ See Kelsey 1990 and Augie Fleras, 'Tuku Rangatiratanga': Devolution in Iwi-Government Relations', in Paul Spoonley, David Pearson and Cluny MacPherson (eds.) *Nga Take*, Palmerston North, 1991, for further background information regarding the decision to replace the Department of Maori Affairs.

actively participate in policy formulation and service delivery, on jointly agreed terms, and encouraging Māori participation in the political process.¹⁴⁵

Whilst on the surface it appeared that the State and Māori had common interests in devolution, philosophical differences as to the extent of the new partnership arrangements between State and Māori institutions soon became evident.

Māori were concerned at the lack of consultation in drawing up the new policy direction expressed in *Tirohanga Rangapu/Partnership Perspectives*. Māori complained it was a 'fixed statement of Government policy rather than a consultative document'. They also were concerned about the ability of other government departments to respond to Māori needs, in the manner the Department of Māori Affairs had.¹⁴⁶ Having listened to Māori concerns, *Te Urupare Rangapu* was written as the State's response to Māori apprehensions. The content of this second document differed little from that of its predecessor.

The devolution of Māori Affairs programmes paralleled the general restructuring of the central State. While it may have appeared to give Māori greater control over their affairs, through devolving to the former government administered programmes, it suited the State's agenda to reduce its expenditure and lessen its own responsibility for such programmes, while maintaining ultimate control through strict accountability mechanisms. As Kelsey argued, devolution enabled the State to use iwi like a 'private sector delivery mechanism for social services'.¹⁴⁷

To be eligible to operate State funded and administered programmes, iwi had to meet a number of criteria, stipulated by the State or else risk receiving no support. A particular sore point with Māori was that the *Runanga Iwi Act* had the effect of the State defining an iwi. Devolution became a means for the State to dominate Māori opposition to its policies without resorting to coercive methods of retaining control. The *Runanga Iwi Act* is an example of the State co-opting iwi both politically and economically into its industrial capitalist economy. Partnership had

¹⁴⁵ Department of Maori Affairs, *He Urepare Rangapu/Partnership Response*, Wellington, 1989.

¹⁴⁶ See *Synopsis of Submissions on 'He Tirohanga Rangapu'*, Report to Minister of Maori Affairs, July 1988.

¹⁴⁷ Kelsey, 1990, p.251.

been overtaken by a move that would see Māori authorities as agencies of the State with little real opportunity to influence or monitor Māori policy.

The process of devolution also enabled the central State to divert Māori and other opposition to its policies and actions to the local level. Oliver also argues that the struggle for funding and power will be focussed at the local level because 'those who spend time and effort lobbying an unresponsive government for funding will be diverted from the local struggle for shares in what is actually available'. Those who lobby the government at the national level 'will simply be referred back to the local authorities by the ministers and departmental officials'.¹⁴⁸

The priorities of the two parties were never reconciled. Both the State and Māori appeared to share similar interests, they employed the same terminologies, but in terms of their individual agendas. While from the outset Māori had their reservations about the true motivations behind this line of policy, the reality of the situation was that many felt there no choice but to go with the changes. For Māori, devolution was seen as an opportunity to allow greater self determination and a return of resources to facilitate greater economic independence. But the State's intentions, although expressing similar sentiments¹⁴⁹ were for a limited sharing of power with Māori.

Te Whare Paia.

The Whare Paia was one of three bicultural units set up for Māori psychiatric patients at Carrington Hospital, Auckland during the 1980's. The controversy that surrounded its operations epitomises the confusion inherent in many bicultural initiatives pursued jointly by the State and Māori.

The tensions that arose between the staff of the Whare Paia and the Hospital's authorities were attributed to their varying perceptions of appropriate management practices, and accountability of the Whare Paia to the hospital authorities. The staff of the Whare Paia, under the leadership of Titewhai

¹⁴⁸ Oliver 1990, p113.

¹⁴⁹ See Department of Maori Affairs, *He Tirohanga Rangapu/Partnership Perspectives*, Wellington, 1988, and Department of Maori Affairs, *Te Urupare Rangapu/Partnership Response*, Wellington, 1988.

Harawira, were under the impression that they had a measure more independence than the hospital authorities were later willing to allow.

Titewhai Harawira defended the methods of treatment employed by the Whare Paia. She argued the unit should have greater independence from the hospital's administration, blaming racism and jealousy for the call for greater control by the Auckland Hospital Board.¹⁵⁰ By comparison the Chairman of the Board, Sir Frank Rutter, was opposed to the Māori unit's isolation, independence and unwillingness to accept hospital management or auditing. 'This (unwillingness) must cease forthwith and the Māori units must acknowledge they are departments of the hospital subject to all the management decisions of that hospital...' Sir Frank Rutter commented.¹⁵¹

Criticism was also forthcoming from the outside Māori community. Some felt that Māori health initiatives had been 'hijacked by radicals' and their practices were not based on a genuine appreciation of tikanga Māori. The absence of Kaumātua was cited as an example. The responsibility for the trouble at Whare Paia was also that of the Hospital Board who had allowed the situation to develop. It was felt that it was a deliberate effort by the Hospital Board to ensure that the initiative failed.¹⁵²

Staff members of Whare Paia were accused of physically abusing patients and misusing hospital facilities. Concern was expressed that the standard of health care given in the unit was substandard and that patients were performing duties that should have been carried out by staff members. Irregular release of dangerous patients, who would be readmitted very soon after their release was also a source of criticism.¹⁵³

An atmosphere of distrust developed between Māori and the hospitals administration and non Māori staff. This was not aided by the fact outside staff were denied access to Whare Paia.

¹⁵⁰ See 'Maori Units Fight for Independence', in *The Auckland Herald* 21/4/88

¹⁵¹ See Tony Berends 'Maori Say Mason Report Bang On' in *The Auckland Herald*, 10/10/88 and Adam Gifford, 'Tauroa: Harawira Power Excessive' in *The Auckland Star*, 19/10/88.

¹⁵² *ibid.*

¹⁵³ Report of The Committee Of Inquiry Into Procedures Used In Certain Psychiatric Hospitals In Relation To Admission, Discharge Or Release On Leave Of Certain Classes Of Patients, *Psychiatric Report 1988*, Wellington 1988. Part Five, pp.170-177.

A Committee of Enquiry that had been established to consider the practices of certain psychiatric hospitals was sent to investigate the situation at Te Whare Paia. The Mason Report (1988), the result of the inquiry, highlighted the confusion at Carrington Hospital over the accountability of Whare Paia Staff to the hospital's management, and concern expressed as to its methods of treating patients. Questions were raised in the review about the accountability systems in place and the methods and style of management used by the staff of the Whare Paia.

A debate then ensued over who was actually in charge of the unit....the ensuing confusion was a testament to the lack of clear lines of responsibility and accountability in Carrington Hospital and the Auckland Hospital Board in respect of the Whare Paia.¹⁵⁴

...there appeared to be some contradictions in the stated philosophies of the Whare Paia. We were told that some in the Whare Paia completely rejected the practices and values of Western psychiatry, while others sought a partnership to reap the benefits of both Māori and non Māori practices. When this contradiction was identified, it was not adequately or satisfactorily explained. The Maori members of the Assessment Team expressed some reservations as to the quality of taha Māori being practiced within Whare Paia. They were concerned that there were not Kaumatua present. They were also concerned that there was no depth of taha Māori , taha wairua, tikanga Māori or Te Reo...

The Assessment Team reported that the staff of Carrington Hospital regarded the Whare Paia unit as being too independent, as being careless of hospital etiquette, and acting in disregard of the ordinary lines of communication. There were claims of carelessness regarding the reporting of leave for special patients. They said that the staff in the Whare Paia were resentful of attention and criticism.¹⁵⁵

A later report undertaken by past race relations conciliator, Hiwi Tauroa came to similar conclusions. His investigations found that the Whare Paia was being run at a far greater expense than the rate per patient in Carrington Hospital's other wards. Nor was there support from the Māori community at large for the views of the staff at Whare Paia.

¹⁵⁴ *ibid*, p.172.

¹⁵⁵ *ibid*, p.174.

The tensions between the State and Māori in their understandings of the functions of Māori health initiatives were evident in the submissions made by Māori to the Committee of Enquiry. While they may not have supported the Whare Paia in particular, Māori had a number of concerns relating to the responsiveness of health authorities to Māori views of health care. The submissions received from Māori focussed on what was considered to be a 'lack of commitment by the Department of Health to the principles of the Treaty of Waitangi' and the need for effective consultation with 'Māori groups representing all iwi groups in the area'. Concern was also expressed about the monocultural nature of training programmes, over who had authority to select the aspects of Māori culture to be implemented, and the conflict that often arose between Māori and Pākehā values of health.

Health professionals are rarely educated in taha Maori or in the application of taha Maori to the service they provide. Many current training programmes create a barrier to Maori people entering the health professions. Most of the programmes are monocultural...

Patients are assessed largely in terms of Western psychiatry. There is little acknowledgment of the impact of culture, family and spiritual being on identity. Differences between Maori and pakeha were often neglected in a psychiatric assessment. This "gatekeeping" process was seen as the appropriate time to involve people with a knowledge of taha Maori.¹⁵⁶

The confusion over the status of Te Whare Paia was the cause of much tension between the Māori staff and hospital management. The media's sensational treatment of the dispute did nothing to facilitate better understanding of the issues involved at the Whare Paia. While the intention for a psychiatric service that was sensitive to Māori values was shared, the expectations of both the State (in this case the health authorities) and Māori groups involved, in terms of accountability and mental health practices, were inadequately explored and poorly communicated. Misunderstandings occurred as a result, that led to confrontation between hospital officials and Whare Paia staff. The health authorities on the one hand, were under the impression that Te Whare Paia was like its other wards, subject to the same levels of accountability, while the staff of Te Whare Paia had thought their unit was largely autonomous from the rest of the Hospital and thus had not foreseen that accountability would be as stringently imposed.

¹⁵⁶ *ibid*, p.178.

This scenario illustrates how bicultural initiatives that are not planned carefully with both State and Māori involved in the process, can lead to misunderstandings over accountability and procedures. Care must be taken to ensure that the Māori community at large are involved in the decision making process and that those given the responsibility for facilitating such initiatives have the support of the community.

The D.S W. 'Separate Māori Unit'.

A similar situation to Te Whare Paia developed at the Lower Hutt branch of the Department of Social Welfare where misunderstandings between the State and Māori had occurred as to the nature of an initiative implemented as an expression of biculturalism.

In March 1990, after discussions between the local Māori community and staff of the Lower Hutt branch of the Department of Social Welfare, a Māori social work team began operating within the branch. The unit was established because the above groups felt the Department's Maori clients would be best served by Māori social workers. The arrangement seemed to be working successfully. Fewer Māori children in the district were in State care and the initiative was seen as a first step toward iwi having greater control of the social services under the government's devolution policies.¹⁵⁷

The unit had been operating for six months before the revelation that a 'separate' Māori social work unit was operating in Lower Hutt became the subject of public and government condemnation. The Minister of Social Welfare at the time, Michael Cullen, accepted no responsibility for the unit, denying prior knowledge of its existence. The Minister stated that such a unit was unacceptable and demanded an immediate investigation into the matter. The operation of the unit was labelled as 'racial favouritism' and 'segregation' by Social Welfare Chief Executive, John Grant. He urged Māori 'to look beyond a Māoris only policy in their efforts to implement biculturalism'. The hiring of staff because they belonged to a certain ethnic group was not part of Government policies :

¹⁵⁷ Moerangi Vercoe, 'Maori Work Team Plan Still On Drawing Board' in *The Dominion*, 14/8/90.

Staff are required to exercise due cultural sensitivity while at the same time delivering a service that is fair to all... It must be clear, however that selection does not rest on grounds of ethnicity. Nor should job descriptions be written in such a way as to make it impossible for all but members of one ethnic group to succeed.¹⁵⁸

Mr Grant was adamant that while diversity within the Department's structures was to be encouraged to meet individual client and community needs, accountability and service delivery 'within the framework of law and within the rules of public service' were unquestionable.¹⁵⁹

In this instance there was again confusion over the degree of autonomy State-instigated bicultural initiatives allowed Māori. The recommendations of the Puaoteata Report 1986, that were adopted by the Department of Social Welfare, challenged the Department to be more responsive to Māori perspectives and to deliver more culturally appropriate services to Māori. The Māori community and social work staff in the Lower Hutt branch of the DSW had understood the recommendations to allow for parallel Māori structures with non Māori structures, while the senior management held more conservative understandings. They were extremely critical of the bicultural initiative implemented in Lower Hutt. In their view the separate nature of the unit, in that it was operated by Māori staff for Māori clients was excessive. The Minister, Michael Cullen was quoted as favouring instead a proper biculturalism 'which is not the same thing as a liberal version of apartheid which is what things will amount to if we continue down the same path'.¹⁶⁰ The senior management's understandings of the kind of bicultural arrangements that would ensue were that the present structures be adapted to better cater for Māori, rather than separate facilities for Māori be established.

It is disturbing that almost four years after the Puaoteata Report was adopted by the Department of Social Welfare, there remained confusion over the nature and extent of biculturalism, and the manner it would be implemented within the organisation.

158 Steve Raea, 'Welfare Head Won't Tolerate Race Favouritism' in *The Dominion*, 4/8/90.

159 *ibid.*

160 From the Editorial, *The Daily News* New Plymouth, 1/8/90.

These three cases, the devolution of the Department of Māori Affairs, Te Whare Paia and the DSW Māori unit emphasise that while both the State and Māori came to agree that there was a need for bicultural restructuring of the State to better serve Māori, their understandings and expectations of what biculturalism would entail, were not synonymous. For the State, bicultural initiatives would increase Māori participation within State institutions, but consultation with Māori would only be limited. Some adaptation of State structures was accepted as necessary, but only that which would not necessitate fundamental changes to the balance of power, that rested firmly with the State. As the above cases illustrate, any alterations to the State in the name of biculturalism would only occur if the State maintained the degree of control, through policy making and accountability measures that it claimed to be its right.

Māori, on the other hand had greater expectations of what might eventuate from a bicultural partnership with the State. They anticipated that Māori-State bicultural programmes would recognise their rights as tangata whenua and allow them to have far greater, if not complete control over the initiatives designed to meet their needs.

The varying expectations of the two parties and the inability to find a common standpoint from which to negotiate over the extent of power sharing, led to considerable tension. Relatively few bicultural initiatives have resulted in a genuine sharing of resources, and authority between the State and Māori. They have usually resulted in the adaptation of the present system, with little fundamental change occurring. The adaptation has to a greater extent been defined and limited by State imposed criteria.

9. Bicultural Processes: A Means For Genuine Powersharing?

To date, bicultural initiatives have tended to focus on the adaptation of State organisations and structures to accommodate cultural diversity, in this case, to accommodate Māori perspectives. But the restructuring approach has been unable to balance the goals and expectations of both parties involved. In most instances the State has been in the position to determine the nature of bicultural policies

and practices according to its own priorities, in a way that did not require fundamental changes to the monocultural nature of the its organisations.

The result for Māori has been that bicultural restructuring fell short of meeting their aspirations for power sharing and allowing them the autonomy to develop according to their own aspirations. Māori disillusionment with bicultural rearrangements within the State became more obvious toward the end of the last decade. Māori initiated their own structures to facilitate attainment of their goals, that would not be hindered by the State's lack of commitment to genuine sharing of power.

The pursuit of other avenues of implementing biculturalism, that might better express bicultural partnership between the State and Māori, have been overshadowed by a narrow focus on institutional restructuring. Bicultural processes, which facilitate arrangements between Māori and State organisations, rather than accommodation of Māori perspectives within a State defined environment (as is the case in bicultural restructuring) is one such avenue.

The 'biculturalness' of bicultural processes is not achieved by necessarily adopting the values and perspectives of the other party or by two cultural perspectives being adopted within a single institution. Instead a bicultural relationship develops from focussing on the procedures in negotiating for resources and decision making, between the State and Māori.

Bicultural processes are a means to facilitate negotiations between State and independent Māori organisations. With the increasing number of independent and parallel Maori institutions, bicultural processes could play an important role in maintaining communication between Māori institutions and their mainstream alternatives. In this way Māori could pursue their own goals for development without being hindered by stringent State rules and regulations .

Bicultural processes should be viewed as another alternative to bicultural restructuring, rather than as its replacement. There will be circumstances when one option will be more appropriate than the other or when both can be simultaneously utilised. Biculturalism within State structures should continue as a means to serve its Māori clientele, but where Māori institutions are in place to

cater to the needs of Māori, processes that result in the sharing of authority and resources between Māori and Pākehā will be needed.

Conditions for Bicultural Processes.

The following are some of the considerations that are involved in establishing bicultural processes. It should be noted that these are only examples of the possibilities that could be followed, and are no means definitive. While bicultural processes will vary from situation to situation, the most important factor remains that both the Māori and Pākehā parties involved are agreeable to the conditions set.

Structures. Bicultural processes allow joint ventures to occur between independent and parallel State and Māori institutions, at all levels, national, regional and local. They may also be used to facilitate joint planning between Maori and Pākehā/mainstream bodies within a single organisation. By focussing on the method by which decisions are arrived, the institutions/groups themselves need not necessarily be required to undergo bicultural restructuring.

Personnel. Both of the State and Māori organisations involved could choose their own representatives to negotiate on their behalf. At all stages from inspiration (such as in determining the terms of reference) to completion, (implementing the recommendations) the representatives of both parties, in equal numbers, are involved in the planning, processing and decision making.

Planning and Procedures. Both partners would be involved in all stages of planning in any joint venture. Ideally, arrangements would incorporate both tikanga Māori and tikanga Pākehā. If meeting on a marae, tikanga Māori would prevail and it would be expected that the representatives of the State organisation be competent and familiar with the procedures used there. If negotiations were to take place at Parliament instead, then the norms of that situation would be assumed. The main priority is that both partners are involved in determining the procedures to be followed and that the outcomes, as much as the process itself is agreeable to both.

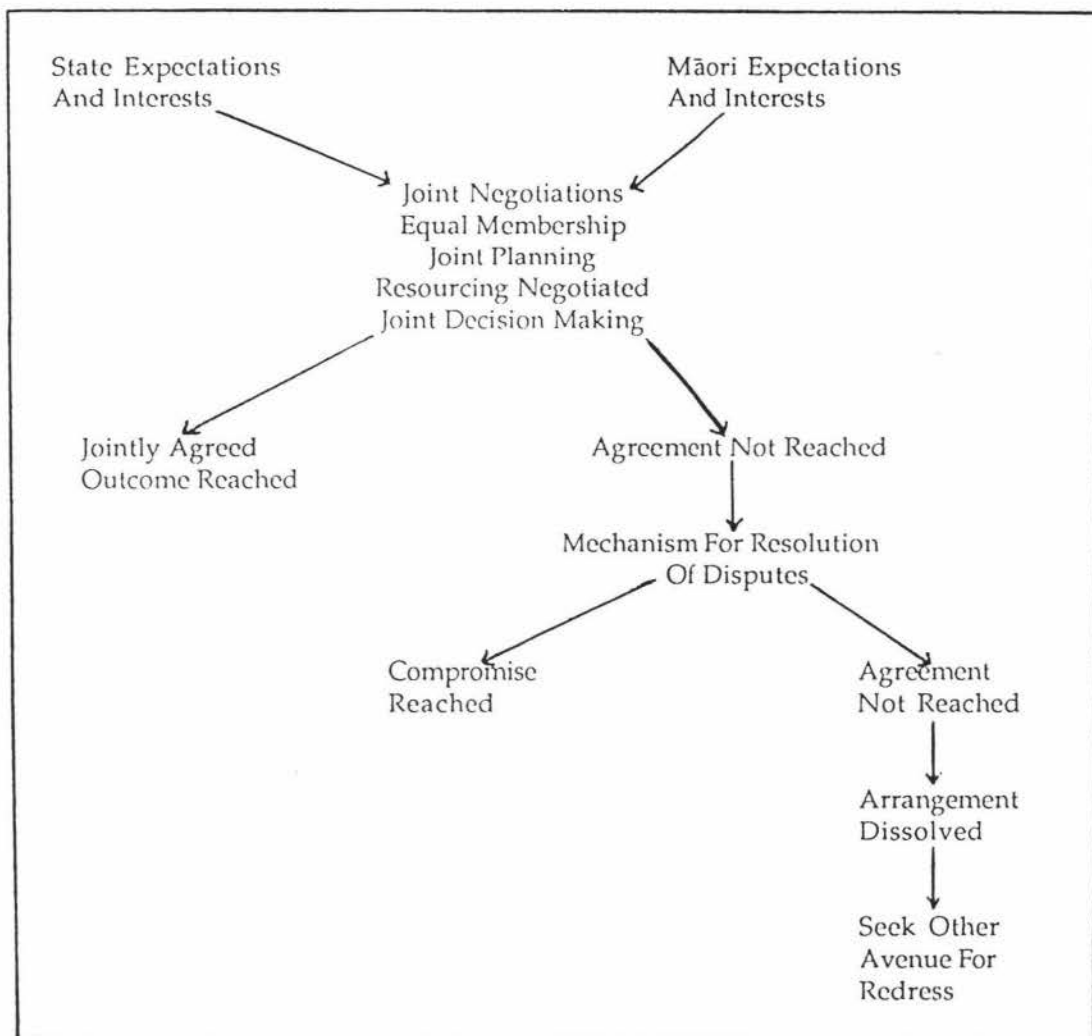
Resourcing. Whereas costs might be saved from not needing to reconstitute organisational structures and procedures, the need may arise for research to be undertaken to clarify points of issue. It would be for the parties involved to negotiate how costs would be met and to determine what resources, if any, might be transferred from one to the other.

Accountability. The chosen representatives would of course be accountable to their parent bodies. Both parties would be bound by the predetermined conditions that had been jointly agreed to. There would also be a requirement for accountability for the public funds used.

Measures for Resolution of Disputes. With negotiations of this nature, there would no doubt be instances when a compromise could not be reached by the State/Pākehā and Māori negotiators. In anticipation of such a situation occurring, a mechanism, agreed upon by both parties, for the resolution of disputes should be clearly defined during initial planning. The mechanism could take the form of a neutral mediator, or body representative of both parties.

The following Table illustrates how bicultural processes may be initiated keeping the above points in mind.

Table 3
AN EXAMPLE OF A BICULTURAL PROCESS.



Advantages and Limitations of Bicultural Processes.

There are several advantages in pursuing bicultural processes rather than bicultural restructuring.

Genuine forms of partnership and representation can be developed via bicultural processes. Both parties would be able to choose their own spokespeople and have

equal say in decision-making. The aspirations of both parties would be taken into full consideration, though compromise on both sides may be necessary at times.

Ideally neither party would dominate the other as bicultural processes would not permit one party to determine the conditions affecting the partnership alone. Thus the independence of iwi to develop according to their own objectives would be retained because they would not ultimately be accountable to the State.

Bicultural processes provide for direct negotiation between Māori and the State. The advantage here is that time and resources would be saved as intermediary channels for negotiation, such as the courts or the Waitangi Tribunal, would become unnecessary, unless specifically chosen by both parties as the nominated mechanism for dispute resolution. The process approach would also result in satisfactory outcomes that both parties would agree to, whereas adversarial outcomes are more likely to emanate from these other bodies.

The processes can be relatively uncomplicated arrangements, that do not necessarily involve great cost. Where processes implemented are within both parties' economic means, the economic disparity between the parties may not be strongly reflected in the outcomes achieved. This would be the closest situation to equal outcomes for both parties realistically possible, unless and until the disparity was actually to be redressed.

It is noteworthy that this initiative for biculturalism involves processes. Processes inherently denote adaption, change, and modification. They do not imply a static state. Bicultural processes are flexible and readily adaptable to the constantly changing conditions of our society. Applying this to Māori-State relationships, the idea of a flexible, ever-evolving partnership comes to mind. This holds promise for a New Zealand/Aotearoa society in which Māori would fully participate, contribute to and share; it is a far cry from current State, and to some degree Māori perceptions of the purpose of bicultural initiatives: to redress Māori socio-economic disadvantage.

Bicultural processes can simultaneously be both forms of biculturalism in themselves, as well as vehicles to attain bicultural outcomes. This has very positive implications for State-Māori relations. Working toward biculturalism by first being bicultural oneself would engender goodwill between parties, and help

overcome scepticism regarding parties' real motivations for, and commitment to biculturalism.

Employing bicultural processes rather than restructuring is not without its shortcomings. Resourcing is one point for concern. Obviously the two parties do not have access to the same quality or quantity of resources. Māori have very few resources, compared to those available to the State. This factor could severely disadvantage Māori in pursuing such arrangements with the State. Often, the setting up of such processes agreeable to both the State and Māori, will require detailed historical and legal research. There is little onus for the State to necessarily cover all the costs involved. And should the State accept responsibility for the funding of such arrangements, it is quite possible that it might do so only under conditions that may disadvantage Māori in the decision making process.

Nor is it always clear who is the correct group or organisation to negotiate with in establishing bicultural processes. The State counterpart in any arrangement could be the local, regional or central government. Likewise the Māori counterpart could include one or many iwi, a non tribal group or pan tribal organisation. Cases have been known in recent years where there has been greater consultation between the State and Māori, but of the wrong sort. Either the wrong people were consulted or the right people who should have been, were not consulted at all. Again thorough research is necessary to anticipate problems of this nature.

Bicultural processes as opposed to restructuring that occurs mainly within the domain of the State, are able to overcome some of the difficulties in meeting both the State and Māori expectations. As the following examples will demonstrate, it takes a considerable amount of time and negotiation to work out arrangements that suit both parties. Flexibility, compromise and patience on the part of both and the State and Maori are necessary.

Railcorp Agreement Between the State and Māori Congress.

A form which such processes may take at a national level of partnership, is illustrated by the agreement reached in 1991 between the State and the National Māori Congress with regard to the disposal of surplus Railcorp land. The agreement establishes structures for the review of surplus railway land designated

to be sold under the Railways Restructuring Act (1989), to ensure that Māori interests in the land are safeguarded.¹⁶¹ Some pockets of the land, it was found, may be subject to claims to the Waitangi Tribunal. Where claims are validated, some form of settlement is to be negotiated, with the Congress acting as a umbrella group for all iwi involved.

The agreement included the setting up of a joint secretariat and joint working party consisting of equal numbers of representatives of the Crown and Congress to investigate the possible interest Māori may have in the land set to be sold. The secretariat is responsible for determining whether there are claims by iwi to any of the surplus lands involved, and to validate any claims.

The iwi formally give their permission for the claim to be resolved under the agreement and for the Congress to act on its behalf in the procedures. The land in question is then categorised by the secretariat and one of the following recommendations is made to the Crown :

- a. Where a piece of the land is identified as wahi tapu, title to the land in question is recommended to be vested by the Crown to the iwi concerned.
- b. Where it is established there is no claim to the land in question, the Crown is free to dispose of the land at will.
- c. Where land is subject to a claim for which compensation as opposed to the land itself is sought. Once the compensation is paid the crown is free to sell the land.
- d. Where land is subject to a claim and the iwi wishing the land to be returned as compensation, the Crown is to vest the land to the relevant iwi.
- e. If the surplus land is situated within the vicinity of, but not specifically included in a claim, there is a possibility that the land become part of a settlement or compensation for that claim.¹⁶²

¹⁶¹ All information pertaining to the Railcorp arrangement is taken from the following source: Crown/Congress Joint Working Party, *Arrangements in Respect of Surplus Crown Railway Properties and Treaty of Waitangi Claims, Information Brief for Iwi*, November, 1991.

¹⁶² *ibid*, Attachment 3, Agreement p.4.

If the recommendations are not acceptable to the Crown or the iwi concerned then there are mechanisms in place for further negotiation. A mediator is able to be appointed by both parties, the Crown and iwi. If they are unable to agree upon who this might be the Chairman of the Tribunal is to decide. The mediator then makes recommendations to the Minister in Charge of Negotiations who, having consulted with the Secretary of Congress then accepts or rejects the recommendations made. If the Minister's actions are accepted by the iwi then one of the steps A to E is implemented. If no solution can be arrived at, the iwi is able to take their grievance to the Waitangi Tribunal or alternatively to the Courts.

Any modification of the arrangements requires discussion between the appointed representatives of the Crown and Congress. Reviews of the procedures are conducted by the Joint Working Party at set intervals and if either party is unsatisfied with the progress made then the agreement may be terminated. Costs are also determined by the joint working party.

The Anglican Church.

Another example of a bicultural processes that are to be established, is the recent constitutional changes made within the Anglican Church of New Zealand. Adaptations to the Constitution were finalised in 1991 and are to be confirmed in May, 1992. No changes to the proposed Constitution are to be made before this occurs.

In 1984 a bicultural commission was established by the general Synod of the church in New Zealand. This commission consisted of Māori and Pākehā members of the Church. Among its tasks, the commission was to investigate the Treaty of Waitangi and to consider the issues of partnership and bicultural development. After widespread consultation among both Māori and non Māori people it was to report back to the Synod with recommendations on how the Treaty might be better reflected in the 'legislation, institutions and general life of the Church'. One of the recommendations made by the commission was that the constitution be revised to 'better express the principles of bicultural development and partnership'.

The new Constitution recognises three cultural streams (tikanga) within the Anglican Church in Aotearoa, New Zealand and Polynesia, and outlines the ways in which it shall endeavour to encourage bicultural development.

1. Tikanga Māori, to which expression is given in Te Pihopatanga o Aotearoa;
Tikanga Pākehā, to which expression is given in the New Zealand Dioceses;
Tikanga Pasifika, to which expression is given in the Diocese of Polynesia.
2. There is a General Synod/Te Hinota Whānui in which the three partners express their unity in the Church.
3. Each partner's responsibilities for mission and ministry is expressed.¹⁶³

....And whereas (12) the principles of partnership and bicultural development require the Church to:

- (a) organise its affairs within each of the tikanga (social organisations, language, laws, principles, and procedure) of each partner;
- (b) be diligent in prescribing and in keeping open all avenues leading to the common ground;
- (c) maintain the right of every person to choose any particular expression of the faith,¹⁶⁴

Te Pihopatanga o Aotearoa is the Māori division of the Church. It administers to those Māori who wish to be administered to according to tikanga Māori.

The Pihopatanga o Aotearoa can determine its own structures and elects its own representatives to the General Synod/Te Hīnota Whānui for the three orders Bishops, Clergy and Laity. Each of the three dioceses are equally represented, and additional numbers from any or all of the dioceses are allowed as the General Synod/ Te Hīnota Whānui might see fit.

Te Pihopatanga o Aotearoa has a considerable amount of autonomy to make its own decisions for its diocese. It is able to choose its own representatives and

¹⁶³ *Te Pouhere o te Hahi Mihinare ki Aotearoa ki Niu Tirenī, ki Nga Moutere o Te Moana Nui a Kiwa, Constitution of The Anglican Church in Aotearoa, New Zealand and Polynesia*, pp. iii.

¹⁶⁴ *ibid*, pp. 10.

leadership, and have equal influence with the other divisions of the church in matters of common concern.

Te Runanga o te Pihopatanga o Aotearoa may within the limits and scope of its responsibilities, exercise all such powers and make all such regulations, not inconsistent with this Constitution or with any Canon or Regulation of the General Synod/Te Hinota Whānui, as may be necessary for the order and good government of the Church in Te Pihopatanga o Aotearoa.¹⁶⁵

The semi independence of Te Pihopatanga o Aotearoa and the agreement reached by the Crown and National Māori Congress illustrate the usefulness of bicultural processes in facilitating negotiations between two culturally distinct bodies. In both instances processes have been designed to ensure that the views of all parties concerned are respected and outcomes achieved that are of benefit to both Māori and Pākehā partners.

Summary.

The 1980's were a time of reshaping the relationship between the State and Māori. While biculturalism was adopted by both parties as a measure to recognise Māori rights and needs, there remained fundamental differences in their expectations of the extent of power-sharing between them. The resulting tensions were largely a consequence of the inadequacy of bicultural restructuring to give equal recognition to the State and Māori aspirations for biculturalism.

But as the 1990's approached, new measures came to emerge, that offered the possibility of working through, the fundamental differences in State-Māori views of biculturalism and their relationship generally. Bicultural processes allow for joint planning and decision making to occur in such a way that the outcomes of such arrangements are clear and agreeable to both the State/Pākehā and Māori .

¹⁶⁵ *ibid*, pp. 56.

Section Five

Te Haumāuiui. Conclusions.

*Piki Ake, Kake Ake Ki Te Ao Mārama.
Pursue and Strive For Enlightenment.*

Throughout the past one hundred and fifty two years of nationhood, the relationship between the New Zealand State and Māori has rarely been amicable. The two partners to the Treaty of Waitangi have, more often than not, been in disagreement over the extent to which Māori might retain some form of autonomy apart the State.

In the 1980s, there developed a concept which had the potential to embody the philosophy and intentions of power sharing, and which might have reconciled the two conflicting viewpoints. The concept, biculturalism, became synonymous with the latest round of negotiations, and conflict, in State-Māori relations.

While the State and Māori both embraced the notion of biculturalism, varying, and indeed conflicting agendas, could be discerned.

For the State, biculturalism was, and in 1992 continues to be adopted primarily as measure to counteract Māori social and economic disadvantage.

The State perceived that biculturalism entailed reorganising its institutions to better reflect the cultural diversity of this society, with special emphasis on the relationship between tangata whenua and the Crown. While the State's policies did make reference to the unique status of Māori as such, and their right to 'tino rangatiratanga' as guaranteed in the Treaty of Waitangi, the initiatives implemented by the State in the name of biculturalism, fell short of accepting Māori self determination. Foremost, its policies were a means of ensuring Māori as individuals, enjoyed equity in socio-economic outcomes with other New Zealanders. Ironically, iwi structures were employed as the vehicle for their implementation.

Attention had been drawn to the inherent racism in the operations and procedures of the State's organisations by Māori, and in reports issued by the State itself. Biculturalism was tentatively adopted within the State's institutions through limited restructuring; to accommodate Māori perspectives and provide culturally-sensitive services to its Māori clientele and to give some recognition, inadequate though it might be, to the Treaty of Waitangi. But more to the point bicultural restructuring and the relinquishing of State initiated social service programmes to iwi and other Māori organisations, conveniently coincided with the State's dominant economic agenda. As with the similar situations of 'devolution' in health and education, Māori were invited to partake in 'partnership' arrangements that lessened the responsibilities of the State, but ultimately allowed it to maintain control of the initiatives through stringent accountability measures and a tight grip on the purse strings.

Not surprisingly the State's initiatives, had only limited appeal to Māori.

Māori shared with the State the view that biculturalism was a necessary step to overcome Māori underdevelopment. But the State's perception of biculturalism was limited and constrained. For Māori, including iwi and non tribal organisations, biculturalism was premised primarily on their status as tangata whenua, which they argued entitled them to a continued right to self determination. Biculturalism was seen to entail an equal partnership with the State, to include power sharing and joint decision making.

While Māori were prepared to work through official channels to further their aspirations, the limitations of the State's bicultural initiatives, and a perceived lack of commitment by the State in accepting Māori viewpoints and priorities, only served to frustrate Māori. When patience wore thin, Māori went ahead and established their own initiatives such as Kohanga Reo and Kura Kaupapa Māori, involving Māori in all steps of implementation. Importantly, these initiatives were founded upon Māori priorities. Towards the decade's close, the desire for greater autonomy from the State, and genuine power sharing as partners took another step forward with the formation of an independent organisation representative of iwi Māori.

Clearly there was a need to examine the perspectives of biculturalism, if only to appreciate (and understand) their differences. The central theme in this thesis is that biculturalism is not a single, or static state. It has many meanings, and levels, each of which is premised on differing expectations and outcomes. The conflict and frustration, felt by the State and Māori stems from the lack of clarity in the underlying philosophies and objectives of biculturalism. Without a common understanding of outcomes and aims, misunderstandings between the State and Māori will continue. Only if the partners respect and appreciate each other's different perspectives and aspirations, will outcomes, more satisfactory to both partners be reached.

Bicultural restructuring within State institutions, is but one form of biculturalism. This form has proved incapable of meeting the objectives of both the State, and Māori, for biculturalism. A preoccupation with restructuring overlooks the potential of bicultural processes, for promoting genuine power sharing and mutual respect between State and Māori institutions.

For both Māori and the State, the vision of a bicultural society has emerged, though the images are distinct and blurred. It remains to be seen whether the relationship between the State and iwi Māori can progress significantly beyond the fleeting glimpses of a translucent biculturalism, to a sustained and clear picture of a bicultural Aotearoa/New Zealand.

Glossary.

Aotearoa	A Maori equivalent for New Zealand
ariki	high born
haka	posture dance
hapū	sub tribe, group of related whanau,
hui	meeting
iwi	tribe, group of related hapū
kaupapa	issue, plan, philosophy
kawenata	covenant
kāwanatanga	governance, governor
kotahitanga	Unity Movement, unification
kōrero	to speak (v)
kaupapa	plan, principle, philosophy
Kura	school
Mana	authority, power, prestige
motuhake	discrete, separate, independent
marae	courtyard in front of meeting house
Mātua	parents
Pākēhā	European (not Maori)
poi	ball on string used in posture dance (v)
rangatahi	youth
rangatiratanga	chieftainship, authority
rangatira	leader, chief
rūnanga	council
Taha Māori	Maori side (perspective): things Maori
tangata/tāngata	man, human, person
taonga	treasures, cultural heritage, property: anything highly valued
tauīwi	strange tribe, foreigner
Te kohanga Reo	Māori language nest
te reo Māori	the Maori language
tikanga	custom(s)
Tino Rangatiratanga	the unqualified exercise of chieftainship.
tipuna	ancestor(s)
tūrangawaewae	literally, 'standing place for the feet', place where rights as tangata whenua are exercised
waiata-a-ringa	action song
whakatauki	proverbial saying
whānau	family,
whāngai	feed, adopt

Appendix One:

Treaty of Waitangi English and Māori Texts

THE TREATY OF WAITANGI: ENGLISH VERSION

1840

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 - 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 necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to 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.

Article The First.

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.

Article The Second

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 as so long as it is in their wish and desire to retain the same in their possession; but the Chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article The Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and impart to them all the Rights and Privileges of British subjects.

William Hobson, Lieutenant Governor

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 to understand the Provisions of the foregoing Treaty, accept and enter into the same in then full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord, One Thousand Eight Hundred and Forty.

(Here follows signatures, dates, etc.)

TE TIRITI O WAITANGI: MAORI VERSION 1840

Ko Wikitoria te Kuini o Ingarangi, i tana mahara atawhai ki nga Rangatira me Nga Hapu o Nu Tirani, i tana hiahia hoki kia tohunga ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te ata noho hoki, kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira he kai whakarite ki nga tangata maori o Nu Tirani. Kia wakaetia e nga Rangatira maori te Kawanatanga o te Kuini, ki nga wahi katoa o te wenua nei me nga motu. Na te mea hoki he to komaha ke nga tanga o tona iwi kua noho ki tenei wenua, a e haere mai nei.

Na, ko te Kuini e hiahia ana kiaa wakaritea te Kawanatanga, kia kua ai nga kino e puta mai ki te tangata maori ki te pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau, a Wiremu Hopihona, he Kaapitana i te Roiara Nawa, hei Kawana mo nga wahi katoa o Nu Tirini, e tukua aiane amua atu ki te Kuini; e mea atu ana ia ki nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirini, me era Rangatira atu, enei ture ka koretia nei.

Ko Te Tuatahi

Ko nga Rangatira o te Wakaminenga, me nga Rangatira katoa hoki, kihai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te Kawanatanga katoa o o ratou wenua.

Ko Te Tuarua

Ko te Kuini o Ingarangi ka wakarite ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino Rangatiratanga o o ratou wenua o ratou kainga katoa. Otiia ko nga Rangatira o te Wakaminenga, me nga 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 kai hoko e meatia nei i te Kuini hei kai hoko mona.

Ko Te Tuatoru

He wakaritenga mai hoki tenei mo te wakaaenga ki te Kawanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirini. Ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) William Hobson,
Consul and Lieutenant-Governor.

Na meatia tenei ki Waitangi, i te ono o nga ra o Pepuere, i te tau kotahi mano, e waru rau, e wa takau, o to tatou Ariki.

TREATY OF WAITANGI: ENGLISH TRANSLATION OF MAORI VERSION. (BY PROFESSOR KAWHARU)

An English translation of the 1840 Maori version was prepared by Professor I H Kawharu and is printed below:

Victoria, the Queen of England, in her concern to protect the chiefs and sub-tribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator, one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen's Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this and others yet to come.

So the Queen so desires to establish a government so that no evil will come to the Maori and European living in the state of lawlessness.

So the Queen has appointed me, William Hobson, a captain in the Royal Navy, to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the other chiefs of the Confederation chiefs of the sub-tribes of New Zealand and other chiefs these laws set out here.

The First

The Chiefs of the Confederation and all the Chiefs who have not joined the Confederation, give absolutely to the Queen of England forever the complete government over their land.

The Second

The Queen of England agrees to protect the Chiefs, sub-tribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the other chiefs will sell to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchasing agent.

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 and will give them the same rights and duties of citizenship as the people of England.

Signed William Hobson
Consul and Lieutenant Governor

So we, the Chiefs of the Confederation and the sub-tribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and marks thus.

Was done at Waitangi on the sixth day of February in the year of our Lord 1840.

The Chiefs of the Confederation.

Appendix Two.

The Report of the Ministerial Advisory Committee on a Maori Perspective for the Department of Social Welfare.

(Puao-Te-Ata-Tu /Daybreak Report.)

SUMMARY OF RECOMMENDATIONS

Recommendation 1. (Guiding Principles and Objectives)

We recommend that the following social policy objective be endorsed by the Government for the development of Social Welfare policy in New Zealand:

"Objective

To attack all forms of cultural racism in New Zealand that result in the values and lifestyle of the dominant group being regarded as superior to those of other groups, especially Maori, by:

- (a) Providing leadership and programmes which help develop a society in which the values of all groups are of central importance to its enhancement; and
- (b) Incorporating the values, cultures and beliefs of the Maori people in all policies developed for the future of New Zealand "

Recommendation 2

We recommend that the following operational objective be endorsed:

"To attack and eliminate deprivation and alienation by:

- (a) Allocating an equitable share of resources.
- (b) Sharing power and authority over the use of resources.
- (c) Ensuring legislation which recognises social, cultural and economic values of all cultural groups and especially Maori people.
- (d) Developing strategies and initiatives which harness the potential of all of its people, and especially Maori People, to advance."

Recommendation 3 (Accountability)

We recommend that:

- (a) The Social security Commission be abolished and be replaced by a Social Welfare Commission. The new Commission shall consist of four principal officers of the department, two persons nominated by the Minister of Maori Affairs after consultation with the tribal authorities, and two persons nominated by the Minister of Women's Affairs. The Minister of Social Welfare may wish to consult the Minister of Pacific Island Affairs on the desirability of a ninth appointee.
- (b) The Social Welfare Commission, either at the request of the Minister or on its own motion shall:
 - (i) advise the Minister on the development and changes in policy and scope relation to social security, child and family welfare, community welfare of disabled persons and other functions of the Department of Social Welfare;
 - (ii) advise the Minister on the co-operation and co-ordination of social welfare activities among any organisations, including Departments of State and other agencies of the Crown or by any other organisations or tribal authority; and
 - (iii) consult at least once a year with representatives of tribal authorities at a national hui;
 - (iv) recommend of the Minister the appointment of and oversee the work of District Executive Committees for each Social Welfare District Office, and Management Committees for each Social Welfare Institution, and allocate appropriate budgets according to priorities set by these Committees.
- (c) District Executive Committees should be formed in each Social Welfare department district. Each Committee shall consist of up to 9 persons appointed from the community on the nomination of the Maori tribal authorities and the nominations of other community interests. The Director of Social Welfare (in Person) and the Director of Maori Affairs are to be members. The Chairperson shall be one of the non-public service members. Members are to be paid in the normal way.
- (d) The District Executive Committees shall be appointed by the Minister of Social Welfare under S13 of the Department of Social Welfare Act 1971, and shall report to the Social Welfare Commission and be responsible for assessing and setting priorities in consultation with the various tribal authorities for the funding of specific family and community welfare projects and initiatives in their areas; for preparing draft budgets for these projects for final approval by the Social Welfare Commission; and for

monitoring and reviewing the effectiveness of such projects and initiatives and the appropriateness and quality of the Department's range of services of the district it serves.

Recommendation 4 (Deficiencies in Law and Practice)

We recommend the following amendments to legislation:

- (a) The Social Welfare Act 1971 be amended to provide for the establishment of the Social Welfare Commission.
- (b) The Social Security Act 1964 be amended to provide for the following:
 - (i) Abolition of the Social Security Commission.
 - (ii) Clarify the law so that there is no impediment to verification of age and marital status being established from Marae or tribal records and that a Maori custom marriage is recognised for the purposes of the Social Security Act.
 - (iii) Restructuring of the unemployment benefit so that it can provide greater incentive to work, whether part time or full time, training or entrepreneurial initiative and to provide the flexibility through discretion for the Social Welfare Commission to develop variations of or alternatives to the individual.
 - (iv) Social Security benefit child supplements be made more readily available where the care of Maori children is transferred from natural parents to the grandparents or other relatives.
 - (v) Eligibility to orphans benefit provisions be extended to include the claims of unsupported children, so that payment can be made to whanau members who are looking after these children.
- (c) The Children and Young Persons Act 1974 be reviewed having regard to the following principles:
 - (i) That in the consideration of the welfare of a Maori child, regard must be had to the desirability of maintaining the child within the child's hapu;
 - (ii) that the whanau/hapu/iwi must be consulted and may be heard in Court of appropriate jurisdiction on the placement of a Maori child;
 - (iii) that Court officers, social workers, or any other person dealing with a Maori child should be required to make inquiries as the child's heritage and family links;

- (iv) that the process of law must enable the kinds of skills and experience required for dealing with Maori children and young persons hapu members to be demonstrate, understood and constantly applied

The approach in recommendation (iv) will require appropriate training mechanisms for all people involved with regard to customary cultural preferences and current Maori circumstances and aspirations;

- (v) that prior to any sentence for determination of a placement consult, and be seen to be consulting with, members of the child's hapu or with persons active in tribal affairs with a sound knowledge of the hapu concerned;
- (vi) that the childs family should be empowered to select Kai tiaki or members of the hapu with a right to speak for them;
- (vii) that authority should be given for the diversion of negative forms of expenditure towards programmes for positive Maori development through tribal authorities; these programmes to be aimed at improving Maori community service to the care of children and the relief of parents under stress..

Recommendation 5

We recommend that the Social Security Act be reviewed by the Social Welfare Commission with a view to removing the Complexity of conditions of eligibility and achieving rationalisation of benefit rates.

Recommendation 6 (Institutions)

We recommend that:

- (a) Management Committees drawn from local communities be established for each Social Welfare institution;
- (b) The Committees shall be appointed by the Minister of Social Welfare under S13 Department of Social Welfare Act 1971 and shall be responsible to the Social Welfare Commission for the direction of policy governing individual institutions, allocation resources, making recommendations on the selection of staff and for ensuring that programmes are related to needs of children and; young persons and are culturally appropriate;
- (c) Each Committee shall consist of up to 9 persons appointed to represent the community on the nomination of the Maori tribal authorities and on the nomination of other community interests and with one member to represent the Director-General of Social Welfare and one to represent

- the Secretary of Maori Affairs. The Chairperson will be a non-public servant member. Members are to be paid in the normal way;
- (d) As a priority the committees shall address the question of alternative community care utilising the extended family;
 - (e) The Committees shall have the right to report to the Social Welfare Commission on matters of departmental policy affecting the institutions.
 - (f) Funds be provided to enable children from institutions to be taken back to their tribal areas for short periods to give them knowledge of the history and nature of the areas and to teach them Maori language and culture;
 - (g) Provision be made to enable young people to be discharged to home or community care and to continue to attend schools attached to Social Welfare institutions.

Recommendation 7 (Maatua Whangai)

We recommend that:

- (a) The Maatua Whangai programme in respect to children return to its original focus of nurturing children within the family group;
- (b) Additional funding be allocated by the Department to the programme for board payments and grants to tribal trusts for tribal authorities to strengthen whanau/hapu/iwi development;
- (c) The funding mechanism be through the tribal authorities and be governed by the principle that the board payments should follow the child and be paid direct to the family of placement, quickly and accurately and accounted for to the Department in respect of each child. The programmes should be monitored for suitability of placement and quality of care;
- (d) The level of the reimbursement grant for volunteers be increased to a realistic level.

Recommendation 8 (Funding Initiatives)

We recommend that:

- (a) The Departments of Social Welfare, Education, Labour and Maori Affairs in consultation with tribal authorities promote and develop initiatives aimed at improving the skill and work experience of the young long term unemployed;
- (b) The proposed Social Welfare Commission meet with Maori authorities to consider areas of needed investment in urban and rural districts to promote the social and cultural skills of young Maori people and to promote training and employment opportunities for them.

Recommendation 9 (Recruitment and Staffing)

We recommend that:

- (a) Job descriptions for all staff acknowledge where appropriate the requirements necessary for the officer to relate to the community including the needs of Maori and Maori community;
- (b) Interview panels should include a person or persons knowledgeable in Maoritanga;
- (c) The Department provide additional training programmes to develop understanding and awareness of Maori and cultural issues among departmental staff;
- (d) Additional training positions be established for training in Maoritanga;
- (e) Provision be made for the employment of staff to provide temporary relief while other staff attend training;
- (f) Assistance be provided to local Maori groups offering Maoritanga programmes for staff; and
- (g) The Department accredit appropriate Maori people to assist in field and reception work.

Recommendation 10 (Training)

We recommend that:

- (a) The Department take argent steps to improve its training performance in all aspects of its work;
- (b) The State Services Commission undertake an analysis of the training needs of all departments which deliver social services;
- (c) The State Services Commission assess the extent to which tertiary social work courses are meeting cultural needs for those public servants seconded as students to the courses;
- (d) The Department in consultation with the Department of Maori Affairs identify suitable people to institute training programmes to provide a Maori perspective for training courses more directly related to the needs of the Maori people.
- (e)
 - (i) additional training positions be established for training in Maoritanga at the district level;
 - (ii) provision be made for the employment of staff to provide temporary relief while other staff attend training;
 - (iii) assistance be provided to local Maori groups offering Maoritanga programmes.

Recommendation 11 (Communication)

- (a) The Department ensure appropriate advice to its information staff on the specific public relations and information needs of particular ethnic groups, and to assist with interpretation and translation into Maori;

- (b) Immediate steps be taken to continue to improve the design and function of public reception areas;
- (c) An immediate review be undertaken by an appropriate firm of consultants of the range of all application forms to reduce their complexity;
- (d) That funds be allocated to Social Welfare district offices with a high Maori population to provide some remuneration to Maori people who provide assistance to Social Welfare staff in dealing with Maori clients;
- (e) A toll free calling service to Social Welfare district offices be installed to enable all Social Welfare clients living outside toll-free calling areas to ring the Department free-of-charge (rural areas);
- (f) A general funding programme be established which could be drawn on by rural area for community self-help projects. These funds could be used for example, to employ a community worker, or to provide back-up funds for voluntary work.

Recommendation 12 (Interdepartmental Co-ordination)

We recommend that:

- (a) The Terms of Reference for the intended Royal Commission on Social Policy take account of the issues raised in the Committee's report;
- (b) The State Services Commission take immediate action to ensure that more effective co-ordination of the State Social Service agencies occurs.

Recommendation 13 (Comprehensive Approach)

We recommend that:

- (a) Immediate action be taken to address in a comprehensive manner across a broad front of central Government, local Government, Maori tribal authorities and the community at large, the cultural, economic and social problems that are creating serious tensions in our major cities and in certain other outlying areas;
- (b) The aim of this approach be to create the opportunity for community effort to:
 - (i) plan, direct, control and co-ordinate the effort of central Government, local Government, tribal authorities and structures, other cultural structures, business community and Maoridom;
 - (ii) harness the initiatives of the Maori people and the community at large to help address the problems;
- (c) The Cabinet Committee on Social Equity and the Permanent Heads be responsible for planning and directing the co-ordination of resources knowledge and experience required to promote and sustain community responses and invite representatives of commerce, business, Maoridom, local Government and community leaders to share in this task.

Bibliography.

Primary Sources.

I. Official Material.

- Asher, George, and David Naulls, *Maori Land*, Planning Paper No.29, New Zealand Planning Council, Wellington, March 1987.
- Barge, Brian, and Raymond Hikaroa, *Implementation of Waitangi Tribunal Recommendations: A Report on Progress*, Department of Justice Treaty of Waitangi Policy Unit, 1991. (Unpublished).
- Baucke, Harata, Thom Kenny, Te Rehia Komene, John McLean and Trevor Wi-Kaitaia, *He Kai He Kai, Puaote-Ata-Tu Management Development Programme*, 26 March 1991.(Unpublished).
- Benton, Richard A., *Language Policy in New Zealand 1840-1982*. Te Wahanga Maori Occasional Paper No.9, Wellington, 1982.
- Committee of Inquiry, Report of the, Into Procedures Used in Certain Hospitals in Relation to Admission, Discharge or Release on Leave of Certain Classes of Patients, *Psychiatric Report*, August 1988.
- Court of Appeal, *The Treaty of Waitangi in the Court of Appeal*, Wellington, 1987.
- Department of Aboriginal Affairs, *Background Notes on Aboriginal Self-Management*, Canberra, 1983.
- Department of Education, *He Huarahi, Report of the National Advisory Committee on Maori Education*, Wellington, 1980.
- Department of Education, *Taha Maori in Schools: suggestions for getting started*, 1984.
- Department of Justice, Information Section, Waitangi Tribunal Division, *A Guide to Completing a Claim to the Waitangi Tribunal*, 1990.
- Department of Justice, Waitangi Tribunal, *Muriwhenua Fishing Report*, Wellington, 1988.
- Department of Labour, *Maori Perspective Action Plan 1989/90, Te Kaupapa Maori mo te Tari Mahi*, n.d.[1989].
- Department of Maori Affairs, *He Tirohanga Rangapu. Partnership Perspectives*, Wellington, 1988.
- Department of Maori Affairs, *Integration of Maori and Pakeha.,No 1 in Series of Special Studies*. R.E Owen, Wellington, 1962.
- Department of Maori Affairs, (ed.) *Nga Korero me nga Wawata mo te Tiriti o Waitangi*, 1985, (Facsimile report of the Treaty of Waitangi Hui- Waitangi 1985)
- Department of Maori Affairs, Presented by G. V. Butterworth, Historian Consultant, *Aotearoa 1769-1988: Towards a Tribal Perspective*, August 1988.
- Department of Maori Affairs, *Maatua Whangai Policy*, Wellington, n.d.[1988].
- Department of Maori Affairs, *Te Urupare Rangapu/Partnership Response*, Wellington, November 1988.
- Department of Social Welfare, Maori Advisory Unit Report, (He Ara ki te Aomarama), 1985.
- Government Review Team, *Government Review of Te Kohanga Reo*, September 1988.
- Hirsh, Wally, *A Report on Issues and Factors Relating to Maori Achievement in the Education System*, (Ministry of Education), Wellington, 1990.
- Human Rights Commission, *Race Against Time*, Wellington, 1982.
- Human Rights Commission, *Racial Harmony in New Zealand :a Statement of Issues*, n.d [1980].
- Hunn, J.K., *Report on the Department of Maori Affairs, with Statistical Supplement*, Wellington, 24 August 1960.
- Jackson, M.,*The Maori and the Criminal Justice System,He Whaipaanga Hou/A New Perspective.,Vol.2*, Wellington, 1989.
- Jackson, Moana, *The Maori and the Criminal Justice System, A New Perspective/ He Whaipaanga Hou, Study Series 18, (Policy and Research Divison Department of Justice.)*, February 1987.

- Manatu Maori, *A Directory of the Location of Statistics on the New Zealand Maori Population From Official Sources*, Wellington, 1991.
- Manatū Māori, (Nga Kairangahau), *Māori Education-Current Status*, Wellington, May 1991.
- Manatu Maori, *Maori and the Reformed Health System*, 1991.
- Maori Economic Development Summit Conference, *Conference Background Papers*, Vol. 3, October 1984.
- Maori Economic Development Summit Conference, *Conference Proceedings*, October 1984.
- Maori Economic Development Summit Conference 1984, *A Briefing on Maori and Economic Affairs*, October 1984.
- Maori Land Court, Manatu Maori, Te Tira Ahu Iwi, *Runanga Iwi Act 1990 He Whakamaramatanga*, 1990.
- Mead S. M., *Finding a Pathway to the Future: He Ara ki Ao Maarama*, Planning Paper No.3 Te Kaunihera Whakakaupapa mo Aotearoa, New Zealand Planning Council, 1979.
- Ministerial Advisory Committee, *Puao Te Ata Tu /Day Break*, (The Report of the Ministerial Advisory Committee on as Maori Prespective for the Department of Social Welfare), Wellington, 1986.
- Ministerial Planning Group, *Ka Awatea*, A Report of the Ministerial Planning Group Manatu Maori, March 1991.
- Ministry of Education *Annual Report* for the year ended 30 June 1991.
- Ministry for the Environment, *Consultation with Tangata Whenua. A Guide to Assist Local Authorities in Meeting the Consultation Requirements of the Resource Management Act 1991.*, Wellington, 1991.
- Ministry for the Environment/Manatu mo te Taiao, *Resource Management Consultation with the Tangata Whenua*, Wellington, September 1991.
- Ministry of Maori Development, *Information Kit*, December 1991.
- Ministry of Womens Affairs *Annual Report* for the year ended 30 June 1991
- Ministry of Womens Affairs, *Putea Pounamu*, Wellington, 1989.
- New Zealand Board of Health Standing Committee on Maori Health, *Submission to the Minister of Health: Maori Health Advisory Committee*, July 1988.
- New Zealand Educational Institute, *Te Tataai Hono*, Report and Recommendations on Maori Education, Presented to 1982 Annual Meeting, Wellington, 1981.
- New Zealand Planning Council, *Puna Wairere, Essays by Maori*, Wellington, 1990.
- New Zealand Planning Council, (ed.) *He Matapuna: a Source. Some Maori Perspectives*, Wellington, 1979.
- Ngā Tuarā, *He Tāhuhu Mo Te Ruamano*, /Discussion Paper for The Year 2000, Iwi Transition Agency, Wellington, 1990.
- Parliamentary Commissioner for the Environment, *Environmental Management and the Principles of the Treaty of Waitangi*, (Report on) the Crown Response to the Recommendations of the Waitangi Tribunal 1983-88, Wellington, November 1988.
- Puketapu, *Kara Reform from Within*, Wellington, 1982.
- Race Relations Conciliator, *Towards Biculturalism and Cultural Diversity: A Survey of Government Departments and Organisations*, 1987.
- A Report for the Independent Commission on International Humanitarian Issues, Indigenous Peoples *A Quest for Justice*, London, 1987.
- Royal Commission on Social Policy, *The April Report*, (4 vols.), Wellington, 1988.
- State Services Commision, *Personnel Response, A Practical Approach, Me Penapena Au Kaimahi Maori, Hei Whakatinana*, Wellington, 1989.
- State Services Commission, *Public Service in a Multicultural Society, Waihi Conference*, 1982, Wellington, 1983.
- State Services Commission, Responsiveness Unit, *Partnership Dialogue, a Maori Consultation Process, He Korero Rangapu*, April 1989.
- State Services Commision, Responsiveness Unit, *Towards Responsiveness, Objective Setting and Evaluation, Me Penapena, Nga Whaingā atu me Nga Hua e Kitea ana*, July 1989.
- Synopsis of submissions on 'He Tirohanga Rangapu*, Report to the Minister of Maori Affairs., July 1988.

- Te Taura Whiri i te Reo Maori/Maori Language Commission, *New Zealand Public Service: Blueprint for a Languages Policy*, December 1989.
- Treasury, The, *Economic Management*, Wellington, 1984.
- Treasury, The, *Government Management*, (2 vols), Wellington, 1987.
- The Treaty of Waitangi Policy Unit, *The Direct Negotiation of Maori Claims, Te Haere Hāngai o ngā Tono o ngā Whakawhitiwhitinga Whakaaro i Waenganui i te Iwi Māori me te Karauna*, Wellington, 1990.
- Upton, Simon (Honorable), Minister of Health, *Your Health and the Public Health. A Statement of Government Health Policy*, July 1991, Wellington.
- Waitangi Tribunal, *Finding of the Waitangi Tribunal on the Manukau Claim*, Wai-8, July 1985.
- Waitangi Tribunal, *Findings of the Waitangi Tribunal Relating to Te Reo Maori*, Wai-11, April 1986.
- Waitangi Tribunal, *Report Findings and Recommendations of the Waitangi Tribunal on an Application by Alia Taylor for and on Behalf of Te Atiawa Tribe in Relation to Fishing Grounds in the Waitara District*, Wai-6, March 1983.
- Waitangi Tribunal, *Report of the Waitangi Tribunal on The Kaituna River Claim*, Wai-4, November 1984.
- Waitangi Tribunal, *Report of the Waitangi Tribunal on the Mangonui Sewerage Claim*, Wai-17, August 1988.
- Waitangi Tribunal, *Report of the Waitangi Tribunal on the Orakei Claim*, Wai-9, November 1987.
- Women against Racism Action Group (WARAG), *Institutional Racism in the Department of Social Welfare*, Auckland, 1985.
- Young Maori Leaders Conference*. Held at the University of Auckland, August 1970.

II. Other Published Material.

- Anglican Church in Aotearoa, New Zealand and Polynesia, *Te Pouhere, o Te Hahi Mihinare ki Aotearoa ki Niu Tirenī, ki Nga Moutere o Te Moana Nui a Kiwa*, Constitution, as First Adopted, 18 November 1990.
- Te Ripōata a te Komihana mo te Kaupapa Tikanga Rua mo te Tiriti o Waitangi, The Report of the Bicultural Commission of the Anglican Church in New Zealand, *Te Kaupapa Tikanga Rua, Bicultural Development*, 1986.
- Crown/Congress Joint Working Party, *Information Brief for Iwi Arrangements in Respect of Surplus Crown Railway Properties and Treaty of Waitangi Claims*, November 1991.
- Gold, Hyman and Alan Webster, *New Zealand Values Today, The Popular Report of the November 1989, New Zealand Study of Values*, Palmerston North, 1990.
- Nicholson, Rangi, and Ron Garland, *New Zealanders' Attitude to the Revitalisation of the Maori Language*, Palmerston North, unpublished draft, (1991).
- Stokes, Evelyn, *Maori Research and Development*, Discussion Paper Prepared for the Social Services Committee of the National Research Advisory Council, February 1985.
- Stokes, Evelyn (ed.) *Nga Tumanako, Proceedings of the National Maori Committees*, Centre of Maori Studies and Research, University of Waikato, 1978.
- Te Whakakotahitanga o Nga Iwi o Aotearoa me te Waipounamu, The National Maori Congress, *Hui-a-Tau, Taupo Nui a Tia 20 Hongongoi 1991*.

III. Newspapers/Magazines/Newsletters.

- Te Ao Hou.
- The Dominion.
- The Evening Post.
- The Evening Standard.
- Ihi Consultants Material.
- Te Iwi o Aotearoa.
- Te Kauwae.

Kia Mohio Kia Marama Trust Pamphlets.
 Te Manutuktutuku.
 Metro.
 The New Zealand Herald.
 North and South.
 Project Waitangi materials.
 Pūtātārā.
 The Taranaki Daily News.
 Treaty Times.
 Tu Tangata.
 Te Whakamarama, The Maori Law Bulletin.

Secondary Sources.

I. Books

- Adams, Peter, *Fatal Necessity: British Intervention in New Zealand 1830-1847*, Auckland, 1977.
- Bahr, Howard M., Bruce A. Chadwick and Robert C. Day, *Native Americans Today: Sociological Perspectives*, New York, 1972.
- Ballara, Angela, *Proud to be White? A Survey of Pakeha Prejudice in New Zealand*, Auckland, 1986.
- Barsh, Russel Lawrence, and James Youngblood Henderson, *The Road: Indian Tribes and Political Liberty*, Berkeley and Los Angeles, 1980.
- Belich James, *The New Zealand Wars and the Victorian Interpretation of Racial Conflict*, Auckland, 1986.
- Benton, Richard A., *The Flight of the Amokura, Oceanic Languages and Formal Education In the South Pacific*, Wellington, 1981.
- Blank, Arapera, Manuka Henare and Harre Williams, (eds.) *He Korero mo Waitangi*, 1984, (Te Runanga o Waitangi), Ngaruawahia, 1985.
- Broome, Richard, *Aboriginal Australians, Black Response to White Domination 1788-1980*, Sydney, 1982.
- Buick, T. L., *The Treaty of Waitangi*, New Plymouth, 1936.
- Caselberg, John, (ed.) *Maori is My Name, Historical Maori Writings in Translation*, Dunedin, 1975.
- Cleave, P., *The Sovereignty Game*, Wellington, (New Zealand Planning Council), 1989.
- Cody, J. F., *Man of Two Worlds*, Wellington, 1953.
- Cummings, Peter, A. and Neil H. Mickenberg, (eds.) *Native Rights in Canada*, (2nd Edition) Toronto, 1988.
- Darwin, John, *Britian and Decolonization, The Retreat from Empire in the Post War Period*, New York, 1988.
- Deloria, Vine, Jr., (ed.) *American Indian Policy in the Twentieth Century*, Norman, U.S.A., 1985.
- Deloria, Vine, Jr., and Clifford Lytle, *The Nations Within: The Past and Future of Indian Sovereignty*, New York, 1984.
- Durie, M. H., *Te Kawenata o Waitangi The Treaty of Waitangi in New Zealand Society, Study Guide 2*, Massey University, Palmerston North, 1992.
- Dyall, John R., *Maori Resource Development: A Handbook on Maori Organisations*, Wellington, 1984.
- Elsmore, Bronwyn, *Mana from Heaven, A Century of Maori Prophets in New Zealand*, Tauranga, 1989.
- Fieldhouse, D.K., *Colonialism 1870-1945 An Introduction*, London, 1981.
- Franklin, Margaret Ann, *Black and White Australians An Inter-Racial History, 1788-1975*, Australia, 1976.
- Gale, G. Fay and Alison Brookman, *Race Relations in Australia - The Aborigines*, Sydney, 1975.
- Gordon, Paul and Francesca Klug, *New Right, New Racism*, London, 1986.
- Green, Paul F., (ed.) *Studies in New Zealand Social Problems*, Palmerston North, 1990.

- Harker, R. K., and K. R. McConnochie, *Education as Cultural Artifact, Studies in Maori and Aboriginal Education*, Palmerston North, 1985.
- Hirsh, Walter, (ed.) *Living Languages, Bilingualism and Community Languages in New Zealand*, Auckland, 1987.
- Hirsh, Walter and Raymond Scott, (eds.) *Getting It Right: Aspects of Ethnicity and Equity in New Zealand Education*, Auckland, 1988.
- Holland, Martin, and Jonathan Boston, (eds.) *The Fourth Labour Government, Politics and Policy in New Zealand*, (2nd Edition) Auckland, 1990.
- Howe, K. R., *Race Relations Australia and New Zealand, A Comparative Survey 1770s-1970s*, Wellington, 1977.
- James, Colin, *The Quiet Revolution Turbulence and Transition in Contemporary New Zealand*, Wellington, 1986.
- Jesson B., Paul Spoonley and Allanah Ryan, *Revival of the Right. New Zealand Politics in the 1980s*, Auckland, 1988.
- Jones, Dorothy, *License for Empire: Colonialism by Treaty in Early America*, London, 1982.
- Kawharu, I.H., (ed.) *Waitangi, Maori and Pakeha Perspectives of the Treaty of Waitangi*, Auckland, 1989.
- Kawharu, I.H., (ed.) *Conflict and Compromise, Essays on the Maori Since Colonisation*, Wellington, 1975.
- Kelsey, Jane, *A Question of Honour? Labour and the Treaty. 1984-1980*, Wellington, 1990.
- Kenworthy, L.M. Martindale, T.B. and Sadaraka, S.M. *Some aspects of the Hunn Report A Measure of Progress*, Victoria University, Wellington. November 1968.
- King, Michael, (ed.) *Te Ao Hurihuri, The World Moves On, Aspects of Maoritanga*, (Revised Edition) 1977.
- King, Michael, (ed.) *Tihe Mauri Ora : Aspects of Maoritanga*, Wellington, 1978.
- Kumar, David and Santansilan Kadirgamar (eds.) *Ethnicity Identity, Conflict Crisis*, Hong Kong, 1989.
- Lambourn, Alan, *The Treaty-makers of New Zealand, Heraldng the Birth of a Nation*, Auckland, 1990.
- Levine, Stephen, and Raj Vasil, *Maori Political Perspectives, He Whakaaro Māori Mō Ngā Kanga Kāwanatanga*, Auckland, 1985.
- Long, J. Anthony and Menno Boldt (eds.) *Governments in Conflict? Provinces and Indian Nations in Canada*, Toronto, 1988.
- MacDonald, G., *The Kiwis Fight Back*, Christchurch, 1986.
- MacDonald G., *Shadows over New Zealand*, Christchurch, 1985.
- MacDonald, Geoff, *The Kiwis at the Crossroads*, Christchurch and Melbourne, 1987.
- McConnochie, Keith, David Hollinsworth and Jan Pettman, *Race and Racism in Australia*, Wentworth Falls, New South Wales, 1988.
- McGregor, Graham and Mark Williams, (eds.) *Dirty Silence: Aspects of Language and Literature, Essays Arising from the University of Waikato Winter Lecture Series of 1990*, Auckland, 1991.
- McHugh, Paul, *The Māori Magna Carta: New Zealand Law and the Treaty of Waitangi*, Auckland, 1991.
- McKean, W. A., (ed.) *Essays on Race Relations and the Law in New Zealand. A series of Lectures Delivered at Victoria University*, Wellington, 1971.
- McKenna, Denis, *The Sellout of New Zealand*, Auckland, 1989.
- McLintock, A.H., *Crown Colony Government in New Zealand*, Wellington, 1958.
- McNickle, D'arcy, *Native American Tribalism, Indian Survivals and Revivals*, New York, 1973.
- Metge, Joan, *The Maoris of New Zealand*, (Revised Edition) London, 1976.
- Mitchell, R., *The Treaty and the Act*, Christchurch, 1990.
- Mulgan, Richard, *Democracy and Power in New Zealand: a Study of New Zealand Politics*, (2nd edition) Auckland, 1989.
- Mulgan, Richard, *Maori, Pakeha and Democracy*, Auckland, 1990.
- Nettheim, Garth, (ed.) *Aborigines Human Rights and the Law*, Sydney, 1984.
- Nettheim, Garth, *Victims of the Law*, Sydney, 1981.
- O'Brien, Sharon, *American Indian Tribal Governments*, Norman and London, 1989.

- Oliver, W.H., *Claims to the Waitangi Tribunal*, Wellington, 1991.
- Orange, Claudia, *The Teaty of Waitangi*, Wellington, 1987.
- Palmer, Geoffrey, 'TOW Issues demand clarity, certainty' in the NZ Herald, Auckland, 2/1/90.
- Pearson, David, *A Dream Deferred, The Origins of Ethnic Conflict in New Zealand*, Wellington, 1990.
- Phillips, Donald J., and Jim Houston, (eds.) *Australian Multicultural Society, Identity, Communication, Decision Making*, Victoria, Australia, 1984.
- Pocock J. G. A., (ed.) *The Maori and New Zealand Politics, Talks from a NZBC series with additional essays*, Auckland and Hamilton, 1965.
- Pool, Ian, *Te Iwi Maori : A New Zealand Population Past, Present and Projected*, Auckland, 1991.
- Presbyterian Church, Maori Synod. *A Maori View of the 'Hunn Report'*, Christchurch, 1961.
- Pruncha, Francis Paul, *The Great Father, The United States Government and the American Indians*, Vol.2, Lincoln and London, 1984.
- Raea, Steve, 'Maori Social Work Unit Continues Despite Closure Order', in *The Dominion*, Wellington, August 25, 1990, p. 1.
- Raea, Steve, 'Maori Unit Inquiry Widened to Cover Every District Welfare Office', in *The Dominion*, Wellington, August 1, 1990, p. 1.
- Raea, Steve, 'Welfare Head "Won't Tolerate" Race Favouritism', in *The Dominion*, Wellington, August 4, 1990, p. 1.
- Renwick, William, (ed.) *Sovereignty and Indigenous Rights, The Treaty of Waitangi in International Contexts*, Wellington, 1991.
- Renwick, William, *The Treaty Now*, 1990.
- Risenborough, Hazel, *Days of Darkness, Taranaki 1878-1884*, Wellington, 1989.
- Robic, David, *Blood on Their Banner, Nationalist Struggles in the South Pacific*, London and New Jersey, 1989.
- Rutherford, J., *Treaty of Waitangi*, Auckland University College, 1948.
- Schwimmer, Erik, (ed.) *The Maori People in the Nineteen-Sixties a Symposium.*, Auckland, (reprint) 1972.
- Sharp, Andrew, *Justice and the Māori: Māori Claims in New Zealand Political Argument in the 1980s*, Auckland, 1990.
- Sherwood, John, (ed.) *Aboriginal Education, Issues and Innovations, Perspectives in Multicultural Education*, Perth, 1982.
- Shrimpton, A.W., *Maori and Pakeha, History of New Zealand*, Auckland, 1930.
- Sinclair, Keith, *Kinds of Peace. Maori People After the Wars, 1870-85*, Auckland, 1991.
- Sinclair, Keith, *The Origins of the Maori Wars*, Wellington, 1961.
- Smith, Graham, (ed.) *Nga Kete Wananga*, Readers in Maori Education, Maori Perspectives of Taha Maori, Auckland College of Education, 1986.
- Smith, Graham Hingangaroa, *Taha Maori: A Pakeha Privilege*, NZARE Conference, 1985
- Solomos, J., *Race and Racism in Contemporary Britian*, London, 1989.
- Spoonley, Paul, *Racism and Ethnicity*, Auckland, 1988.
- Spoonley, Paul, David Pearson and Cluny MacPherson, *Nga Take. Ethnic Relations and Racism in Aotearoa [New Zealand]*, Palmerston North, 1991.
- Stone, Sharman, (ed.) *Aborigines in White Australia, A Documentary History of the Attitudes Affecting Official Policy and the Australian Aborigine 1697-1973*, Victoria, 1974.
- Sutherland, I.L.G., (ed.) *The Maori People Today, A General Survey*, 1940.
- Temm, Paul, *The Waitangi Tribunal. The Conscience of the Nation*, Auckland. 1990
- Tonkinson, Robert and Michael Howard (eds.) *Going It Alone?, Prospects for Aboriginal Autonomy*, Canberra, 1990.
- Vasil, Raj, *Biculturalism-Reconciling Aotearoa with New Zealand.*, Victoria University of Wellington, 1988.
- Vasil, Raj, *What do Maori Want?, New Maori Political Perspectives*, Auckland, 1990.
- Vaughan, G., (ed.) *Racial Issues in New Zealand. Problems and Insights.*, Auckland, 1972.
- Vercoe, Moerangi, 'Jury Out on Plan for Maori Future', in *The Dominion*, Wellington, May 17, 1991, p. 11.

- Vercoe, Moerangi, 'Maori Work Team Plan Still on the Drawing Board', in *The Dominion*, Wellington, August 14, 1990, p. 13.
- Victoria University, Department of University Extension (ed.) *The Treaty of Waitangi. Its Origins and Significance*, Wellington, 1972.
- Von Albertini, Rudolf, *Decolonization, The Administration and Future of the Colonies 1919-1960*, New York, 1971.
- Walker, R., 'Equity and a Just Society', *NZ listener*, December 1988, p. 46.
- Walker, R. J., *Nga Tau Tohetohe, Years of Anger*, Auckland, 1987.
- Walker, Ranginui, *Ka Whawhai Tonu Matou, Struggle Without End*, Auckland, 1990.
- Ward, Alan, *A show of Justice*, Auckland, 1973.
- Wards, Ian, *The Shadow of the Land, A Study of British Policy and Racial Conflict in New Zealand 1832-1852*, Wellington, 1968.
- Williams, John A., *Politics of the New Zealand Maori, Protest and Compromise, 1891-1909*, University of Auckland, 1969.
- Woolington, Jean, (ed.) *Aborigines in Colonial Society*, Australia 1973.
- Yensen, Helen, Kevin Hague, Tim McCreanor, (eds.) *Honouring the Treaty. An Introduction for Pakeha to the Treaty of Waitangi*, Auckland, 1989.

II. Articles, Chapters and Addresses.

- Awatere, D., 'Maori Sovereignty', in *Broadsheet*, Auckland, 1984.
- Barber, Keith, 'New Zealand 'Race Relations Policy', 1970-1988', in *Sites*, 18 (Winter 1989), pp. 5-16.
- Benton, Richard, 'Biculturalism in Education: Policy and Practice under the Fourth Labour Government', in Martin Holland and Jonathan Boston (eds.) *The Fourth Labour Government Politics and Policy in New Zealand*, Second Edition, Auckland, 1990, pp. 192-212.
- Benton, Richard A., 'From the Treaty of Waitangi to the Waitangi Tribunal', in Walter Hirsh (ed.) *Living Languages*, Auckland, 1987, pp. 63-74.
- Biggs, Bruce, 'Humpty Dumpty and the Treaty of Waitangi' in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 300-312.
- Brookfield, F. M., 'The New Zealand Constitution: the Search for Legitimacy', in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 1-24.
- Brown, Donald N., 'Native Americans and the Right of Self Government in the United States', in William Renwick (ed.) *Sovereignty and Indigenous Rights*, Wellington, 1991, pp. 30-48.
- Cope, Rameka, 'The Future of Te Reo Maori-A Maori Perspective', in Walter Hirsh (ed.) *Living Languages*, Auckland, 1987, pp. 85-88.
- Durie, E. T. J., 'The Treaty in Maori History', in William Renwick (ed.) *Sovereignty and Indigenous Rights*, Auckland 1991, pp. 156-169.
- Durie, E. Taiharukei, *Treaties and the Common Law Sources of Indigenous Rights, Session on Indigenous People and the Law*, Commonwealth Law Conference, Auckland, 18 April 1990.
- Durie, E. Taihakurei, and Gordon S. Orr, 'The Role of the Waitangi Tribunal and the Development of a Bicultural Jurisprudence', in *New Zealand Universities Law Review*, 114 (1), June, 1990, pp. 62-81.
- Durie, M. H., *'Iwi Development and a Regional Health Care Plan for Maori. A Report to Runanga o Raukawa.*, Palmerston North, 1992. (unpublished).
- Durie, M., 'The Treaty of Waitangi-Perspectives in Social Policy', in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 280-99.
- Durie, M. H., *Whakakotahi, The National Maori Congress and The Formulation of Maori Policy*, An Address to the New Zealand Council of Trade Unions, Wellington, 8 October 1991.
- Dyall, J. R., 'Maori Economic Underdevelopment', in *Proceedings and Papers, Vol 2 Conference Papers, Economic Summit Conference*, September 1984, pp. 409-412.
- Fleras, A., 'Monoculturalism, Multiculturalism and Biculturalism', in *Plural Societies*, 15, 1984, pp. 52-75.
- Fleras, A., 'The Politics of Maori Lobbying: the Case of the New Zealand Maori Council', in *Political Science*, 37, (1), 1986, pp. 27-43.

- Fleras, A., 'Towards "Tu Tangata": Historical Development and Current Trends in Maori Policy and Administration', in *Political Science*, 37, (2), 1985, pp. 18-39.
- Fleras, A., ' "Tuku Rangatiratanga": Devolution in Iwi-Government Relations', in Paul Spoonley, David Pearson and Cluny MacPherson (eds.) *Nga Take*, Palmerston North, 1991, pp. 171-193.
- Gardiner, Wira, 'Race Relations and the Treaty a Framework for Resolution', in The New Zealand Foundation for Peace Studies (ed.) *Partnership and Peace*, Auckland 1990, pp. 29-42.
- Gray, Dennis, and Sherry Sagggers, 'Autonomy in Aborigines Education: A Quest at Carnarvon', in Robert Tonkinson and Michael Howard, *Going it Alone?*, Canberra, 1990, pp. 185-200.
- Greenland, H., 'Ethnicity as Ideology: The Critique of Pakeha Society', in P. Spoonley, C. MacPherson, D. Pearson and C. Sedwick (eds.) *Tauiwī, Racism and Ethnicity in New Zealand*, Palmerston North, 1984, pp. 86-102.
- Hackshaw, Frederika, 'Nineteenth Century Notions of Aboriginal Title and their Influence on the Interpretation of the Treaty of Waitangi', in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 92-120.
- Hague, K., 'Recent Moves by the State', in Helen Yensen, Kevin Hague and Tim McCreanor (eds.) *Honouring the Treaty*, Auckland, 1989, pp. 113-25.
- Hastings, W. K., *The Right to an Education in Maori: the Case from International Law*, Victoria University Press for the Institute of Policy Studies, 1988.
- Hohepa, Pat, 'Maori and Pakeha: The One People Myth', in Michael King (ed.) *Tihe Mauri Ora*, 1978, pp. 99-111.
- Hollings, Michael, 'The Politics of Education in Māori', in Graham McGregor and Mark Williams (eds.) *Dirty Silence*, Auckland, 1991, pp. 54-65.
- Jackson, M., *Corporatisation, Privatisation and the Treaty, The Ultimate Rejections of Maori Rights*, A Paper Prepared for NZPSA Privatisation Conference, Wellington, 1989.
- Jakubowicz, A., 'State and Ethnicity: Multiculturalism as Ideology', in *Australian and New Zealand Journal of Sociology*, 17 (3), 1981, pp. 4-13.
- Jones, Bob, 'Straight Talking About The Race Crisis', as quoted in Tim McCreanor, 'Talking About Race', in Helen Yensen et al, (eds.) *Honouring the Treaty, An Introduction for Pakeha to the Treaty of Waitangi*, Auckland, 1989, pp.104-112. (Originally from *North and South*, February, 1988, pp. 80-85.)
- Jones, Shane, 'Iwi and Government', in Peter McKinlay (ed.) *Redistribution of Power?*, Wellington, 1990, pp. 64-78.
- Karetu, Timoti S., *Te Ngahurutanga: A Decade of Protest, 1980-1990*, in Graham McGregor and Mark Williams (eds.) *Dirty Silence*, Auckland, 1991, pp. 159-178.
- Kelsey, Jane, 'Legal Imperialism and the Colonization of Aotearoa', in P. Spoonley, C. Macpherson, D. Pearson, and C. Sedgwick (eds.) *Tauiwī*, Palmerston North, 1984, pp. 15-43.
- Kelsey, Jane, 'Rogernomics and the Treaty', in Helen Yensen, Kevin Hague and Tim McCreanor (eds.) *Honouring the Treaty, An introduction for Pakeha to the Treaty of Waitangi*, Auckland, 1989, pp. 126-40.
- Kelsey, Jane, 'Treaty Justice in the 1980s', in Paul Spoonley, David Pearson and Cluny MacPherson (eds.) *Nga Take*, Palmerston North, 1991, pp. 108-130.
- Kelsey, Jane, 'Free Market "Rogernomics" and Maori Rights Under the Treaty of Waitangi- An Irresolvable Contradiction? Plenary Paper presented to the Australian Law and Society Conference, Melbourne, Australia, 2-4 December 1988.
- King, Michael, 'Between Two Worlds', in W. H. OLiver, with B. R. Williams (eds.) *The Oxford History of New Zealand*, Wellington, 1981, pp. 279-301.
- Kingsbury, Benedict, 'The Treaty of Waitangi: Some Interanational Law Aspects', in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 121-57.
- Locke, Elsie, 'Co-operation and Conflict', in The New Zealand Foundation for Peace Studies (ed.) *Partnership and Peace*. Auckland, 1990, pp. 5-28.
- Lyon, Daniel P., 'An Anaylsis of Three Maori Prophet Movements', in I. H. Kawharu (ed.) *Conflict and Compromise*, Wellington, 1975, pp. 55-80.
- McHugh, P. G., 'Constitutional Theory and Maori Claims', in I. H. Kawaru (ed.) *Waitangi*, Auckland, 1989, pp. 25-63.
- Mulgan, R., 'Bicultural Democracy-Some Unsolved Problems', in *Sites*, 18 (Winter 1989), pp. 57-60.

- Mulgan, Richard 'Aotearoa-New Zealand? Problems of a Bi-cultural Democracy', in University of Otago, Faculty of Arts and Music, *Government in the 1990s a series of Public Lectures*, pp. 26-42, (n.d.).
- Olssen, Erik, 'Towards a New Society', in W. H. Oliver and B. R. Williams (eds.) *The Oxford History of New Zealand*, Wellington, 1981, pp. 250-278.
- Owens, J. M. R., 'New Zealand before Annexation', in W. H. Oliver and B. R. Williams (eds.) *The Oxford History of New Zealand*, Wellington, 1981, pp. 28-53.
- Palmer, Kingsley, 'Government Policy and Aboriginal Aspirations: Self Management at Yalata', in Robert Tonkinson and Michael C. Howard (eds.) *Going It Alone?*, Canberra, 1990, pp. 65-184.
- Pearson, David, 'Biculturalism and Multiculturalism in Comparative Perspective', in Paul Spoonley, David Pearson and Cluny MacPherson, (eds.) *Nga Take*, Palmerston North, 1991, pp. 194-214.
- Penetito, Wally, 'Taha Maori and the Core Curriculum', in *Delta*, 34, 1984, pp. 35-43.
- Penetito, W. T., 'Maori Education for a Just Society', in *The April Report, Volume IV Social Perspectives*, Report of The Royal Commission on Social Policy, Te Kōmihana A Te Karauna Mō Ngā Ahuatanga ā Iwi, April 1988, pp. 89-114.
- Quinn, Pat, 'Matching Good Intentions with Outcomes', in *Service*, 2 (3), August, 1989, pp. 32-33.
- Rangihau, John, 'Being Maori', in Michael King (ed.) *Te Ao Huihūri, The World Moves On*, 1977, pp. 165-175.
- Ross, R. M., 'The Treaty of Waitangi, Text and Translations', in *New Zealand Journal of History*, 6(2), 1972, pp. 129-156.
- Royal, Turoa, 'A Bilingual Model for Secondary Schools', in Walter Hirsh (ed.) *Living Languages*, Auckland, 1987, pp. 89-96.
- Sackett, Lee, 'Welfare Colonialism: Developing Divisions at Wiluna', in Robert Tonkinson and Michael Howard (eds.) *Going it Alone?*, Canberra, 1990, pp. 201-18.
- Schwimmer, Erik, 'The Aspirations of the Contemporary Maori', in Erik Schwimmer (ed.) *The Maori People in the Nineteen-Sixties*, Auckland, 1968, pp. 9-64.
- Sharp, Andrew, 'The Problem of Maori Affairs, 1984-1989', in Martin Holland and Jonathan Boston (eds.) *The Fourth Labour Government Politics and Policy in New Zealand*, Second Edition, Auckland, 1990, pp. 251-269.
- Sharp, Andrew, 'What Basis Does the Treaty of Waitangi Provide for Reasoning About Justice in New Zealand?', in *Political Science*, 41 (2), 1989, pp. 69-84.
- Sharp, Andrew, 'The Treaty of Waitangi: Reasoning and Social Justice in New Zealand', in Paul Spoonley, David Pearson and Cluny MacPherson (eds.) *Nga Take*, Palmerston North, 1991, pp. 131-150.
- Simon, J., 'Aspirations and Ideology: Biculturalism and Multiculturalism in New Zealand Education', in *Sites*, 18 (Winter 1989), pp. 23-34.
- Sinclair, Douglas, 'Land: A Maori View and European Response', in Michael King (ed.) *Te Ao Huihūri, The World Moves On*, 1977, pp. 86-106.
- Sinclair, Douglas, 'Land Since the Treaty: The Nibble, The Bite, The Swallow', in Michael King (ed.) *Te Ao Huihūri, The World Moves On*, 1977, pp. 107-128.
- Sissons, J., 'Ethnic Politics in New Zealand', in *Sites*, 18 (Winter 1989), pp. 3-5.
- Sissons, Jeff, 'The Future of Biculturalism in Aotearoa/New Zealand', in *Social Sciences and the Future of New Zealand*, University of Otago, 1989, pp. 15-24.
- Smith, Linda Tuhiwai, 'Seeing Through the Magic: Maori Strategies of Resistance', in *Delta*, 37, 1986, pp. 3-8.
- Spoonley, Paul, 'New Times, New Racism', in *Sites*, 20 (Autumn 1990), pp. 44-53.
- Spoonley, Paul, 'The Political Economy of Racism', in Paul F. Green (ed.) *In Studies of New Zealand Social Problems*, Palmerston North, 1990, pp. 128-141.
- Spoonley, Paul, *The Racialisation of Labour: Theoretical explanations of recent Economic and Political Changes in New Zealand*, Paper Presented to Sociological Association of Aotearoa Annual Conference, Lincoln University, December 1990.
- Sorrenson, M. P. K., 'Maori and Pakeha', in W. H. Oliver and B. R. Williams (eds.) *The Oxford History of New Zealand*, Wellington, 1981, pp. 168-196.
- Sorrenson, M. P. K., 'Towards a Radical Reinterpretation of New Zealand History: The Role of the Waitangi Tribunal', in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 158-79.

- Stanton, John E., 'Autonomy and Dependency: the Experience at Mount Margaret', in Robert Tonkinson and Michael Howard (eds.) *Going it Alone?*, Canberra, 1990, pp. 219-234.
- Sutherland, I. L. G., 'The Maori Situation', in I. L. G. Sutherland (ed.) *The Maori People Today*, Christchurch, 1940, pp. 399-441.
- Tonkinson, Robert, 'Aboriginal Ethnicity and Nation-Building within Australia', in Michael C. Howard (ed.) *Ethnicity and Nation -Building in the Pacific*, Tokyo, 1989, pp. 136-151.
- Tonkinson, Robert and Michael Howard, 'Aboriginal Autonomy in Policy and Practice: An Introduction', in Robert Tonkinson and Michael Howard (eds.) *Going it Alone?*, Canberra, 1990, pp. 67-82.
- Turner, David, 'Aboriginal Development in Theoretical Perspective: From The Heavens Down or The Ground Up', in Robert Tonkinson and Michael Howard (eds.) *Going it Alone?*, Canberra, 1990, pp. 149-164.
- Walker, R. J., 'The Meaning of Biculturalism', Auckland University, [1986].
- Walker, R. J., 'The Treaty of Waitangi: as the Focus of Maori Protest', in I. H. Kawharu (ed.) *Waitangi*, Auckland, 1989, pp. 263-79.
- Walker, R. J. I., 'The Politics of Voluntary Association', in I. H. Kawharu (ed.) *Conflict and Compromise*, Wellington, 1975, pp. 167-186.
- Walker, Ranginui J., 'Colonisation and Development of the Maori People', in Michael C. Howard (ed.) *Ethnicity and Nation-Building in the Pacific*, Tokyo, 1989, pp. 152-168.
- Williams, David, 'British Colonial Treaty Policies: A Perspective', in Helen Yensen, Kevin Hague, and Tim McCreanor (eds.) *Honouring the Treaty*, Auckland, 1989, pp. 46-55.
- Williams, Haare, 'Broadcasting and the Maori Language', in Walter Hirsh (ed.) *Living Languages*, Auckland, 1987, pp. 99-105.

III. Theses.

- Barretta-Herman, Angeline, *The Restructuring of the Department of Social Welfare and Implications for Social Work Practice 1986-1988*, Doctorate in Philosophy, Massey University, 1990.
- Costa-Centivany, Cynthia M., *Māori and American Indian Claims: A Legal Historical Comparison*, Master of Jurisprudence, Auckland, 1988.
- Orange, Claudia, *A Kind Of Equality: Labour and the Maori People 1935-1949*, Master of Arts, Auckland, 1977.