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CLOSING THE GAPS? THE POLITICS OF MĀORI AFFAIRS POLICY

**A thesis presented in partial fulfilment
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Louise Virginia Humpage

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ABSTRACT

In searching for ways to decolonise, indigenous peoples have promoted indigenous models of self-determination. Governments, in response, have attempted to protect state legitimacy through the depoliticisation of indigenous claims. An analysis of 'Closing the Gaps', a policy strategy introduced by the Labour-Alliance government in June 2000, illustrates that this has certainly been the case in Aotearoa New Zealand.

The policy strategy provides an entry point into exploring the conceptual tensions contained within government policy for Māori, the indigenous peoples of Aotearoa New Zealand. Based on an analysis of government documents and interview data, the thesis focuses on three main initiatives incorporated under the 'Closing the Gaps' umbrella. Each initiative highlights a number of bureaucratic, political and conceptual factors that explain why the strategy failed to match political rhetoric.

The thesis argues that, in its eagerness to demonstrate a 'commitment' to Māori, the Labour-Alliance government neglected to distinguish between two different socio-political projects. The first, 'social inclusion' for all disadvantaged peoples, was framed by a broader 'social development' approach whose ultimate goal was 'national cohesion'. Emphases on 'community empowerment' and 'active citizenship' thus assumed that Māori needs could be met within the universal citizenship rights of the 'nation-state'.

In contrast, the second project was concerned with an acknowledgment of the rights of Māori to self-determination as indigenous peoples and signatories of Aotearoa New Zealand's 'founding' document, the Treaty of Waitangi. Māori self-determination is a multidimensional phenomenon, but includes proposals for political and constitutional reform that are in direct tension with the ideas at the basis of 'social inclusion'. This is because they propose a form of strategic 'exclusion' from the mainstream and from state-framed notions of citizenship that regard 'nation' and 'state' as irrevocably tied. This

tension was not altogether clear, however, because both projects shared the language of 'self-determination' and 'partnership'.

In exploring alternative policy directions, the thesis augments a local literature, which has been critical of government policy for Māori. In addition, it makes a contribution to wider debates concerning the potential of liberal-democratic states to contend with the multinational diversity that indigenous peoples in settler societies represent.

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GLOSSARY OF MĀORI WORDS

All words derived from the Māori language, with the exception of the names of people and places, are defined in English the first time they are used in each chapter. Thereafter refer to this glossary. Please note, for the sake of consistency, macrons are used for all relevant Māori words used in this thesis, even if not included in the original text. Definitions are sourced from: Biggs 1989; Ryan 1994; Cunningham 1998; Durie 1998a; Brookfield 1999:98; Fleras and Spoonley 1999; Havemann 1999.

Aotearoa	New Zealand; literally, long white cloud or long twilight
ariki	paramount chief (of an iwi); aristocracy
hapū	sub-tribe; clan
He Pūtahitanga Hōu	<i>A New Beginning</i> , title of a government document; literally, a merging of two pathways into one
hiko	walk; march
hui	gathering; assembly; conference
Hui Taumata	Māori Economic Development Summit Conference held in 1984
Hui Ōhanga	Māori Business Development Conference held in 1999
iwi	tribal grouping; confederation
Ka Awatea	<i>It is Dawn</i> ; title of a government document; literally, it is day or new dawn
Kauhanganui	Great or King's Council, executive of the Kīngitanga movement
kaupapa	function; agenda
Kaupapa Māori framework	Maori-centred research framework; literally, Māori agendas
kāwanatanga	governance; trusteeship; the right to govern and make laws; title given to a proposal for a National Māori Assembly
Kīngitanga	association of independent tribes under the Māori King; literally, kingship or sovereign power
koha	gift; donation; parting message; scar

Kōhanga Reo	Māori language nest; pre-school
kōkiri	to advance; develop
Kōkiri centres/units	community centres, established as part of the Tū Tāngata programme implemented by the Department of Māori Affairs
kotahitanga	unification of tribes; unity through consensus; Māori Parliament
kura kaupapa	Māori language school
Māori	(n) native or descendent of native of New Zealand; (a) ordinary; usual; normal
mana	authority; power; prestige; influence; sovereignty
mana motuhake	self-government; self-determination; name of a political party; proposed model of parallel government
Manatū Māori	Ministry of Māori Affairs
mana whenua	Māori people with customary authority over a particular area, defined as such in the New Zealand Public Health and Disability Bill 2000; literally, title, sovereignty (predicated on land holding) or customary rights over land
Manutukutuku	'Policy projects', theoretical model for Te Puni Kōkiri's work during the 1990s
marae	meeting place/area of whānau and hapū; courtyard in front of ancestral house; central area of village and its buildings
Pākehā	person/people of non-Māori, usually European, descent
Pāremata Māori	Māori Parliament
rangatira	chief (of a hapū)
rangatiratanga	chieftainship; control; authority; autonomy; the power that legitimates the expression of sovereignty
Rātana	name of a religious and political movement established by Tahupotiki Wiremu Rātana in 1918; name of the pā (village) which is the main centre of the movement
rohe	territory
rūnanga	council; local form of tribal government
Rūnanga Iwi Act	Iwi Authority Act
rūnanganui	inter-tribal council; grand council
Tahua Kaihoatu	Māori Provider Development Fund

tangata/tāngata	person/people
tāngata whenua	‘people of the land’; local people; indigenous inhabitants
taonga	property; treasure; treasured aspects of Māori society
tapu	sacred; under spiritually-based restriction; inaccessible
Te Kete Hauora	Māori health policy branch of the Ministry of Health
Te Hoe Nuku Roa	name given to a longitudinal study at Massey University whose indicators take into account Māori cultural identity
Te Puni Kōkiri	Ministry of Māori Development
Te Tira Ahu Iwi	Iwi Transition Agency
tikanga	custom; rule; plan; method
Tikanga Rua	bicultural governance or legislatures recognising the customs of both Māori and Pākehā; literally, two customs
tino rangatiratanga	absolute or highest chieftainship; full chiefly authority; sovereignty; the power to be self-determining
tohunga	expert; specialist; priest; artist
Tuku Rangatiratanga	‘Devolution’; title of a government policy
tupuna whakapapa	ancestor’s genealogy; family tree
Tū Tāngata	‘People Stand Tall’; title of a government policy
Wairua Māori	Māori spirit; attitude
whakapapa	genealogy; descent
whānau	extended family
whenua	land; afterbirth

LIST OF ACRONYMS AND ABBREVIATIONS

All acronyms and abbreviations are defined the first time they are used in each chapter unless enclosed within an in-text reference. Thereafter refer to this list.

ATSIC	Aboriginal and Torres Strait Islander Commission
CBC	Cabinet Business Committee
CCCTG	Cabinet Committee on Closing the Gaps
CTG	Closing the Gaps
CYF	Department of Child, Youth and Family Services
DHB	District Health Board
DIA	Department of Internal Affairs
DMA	Department of Māori Affairs
DPMC	Department of Prime Minister and Cabinet
EPMHRC	Eru Pōmare Māori Health Research Centre
GAP committee	Cabinet Committee of Closing the Gaps
HFA	Health Funding Authority
MAPO	Māori Assisted Provider Organisations
MEDS	Māori Economic Development Summit (Hui Taumata)
MIT	Manakau Institute of Technology
MLT	Medium to Long Term role (of Te Puni Kōkiri)
MMP	Mixed Member Proportional representation
MOH	Ministry of Health
MOSP	Ministry of Social Policy
MP	Member of Parliament
MPG	Ministerial Planning Group
MPLA	Ministry of Pacific Island Affairs

MSD	Ministry of Social Development
NZ	New Zealand
NZGE	New Zealand Government Executive
NZHR	New Zealand House of Representatives
NZHPD Bill/Act	New Zealand Public Health and Disability Bill/Act
NZPA	New Zealand Press Association
OMF	Office of the Minister of Finance
OMH	Office of the Minister of Health
OMMA	Office of the Minister of Māori Affairs
OPM	Office of the Prime Minister
OMSS	Office of the Minister of State Services
RCSP	Royal Commission on Social Policy
SOE	State Owned Enterprise
SSC	State Services Commission
Te TAI	Te Tira Ahu Iwi or Iwi Transition Agency
TPK	Te Puni Kōkiri or Ministry of Māori Development
WINZ	Department of Work and Income New Zealand

CHAPTER ONE

**INTRODUCTION:
A 'NEW PHASE OF PARTNERSHIP'?****INTRODUCTORY COMMENTS**

In June 2000, the Labour-Alliance coalition government introduced a policy strategy called 'Closing the Gaps'. Behind it lay concern about the socio-economic disparities between Māori, Pacific peoples and other New Zealanders, which were reported to have widened through the 1990s. Generally better resourced than previous social policy initiatives for Māori, the Closing the Gaps (CTG) strategy placed a more explicit emphasis on programmes specifically targeting Māori than Aotearoa New Zealand had witnessed for over a decade. An unprecedented attempt to insert references to the Treaty of Waitangi, the country's 'founding' document, into social policy legislation was also incorporated under its policy umbrella.

The Labour-Alliance government considered the CTG strategy to be a significant policy response to long-standing issues articulated by Māori and suggested that it represented stronger governmental support for Māori self-determination than in the past. This impression was enhanced by the way in which the coalition government's Māori ministers promoted the strategy and the fact that some CTG initiatives overlapped with the more moderate models of self-determination that Māori have proposed. Likewise, the ambiguity drafted into the Treaty of Waitangi (see Appendix 2), which was used to justify a focus on Māori, sustained such a perception.

Nevertheless, this thesis argues that fundamental reform to support greater self-determination for Māori was *not* the core goal of the CTG strategy because it

recognised only a state-centred understanding of self-determination. CTG may have *symbolically* recognised Māori as a distinct 'nation' with the right to self-governance and freedom from state intervention. In practice, however, there remained resistance to Māori calls for the kind of political recognition that would enable them to be self-determining at the local, regional *and* national levels. Like policy initiatives implemented by previous governments, Labour-Alliance's CTG strategy presumed that Māori 'needs' should be met within the 'universal' citizenship rights of a state-defined 'national culture' and thus endorsed only a very narrow definition of Māori self-determination that posed no threat to this assumption.

Although framed by a new 'social development' approach in which 'social inclusion' was the core socio-political project, the CTG strategy consequently failed to challenge the discourses that have traditionally dominated Māori Affairs policy. This was because 'national cohesion' remained the implicit goal driving social inclusion, even if contemporary means of 'community empowerment' and 'active citizenship' were evoked. Such a goal was in direct tension with calls for greater Māori autonomy from mainstream society and state-framed notions of nationhood, some models of which can be described as a form of strategic 'exclusion'.

The distinction between these two socio-political projects and their conceptual foundations was not clear at government level. Due to a combination of bureaucratic, political and conceptual factors, the Labour-Alliance government – like its political predecessors – was constrained by the inability to visualise alternative frameworks for Māori-state engagement based on dialogue and reconciliation of differences, rather than old patterns of domination and universalism. As a consequence, Labour-Alliance's CTG strategy did not live up to rhetoric that suggested it was a 'new phase of partnership' between Māori and the state. Instead, it perpetuated a state-centred approach to Māori self-determination that endorsed only very limited autonomy for Māori in the name of 'closing the gaps' in socio-economic status between Māori and non-Māori. In this way, the strategy reflected past policy and thus provided a case of 'continuity in change' within the Māori Affairs portfolio.

In working towards such conclusions, the current chapter acts as an entry point into a detailed discussion of the CTG strategy as it applied to Māori, which is the core focus of this particular study. It does so by first situating Māori within an international politics of indigeneity, nationalism and citizenship. This foregrounds discussion of the four major research goals, which were to explore the CTG policy process; assess the strategy against both political rhetoric and past policy; explain similarities and disjunctures; and provide alternative directions for future Māori Affairs policy.

After outlining the principal research rationale that drive the thesis over the following seven chapters, as well as the key arguments made in the thesis, discussion identifies the main research methods utilised and explores in detail the two key methodological issues faced during the research. First, my positioning as a Pākehā (European-descended) New Zealander conducting research into Māori issues is critically explored and justification is offered for my involvement in the current research project. Second, I outline my understanding of policy as a multilayered, shifting phenomenon involving multiple policy players who offer different interpretations of policy needs, goals and outcomes. I stress, however, that policy is *not* inherently or completely contestable and negotiable. The thesis outline at the end of this chapter indicates that there is evidence, both in the literature analysing past Māori Affairs policy and the current research project, of political party and wider state agendas relating to 'national cohesion' which have dominated the policy process. In asserting such an argument, this thesis makes both an empirical and theoretical contribution to contemporary local and international debate around government policy-making for indigenous peoples in 'settler societies'.

MĀORI AND THE POLITICS OF INDIGENEITY, NATIONALISM AND CITIZENSHIP

Indigenous Māori have lived in Aotearoa New Zealand for the past 1000 years. Prior to colonisation, the **'whānau'** (extended families), **'hapū'** (sub-tribes or clans) and **'iwi'** (tribes) that constituted Māori society exercised power and authority over their own lands and resources (Ballara 1998:17; Sorrenson 1999:162). From the signing of the Treaty of Waitangi in 1840, however, this self-determination was compromised by the implementation of British rule over the country, through which Māori were rapidly dispossessed of their lands and natural resources and attempts were made to eliminate Māori language and cultural practices. Māori never accepted that they voluntarily relinquished **'tino rangatiratanga'** (the power to be self-determining). As a consequence, they have long been in dialogue with representatives of the British **'Crown'** (now effectively the Aotearoa New Zealand state, although the term 'Crown' is still used in Treaty debate), as to how such self-determination might be restored and enhanced (see Fleras and Spoonley 1999:27).

In the context of similar resistance against the status quo by indigenous, civil rights and feminist movements internationally, Māori frustration over land rights and their continuing socio-economic disadvantage gave rise to the assertion, often through public protest, of a highly politicised ethnic identity during the 1960s and 1970s. Arguing that the growing socio-economic disparities between themselves and non-Māori reflected their status as 'second-class citizens', Māori claimed that successive Aotearoa New Zealand governments had breached the honour of the Treaty of Waitangi (see Chapter Three).

These claims gained legitimacy as international human rights law began to recognise the right of indigenous peoples to exist as distinct, separate peoples with their own cultural identity (Magallanes 1999:235). Based on the inherent, collective rights of indigenous peoples as original occupants, **'self-determination'** focuses on

three issues, all central to Māori claims on the state. These are the right to: autonomy and control over indigenous social, cultural and political systems; existence as a distinct people with a distinct language and culture; and ownership and use of customary lands and resources (Anaya 1995:97-112; Fleras and Spoonley 1999:60). In practice, these rights have been reflected in indigenous calls for: self-governance and/or economic self-sufficiency at several levels; co-management arrangements over natural resources; indigenous language educational systems and policy-making bodies; and guaranteed representation in mainstream political institutions. However, as indigenous peoples experience diverse realities, the way in which self-determination rights will be exercised depends on the particular social, political and economic contexts in which indigenous groups and individuals are situated.

In asserting their rights to self-determination, indigenous peoples have stressed that they remain a *sovereign* peoples and have thus posed a major challenge to the 'absolute' sovereignty of the states in which they reside (see Boldt and Long 1988:334-342; Alfred 1995:98-102; Chartrand 1999:91;93-95; Loomis 2000a:10). The term '**sovereignty**' has been variously defined, but generally refers to a degree of autonomy in terms of exercising the power and authority to make decisions and settle disputes without outside interference (Fleras and Spoonley 1999:49). The notion of sovereignty itself, however, stems from Western political thought and practice where it has been constructed as absolute and indivisible, with all legal power coming from and residing within the state (McHugh 1999:452). The notion of sovereignty as a coercive power over a given territory has given way to a consent-based 'popular' sovereignty. Yet, it is still commonly assumed that the sovereignty of the ultimate law-making authority of the political state cannot be questioned or divided (Fleras and Spoonley 1999:50-51). The possibility of indigenous peoples holding sovereign powers alongside those of the state is, therefore, frequently rejected by liberal-democratic governments.

Boldt and Long (1988:334) have indicated that the rather vague and abstract nature of sovereignty has allowed indigenous peoples to project upon it most of their political, socio-cultural and economic aspirations without a vigorous analysis of the

adequacy of their resources and instruments for achieving them. Thus, the driving force behind a '**politics of indigeneity**' is to challenge, resist and transform the foundational principles of the current settler constitutional order, but indigenous demands for sovereignty should not necessarily be taken as literal, particularly in settler societies (Fleras and Spoonley 1999:56). All indigenous peoples possess the *right* to sovereignty because of their status as original inhabitants and, as a result, they are entitled to be regarded as sovereign for purposes of relations or entitlements, rather than merely as citizens who have been treated unjustly (Norman 2001:96). But, as noted earlier, the ability to *exercise* their right to sovereignty depends on broader political circumstances and social conditions (see Chartrand 1996:303). This includes the particular political framework (unicameral, bicameral or federal) by which a state is governed and the degree of geographical and social segregation (for example, through a reservation system) that exists between indigenous and non-indigenous peoples.

Fleras (1999:199; see also Alfred 1995:14;186; Durie 1995a:35-36) has consequently argued that indigenous claims to sovereignty are best conceptualised as a continuum, along which varying degrees of autonomy and control are possible. Calls for self-determination can embody 'hard' through to 'soft' claims to sovereignty. Those at the 'hard' end are concerned with 'absolute' sovereignty at the level of statehood, where complete independent authority is gained over the internal and external jurisdictions that statehood incorporates. A more common aspiration for indigenous peoples within settler societies is 'shared' sovereignty at the nationhood level, where indigenous peoples exercise significant jurisdictional authority over internal matters of direct relevance, but not external affairs. At the 'soft' end of the continuum are 'functional' sovereignty at the municipal or community level, where indigenous autonomy is gained over community-based development; and 'nominal' sovereignty at the institutional level, where indigenous participation and representation are accommodated within mainstream structures. These latter options have been the most easily endorsed by governments, but are frequently regarded by many indigenous

peoples as inadequate for achieving the level of self-determination needed to sustain themselves culturally, economically and politically.

Given the constrained contexts in which they live, the sovereignty claims of indigenous peoples within settler societies have usually been situated at the level of nationhood rather than statehood. Articulation of such a goal has been influenced by a broader shift recognising the rights of what Kymlicka (2001:121-122) has called **'national minorities'** or **'stateless nations'**. Like the Catalans, Scots and Flemish, indigenous peoples in settler societies may be regarded as distinct **'nations within'** because they have lived for centuries in a territory they view as their homeland, yet have been incorporated, often involuntarily, into a larger **'state'** (framework of legal, military and political institutions). In reconceptualising the notion of nationalism to incorporate the experience of **'nations'** (cultural-political communities) reacting *against* Western political and cultural hegemony, indigenous peoples have stressed that the lack of an established indigenous **'nation-state'** (where nation and state overlap) does not subtract from the reality of an indigenous nation. Rather, this lack simply highlights the absence of an indigenous body politic (see Durie 1998a:228). There is, therefore, a need to recognise that two (or more) equal and autonomous nations can co-exist *within* the state, each of which is sovereign in its own right but shares societal sovereignty by way of multiple, interlocking jurisdictions (Fleras and Spoonley 1999:237-240).

The concept of nationhood is one that emerged from western liberal, rather than indigenous, political thought. Yet, indigenous peoples have found the term **'nations within'** useful because it incorporates their desires for greater self-determination in two ways. First, it stresses that indigenous peoples have national values and a political stance that set them apart from other minority groups. Ethnic minorities find their legal status as citizens compromised by discrimination or cultural loss, which can be resolved through institutional inclusion and the celebration of diversity. In the case of indigenous peoples living in a **'settler society'**, where a newly-minted nationhood was born out of the colonisation of territories and peoples,

'internal colonialism' has compromised their legal status as original occupants, requiring decolonisation through self-determination (Fleras and Elliott 1999:162; Pearson 2001a:5). Second, the term 'nations within' emphasises that indigenous peoples desire political autonomy and self-determination *within* the existing liberal-democratic state (Krosenbrink-Gelissen 1996:331; Carens 2000:181). Yet, this latter fact is often misunderstood because liberal theory has traditionally assumed that 'nation' and 'state' are irrevocably tied (Pearson 2001a:174; 2001b:5). Any threat to the nation, therefore, is understood as posing a risk for the political state, even though indigenous peoples within settler states do not commonly call for statehood.

Direct references to the terms 'Māori nation' or 'Māori nationhood' have been infrequent in public debate in Aotearoa New Zealand. Unlike their North American counterparts, Māori have neither been accorded the legal status of 'domestic dependent nations' (as have many Native American tribes) nor benefited from another national minority (Quebec) forcing recognition that multiple sovereignties can exist within one political state (Canada) (see Cornell and Kalt 1997:261;267; Chartrand 1999:98-99; Carens 2000:181). Disagreement as to whether there exists one pan-Māori nation or multiple nations, as represented by iwi and hapū, has also been prevalent both historically and in contemporary times. This is because until colonisation and the British-initiated 1835 Declaration of Independence (see Appendix 1), there had been no need to conceive of a Māori nation as such (Durie 1997:2-3; Loomis 2000a:15; see Chapter Three).

Nevertheless, A. Smith (1999:37; see Pearson 2001b:4) defines '**nationalisms**' as "ideological movement(s) for the attainment and maintenance of autonomy, unity and identity of a human population, some of whose members conceive it to constitute an actual or potential 'nation'". If we too understand nationalisms in this way, Māori calls for the restoration of autonomy and control over all things Māori during the past century and a half clearly fit within this broader category (see Durie 1998a:228). Although Māori calls for self-determination have reflected a diverse range of realities, they are similarly based on the belief that Māori represent a cultural-political

community that stands distinct from the understandings of nationhood tied to the Aotearoa New Zealand political state. Many Māori scholars and activists (e.g. Awatere 1984; Jackson 2000; Sykes 2000) have drawn attention to the seriousness of their demands for greater self-determination by employing a sovereignty discourse that asserts this belief, drawing attention to the fact that many Māori consider themselves both sovereign peoples and a national minority, even if the term 'nation' itself is used infrequently (see Chapter Three). This has provided a set of coordinate points from which to negotiate a new 'binational' political and constitutional order recognising Māori as a second majority or dominant 'national culture'. Such reform would shift recognition of Māori rights beyond the kind of 'multicultural minority' status the state has accorded them, while at the same time preserving the existing political state (Fleras and Spoonley 1999:55; 240). Possible mechanisms promoted in recent years have included a national Māori assembly, a Māori Parliament and bicultural legislatures within the existing Parliament (see Chapter Three).

In response to Māori claims, governments in Aotearoa New Zealand have increasingly acknowledged calls for Māori to be recognised as indigenous peoples and Treaty partners. From the mid-1980s, the government sector implemented ad hoc 'bicultural' initiatives and in the 1990s settled some significant land, resource and cultural claims through the government-funded but relatively independent Waitangi Tribunal (see Chapter Two). Yet, such moves frequently created or enhanced divisions within Māori communities. They were also limited by the political need to appease the non-Māori majority in Aotearoa New Zealand society, which has resisted the conceptualisation of Māori as a nation because this challenges the way in which the term has traditionally been situated within the territorial and institutional frame of the state (Brubaker cited in Pearson 2001a:174). Such resistance remains even though serious calls for a separate Māori state have been rare in the Aotearoa New Zealand context. High levels of geographical and familial integration between Māori and non-Māori have led most Māori to perceive the goal of a separate Māori state as impractical and unlikely to bring great benefit (see Sharp 1997:255-262;299; Durie 1998a:238).

The resistant attitudes of non-Māori reflect the way in which notions of absolute sovereignty and 'one nation' have traditionally been defended through a form of '**civic**' or '**state nationalism**'. This is concerned with creating a single, integrated civic community of individuals ('**society**') founded upon the basis of citizenship. Prioritising 'civic' over 'ethnic' elements, '**citizenship**' is closely bound to the institution of the nation-state and assumes ethno-cultural homogeneity within a country's population. In attempting to forge disparate components of society into a coherent, cosmopolitan and politically-defined community, it is also a key tool in fostering a sense of solidarity and 'national cohesion' (Fleras and Maaka 2000:2; Pearson 2001a:174; see Habermas 1998:112; Cairns 1999:4).

When framed by a civic nationalism discourse, the goal of '**national cohesion**' refers to the unity and solidarity of a state-defined national community. In aiming to promote a sense of unity and symmetry between citizens, traditional citizenship discourses thus necessarily deny and depoliticise difference (Faulks 2000:49). This is particularly so in the case of multinational diversity, as represented by indigenous peoples in settler societies, because they promote a national cohesion of their own which challenges the necessity of an alliance between nation and state. Indigenous claims thus not only contest civic identity and solidarity, but also question the integrity of the state and its definition of the 'people' by highlighting the fragility of a state's legitimacy when it is based upon the dispossession of indigenous peoples (Cairns 1999:5; see Reynolds 1996:175;179; Pearson 2001a:5-9).

Within this context, the '**biculturalism**' of the 1980s and 1990s acknowledged that two national communities exist within the Aotearoa New Zealand state. Yet, bicultural initiatives did so largely at the symbolic or 'nominal' level; for example, official recognition of Māori as the country's second language or the incorporation of Māori cultural ceremonies within certain government sector procedures. Biculturalism thus barely began to address the collective and inherent rights Māori claim to self-determination over jurisdictions related to land, identity and political voice (Fleras and Spoonley 1999:239). Indeed, there was little to distinguish biculturalism from

multiculturalism, except that, in the case of the former, Māori were the target group. Despite growing rhetoric suggesting otherwise, serious attention to the 'gaps' in *political power* between Māori and the state was avoided and policy continued to be decided *by governments for Māori*. As the following section highlights, the purpose of the current research is to indicate whether this situation was radically altered over the 1999-2002 period as a newly-elected Labour-Alliance government introduced a new Māori Affairs policy strategy called 'Closing the Gaps'.

RESEARCH GOALS AND RATIONALE

Promises to reduce socio-economic disparities between Māori and non-Māori and acknowledgment of Māori desires for tino rangatiratanga were an important part of the New Zealand Labour Party's campaign for the 1999 election. Labour, one of the two largest political forces that have traditionally alternated power in Aotearoa New Zealand, attained the greatest number of parliamentary seats, but had to form a coalition with the Alliance Party to become the new government. Work on Labour's 'flagship' social policy programme, the CTG strategy, began immediately. Promoted as a 'new phase of partnership' between Māori and the state, CTG provided an ideal research opportunity with which to assess the question of whether a new government in a new century could transform the state's historically paternalistic and hegemonic relations with Māori.

In light of these considerations, the goals of the research were four-fold:

1. To explore the policy process through which the CTG strategy evolved;
2. To assess whether the CTG strategy lived up to political rhetoric concerning self-determination and thus represented an emergent shift away from the problematic trends found in past Māori Affairs policy;

3. To attempt to provide explanations as to why CTG did or did not match the rhetoric that enveloped it and why a shift in Māori Affairs policy did or did not occur;
4. To offer, if necessary, policy alternatives that would improve upon the CTG strategy and Māori Affairs policy more generally.

These goals were developed to explore several important breaches, shifts and tensions identified within the Māori Affairs policy arena.

First, I identified an opening in the research literature that needed to be filled. The Labour-Alliance government introduced CTG during the early stages of my doctoral study, so there was virtually no existing commentary on the strategy. Certainly, no researcher had been able to complete a comprehensive study assessing this latest government initiative, considering whether the strategy was as unique and as responsive to Māori desires as Labour-Alliance rhetoric suggested. Based on sound empirical evidence obtained from the first, indepth analysis of unpublished CTG documents and rich, original data from interviews with key players involved in the policy strategy, the thesis attends to this breach identified in the literature. It makes a substantial contribution to the debate beginning to emerge around Labour-Alliance's CTG strategy, as well as to the existing body of literature critical of Māori Affairs policy.

Second, a focus on the CTG strategy provided a good opportunity to study Māori Affairs policy at a time of transition. Governments led by a second major political force, the National Party, had been in power since 1990, following a centre-right ideology that frequently grappled with the notion of special rights for Māori, particularly outside the Treaty claims settlement process where some significant work was achieved. The social-democratic Labour Party, on the other hand, had traditionally accepted that the state should play a significant role in countering injustice and inequalities associated with capitalism and other structural factors. This stance was somewhat weakened during Labour's fourth term in government (1984-1990), when major public sector reform was initiated under the influence of neo-liberal

philosophies. But the Labour Party still had a more 'hands-on' approach in Māori Affairs than National (Cheyne, O'Brien and Belgrave 2000:73-74).

Labour's nine years in the political wilderness (1990-1999) had also seen it shift from a market-led neo-liberalism to a form of 'Third Way' politics. The Third Way, which sits somewhere between neo-liberalism and classical social-democracy, originally developed out of the American Democratic Party prior to the 1992 presidential election in an attempt to appeal to a 'coalition of the centre' (Callinicos 2000:18; Thomson 2000:209-210; Clark 2002a:3; see Giddens 1998). The Labour-Alliance government, however, was particularly influenced by the way in which Tony Blair's New Labour government in Britain articulated Third Way ideology. Claiming to be restating social-democratic principles in a contemporary setting, New Labour argued that redistribution remained a core concern but should come as a result of economic growth, rather than taxation, and individual initiative and responsibility, instead of communal action (Thomson 2000:146-156). One of the Blair government's four key policy objectives was thus to build a dynamic knowledge-based economy founded on individual empowerment and opportunity, where the government sector acted to enable, not command, individuals and the power of the market was harnessed to serve the public interest. The goal was a strong 'civil society' (the networks of voluntary activity that occur outside the business and government sectors) enshrining rights and responsibilities. This was to be achieved through the development of 'partnerships' between the government sector and strong communities, in combination with a contemporary, decentralised government (Thomson 2000:214; Maharey 2001a:1).

Given these influences, there was an expectation that a Labour-led government in Aotearoa New Zealand might respond quite differently to Māori Affairs issues than previous administrations. This was particularly so considering Labour's bold electoral statements. These promised to reward Māori electorates if they returned their votes to Labour, for Aotearoa New Zealand's first Mixed Member Proportional (MMP) representation election in 1996 had shattered the assumption that Māori would always

support the social-democratic Labour Party. Talk of 'partnership' and 'self-determination' suggested to many, both Māori and non-Māori, that Labour's 'commitment' to honouring the Treaty of Waitangi would provide more space for Māori to exercise greater self-determination in the political, as well as the cultural and economic, realms than ever before.

A third justification for the research centred on the need to go beyond making accusations that government policy for Māori is flawed or ineffective and actually provide explanations, based on empirical evidence, for this unacceptable situation. While a variety of commentators (e.g. Kelsey 1996; Durie 1998a; C.Williams 2001) have suggested diverse reasons for the government sector's inability to produce effective policy that reflects the rights and needs of Māori, these have rarely been brought together in one place to provide a comprehensive account covering bureaucratic, political *and* conceptual constraints.

The latter aspect is an important contribution, for policy analyses often focus only on the processes and structures of the government sector, without considering the broad conceptual assumptions that drive them. This thesis aims to overcome such limitations by not only outlining the day-to-day restrictions on Māori Affairs policy, but by also highlighting the limitations of current conceptual understandings of the 'Māori problem'. Focus is placed on the constraints of developing and implementing policy given the ideological influences of the Third Way and within the context of a culturally plural liberal-democratic state. In particular, the thesis considers the difficulties of balancing the 'distributive justice', 'needs' and 'development' discourses embodied within traditional liberal conceptions of citizenship, with the discourses of 'tino rangatiratanga', 'rights', 'self-determined development' and 'partnership' articulated by Māori. The thesis also recommends future policy directions, which target the government sector and the broader socio-political context and encourage a reworking or revisioning of such conceptual frameworks. These alternative policy directions aim to provide the space for Māori self-determination to be exercised at the local, regional *and* national levels.

Finally, the thesis strives to provide an important contribution to the stock of social policy and sociological knowledge by destabilising the assumptions of the dominant 'norm'. Lunt (1999:1-6) has indicated that the methods and subject matter of social policy 'masks' whiteness and treats ethnicity as 'invisible', enabling the same intellectual ideas to be taught and learned all over the world. 'Race' or ethnic issues have thus tended to be subsumed by, or considered a dimension of, poverty or deprivation (Williams 1996:51). Sociology similarly relies on dominant paradigms of contemporary sociological thought that make implicit assumptions based on liberal theory and, at least in the area of 'race' and ethnicity, tends to over-emphasise the structures of domination over processes of resistance and change (Moulder 1997:120).

In the Aotearoa New Zealand context, this has often meant that discussion of bicultural issues has involved the spicing up of social policy or sociological debate with a sprinkling of Māori words and their translations. Dominant concepts have remained unchallenged and the implications of the Treaty of Waitangi for policy and practice ignored (Lunt 1999:9-10). In an attempt to 'defamiliarise' Māori Affairs policy, this thesis disturbs commonly accepted discourses and indicates the problematic 'myths' about Māori they have maintained (see O'Brien 1995:5). It also incorporates Māori opinion relating to CTG that was gathered via interviews and written sources from people who might not typically be regarded as policy players. The thesis thus offers participants a medium through which to challenge assumptions found in the sociology and social policy disciplines, as well as in government policy, about concepts such as social justice, equality, needs, rights, development and citizenship.

KEY THESIS ARGUMENTS

This thesis contends that the CTG strategy neither represented a fundamental change in Māori-state relations, nor completely replicated the past mistakes and

miscalculations of Māori Affairs policy. Rather, it demonstrated limited and ambivalent movement towards recognising some of the moderate aspects of Māori self-determination, while staying firmly within traditional policy discourses. This is what is referred to as 'continuity in change'. There are several reasons for this argument.

First, the initiatives aiming to improve the 'effectiveness' of government performance for Māori; the 'capacity' of Māori organisations and communities; and the ability of Māori to 'participate' in the health sector were all important developments that built upon the record set by past National-led governments. Yet, the CTG strategy continued to be framed by a needs-based discourse that defines the 'problem' as one of Māori disadvantage and legitimises state intervention in the Māori world under the pretense of 'helping' Māori peoples gain access to the same socio-economic status as their non-Māori counterparts. Conceptualising Māori as disadvantaged individuals whose needs should be met within the universal citizenship rights of the nation-state, Aotearoa New Zealand governments have pursued policies based on distributive social justice. It is noted that distributional goals have provided some important social benefits for Māori individuals. There is also some evidence that an Aotearoa New Zealand variant of recognitive justice for Māori is emerging, defined in terms of acknowledging Māori indigenous rights and the state's Treaty obligations. However, social justice in general acts as a means for promoting national cohesion, in which Māori calls for self-determination based on their status as a distinct cultural-political community (or nation) are denied or suppressed (see Chapter Two).

Labour-Alliance's rhetoric regarding the Treaty of Waitangi, 'partnership' and 'self-determination' suggested that it was keen to extend into social policy a rights-based discourse recognising Māori claims to self-determination, potentially including more politicised models which had been previously rejected. Nevertheless, the CTG strategy provided no serious challenge to traditional needs-based, universal discourses of citizenship. It is argued that the strategy's core project was social inclusion, in which the 'problem' continued to be defined in terms of poverty and disparity issues, even if the language used to do so was more sophisticated than that of the past.

The blurring of this project with that of Māori self-determination was assisted by the fact that the Treaty of Waitangi is open to multiple readings, including an interpretation of Article Two that suggests Māori rights to self-determination were never extinguished (see Appendix 2). Labour-Alliance's emphasis on the Treaty implied that these Article Two rights were a driving force behind the strategy. Yet, an analysis of CTG demonstrates that, in practice, the strategy was based on the Article Three rights of citizenship and remained focused on reducing the inequalities of 'social exclusion' or poverty, rather than inequalities in political power (see Rata 2000:30; Young 2000a:A17).

Direct political manipulation by senior members of the Labour-Alliance government is not ruled out, but I argue that the failure to make a distinction between the two socio-political projects of social inclusion and the endorsement of a Māori-centred understanding of Māori self-determination stemmed from a variety of bureaucratic, political and conceptual factors. A lack of strategic vision caused by short-term funding and policy development cycles; weak cross-sectoral integration; poor understanding of the need for a Māori dimension to policy; and inadequate consultation were the key bureaucratic constraints limiting the government sector's ability to fully account for Māori desires for self-determination.

Major bureaucratic transformation is possible if there is considerable political support for change. In the case of the CTG strategy, political willingness existed in certain parts of the government sector for some of the time, but other political agendas diluted good intentions. Ultimately, political parties are influenced by their need to appeal to the largest number of voters possible, meaning that minority population groups, such as Māori, have constantly found their demands subject to the desires of those in the majority. Aotearoa New Zealand's weak constitutional structures (which are based on a unicameral system with no explicit, written document known as 'The Constitution') and the lack of specific constitutional guarantees available for Māori have also placed constraints on greater governmental support for the full range of

proposals for self-determination that Māori have articulated (Wickliffe and Dickson 2000:48).

The bureaucratic and political constraints described above contributed to Labour-Alliance's inability to deal adequately with the conceptual issues involved in the Māori Affairs policy arena. Poor definition of the 'problem' left room for uneven and frequently conflicting interpretations of the CTG strategy as it was implemented. More importantly, the Labour-Alliance government failed to consider whether the basic principles behind its social development framework could adequately address the fundamental challenges that Māori calls for self-determination have made upon the state at the local, regional *and* national level. The Third Way agendas of social inclusion, community empowerment and active citizenship were inappropriate when applied to Māori, who consider themselves already-empowered peoples and whose models of self-determination include proposals for forms of strategic 'exclusion' from mainstream institutions and state-framed citizenship discourses. The thesis thus highlights the risks of applying a Third Way political discourse that developed out of North America and Europe in the vastly different socio-political context of Aotearoa New Zealand.

More fundamentally, the thesis argues that the CTG strategy could never have fully supported a Māori-centred understanding of self-determination because, like past Māori Affairs policy, its underlying goal was national cohesion. Driven by the state's desire to depoliticise potential challenges to the culturally-specific notion of absolute sovereignty, upon which its legitimacy is based, CTG consequently continued to marginalise Māori desires to be recognised as *sovereign* peoples. Behind this marginalisation lay a 'zero-sum' mentality, which presumes that any recognition of indigenous sovereignty means a loss of state sovereignty (Cornell and Taylor 2000:3). Such an assumption was so ingrained that it was rarely stated, but simply reflected in the actions and attitudes of politicians, bureaucrats and the general public. Yet, Māori calls for self-determination have seldom been articulated at this 'hard' end of the sovereignty continuum.

It is true that the politics of indigeneity, as a principle and practice, are ultimately concerned with a fundamental restructuring of the contractual basis of state-indigenous relations, involving the transferral of power as a basis for sovereign self-determination (Fleras 1999:192-195; see Alfred 1995:98-102). Yet, there is increasing evidence (e.g. Cairns 1999; Fleras and Elliott 1999; Kymlicka 2001; Tully 2001), both in practical examples and theoretical models, that it is possible to recognise dual or multiple sovereignties within the confines of a single political state, without undermining society as a whole. Indeed, such accommodation of multinational groups aims to *enhance* social cohesion by eliminating a major source of tension within a particular political state. The British government's devolution of real authority and control to a parallel, Scottish national minority parliament is a particularly notable case, given Aotearoa New Zealand's Westminster-based parliamentary system (see Cohen 1996:267-270; C. Espiner 2001:5). Certainly, scholars indicate that recognition of a form of multinationalism may actually be necessary to achieve the goals of cohesion, solidarity and, ultimately, state legitimacy, at least in the context of culturally plural settler societies. This thesis consequently argues that formal and full acknowledgment of the nation status of Māori, preferably within a revised set of constitutional arrangements, would ease the fundamental tension between the state's desire for a sense of legitimacy and Māori desires to express their nationhood (see Brookfield 1999:168).

METHODS AND METHODOLOGY

In developing the current research project, a triangulated approach was adopted in which original data gathered from interviews were interwoven with an analysis of written primary and secondary sources. Such an approach is outlined in this section, along with the two main methodological issues encountered during the

research process. The first relates to Māori calls for self-determination in the research arena and the politics of Pākehā, such as myself, being involved in research projects concerned with Māori issues. My responses to the former debate and the ethical and political concerns that stem from the latter practice are outlined. The second methodological issue concerns my need to conceptualise policy (and, consequently, the state) in a way that allows for Māori agency, while also acting as a means for explaining the continued failure of Māori Affairs policy to meet the needs and desires of Māori.

A TRIANGULATED APPROACH

The conclusions presented in this thesis are based largely on an analysis of primary sources. The majority of these were published government documents, such as Hansard transcripts of parliamentary debates, policy statements, departmental reports, agency reviews, media releases and political speeches. However, access was gained under Section 12 of the Official Information Act 1982 to numerous unpublished government sources, including Cabinet papers, internal memos and draft papers. Submissions on legislation and newspaper articles were additional, original sources for up-to-date information on policy changes and public opinion. I have attempted to explicitly highlight the latter, so that it is clear where I have drawn assumptions based solely on this material, due to a lack of available resources from elsewhere.

Most of the primary sources covered the period following the election of the Labour-Alliance coalition government in November 1999, when the CTG strategy was developed and introduced, through to February 2001, when the CTG slogan was formally abandoned. However, as the initiatives constituting the CTG strategy continued to be implemented beyond this date, the thesis draws upon (although to a

lesser extent) primary sources generated up until the end of Labour-Alliance's term in July 2002.

Further primary data were gathered through the interview phase of the research. A total of twenty-eight interviews (see Appendix 3) were conducted in Wellington, Christchurch and Auckland between April and December 2001. Participants were mainly current politicians and government sector officials. However, one journalist; one independent social scientist who has worked for and been contracted to various government agencies; and ten people who either represented Māori (both tribal and non-tribal) organisations or were frequent and well-known commentators on Māori Affairs policy also took part in the research. In general, the interview phase provided a valuable opportunity to confirm my analysis of policy intentions, process and outcomes, as well as to provide further information regarding these and other issues. Interview data from both Māori and non-Māori participants, which I transcribed myself and analysed qualitatively, were a rich source that captured the thoughts and feelings of a variety of individuals on CTG while the strategy still had currency in their minds.

Nevertheless, given the political nature of the CTG strategy and both the explicit and implicit agendas of my participants, the 'reliability' of the data gathered during interviews is uncertain. Politicians, in particular, were well-rehearsed at evading difficult questions relating to their own government's involvement in political issues, while finding fault with the political Opposition. Māori participants representing tribal and non-tribal organisations were also politically positioned, often acting as both critics *and* beneficiaries of government policy. Finally, it is of note that the twenty-one Māori participants involved in the research represented an educated elite within Māori society and their opinions may not necessarily reflect 'average Māori' who are rarely given a 'voice'. The financial and temporal confines of the research project made a more representative range of Māori participants unfeasible.

Where possible, secondary sources were utilised to verify interview data and fill holes in knowledge that remained after an analysis of primary data was complete.

Published sources provided an insight into previous policy (and to a much lesser degree, the CTG strategy itself), as well as the conceptual frameworks explored in the thesis, such as theories relating to policy, social justice, citizenship, development and tino rangatiratanga. The latter requires particular note, for the thesis relies almost solely on secondary resources when discussing models of Māori self-determination and their conceptual basis, tino rangatiratanga. These sources are limited in number and again tend to reflect the views of highly-educated Māori public figures.

The triangulation of methods adopted provided a substantial amount of information. Despite the piles of government documents, published books, journal articles, newspaper clippings and interview transcripts that cover the floor of my study, I acknowledge that it is impossible to state categorically how, why and when the CTG strategy was developed. This is partly because of the nature of the policy process, which provides for multiple interpretations of events by different policy players. It also stems partly from the inability of any researcher, particularly one who is an 'outsider' to the government sector, to track down every single government document relating to an issue.

This is particularly so when there are official and unofficial, political and bureaucratic gatekeeping processes at play restricting public access to government records or public figures. For example, no researcher can completely control whether key players will be able or willing to complete an interview. In my case, Parekura Horomia and Tariana Turia (the Minister and Associate Minister of Māori Affairs respectively) and the Prime Minister, Helen Clark, were major figures in the CTG policy process with whom I was unable to conduct interviews. Fortunately, numerous press releases and speeches were readily available for all three, thus allowing me to assess their roles relating to CTG as played out in the public arena.

An important realisation came as a result of these difficulties with access: no thesis can document every single detail of a policy process. It can, however, outline significant events, illuminate the most important themes and place such a process within a theoretical framework that makes 'sense' of the often conflicting information

collected. My goal has thus not been to focus on the 'facts' of the policy process or the details of the socio-economic disparities between Māori and non-Māori. Rather, it has been to explore political responses to Māori as represented by the CTG strategy, consider how they are implemented and legitimated and, ultimately, to assess such responses against the rhetoric regarding Māori self-determination that surrounded the CTG strategy and against past policy (see Solomos 1988:22).

THE POLITICS OF PĀKEHĀ RESEARCHING MĀORI ISSUES

Given the goals of the thesis, the first methodological issue of note stemmed from my positioning as a Pākehā researcher conducting research into Māori issues with Māori participants. Research in Aotearoa New Zealand has, until recently, been the domain of Pākehā authority. While much research has been conducted *on* Māori, most of it has been for the benefit of the researchers' professional careers, rather than having specific aims and objectives directed towards helping Māori in their daily lives (Stokes 1985:3). This is because Pākehā have not only done the observing, gathering and processing of the data, but they have also held the *power* to define what constitutes research and by what criteria it should be evaluated. As a result, Pākehā researchers have maintained the authority to construct meaning for and about the research experiences of Māori (Bishop 1994:175). In this 'traditional' research relationship, Māori have found themselves stereotyped, their culture reified and commodified, and their 'historical memory' replaced by grand narratives of Māori historical tradition created by Pākehā (see Bishop 1996:14; 1997:26-29).

Challenges led by Māori researchers and educators, in particular Smith (1992), Bishop (1994;1996) and Smith (1999) in the 1980s and 1990s, have consequently questioned the participation of non-Māori in research related to Māori issues. This has led to some Pākehā becoming more innovative in the way they conduct their research

projects and a final product that is more sensitive to cultural issues (Smith 1999:176). However, an emerging ontological base, commonly referred to as the Kaupapa Māori (literally, Māori agendas) framework, places into doubt whether Pākehā have *any* role in research related to Māori. The Kaupapa Māori framework incorporates many significant dimensions that set it apart from 'traditional' research, making it a "quantum-jump rather than an extension of current western-based research" (Cunningham 1998:402). In particular, there is a heavy emphasis on 'being and acting Māori' as a critical part of the research enterprise, so that the *whole* research process reflects Māori attitudes and traditions (see Cunningham 1998:402). The Kaupapa Māori framework has also been conceptualised as an essential key to Māori self-determined development (see Durie 1998b:409-413; Chapter Three).

This study has been instigated and carried out by a Pākehā researcher and thus cannot be considered a form of Kaupapa Māori research. Yet, it has certainly engaged with the philosophical, ethical and methodological issues highlighted by Kaupapa Māori advocates, as well as more general debate about research concerning Māori. My responses to such debates are evident in the discussion below, which outlines the research process I embarked upon.

Developing an appropriate research topic

Within the context of growing resistance to non-Māori researching Māori issues, my decision to pursue an interest in Māori-state relations required careful contemplation and consideration of the ethical issues involved. I gained support from Bishop (1996:18), who has noted two major reasons why non-Māori should be involved in Māori research. First, he sees potential in producing a group of highly-skilled, professionally-trained non-Māori who are becoming 'bicultural' and are willing to work within Māori-controlled contexts. Such researchers, Bishop has claimed, will be dedicated to the betterment of Māori and present their work as *koha* (a gift) for Māori to pick up as they see fit.

Second, Bishop (1996:19) has identified that if Pākehā researchers avoid Māori research and the desires for development and self-determination upon which it is based, then they abrogate their responsibility as partners in the Treaty of Waitangi. In arguing that the pursuit of Treaty justice is a task in which all New Zealanders must be engaged, he has quoted Walker (1990:234) to stress the point that Pākehā involvement is critical for change:

The Māori as a minority of 12% of the population of three million, cannot achieve justice or resolve their grievances without Pākehā support. For this reason, Pākehā are as much a part of the process of social transformation in the post-colonial era as radical and activist Māori.

Upon this basis, my supervisors and I, in consultation with a small network of occasional Māori advisors, began to explore the possibility of my conducting research that investigated issues of relevance to and involved Māori. Keeping in mind Smith's (1999:177) comment that non-Māori are most culturally sensitive when choosing to *avoid* dealing with Māori, an original research topic requiring considerable familiarity and established relationships with a particular Māori organisation was rejected. I attempted to gain what Bishop (1996:237) has called 'cultural competency' by studying the Māori language and appropriate Māori cultural knowledge. But other topics that would have focused specifically on Māori people or culture were abandoned because it was clear that these should be the domains of suitable Māori researchers.

In the end, I undertook the current research project because it focused on government *Māori Affairs policy*, rather than *Māori individuals, organisations or culture*. As Māori-state relations are constructed and conducted through official policy and administration (see Fleras and Spoonley 1999:107), this was an extremely important area of study. My advisors and I also considered it a legitimate avenue for a Pākehā researcher to pursue, for three main reasons.

First, the research would have some obvious benefit to Māori individuals and organisations, by challenging Pākehā power structures and suggesting alternatives that reflected Māori aspirations for self-determination. The topic thus conformed with

an 'empowering outcomes' model, one of a variety of frameworks offered by Smith (1992:8-9) as a means through which Pākehā researchers might appropriately undertake research with Māori. Second, we considered my being an 'outsider' in both the government sector and Māori contexts might allow fewer constraints in critically analysing government policy. Third, given that the relationship between Māori and the state is increasingly represented as a partnership, it was appropriate for a researcher, whose cultural background reflected that of the dominant group, to draw attention to some of the factors inhibiting the application of the partnership ideal. This was done on the understanding that Pākehā like myself, along with Māori, suffer a loss from the continued failure of the state to develop appropriate and sustainable relationships with Māori. The thesis consequently attempts to explore the inadequacies and successes of present government structures and processes, as well as the traditional theories and ideologies supporting them (Cram 1997:58).

Researching ethically

Having made the decision to continue with the current research project, attention was paid to ensure that it was 'culturally safe' for all participants (see Ramsden 1995). Massey University Human Ethics Committee regulations required that I gain informed, written consent from all my interview participants, even though they spoke only as official representatives of particular organisations (see Appendix 3). In consequence, interview participants were given an information sheet describing the research, either when first contacted by mail or at the beginning of the interview, which outlined their rights in the research process. A consent form then offered several options from which participants could choose in relation to how the interview was conducted and the use of the interview material in my research. Only one participant chose not to have the interview tape-recorded, but seven wished to review the quotes that I extracted from interviews before giving permission for their use in the thesis and subsequent publications.

The political sensitivity of the CTG strategy, particularly as its programmes were still current government policy as the thesis was being completed, made politicians and government sector officials involved in the research somewhat cautious. This created considerable stress towards the end of the writing-up phase, because allowing participants to review their transcripts resulted in several last-minute changes to accommodate the wishes and rights of participants. These included altering their original words, deleting some passages from the thesis and/or negotiating different means of referencing so that the participants were not identified. As a result, where participants wish to remain anonymous, they have allowed me to give a broad indication of their professional position, which precedes cited material in the main body of text. A standard in-text reference giving the participant's name and the year of the interview follows the remainder of the interview material cited in the thesis and details about these participants are found in Appendix 3.

Access to unpublished government documents also required agreement that excerpts from documents be subject to review from the government agency that had released them (see Appendix 4). This, once again, involved considerable time and stress towards the end of the research process. However, due to *all* primary and secondary document research being conducted in a thorough and ethical manner, so that material was quoted and referenced accurately, this issue was one of bureaucratic process rather than poor social science.

Participants were additionally given the option of accepting a summary of the research findings once the thesis was complete. It was hoped that receipt of the summary would provide a further tool for some participants, particularly those working outside the government sector, with which to continue challenging the status quo. However, I also accepted that the research might be used in unintended ways, either by participants or others, for it is politically naïve and potentially dangerous to regard research as autonomous from its contextual political environment. Research findings can easily be used against the very group that reform-oriented research is aiming to benefit (Solomos 1988:10). As a consequence, I endeavoured to qualify

discussion of controversial issues, so that they were less likely to be taken out of context once the thesis and its findings were out in the public arena.

Unpacking and explaining assumptions and choices

In light of such intentions it was necessary to unpack the language through which Māori Affairs policy is articulated and debated. Cram (1997:49) has suggested that non-Māori researchers need to deconstruct their own values, history and culture before attempting to understand another. While I had begun this process in earlier studies and research projects, the thesis continued such self-awareness by critically exploring some of the assumed, but culturally-specific, principles upon which the Aotearoa New Zealand state was founded (see Chapter Two). It also required that I consider several terms commonly utilised in discussion of Māori Affairs policy and justify their place in my research.

First, it was necessary to consider the term **'Māori'** itself. Although this word is frequently employed to describe those individuals with Māori ancestry, such use is controversial because it tends to present Māori individuals and communities as a unified and homogenous cultural-political community, rather than one which is as diverse and complex as that assumed to be embodied by the nation-state. Indeed, some iwi advocates (e.g. O'Regan 1995; Parata 1995) commonly speak from the assumption that Māori as a group did not exist before colonisation. In the pre-colonial context, the term 'Māori' literally meant 'normal' or 'usual' with whānau, hapū and, in certain circumstances, iwi groupings being the social units of most significance (Ballara 1998:19; Durie 1998a:53). Defining Māori as one, seemingly homogenous group is thus regarded by many as part of the 'colonial project'. Nevertheless, other Māori individuals (e.g. Tamihere 1995; Durie 1998a), from both tribal and non-tribal backgrounds, contend that the term 'Māori' may not be traditional, but it is useful in the contemporary context where tribal affiliations are not necessarily possible or beneficial.

For the sake of brevity, this thesis adopts the term 'Māori' to denote the descendants of whānau, hapū and iwi who are now considered to form a single ethnic group. Such a move is particularly suitable for a study of government policy, which remains targeted largely towards Māori as a homogenous entity, despite increasing recognition (e.g. Cabinet 1995; TPK 1998a; 2001c) that Māori individuals and collectivities experience diverse realities. The thesis also frequently refers to '**Māoridom**', a shorthand term commonly used in Aotearoa New Zealand to describe wider Māori society.

While utilising the word 'Māori', this thesis acknowledges the contestation that surrounds it by highlighting the diversity contained within Māori society wherever appropriate. In particular, a distinction is made between those who affiliate with traditional '**tribal**' descent groups, such as iwi and hapū, and those who cannot or choose not to make such a tribal affiliation by calling upon their whakapapa (genealogy). The phrase '**urban Māori**' is in common usage in Aotearoa New Zealand to describe the latter groupings. However, this thesis follows the Waitangi Tribunal's (1998:xxii) lead when avoiding the term because there are urban tribes, as well as some non-tribal Māori organisations not confined to urban areas. In addition, the Tribunal does not use the term '**pan-tribal**' because it fails to distinguish organisations made up of, or working for, those who do not affiliate with tribes from other bodies, such as the National Māori Congress whose members are tribes or descent groups. As a result, the term '**non-tribal**' has been adopted by the Tribunal (and this thesis) to describe Māori organisations for whom descent is not the defining principle of organisation. It is important to note, however, that some individuals involved in such organisations may identify strongly with their own tribes.

In unpacking the assumptions behind particular words commonly used in Māori Affairs discourse, it was also necessary to consider the term '**non-Māori**', which can only be defined in opposition to Māori as those individuals who self-identify as not being Māori. Such a category ignores differences and parallels between the diverse ethnic groups contained within it. For example, New Zealanders of Māori and Pacific

descent are far more similar in terms of socio-economic statistics (see Statistics NZ 2001a:90; 2001b:63-71), than Pacific- and European-descended New Zealanders, even though the latter are both included within the non-Māori category. This thesis is also highly critical of the way in which such comparison between Māori and non-Māori has assumed that mimicking non-Māori should be the standard of 'success' for Māori. Finally, the way in which the term 'non-Māori' is often used as a synonym for Pākehā is of concern because this denies the cultural differences of several other ethnic groups included within this category.

Nevertheless, because government policy and players commonly refer to 'non-Māori' and uncertainty exists as to who they include within this group, the term is used as necessary in the thesis. Where possible, more precise terms are employed and in most cases this involves reference to '**Pākehā**'. Also controversial, this word was originally used by Māori to differentiate European colonists from themselves. In contemporary times, it is sometimes used to include all white or non-Māori people, but generally refers to New Zealanders of European descent (see King 1991:8; Gregory 2001a:A3). The last three decades have witnessed increasing numbers of such New Zealanders adopting the term to describe themselves (see Gregory 2001a:A3; Watkin 2001:B5). For some influenced by 'post-colonial' thought, this is an attempt to 'enter the otherness' by knowing themselves on Māori terms (During 1985:369-370; see Spoonley 1995:48-49). For many, the term 'Pākehā' simply reflects their commitment to biculturalism or recognition of the Treaty and indigenous rights of Māori (Fleras and Spoonley 1999:xiii; see King 1991:8). Placing myself in this latter category, I have used the word in the thesis to describe non-Māori individuals or groups, usually of European-descent. While not accepting their arguments, I acknowledge that others adamantly reject the term 'Pākehā', citing derogatory translations in the Māori language or an unwillingness to be defined by any Māori word whatsoever (Gregory 2001a:A3).

Finally, I have chosen to use the term '**Aotearoa New Zealand**', which combines the well-known name of the New Zealand political state with Aotearoa, one of

many Māori terms for the country. I acknowledge that the use of this term is also under debate, even within Māori communities, and do not wish to imply through its use that a shift towards a 'post-colonial' era has occurred (see During 1985:369-371; Spoonley 1995:48-49; Pihama 1997:8-15). Yet, I believe that Aotearoa New Zealand is the best linguistic tool available to promote the 'dual nation' status of the country and of the partnership between Māori and the state.

The contestation highlighted in this discussion about the terms I have used to describe Māori Affairs policy issues is not unique to this portfolio nor to Aotearoa New Zealand. The following section indicates the way in which policy in general reflects a plurality of interests that compete for attention within the contemporary, culturally plural liberal-democratic state.

CONCEPTUALISING POLICY

The second major methodological concern that emerged from this study was the need to articulate my understanding of public policy and the process through which it is developed and implemented. I wished to conceptualise policy in a way that allowed for Māori and other interest groups to be considered as active policy players, rather than merely the recipients or targets of policy. Yet, at the same time I did not want to diminish the strength of Māori arguments asserting that government-defined Māori Affairs policy has acted to oppress, subvert and side-line Māori desires for greater self-determination (see Fleras and Elliott 1992:ix).

As a result, the research is based on the assumption that policy is not a fixed unidimensional entity. Rather, it is constructed, multifaceted and thus open to transformation. Policy is certainly subject to different interpretations by numerous policy players in different temporal and political contexts. Obviously, political parties use policy to promote the ideological goals upon which they are founded. These goals

are not necessarily guides to policy actions, but indicate an important parameter by which political actions are judged by those who sympathise with 'traditional' party agendas (Castles and Shirley 1996:90). Although far from being homogenous groupings, certain constituencies may be powerful enough to influence policy if political parties back particular policies or issues to gain the support of specific constituent groups or stand the middle-ground to attract supporters beyond their natural party constituencies (Edelman 1971:4; Cheyne, O'Brien and Belgrave 2000:31). As a result, a change in the political party or parties leading government can bring with it significant effects on the direction of policy. This is particularly so immediately after an election when there is pressure on government agencies to generate 'shopping lists' of new initiatives and the lifespan of existing programmes is at risk (Considine 1994:137-138).

In addition, powerful elite interests, such as those concerned with business, can affect policy decisions in some circumstances. Minority interest groups may also have the opportunity to influence policy, if usually only in relation to specific issues concerning them. The bureaucratic cultures and organisational processes embodied by the government departments and agencies that make up the '**government sector**', where policy is developed, can have an effect on the policy process. This may provide consistency and stability but can also result in lost capacity for innovation as ideas increasingly become 'routine' (see Eisenstadt 1968:xvii; Considine 1994:4-14). Finally, individuals (particularly politicians and government sector officials) may have an enormous influence on policy formulation and implementation, although their actions are always subject to the social, political and economic context in which they are made (Cheyne, O'Brien and Belgrave 2000:22).

Given this range of possible policy players, opinion varies as to the ideas and practices defined as policy, based on varying analyses of the social context and different assumptions about power and social relations. There are also many different measures of what society could and should look like, as well as ideas of what role the state should play in creating it (Drake 2001:19). Considine (1994:4) has defined

'policy' as: "the continuing work done by groups of policy actors who use available public institutions to articulate and express the things they value". If we too understand policy in this way, it is possible to acknowledge that, even when policy appears to be seemingly ad hoc and unpremeditated, the policy process consists of a number of policy players attempting to assert their value judgments, often unconsciously, over others. Where relevant, the thesis draws attention to these differing perspectives and the respective influence of such policy players in relation to CTG and Māori Affairs policy more generally.

The discussion above clearly indicates that I do not regard policy as just something that particular governments do (or do not do). Yet, over the course of this particular research project, I have moved from the assumption that policy is highly negotiable, as a result of the contestation described, to a much more ambiguous conclusion. A review of the literature concerned with past Māori Affairs policy (see Chapter Two) demonstrates that broader state agendas regarding national cohesion and legitimacy continued to dominate public policy, at least in the Māori Affairs portfolio, well into the 1990s. The current research indicates that the CTG strategy was mediated at different times by some of the varied influences described above. Yet, in addition to attempting to achieve its own particular ideological and political goals, the Labour-Alliance government was also driven by a need to defend state legitimacy through national cohesion, even if its own members were not necessarily conscious of this fact. In pursuing such an argument, the following section necessarily provides some detail as to my understanding of the state and the processes by which policy is developed within its institutions.

The Plural State

Some Māori (e.g. Awatere 1984; Sykes 2000) have depicted the state largely as an oppressive institution. Certainly, the state has played a leading role in facilitating the exploitation of their lands and resources, in addition to actively attempting to

destroy Māori social and cultural systems. Nevertheless, Pearson (2001a:18) has noted that, even in cases of colonisation where indigenous peoples undergo exploitation and domination, “the process of state formation fosters conditions that furnish even the most powerless of peoples with possibilities for frustrating the plans of the powerful”. This is particularly so if, as in the Aotearoa New Zealand case, the colonisers do not have the numbers or strength to use completely coercive means of control and rely on policies of co-option, limited self-regulation or devolution to maintain their power. The ‘spaces’ created by these policies become sites of struggle within which indigenous peoples may achieve greater control over their own lives.

It must thus be acknowledged that, in addition to acting as an oppressor, the state has distributed resources and promoted policies that have *benefited* Māori (see Brass 1985:26; Dyck 1989:7). This contradictory role comes as no surprise given the fact that the contemporary state is an assemblage of agencies, institutions and processes, including central, regional and local government, the judiciary, the police and the armed forces. The actions of one arm of the state thus frequently offsets the goals pursued at another level or within another body of state authority (Ben-Tovim et al 1986:23; Renwick 1990:104; Mulgan 1997:3-5). The blurring of the lines between Māori and the state through the decentralisation of state services and responsibilities to Māori organisations has also made it more difficult to analyse Māori Affairs policy as inherently oppressive. Rather, I argue that it represents a ‘balance sheet’ that includes both ‘liabilities’ and ‘assets’ (see Young 1998:5).

The theoretical frameworks that have been applied to policy analysis are various and infer different roles for the state, debating the influence (or not) that this abstract entity has in shaping policy. These frameworks exist on a continuum in which the core sociological tension between agency and structure is played out. The inherent difficulties involved in public policy-making range correspondingly from low to considerable to severe depending on the theory (Dunleavy and O’Leary 1987:333). Based on the belief that no one theory explains everything, this thesis assumes an eclectic view, being influenced by a range of theoretical understandings (see Jessop

2001). From pluralist theories (for an overview in the Aotearoa New Zealand context, see Mulgan 1997), I draw the assumption that the state is both complex and contradictory, consisting of a variety of competing interests that are not always compatible with each other. Thus, the state is a plural, active agent that wishes to protect its own (multiple) interests and legitimacy, as well as that of others.

A further assumption is that the state constitutes only *one* institutional order amongst and interdependent with other systems (Jessop 2001). For example, conflict theorists (for an overview, see Giddens and Held 1982) have maintained that there is a direct connection between the political and economic spheres. I agree, but argue that interests other than capitalist ones also vie for influence and scarce resources. In recent years, the state has also been challenged *externally* by the global economics and supranational political structures that globalisation has produced and *internally* by calls for devolution of political power within the state. The autonomy of the state has thus been attacked from both outside and inside its political borders (Giddens 1998:64; Graham 2000:193-194; Drake 2001:153).

Internal challenges to the state are of particular significance for this thesis, as such pressure has often come from interest groups based on identity and culture that emerged out of new social movements following World War II. These have forced recognition that there are multiple social worlds and a greater acknowledgment of cultural and ethnic diversity. Such changes have had significant consequences on the state. New issues have been brought onto the political agenda, with some real policy objectives achieved by social movements and changing public attitudes. There have also been modifications in political opportunities and patterns of alliance, authority or representation (Drake 2001:105-106).

Yet, the development of plural principles and policies to accommodate such diversity has often been incremental and incomplete. This is not due to any 'conspiracy' formulated by conservative politicians or bureaucrats. Faced with claims made by multiple groups, the state simply cannot fully comply with the demands of any one and thus fails in the eyes of all. Indeed, governing within a democracy, the

state cannot go too far in the accommodation of plurality without risking its own legitimacy and longevity (Drake 2001:40). This is because pluralism brings with it the risk of social fragmentation and the dilemma of coping with majority mandates antagonistic to plurality. The latter is particularly an issue when, in order to optimise opportunity and to maximise liberty across a diverse population as a whole, some majority group privileges and freedoms must be curtailed or removed (Drake 2001:41-42). As a result, the state promotes national cohesion and the preservation of the constitutional status quo as a means of legitimating itself. Yet, when traditions are changed and there is greater public contestation about the legitimacy of the state, even more effort is required on the state's part to continue being considered legitimate (Habermas 1989:275-277).

In recent years this has seen a renewed focus on the status of citizenship, which has long mediated such legitimacy in democratic states (Miller 2000:42). The 'homogenised' notion of citizenship described earlier, in which nation and state are regarded as one and the same (Oommen 1997:135), has been used to promote solidarity, national cohesion and legitimacy. Often in tension with the actions of governments within liberal-democratic states who, in practice, have had to venture beyond the confines of liberal theory to deal with the challenge of diversity, such citizenship discourse has prolonged the hegemony of so-called liberal-democratic values (Kymlicka 2001:4-5). This has given the impression of equality or social justice because the state has the power to define both of these in ways in that ensures 'success' (see Chapter Two).

The principles behind policy

The state is clearly no neutral arbiter or broker of cultural difference in the policy process, for it reflects the distribution of power within its structures, the dominance of groups within civil society and its own agendas regarding legitimacy (Young 1998:8). This latter need is mediated through a 'political formula' which

provides a minimum basis of popular support for its actions (Brass 1985:26). Implemented by **'government'** – made up of elected officials, such as politicians, and unelected bureaucrats who conduct the practical day-to-day running of the state – such a formula involves the creation of policy (Mulgan 1997:5). With policy, government attempts (or at least says that it is attempting) to meet the demands of different interest groups, as well as to live up to the standards of liberal principles concerning equality and universality. It thus serves a political purpose, 'constructing' particular meanings and signs that intend to squash public conflict and foster commitment to the notion of a universal 'national interest'. If successful, policies produce and maintain political consent through popular support and the state remains regarded as legitimate (Marshall et al 2000:17). This is not necessarily intentional but nonetheless protects the constitutional status quo, which in Aotearoa New Zealand is built upon a unicameral, Westminster-style democratic system.

To have policy, therefore, is to have 'rational' reasons or arguments which contain both a claim to an understanding of a 'problem' and a 'solution', offering a kind of 'theory' upon which a claim for legitimacy can be made (Parsons 1995:15). These value judgments differently identify the 'problem' in question, the 'solution' to be found and the legitimate beneficiaries of policy. Individuals or groups may even embody more than one set of values and thus be pursuing multiple policy agendas at one time.

The understandings of policy reflected in this thesis have been influenced by Drake (2001:22), who has adopted the term **'principle'** to embody the values and beliefs to which an individual, group or government subscribes. Policy principles may be neither harmonious nor mutually reinforcing, due to the multiplicity of policy players involved in the policy process. In addition, articulated aims such as securing citizenship, promoting equality, preserving the freedom of the individual and furthering justice are open to question and may, in fact, be in tension or contradictory. In real-life policy, definitions of all these concepts are contested. This is why it is important to analyse policy by highlighting definitions and conflicts of principle, as this thesis does (see Drake 2001:4-5;15).

Nevertheless, it is obvious that some policy players hold greater power in terms of promoting their definition of the 'problem' and in determining whose values should influence, control and benefit from policy. Policy is never constructed on a level playing field and competition between individuals and groups is central to the policy process. Different policy players, therefore, have different access to the policy process, with those who are actually the targets of policy often having the least opportunity to contribute (Hill 1980:11). The government sector, which is officially responsible for policy, clearly has more power than other policy players, even if its desires are mediated by those of other groups.

Some principles are focused on substantive areas of policy and other, more general principles may span an entire government's manifesto. These '**meta-principles**' are derived from and support prevailing norms, values and beliefs. Where policy principles acknowledge difference, but maintain values that serve the interests of one particular social group over others, diversity is likely to be constrained and change retarded. When the state fails to respond to calls for change, such pressures build up, eventually leading to civil commotion and violence (Drake 2001:5;12-13;116-117). Thus, the state finds itself in a double-bind, where either too much or too little acknowledgment of diversity places its legitimacy into question.

This thesis argues that some of the most important meta-principles in Māori Affairs policy, as well as social policy more generally, have been the notions of social justice (including equality), needs and development (including progress, modernisation and civilisation). These meta-principles, which stem from philosophies developed within a specific cultural and temporal context, have flooded social policy discourse and are at the basis of traditional understandings of citizenship (Cheyne, O' Brien and Belgrave 2000:110-111).

This has historically placed Māori (and other cultural groups) in a disadvantaged position as potential players within the policy process. Māori have had some success in asserting competing principles and in placing new policy issues on the political agenda. Yet, I argue that the key concepts of social inclusion, community

empowerment and active citizenship that constituted Labour-Alliance's social development approach stemmed from the traditional meta-principles described above. This approach did not, therefore, alter the way in which social policy discourse has traditionally been defined and constructed within dominant Pākehā epistemological frameworks and thus maintained and perpetuated existing structural inequalities (Pihama 1996:108). As the thesis outline below indicates, the following chapters explore both the traditional meta-principles upon which Māori Affairs policy has been based and the way in which these were rearticulated through Labour-Alliance's social development approach. It is argued that these differed significantly, particularly in their definition of the 'problem' and the 'solutions' offered, from the principles that have guided Māori proposals for greater self-determination.

THESIS OUTLINE

This thesis consists of eight chapters. The first three chapters aim to provide an historical and theoretical framework to foreground discussion offered later in the thesis. The current chapter has worked towards that objective by situating Māori within an international politics of indigeneity, nationalism and citizenship and then introducing the four research goals that propel the research, as well as providing a rationale for the study and outlining the key arguments of the thesis. It has additionally described the methods used to conduct the study and discussed the two main methodological issues that dominated the research process. The latter is particularly important, because in indicating my understandings of the state and policy, the chapter has established the conceptual framework from which CTG has been analysed.

To provide a point of comparison for both the CTG strategy and the rhetoric of Māori self-determination that surrounded it, Chapter Two considers what has

traditionally constituted Māori Affairs policy. In doing so, the chapter offers a brief timeline of Māori Affairs policy since 1840, focusing mainly on the period after World War II when social policy began to dominate the portfolio. The driving forces behind such policy are then outlined. It is argued that, although Māori Affairs policy is the site of increasing contestation and challenge, it has been dominated by state desires to protect and enhance its own legitimacy. As a result, the state has promoted national cohesion by framing Māori within distributive justice and needs-based discourses and by defining state 'solutions' for the 'Māori problem' in terms of a development model that promotes civilisation, progress and modernisation.

Chapter Three provides further contextual background, using a brief historical account to highlight that Māori self-determination is a varied, complex and highly contestable phenomenon. Discussion indicates that the driving agenda behind such diverse notions of Māori self-determination is autonomy and control over Māori cultural, economic and political systems, whether they be at tribal/non-tribal or local/national levels. It is argued that in pursuing such an agenda, many Māori have commonly employed an indigenous concept, *tino rangatiratanga*, as well as co-opting a rights-based discourse stemming from a liberal legal tradition. Based on differing meta-principles from those outlined in Chapter Two and thus in tension with government-defined Māori Affairs policy, Māori debate has framed 'solutions' to the 'problem' of the unequal power relationship between Māori and the state in terms of self-determined development and partnership at the local, regional *and* national levels.

With an historical and theoretical backdrop established, Chapter Four charts the rise and demise of the CTG policy strategy. In describing the evolution of the CTG strategy, the chapter indicates the way in which it shared similarities with Māori Affairs policy developed under National-led governments, as well as incorporated novel initiatives that grew out of the Labour Party's time in Opposition. The key policy players involved in the CTG strategy's development are identified and the degree of influence they had in the policy process discussed. The chapter also explores the varied perspectives on CTG held by different policy players, which reflected their

positioning within the policy process, membership of particular elite or constituency interest groups and personal, institutional or political agendas. In particular, the chapter outlines the main tenets of Labour-Alliance's social development approach and its key principles – social inclusion, community empowerment and active citizenship – which began to be articulated at this time. Such an understanding of the CTG policy process as a whole is a vital foreground to Chapters Five, Six and Seven. These each deal with a specific set of initiatives incorporated under the CTG umbrella. Although the key principles outlined above are closely inter-related, Chapters Five to Seven also place focus on the particular principle that dominated each set of initiatives.

Chapter Five thus considers the Labour-Alliance initiatives aiming to improve the effectiveness of government performance for Māori, which were driven by the coalition government's desire to achieve social inclusion. It is argued that these measures, while reflecting a serious commitment to Māori and an outcomes-based, strategic approach more generally, were unable to significantly improve the effectiveness of mainstream departments in working for and dealing with Māori. Several breaches are identified within the government sector, including weaknesses in the quality and reliability of statistical information and analysis; poor understanding of a Māori dimension to policy issues; inexperience working with an outcomes-based approach to policy; and poor capacity for strategic vision. These are offered as explanation for CTG's failure to fundamentally challenge the problematic discourses that have traditionally dominated Māori Affairs policy as identified in Chapter Three.

A second major arm of the CTG strategy called 'capacity building' is the focus of Chapter Six. The chapter indicates that capacity building may have gone some way to addressing certain structural issues faced by Māori communities. Yet, it is argued that the initiative, based on the principle of community empowerment, merely intended to empower Māori through western, corporate models of development that presented no fundamental challenge to the government sector's relations with Māori communities. Once again, several weaknesses in the government sector's capacity are highlighted. These include: poor relationships with and support for Māori communities and

organisations; government sector incapacity to change from a market to a community empowerment model; difficulty in reconciling government and Māori accountabilities; and government's preoccupation with a very limited model of development for Māori.

Chapter Seven concerns the provisions for Māori contained within the New Zealand Public Health and Disability (NZPHD) Bill, which was introduced alongside the CTG policy initiatives described in Chapters Five and Six. Aiming to encourage active citizenship through 'improved Māori participation in democracy' and, ultimately, better incorporation of Māori within the existing polity, these provisions combined emphases on improving government effectiveness for Māori and capacity building with a partnership framework built upon the principles of the Treaty of Waitangi. Yet, poor consultation and communication with Māori; inconsistency and uncertainty demonstrated by the government sector when interpreting the Treaty; and a limited interpretation of partnership were major flaws that inhibited the Bill making serious progress towards improving relationships between Māori and the state.

The final chapter of the thesis draws together the main findings of the research. It reconsiders the way in which a politics of indigeneity advocates fundamental reform, rather than institutional accommodation. Arguing that the latter was the core function of the CTG strategy, the key sites of continuity and change between CTG and past Māori Affairs policy are explored. Four future policy directions are then recommended. In outlining several alternatives to be considered at the bureaucratic, political and conceptual levels, these policy directions contribute to a *staged* process of transformation whose end goal involves a fundamental revisioning of the foundational principles that govern Aotearoa New Zealand's political and constitutional order.

MĀORI AFFAIRS POLICY: STATE-DRIVEN 'SOLUTIONS' FOR A 'MĀORI PROBLEM'

INTRODUCTION: CONTEXTUALISING THE CLOSING THE GAPS STRATEGY

The Closing the Gaps (CTG) strategy introduced by the Labour-Alliance government in 2000 was touted as a 'new phase of partnership' between Māori and the state. Certainly aspects of this Māori Affairs policy were novel and offered a more strategic framework than previously tendered by the National-New Zealand First coalition. But the CTG strategy was also heavily influenced by past policy and rhetoric, adopting a piecemeal and at times contradictory set of initiatives that reflected previous attempts – and failures – at reducing disparities between Māori and non-Māori, long the core goal of Māori Affairs policy (see Loomis 2000b:4). Such initiatives continued to ignore the considerable 'gaps' that exist between the policy formulated for Māori by the government sector and the desires for self-determination articulated by Māori themselves, not least in the differing conceptual principles upon which they are based.

This chapter aims to foreground the upcoming analysis of CTG by firstly providing a brief historical survey of Māori Affairs policy. While beginning in the colonial period, the timeline focuses mainly on the era since World War II, when social policy issues began to play a significant role in the Māori Affairs portfolio. I acknowledge that there are historical and contemporary differences in the experiences of other indigenous peoples but, where relevant, make brief references to government

policy in other settler societies, specifically Canada, the United States and Australia. These indicate that the definition of indigenous peoples as a 'problem' represented by the socio-economic 'gaps' between indigenous and non-indigenous individuals is not a trend unique to Aotearoa New Zealand.

Discussion highlights that Māori Affairs policy has historically pursued a mixed or selective approach when dealing with the diversity that Māori represent. Limited acknowledgment has been made of certain Māori values or interests but, at the same time, Māori Affairs policy has maintained traditional understandings of universal citizenship that protect the concept of a unitary nation-state. As the country has moved from a colonial outpost to an increasingly pluralistic democracy, the *face* of Māori Affairs policy has thus changed, but the driving forces behind it have altered very little.

Consequently, while the timeline highlights the roles played by significant politicians and bureaucrats, as well as Māori activists and leaders, in shaping Māori Affairs policy, it is contended that such policy has remained the product and tool of Aotearoa New Zealand governments. Ideological and political interests have obviously motivated Aotearoa New Zealand governments in their development and implementation of Māori Affairs policy. But the underlying agenda behind such policy has been the state's desire to maintain and protect its own legitimacy from potential threats, including Māori calls for self-determination focused on the establishment of autonomous institutions and shared governance arrangements at the national level which question the notion of absolute sovereignty. In defending the assumption that nation and state are inseparable, the core concern of Māori Affairs policy has thus been national cohesion.

Distributive justice, needs and development discourses have been used to support this preference for confining Māori claims to the domestic, dependent rights of citizenship, rather than regarding Māori as a distinct nation with internationally-recognised rights to autonomy and control over their own society. Each of these discourses defines the 'problem' largely in terms of Māori socio-economic status. Yet

Māori have countered that socio-economic disparities between Māori and non-Māori are merely *symptoms* caused by the underlying unequal power relations between Māori and the state (see Jackson 1995:259). As a consequence, the 'solutions' offered by Māori Affairs policy have continued to sit in tension with those desired by Māori themselves. The moments of constructive engagement between Māori and particular governments, bureaucracies and individuals over the past century and a half have thus been planted in uneasy and ambivalent ground.

A MĀORI AFFAIRS POLICY TIMELINE: 'SOLVING' THE 'MĀORI PROBLEM'

Before describing some of the initiatives that constitute 'Māori Affairs policy', it is important to stress that this term denotes *state-defined* and *government-articulated* goals for Māori. In this thesis, these are represented by policies produced by the entire government sector, but in particular Te Puni Kōkiri (TPK or Ministry of Māori Development) and its historical predecessors. In defining Māori Affairs policy, it is necessary to distinguish between it and 'Treaty claims settlement policy', which the government sector has usually regarded as a distinct form of policy and has been administered by the Ministry of Justice since 1990. While taking Treaty claims settlement policy into account as a contextual factor, this thesis focuses largely on social policy (usually concerned with education, health, social welfare, employment and housing) formulated by the government sector for Māori. Unlike the cases of Canada, the United States and Australia, where state or provincial governments have been delegated responsibility for indigenous peoples to differing degrees, Māori Affairs policy has only ever been formulated at the level of central government (Armitage 1995:161).

In situating Māori Affairs policy in a broader policy context, I have been influenced by Drake (2001:100;114), who has noted that responses to the potential difficulties of policy-making in plural societies range between two extremes. First, policy can seek to ignore differences and uniformly impose prevailing values and norms on all. Second, policy can aim for a fully-negotiated plurality, in which non-dominant values and norms share space equally with the principles of the dominant group. With this latter option, the question of how much fragmentation the state can take and still survive as a unitary entity always looms large. Policy, therefore, frequently demonstrates a mixed or selective approach to diversity, seeking to maintain traditional or preferred values, while also giving some acknowledgment to certain values held by less powerful groups. Usually any reconfiguration of the social and political environment to accommodate a variety of values and norms is piecemeal, with responses made to specific matters in limited areas of policy and in closely targeted, defined or compartmentalised ways.

It is argued that Māori Affairs policy in Aotearoa New Zealand has implemented a mixed approach to the diversity that Māori represent, resulting in a 'balance sheet' whereby such policy can be said to have produced both 'liabilities' and 'assets'. The following historical outline indicates that governments have long framed Māori as the 'problem' and offered 'solutions' that have aimed to depoliticise Māori calls for self-determination. In the early years of Aotearoa New Zealand's colonial history through to the 1950s, this was achieved via deliberate attempts to incorporate and assimilate Māori within mainstream society. Since the 1960s, Māori Affairs policy has aimed to meet the needs of Māori individuals so that they can enjoy a socio-economic status similar to that of non-Māori. Culturally pluralist bicultural and Māori development policies in the 1980s and 1990s inserted a Māori element into mainstream policies and brought greater awareness of Māori values to the government sector. Yet, Māori Affairs policy has been subject to political instability and volatility, making it difficult for change to occur and for models of Māori self-determination involving strategic 'exclusion' and a power-sharing partnership to be supported (see C.Williams 2001:76).

As a consequence, government initiatives for Māori have continued to be based on conceptual foundations prioritising the state's legitimacy and thus promoting national cohesion, which the second half of this chapter asserts has been the driving force behind Māori Affairs policy.

THE NINETEENTH CENTURY: 'PROTECTING' AND 'CIVILISING' MĀORI

The paternalistic and contradictory thinking upon which Māori Affairs policy has been based stems from assumptions present at the birth of the colonial state: Māori needed to be 'protected' from society and themselves and to become more 'civilised' by abandoning tribal collectivism. In addition, while particular individuals involved in early Māori Affairs policy often had good intentions, the necessity to subordinate Māori interests for the 'national good' of settler society was also always evident (Fleras and Spoonley 1999:111-116). The result was frequent inconsistency as policy simultaneously attempted to protect, civilise *and* exploit Māori during the early years of colonial rule.

For example, George Clarke, the first Protector of Aborigines appointed in 1840, had hoped that Māori chiefs could be involved in the administration of justice and that British legal principles and practices could be modified to accord with Māori custom and social structures. Established as an advisor to the colonial government on all matters involving Māori and a mediator between Māori and government, the courts and the military, the Protectorate Department's role was never neutral, however, because its officers were also responsible for arranging the purchase of Māori lands. As Māori resistance to this practice grew stronger (see Chapter Three), conciliatory measures were introduced, including Governor Fitzroy's Native Exemption Ordinance, which gave Māori some leeway in the colonial justice system. However, concessions were often contradicted by other initiatives, such as the waiving of the Crown's right to

be the sole purchaser of Māori land, which accelerated land loss for Māori (Butterworth 1989:8-9).

When George Grey took over as Governor from 1845 to 1853, the Protectorate Department was reorganised so that the Native Secretary had no power and the authority of Māori rangatira (chiefs) was not formally recognised. Māori-Pākehā relations worsened under Grey's rule, as he attempted to militarily suppress many tribal groups. Relations between Māori and the colonists were calmer in the aftermath of this conflict, allowing Grey to actively pursue the goal of 'civilising' and assimilating Māori. One important means of assimilation was the colonial government's official incorporation of Māori into the Aotearoa New Zealand polity, according Māori full voting rights (subject to gender and property conditions) in 1852. Section 71 of the 1852 Constitution Act *did* allow the establishment of "Aboriginal districts in which laws, customs and usages of aboriginal inhabitants shall be maintained" (cited in Durie 1994:107), but this was never acted upon.

The provision relating to aboriginal districts was promoted by Donald McLean, Native Affairs Minister from 1869 to 1876, who also failed to secure parliamentary support for limited local self-government for Māori communities in the 1872 Native Councils Bill (O'Malley and Hill 2000:9). Yet, it remains that Māori representation in the general parliamentary seats, and the four separately designated seats established for Māori in 1867, compared favourably with the experiences of other indigenous peoples. In Canada and Australia, for example, the federal franchise was not granted until 1960 and 1962 respectively, with state or provincial voting rights not offered until up to nine years later (Mulgan and Sanders 1996:131; Havemann 1999a:42).

In Grey's second term as governor, the Native Department was established, along with an elaborate system of local and regional government administered through elected rūnanga (tribal councils). The rūnanga were given power to handle minor cultural matters and civil disputes between Māori; manage native schools, hospitals, jails, local roads; and adjudicate land disputes. Yet, they were also a direct attempt to undermine the Kīngitanga (Māori King) and land resistance movements (see Chapter

Three). After war (1863-1872) between these groups and the British developed in Waikato, this policy was all but abandoned. Thus, McLean's leadership of the Native Department, which saw it functioning as a mini-government providing judicial, educational, medical and limited economic services, may have been well-intentioned. Yet, it also acted as a means to manage relations with Māori tribes and incorporate them into the European legal and political framework (Butterworth 1989:10-12).

The Native Land Court had been established in 1865 as another mechanism with which to assimilate Māori into the mainstream by creating individualised Māori land titles and accelerating land sales. By 1891, it had pressured Māori to sell over twelve million acres of prime land. While over eleven million acres remained in Māori hands at this point, it was usually only marginal land in more isolated districts (Brooking 1988:84). Land Court processes had, in effect, marginalised Māori further from the mainstream. Nevertheless, conflict was significantly less frequent in the 1870s than the previous decade and, as a result, the Native Department was downsized, then abolished in 1893 (Butterworth 1989:10-12).

1900 - 1950s: ASSIMILATING MĀORI DEMANDS

The next chapter provides detail of Māori resistance resulting from such colonial administration. It is sufficient to note here that the Māori response developed enough strength by the turn of the century to encourage colonial governments to at least pay lip service to Māori demands as a means to build national cohesion. In addition, incorporation within the colonial parliamentary system allowed a small number of influential Māori politicians, including Native Ministers such as James Carroll (1899-1907) and Āpirana Ngata (1928-1934), to emerge. These men tried to balance Māori and Pākehā interests in their role as mediators between Māori and government. This created a rather more conciliatory period as governments attempted

to incorporate Māori demands into policy that aimed to benefit the country as a whole, a goal also pursued in other settler societies at this time (see Erasmus 1993:125).

Issues concerning Māori land ownership and use illustrate this period of conciliation. The governmental response to concerns about the Native Land Court was the Māori Lands Administration Act 1900, through which Māori gained control over what remained of their communal lands. But the Land Councils established by the Act, which had majority Māori membership and largely halted the state's grab for land, were abandoned by 1905. Regional Māori Councils, instituted at the same time, provided for 'self-governing' bodies to control health, welfare and moral well-being through bylaws and village committees. But they were similarly constrained by the state's desire to use the councils as a means to speed up detribalisation and assimilation, rather than to allow Māori to exercise autonomy and control (O'Malley and Hill 2000:13-14). Instances such as the 1907 Tohunga Suppression Act, which outlawed the guardians of Māori knowledge and their indigenous methodologies, and restrictions on speaking the Māori language in the Native Schools system demonstrate that assimilation was still the driving force behind government assistance for Māori (Durie 1998a:76; Belich 2001:204; Walker 2001a:147).

Member of Parliament (MP) and Native Minister, James Carroll, re-established the Department of Native Affairs in 1906. He aimed to take existing Māori programmes out of the Justice Department and create one more efficient and sympathetic to Māori needs. The new department tried to meet both Māori desires for control over their land and communities and the government's desire for efficient administration and utilisation of Māori land. The emphasis on each of these goals differed depending on who was assigned to lead the department over the following years (Butterworth 1989:13).

Nevertheless, by 1909 the Native Land Act was able to offer Māori owners greater protection and encouraged them to consolidate their land, allowing Māori communities to get more productive use out of it (Butterworth 1989:14-15). Large-scale consolidation schemes came into operation from 1919 under the wing of Āpirana

Ngata, a long-serving Māori MP and Native Minister (Brooking 1988:109). Through the 1920s and 1930s, specialised Māori agricultural and community services were also extended to Māori land areas. In practice many of the social services offered to Māori during this period were universally applied to the general population and did not recognise differences between the needs of the Māori, as colonised peoples, and those of the dominant group. In addition, the state began to indicate it was no longer interested in returning the small amounts of land it had offered to Māori; rather it wanted to improve the productivity of Māori land for the 'national good' (M. Durie 2000:6-7). Nevertheless, there was a growing political commitment to Māori service development and the Native Affairs department grew in size and structure as a result (Butterworth 1989:16; Armitage 1995:196;200).

Growth in such political awareness gained ground when Aotearoa New Zealand's first social-democratic Labour government won the 1935 election, partly due to the support of Māori through its alliance with the Rātana church. Government generosity resulted from the political assistance Rātana gave Labour and later the loyalty shown by the Māori Battalion during World War II. For example, in 1946 Prime Minister, Peter Fraser, took charge of the newly-renamed 'Māori Affairs' portfolio, allowed Māori to be represented on the Board of Māori Affairs for first time and appointed the department's first Māori Under-Secretary (Butterworth 1989:17-18).

This was an important period of transition, generally, with the welfare-state developing significantly under Labour's rule and offering Māori largely the same benefits as non-Māori (see Voet 1998:87-89). But the welfare-state was based on the assumption that citizens faced a common set of social needs which could be remedied through the same set of programs responding 'equally' to the population as a whole. It was thus not only a powerful instrument of social equality, but also of social integration and national cohesion (see Banting 1999:109).

The need for a Māori-specific emphasis on social welfare became obvious in the period following World War II. Māori soldiers returned and needed to be rehabilitated, while the effects of Māori dispossession and government-sponsored programmes

resulted in a huge wave of Māori moving from rural lands to cities (see Chapter Three). Dealing with these adjustment problems became part of the Department of Māori Affairs' (DMA) role with the establishment of a social welfare division in 1944. This soon expanded from assisting Māori in war-related industries to include job placement, education and family relocation within urban settings (Butterworth 1989:17-18; Fleras and Spoonley 1999:118).

The 1945 Māori Social and Economic Advancement Act also included important provisions for returning Māori service personnel, the establishment of a network of Māori committees to allow input into community developments and a Māori wardens system to maintain law and order in Māori settlements and marae (meeting places) (Havemann 1999a:39). These were significant gains, but Fraser and Southern Māori MP, Eruera Tirikātene, had hoped the Act would allow the DMA to be relatively self-controlling and autonomous and for Māori participation at top levels of government. Such aspirations were not, however, supported in Parliament (Ward and Hayward 1999:392). Thus, despite the Department's bureaucratic expansion and a degree of community-department negotiation, the programmes it administered were largely mainstream initiatives with Māori names.

1960s - 1970s: RECOGNISING THE IMPORTANCE OF MĀORI CULTURE

'Integration' was the buzzword of the 1960s and 1970s and a focus on socio-economic 'gaps' between Māori and non-Māori came to dominate policy discourse in the same period. This shift in ideological basis occurred for three reasons: new research demonstrated that Māori were deprived and under-privileged on most social indicators; a new Māori elite was demanding a better deal, in particular the redress of grievances and institutional change; and the rapid urbanisation of Māori had concentrated and intensified socio-economic issues for them (RCSP 1988a:44).

Integration: 'Blending' cultures

This period of apparent change was precipitated by a National government's appointment of Acting Secretary, Jack Hunn, who conducted a major review of the Māori Affairs portfolio (Butterworth 1989:22). The 1961 Hunn Report was the most widely recognised document to measure the extent of Māori disadvantage on a number of indices, even if it was not the first (Havemann 1999a:42; see Sutherland 1940). Having evaluated the results of the DMA since 1861, the report came to the conclusion that a policy of assimilation had not achieved its expected goals and Māori culture was an ongoing part of Aotearoa New Zealand (Armitage 1995:145). It therefore recommended that an overall policy of integration be the basis for a monocultural country, an aim reflecting the period of stability and state nation-building from which it emerged (Bishop and Glynn 1999:37). Hunn hoped that conferring equal rights and opportunities upon Māori would break down their social isolation. There was a belief that such 'equality of opportunity' would foster active involvement by Māori in society at large and remove discriminatory barriers that stood in the way of equal treatment and basic human rights (Fleras and Spoonley 1999:115).

The Hunn Report thus recommended that the differentiation between Māori and non-Māori in statute law be reviewed at intervals and gradually eliminated, a process intending to better incorporate indigenous peoples into the rights of universal citizenship that was also being mooted in Australia and Canada around this time (Armitage 1995:14;195). In consequence, the DMA was restricted to inter-departmental policy, rather than policy administration for special Māori programmes, which were merged with general services (Armitage 1995:146). The focus was on 'catch up' programmes for the 'cultural deficiencies' that Māori were thought to be demonstrating (Bishop and Glynn 1999:38).

The *rhetoric* of integration sought to retain Māoritanga within an overall 'national culture' framework, combining the two without destroying either. Nevertheless, in practice, Māori leaders considered both assimilation and integration to

have a common political objective: the creation of a uniform society based on a unified set of political and social values and beliefs (Fleras and Spoonley 1999:115). This belief was enhanced by the removal of racial origin as a basis upon which to establish separate social policies. Such a change not only devalued the importance of Māori-specific programmes to Māori, but meant that it was difficult to evaluate any improvements or worsening of the socio-economic status of Māori and others in Aotearoa New Zealand because ethnic origin was eliminated as a category of importance in statistical records (Armitage 1995:190-194). The endorsement of tribal structures was also no longer favoured, with the Māori Community Development Act 1962 referring to 'Māori', rather than 'tribal', committees as a means to stress the importance of a new cultural identity based more on being 'Māori' than being part of a tribe (Durie 1998a:55).

The integration of indigenous social services into the mainstream was a trend also seen in Australia and Canada and one which created considerable resentment within all three indigenous communities (Armitage 1995:171-172). In Aotearoa New Zealand, Māori were particularly offended by changes which converted many classes of Māori land to general land. This change was enacted through the 1967 Māori Affairs Amendment Act, despite considerable Māori opposition. Māori frustration grew and the 1970s were a particularly volatile period in Māori-state relations. The Land March in 1975 and demonstrations at Bastion Point and Raglan Golf Course in 1977 made clear Māori protest against the losses of land, language and culture (Havemann 1999a:46-47; see Chapter Three).

In needing to address these signs of social division, a National government consequently repealed the 1967 land title legislation. Labour, which had become the main party supporting indigenous interests and ethnic equality, also introduced the 1975 Treaty of Waitangi Act towards the end of its third term in power. Sponsored by Matiu Rata (Minister of Māori Affairs 1972-1975), the Act established the Waitangi Tribunal to deal with Māori land and resource claims (Mulgan and Sanders 1996:134-135; Durie 1998a:175). This was a significant move, overturning court decisions in

1847 and 1877 which defined the Treaty as 'irrelevant' and 'a simple nullity' (Walker 1996:69). Alongside this intervention, the Third Labour government explicitly endorsed the Māori self-declaration of indigenous status, again a move reflecting international events (Armitage 1995:146;195).

Tū Tāngata: Accepting the need for cultural differentiation

Under the sympathetic leadership of National's Minister of Māori Affairs, Duncan McIntyre (1969-1972), the DMA also began to place stronger emphasis on the economic equality of Māori and community development, with a corresponding move away from the development of tribal leadership, which was to continue until the late 1970s (Durie 1998a:136). A major review of the DMA was conducted in 1977 and, finding that the DMA had failed to produce much improvement in Māori social and economic status and with questionable efficiency, it recommended extensive restructuring that aimed to debureaucratise the DMA and better coordinate the increasing numbers of services being provided outside of the Department of Māori Affairs (Butterworth 1989:16;27; Armitage 1995:195).

The conflation of socio-economic equality with cultural conformity was revised under the leadership of Secretary of Māori Affairs, Kara Puketapu (1977-1983). He was instrumental in developing a new philosophy of 'Māori development' based on Wairua Māori (Māori Spirit) that was influenced by community development discourse (Butterworth 1989:27). This began in 1977 with the DMA's Tū Tāngata policy, which aimed "To Recognise the Stance of the People" (DMA 1979:3) and empower Māori through a variety of community-based projects (Butterworth 1989:27). New Kōkiri community units received funding, decision-making power and administrative support to meet Māori needs via local level educational, women's and youth programmes (Fleras 1991:171; Waitangi Tribunal 1998:40).

The Tū Tāngata policy initiative was significant for three major reasons. First, the focus on community development acknowledged that assimilation or integration to

the non-Māori 'norm' was not working for Māori. It reflected a shift away from a *sole* focus on socio-economic 'gaps' between Māori and non-Māori for, although the overall aim was still to diminish these, Tū Tāngata at least recognised the incorporation of Māori culture and development as a *positive* factor in policy. Tū Tāngata aimed to promote the cultural and economic advancement of Māori, based on the belief that there would be a resurgence of Māori as a proud people who could 'stand tall' if they were given the right kind of encouragement. The focus was, therefore, on a 'bottom-up' participatory approach to development beginning at the flaxroots (a local version of 'grassroots') level, rather than a 'top-down' bureaucratic strategy (Fleras 1985:28). Second, although the emphasis was on mobilising a *unified* Māori community through Kōkiri Centres, Tū Tāngata and later community development programmes once again prioritised iwi structures (Butterworth 1989:27). Third, Tū Tāngata represented a shift away from policy simply based on a welfare 'rescue' model and a corresponding shift towards a model of community development.

Nevertheless, despite attracting significant funding and being described at the time as a "quiet revolution going on in the DMA" (Walker 1982:6), Tū Tāngata succeeded mainly in adding a Māori perspective to the DMA and providing a chance for consultation and interaction with Māori communities. Thus, while the community services section of the DMA was restructured in an attempt at 'debureaucratisation', the remainder of the department was left largely untouched and there was no change in the power relationships that dominated the governance of Māori Affairs issues. In addition, funding for a range of other economic activities for which the DMA had been responsible was channelled away from Māori Affairs (Misa 1982:2; Fleras 1989:218). Reflecting a similar stalemate found in development projects more generally (see Martinussen 1997:41-42), the co-option of a community development discourse did not, therefore, radically transform Māori Affairs policy in the late 1970s.

1980s: PROMOTING 'MĀORI DEVELOPMENT'

By 1984, it was clear that disparities between Māori and non-Māori were widening, not decreasing. Evidence of this decline was presented at the Hui Taumata (Māori Economic Development Summit 1984) and a 'Decade of Māori Development' (1984-1994) was heralded in a new policy drive by the newly-elected Fourth Labour government (1984-1990). Jointly convened by the Ministers of Māori Affairs and Finance, Hui Taumata discussed the bleakness of the Māori economy and acknowledged the need to move away from 'negative' spending to the reallocation of funds for 'positive' initiatives. It was thought that if policy were effective enough, there would be no further need for negative funding by the end of the decade (Durie 1998a:6-7).

One of many key themes highlighted at the hui and during the Decade of Māori Development was 'social equity', with a continued focus on the elimination of disparities between Māori and non-Māori. However, the Fourth Labour government also made an effort to rethink the state's approach to Māori and during 1988 and 1989 shifted away from an emphasis *solely* on the socio-economic 'gaps' that recognised, to a certain degree, the political desires of Māori. It did this through a two-pronged policy initiative. The first aspect involved enhancing the 'responsiveness' of mainstream public agencies to Māori through the inclusion of 'Māori' perspectives, better Māori representation and improved cultural sensitivity (Office of Ministry of Māori Affairs 1988b:9;14-15). *Te Urupare Rangapū* (Manatū Māori 1990:47) set the parameters for achieving full responsiveness within the state sector through this 'mainstreaming' approach by 1994.

The second component began in 1989 with the 'devolution' of funding and control for many services provided by the DMA to iwi social service systems and the development of iwi-state partnerships (Boston et al 1996:146). Due to the dominance of iwi structures in the consultation and service delivery processes, and the fact that

hapū and non-tribal groups did not make significant in-roads into policy debates until the late 1980s, the Decade of Māori Development placed emphasis on strengthening the Māori tribal system to provide an environment for new social and economic initiatives (Butterworth 1989:29). Māori development was thus discussed in terms of 'iwi development', which itself was often regarded by the Fourth Labour government as synonymous with the concept of devolution (DMA 1986-7:3). This favouring of tribal groups resulted from iwi being "the best organised and the noisiest" (Tamihere 2001a) and consequently most likely to be consulted by the government sector. However, a focus on iwi also allowed successive governments to limit their acceptance of Māori aspirations and to continue to prioritise a state-centred understanding of self-determination (Maaka 1998:202).

Devolution: Self-management or self-determination?

With the dismantling the DMA, Labour introduced two new structures, Te Tira Ahu Iwi (Te TAI or Iwi Transition Agency) and Manatū Māori (Ministry of Māori Affairs) in 1989. It was hoped that these bodies would facilitate the development of a practical partnership with iwi organisations in the operation of programmes and formulation of policies, thus establishing recognised entities with which the state could interact (OMMA 1988b:4). Translated as 'Tuku Rangatiratanga', devolution ostensibly aimed "to empower Māori people to achieve the long-term goals of self-reliance and independence" (DMA 1986-7:3). This rhetoric reflected increasingly strong assertions by Māori that their tino rangatiratanga (the power to be self-determining) should be restored, as well as greater recognition of indigenous rights internationally (Fleras 1989:220; see Boldt 1993:91-92; see Chapter Three).

However, in reality only self-management at the local and regional level, through which Māori could contract with the state to provide social services, was offered by the Labour government and only in relation to cultural commodities such as land, language, cultural knowledge and pride (DMA 1986-7:3). Thus, government

Māori development policy was still based on non-negotiable 'Māori' objectives devised by the government sector, reflecting a principal/agent relationship of delegation (Hepi cited in Kirikiri and O'Regan 1988:122; O'Reilly and Wood 1991:326). In addition, the Rūnanga Iwi Act 1990, which accompanied such devolution, was highly problematic. This was due to the way in which it was rushed through Parliament and gave legal status – and consequently devolved social service responsibilities – only to iwi demonstrating government-defined 'essential characteristics' (see Baird and Gover 2000:11-12).

Devolution, defined in terms of self-management, suited various government agendas. Mulgan and Sanders (1996:137) have noted that when the Fourth Labour government came to power in 1984, there was an expectation that it would advance the cause of Māori. This was due to Māori support for the party and the existence of sympathetic factions within the bureaucracy and larger community, as well as the influence of a range of organised Māori interest groups who had become adept at pressuring government through the 'politics of embarrassment'. Thus, devolution provided a means by which limited levels of autonomy and control for Māori could be endorsed, without actually relinquishing substantial power.

However, devolution also reflected times of economic crisis and constraint and had been explored by National governments since the early 1980s, with Tū Tāngata being an early example of this shift in thinking. Devolution gelled in the mid-1980s when the ideological nuances of neo-liberalism, promoted by some members of the Fourth Labour government, transformed the government sector using a managerialist, market model. This structural reform had important and long-ranging effects on the policy environment in all portfolios (see Chapters Five and Six). Many in the government sector viewed devolution not as a vehicle for Māori self-determination, but as a means by which public expenditure could be reduced. Allowing Māori to manage their own affairs was additionally a way to reduce political responsibility for decisions that were, by the late 1980s, seen increasingly as electoral liabilities due to a backlash against Treaty issues (Mulgan and Sanders 1996:144). For the state, therefore,

devolution was an attempt to accommodate a non-dominant value system within state structures (see Drake 2001:39-40), while also representing a means with which to reduce the obvious social division that threatened the state's own legitimacy.

1990s: REFOCUSING ON THE 'GAPS' THROUGH MAINSTREAMING

Labour's intention to run devolution side by side with mainstreaming was derailed before any real indication of its success or failure could be evaluated. Immediately upon National's election in 1990, the new Māori Affairs Minister, Winston Peters, called for Parliament to repeal the Rūnanga Iwi Act and initiated a review of the fledgling Te TAI and Manatū Māori. *Ka Awatea* (MPG 1991), the review document that emerged from this process, redirected Māori Affairs policy away from an explicit focus on iwi as a vehicle for Māori development and references to tino rangatiratanga, back towards a preoccupation with reducing disparities between Māori and non-Māori. The review (MPG 1991:2) was an important document, because it presented an indepth understanding of the need to examine the causal factors for disparities and to "propose key strategies to close the disparity 'gaps' and, thus, overcome many of the existing problems". *Ka Awatea* also picked up on the theme of Māori development that had developed during the 1980s.

The Treasury, as government's primary economic and financial advisor, however, was not willing to endorse further resources for Māori Affairs nor would it allow regional offices to take on the delegated responsibility for targeting development funding to Māori initiatives (Loomis 2000b:11). Given this lack of support, *Ka Awatea* had a very short time in the spotlight. Ignoring much of what the report had recommended, the National government's strategic objective for Māori development was thus simply "to make significant progress towards the development of policies and

processes that lead towards closing the economic and social gaps between Māori and non-Māori" (Love 1998a:1).

Mainstreaming Māori services

This goal was to be achieved through greater government responsibility, in the form of dismantling Te TAI and delegating the delivery of social services for Māori to different mainstream departments (Durie 1998a:9). Manatū Māori became Te Puni Kōkiri (TPK or Ministry of Māori Affairs) and, for the first time, policy rather than delivery was the main focus of governmental action in the Māori Affairs portfolio. With policy advice, auditing, liaison and strategic planning as its brief, TPK's goal was to try and improve the performance of mainstream departments in meeting Māori needs (MPG 1991:65).

The policy objectives that resulted from *Ka Awatea* marked a major departure from previous policy. Advances in devolving responsibility and authority to Māori service providers were sidelined and a contractual relationship between Māori and government departments was favoured under the guise of mainstreaming. More Māori organisations were contracted to provide Māori services under National-led governments than ever before. But Māori providers were largely regarded as a means of 'closing the gaps' through mainstreaming, rather than a way for Māori to exercise self-determination (Boston et al 1996:154). The aim was to develop Māori business management, financing, and technical skills so that Māori could compete in a free market environment (Loomis 2000b:9) and thus "eventually lead to diminution of Māori depending on the state" (MPG 1991:93).

In this context, the outputs set for TPK during the 1990s focused on two core areas: the reduction of the socio-economic disparities between Māori and non-Māori and the settlement of Treaty claims (see MM 1990:3). TPK played a large part in facilitating consultation and communication between Māori and the state and proffering advice on the Treaty of Waitangi (OMMA 1994:2). But it has been noted that

the Treaty settlements themselves were dealt with by agencies other than TPK, in particular the Ministry of Justice under the leadership of Minister for Treaty Settlements, Douglas Graham (1990-1999). With its core work remaining focused on disparity issues, TPK concentrated on social services and economic development. While output classes were modified by different governments, they commonly reflected four areas of priority – health, education, training and resource development – within these two core arms of social policy for Māori (see OMMA 1991:2-3; 1994:5).

Strengthening the focus on disparities

Concern with the ‘gaps’ strengthened when TPK defined its Medium to Long Term (MLT) role in 1994 and set its plan for the next three years. The MLT plan involved collecting and analysing data on outcomes to identify problem areas for Māori; developing and providing policy to reduce disparities; and monitoring outcomes of policy changes (OMMA 1994:2). An important result from this renewed emphasis upon Māori/non-Māori disparities was the inaugural *Progress Towards Closing Social and Economic Gaps Between Māori and Non-Māori* (TPK 1998a) report. *Ka Awatea*, published in 1991, had placed a major emphasis on disparities. But what was known simply as the *Closing the Gaps* report represented the first official government acknowledgment of the lack of progress made in reducing socio-economic disparities between Māori and non-Māori. The report brought together data that had not before been coordinated in any cohesive manner and acted as a benchmark by which future progress could be measured (TPK 1998a:8; TPK 1999a:199).

The National-led government moved quickly to limit the damage made by the *Closing the Gaps* report and to quell Māori concerns in the run-up to the 1999 election. Under Cabinet instruction (OMMA 1998a:2), TPK had already begun developing a response package before the report was released and a number of new initiatives for Māori in the areas of housing, education, employment, economic development and Māori provider development were funded in response to its findings. In addition, TPK’s

recommendation that a cross-sectoral strategy be developed for Māori Affairs issues resulted in the National-led government establishing a Ministerial Disparities Taskforce in August 1998. This focused on reducing disparities in education, health, housing and justice for Māori and other 'disadvantaged' groups through cross-sectoral teams (see TPK 1998b:2).

Yet, the National-led government response to the *Closing the Gaps* report was financially limited, allotting only \$29 million over three years to new initiatives under Vote Māori Affairs in 1999 (Hēnare 1999:16863). This partially reflected real financial constraints, especially when significant funding had gone into Treaty settlements during the 1990s. But National-led governments also found it ideologically difficult to make larger concessions for Māori in the social policy arena. Thus, although National targeted Māori in many social policy areas, MP Wyatt Creech (2000:2939) articulated his party's belief that: "Services can be delivered in different ways to different groups of people, but the equality principle should apply". National's 'core' constituency, traditionally consisting of business and farming interests, had largely accepted the Treaty settlement process and the decentralisation of social service provision for Māori to Māori providers for 'efficiency' reasons. But such groups opposed any form of explicit 'special treatment' for Māori and the extension of Treaty rights into policy beyond those recognised in Treaty claims settlements. As a result, while policy advice outputs and monitoring expectations for TPK increased due to the emphasis on 'gaps' reduction found in the report, the total appropriations for Māori Affairs in the 1998/9 estimates *decreased* in real terms (Samuels 1998:10693-10694).

Not surprisingly, submissions made on the *Discussion Paper on the Review of the Māori Community Development Act 1962* (TPK 1999b) included much criticism of government policy, particularly mainstreaming. Māori made it clear that they did not consider the government sector successful in designing or delivering development programmes that met Māori needs. As the new millennium approached, TPK recommended a return to community development at the local level, so as to build

relationships within Māori communities and to give them a voice in designing services they required (TPK 1999a:45-46).

In summary, recentring Māori Affairs policy on the socio-economic 'gaps' between Māori and non-Māori as the core focus of policy during the 1990s did not solve the 'problem'. In fact, many of these disparities became even further entrenched during the last decade of the twentieth century (see TPK 1998a; 2000a). A variety of bicultural policies had been implemented, but their conceptual foundations continued to reflect meta-principles based on *dominant* cultural values and beliefs. Government policy for Māori remained preoccupied with assimilating Māori to the non-Māori 'norm', either by providing social services to meet the needs of Māori or Māori development programmes aiming to build their labour market capacity. This suggests that although the *face* of Māori Affairs policy had certainly changed over the past century and a half, its *heart* had not.

DRIVING FORCES BEHIND MĀORI AFFAIRS POLICY: STATE LEGITIMACY AND NATIONAL COHESION

In explaining why the conceptual heart of Māori Affairs policy remained unaltered, the thesis argues that the core goal behind Māori Affairs policy has been the protection of state legitimacy through promotion of national cohesion. In defining this latter concept, it is important to distinguish it from 'social cohesion', a term commonly used in political rhetoric. As a general principle, social cohesion refers to unity and solidarity between the individuals who constitute the citizenry of the state (society). Any liberal-democracy necessarily has an interest in cohesion, for Kymlicka (2001:27;226) has noted that a shared civic identity, particularly a common language, is essential for securing the trust that allows all citizens to use their reason in political deliberation through the democratic process. A sense of common identity and

membership is additionally regarded as necessary for generating the kind of solidarity required to support the redistribution of resources through the welfare-state. The timeline demonstrated that Māori have benefited from this concern with social cohesion, in terms of improvements in their participation in Aotearoa New Zealand's democratic and welfare institutions.

However, rhetoric about social cohesion implicitly assumes a symmetry between nation, state, society and citizenship (Pearson 2001b:15). The issue is not, therefore, *social* cohesion at all, but *national* cohesion. This is because, in promoting a state-framed understanding of the 'national', any challenges to liberal understandings of the nation are perceived as a threat to the absolute sovereignty of the state (Pearson 2001b:13-14). Given these assumptions, non-statist nationalisms, such as that articulated by Māori, appear to pose a major hazard to the legitimacy of the nation-state (see Alfred 1995:9). In this context, so-called 'social cohesion' refers to the solidarity of the alliance between nation and state and concern with it consequently marginalises calls for self-determination based on the understanding that Māori themselves constitute a national community that stands apart from the state.

The goal of national cohesion has thus acted as a powerful exclusionary discourse when applied to Māori, limiting their ability to engage in the power-sharing arrangements to which chiefs signing the Treaty believed they had agreed. At that historical standpoint, the right of conquest and colonisation was endorsed within western liberalism and it is not surprising that Māori attempts to reassert *tino rangatiratanga* remained unfulfilled (see Brookfield 1999:57-63). Nevertheless, liberal-democratic states today tend to reject the idea of colonising others and follow a principle of respect for the sovereignty of nations. This principle has been applied to external colonies throughout the twentieth century and resulted in many undergoing a process of decolonisation.

Such respect for nations has not been demonstrated, however, in the case of internal colonies, that is indigenous peoples in settler societies such as Aotearoa New Zealand (see Kymlicka 2001:221). Reynolds (1996:175) has noted that: "States faced

with demands for self-determination from within their borders search for solutions on the open ground between the extremes of secession and repression". However, unable to exercise the kind of direct coercive power available during the age of colonisation, the contemporary Aotearoa New Zealand state has relied on a mixture of indirect coercion, co-option and cooperation by increasingly acknowledging Māori interests within the government sector (Kelsey 1991:108; Pearson 2001a:122-123).

In recent years, formal acknowledgement of cultural diversity as a key component of an egalitarian society has been an important means for maintaining and building national cohesion and the CTG strategy represents the most recent example of such culturally pluralist policy (see Fleras and Elliott 1999:20). However, policies based on the principle of cultural pluralism celebrate difference while continuing to promote a form of national cohesion where nation is conflated with state. In the Aotearoa New Zealand context, increasing commitment to the Treaty of Waitangi and the settlement of historical Treaty grievances suggested that a paradigm shift had taken place in Māori-state relations, because these moves provided symbolic recognition of Māori nation status (see Culpitt 1995:245). Yet, acknowledgment of the Treaty also brought attention to the fragile nationhood upon which the state is based, with its legitimacy lying in the 'passive revolution' that occurred with the Crown's seizure of power at the signing of the Treaty of Waitangi in 1840. As a result, Aotearoa New Zealand governments have demonstrated considerable reluctance to fully engage with the Treaty, particularly the Article Two rights of the Māori-language version (Brookfield 1999:173; see Reynolds 1996:175;179).

Such a move is typical of the state's contradictory need to protect its own legitimacy by both making space for the diversity that Māori represent and by containing Māori demands for self-determination (see Chapter One). Māori Affairs policy must thus be described as a tool with which the state has genuinely attempted to improve the status of Māori as citizens, while also 'managing' Māori in a way that promotes national cohesion and thus deflects criticism away from the state (Fleras

1999:191). In attempting to achieve this balancing act, the Aotearoa New Zealand state has utilised three key discourses in Māori Affairs policy.

First, the state has traditionally promoted the meta-principle, social justice. In doing so, it has given the impression of achieving 'fairness' in its actions towards all citizens within Aotearoa New Zealand society. However, in conceptualising fairness largely in terms of economic redistribution, such distributive justice has failed to account for the broader power relations that contribute to distributive patterns in the first place and highlights that incorporation within the nation-state tends to be conflated with integration into the mainstream economy.

Second, the Aotearoa New Zealand state has attempted to minimise the apparent threat that Māori calls for greater self-determination pose for its legitimacy by framing Māori within a needs-based discourse. This has positioned Māori as disadvantaged citizens whom the state concedes to 'assist' in overcoming the 'cultural deficit' that prohibits them from achieving the same socio-economic status as other citizens. In regarding Māori merely as one of many minority groups, this discourse has been in direct tension with the rights-based discourse through which Māori have promoted their claims (see Chapter Three).

Finally, in proposing 'solutions' for the state-defined 'problem' of the socio-economic disparities between Māori and non-Māori, the Aotearoa New Zealand state has utilised a development discourse. Aiming to build Māori labour market skills and participation, the meta-principles of progress, civilisation and modernisation have been employed to encourage Māori conformity to dominant, 'national culture' norms. In continuing the focus on socio-economic issues that emerges from the distributive justice and needs discourses, this emphasis on development has also marginalised the inequalities in political power-sharing to which Māori refer when calling for self-determination.

PROMOTING SOCIAL JUSTICE

In attempting to improve the socio-economic status of Māori while simultaneously depoliticising Māori proposals for self-determination, the state has frequently employed the meta-principle social justice in Māori Affairs policy and social policy more generally. This term conjures up strong emotions, both in those who are being treated unjustly and those who mobilise around the unjust treatment of others, thus proving useful in building solidarity and good will amongst diverse peoples. There are, however, two main problems with such recourse to social justice. First, social justice has commonly been associated with the distribution of material and social goods, failing to take into account the socio-political context in which distribution takes place. Second, social justice has traditionally been intimately tied to liberal-democracy and, in turn, the concept of the nation-state.

To begin, it is necessary to stress that, while very few democratic governments would actively create policies that aimed to be 'unjust', what is meant by 'just' can differ widely. Nevertheless, social justice is most frequently associated with some abstract degree of fairness, usually in relation to the distribution of material and social goods (see Carens 2000:8). The criteria proposed as a basis for distributive justice are complex, involving such elements as human rights, need, desert, contribution to society and hereditary status. Which criteria are selected is important because distribution based on need, for example, is likely to be much more egalitarian than one based on desert. Yet, need-based distribution would be less egalitarian than that based on human or citizenship rights (Mullard and Spicker 1998:211). In plural societies, defining the criteria for justice can thus be highly problematic, due to the fact that what may be a fair policy for one group may be unjust with respect to another (Sen 1992:xi; Drake 2001:11).

Liberal understandings of distributive justice have traditionally been regarded as synonymous with a social justice discourse. Influenced by the works of leading

liberal theorists, particularly Rawls (1999:6), a 'liberal-democratic' version of social justice is founded on the premise that all individuals are fundamentally alike and have the same needs with respect to material goods (income, housing, financial assets) and social positions (jobs, educational and health status). It assumes that what we have in common as morally autonomous individuals is more important as a basis for recognition and reward than what divides us as members of fixed groups.

This liberal-democratic understanding of social justice constrains the extent of state intervention in the form of social policy because equality is usually limited to equality of potential scope for freedom (Drake 2001:23). 'Simple equality', in which all individuals are regarded as having the same basic needs, is thus the baseline measure advocated to alleviate such inequalities. The 'solution' to any unjust balance is to compensate or normalise disadvantaged individuals by supplying them with basic material and social goods (Gale 2000:255). While the Aotearoa New Zealand welfare-state has been much more extensive and universalist than the residualist model described, this form of distributive justice has long played an influential role in Māori Affairs policy. It was more dominant up to the 1960s and 1970s, particularly when special Māori programmes were merged with general services, but mainstreaming in the 1990s was also based on this form of simple equality.

Important variations of this basic liberal-democratic model have been articulated as a result of continuing debate regarding the freedoms and the minimum material and social goods that individuals need as a basis for determining and justifying any unequal distribution. In particular, the over-emphasis that Rawls (1999) has placed on the social goods that individuals possess and his under-emphasis on the processes by which individuals produce and acquire these goods has been disputed (Gale 2000:254-256).

This has caused liberal theorists from the political right, such as Nozick (1974:90-91), to argue that social justice should be first concerned with fairness in the *competition* for goods, rather than as a matter of equalising possessions. Such 'reparative' or 'retributive' justice is based on the same principles as the liberal-

democratic version of distributive justice described above, except that compensation is endorsed for those unfairly victimised by past actions and thus hindered in their ability to compete equally for resources (Gale 2000:256-258). The Aotearoa New Zealand Treaty claims settlement process has reflected this form of justice, in rewarding compensation to Māori claimants for colonial practices that resulted in loss of land and control over resources. Despite rhetoric highlighting the ongoing indigenous rights and Treaty rights that Māori possess, the settlement of Treaty claims has been largely based on the belief that once compensation has been rewarded, then Māori will be able to compete fairly for material goods and social positions.

A third 'social-democratic' variant of distributive justice articulated by the political left has endorsed differential treatment for disadvantaged individuals and groups so that 'equal outcomes' or 'equity', rather than equality of opportunity, might be achieved. In allowing that different people possess different needs, yet have unequal resources at their disposal to meet these needs, attainment of social justice is based on an understanding of 'complex equality' in which the differential distribution of social and material goods for different people is possible. Equity *and* access to equality of opportunity are the baseline measures and involve the state playing a significant role in achieving equal opportunities and outcomes (Gale 2000:255; Drake 2001:24-25).

Labour governments in Aotearoa New Zealand have traditionally attempted, and succeeded to varying degrees, to break the residual model mold with this kind of focus in the general social policy arena. In Māori Affairs, however, both National and Labour governments have endorsed a form of biculturalism based on an equity approach that accepts particularism over universalism, although these often sit in tension with each other (Fleras and Spoonley 1999:247). For example, the universalising concept of mainstreaming identified above as situated within a liberal-democratic justice framework was implemented at the same time that the National-led government dramatically increased the number of Māori providers delivering services for Māori in a Māori way, which reflected a more particularist approach.

A social-democratic framework leads to social policy based on a social citizenship model of welfare provision that incorporates the belief that citizens should be universally entitled to access to social services and benefits to achieve well-being (Drake 2001:24-25). While acknowledgment is made that different needs may require differential distribution, the social-democratic model thus poses no threat to the assumption that justice be achieved within a common institutional framework.

This is because both liberal- and social-democratic, as well as reparative, forms of distributive justice presuppose a bounded world within which distributions take place and that world is the political community defined as the nation-state (Walzer 1996:242). Indeed, Kymlicka (2001:225, emphasis in the original) notes that 'liberal nationalists', who seek to explain the link between liberal democracy and nationhood, argue social justice "can best be achieved – or perhaps only achieved – within *national* political units". Calls for social justice have thus ironically led to greater *injustice*, in that they have marginalised Māori desires to be recognised as sovereign peoples. Certainly, international evidence has suggested that policies based on the goals of distributive justice frequently contradict the rights of indigenous peoples (see Kymlicka 2001:134-135).

A fourth form of social justice, emerging from the political left in the latter years of the twentieth century, has not always *directly* addressed this assumption about the inseparability of social justice and the nation-state, but has certainly opened it up for debate. Various models (e.g. Young 1990; Taylor 1992; Fraser 1998) exist that might be said to constitute a form of 'recognitive justice'. They each attempt to represent justice not just as an abstract, formulaic definition, but as a concrete, social artifact or variable property of specific spheres of activity within each particular society (Carens 2000:8; Gale 2000:259; Drake 2001:9).

A recognitive model argues that social justice should be measured in terms of what people *do*, rather just what they *have*. This is important, because distributive justice tends to focus simply on scarce resources ('jobs and income'), while ignoring the structures, including the cultural politics of social institutions, that have defined and

created scarcity in the first place (see Chapter Seven). Recognitive justice accounts for these contextual factors, as well as taking differences seriously, recognising the collective rights of groups, supporting models of self-determination and making a commitment to inclusiveness through meaningful participation in decision-making processes (see Gale 2000:260). It does not necessarily move away from a distributive approach in terms of the *content* of policy programmes, but recognitive justice at least focuses on the appropriate decision-making processes for *deciding* policy direction.

Alongside a recognitive model of justice sit new theories of rights. These reflect growing support, even amongst liberal theorists, for a revisioning of citizenship that acknowledges the cultural pluralism and diversity that typify contemporary society (Shafir 1998:26). Kymlicka (2001:42) has noted that the collective rights of minorities have been increasingly recognised and protected by liberal-democratic governments around the world under a form of 'liberal culturalism', but that the notion of permanent communalism is theoretically incompatible with the individualistic focus of traditional liberal theory (Van Dyke 1995:188). This is because such theory holds that belonging to a collectivity consciously demands some discipline and sacrifice and thus limits individual freedom and choice (Sardar 1999:49). Kymlicka (2001:5;42-45) has suggested that current practice regarding minority rights evolved in a theoretical vacuum with no clear understanding of long-term goals or underlying principles. Adopted as adhoc compromises to particular problems (for example, indigenous or minority group protest), for reasons of stability rather than justice, these have often failed to adequately address the issues raised, particularly by national minorities.

A crucial element in emerging debate about recognitive justice and minority rights is increasing consensus "that in order to unlock the inclusive potential of citizenship, the concept must be freed from its association with the nation-state" (Faulks 2000:8). In other words, there should be recognition that conflation of the cultural-political idea of nation with the civic elements of citizenship acts as an exclusionary discourse for indigenous peoples and other national minorities who constitute 'nations within' (Faulks 2000:30). Instead, 'differentiated' (Carens 2000),

'multicultural' (Castles and Davidson 2000), 'nested nationalities' (Miller 2000) or 'multinational' (Kymlicka 2001) forms of citizenship have been promoted, based on the belief that these are more likely to encourage civic cohesion than current alternatives (see Carens 2000:195). Debate continues, however, as to whether the traditional priority on universal, individual rights should be supplemented by explicit, group-differentiated, cultural rights (see Chapter Eight).

Despite a growing literature concerned with such issues, Aotearoa New Zealand governments have remained concerned with distributive justice and have not made substantial movement towards a recognitive model of social justice, despite increasing 'recognition' of the Treaty rights of Māori. Fisk (1989:4) has indicated that the pattern of justice adopted by the state will be the one that serves its need for stability in relation to the pressures it faces. Yet, inevitably, the pursuit of justice sets the state at odds with itself because it is often in conflict with its other, often economic, goals. The pattern of justice is often therefore narrow and grudging, resulting in a situation where it may "disarm dissent without eliminating dissatisfaction" (Fisk 1989:13).

This certainly appears to have been the case in Aotearoa New Zealand, where reference to social justice in relation to Māori has aimed to depoliticise Māori claims to self-determination by situating them within a framework of equal opportunity or equity that draws upon traditional citizenship discourses. Calling for social justice has thus been an important means by which the state has built solidarity and support for policies focused on 'closing the gaps' between Māori and non-Māori. Yet, it has simultaneously depoliticised Māori calls for self-determination which, ironically, may be the only real 'solution' to such disparities.

SITUATING MĀORI WITHIN A NEEDS-BASED DISCOURSE

Framing Māori Affairs issues within a needs discourse is the second means by which the Aotearoa New Zealand state has promoted its goal of national cohesion and thus contained the self-determining desires of Māori. A focus on needs is a major characteristic of the political discourse of welfare-states founded on Anglo-Saxon traditions. In prioritising a residualist approach to social welfare and policy, this needs focus simply provides an 'ambulance at the bottom of the cliff' (Boston 1992:2-3). As a result, policy tends to be concerned with the symptoms, rather than the causes, of socio-economic disadvantage (see Parata 1994:40).

Poverty is traditionally conceptualised as the most important of these symptoms and thus regarded as the central issue of social policy. In such a context, poverty is defined as a state or condition (pertaining to a lack of resources or experience of deprivation) that must can be eliminated through a 'taming' of the 'poverty-stricken'. Policy is thus framed in a way that considers the 'poor' to be members of a culture of idleness exhibiting moral, cultural and behavioural deficiencies. The 'solution' is to teach the poor basic economic skills and to inject them with a 'work ethic' so they can participate fully in the labour market (Bowring 2000:308).

Applying a needs-based discourse to Māori, the policy of Aotearoa governments has historically defined indigenous culture as an explanation for poverty amongst Māori. Blame has thus been placed upon the cultural traits of communalism and tribalism, along with Māori dispossession from resources, cultural deprivation, inadequate human capital related to education or housing and 'personality flaws' such as laziness (Fleras and Spoonley 1999:111). Belief in these theories of cultural deprivation or deficit has been supported by the way in which 'special' initiatives, such as multiculturalism and biculturalism, have not radically altered the low socio-economic status of Māori (see Fleras and Elliott 1999:172; Smith 1999:91).

In blaming the poor positioning of Māori as a group on Māori individuals or culture, successive governments have ignored the effects of colonisation, institutional racism and, more recently, the neo-liberal restructuring that many western economies have experienced (see Fleras and Spoonley 1999:131; see Smith 1999:90). Thus, the application of a needs discourse has failed to provide long-term 'solutions' to the downward-spiral that many Māori face in terms of socio-economic status (see Fleras and Spoonley 1999:131). This is the case, even though the 'closing' of socio-economic 'gaps' between Māori and non-Māori has been the central goal of Māori Affairs policy for many years.

In addition, the government sector has continued to hold the power to act as 'expert' and thus define the needs of Māori. Drake (2001:97) has indicated that in order for needs to be fulfilled, intervention that effects change only at the level of individuals is insufficient, for it is also necessary to alter environments and redistribute power so that the disadvantaged can be empowered. One of the main routes to such empowerment, which cannot be given but must be achieved by disadvantaged groups or individuals themselves, is to challenge prevailing definitions of needs, which tend to be founded on prevailing norms and values. Māori have long stressed that government definitions of poverty fail to acknowledge deprivation in regards to intangible, non-material property, such as language (Cheyne, O' Brien and Belgrave 2000:57-58; see Chapter Five). Yet, alternative interpretations of Māori needs, while gaining greater recognition in recent years, have traditionally been ignored or marginalised.

Even more problematic is that the framing of Māori by a needs discourse has diverted attention from the rights-based discourse, founded upon internationally-recognised indigenous and Treaty rights, through which Māori have attempted to advance their claims upon the state (see Chapter Three). Needs arise from disadvantages or material deficits caused by injustice, especially a denial of rights. However, a needs-discourse is concerned only with the domestic, dependent rights of *citizenship*. These gain their specific meanings in any particular setting according to

the influence of adjacent concepts such as liberty, equality and justice and thus depend on the social and political contours of the state (see Drake 2001:84-87;95-96). It has already been noted that a traditional citizenship discourse has been used to promote a form of national cohesion that suppresses Māori nationalist claims. Defined as 'disadvantaged citizens' rather than as having 'special status', such a focus on citizenship rights has assumed that once disadvantage has been alleviated (through improvement in access to opportunities or outcomes) then Māori individuals should be treated the same way as other citizens.

Nevertheless, successive Aotearoa New Zealand governments have also made increasing recognition of Māori as indigenous peoples and as Treaty partners. Given that the Treaty was originally a device to secure the legitimacy of Crown rule over Māori, this has opened the way for a questioning of the state's integrity and its conflation with nation. As a result, governments (particularly those led by the National Party) and their officials have deliberately attempted to protect state legitimacy by ignoring, marginalising or reinterpreting the rights discourse promoted by Māori when claiming resources and the right to exercise greater self-determination. Such an endeavour has been achieved by two major means.

First, although the Treaty claims settlement process has focused largely on Article Two, the standard governmental and legal position has favoured the English-language version of the Treaty, where the term 'kāwanatanga' in Article One is translated as 'sovereignty'. This interpretation allows Māori special status but suggests that the British Crown alone held the power to govern, limiting the notion of tino rangatiratanga to a form of property rights (Wickliffe and Dickson 2000:44). It thus ignores the Māori-language Treaty, which suggests that Article One granted the British Crown the rights of *governance* but only in balance with the continuing possession of tino rangatiratanga (the autonomy and control to be self-determining) by Māori as noted in Article Two. This latter article is commonly interpreted by contemporary Māori as indicating that their rights to self-determination were not extinguished. Thus, the signing chiefs expected to continue governing themselves, although they did cede to

the British Crown the right to govern all present and future colonists (O'Malley and Hill 2000:23).

Limiting Article Two to property rights by situating debate within a pluralistic common law, successive governments have avoided discussion around the international recognition of indigenous rights to self-determination and protected the absolute sovereignty of the state (Jackson 1995:252). For example, in the mid-1990s, National's Minister for Treaty Settlements, Douglas Graham, made a surprising admission (which was later endorsed by Prime Minister, Jim Bolger) that two laws exist in Aotearoa New Zealand because Māori continue to hold exclusive customary rights. However, Graham stressed that only *government* could set the limits of, and establish agendas in relation to, Treaty settlements, thus indicating that the notion of absolute sovereignty remained undisturbed by recognition of customary property rights (Fleras and Spoonley 1999:5). In addition, Treaty settlements have been promoted not just as reparation for past injustice, but as a means for achieving distributive justice through assisting Māori autonomous economic, social and cultural development. This has taken the focus away from the settlements as recognition of Māori indigenous rights and placed debate back within a discourse in which Māori must be 'helped' to meet their needs as disadvantaged citizens through provision of services for Māori (Kiro 1998:293;298).

Second, in addition to containing the rights discourse as it is represented in the settlement of claims made under the Treaty, Aotearoa New Zealand governments have also explicitly denied that discussion of Article Two is appropriate in the social policy arena. In outlining the attitudes of National-led governments to the application of the Treaty in social policy, Barrett and Connolly-Stone (1998:29) have suggested that National's stance, at the best of times, lacked consistency and, at worst, failed to exist at all. Social policy, by default, was correlated with the domestic, dependent and universal rights of citizenship which were guaranteed to Māori in Article Three of the Treaty of Waitangi. This led to the continued marginalisation of Māori proposals for

self-determination involving a form of strategic 'exclusion' and shared governance at the national level.

The late 1990s, however, saw the government sector under increasing pressure from Māori to remedy this situation. The Waitangi Tribunal's *Te Whānau o Waipareira Report* (1998) recommended that tino rangatiratanga (as mentioned in Article Two of the Māori-language Treaty) be regarded as applicable to social policy debate. If implemented, such a recommendation would have had major implications on government's responsibilities and the way that these might be carried out (Parata 1994:40-41; Barrett and Connolly-Stone 1998:41). Nevertheless, the National-led government, like its predecessors, continued to repeat the same mistake made by the Crown in the nineteenth century when failing to address the need for balance between Article One's kāwanatanga with Article Two's tino rangatiratanga (Brookfield 1999:170-171;183).

In summary, it is argued that Aotearoa New Zealand governments have historically practiced a form of 'welfare colonialism' (see Pearson 2001a:126). Government rhetoric, particularly in recent years, has suggested that Māori-defined perspectives have been incorporated into policy. But, in practice, a Māori flavour was simply added to traditional, needs-based policies and programmes which continued to be measured on an individual basis and against 'norms' that did not reflect Māori culture or society. Thus, in co-opting the rights-based discourse promoted by Māori in relation to the Treaty and 'self-determination', governments translated it so that it was compatible with liberal notions of individualism, citizenship and the economic redistributive concerns of the needs discourse (Jackson 1995:252). These facts support Fleras and Spoonley's (1999:110) argument that: "on balance, Māori [Affairs] policy can be interpreted as simultaneously advancing and diminishing rangatiratanga rights, thus revealing how competing objectives and hidden agendas may hinder as much as help".

FRAMING 'SOLUTIONS' IN TERMS OF 'DEVELOPMENT'

The employment of a development discourse when offering 'solutions' to the 'Māori problem' has been another means by which the state has pursued national cohesion and effectively depoliticised calls for Māori self-determination. It has already been highlighted that a focus on needs resulted in 'catch up' programmes aiming to assist Māori in achieving a socio-economic status similar to that of their non-Māori peers. A particularly good example of the assimilatory nature of such 'solutions' is the development model, which has played a significant role in Māori Affairs policy since the 1970s. Aiming to build Māori labour market skills and participation, this model has been concerned with a distributive understanding of social justice. It has also encouraged Māori to conform to western liberal notions of civilisation, progress and modernisation and more strongly identify with a *state-framed* conception of 'national culture', consequently defusing Māori claims to nationhood. The notion of development has become more of a contested site since the 1980s, as Māori have adopted the term to describe some of their own aspirations. However, as discussion in Chapter Three will demonstrate, the *self-determined* development promoted by Māori has quite different characteristics than the more traditional understandings of development explored here.

In exploring the limitations of government-defined Māori development models, it is important to consider the domination of development as an academic activity by economists, for this has structured the way in which development questions have been approached (Hall and Midgley 1988:1-9). Poverty, once again, has been the central focus. Aiming to increase material wealth and outweigh the disadvantages of the material world, development programmes have thus been in line with a reliance on the distributive paradigm of justice and state desires to build legitimacy through national cohesion (Young 1995:1). In the Aotearoa New Zealand context, Māori development

policies have emphasised a 'jobs and income' approach at the expense of social and cultural factors (see Cornell and Kalt 1998:5). Priority has been placed on making Māori more employable, by 'taming' Māori and injecting them with a work ethic through training so as to eliminate the 'deficit' of both their poverty and their culture (see Bowring 2000:308).

In the last two decades, however, Aotearoa New Zealand governments have placed increasing emphasis on 'Māori development', defined in terms of monetary profit-making, business development, financing, management education and technical assistance. Underwritten by western and commercial values, this kind of development has prioritised a 'corporate governance' aiming to improve the capabilities of Māori as entrepreneurs and service providers for the purpose of 'closing' the economic and social 'gaps' between Māori and non-Māori. That these foci have been central to Māori development is not surprising considering five contextual factors: the traditional social policy emphasis on economic growth and employment (Cheyne, O'Brien and Belgrave 2000:45); the priority placed on the socio-economic 'gaps' between Māori and non-Māori, which focused on issues of economic distribution (see Love 1998b:7); the managerial imperatives of cost-cutting, mainstreaming and strict accountability on expenditure of government monies (Young 1995:10;119); and, finally, the state's need to protect its legitimacy by encouraging Māori to identify with, rather than challenge, the dominant 'national culture'.

This latter point is particularly significant, because the dichotomous thinking that development discourse promotes – between Māori and non-Māori; rich and poor – has failed to take into account the diversity and cultural uniqueness of those peoples involved. Prioritisation of individual rights and an emphasis on rational organisation and technological efficiency, for example, have been used as standards of 'progress', in practice turning development into a euphemism for assimilation to the values that western liberalism privileges (see Verhelst 1990:62; Sardar 1999:49).

In comparing the 'backward' cultures of indigenous peoples to western understandings of 'civilisation', the concept of development is clearly not ideologically,

nor politically, neutral, but has the effect of concealing the politics of domination behind a facade of neutral science (Hughes 1996:186). As a result, Māori development initiatives have been accused of encouraging Māori to mimick the colonisers and lower their aspirations, succeeding only in adding a bicultural flavour to development policy that has continued to be determined by the state (see Mikaere 2000:17). Although often promoted as a means to 'self-determination', government-defined Māori development models have not only ignored the need for culturally appropriate measures of development, but also marginalised Māori calls for a self-determined development that places priority on developing Māori as leaders of self-governance in the political sphere (Loomis 2000b:9-10; see Chapter Three).

While development discourse portrays itself as a necessary and desirable process, development is in fact a set of practices and beliefs woven into the fabric of western culture and specific to it. Myths about its universal validity help to socially reproduce and legitimise development and at the same time continue the assimilation of Māori into the mainstream system through skills training, information services and business advice. It is argued, therefore, that the development models adopted in Māori Affairs policy have been part of the *'problem'*, not the *'solution'*. This is because they have continued a well-established process of domination involving the commodification, objectification and incorporation of Māori peoples in a state-framed 'national culture' that denies their own national aspirations (see Tucker 1999:2).

CONCLUSION: THE 'DOUBLE-EDGED SWORD'

The purpose of this chapter has been to establish both an historical and conceptual context for an analysis of the CTG strategy and a point of comparison for the following chapter, which explores the claims of Māori to self-determination. The

timeline provided a background as to the substance of Māori Affairs policy initiatives, indicating that continued Māori demands for greater self-determination resulted in an increasingly bicultural face to government policy. Yet, Dahlberg (1996:71) notes that: “[a] change in rhetoric and political climate has been evident since the 1980’s [sic], but the basic structure and basis of legitimacy of the government has remained unchanged”. Māori Affairs policy thus continued to be driven by the state and its desire to minimise the potential threat that Māori calls for self-determination make to national cohesion and, ultimately, the notion of absolute sovereignty upon which its legitimacy is based.

The second half of this chapter explored this desire, arguing that the state has historically pursued a goal of national cohesion, in which unity and solidarity amongst citizens has been encouraged. While acknowledging the benefits of a general focus on social cohesion, discussion indicated that the way in which *national* cohesion presumes a symmetry between nation, state, territory and citizenship is highly problematic for Māori. This goal of national cohesion has protected the absolute sovereignty of the unitary nation-state and denied the nation status of Māori through the employment of three key discourses.

First, a social justice discourse has been promoted. This chapter has indicated that forms of distributive justice have dominated Māori Affairs policy. However, distributive justice, which focuses on the narrow interest of redistributing socio-economic goods, fails to account for the power relations that guide distribution and the way in which traditional liberal understandings of social justice have assumed the inseparability of nation from state. Likewise, a needs discourse has positioned Māori as disadvantaged citizens who need ‘help’ in achieving a similar socio-economic status to non-Māori, reinterpreting their rights as indigenous peoples and Treaty partners in ways that limit threats to state legitimacy. Finally, ‘solutions’ for the ‘Māori problem’ have been defined by a development discourse. Founded upon the meta-principles of progress, modernisation and civilisation, Māori development initiatives have attempted

to better incorporate Māori within the nation-state and have thus also depoliticised Māori calls for self-determination.

It is stressed that employment of these discourses as a means to contain and constrain Māori demands has not always been the conscious intention of politicians and their officials. Nor has Māori Affairs policy been a deliberate or direct process of cultural domination. Indeed, such policy has been a double-edged sword, bringing benefits along with major losses. The next chapter demonstrates the ways in which Māori have, at times, been able to use such policy as a buffer in shielding their communities from the excesses of colonial and so-called 'post-colonial' exploitation.

Nevertheless, this chapter has established that the discourses behind Māori Affairs policy are highly problematic in that they continue to promote a form of national cohesion that fails to fully account for Māori desires for self-determination at the national level. The increasingly bicultural face of Māori Affairs policy and the insertion of Māori components into policy directions, such as devolution, have given the illusion of greater autonomy, but failed to seriously challenge these prevailing discourses and the traditional notions of universal citizenship that dominate Māori-state relations.

As a result, Māori Affairs policy has historically been in tension with the models of engagement proposed by Māori as alternatives to the paternalistic, assimilatory and self-interested state-defined aims discussed here. To elaborate this point, the following chapter compares the state's concern with national cohesion and legitimacy with Māori calls for greater autonomy and control over all things Māori, which have included proposals concerned with strategic 'exclusion' from mainstream institutions and partnership at the national level. In doing so, the state's interpretation of the 'problem' and 'solution' are measured against those expressed by Māori, leading to the conclusion that there are fundamental 'gaps' between the principles that have been behind Māori Affairs policy and those driving proposals for Māori self-determination. Illumination of this conceptual tension provides an important background to Chapters

Five to Eight, where CTG is assessed against the 'self-determination' rhetoric with which Labour-Alliance promoted its 'flagship' social policy strategy.

CHAPTER THREE

**MĀORI SELF-DETERMINATION:
RESTORING THE
BALANCE OF POWER****INTRODUCTION:
THE COMPLEXITY OF MĀORI SELF-DETERMINATION**

In providing a foreground to the conceptual tensions found within the Closing the Gaps (CTG) strategy, I have argued that national cohesion has traditionally been the core goal behind Māori Affairs policy. Driven by the state's desire for legitimacy, this objective has been defended by distributive justice, needs and development discourses that define Māori as the 'problem' and better incorporation of Māori within society and economy as the key 'solution'. This chapter highlights that, in contrast, the key agenda behind Māori calls for self-determination has been and remains the restoration of Māori autonomy and control over all things Māori. Defining the 'problem' as one to do with the unequal power relations between Māori and the state, indigenous and rights-based discourses have been employed to support this goal. 'Solutions' have been articulated in terms of a *self-determined* development and partnership at the local, regional *and* national levels.

Guided by my belief that any serious attempt to address Māori desires for self-determination by any government must differentiate and analyse the tensions between these two understandings of the 'problem' and the 'solution', the current chapter's core aim is to offer a counterpoint to previous discussion by focusing on the complex phenomenon that is 'Māori self-determination'. As might be expected, this term evokes

multiple understandings within non-Māori communities. However, there has also been considerable debate as to what self-determination entails within Māoridom, with interpretations reflecting the various positions of iwi (tribes), hapū (sub-tribes or clans), whānau (extended families) and non-tribal or pan-Māori organisations, as well as individuals.

Such diversity poses difficulties when trying to assess whether the CTG strategy lived up to rhetoric implying that it supported greater Māori self-determination, because the conclusion depends on the definition of Māori self-determination against which the policy strategy is measured. This is particularly so, given that Aotearoa New Zealand governments have historically recognised only very moderate forms of self-determination, ignoring proposals for both a form of strategic 'exclusion' from the mainstream through autonomous institutions and a power-sharing relationship between Māori and the state. Calls for Māori-state relations to be conducted on a nation-to-nation basis have thus been resolutely rejected by successive Aotearoa New Zealand administrations, even while symbolic recognition that Māori constitute a distinct cultural-political community has been made through 'bicultural' initiatives.

Nonetheless, it is argued that, whether concerned with highly politicised models of self-determination at the national level or more flaxroots-based projects at the local and regional levels, the ultimate goal of Māori self-determination has nonetheless been the restoration and enhancement of Māori autonomy and control over Māori cultural, economic and political systems. In making this argument, the chapter offers a timeline of Māori resistance and challenge indicating that such a goal has remained constant throughout the past century and a half.

In pursuing the restoration of Māori autonomy and control, Māori leaders, scholars and activists have utilised two main discourses to bring legitimacy to their cause and themselves. The first is based around the indigenous concept of tino rangatiratanga, whose flexibility allows it to embody a diverse range of goals and means for self-determination. In addition, Māori have also framed debate in terms of a

rights-based discourse by emphasising their indigenous rights to self-determination, as endorsed by common law, international law and the Treaty of Waitangi.

Stemming from differing conceptual foundations than Māori Affairs policy, the kinds of 'solutions' offered by Māori individuals and groups have also tended to diverge from those promoted by the state. Discussion focuses first on self-determined development, a model incorporating a variety of Māori self-determination projects, mainly at the local and regional levels. Second, discussion highlights that Māori 'solutions', particularly at the national level, have increasingly been framed in terms of a partnership in which power is shared between Māori and the state.

The chapter closes with a brief summary of the main points of tension identified between the 'problems' and 'solutions' driving Māori calls for self-determination and those that have been behind government-defined Māori Affairs policy. It does this to emphasise that, although the language used by both government and Māori may have changed, the conceptual tensions embodied within the CTG strategy are not new. Rather, they represent the long-standing and fundamental friction between Māori desires to be conceptualised as a distinct and autonomous nation and the state's need to marginalise this potential threat to the notion of absolute sovereignty.

A MĀORI SELF-DETERMINATION TIMELINE: RESISTING AND CHALLENGING STATE DOMINATION

Beginning in the nineteenth century, this timeline indicates that the iwi and hapū who were the ancestors of today's Māori communities were self-determining in every way. Following a brief historical journey through to the end of the twentieth century, it demonstrates that, as the process of marginalisation and disempowerment gathered force, Māori intensified attempts to reassert the right to self-determination they believed to be guaranteed by the Treaty of Waitangi (O'Malley 1997:1). Indeed,

government concessions aiming to quell Māori protest and resistance often resulted in further challenges from, rather than the pacification of, Māori. Despite considerable economic, cultural *and* political gains since the 1970s, Māori were nevertheless calling for further space to exercise their right to self-determination when the Labour-Alliance government gained power in 1999.

PRIOR TO THE 1860s: EXERCISING AUTONOMY AND CONTROL

Before the signing of the Treaty of Waitangi in 1840, Māori communities were fully self-determining over all aspects of their lives, although not as one cohesive political unit. Hapū, led by rangatira (chiefs), were the largest effective political landholding group before European contact. However, by the mid-1800s, a new Māori social organisation had evolved in response to population growth and the need for alliances in the fight for territory, resources and women (Ballara 1998:19; Walker 1999:109). As a result, many hapū formed wider iwi groupings under the leadership of ariki (paramount chiefs), although most day-to-day authority was still derived from and exercised within hapū (Ballara 1998:336). Given that in this early period of contact Māori outnumbered Europeans, there is little doubt that iwi and hapū at this time considered themselves as having control and authority (what Europeans called 'sovereignty') over Aotearoa New Zealand (Durie 1998a:53).

The 1835 Declaration of Independence recognised this sovereignty (see Appendix 1), even though the document was initiated by British colonists and intended to act as a bulwark against a variety of local threats, including that of French colonisation. Article One declared the country to be an independent state under the United Tribes of New Zealand, an umbrella term for the thirty-five North Island chiefs who initially signed the document. Article Two stated that sovereign power resided exclusively in the hereditary chiefs of tribes within the confederation. In Article Three,

the confederating chiefs agreed to meet in Congress at Waitangi each year to frame laws, dispense justice, preserve the peace and regulate trade. The chiefs did not have the capability or desire to establish a central administration to carry out the intentions of Article Three, because no chief would willingly submit his mana (prestige or authority) to a central authority. However, the Declaration suggests that the chiefs were beginning to regard themselves and were regarded by colonists as a nation or, more likely, a number of nations in that iwi, hapū and whānau represented a cultural-political community distinct from that of the colonisers (Walker 1999:111).

Although this colonial recognition did not endure, many contemporary Māori scholars and activists have argued that the Declaration of Independence provides crucial evidence that iwi and hapū were recognised by international law as sovereign peoples. This has important consequences when interpreting Article Two of the 1840 Treaty of Waitangi (see Appendix 2). The previous chapter has already noted the importance of the Treaty as a turning point in the relationship between Māori and the British Crown. The British were willing to protect Māori sovereignty in 1835 when their own interests in Aotearoa New Zealand were under threat. By 1840, however, the British no longer supported Māori sovereignty on the grounds that Māori independence could not be maintained, due to lawlessness, organised settlement and the potential threat of a French takeover (Walker 1999:112). Māori attitudes to the Treaty were varied and not entirely clear today, as understandings of the western liberal terms 'sovereignty' and 'governance' may have been different than those that exist now. It appears, however, that Article Two was usually interpreted as envisioning an equal footing between Māori and the Crown, based on the understanding that governance, not sovereignty, was ceded to the Crown. A corresponding recognition of tino rangatiratanga also indicated a shared governance role for Māori (Walker 1996:54-55).

Such an interpretation would explain why most iwi and hapū leaders treated the Treaty rather indifferently until the extent of their dispossession became clear in the 1860s (Durie 1998a:178). They, were not, however, passive victims in this process of transformation, which resulted in the rapid loss of their land and resources. As early

as 1844, Hōne Heke, a Ngāpuhi chief who had personally signed the Treaty, cut down the British flagpole at Russell a total of three times. This action, which led to war, made a direct challenge to the rapid extension of British law, which Heke believed had undermined his own mana and chiefly authority (Walker 1996:62; O'Malley and Hill 2000:3-4).

Chapter Two noted that the colonial government at least paid lip service to the idea of Māori self-determination for some years following the Treaty, with the aboriginal districts mentioned in the 1852 Constitution Act providing one example (Durie 1994:107). The fact that, until about 1857, Māori constituted more than half the population of Aotearoa New Zealand motivated this and other similar half-hearted initiatives (Durie 1998a:53). Since in 1852 most of the country could be classified as an 'aboriginal district', it is of no surprise that section 72 of the Act was never implemented. The 1852 Act was finally repealed by the 1986 Constitution Act, despite Māori opposition (Wickliffe and Dickson 2000:45-46).

1860 - 1899: ESTABLISHING PARALLEL GOVERNANCE STRUCTURES

Māori resistance and nationalist assertions grew as the negative effects of colonisation became clear and fears of extinction, with Māori representing only fourteen per cent of the population by 1874, began to spread (Durie 1998a:53). The founding of parallel systems of governance modeled upon British structures was a common means for asserting Māori nationalism and emphasising Māori expectations that they would continue to govern themselves (Walker 1999:113-115). O'Malley (1997:187) has indicated that Māori were not simply mimicking British structures, but were seeking a place for themselves in the new colonial order, so as not to be subsumed by it.

This argument is substantiated by an analysis of the Kīngitanga movement, which appointed its first Māori King in 1858. In attempting to stop inter-tribal fighting and protect tribal lands from British encroachment, Kīngitanga established a system of unified laws and placed considerable land in the Waikato area under the mana of the King (Walker 1999:113). Traditional tribal rivalries prevented Kīngitanga from becoming the truly pan-tribal movement it aspired to be and the British, who regarded Kīngitanga as a threat to the Crown's sovereignty, invaded the Waikato area in 1863 (O'Malley and Hill 2000:5). Despite putting up much stronger resistance than the British expected, the 'New Zealand Wars' (1863-1872) resulted in 1.2 million acres of land being confiscated from the Tainui tribes as retribution, with further land taken from other 'rebels'. The notion of Mana Motuhake (Māori self-government), however, continued and, in the 1890s, the Kauhanganui (King's Council) was founded with its own constitution and governance structures, including a Prime Minister and Minister of Pākehā Affairs (Brooking 1988: 83-84; O'Malley and Hill 2000:11).

Tribes outside the King movement also began to loosely confederate under the notion of Kotahitanga (unity through consensus) during the 1880s, unified by governmental failure to address Māori concerns, especially the actions of the Land Court. While other frustrated Māori attempted to utilise the colonial system by petitioning Parliament or Queen Victoria in England (O'Malley and Hill 2000:10), the Kotahitanga confederation established itself as a Pāremata Māori (Māori Parliament) at Waipatu Marae, Hawke's Bay between 1892 and 1902. The northern tribes that formed the Pāremata would not adhere to the Māori King, while he would not surrender his claim to Māori sovereignty to their structure. Both the Pāremata Māori and Kauhanganui made representations to Parliament for devolution of Māori Affairs to their control and both were ignored (Walker 1990:165; 1999:114).

1900 - 1940: UTILISING PĀKEHĀ GOVERNANCE STRUCTURES

Yet, by 1900 the combined pressure of the Kīngitanga and Kotahitanga (along with several lesser) movements forced the colonial state into negotiations, with Māori politicians acting as mediators between government officials and traditional rangatira (O'Malley and Hill 2000:13). Although not proportionate to the Māori population and driven by Pākehā agendas, the establishment of four Māori seats in Parliament in 1867 had allowed Māori politicians to build links with colonial institutions and organisations (Ward and Hayward 1999:386; see Chapter Two). Of note were Āpirana Ngata, Te Rangi Hīroa (Peter Buck) and Māui Pōmare. Each belonged to the 'Young Māori Party', a loose association of like-minded individuals who had attended Te Aute College. These men shared the relatively conservative goal of progressing Māori causes by encouraging the retention of a strong, inter-tribal Māori cultural identity *and* adaptation to Pākehā society, aims which contrasted with those held by Māori sovereigntists of the same period (Belich 2001:204; Walker 2001a:69-75). Rua Kēnana, the Urewera prophet, for example, attempted to establish pan-tribal sovereignty in the Urewera region and was crushed in 1916 by armed forces (Belich 2001:194). Brooking (1988:110) has suggested that prophets such as Rua Kēnana, Te Whiti and Te Kooti often had far greater mana amongst their own tribal communities during this period than those involved in politics, such as Ngata, Hīroa and Pōmare.

Nevertheless, on paper it appeared that Māori politicians had been able to negotiate large concessions to Māori calls for self-government and, as a consequence, the Pāremata Māori disbanded. But, while there were certainly health and sanitation benefits for Māori, such concessions did not significantly progress self-governance issues. For instance, Chapter Two has indicated that 'self-governing' bodies were introduced under the Māori Lands Administration Act 1900 to control health, welfare and moral well-being. These offered Māori only limited autonomy because they were

driven by the state's desire to use the councils as a means for assimilation, rather than the empowerment of Māori (O'Malley and Hill 2000:13-15).

Ngata, a Liberal Party Member of Parliament (MP) and later Minister of Native Affairs, was also a chief driver behind plans to consolidate Māori land, allowing Māori communities to gain more productive use out of it (Walker 2001a:235). Again, there were benefits for Māori, with some large-scale consolidation schemes coming into operation from 1919, but there was little chance of autonomy when the schemes remained under the tight control of the Department of Native Affairs. A small number of 'independent' inquiries into land confiscation claims and the resulting compensation made in some cases led to the establishment of tribal trust boards to administer these funds. These trust boards continue to be important today, because they offer legal recognition to iwi. At this time, they allowed a small measure of self-determination, but the trust boards were given only limited scope and powers because the state was more interested in accountability for public funds than offering opportunities for self-determination.

By World War I, many tribes had decided to concentrate on maximising their *own* tribal independence rather than relying on government concessions (O'Malley and Hill 2000:15-16). Nevertheless, some Māori believed that tribalism could not protect Māori and that new social structures were needed. Tahupōtiki Wiremu Rātana, for example, established a religious movement after a divine revelation in 1918. Although working through tribal and hapū leaders, the Rātana movement aimed to unite Māori on a non-tribal basis (Ballara 1998:335; Belich 2001:196-197). From 1928, the Rātana movement focused on capturing the four Māori-electorate parliamentary seats, but found that there was no point in winning them without a coalition with another political party. In 1930, an historic alliance was therefore forged between Rātana and Labour Party leader, Michael Joseph Savage, which led to the four Māori seats being guaranteed to Labour from 1946 to 1996. The previous chapter noted how, despite this alliance, Labour still continued to pursue citizenship-based policies aiming to promote the 'national good'. This dashed the hopes of some Māori for a separate wing

of government to be administered by a board with sizable Māori representation and with Māori appointed to senior positions within such a new structure (Butterworth 1989:16-17). However, Rātana's desire to have government honour the Treaty and enable Māori self-government did force Labour governments to take these issues much more seriously than their Reform, United and National Coalition counterparts. This was particularly the case after the 1946 election, when the four Māori seats held the balance of power (O'Malley and Hill 2000:17; Belich 2001:476).

1940s - 1960s: RESPONDING TO URBANISATION

Up until World War II, Māori largely delivered their own social services based around marae (meeting places) in tribal areas, where seventy-five per cent of Māori still lived. However, the needs of Māori changed as a result of the massive urbanisation that would see eighty per cent of Māori living in cities and towns within twenty-five years (Durie 1998a:54;95). The land development schemes that Ngata had promoted became much less significant (because they assumed Māori would remain a rural peoples) and the Māori War Effort Organisation was an important forerunner for the organisations that were to develop in this new, urban era (Belich 2001:470). Based on a network of tribal committees that were wholly Māori and operated under Māori ways, this organisation was so successful that in the post-World War II era it began to move into social welfare tasks (O'Malley and Hill 2000:18-19).

Other organisations emerged as urban-dwelling Māori looked for the kind of support they had traditionally gained tribally and locally. The Māori Women's Welfare League, a pan-tribal network of support for Māori families, and the New Zealand Māori Council, initially a non-Labour Māori voice created by a National government, were established in the 1951 and 1962 respectively to address some of the social problems that came with urbanisation (Pearson 2001a:120). Both remain important today

although, reliant on government funds, they have (not always fairly) been criticised as being relatively conservative mechanisms for expressing Māori concerns (Spoonley 1995:41; Harawira and Ilolahia 1996-7:19).

It was Māori of the next generation, born and raised in urban centres where significant socio-economic inequalities were becoming obvious and in close contact with Pākehā institutions and groups, who were to become the leaders of Māori protest movements of the 1970s (Spoonley 1995:41). Such activism emerged out of progressive social movements of the time, such as the trade union, feminist and civil rights movements, which themselves reflected parallel developments internationally. For instance, the 'Brown Power' rhetoric of Ngā Tamatoa, the first activist group of this era, mirrored that of the Black Power movement in the United States and was an important breeding ground for the young and educated Māori activists of the 1970s (Spoonley 1995:41-42; Poata-Smith 1996:99; Belich 2001:477).

1970s - early 1980s: PROTEST AND ACTIVISM

The continuing loss of Māori land and the fear of also losing Māori culture and language provoked the storm of Māori protest that swept the country in the 1970s. Land was a good rallying point for protest because land alienation had caused many of the inequalities that Māori experienced as a result of colonisation (Spoonley 1995:44). The major erosion of land as an economic base had a crippling effect on the welfare, economy and development of Māori, while the individualisation of land titles and the forced abandonment of collective ownership also undermined social cohesion between whānau and within tribes (Durie 1998a:116). Evidence that a National government planned to continue alienating Māori land (through the 1967 Māori Affairs Amendment Act) gave impetus to the Māori protest movement, which peaked during the mid- to late-1970s (Spoonley 1995:41-42; Havemann 1999a:46-47).

Land protests: 'Not one more acre!'

The 1975 Land March from the Far North to Parliament in Wellington was one of the earliest protests to focus public attention on land issues and highlight the Labour government's lack of interest in addressing them. Led by eighty-year-old Whina Cooper, who had been the first president of the Māori Women's Welfare League, the march mobilised Māori communities as it headed south. It also encouraged them into protest action (Spoonley 1995:42). For example, from January 1977 to May 1978, Bastion Point was occupied by Māori protesting National government plans to subdivide what was the last of the Ngāti Whātua tribe's ancestral land. Joe Hawke, who later became a Labour MP, was a key player in this demonstration, which ended when protesters were arrested and forcibly removed by the largest formation of police ever assembled in Aotearoa New Zealand (Brooking 1988:192).

Trouble at Bastion Point was followed by a similar protest at Raglan in 1978, led by Eva Rickard, and the establishment of a wave of other activist groups increasingly focused on the Treaty as a source of rights for Māori (Brooking 1988:192). The Waitangi Action Alliance, for instance, formed in 1982 to expose the 'fraudulent' nature of the Treaty and succeeded in generating social awareness and protest across the country. In 1983, Waikato hosted a comprehensive hui (meeting) on the Treaty, resulting in a hīkoi (march) to Waitangi in 1984 and continuing protest there in following years (Spoonley 1995:42-43).

The rationale behind these repeated occupations and protests was to challenge the sovereignty of the state and assert that Māori continued to hold sovereignty over their own lands (O'Malley and Hill 2000:22). Such nationalist goals were made clear with the publication of *Māori Sovereignty* (1984). Written by Donna Awatere (now an ACT Party MP), this book discussed differences in the Māori and Pākehā cultural systems and was highly critical of Māori dispossession and manipulation by the state. It thus set out the conditions of decolonisation. Although some regarded Awatere's (1984) arguments as counter-productive to class politics, what she said was not

necessarily controversial to Māori. Many Pākehā, however, considered the book 'radical' and 'provocative' (Spoonley 1995:43). Certainly, Awatere (1984) and her contemporaries forced Pākehā to become more aware of Māori and Treaty issues.

Other forms of activism: National and local

There remained, however, great debate within Māoridom as to what level of self-determination Māori should aim for and by what means it should be achieved (O'Malley and Hill 2000:22). Not all organisations that emerged in this era were 'radical' protest movements. For example, Mana Motuhake was a political party that grew out of the frustration that Matiu Rata, a Labour MP and Māori Affairs Minister (1972-1975), had with his own government's lack of progress on Māori issues in 1979. Mana Motuhake promoted exclusively Māori interests and provided a challenge to the long association between Rātana and Labour that was established in the 1930s, but clearly worked through the existing Pākehā-dominated parliamentary system (Brooking 1988:193).

Other forms of activism stemmed from genuine fears that Māori culture and language were close to extinction. Culture and language, regarded by Māori as taonga (treasures), are central to maintaining Māori identity and thus the self-determination project (see RCSP 1988b:41-42). Amid fears of their loss, a resurgence of interest in carving, weaving and other traditional crafts took place, particularly once urban marae were established as a centre for Māori focus (Brooking 1988:190; Harawira and Ilohia 1996-7:20).

The Kōhanga Reo movement is one of the best examples of the way in which local Māori communities, frequently led by women, exercised tino rangatiratanga in this context. Beginning in 1982, Kōhanga Reo established a network of Māori language immersion pre-schools across the country. These pre-schools not only promoted the Māori language and created a totally Māori environment in which Māori cultural beliefs, values and practices could be maintained and passed on to the next

generation, but also increased the participation of young Māori in early-childhood education. Founded as a Māori (rather than state) initiative, Kōhanga Reo also acted as a rallying point for Māori communities in relation to whānau exercising the autonomy to make decisions and solve problems concerning the education of their children (Smith 1999:169).

Mid-1980s to mid-1990s: CONSOLIDATING ACHIEVEMENTS

Throughout the mid- to late-1980s, major iwi organisations, groups that had formed out of the protest politics of the 1970s and pan-Māori organisations took the fight for control over resources (in particular, land, fisheries and language) to the courts and Parliament. The core issue at the heart of these claims was the desire to restore Māori ownership or control. There were some successes. For example, the Māori Council put the brakes on the massive deregulation of the Aotearoa New Zealand economy that was in progress during the 1980s, by delaying the sale of State Owned Enterprises (SOEs) (Kelsey 1996:182).

Taking claims to the Waitangi Tribunal

However, it was the Waitangi Tribunal that provided an important source of leadership and influence, as well as a crucial forum for the hearing of claims detailing Crown breaches of the Treaty of Waitangi. Established under the Treaty of Waitangi Act 1975, the Tribunal was largely ineffectual until 1985 when a law change enabled it to hear claims dating back to 1840. Since that time, the Waitangi Tribunal process has reconfirmed the importance of both traditional and more contemporary Māori organisations to the development of Māori and demonstrated that presenting a united

front to Parliament and other powerful organisations can be beneficial (Durie 1998a:175;184-187).

Having gained government recognition of the Treaty as a source of rights, many Māori communities became preoccupied with either claiming resources or, having won a claim, debating how restored resources or compensation should be utilised and by whom. This had the effect of minimising protest during the 1980s and 1990s. So did the co-option of key individuals involved in the Māori protest movement into government, for working within the structures of the state effectively removed them from the concerns and vitality of flaxroots struggle (Poata-Smith 1996:109). Other organisations and individuals developed ties with government through the devolution of social service contracts or bicultural policies that required government to become more engaged with Māori individuals and groups.

Attempts to unify a divided nation: the National Māori Congress

As the opportunities to 'cash in' on claims or be involved in government increased, cracks began to appear in the facade of unity that had often appeared to exist between Māori during the protest years. For example, the 1989 Māori Fisheries Act and related legislation highlighted various issues of disagreement, particularly as to who should be considered 'Māori' for the purpose of Treaty claims or the redistribution of other state resources. The enormity of the fisheries legislation's favouring of iwi over other Māori groups became even more apparent when a \$170 million settlement deal in 1992 effectively gave iwi interests control over twenty-three per cent of Aotearoa New Zealand's off-shore fisheries (see Rata 1996:193-195;198; Fleras and Spoonley 1999:29-30;133-135; Gregory 2001b:A13). Years of legal wrangles followed as hapū and non-tribal groups also claimed the right to access and own such resources, reflecting similar disputes about identity and legitimacy in Canada and the United States (see Boldt 1993:206-207; Barsh 1994:59-62).

As some of these internal divisions were reasserting themselves, the National Māori Congress was established in 1990 by prominent Māori leaders, including Sir Hēpi Te Heuheū, Dame Te Ariki Te Ātairangikaahu and Te Reo Hura. The most recent incarnation of kotahitanga through tribal confederation, the Congress aimed to be a national forum involved in negotiating matters of national importance with the state while actively promoting the exercise of rangatiratanga by iwi and mana Māori motuhake (Walker 1999:117). The Congress hoped to act independently of the state, being funded through a levy on member tribes who assigned residual rights to the national body for negotiations, without abdicating concern over iwi matters. Its long-term goals were to establish a Māori legislature and greater control over the formulation of Māori policy (see Durie 1995a:41).

However, the Congress was limited by a slow establishment process, poor resources and the preference of National-led government's for working through known negotiators, such as members of the Māori Council. As a result, although its most significant work has been in relation to the important fisheries claim negotiations, the Congress was forced to go into reactive mode and align with the thirteen tribes that opposed the 1992 fisheries deal (Walker 1999:117-118; Baird and Gover 2000:20). This situation reflected the difficulties other pan-Māori bodies have had in successfully representing a unified front to government. As the 1990s progressed, unity certainly did not appear to have gained any further foothold.

Building on gains: calls for greater control of social service delivery/policy

It was also obvious that government concessions in terms of biculturalism and contractual relationships between Māori social service providers and government departments (whether under Labour's devolution or National's mainstreaming) had not diminished Māori desires for greater self-determination. Indeed, as gains were made, increasingly sophisticated and varied demands emerged that built on the accomplishments already achieved. For example, many Māori organisations or

communities secured significant opportunities for self-determination through their ability to contract for the provision of social services to Māori. In particular, urban non-tribal organisations became increasingly important social service players, giving voice to the estimated twenty-six per cent of Māori who cannot or chose not to trace their genealogy to any tribal grouping and have thus received little benefit from the claims process (*NZ Herald* 1999:A10).

As the number and strength of such Māori providers grew, however, so did their desires (and in many cases, capability) for greater autonomy within contractual relationships. These reflected, (and at times could be deliberately attributed to) similar proposals articulated or being implemented by other indigenous peoples, particularly in the United States and Canada where the contractual model had also dominated the 1990s (see Barsh 1994:56-58; Foster 1999:366).

For example, some Māori social service organisations looked to overseas models when calling for further power to be devolved through a 'bulk-funded' model that would allow them to provide a one-stop-shop social service agency for their communities (*Tū Mai* 2000:19). There were also calls (see *Tū Mai* 2000:18-20; Tamihere 2001a) for Māori social service organisations to be given the power to distribute welfare benefits and have control over Māori healthcare and education within their local areas. Advocates (see Heal 1998:45; Fuli cited in McCarthy 2000:11) argued that such a move would cut bureaucracy and provide a holistic, integrated service that would not require service users to approach numerous different providers for assistance, in addition to allowing Māori providers to gain greater community autonomy. Critics (e.g. Kelsey 1993; Culpitt 1995; Kiro 1998; see Chapter Two), on the other hand, suggested that such a move would not really address Treaty issues or indigenous rights, demonstrating only a 'consumer sovereignty' that suited government agendas for the contractualisation and decentralisation of social services.

The ability of Māori to go beyond such consumer sovereignty was enhanced in some cases by 'partnership agreements' with government agencies. For example, in the 1990s, Māori Assisted Provider Organisations (MAPO) worked in legal partnership with

North Health and exercised a co-purchaser status in which they shared responsibility for the selection, funding and development of services that are safe, appropriate and effective for Māori. Nevertheless, while some Māori (e.g. Hēnare 1998) considered the MAPO structure a vehicle for Māori autonomy, others (e.g. Kiro 1997) regarded any requirement to work in partnership alongside a lead mainstream health bureaucracy as a limit on the self-determination of iwi authorities working in the area.

As a result, greater emphasis was placed on the need for parallel institutions for Māori, particularly in specific policy and delivery areas, such as the health, education and criminal justice sectors. For many Māori (e.g. Jackson 1988; Smith and Smith 1996; see Tauri 1996:204), parallel institutions held the potential to address the institutional racism found in mainstream organisations and go some way to establishing the equal partnership envisioned in the Treaty. Parallel delivery systems were actually developed in some areas by Māori. *Kōhanga Reo*, for instance, spread through the 1980s and 1990s into the primary, secondary and tertiary levels of education. But success often meant incorporation into the state system at a policy level, resulting in greater state control (Durie 1998a:64; Fleras and Spoonley 1999:34). As a result, calls (e.g. Jackson 1988; Smith and Smith 1996; Tauri 1996; Graham 1998; Alves 1999; Love 2001) for increased Māori control over key decision-making continued, with further autonomy proposed at the highest levels of policy formulation through parallel Māori authorities or systems with dedicated funding resources.

The 1990s also saw some Māori scholars and leaders (see Durie 1995a:40-41) propose the establishment of an independent and adequately funded Māori agency to replace *Te Puni Kōkiri* (TPK) in formulating Māori policy and development plans. The most recent proposal indicated that a national body should be established to consider how to improve government's response to Māori, but traditional disagreement as to the configuration of pan-tribal, tribal and non-tribal representation proved to be a stalling point once again (see Berry 1999:C5).

1994 - 1999: PROTEST AND CONSTITUTIONALISM

While many iwi, pan-Māori and non-tribal organisations were happy to pursue the contractual opportunities for greater self-determination that grew out of 1990s decentralisation, the socio-economic impact of a decade of neo-liberalism upon Māori individuals and their whānau was increasingly evident as the 1990s drew to a close. There was also growing frustration about the way Māori-state relations were still subject to the priorities of the state, rather than those established by Māori. This led to an outburst of 1970s-style protest in 1994 and 1995, reminding the National government and the country that Māori nationalism could no longer be easily ignored.

Frustration overflows: Protest and debate 1994 - 1995

The most obvious catalyst for such disruption was the National government's announcement in late 1994 that it wanted to put a fiscal cap of \$1 billion on the settlement of all Māori Treaty claims. Lack of consultation and perceived disrespect towards Sir Hepi Te Heuheu, one of two remaining traditional ariki and a symbol of Māori aspirations to national sovereignty, led to a resounding rejection of the so-called 'fiscal envelope' at all fourteen hui held to discuss the issue in 1995. In the wake of this reaction, Pakaitore (Moutoa Gardens) in Whanganui was occupied for eighty days to highlight land issues and activist Tame Iti issued eviction letters to Pākehā farmers at Waimana, serving notice that Māori sovereignty would be achieved by 2000. In addition, after some years of relatively calm proceedings, there was an explosion of anger at the 1995 ceremonies commemorating the signing of the Treaty of Waitangi. These and other events indicated that the issues at the basis of Māori protest nearly

twenty years before had yet to be fully resolved (Poata-Smith 1996:110; Walker 1999:118).

Later in the same year, Sir Hepi Te Heuheu called a major hui himself, aiming to affirm the rangatiratanga of each tribe represented and discuss how sovereignty might be expressed in a national forum (Walker 1999:117-118). The hui highlighted that many Māori believed government policy for Māori could only meet their expectations if constitutional guarantees for Māori were established reflecting their special status as indigenous peoples and Treaty partners. In light of a lack of these constitutional guarantees, three models were tabled (see later discussion), each highlighting the *ongoing* Treaty relationship between Māori and the Crown, as well as continuing Māori desires to be involved in some kind of 'dual authority' (M. Durie 2000:420). The successful settlement of the Tainui and Ngāi Tahu claims (each worth \$170 million) in 1995 and 1997, rather than detracting from these demands, simply emphasised that as the economic capacity of Māori grew, so did their ability and desires to share power.

Power in numbers: developing Māori political strength

While calls for constitutional change were hardly new, the political context in which these proposals were made was more favourable than Māori had experienced in a century. The introduction of Mixed Member Proportional (MMP) representation in 1996 allowed Māori to be represented proportionally to their population for the first time (Sullivan and Margaritis 2000:175). A fifth Māori electorate seat was added in 1996, a sixth in 1999 and a seventh in 2001 (TPK 2001a:2). Such changes enabled the influence of Māori in Parliament to grow considerably. From 1996 to 1999, the five MPs occupying Māori seats had the choice (as part of the New Zealand First Party) of forming a coalition with either of the National or Labour parties, literally holding the balance of power in Parliament. Although this coalition ended in party defections, Māori MPS since that time have been involved in the highest levels of Cabinet decision-

making and all political parties have realised that Māori constituencies must be consistently wooed. As a result, both the Labour-Alliance government and its 2002 Labour-Progressive successor appointed four Māori ministers, with two inside and two outside Cabinet (TPK 2000b:3; Clark 2002b).

Fleras and Spoonley (1999:29) have noted that the complete rejection of Māori political aspirations decreases in likelihood as Māori political and economic strength grows because this requires increasing numbers of conciliatory measures to be implemented by government. Certainly, various proposals have been suggested as a means to build upon gains made within the political mainstream. These include a formal Māori Caucus to lobby government and a Māori Affairs Select Committee constituted entirely of Māori MPs. This Committee is currently a bipartisan 'watchdog' which reviews legislation introduced into Parliament, but such a proposal would see it given increased powers to act as a quasi-Māori legislature (Williams 2000:46-47; Love 2001).

As debate around these issues developed in the 1990s, both the abolition of the separate Māori parliamentary seats and changes to the ways in which Māori electorates are organised and candidates are selected to represent Māori were discussed as means by which to improve Māori representation. For example, Vercoe (1998:112-113) suggested that it would be possible to organise Māori parliamentary seats around iwi territories with independent candidates elected on the support of hapū and iwi, thus representing local interests rather than a particular party. Alternatively, he indicated that a completely separate, Māori general election might allow greater credence for Māori seats than currently given.

Despite these proposals, it remained that Māori tended to vote in unity only over specific issues or in opposition to something (Sullivan and Margaritis 2000:183). Although, by the 1990s, Māori as a block constituted considerable voting strength, the timeline has demonstrated that Māori were not – and never have been – unified ideologically or politically, in the sense of agreeing on the exact means for exercising greater self-determination. In consequence, while some Māori demanded forms of

strategic 'exclusion' as a means to exercise greater self-determination, others saw benefit in a kind of 'integrationist' model of tino rangatiratanga which involves participation in the Pākehā parliamentary system or organisations.

In concluding this historical journey, it is clear that diversity in thought and action has been a key characteristic of proposals for greater Māori self-determination. Such diversity could be interpreted as a lack of unity and certainly there have been times when internal divisions have hindered the Māori self-determination project, suggesting that the pursuit of national cohesion is an issue for Māori just as it is for the state. However, McHugh (cited in *National Business Review* 1999:2) has argued that disagreement and competitiveness is a natural state of the Māori political process. Certainly, the diverse nature of proposals for self-determination has meant that while one has been constrained or eliminated by government actions, another has flourished or taken its place. In addition, the following section indicates that, although expressed by different means, a common agenda has driven Māori protest, resistance and collaboration, allowing Māori to be considered a distinct cultural-political community that demonstrates a shared sense of nationhood.

As a result, it is possible to argue that Māori activists publicly advocating for greater self-determination, have not necessarily been out of step with the influential thinking of 'mainstream' scholars and leaders. A Pākehā journalist described the self-determination project as a:

.... huge iceberg sitting under the sea, and you just see a bit of dark water which is called Tariana Turia and John Tamihere ... and a bit of Mike Smith ... and Annette Sykes but it's actually this huge iceberg floating around under the sea

Given the diversity contained within the Māori ethnic group (see Chapter One), it is difficult to know if 'average' Māori individuals, who do not have access to public fora in which to articulate *their* ideas about Māori self-determination, have supported the proposals for change described above. It is likely that they display as much, if not

more, diversity in opinion as the proposals detailed in the historical timeline provided here, but it is beyond the scope of the thesis to explore this hypothesis further.

DRIVING FORCES BEHIND MĀORI SELF-DETERMINATION: AUTONOMY AND CONTROL

Providing an historical background has demonstrated that iwi, hapū, pan-Māori and non-tribal groups have continually resisted and challenged the assertion of British sovereignty which resulted in a loss of autonomy and control over their own lives. These responses reflect the way in which national minorities, including indigenous peoples within settler societies, have typically responded to *state* nation-building with their own attempts at nation-building (Kymlicka 2001:28). To a certain degree, calls for Māori self-determination have been about national recognition, in that they have attempted to gain state and international acknowledgment of their status as a distinct cultural-political community. But, as biculturalism has demonstrated, such recognition is inadequate unless accompanied by the ability to actually exercise authority and control, the restoration of which has been the driving force behind calls for Māori self-determination.

It is necessary to emphasise that the terms 'nation' and 'nationhood' have been used infrequently to describe Māori aspirations for greater autonomy and control in public debate. Some Māori (e.g. Smith 1999; Jackson 2000; Sykes 2000; Turia 2000a) have actively referred to theories of colonisation and decolonisation in their discussion of the self-determination project, drawing upon the concept of sovereignty to reinforce the strength of Māori claims. More often, Māori self-determination has been discussed in terms of the need to develop some kind Treaty of Waitangi framework upon which to base the Māori-state relationship (e.g. Mead 1997; Durie 1998a; Winiata 2000; see RCSP 1988b). At other times, proposals have implicitly or explicitly rejected any

theoretical basis and emphasised the need for practical, flaxroots solutions (e.g. Samuels 2001; Tamihere 2001a). The achievement of distributional goals, like those that dominate Māori Affairs policy, also drives some Māori initiatives.

The timeline highlighted, however, numerous occasions where the nationalist desires of Māori have been expressed, even if the term 'nation' has not been applied. These range from the Kīngitanga and Kotahitanga movements in the nineteenth century through to the establishment of a National Māori Congress as the twentieth century drew to a close. Certainly there appears to have been general agreement that the restoration and enhancement of Māori autonomy and control over all things Māori is the key goal behind Māori calls for greater self-determination. In particular, Māori wish to: regain ownership and use of their customary lands and resources; protect Māori identity and culture; and restore and enhance Māori autonomy and control over all aspects of their lives. The exact means by which these goals may be achieved has been heavily debated within Māori communities. But in order to gain legitimacy for their self-determining agenda and, ultimately, themselves as indigenous peoples, Māori have employed three main discourses.

First, Māori have increasingly articulated their desires in terms of 'tino rangatiratanga', an indigenous concept that embodies Māori desires for autonomy and control. Reference to tino rangatiratanga, both by Māori and non-Māori, has become increasingly common and might be regarded as the most popular means by which Māori articulate their desires for self-determination. However, progress has been hindered by the continued internal colonialism that Māori have experienced. Unlike their counterparts in external colonies, where the colonists have gone home, Māori have found themselves continuing to be subject to the control of a state that does not fully acknowledge their nation status.

To obtain a profile within the wider community, indigenous claims often have to be refracted through language familiar to that community (McHugh 1998:143). Thus, in advancing their claims, Māori scholars, lawyers and activists have also asserted a rights-based discourse. Māori have argued that, as descendants of Aotearoa New

Zealand's original occupants, they possess collective and inherent human rights, *in addition* to those they hold as citizens of a society. They have also drawn attention to the entitlements embodied within the Treaty of Waitangi. In both contexts, Māori have defined themselves as sovereign peoples but reconceptualised liberal understandings of sovereignty to advance their own agendas. Finally, Māori have proposed 'solutions' framed in terms of both self-determined development and partnership between Māori and the state at local, regional *and* national levels. The restoration and enhancement of Māori autonomy and control remains central to both key 'solutions'.

EMPLOYING AN INDIGENOUS CONCEPT: 'TINO RANGATIRATANGA'

The first and possibly most prevalent discourse utilised in defending Māori claims to greater autonomy and control has been one based on the indigenous concept 'tino rangatiratanga' (Durie 1998a:219). This term can be defined literally as 'highest chieftainship', 'full chiefly authority' or 'absolute chieftainship', in reference to the role undertaken by rangatira within Māori society (Brookfield 1999:98). However, tino rangatiratanga is often used as a synonym for Māori self-determination. While infrequently described as a 'theory' (for an example, see Durie 1994), almost all proposals for Māori self-determination have ultimately been based on tino rangatiratanga and associated concepts. This thesis has already noted the way in which references to 'tino rangatiratanga' found in the 1835 Declaration of Independence and the Māori-language version of the 1840 Treaty of Waitangi indicate that early colonists acknowledged Māori were self-determining (see Appendices 1 and 2). More recently, the Waitangi Tribunal (1996:19) recognised 'tino rangatiratanga' as an equivalent term for 'aboriginal autonomy' or 'self-government', bolstering the claims of those who call for greater acknowledgment of Māori status as a distinct nation.

However, Fleras and Spoonley (1999:27; see Kickingbird 1984) have indicated that tino rangatiratanga is more correctly defined as the “supreme power from which all specific powers related to self-determination derive their legitimacy or effect”. The actual concept of tino rangatiratanga is thus intangible; it cannot be seen or touched and only the exercise of tino rangatiratanga – through a diversity of measures to achieve self-determination – provides tangible evidence of its existence.

The abstract nature of tino rangatiratanga makes it a highly contested concept and views have differed, even within Māoridom, as to how it should be defined and the scope its exercise can involve. For example, some commentators (e.g. O’Regan 1995; Tapsell 1995) have taken a fairly ‘moderate’ view of rangatiratanga, in accepting that a transfer of sovereignty was made to the Crown, but that rangatiratanga rights continue to exist over resources and taonga (Fleras and Spoonley 1999:26). This interpretation allows the separation of property rights from governance issues. Claims under the Treaty can thus be made in relation to the loss of land, natural and even cultural resources, but do not necessarily challenge the absolute sovereignty of the current nation-state alliance by advocating a nation-to-nation relationship between Māori and the state. Such an argument is in line with the way in which Aotearoa New Zealand governments have dealt with claims made through the Waitangi Tribunal.

Other Māori (e.g. Jackson 2000; Williams 2000) have argued that the chiefs signing the Treaty would never have voluntarily ceded their ability to act as sovereign peoples and that the use of the term ‘rangatiratanga’ – and in the Declaration of Independence the stronger, but associated, term ‘mana’ – implies that both property and governance rights were included. If Māori sovereignty remained intact, then it is reasoned that the Treaty was envisaged by Māori as the basis for real partnership and that Māori should clearly be recognised as a nation in their own right. Aotearoa New Zealand governments have found this view more difficult to accept, given that it threatens the notion of absolute sovereignty and thus the state’s legitimacy.

A second major debate has revolved around which Māori collectivities can legitimately exercise tino rangatiratanga (see Walker 1999:120). Some Māori (e.g.

Mahuta 1995; O'Regan 1995; Parata 1995; Solomon 1999; Turia 2001a) have indicated that rangatiratanga can only be exercised within iwi. As iwi represented the highest level of social organisation at the time of European contact, the concept of a 'Māori nation' has been regarded as a purely colonial construct, placing limitations on Māori communities displaying a united front when calling for self-determination. Disunity has been enhanced by the way in which government policy has been influenced and traditionally supported by Māori leaders advocating 'iwi-nation' status (see Chapter Two).

Other Māori (e.g. Koopu 1995; Tamihere 1995; Tapsell 1995) have argued that all Māori – whether they can whakapapa to (recall their genealogy) or associate with an iwi/hapū or not – have the right to exercise rangatiratanga, either on an individual or collective basis. Acknowledgment has been made that, in the twenty-first century, a pan-Māori conceptualisation of nationhood may be more appropriate or pragmatic and that autonomous decision-making need not be identical to the way in which tino rangatiratanga was exercised before colonisation in the nineteenth century, when belonging to a shared cultural-political community beyond the level of iwi was unnecessary (see Durie 1994:113). Rather, Māori identity can coexist at the national, iwi, hapū, whānau *and* individual levels (Durie 1998a:6;79). This latter view was given some credence in the Waitangi Tribunal's (1998:31-32) *Te Whānau o Waipareira Report*, which argued that any Māori body exhibiting strong cultural traits and which nurtures and is accountable to a Māori community can be regarded as exercising the rangatiratanga of Article Two.

Despite these and other disagreements, there appears to be general consensus that Māori collectivities and individuals are better served by processes and structures which reflect Māori priorities as decided by Māori for Māori (Durie 1994:113). Mana motuhake Māori, having the relative autonomy and control to act alone, has consequently been the single unifying aspiration under tino rangatiratanga (Maaka and Fleras 1997:29; Vercoe 1998:68). Perhaps because the term 'mana motuhake' more "strongly emphasises independence from the state and Crown and implies a

measure of defiance” (Durie 1998a:220), ‘tino rangatiratanga’ has been the term more widely employed by the varied components that constitute the Māori cultural-political community.

The flexibility of the tino rangatiratanga concept and the diversity of initiatives that can be justified by it have, however, still caused considerable confusion and consternation within non-Māori communities and government. As noted in Chapter One, indigenous sovereignty is best conceptualised as a continuum. Thus, depending on the context, tino rangatiratanga can be used to justify proposals ranging from ‘soft’ options, such as accommodative bicultural policies, through to ‘strong’ proposals for parallel institutions and Māori cultural autonomy and territorial development (Fleras and Spoonley 1999:238; see Durie 1995a:35-36; Maaka and Fleras 1997:28-29). Tino rangatiratanga has also, on very rare occasions, been used to assert the ‘hard’ proposal that Māori reclaim the entire country (see Awatere 1984). Some options are clearly more palatable to government and non-Māori communities than others and an inability to fully appreciate the flexibility contained within the concept of tino rangatiratanga has caused many to assume the worst. As a result, in pursuing the agenda of greater autonomy and control, Māori have not relied on the concept of tino rangatiratanga alone.

UTILISING A RIGHTS-BASED DISCOURSE

In an effort to entrench their claims upon the state, it has been common for Māori leaders and scholars to also place emphasis on the group or collective rights that Māori hold as indigenous peoples when asserting their desires for greater self-determination. Such a politics of indigeneity evokes a rights-based discourse of the kind that the state has attempted to restrain, because it goes beyond the universal rights of citizenship and challenges the notion of absolute sovereignty (see Chapter

Two). Indeed, a rights-based discourse can suggest that the rights and obligations which govern relations within and between iwi, hapū, whānau and/or a Māori nation constitute a form of 'indigenous citizenship', one that does not require an independent Māori nation-state (see Peterson 1998:110; Rowse 1998:79; 98).

However, the indigenous rights of Māori are usually supported by three more commonly accepted means: common law, international law and the Treaty of Waitangi. First, the British common law securing the legal framework of Aotearoa New Zealand and other commonwealth countries recognises the notion of aboriginal title, in that it asserts that a 'civilised' people do not take other people's property without explicit consent or fair compensation (Fleras and Spoonley 1999:60). Common law has not been widely used in Aotearoa New Zealand as a basis for litigation of traditional Māori rights, particularly when compared to Australia and Canada, as the very existence of the Treaty of Waitangi demonstrated that Māori aboriginal title was recognised (Barrett and Connolly-Stone 1998:33).

Second, international human rights law has, since the 1970s, rejected the assimilationist goals of earlier standards and recognised the right of indigenous peoples to exist as distinct, separate peoples with their own cultural identity (Magallanes 1999:235). In the 1980s and 1990s, this recognition of indigenous group rights, as separate from individual human rights, gathered further momentum. It culminated in a 1993 *Draft Declaration of the Rights of Indigenous Peoples*, which has yet to be ratified due to the aversion of some states (including Aotearoa New Zealand) and the reluctance of the United Nations to endorse a statement which confirms the indigenous right to self-determination because it does not specifically rule out the possibility of indigenous statehood (Anaya 1996:75; Havemann 1999b:185; Magallanes 1999:242).

Although international human rights have been evoked by Māori, recourse to Treaty rights has been a more common means for asserting self-determination. Unlike many indigenous peoples, the iwi and hapū from whom today's Māori are descended were recognised as sovereign peoples by an international treaty. As noted earlier, a

popular contemporary understanding of the Treaty of Waitangi, based on the Māori-language version, is that Article One conferred only rights of governance, not sovereignty, to the British. Reference to tino rangatiratanga in Article Two confirms this fact and indicates that the sovereignty of iwi and hapū remained intact (O'Malley and Hill 2000:23; see Appendix 2). The timeline demonstrated how in the nineteenth century the Kīngitanga and Kotahitanga movements contested government claims that absolute sovereignty was vested in the British Crown by establishing their own governance structures. More recent land occupations also indicated that Māori activists have long regarded their sovereignty as a given which only requires the proper mechanisms to flourish.

In response, Aotearoa New Zealand governments have persistently denied that the state's sovereignty is any less than absolute and, under Aotearoa New Zealand jurisprudence, the Treaty is not directly enforceable in the courts (see Durie 1998a:218; Solomon 1998:62; Fleras and Spoonley 1999:53; Walker 1999:119). However, it has been recognised in statutes such as the Treaty of Waitangi Act 1975 (Havemann 1999c:9; Magallanes 1999:259). As a consequence, iwi, hapū and some pan-Māori groups have been able to make claims against the state through the Waitangi Tribunal. These claims argue that state actions have breached the Treaty of Waitangi, both the Māori- and English-language versions of which recognised and promised to protect Māori group rights to self-determination as sovereign peoples.

Keating (2001:39) has suggested that the language of a rights-based discourse lends itself poorly to compromise and bargaining, because it sets up an adversarial framework for relations which very often ignores the question of the power. While the Aotearoa New Zealand case certainly suggests truth in such an assertion, the timeline indicated the way in which reference to this legalistic, rights discourse has resulted in the settlement of many major Treaty claims. Some, for example the fisheries and the Ngāi Tahu settlements, have provided control over substantial resources. These hold the potential to radically improve the future of beneficiaries (by no means the entire

Māori population), although debate continues in regard to the most appropriate means for such a goal.

Such disagreement within Māoridom has led some commentators to suggest that there are contradictions in the rights-based discourse utilised by Māori. For instance, Sharp (1999:17-20) has claimed that, due to their inability to agree on internal formulae of legitimacy as a basis for acting together and thus be able to exercise fundamental group rights, Māori cannot be considered a single, self-consistent group that can claim such rights. Indeed, some iwi and hapū argue that such collective rights exist only within traditional, tribal structures and that the notion of 'Māori' is a colonial construct (see Durie 1998a:55). Māori additionally demonstrate minor regional variations in culture and language and, quite clearly, diversity in opinion. Certainly, Māori can not be considered a homegenous group. Yet, I argue that a shared history of colonisation and belief in the right to self-determine their future based on the notion of tino rangatiratanga means that Māori may be considered a distinct cultural-political community (see Durie 1998a:228; Fleras and Spoonley 1999:59).

Sharp (1999:1-2) has also pointed to the fact that Māori often find it necessary to co-opt the language of *individual* human rights in defending their groups rights and further progressing their own aspirations. Such a comment downplays the way in which the definition of 'peoples' in the indigenous case indicates the collective or group character of the self-determination principle included in international human rights legislation (Anaya 1996:77). This kind of argument also appears to assume that group rights are mutually exclusive to individual rights. Māori have certainly considered problematic the way in which the process of colonisation attempted to destroy their collectivist system and the fact that Māori Affairs policy continues to prioritise individualism. But, although individual rights within traditional Māori society were dependent on participation within a collectivity, they existed and differentiations were often based on an individual's ancestry and place in the group (Cheyne, O'Brien and Belgrave 2000:141;161).

It is possible, therefore, to hold collective rights *in addition* to those adhered to as individuals. The rights-based discourse that Māori have employed when asserting their rights to self-determination grew out of international human rights legislation concerned with individual rights, but developed to include specific reference to the group rights of indigenous peoples. It does not, therefore, necessarily contradict Māori claims relating to collective rights. In fact, numerous scholars (e.g. Taylor 1992; Tully 1995; Van Dyke 1995; Young 1995; 1998; Kymlicka 2001) have attempted to reinvent liberal theory so that it might accommodate the collective rights of indigenous peoples and/or minority groups (see Chapter Eight). They have done so, arguing that claims for indigenous/minority rights must be seen in the context of, and as a response to, state nation-building and the burdens, barriers or disadvantages this creates for minority groups. Viewing minority rights as a *defensive* response to state nation-building means that such rights should not be framed in terms of 'special status', 'privilege' or 'concessions', but as a means to enhance state nation-building by decreasing the likelihood of 'exclusion' from citizenship (Kymlicka 2001:1-2).

It is uncertain how these developments have been regarded within Māoridom generally. However, a small number of Māori and non-Māori scholars (e.g. Meredith 1998; Fleras and Spoonley 1999; Havemann 1999d; Fleras and Maaka 2000) have begun to use them as a basis for arguing that some form of 'revised' citizenship be applied in the Aotearoa New Zealand context. Of particular note is Meredith's (1998:55-60) suggestion that 'cultural citizenship' be an integral part of any citizenship politics, recognising Māori not only as first-class citizens but as 'first citizens' with special rights and duties as indigenous peoples. Importantly, he has emphasised that any theory of citizenship must be intercultural and relational, rather than monocultural and atomistic, thus taking into account the unequal power relationships that result in *continuing* domination by the majority group.

This kind of understanding may be at the basis of a change in the way issues of self-determination are asserted. Having made gains through the courts, legislation and the Waitangi Tribunal, McHugh (1999:463; see Havemann 1995:80) has claimed that

Māori have begun moving away from an explicitly rights-based Treaty discourse focused on sovereignty. Instead, the focus for Māori scholars has increasingly been on an 'indigenisation' of the Aotearoa New Zealand constitution based on a partnership model. Discussed in greater detail in the final section of this chapter, such an emphasis on partnership has allowed official debate about the Treaty to travel from a focus simply on the settlement of historical grievances towards an interest in future, national development (Durie 1998a:208; 2000:419). Thus, the question 'Where does sovereignty lie?' has become largely redundant for most Māori scholars and activists, although it is certainly still debated by wider Aotearoa New Zealand society. Rather, Māori have become more concerned with 'How can this country establish constitutional frameworks that recognise the equally legitimate sovereign rights of indigenous peoples and the Crown to exercise governance?' (Jackson 2000:197). The following section offers examples of the way in which Māori have attempted to answer this latter question.

FRAMING 'SOLUTIONS' IN TERMS OF 'SELF-DETERMINED DEVELOPMENT' AND 'PARTNERSHIP'

The previous chapter highlighted the way in which 'solutions' based on a state-defined concept of Māori development have attempted to reduce disparities by 'civilising' Māori. Initiatives aiming to improve Māori labour market participation and skills have consequently required Māori to conform to western liberal notions of progress and modernisation. In contrast, Māori have tended to frame 'solutions' to the 'problem' (defined in terms of state constraints upon their ability to exercise greater autonomy and control) in two ways.

First, many Māori 'solutions' have emphasised that the cultural, economic *and* political needs and desires of iwi, hapū, whānau and Māori communities should be dealt with as an integrated whole, rather than separately. Numerous organisations at

the flaxroots level are already based on this kind of holistic philosophy and, although many such organisations rely on government service contracts for funding, *self-determined* development is about finding alternatives to reliance on state agreement or involvement. A second set of 'solutions' have focused on the partnership that Māori commonly believe the Treaty of Waitangi embodies. These proposals attempt to provide some practical, although highly politicised, means by which to implement a power-sharing relationship between Māori and the state, particularly at the national level. Either in combination or alone, proposals for self-determined development and partnership provide quite different 'solutions' than those envisaged by Māori Affairs policy.

Self-determined development

As frustration with government-defined Māori development models based on a 'jobs and income' approach has grown, Māori have begun to articulate and implement their own visions of *self-determined* development. Reference is made in this section to the Hui Taumata (Māori Economic Development Summit or MEDS 1984), where varied proposals for self-determined development were brought together as a cohesive force. In addition, insight is gained from the 1999 'Māori Realities Through Māori Eyes' Futures Conferences (Hancock 1999) and the Hui Ōhanga (Māori Business Development Conference) of the same year (TPK 1999a). Accounting for Māori cultural, economic and political desires for the future, the proposals tabled at these fora reflect others relating to self-determined development and may be distinguished from government-defined Māori development policy in four ways.

First, Māori have defined self-determined development in terms of forward-looking 'solutions', rather than backward-looking 'disadvantage counting' (see Parata 1984:1-3; Hylton 1994:45). The 1984 Hui Taumata (MEDS 1984) emphasised this future-focus, articulating the belief that greater economic self-sufficiency and less dependency on the state can be achieved if Māori are allowed the space to direct and

manage their own development initiatives and utilise their own distinctive social institutions (see Durie 1998a:7-8). The notion of self-determined development also places a strong emphasis on the conservation of all resources for future generations and long-term planning. Better finance for land and business development were specific initiatives called for in the 1984 context (MEDS 1984), while in 1999 business leaders recommended legislative changes and joint ventures to free the commercial operations of Māori organisations (TPK 1999a:157). However, self-determined development regards economic self-sufficiency as stemming not only from the development of material resources, but also the development of human resources, that is Māori people (TPK 1999a:162; Loomis 2000a:16).

Participants at the 'Māori Realities Through Māori Eyes' conferences (Hancock 1999:16) stressed that *human* development involves training Māori in the professions and trades and the creation of economic opportunities that provide employment and promote business development within Māori communities. The need to dramatically improve general Māori education levels for survival in the 'knowledge economy' was also a key theme of Hui Ōhanga (TPK 1999a:158). These initiatives and proposals for the establishment of transnational-international links, networks, economic development ventures, international protocols and strategic alliances initiated with indigenous peoples elsewhere, aim to ensure that knowledge and expertise is gained, shared and passed on into the future (see Smith 1998:19; TPK 1999a:163). Tribal groups receiving Treaty settlements have thus paid attention to providing scholarships and other educational opportunities for their young people, while they and other Māori groups have also been engaged in indigenous networking at the international level.

The second distinguishing feature of Māori proposals for self-determined development has been a strong emphasis on the maintenance of Māori identity and culture. Durie (1998a:52) has stressed that there is no *point* to Māori economic development if it lacks a Māori heart. The Hui Taumata placed a strong focus on cultural advancement, as represented through proposals relating to the Māori language and culture, particularly in educational and marae settings (see MEDS 1984).

Thus, self-determined development differs from the Māori development model promoted by successive governments because Māori cultural identity, values and protocols are visualised as guiding the development process and its aims at all times, rather than considered mere 'add-ons' to a western-based economic model (Loomis 2000b:26; see Chapter Two).

There has been, of course, debate as to which identity/s and culture/s should be protected and advanced. In particular, prior discussion has already indicated disagreement as to whether Māori identity should be maintained through a pan-Māori or iwi/hapū-specific approach. Some Māori women have also challenged traditional gender roles within Māori society and/or particular tribal cultures. However, participants at the 'Māori Realities Through Māori Eyes' conferences (see Hancock 1999:16) agreed that self-determined development should be based on a Kaupapa Māori (Māori agendas) model that embodies a holistic approach. This includes a diversity of programmes, modules, information systems and networks that formally recognise and reflect Māori cultural values, skills and knowledge. The Kōhanga Reo movement, which initiated a network of a Māori language immersion educational system that now extends from pre-schools through to universities, is a good example of this Māori-focused, holistic model in practice.

The political aims of self-determined development are the third feature that differentiates it from Māori development. The goal is not just equality as citizens within mainstream society, but governance over all things Māori. It has been argued that decisions about the ownership and management of development should, therefore, be under the ultimate control of members of the tribe, nation, organisation and community. This includes Māori control over, and accountability for, the vision, design, provision, delivery, achievement outcomes, assessment and funding for services (see Hancock 1999:16; TPK 1999a:163-165).

Accountability to Māori, not the state, aims to ensure that the whole membership or community benefits equitably from the process and outcomes of development (Loomis 2000b:26). These goals were reflected at the Hui Taumata.

Proposals placed stress on the need to transform existing mainstream political and constitutional arrangements so that Māori can exercise a greater level of power at the national level, in addition to establishing and enhancing existing Māori political institutions and their relationships with each other (see MEDS 1984). Such a nation-building approach focuses on creating an environment in which Māori want to invest their time and support because they perceive it as being based on Māori-defined agendas (see Cornell and Kalt 1998:7-9).

Loomis (2000b:7) has placed particular importance on Māori having real power and control through a shared sovereignty relationship with the state as a basis for economic and cultural development. He has noted this goes against traditional beliefs that indigenous peoples need to first establish sound, non-dependent economies before gaining sovereignty. Nevertheless, international evidence suggests that gaining *sovereignty* first brings accountability to indigenous peoples and involves genuine decision-making control over own affairs and resources (Loomis 2000b:7-8; see Cornell and Kalt 1998:30). It is for these reasons that many Māori scholars and leaders have increasingly framed the 'solution' in terms of partnership between Māori and the state based on the Treaty of Waitangi. For Durie (1998a:16) notes that while marae and Māori trust boards, rūnanga and councils constitute an extensive and diffuse system of governance at the local and regional level, Māori governance at the national level is a completely different matter.

Partnership between Māori and the state

As noted earlier, the Treaty has become a major reference point in Māori-state relations. Many Māori have argued that full implementation of the Treaty, in particular Article Two of the Māori-language version which guarantees tino rangatiratanga, is the cornerstone of a Māori vision for Māori well-being and self-determination (see Hancock 1999:11-12). The Treaty has also been increasingly conceptualised as an 'evolving constitutional document' that reflects the complexity

and multilayered character of tino rangatiratanga and supports recognition of a Māori cultural-political community as one of two equal partners within the Aotearoa New Zealand state (see Durie 1994:103; McHugh 1999:463).

The timeline demonstrated that Māori have long sought some kind of dual authority or nation-to-nation relationship with the state. Nevertheless, references to the term 'partnership' are relatively new in official discourse, stemming from a 1987 legal ruling that resulted from the Māori Council's challenge to the State Owned Enterprises Act. The Court of Appeal called for a balance between Treaty rights and obligations, with the 'Crown' on one side and 'Māori' on the other acting 'reasonably' and with 'good faith'. 'Partnership' has since become a word commonly used in the government sector and other documents relating to Māori (Kawharu 1990:xii). Thus, the understandings of partnership long held by Māori in relation to the Treaty have begun to be articulated within mainstream institutions (see Chapter Seven).

Evidence from government, academia and newspaper reportage (see OMMA 1988a; Durie 1995a; James 2000a) suggests there is growing consensus, at least amongst many Māori scholars and leaders, that constitutional change is necessary for establishing such a partnership relationship between Māori and the state. There is less agreement as to which constitutional arrangements would most benefit Māori. In particular, discussion of what a specific constitutional document would look like and the place of the Treaty within it has sparked considerable debate. While a simple reference to the Treaty or even acknowledgment that 'the Treaty and the Constitution shall be supreme law' leaves open room for ambiguity in the future, greater expansion has been regarded as trying to rewrite the Treaty itself (see Havemann 1999a; E. Durie 2000; Hēnare 2000). It is this lack of consensus which resulted in the 1990 Bill of Rights being passed without entrenchment of the Treaty or the indigenous rights of Māori (Havemann 1999a:52-54).

Māori have often had to spend more energy defending their interpretation of the Treaty as envisioning partnership than formulating concrete models upon which to base the co-partner relationship. However, as the 1990s progressed, Māori scholarly

thinking began to place less emphasis on 'Is the constitution an issue of partnership?' and more focus on 'What relationships can be established in a constitutional framework freed from its colonising strictures and assumptions?' (Jackson 2000:199).

A 1995 constitutional hui, mentioned earlier, considered how partnership might be implemented, given Aotearoa New Zealand's rather weak constitutional arrangements. These constitutional structures suffer generally from the lack of an explicit, written document known and upheld as 'The Constitution' and, more specifically, an absence of constitutional guarantees for Māori (Wickliffe and Dickson 2000:48). While a major policy 'blitzkrieg' presents greater difficulty than prior to the introduction of MMP in 1996, Cabinet, as government's executive, still maintains considerable power in determining policy directions for Aotearoa New Zealand (see Bollard 1993:19; Easton 1999:19). The models tabled at the hui and discussed below offer the means by which this concentration of power, which has often worked to the disadvantage of Māori, could be modified. They aim to ensure Māori hold a guaranteed position in governmental decision-making processes, while at the same time redesigning Aotearoa New Zealand's constitutional arrangements so that state legitimacy no longer relies on a defence of the *nation-state*.

Kāwanatanga, a model advocating a national Māori assembly, is the first of the three proposals presented at the 1995 hui discussed here. This model is based on the assumption that Pākehā majority rule under the Westminster parliamentary system is an irreversible reality, but that a new constitutional arrangement is necessary to balance the concepts of kāwanatanga and tino rangatiratanga found in Article's One and Two of the Treaty of Waitangi. It has been proposed that this could be achieved through an elected, national Māori assembly, based on groupings of tribal districts, which could provide a united Māori voice direct to the state. The assembly would occupy a position similar to the current Māori Council (a government-funded, pan-Māori body), but be based on the authentic Māori political units of whānau, hapū and iwi and thus report to them rather than the Minister of Māori Affairs (Walker

1999:118-119). It would, however, be merely an appendage to the current mainstream system.

The second model discussed at the constitutional hui, Tikanga Rua (literally, Two Customs), is also based on a balancing of the principles of *kāwanatanga* and *tino rangatiratanga*, but through bicultural legislatures instead of a national Māori assembly. There is more than one version of the Tikanga Rua model (see Royal 1998:84; Vercoe 1998:115-116), but the most common form is that articulated by Winiata (2000:205-206). He has advocated a Māori assembly to produce legislation based on Māori tikanga and a Pākehā assembly to make law based on Pākehā tikanga. Legislation from the two houses would then go forward to an upper Treaty of Waitangi House, comprised of twenty-one Pākehā and eleven Māori, to assess laws from the lower houses for compatibility with the Treaty before giving approval for their enactment. This model makes major modifications to the current system so that Aotearoa New Zealand would be governed 'biculturally', with legislation produced under both Māori and Pākehā cultures. It highlights the obligations of both partners of the founding document, the Treaty of Waitangi (Royal 1998:84; Walker 1999:119). The Anglican Church has provided a working example of this Tikanga model in practice since 1992 (see Te Paa 1995:168-169).

The Mana Motuhake or Māori parliament model was the third proposed at the hui and has been articulated elsewhere. This entails a form of parallel government, as attempted by Kīngitanga and Kotahitanga in the nineteenth century. It is possible that this might be a mobile Māori parliament, which sits a few times a year at different locations and is paid for by iwi and Māori, so as to avoid co-option by any one group (Vercoe 1998:100). Māori could use this parallel parliament to negotiate self-government through a political settlement with government.

Mead (1997:150-151) has suggested that the Mana Motuhake model be achieved through a number of progressive steps. First, Māori would need to be considered a 'nation within' the existing Parliament, with a particular number of guaranteed Māori seats based on the Māori population and a chief minister for Māori.

As a second step, Māori would gain limited autonomy at the local level, with rates and other local revenue being shared between iwi and Trust Boards given local government powers. Finally, a Ruling Council of the Māori Congress, made up of appointed elders and acting as a policy-making/deciding body, might eventually lead to a separate Māori parliament to make laws and decisions affecting Māori.

Proposals reflecting a form of binationalism, such as Mead's (1997), have demonstrated that the majority of proposals concerning constitutional reform have advocated progressive change rather than immediate revolution, although the constitutional changes described above are nonetheless revolutionary to many New Zealanders. Aside from the rhetoric of a few Māori 'radicals', it is clear that Māori proposing constitutional reform have accepted the retention of the current single political state. Māori aspirations for self-governance have thus been consolidated at the local, regional and national, rather than state, levels (M. Durie 2000:420-421).

CONCLUSION: IDENTIFYING THE REAL 'GAPS'

This chapter has aimed to provide an historical and conceptual overview of various Māori models of self-determination. It has indicated that prior to colonisation, Māori were self-determining culturally, economically and politically through the tribal structures of iwi and hapū. In resisting colonisation and challenging state hegemony following their incorporation within the Aotearoa New Zealand state, Māori have asserted a form of indigenous nationalism through repeated calls for greater self-determination at a variety of levels.

Discussion presented in Chapters One, Two and Three has illuminated a tension between the conceptual and discursive frameworks behind so-called 'Māori' Affairs policy and those propelling Māori calls for self-determination. While the central

'problem' at the basis of government policy has been the socio-economic 'gaps' between Māori and non-Māori, the overriding motivation behind it has stemmed from the state's concern with national cohesion and its own legitimacy. As a result, Māori Affairs policy has been focused on a needs-based, distributive justice approach in which a form of corporate development based on dominant cultural models has been offered as the 'solution'. Exemplifying a kind of cultural pluralism that allows particularity in the name of equity, biculturalism has regarded Māori as a disadvantaged minority group whose needs must be met in the name of social justice, development and 'national interests'. Framing Māori in this way has allowed for only a fairer *distribution of resources* through government programmes and policies and *institutional modification* that maintains the constitutional status quo. This is because the core goal behind Māori Affairs policy has been national cohesion, as mediated through the concept of universal citizenship.

In attempting to promote national cohesion and thus protect the state's legitimacy, such policy has contained and minimised Māori desires for the restoration of autonomy and control over all things Māori. Distributional goals remain important to many Māori individuals and groups. But in resisting the depoliticisation of calls for self-determination that go beyond the distributional level, many Māori have employed an indigenous concept, *tino rangatiratanga*, as well as a rights-based discourse. Proposals concerning both self-determined development and partnership at the local, regional *and* national levels have also been offered. These 'solutions', which have rejected a framing of Māori as just another minority group, require greater Māori *access to, control over and ownership of resources*, in addition to *institutional transformation* that would allow some form of shared governance arrangement to be established. Such 'solutions' go well beyond the symbolic or nominal recognition of Māori nation status offered by biculturalism, by also endorsing a form of binationalism.

It is these differing definitions of the 'problem' and 'solutions' that have been the real 'gaps' standing in the way of state acceptance of Māori claims for self-

determination. Given that both Māori and the state have at times co-opted discourses from each other and that there are some sites of commonality between Māori Affairs policy and Māori models of self-determination at the local or programme level, the nature of these 'gaps' has not been clear. The remaining chapters of this thesis argue that the Labour-Alliance coalition government, like its predecessors, certainly failed to identify the conceptual tensions between state-defined policy for Māori aiming to enhance national cohesion and Maori-defined proposals for self-determination that were based on a non-statist understanding of nationhood. As a result, no distinction was made between the conceptually different socio-political projects of social inclusion and Māori self-determination. The CTG strategy thus embodied the rhetoric of the latter, while at the same time pursuing traditional goals concerning the depoliticisation of Māori self-determination and the incorporation of Māori into the nation-state.

THE POLITICS OF POLICY: THE CLOSING THE GAPS POLICY PROCESS

INTRODUCTION: THE DYNAMICS OF POLICY

This chapter charts the rise and demise of the Closing the Gaps (CTG) policy strategy, highlighting the key policy players involved and suggesting the degree of influence they had in the policy process. In doing so, it attempts to act as a pivot between previous contextual discussion highlighting the differing agendas behind Māori Affairs policy and Māori self-determination and the following three chapters, which focus specifically on the initiatives that constituted the CTG strategy. The chapter also emphasises that, due to the multidimensional nature of the policy process, policy content evolves as a wide and complex 'space' of plans, documents and practices. Within this space, key terms such as 'social justice', 'social cohesion', 'partnership' and 'self-determination' may be interpreted and negotiated from a wide range of perspectives (see Marshall et al 2000:12). Discussion illustrates that, in the case of CTG, such contestation concealed the fact that traditional, government-defined discourses promoting national cohesion continued to overwhelm alternative discourses relating to Māori calls for self-determination.

In light of such an argument, the first section of this chapter explores the way in which CTG's key components evolved from the 1999 Labour Party Māori policy manifesto, *He Pūtahitanga Hōu*, and were transformed into policy by Te Puni Kōkiri (TPK). Some of the same policy players were involved in drafting the provisions for

Māori contained within the New Zealand Public Health and Disability (NZPHD) Bill, but this legislation emerged from a separate policy process. Discussion highlights the role that Ministry of Health (MOH) officials played in the development of this legislative initiative.

After outlining the main elements of the CTG strategy, the chapter considers the Labour-Alliance government's promotion of CTG. There existed different perspectives, even within the Labour-Alliance government, as to what 'problem' CTG aimed to solve, who should 'benefit' from it and what 'solutions' needed to be implemented. It is argued that, whether intentional or not, the way in which Labour-Alliance framed and managed CTG also enhanced the ambiguity that surrounded the strategy. As a consequence and despite a proliferation of initiatives, CTG represented a policy *vacuum* in which the CTG slogan was not reinforced by a clear policy statement or strategic plan (see Clarke and Newman 1997:140-145). The coalition government also failed to define who led the strategy. As health activist and *Sunday Star Times* columnist, Sandra Coney (2000:C8) asserted: "This left not a gap but a gulf into which others have enthusiastically stepped to define for it 'closing the gaps'".

In addition to creating considerable confusion within government departments, the policy vacuum surrounding CTG enabled Opposition members to describe the strategy's distinction between Māori and non-Māori as 'racist' and led to the abandonment of the policy slogan within six months of CTG's official announcement (Coney 2000:C8). It also concealed the way in which the underlying agendas behind the CTG strategy remained founded on traditional needs-based discourses, which promoted national cohesion through universal citizenship rights and thus protected the legitimacy of the state. Final discussion indicates that, with policy initiatives and funding for Māori continuing to be introduced in the 2001 and 2002 Budgets (although with much lesser emphasis than in 2000), these problematic discourses remained far more sustainable than the CTG slogan itself.

DEVELOPING A MĀORI AFFAIRS POLICY

Chapter Two has already provided considerable discussion about policy developed in the Māori Affairs portfolio under National-led governments during the 1990s. In arguing that CTG represented a case of continuity in change, it is stressed that this policy strategy implemented by the Labour-Alliance government must be viewed as representing one point situated along an evolutionary policy continuum, rather than as an abrupt change in policy direction. The CTG strategy continued governmental interest in pursuing a form of Māori development that was preoccupied with reducing the socio-economic disparities between Māori and non-Māori, largely through the mainstreaming of responsibility to government departments who then contracted out social service delivery to Māori providers. In this vein, discussion about TPK's role in developing the CTG strategy demonstrates that specific initiatives developed by National-led governments towards the end of the 1990s in relation to these interests were not repudiated by Labour-Alliance, but rather revised and extended.

Although the CTG slogan, which was co-opted from a report (TPK 1998) produced under the National-NZ First coalition, suggested otherwise, the CTG strategy was not an exact replica of Māori Affairs policy under this government. For example, the notion of capacity building in Māori communities who were yet to be social service providers was new, as were specific initiatives aiming to improve government accountability for its performance for Māori. The CTG strategy also embodied far greater acceptance that discussion about the Treaty and self-determination is relevant to social policy, although this acceptance varied across the Labour-Alliance government itself. These initiatives reflected important shifts regarding recognition of the need to strengthen communities through capacity building and to focus on outcomes and state-community partnerships that were evident in Labour-Alliance's broader social and economic policies.

In arguing that the CTG strategy represented a limited degree of change within the Māori Affairs arena, this section considers how these core initiatives were developed out of three separate but inter-related processes. First, Māori members of the Labour Party worked together to construct *He Pūtahitanga Hōu* (A New Beginning, 1999a), Labour's Māori policy election manifesto, from dialogue they had engaged in with various Māori communities. This manifesto document then became the foundation for CTG. Second, TPK was charged with turning *He Pūtahitanga Hōu* into policy. It did so by massaging the manifesto proposals into workable initiatives that complemented the general direction in which TPK had been moving since the 1990s. Third, other parts of the government sector were instructed to develop more specific components of the CTG initiatives. This chapter (and thesis) focuses only on the development of the NZPHD Bill and thus attention is drawn to the role that MOH played in drafting the provisions for Māori within the Bill.

THE POLICY SEED: HE PŪTAHITANGA HŌU

The main components of CTG were first articulated through proposals made in the Labour Party's (1999a) Māori policy election manifesto, *He Pūtahitanga Hōu*. This document itself had been developed over a number of years. Meeting to reconstruct Labour's Māori programme after the defeat of the Fourth Labour government in 1990, a collection of Māori Labour Party members drafted an early version of the manifesto. This was reassessed following the 1993 and 1996 elections, especially when the New Zealand First Party took the five Māori electorate seats that had traditionally been held by Labour in 1996 (Tamihere 2001a). The 1999 manifesto thus evolved from almost a decade of contemplation and modification within the Labour Party.

At this point, the Māori Labour members (with some input from other Labour members, such as Steve Maharey) generally felt that they had developed a policy whose

basic concepts sprang from the experiences of Māori working at the 'coalface'. Dover Samuels (2001), who was Minister of Māori Affairs for the first eight months of Labour-Alliance's term, indicated that the concept of capacity building, for example, was based on flaxroots knowledge and worked from the 'bottom-up'. He and others (e.g. Maharey 2001b) in his government suggested, importantly, that *He Pūtahitanga Hōu* recognised Māori communities, whānau (extended families), hapū (sub-tribes or clans) and iwi (tribes) as wanting to take more responsibility for their own future.

Although coming together for a common purpose in writing Labour's policy manifesto, the Māori Labour Party members were a diverse group with differing views as to how such responsibility might be expressed. Such perspectives varied, due to tribal/non-tribal Māori affiliations, opinions regarding the importance of the Treaty of Waitangi and interpretations of Māori needs and desires. Consequently, the group that drafted the manifesto did not necessarily agree as to exactly what the 'problem' was (although the unequal power relations between Māori and the state would certainly have been at its basis), who should benefit, or what 'solutions' should be promoted. The degree to which each was committed to the Labour Party and its values varied, but the group nevertheless shared a basic belief in the social-democratic principles of the Labour Party. Agreeing that the present system was not working, they were also all committed to working *within* that system for change.

The document that sprang from this diversity, *He Pūtahitanga Hōu*, contained a mix of the differing cultural, social, economic and political desires embodied within the group that designed it. Proposals included: an undertaking to restructure TPK and broaden its mandate to monitor progress for Māori in the mainstream; capacity building; and improvements in Māori and tāngata whenua (literally, 'people of the land', meaning local Māori) representation on statutory and other government agencies and advisory boards at central, regional and local authority levels. In addition, there was a general commitment to the Treaty as the foundational document of Aotearoa New Zealand and the Treaty settlement process without a fiscal cap (Labour Party 1999a:3-7).

Nevertheless, the CTG strategy announced in 2000 was not an exact replica of *He Pūtahitanga Hōu*. It did not include, for example, the direct resourcing initiative discussed in Labour's election manifesto, although this was allocated a small amount of funding in the Labour-Alliance government's second budget in 2001. Consultation with whānau, hapū and Māori organisations to assess whether legislation confirming a mandate for delivering services to their members should be introduced was not implemented in Labour-Alliance's term. Nor was resourcing provided for a Treaty of Waitangi education programme to improve understanding for all New Zealanders (Labour Party 1999a:5-7). Interestingly, although a coalition government had been formed with the Alliance Party, one component of which is the Mana Motuhake Party (see Chapter Three), it was Labour's manifesto that was developed into policy. In many cases this was in line with Alliance's bicultural policies, but it is notable that Alliance Party proposals for a Māori education authority and a central Māori council did not feature as part of CTG (see *Weekend Herald* 1999:A7). This emphasises the dominant role that Labour politicians played in the strategy's development and promotion.

TRANSFORMING HE PŪTAHITANGA HŌU INTO POLICY

Once the November election was over and the victory of the Labour-Alliance coalition confirmed, the Māori policy manifesto had to be transformed into policy with which the coalition could govern. Within three weeks of Labour-Alliance taking office, Samuels filed a Cabinet paper (OMMA 2000a:2) entitled 'Government Performance For Māori'. This intended to make sure that Māori issues remained a high priority, as they had been through the election campaign. The extension of TPK's functions also began to be discussed before the year's end (CBC 2000:1-2). Finally, TPK was given a large role in the task of fleshing out the general proposals made in *He Pūtahitanga Hōu*,

while other agencies – the focus here is on MOH – were asked to respond to this document in specific policy areas.

Te Puni Kōkiri's role

Between early February and early April 2000, TPK reported on the implications of capacity building for TPK and the wider public sector and then provided an implementation strategy and draft funding criteria for programmes, along with evaluation, monitoring and accountability procedures (CCCTG 2000a:1). Driven by the need for Labour-Alliance to be perceived as achieving its pre-election goals, the main components of CTG were pushed rapidly through Cabinet, raising concern that there was little time for comprehensive planning or a detailed analysis to be undertaken (see OMMA 2000a:6;10; 2000b:7).

Despite the speed required and, as a TPK official indicated, the fact that it was unusual for a newly-elected government to expect its departments to respond directly to an election manifesto, the transformation of *He Pūtahitanga Hōu* into policy was a relatively easy task for TPK. This was because the proposals contained within it were largely in accord with the direction in which the ministry had been moving for the past decade. It is unlikely that the government sector officials employed by TPK were completely in agreement regarding the core 'problem' at the heart of CTG, the 'solutions' that should be implemented and who would best benefit from these. However, their personal preferences were framed by the way in which a concern with 'closing the gaps' had been central to TPK's work through the 1990s (see Chapter Two). This led to, and was perpetuated by, a theoretical model for Māori Affairs policy that TPK had been developing since its establishment in 1991.

The Manutukutuku (Policy Projects) model involved TPK running pilots for Māori outside of the mainstream and then, if they were successful, grafting them on to mainstream programmes. TPK official, John Tamahori (2001) indicated that, over time, various Treaty frameworks refined the direction of the model and incorporated notions

of tino rangatiratanga (the power to be self-determining). But the core task of the Manutukutuku model was to experiment with ideas, many from flaxroots organisations, that could then be placed as self-contained programmes within mainstream agencies to benefit from their long-term resourcing (see NZHR 1995:158). Development of such a model allowed TPK's general work to weather political instability in Māori Affairs policy. As Tamahori (2001) noted:

.... the theoretical framework is so robust that I don't think, really, political analysis can upset it - they may change the words, they may change the name ... they may change even the delivery, but I haven't seen that they've been able to unpick it

The establishment of a bureaucratic routine through this theoretical model thus provided some consistency and stability in a policy area renowned to be particularly susceptible to political whim.

Nevertheless, the theoretical framework may also have restricted innovation in policy-making because it relied on the continuation of mainstreaming (see Newell 2001). Loyalty to this framework could explain why a review of the effectiveness of mainstreaming policies never occurred during the late 1990s, despite calls from Māori communities, some Members of Parliament (MPs) and even TPK's staff (OMMA 1998b:1; TPK 1998c:1; 1999b:14). It might additionally account for the Labour-Alliance government's decision to maintain this policy tool, even though the Labour Party (1999a:1) had stated that: "It is clear that mainstreaming as followed over the last nine years has further widened the 'gaps' between Māori and other Zealanders". This reliance on mainstreaming as a basis for policy limited the ability of TPK to envision policies accounting for self-determination proposals that require considerable transformation of the current system in which Māori Affairs policy is developed and decided (see Chapter Three).

TPK's capacity innovation was also constrained by the fact that the notion of greater autonomy for Māori actually threatens its existence as a state-administered Ministry of Māori Social and Economic Development. Bureaucracies have an inherent

desire for self-preservation and the consolidation or expansion of their own power over the policy process. The individuals who constitute bureaucracies need not be consciously aware of this fact. Yet, self-preservation agendas may explain the development of a theoretical framework that was built upon grafting Māori initiatives into the mainstream, rather than allowing them to stand as independent and autonomous entities (see Eisenstadt 1968:xvii). It may also account for the continued emphasis on 'closing the gaps' in TPK policy, which assumed ethnicity was a crucial factor in understanding socio-economic disparities between Māori and non-Māori, even though this assumption was highly disputed (see Chapple 2000; Gould 2000).

There was consequently considerable coherence between the proposals contained within *He Pūtahitanga Hōu* and the existing direction that TPK had taken in Māori Affairs under National-led governments. The increasing emphasis on collecting and analysing data to monitor outcomes of policy changes found in TPK's (1994) Medium to Long Term plan was evident in the mechanisms aiming to improve the 'effectiveness' of government performance. Many of the new initiatives, such as the Māori Provider Development Fund developed in response to the first *Closing the Gaps* (TPK 1998) report (see Chapter Two), also came under the CTG umbrella, while the Ministerial Disparities Taskforce formed by the National-New Zealand First government in 1998 was similar to the Cabinet Committee on Closing the Gaps (known as the GAP committee) that Prime Minister, Helen Clark, established in 2000 (OMMA 1998a:2; TPK 1998b:2; see later discussion). The National-led government's ideological, political and financial limitations, however, resulted in many of the issues highlighted in the 1998 *Closing the Gaps* report response package being reiterated in TPK's (1999) *Post-Election Brief*. Some of these issues were also in line with proposals made in *He Pūtahitanga Hōu*.

For example, the *Brief* (TPK 1999a:46) made recommendations in relation to the monitoring and evaluation role of TPK and more meaningful consultation processes for Māori, as did the Ministry of Social Policy (MOSP 1999, Sect. 5:8) in its own briefing to the newly-elected Labour-Alliance government. TPK also placed emphasis on the need

for more Māori workforce development to enhance the skills of existing providers; 'build the capacity' of less well-resourced hapū, iwi and Māori communities; and integrate and coordinate a full range of services for Māori (TPK 1999a:46;117-118). Discussion included the benefits of improving Māori representation at local government level and of educating all New Zealanders about the Treaty as part of a comprehensive Treaty policy based on a partnership approach (TPK 1999a:49;192; see Chapter Eight). These were issues that had been touched upon in *He Pūtahitanga Hōu* (Labour Party 1999a:1;6).

In short, the initiatives contained within the manifesto did not provide a major threat to TPK's theoretical base, nor did they offer the kind of autonomy for Māori that would endanger TPK's bureaucratic existence. In fact, because *He Pūtahitanga Hōu* proposed an extension of power for TPK, it was in the ministry's favour to support and develop the *He Pūtahitanga Hōu* proposals.

Ministry of Health's role

As noted earlier, *He Pūtahitanga Hōu* (Labour Party 1999a:6) had articulated the need to 'increase Māori participation in democracy', particularly through ensuring fair Māori and tāngata whenua representation at the central, regional and local levels. Yet, there was little indication of how this would be implemented. Specific mention was made of plans to amend local government legislation to this effect but, although this reform process was initiated, by the end of Labour-Alliance's term in 2002 it had still not been enacted by Parliament. This thesis consequently relies on the NZPHD Bill – the provisions for which were being developed, introduced and enacted at the same time as the rest of the CTG strategy – to provide a casestudy of one mainstream response to Labour-Alliance's approach in Māori Affairs.

As the majority of the NZPHD Bill's provisions were concerned with the issue of health sector restructuring, rather than Māori specifically, MOH was the lead agency involved in developing the new legislation. The Prime Minister and the Cabinet GAP

committee did not guide MOH's actions, but the same high level direction was apparent. An Adhoc Ministerial Committee, consisting of Annette King, Tariana Turia, Ruth Dyson, Trevor Mallard and Margaret Wilson, formed at the end of January 2000. It instructed MOH to report by 29 February on options for appropriate partnership arrangements with Māori at the District Health Board (DHB) level in funding and provision of services (OMH 2000a: 2; King 2001).

As in the case of TPK, such a direction was not completely unprecedented for MOH, as the health sector had already made considerable attempts to encourage Māori participation and partnership in health. For example, in 1986 when the Fourth Labour government endorsed the Treaty of Waitangi as important to the entire government sector, the Department of Health (MOH's predecessor) was one of the first to respond. In the following years, this agency attempted to bridge the gap between recognising the importance of the Treaty and actually implementing Treaty-based policies and programmes, although only with partial success (Durie 1998c:85-92).

A specific unit dealing with Māori health policy had been in existence, in various forms, since 1990 (Durie 1998c:85-92). It was the latest incarnation of the MOH's Māori Health Branch policy section, Te Kete Hauora, that led an inter-agency working group which developed the three options for the partnership arrangements of the NZPHD Bill (MOH 1999). The first two options – termed the 'sub-contracting' and 'delegated' models – were only limited extensions of the relationships with Māori providers that had been established by National-led governments through the 1990s. The latter allowed the delegation of slightly greater control to Māori concerning decisions over a narrow, specified range of services for a defined population (OMH 2000a:9-12). Given awareness of heightened Māori expectations resulting from Labour's very public 'commitment' to CTG and the Treaty, this option was not deemed adequate by officials.

The third option – and the one that was subsequently adopted by the Adhoc Ministerial Committee – was a generic 'partnership' model. This aimed to build upon existing arrangements to facilitate Māori participation at *all levels* of the health and

disability sector through partnership relationships with Māori. Like other aspects of Labour-Alliance's CTG strategy, the partnership model placed a dual emphasis on both Māori capacity building and developing mainstream responsiveness, as well as encouraging service integration and the development of inter-sectoral approaches for Māori health gain and service delivery (OMH 2000a:10).

It appears that the partnership model was chosen for two main reasons. First, it was expected to give "practical effect to the Government's commitment to the principles of the Treaty of Waitangi" and "to accelerate improvement in Māori health and development" (OMH 2000b:1). The issue of 'closing the gaps' was consequently placed within a Treaty framework (OMH 2000b:3). Second, the partnership model was considered relatively easy to implement because it involved 'building forward'; that is, it did not threaten arrangements already in place, with a number of Treaty relationship agreements already operating between the Health Funding Authority (HFA) and iwi and with Māori Development Organisations carrying out Māori capacity building functions (OMH 2000a:9; 2000b:3). Thus, like TPK, the model MOH supported made no threat to its own existence. After a total of eight months gestation within Cabinet committees (Bingham 2000a:A22), the core components of this initial partnership model were included in the NZPHD Bill, as the following section indicates.

THE MAIN ELEMENTS OF THE CLOSING THE GAPS STRATEGY

While it has been noted that CTG was built on the policies of past governments, the Labour-led government took such policy "a step further and built on it to enable it to be more effective", as Ngatata Love (cited in NZPA 2000a:A7), then Chief Executive of TPK, described it. It did so by significantly emphasising two methods of attacking Māori disparities. The first arm of CTG was concerned with improving mainstream

responsiveness to Māori. This was to be achieved by increasing TPK's power to monitor the effectiveness of social policy programmes for Māori and by providing an extra \$12 million over four years for that task. In addition, government departments were to become more accountable for their delivery to Māori (as well as Pacific peoples) through quarterly and annual reporting mechanisms. Departmental chief executives were also required to be accountable for the effectiveness of their departments in 'closing the gaps' (Cullen 2000a:D5). The following chapter outlines in some depth the measures to improve the effectiveness of government performance for Māori.

The second arm of CTG was concerned with capacity building. \$114 million over four years was allocated to building the capacity of Māori and Pacific peoples to design and deliver their own economic and social initiatives, in collaboration with the Departments of Work and Income New Zealand (WINZ) and Children, Youth and Family Services (CYF), as well as other government agencies (Milne 2000a:1). An additional \$50 million was set aside for CTG initiatives developed between budgets so that innovative programmes need not be delayed by lack of funding (Cullen 2000a:D5). A detailed analysis of the capacity building initiative as it was implemented for Māori is found in Chapter Six.

While increased accountability and capacity building were the two new, broad frameworks introduced, CTG was also an umbrella title for many other existing policy initiatives, only some of which were new and with only thirty-nine of seventy-two exclusively targeting Māori and Pacific peoples (Young 2000a:A17). In total, programmes with such an exclusive focus were worth more than \$243 million over four years (Brockett 2000a:1). The majority of this targeted funding was in education and health.

In addition, the NZPHD Bill is an example of a legislative initiative that did not specifically fall under the increased effectiveness or capacity building arms, but nonetheless reflected the general policy direction incorporated under the CTG umbrella. There were three key provisions of the Bill relating to Māori that emerged from the policy process described above. First, a clause guaranteed Māori

representation on DHBs. Second, two separate clauses made reference to the Treaty of Waitangi. Third, DHBs were required to establish 'partnership relationships' at the governance level with 'mana whenua', defined as people with customary authority over a particular area (Bingham 2000a:A22). Discussion in Chapter Seven highlights that, although the Labour-led coalition was really just hardening up work National-led governments had already done on partnership with Māori in health co-purchaser agreements, this was the first time any social policy legislation had referred to the Treaty (King 2000a:4984; Laugesen 2000a:C2).

Finally, Māori were also predicted to benefit from a further \$342 million over the same four-year period aimed at low-decile individuals within the wider population. Some general funding, for example the \$36 million allocated over the next financial year for improving the quality of service at CYF, defined Māori and Pacific clients as target groups. Other initiatives, such as reducing state house rentals to no more than twenty-five per cent of a tenant's net income, were set to reach all low-income New Zealanders, regardless of ethnicity, although they clearly benefited Māori and Pacific peoples (Cullen 2000a:D5).

As a whole, CTG was generally better resourced than previous social policy initiatives for Māori (Bidois 2000:A3). Reported Māori criticism (see Berry 2000:5; Maling 2001:A2) suggested that the strategy's \$243 million came at the expense of the Treaty claims settlement process. A failure to increase the Waitangi Tribunal's budget and the slow settlement of claims under Labour-Alliance suggests that there is an element of truth in such claims, although fiscal limitations provided only one reason for Labour-Alliance's slow progress in this area. Yet, overall, CTG pushed the boundaries of Māori Affairs policy like never before, extending Māori issues into and specifically targeting Māori in almost every major social policy arena. This thesis argues, nevertheless, that CTG failed to live up to the rhetoric promoting it as representing greater support for Māori self-determination. The remainder of this chapter begins filling in some of the detail as to why this was the case.

MARKETING THE POLICY STRATEGY

On 15 May 2000, Cabinet approved funding for capacity building, the last of the CTG initiatives to be endorsed (CCCTG 2000a:3). The stage was thus set for the official announcement of CTG on 15 June 2000, although the main components of it were well-publicised before this date. It has been noted that there were many similarities between CTG and past policy. This provided a sense of continuity within the Māori Affairs portfolio and suggested that there was at least a tacit agreement that no political leadership could afford to ignore the disparities between Māori and non-Māori (Te Heuheu 2001). But such similarities also created a problem for the senior Labour Party advisors and media strategists in the Office of the Prime Minister (OPM). Playing a major part in advising Cabinet as the CTG policy strategy was formulated in late 1999 and early 2000, they saw a need to distinguish CTG from past policy to demonstrate that Labour's 'commitment' to Māori issues was *greater* than that of previous governments (see Levin 1997:19).

This was necessary because, although the importance of the Māori vote is debated by right- and left-wing commentators (e.g. Gamlin 2000a:22; Trotter 2000:10), there was a widespread political and public *perception* that Labour 'owed' Māori for their support. Labour *had* traditionally dominated the Māori electorate seats and been regarded as the mainstream party best reflecting Māori aspirations since the alliance between Labour and the Māori-dominated Rātana church in the 1930s. For a long time, however, Māori supported Labour because they were predominantly working-class and saw no viable political alternative. As options for Māori came on the political scene, most notably the New Zealand First Party which successfully contested all of the Māori electorate seats in 1996, Labour learned that Māori would stray from their traditional support if they felt their needs were being ignored (Milne 2000b:2; see O'Sullivan 1999:40-41). Although always in tension with maintaining the support of

non-Māori constituencies, the need to 'reward' and retain Māori constituency support was an important factor underlying the promotion of CTG.

As a result, Labour-Alliance attempted to differentiate its policy focus on socio-economic disparities from that of National-led governments. It seems somewhat ironic that Labour-Alliance decided to run with the name 'Closing the Gaps' – a move Māori politicians Samuels (2001) and Tamihere (2001a) blamed on 'spin doctors' – which was associated with the previous National-New Zealand First government. However, political debates often consist of efforts to win acceptance of a particular categorisation of an issue in the face of competing efforts on behalf of different issues (Edelman 1977:25). The Labour-Alliance government was influenced by the modernisation of the British New Labour Party, whose more centralised style of leadership, professional attitude to campaigning, tailoring of policies to suit the electorate and use of the media proved to be means for maximising votes (see Thomson 2000:135-141). Understanding that politics is very much a matter of perception (Luke 2000a:11), the Labour-Alliance government thus marketed CTG in a way that categorised it as new and innovative, despite its 'old' name.

Samuels (2001), for example, described the initiatives that came out of *He Pūtahitanga Hōu* as a 'fundamentally different' approach to Māori Affairs issues. The focus on Māori disparities was not new, but *He Pūtahitanga Hōu* (Labour Party 1999a:2, my emphasis) stated that "Closing the gaps between Māori and other New Zealanders is a *fundamental goal* of the new Labour government", suggesting that the 'gaps' had never received such attention previously. The Labour-Alliance government stressed that the 'gaps' could not be fixed in one year, or even over the three-year term, but that it was going to make a *difference* (Clark 2001a). The CTG strategy in general was said to provide an "enhanced Crown-Māori relationship" (CCCTG 2000b:1), while the health legislation specifically aimed to ensure "a positive and enduring role" for the Treaty (King 2000b). Horomia (2000a:1) rather grandly promoted capacity building as a "new era of partnership" in Māori development and as having "the potential to reshape New Zealand as we know it" (Horomia cited in TPK 2000c:1).

This rhetoric was enough to suggest that Labour-Alliance had listened to Māori communities over the years and was committed to radically improving the lives of Māori. Yet, it is evident that individual members of the Labour-Alliance coalition were working from differing interpretations of the 'problem' that CTG aimed to 'solve', as a result of the way in which they framed Māori by divergent conceptual frameworks. It is argued that distinctions between two different socio-political projects, Māori self-determination and social inclusion through social development, were not immediately clear. This was due to the strength of the 'commitment' many Labour-Alliance members had made to Māori issues and to overlaps in the language used.

CLOSING THE GAPS AS 'MĀORI SELF-DETERMINATION'

Reference to the Treaty of Waitangi gave strong indications that the Labour-Alliance government was more open to supporting Māori calls for greater self-determination than previous governments. The Labour Party (1999a:1) had, for example, stated in *He Pūtahitanga Hōu* that it was "committed to fulfilling its obligations as a Treaty partner to support self-determination for whānau, hapū and iwi". In addition, CTG initiatives, especially capacity building, were promoted as offering a greater degree of autonomy for Māori by Parekura Horomia, Minister of Māori Affairs (following Samuels' dismissal in June 2000), and his Associate Minister, Tariana Turia (see TPK 2000d:1; Turia 2000b; 2000c). They implied that CTG was evidence of government support for Māori exercising greater tino rangatiratanga.

Turia (cited in Templeton 2000a:C2; see Tauri 2001) did this most explicitly, drawing direct links between CTG and Article Two of the Treaty of Waitangi. She argued that Māori disparities were caused by the removal of Māori rights to self-determination. CTG was thus only a beginning point for enhancing the potential of Māori, particularly those who maintained whakapapa (genealogy) links, to exercise

greater autonomy and control over their own lives. Unlike Turia, it is difficult to tell from Horomia's speeches what he personally thought of CTG. As noted, he promoted the policy strategy in terms of greater self-determination and partnership for Māori and described himself as in the "nation building business". This suggests that he regarded Māori as a distinct nation with sovereign status (Horomia 2000b), but could also be interpreted, particularly given his position as a long-term bureaucrat, in relation to a strengthening of the Aotearoa New Zealand *nation-state*.

Along with reference to the Treaty, the terms 'partnership' and 'self-determination' were frequently used in the promotion of CTG. In the context of Māori issues, these terms are usually interpreted in relation to the Article Two rights of *tino rangatiratanga*, because they have commonly been used to do so in debate about the Treaty of Waitangi. However, it was noted in Chapters Two and Three that this document contains three articles whose Māori- and English-language translations fail to coincide (see Appendix 2). This has allowed multiple interpretations of the Treaty to exist, producing considerable debate as to which interpretations should dominate.

National-led governments, which were more comfortable dealing with Māori through the reparative justice of the Treaty claims settlements process than other forms of social justice, interpreted the Treaty only in relation to the Article Two property rights. National feared that further application of the Treaty would lead to more 'radical' demands from Māori who argued that the Treaty had not extinguished the right to *tino rangatiratanga* in all spheres (see Barrett and Connolly-Stone 1998:37; Hubbard 2000a:C3). Opposition politicians and the media played on these fears when CTG was promoted in terms of 'partnership' and 'self-determination', asserting that the policy strategy supported the 'separatist' goals of Māori self-determination (see Revington 2000; Wikiriwhi 2001).

CLOSING THE GAPS AS 'SOCIAL JUSTICE' AND 'SOCIAL INCLUSION'

This reaction appears to have been largely unpredicted by the senior Pākehā Labour politicians leading the CTG strategy, because, in their minds, CTG was concerned with wider issues than just those relating to Māori. The arguments they offered were based on traditional discourses concerned with citizen solidarity and national cohesion. They drew upon the prevailing distributive justice discourse that has dominated Māori Affairs policy (see Chapter Two), either through direct reference to social justice or to its late twentieth century spin-off, social inclusion. Both goals were to be achieved through Labour-Alliance's social development approach, which was framed by a traditional needs-based discourse concerned with the universal rights of citizenship.

Helen Clark provides a good example of a senior Labour politician who was personally committed to improving the lives of Māori, but was driven by traditional notions of social-democratic distributive justice and equity. Taking a leadership role in promoting CTG as the core component of Labour's social policy programme, she assigned an unprecedented four Ministers to the Māori Affairs portfolio. Clark (cited in Young 2000a:A17) also announced in January 2000 that she was to lead the new Cabinet GAP committee to ensure that there remained a continuing emphasis on Māori disparity issues. It could be argued that the tight control Clark held at the centre, which was also characteristic of Blair's leadership in Britain, somewhat contradicted Labour-Alliance's stand for plurality and a more open and cooperative style of democracy (see Thomson 2000:142). However, Clark does appear to have been motivated by a desire to progress towards social justice for all New Zealanders. This was particularly so, given that Clark (2000a:5) had been part of the Fourth Labour government when it introduced the neo-liberal restructuring which had caused so much hardship over the past two decades.

Clark's resolve to keep Māori issues on the agenda was, therefore, driven by a different perspective than that embodied by her Māori colleagues, despite their shared political ties. Born into a farming family, Clark later became a university lecturer in political science. A journalist interviewed for this study indicated that her understandings of social-democracy were therefore university-learned and based on classical forms of social democracy, in which social strata is the key focus and issues of 'racial' or ethnic difference are largely ignored. Such a perspective depoliticised Māori calls for shared governance and self-determination, as did the social cohesion rationale that Clark (e.g.2000b) frequently employed, which suggested that if the 'gaps' were not fixed then 'racial' conflict was inevitable. An analysis of past Māori Affairs policy has suggested that such depoliticisation resulted from the way in which an emphasis on *social* cohesion assumes that nation and state are necessarily aligned. An interest in social cohesion is thus, ultimately, concerned with *national* cohesion (see Chapter Two).

The same journalist suggests that inexperience was more to blame for the marginalisation of Māori claims than deliberate manipulation. Without having gone out and listened personally to Māori communities, Clark and her closest advisors lacked deep understanding of 'Māori issues'. As a result, they were not fully aware of the transformatory nature of the more politicised Māori proposals for self-determination and thus failed to predict the negative reaction to CTG that erupted when others interpreted the policy strategy as leading down this path.

Whether conscious or not, the lack of expertise regarding Māori issues that some senior Labour members demonstrated was hidden by the Third Way variant of social democracy that influenced the Labour-Alliance government's thinking (see *The Dominion* 2000a:2). While yet to be adequately articulated at the time CTG was introduced, by June 2001 Labour-Alliance had officially adopted a social development approach to social policy issues. Driven by MOSP under the leadership of Minister of Social Services and Employment, Steve Maharey, Labour-Alliance defined the state's role as 'social investment'. For Maharey (2000a:9) this involved:

.... lifting the capacity of people to participate, to provide opportunity, and by doing so, ensuring they have the capability to get on with their lives and make their individual positive contribution to the economic and social well-being of this country.

Social investment aimed to improve the social inclusion of the country's most disadvantaged peoples into mainstream society by empowering communities and encouraging active citizenship. Such an approach was based on the social-democratic notions of distributive justice traditionally endorsed by the Labour Party. These were given a late twentieth century twist, as Labour sought "to reconcile social justice with an energetic and competitive economy" (Giddens cited by Clark 2002a:11), but essentially social inclusion remained concerned with issues of solidarity, national cohesion and legitimacy.

In hindsight, it appears that CTG may have been a first working through of the social development approach, for the importance CTG placed on social policy, accountability and the need to "deliver more social justice" was central to the approach's line of thinking (Clark 2002a:2). Talk of 'social exclusion' (the problem) and 'social inclusion' (the solution); 'empowering communities' through 'capacity building'; and 'active citizenship' by means of 'partnerships' between the government sector and communities enabled Māori to be inserted as a major component into the social development framework.

This thesis argues, however, that these key principles left unchallenged traditional discourses that had failed Māori in the past. Like other government-defined development models, the social development approach continued to regard Māori as a disadvantaged group in need of temporary assistance so that they could achieve equal outcomes and then be treated on the basis of equal opportunity. This became clear when the newly-named Ministry of Social Development (MSD 2002, Pt. 1, Overview:2, my emphasis) defined 'social development' as a "process of co-ordinated social change to promote the well-being of *the whole population*. It aims to improve all social outcomes, rather than some at the expense of others". In line with the more general

social justice and social cohesion rationale employed by Labour-Alliance when promoting CTG (see Clark 2000a:1-2;6; Clark cited in TPK 2000e:1), social development was also based on the notions of fairness and equality embodied within traditional social-democratic ideology. It was securely fastened to the needs discourse that had long dominated Māori Affairs policy, even if the terms used to articulate it reflected a 1990s, Third Way edge. Social development was consequently situated within traditional discourses of citizenship that assume a tie between nation and state and, when applied to Māori, result in the depoliticisation of their claims to nation status.

'PARTNERSHIP' AND 'SELF-DETERMINATION': 'SOLUTIONS' TO TWO DIFFERENT 'PROBLEMS'

That the driving discourses behind CTG were traditional and problematic was not altogether clear as the policy strategy was developed and implemented. There appears to have been conflict and confusion, even amongst Labour-Alliance politicians, as to what 'problem' CTG was driven by, which beneficiaries it aimed to target and what 'solutions' were to be employed. Such ambiguity stemmed from the fact that social development discourses internationally incorporate the terms 'self-determination' and 'partnership'. Despite sharing a common language with the ideas found within the Māori-led *He Pūtahitanga Hōu* and with Turia's and Horomia's promotion of CTG, the social development approach germinating within the Labour-Alliance government nevertheless sprang from quite different ideological and conceptual foundations.

Within the context of the social development approach, 'partnership' and 'self-determination' referred to the government sector "supporting stronger communities for the shaping and local co-ordination of the delivery of services" and "greater community

say in the design and delivery of policy and services” (Maharey 2000a:7; see MOSP 2001a). ‘Partnerships’ consequently consisted of the government sector providing opportunities and funding to community organisations. These aimed to develop and harness the strength of civil society by building ‘social capital’, defined as the networks of social relationships characterised by norms of trust and reciprocity which operate at the individual, family, community and national level (Maharey 2001c:1). Social capital in turn was intended to fortify the social and economic wealth of the state. Communities were offered a limited degree of ‘self-determination’ in recognition that they are best able to identify and provide the kinds of services they need. But the goal of such ‘self-determination’ was efficiency, fairness and/or active citizenship, *not* recognition of any inherent, collective rights that communities might hold (see Maharey 2001a:1-2).

When Labour’s senior Pākehā politicians referred to the Treaty it is, therefore, likely that they were not endorsing the self-determination rights contained within Article Two of the Māori-language Treaty. Rather, they referred to the equal citizenship rights guaranteed to Māori under Article Three. Interpreting the Treaty in this way reinforced the social justice issues already highlighted, in that Māori held the same citizenship rights to equal opportunity and outcomes as any other New Zealanders (see Chapter Seven for more detailed discussion). The Labour-Alliance government could thus conceivably introduce the Treaty into social policy, as National-led governments had been afraid to do, without necessarily supporting calls for Māori self-determination that challenged the political and constitutional status quo.

Given such a conclusion, it is difficult to argue that CTG lived up to its promotion, in terms of providing significant support for Māori in their desires for self-determination. Attempting to better ‘include’ Māori within mainstream society, it failed to account for the fact that some Māori have claimed the right to stand apart (be ‘excluded’) from the mainstream as a means to greater self-determination. This conflicted with the Article Two rationale offered by Turia and Horomia, which identified the ‘problem’ as the unequal power relations between Māori and the state, of which

social exclusion, injustice and social division are merely symptoms. Clearly, while the 'solutions' to both 'problems' may at times overlap, they are inherently different in terms of scope and scale.

INTENTIONAL OR ACCIDENTAL AMBIGUITY?

The uncertainty about CTG's implications for Māori left open considerable space for ambiguity to reign. It is unclear whether this ambiguity was nurtured intentionally by the Labour-Alliance government, so as to avoid having to explicitly address the more politicised proposals for self-determination that some Māori have asserted. Discussion has highlighted that needs-based thinking was embedded within the ideological backgrounds and standpoints of some of Labour-Alliance's most senior politicians and officials. Without indepth knowledge of Māori issues and in their eagerness to implement CTG, they may never have realised the incongruity between social inclusion and greater autonomy for Māori. The way in which some members of Labour-Alliance appeared to be familiar with and influenced by Third Way politics (itself suffering from a lack of a coherent set of core values or policies), while others were not, may have been an additional cause of ambiguity (see Thomson 2000:213).

It is, nevertheless, possible that the confusion created through the use of the terms 'partnership' and self-determination' was politically manipulated. Rochefort and Cobb (1994:5) have indicated that to restrict participation in policy or debate, issues may be defined in procedural or narrow technical terms. When governments want to heighten participation, issues may be connected to sweeping social themes, such as justice, fairness, citizenship, social cohesion, democracy and liberty. Miller (2000:42) has even suggested that the 'rediscovery' of citizenship by Third Way governments coincided with the need to build electoral support for distributive policies and welfare provision outside their traditional 'core' working-class constituencies.

Labour-Alliance may, therefore, have used rhetoric relating to ‘partnership’ and ‘self-determination’ as a means with which to simultaneously target policy towards Māori *and* emphasise issues of social inequality for all. Political commentator, Colin James (2000b:A15) has claimed that some quarters of government certainly hoped that: “real progress on the gaps might cool sovereignty and power-sharing demands because people who now feel the majoritarian democratic system has locked them out might then see value in it”. If this was a deliberate attempt to balance Māori demands and votes with those of a ‘core’ constituency often intolerant to ‘special treatment’ for Māori (see Miller 2000:42-43), it backfired because Labour-Alliance managed to enhance, rather than diminish, divisions between Māori and non-Māori.

Whether intentional or not, confusion was certainly heightened by Labour-Alliance’s rather clumsy promotion of the strategy and the policy vacuum that existed despite a proliferation of initiatives under the CTG umbrella. The CTG slogan had been co-opted from the *Closing the Gaps* report (TPK 1998a) produced under a previous government. Neither this nor the second *Closing the Gaps* report (TPK 2000a) published during Labour-Alliance’s term directly set government policy directions or provided ‘solutions’ to disparity issues (Coney 2000:C8). There were occasional references to CTG in Budget and other policy documents, but no clear policy statement or strategic plan existed. As a *Weekend Herald* journalist (Armstrong 2000:A21) indicated at the time, with neither a ‘big picture’ of where CTG was heading, nor a comprehensive policy document to provide clarity, there was plenty of space for alternative interpretations of the motivations behind CTG to be articulated. This was particularly so given that even Labour’s Māori MPs could not agree as to what was best for Māori (see later discussion concerning Turia and Tamihere).

It was also uncertain who was in charge of CTG. Clark led the Cabinet GAP committee, but its work was largely invisible to the general public. TPK monitored the effectiveness of the policy strategy. The Department of Prime Minister and Cabinet (DPMC) played a role in the Cabinet GAP committee, the OPM made decisions about the way in which CTG was promoted and all mainstream departments were

accountable for meeting CTG outcomes. But no one department or individual was identified as 'in charge'. Nor were respected leaders in the community co-opted to publicly support and explain the policy strategy, a move that might have avoided a backlash against CTG (Coney 2000:C8). As a result, other competing interpretations of CTG added to the conflict that already existed within the Labour-Alliance government. This caused considerable cynicism as to its intentions, questioning Labour-Alliance's and, ultimately, the state's legitimacy.

CLOSING THE GAPS UNDER THE MICROSCOPE

Before Cabinet had even discussed TPK's reports outlining the strategies to implement CTG on 24 July (CCCTG 2000a:1), the policy strategy was already on the road to demise. Within days of the Budget announcements, the impact of what Labour-Alliance considered to be significant concessions for Māori was being overshadowed by less favourable political issues. A series of unfortunate events concerning Māori politicians and Māori issues built upon early criticisms that CTG was a 'racist' form of 'social apartheid', as Winston Peters (2000:2956) suggested. Given the high profile Labour-Alliance had given the CTG strategy, such criticism meant that, by the end of 2000, CTG was no longer politically viable. The CTG slogan was dumped only a year into Labour-Alliance's term and within six months of CTG's official announcement.

REPLACING THE MINISTER OF MĀORI AFFAIRS

Trouble began when ACT Party leader, Richard Prebble, made public allegations of sexual misconduct with a minor against Dover Samuels, who stood down from his Cabinet positions on 21 June and was later sacked as Minister of Māori Affairs. Although eventually cleared by the police regarding the allegations, Samuels was not reinstated (NZPA 2000b:A5). Clark had insisted on new standards of accountability for politicians and bureaucrats and she justified the dismissal of Samuels by explaining he represented a threat to the smooth running of the CTG strategy.

To a certain degree, Clark's rationale for sacking Samuels was accurate. *National Business Review* columnist, Jeff Gamlin (2000b:27), suggested that CTG had always been a fragile strategy, based more on rhetoric than substance and thus Samuels threatened the credibility of the 'political' approach taken to CTG. However, it was well-known that Samuels and Clark did not have the friendliest of relationships before the allegations were made and Clark (cited in NZPA 2000c:A5) chose to keep a tight reign on Samuels by dubbing herself "de facto Māori Affairs Minister". She may well have made the most of an opportunity to replace the popular and long-term Labour Party member without risking the loss of too many Māori votes (Laws 2000a:A11; *NZ Herald* 2000:A16).

Parekura Horomia, a first-term MP but experienced bureaucrat in Māori Affairs issues, was appointed in Samuels' place. He was a controversial choice but, despite the comments made earlier about Horomia's promotion of CTG in terms of self-determination, probably the 'safest' option amongst Clark's 'loyalists'. Descended from Ngāti Porou and Ngāi Tahu, Horomia was well-connected tribally, but accessible to 'average' Māori, and he actively positioned himself as a middle man in tribal/non-tribal debates. Horomia had also been a long-term government sector official and his frustration with bureaucratic restructuring was reportedly the reason he stood for election. He claimed to be driven less by left or right ideology than wanting to "create a better life for [my] people" (cited in Maling 2000a:A11).

CONTENTION AROUND THE TREATY CLAUSES

While the Samuels controversy was still simmering, the NZPHD Bill was introduced into Parliament on 3 August 2000. As noted earlier in the chapter, the Adhoc Ministerial Committee had chosen to insert two generic Treaty references into the Bill, despite predictions of the considerable resistance that ensued (see Bingham 2000b:A4; Tamihori 2001). The clauses were developed as a means to appease Māori constituencies and reportedly (Hubbard 2000b:C2) upon the insistence of Turia. With no preconceived public reassurance plan in place to explain the clauses, space was made for Opposition politicians and the general public to interpret these as offering Māori 'preferential treatment' in terms of access to health services (see NZPA 2000d:6).

As Chapter Seven will explore in more detail, the NZPHD Bill also highlighted tensions between members and factions of the Māori Caucus. In particular, Turia and John Tamihere went head to head over the partnership rights guaranteed to *mana whenua* in the legislation. The latter defended this as reflecting the traditional social organisations of *iwi* and *hapū*, while the former argued that it was biased against non-tribal Māori (see Young 2000b:A5).

Affiliated with *Ngāti Apa*, *Ngā Rauru* and *Tūwharetoa*, Turia was a Labour MP who had led a 1995 protest aiming to protect the rights of her *iwi* to ancestral land now encased by the Moutoa Gardens in Whanganui. She very openly favoured *iwi*, *hapū* and *whānau* priorities (see Turia 2000c; 2001b). Turia's perspective on CTG was also one of the most 'radical' stated by any person in Parliament. In speeches made as Associate Minister of Māori Affairs, she drew upon the discourses of institutional racism and colonisation and, as noted earlier, made explicit links between CTG and Article Two of the Treaty. However, believing in the superiority of traditional cultural

(tribal) practices and values, she limited the rights of self-determination found in Article Two to hapū and iwi (Turia 2000c; 2000d; 2000e).

Such beliefs put her in direct conflict with Tamihere, Labour MP and Chair of the Māori Affairs Select Committee, who supported CTG due to its potential to achieve economic independence for *all* Māori. Although maintaining whakapapa links with Ngāti Porou, Tamihere was very much an advocate for the rights of non-tribal Māori, who either could or would not whakapapa to an iwi or hapū. He was well-known for his outspoken criticism of 'iwi fundamentalists', including Turia (Tamihere 2001a). Policies such as CTG were, for Tamihere, not about building greater cultural or political self-determination for traditional iwi or hapū based on the Treaty. Rather, he saw in CTG the potential to develop the economic independence of Māori through the contractual model exemplified by Te Whānau o Waipareira Trust, for whom he had previously acted as Chief Executive. While both Tamihere and Turia agreed that CTG was only a beginning for greater autonomy for Māori, they clearly *disagreed* as to what 'autonomy' meant and who should benefit. Their conflict was a significant one because it represented a much wider debate within Parliament and Māoridom (see Chapter One) and had important implications regarding the legitimacy of different groups within Māori society to claim resources from, and be in partnership with, the state (see Chapter Seven).

Following the commencement of debate about the NZPHD Bill and during the same month, a speech made by Turia caused shockwaves around the country. Turia's speech to the New Zealand Psychological Society was publicised as having likened the colonisation of Māori by Europeans to the Jewish holocaust. Her comments regarding colonisation as a major cause of current Māori violence were widely misreported (see Turia 2000a). But political colleagues (including Māori) immediately distanced themselves from her statements and Clark demanded a public apology in the House (Laws 2000b:A9). The Associate Minister of Māori Affairs lost further credibility when she and Horomia were accused of attempting to 'gag' negative comments made about Māori domestic abuse (Booth 2000:5). Interestingly, when the integrity of other

Ministers was questioned, Clark expected a suspension or resignation until each Minister's name was cleared (see G. Espiner 2001a:C2). However, Clark demanded an explanation, not a resignation, from Turia. *National Business Review* commentator, Richard Harman (2000:20) noted that she was well aware of the need to defuse this and the other problematic situations without having to appoint another Māori Affairs Minister and threaten Labour's small majority by losing Māori MPs.

QUESTIONS ABOUT THE INTEGRITY OF CLOSING THE GAPS

Capacity building was rolled out on schedule at the beginning of September 2000, but this accomplishment was diminished by continued debate in the House. First, further allegations were made against Samuels and then Tamihere attacked Prebble for his part in this fiasco. Second, concern was still being registered about the health legislation's Treaty clauses. In particular, Race Relations Conciliator, Rajen Prasad (2000:3;12; see NZPA 2000e:3), asserted that the clauses could be interpreted as 'racist' because they appeared to give Māori preferential treatment in the health system (see Chapter Seven). Equally significant was a third issue, the publication of a report by Simon Chapple, a senior Labour Department analyst. The Chapple (2000) report refuted assumptions that socio-economic disparities between Māori and non-Māori had been growing (as claimed in the second *Closing the Gaps* report, published earlier that year) and suggested that Māori ethnicity was not a strong marker for disadvantage. It was thus generally critical of the 'ethnic' focus of the Labour-led government's CTG strategy (see Chapter Five).

By now Opposition members were having a field day capitalising on what had turned out to be the weakest link in the Labour-Alliance government, 'race' relations. Prebble and Winston Peters, leader of the New Zealand First Party, were the main critics and National Party politicians were at first slow to play the 'race' card with CTG,

possibly because many policies under National-led governments had been remarkably similar. Nevertheless, by the time National Party members had resisted supporting a Treaty clause in the Singapore Free Trade Agreement which had been drafted under their own administration (Luke 2000b:11), they were more comfortable playing upon the unease over ethnic relations that the clause in the health legislation had produced.

Just like political parties elected to lead government, parties in Opposition have political agendas to pursue, which include bringing a government's leadership into disrepute so as to gain more electoral support for themselves. Conflicts between National Party ideology and Labour's interpretation of Māori disparities as social justice and Treaty issues were even more significant for right-wing parties such as ACT, which relied upon attracting the support of the rich and politically conservative. Early criticism had simply claimed that CTG was patronising and suggested that Māori were a 'hopeless' case who did not contribute to the country (Te Heuheu 2001). But the Samuels fiasco, Treaty clauses and Turia's exploits all provided excellent fodder for the Opposition, who roused the media and the general public into regarding CTG as 'racist'.

October 2000 brought further troubles for the Labour-led government as the Māori Affairs Select Committee, chaired by Tamihere, investigated TPK's ability to determine the achievements of mainstream departments in relation to Māori and called for a review of mainstreaming (NZPA 2000f:3). Frustrated with government sector processes, Tamihere (2001a) told me he was determined to use the committee in an "innovative way" that upset his political colleagues. Rather, than allowing the committee to be used as a "damage control mechanism, or for information suppression", Tamihere (2001a) tried to make the committee more proactive, in terms of pressuring government departments to set 'benchmarks' for CTG performance. As the monitoring by TPK of mainstream departments was part of TPK's brief under CTG (see Chapter Five), this put into question the effectiveness of the whole strategy.

Willie Jackson, a first-term Alliance MP, caused fresh controversy when he spoke out in opposition to comments made by Associate Energy Minister, Paul Swain,

about government policy on Treaty claims relating to petroleum claims. His assertions emphasised the discord that existed between most members of the Māori Caucus and other coalition MPs when it came to Treaty issues. Jackson was formally silenced by Alliance leader and Deputy Prime Minister, Jim Anderton (see Venter 2000a:3), in an attempt to dim the spotlight Jackson had placed on divisions within the Labour-Alliance government and limit any further loss of credibility. But by this point, more serious 'damage control' was required.

ABANDONING THE SLOGAN

It is difficult to determine exactly when the decision was made to abandon the CTG slogan. At first, the Opposition was blamed for playing the 'race' card and the Labour-led government tried to argue that the CTG strategy had been initiated by National (see Bingham and Young 2000:A1), somewhat destroying its earlier claims that CTG was new and innovative. As an editorial (*The Dominion* 2000b:6) noted at the time: "The more the Government clarifies its flagship Closing the Gaps policy, the more confusing it becomes". Clark thus first spoke publicly about 'rebranding' CTG on 23 October 2000, although it was not until December that the slogan was formally dumped (Young 2000c:A5).

By then, both State Services Commissioner, Michael Wintringham, and an Audit Office (2000) report had questioned TPK's ability to monitor the effectiveness of spending on programmes and policy advice (Luke 2000c; see Chapter Five). Submissions to the Māori Affairs Select Committee had also argued both that socio-economic 'gaps' between Māori and non-Māori *were* and *were not* increasing (see Alexander 2000; Chapple 2000; see Chapter Five). This provided further ammunition for Prebble and Peters, who took to the extreme the confusion this created as to the purpose of CTG, arguing that the whole basis upon which CTG sat was false

(Templeton 2000b:C2). In addition, despite revising the health legislation's Treaty clauses to meet public and Opposition demands, the sincerity of such changes was queried when the Apprenticeship Training Bill was introduced in November with a provision that still exclusively targeted Māori (see Venter 2000b:7).

By this point, Clark was well aware that what she considered to be social justice issues consistent with social-democratic ideology were not necessarily perceived as such by Opposition politicians or the general public. In combination with all the controversies associated with Māori MPs, CTG's explicit targeting of Māori and the Treaty of Waitangi clauses proposed in domestic and international legislation caused considerable negative reaction, provoking claims that CTG was about preferential treatment for Māori. The extent of Māori ambitions in relation to shared governance had also become clear to many key Cabinet figures at a conference on constitutional issues held in mid-2000 (James 2000b:A15).

Interview data suggest that as soon as Clark became aware that the 'ethnic matters' embodied by CTG involved a power-sharing dimension, she immediately backed away from it. Health Minister, Annette King (2001), indicated to me that governments are constrained by the fact that "anything that you ever do for Māori is criticised". Yet, this is only true if they put electoral needs before moral ones. While there was disagreement between research participants (e.g. Prebble 2001; Munro 2001) as to whether the Labour-Alliance government was particularly sensitive to polling, all political parties are, of course, bound by the need to win votes, particularly within a system of proportional representation. Despite her social-democratic belief in social justice, Clark was well aware that perceptions of CTG as a means for even a limited form of Māori self-determination would upset her 'core' constituency. As a result, the journalist I interviewed indicated that she instructed officials and colleagues to redefine CTG according to the more general 'social equity' perspective she had long held and eventually abandoned the CTG slogan itself to remove the taint of other, more 'radical' perceptions. Although he was less specific about the details, this analysis was generally reinforced by Helen Clark's Chief Press Secretary, Mike Munro (2001).

The abandonment of the CTG slogan was provoked by the need to retain the electoral support of interest groups other than Māori, whom right-wing commentators (see Harman 2000:20; Prebble 2001) suggested were polling against the CTG strategy. However, these constituencies were no more unified than Māori. For example, the Labour 'core' constituency consisted of middle-class voters who supported the social justice and Treaty arguments for CTG, along with working-class voters who were feeling the same effects of widening disparities between rich and poor within Aotearoa New Zealand that Māori suffered. The latter did not readily endorse preferential treatment for Māori and this (large) group was one that Labour-Alliance tried to appease when abandoning the CTG slogan and rebranding the strategy to target "low-decile needs across the board" (Clark cited in *The Dominion* 2000b:6).

Another, but less obvious, influence upon Labour-Alliance's abandonment of CTG was the pressure that 'business' interests had placed upon the coalition government when publicising their lack of confidence in Budget 2000's extensive social spending and Labour-Alliance more generally (see Brockett 2000a:1; NZPA 2000g:2). A journalist has suggested that, just as with Māori issues, Clark had no expert knowledge of, or affiliation with, business values. However, a Third Way politics recognises the importance of a strong economy in achieving social justice goals and during 2000 it became clear to Clark and her senior ministers that the support of the business community was necessary to win the next election. Following a number of meetings with key business figures, 'economic growth', support for business and industry development and setting the stage for a 'knowledge economy' were the main emphases of Budget 2001 (Cullen 2001:13-14).

The move away from the CTG slogan and a focus on Māori, towards a stronger emphasis on economic growth, were not explicitly linked. Yet, political commentator Colin James (2000c:A15), has noted that for many business interests, the real 'gap' to be closed was between "those who can foot it in the world economy and those who cannot". This thinking was articulated in the ACT New Zealand Party's (2001) manifesto (rather confusingly entitled *Closing the Gaps*), the focus of which was the

growing disparities between Aotearoa New Zealand's socio-economic performance and that of other countries. Thus, Richard Harman (2001:15), a *National Business Review* commentator, indicated that business considered the disparities between Māori and non-Māori problematic due to the affects that a large poor and alienated sector has on the economy and international competitiveness.

Clearly, therefore, business interests recognised that the 'gaps' between Māori and non-Māori needed to be reduced or eliminated, but argued that this be done via a focus on socio-economic status, rather than ethnic targeting or Treaty rights. While Treaty claims settlements had been accepted, to a certain degree, as reparative justice, business interests (see Anderson 2000:10; M. Ross 2000:20 from the right-wing *National Business Review* and Myers 2001:7) tended to regard constitutional or legislative entrenchment of the Treaty in a republican framework as potentially giving Māori an unfair advantage in competition.

It appears, therefore, that the CTG slogan was dropped as a means to downplay (although not abandon) Māori issues and allay the fears roused by Opposition and media rhetoric in the two main electoral constituencies. This was a precarious move. The Labour Māori Caucus was not consulted, causing some of Clark's own MPs (particularly Tamihere and Jackson) to publicly air their anger over what appeared to be a dumping of Labour's 'commitment' to Māori (see Prebble 2000; Young 2000c:A5). Such a perception added to existing Māori dissatisfaction over Labour-Alliance's handling of various issues. On this wave of anger, broadcaster and Mayor of Wairoa, Derek Fox, launched a new Māori political party in January 2001 and was reported (Milne 2000b:2) to claim that he had considerable support from disaffected Māori.

However, the slogan *was* abandoned, with Clark and other (but not all) ministers avoiding the phrase CTG. No mention of CTG was made in a November review booklet covering the Labour-Alliance's first year in office; Finance Minister, Michael Cullen's (2000b) December Financial Statement; or Clark's (2001b) Prime Minister's Statement the next February. The Cabinet GAP committee, which had been discussed since December 2000, was finally dismantled in February 2001 and its

responsibilities were integrated into an existing Social Equity committee (see Venter 2001:8).

IMPLEMENTING CLOSING THE GAPS WITHOUT THE NAME

The CTG slogan was politically abandoned, but the initiatives for Māori and Pacific peoples that had caused such controversy continued to be implemented, largely unchanged. While Labour-Alliance had a number of major constituencies to appease and often had to favour one over another at any given time, the coalition government could not afford to lose its Māori electoral support and made a point of not abandoning Māori altogether. As a result, no new instructions were given to government departments about how to use the funding that had been targeted for Māori under CTG, causing allegations from the Opposition of deviousness and insincerity (Prebble 2000; see Young 2000d:A5).

Such criticism appeared to be supported by the way in which Labour-Alliance went out of its way to reassure Māori that the initiatives targeting their communities would continue to run all the same (see Young 2000a:A17; Horomia 2001a). After the slogan was abandoned, Clark and eight Cabinet ministers visited Gisborne to listen to Māori leaders, with political journalist Audrey Young (2000e:A26) suggesting that there was concern about the threat Fox made to Horomia's hold on the Ikaroa Rawhiti seat. A further seven regional meetings with Māori (referred to as the 'rolling hui') were arranged over the remainder of the coalition's term (TPK 2002a). In April 2001, Samuels was also brought back in from the political wilderness, to act as a Parliamentary Under-Secretary to Jim Anderton in his role as Economic Development Minister (Young 2001:A6).

In addition, the Labour-Alliance government's second Budget, announced in May 2001, continued to target funding towards Māori-specific initiatives. This included ongoing funding for the Māori Business Facilitation Service and capacity building

(Horomia 2001b), as well as a Direct Resourcing Fund (see Chapter Six). The latter was promoted as an extension of capacity building and *Tahua Kaihoatu* (Māori Provider Development Fund) and had been discussed in *He Pūtahitanga Hōu*. It promised a total of \$15 million (spread over three years) for local level whānau, hapū and iwi development initiatives (Horomia and Turia 2001; see Chapter Six).

Another *He Pūtahitanga Hōu* initiative, the establishment of a Māori television channel, was allocated \$10.86m in 2001/2 and then \$10 million a year thereafter. Finally, \$338,000 in 2001/2 and a further \$811,000 over the following three years was allocated to five Māori regional tourism organisations (Horomia and Turia 2001). Māori also benefited from more general funding, particularly in CYF provision and rural housing (Maharey and Turia 2001). In the 2000/1 financial year, the government sector thus spent \$78 million on 'Targeted Māori Social Equity Initiatives' (formerly contained under the CTG heading) across fourteen agencies or sectors (see *The Dominion* 2001:2).

Despite these initiatives, this second budget was wary about appearing to favour Māori peoples, with discussion of Māori programmes restricted to two paragraphs in a thirty-seven page document. Such initiatives were certainly no longer regarded as the 'flagship' of social policy. A *Sunday Star Times* editorial (2001:A6) suggested that the 'tiny' amount set aside for Māori Affairs initiatives in the second budget was an indication that the policy strategy, not only the slogan, was dead. However, the funding for new or continuing initiatives must also be placed in the context of a very tight budget (reportedly the lowest level of government expenditure as a proportion of Gross Domestic Product since 1977) with relatively little social spending. This reflected Labour-Alliance's concern with accountability and economic prudence (Clark 2001c).

The strength of the Labour-Alliance government's emphasis on Māori issues was thus the major difference between the Budget announcing CTG in 2000 and the Budgets of 2001 and 2002, where little new was offered at all. By May 2001, many of the major points of difference with past policy – including strong leadership from the

Prime Minister and *explicit* emphasis on initiatives exclusively targeted Māori – had disappeared, even if the latter continued to be implemented. In essence, the Labour-Alliance coalition, while supporting a greater number of initiatives than previous governments, had retreated back to the subtle and contradictory style of policy promotion for Māori Affairs that had long been practiced by National-led governments.

CONCLUSION: POLICY PROLIFERATION AND POLICY VACUUMS

This chapter has offered a brief exploration of the policy process in which CTG developed as an overview for future discussion of specific CTG initiatives. In illustrating that key tensions existed between policy players and their perspectives of CTG, it has been noted that there was conflict as to what ‘problem’ CTG aimed to solve, what the ‘solution’ was, as well as who should benefit from it. Some individuals or groups articulated more than one of these understandings of CTG simultaneously or at different times. Policy is *always* multidimensional, with meaning that shifts in different contexts because it is constructed and influenced by a wide variety of political perspectives and agendas. This is particularly the case when policy-making occurs in the context of a plural society based on a democratic Mixed Member Proportional (MMP) representation electoral system, such as Aotearoa New Zealand.

Yet, the aim of this chapter has been to highlight that, as a result of these different understandings, the conceptual tensions between the projects of Māori self-determination and social justice/inclusion were never fully realised, either by Labour-Alliance or the government sector more generally. It has also been argued that the way in which CTG was framed and managed enhanced the multiplicity of understandings embodied within the policy strategy. With no clear policy statement or strategic plan, CTG was thus a policy ‘space’ waiting to be filled by numerous policy interpretations.

Using Clarke and Newman's (1997:140-145) comments upon policy within the European context as a base, it is possible to argue that a policy vacuum existed in the Māori Affairs portfolio, despite the proliferation of initiatives contained under the CTG umbrella. Policy proliferation is an indicator of the struggle for legitimacy of a government seeking short-term survival; that is, a form of 'crisis management'. In this case, the 'crisis' was the need to demonstrate Labour's 'commitment' to Māori, while also trying to depoliticise the challenge that some Māori proposals for self-determination posed for the notion of a unitary nation-state. Policy vacuums are created, however, when there is poor coherence in such policy proliferation, due to little coordination between departments and a lack of clear leadership.

The following three chapters certainly suggest that government agencies were confused and ambivalent as they struggled with CTG and the post-CTG slogan aftermath. Whether conscious or not, the lack of conceptual clarity evident as Labour-Alliance rolled out its CTG strategy caused a backlash against Māori. In addition, it concealed the fact that Labour-Alliance's 'commitment' to Māori did not entail any serious challenge to the meta-principles that have traditionally dominated Māori Affairs policy. CTG remained focused on national cohesion, in which the discourses of social justice, and more recently, social inclusion and social development, were utilised to frame Māori desires for self-determination as a 'problem' to be resolved within the mainstream institutions and society of the nation-state. Chapters Five to Seven provide a detailed analysis of exactly how CTG continued to depoliticise indigenous discourses concerned with greater Māori autonomy, through initiatives aiming to improve government effectiveness for Māori; the capacity of Māori communities; and Māori participation and partnership in the health sector.

IMPROVING THE EFFECTIVENESS OF GOVERNMENT PERFORMANCE FOR MĀORI

INTRODUCTION: 'EFFECTIVELY' IMPROVING 'SOCIAL INCLUSION'

Improving the effectiveness of government performance for Māori is the first of three main components of the Closing the Gaps (CTG) strategy to be examined in greater detail by the thesis. Implementing what it called a 'refocusing of the state sector', the Labour-Alliance government wished to gain greater accountability for Māori outcomes and over its departments, as well as improved coordination across the government sector (CCCTG 2000b:1). The most explicit motivation behind this focus on effectiveness was Labour-Alliance's public 'commitment' to Māori (see Labour Party 1999a:3-4). The new government found that, despite increasing expenditure on Māori programmes, there had been little evaluation as to whether they were actually effective; that is, achieved the outcomes intended. A Cabinet paper (OPM 2000:5) consequently noted in February 2000: "The lack of information is a major impediment to improving the provision of programmes and services and more effectively addressing the gaps".

A focus on effectiveness was thus necessary because the success of the strategy depended on the government sector providing programmes and services that could be proved to be 'working'. In this way, CTG reflected Labour-Alliance's wider goals relating to the development of a strategic social vision for the country based on robust, evidence-based social policy (see Maharey 2000b; MOSP 2001a). An emphasis on monitoring and evaluating the effectiveness of Māori programmes and expenditure was

also regarded by senior Labour politicians as a means of distancing themselves from the excesses of neo-liberalism, which had hit Māori particularly hard in terms of negative social and economic consequences. A 1998 Values survey (Perry and Webster 1999:98) suggested that there was widespread dissatisfaction with governmental and political processes. A desire to restore trust in, and the legitimacy of, government and broader state apparatuses was thus a key motivation behind Labour-Alliance's focus on effectiveness.

Beginning with an outline of the core effectiveness initiatives implemented by the Labour-Alliance government in 2000, this chapter aims to demonstrate that these measures reflected a genuine commitment to Māori and an outcomes-based approach more generally. But they went only part way to successfully measuring and improving the effectiveness of government performance for Māori. This was due to both fundamental and long-standing weaknesses identified within the government sector and the manner in which Labour-Alliance responded to them.

Inadequacies in the quality and reliability of social policy data and analyses, as well as the government sector's poor understanding of a Māori dimension to policy issues, were major constraints upon Labour-Alliance's effectiveness goal. So were the government sector's inexperience in working with an outcomes-based approach to policy and its poor capacity for strategic vision. Labour-Alliance tried to address these issues by 'building the capacity' of its bureaucratic structures in the same way that the capacity building initiative aimed to improve Māori organisations. As a result, the CTG strategy was, in terms of the reporting required by departments, probably the most assessed of any implemented by an Aotearoa New Zealand government (NZHR 2001a:213).

Nevertheless, fundamental flaws limited the potential of the effectiveness initiatives. While inadequate planning and poor communication between the Labour-Alliance government and its departments played a part, more significant was the supposition that it was appropriate for government agencies to define outcomes *for* Māori. Although applying a new term, 'social inclusion', key members of the Labour-

Alliance government believed that a 'commitment' to Māori could best be demonstrated through traditional distributive justice, needs-based and development discourses because they presumed that socio-economic 'gaps' between Māori and non-Māori were the core 'problem'. In contrast, Chapter Three indicated that Māori have tended to regard unequal power relations as the fundamental issue. As a result, some Māori have called for greater strategic 'exclusion' from the mainstream and a form of shared governance at the national level to address this 'problem'. It cannot be said, therefore, that the effectiveness initiatives lived up to rhetoric suggesting that CTG fully attended to Māori desires for greater self-determination.

THE 'EFFECTIVENESS' INITIATIVES

Improvement in measuring the effectiveness of government performance was one of the Labour-Alliance coalition's major political pledges. The explicit goal behind this pledge was a commitment to reducing the socio-economic disparities between Māori and non-Māori and an "enhanced Crown-Māori relationship" (CCCTG 2000b:1). In the background, however, was a broader interest in social inclusion that had yet to be fully articulated in 2000, but was part of the social development approach that guided Labour-Alliance's position on social policy.

Social inclusion and its nemesis, social exclusion, are key concerns for a Third Way politics. A foundational policy concept for the British New Labour government, the term 'social exclusion' has also been used extensively by the European Union, the United Nations and the International Labour Organisation since the 1990s (Lister 1999; Briar 2000:22; Peace 2001:18). Social exclusion as a concept originally developed out of the French context in the 1970s in an attempt to reject traditional analyses of social problems in terms of structural cleavages, such as social class. It

was believed that social exclusion would allow the focus to be shifted more to the needs and demands of particular individuals and minority groups (Taylor-Gooby 2000:336). Social inclusion, the 'solution' for this exclusionary condition, is concerned with solidarity and the incorporation of citizens more successfully into society through social investment, active citizenship and community empowerment (see Briar 2000:23). Certainly, this was how it was presented as part of Labour-Alliance's social development approach when it was launched in June 2001 (see later discussion).

Genuine, social-democratic concerns with social justice were clearly behind this goal of social inclusion. However, Chapter Two highlighted the way in which social justice discourses have traditionally been founded on assumptions about the inseparability of nation and state. This close correlation between 'social' and 'national' was never questioned as Labour-Alliance applied the concept of social inclusion to Māori, which suggested that social inclusion simply constituted a 1990s version of national cohesion whereby calls for 'strategic exclusion' through parallel developing and power-sharing were marginalised.

Nevertheless, in continuing the double-edged sword motif used to describe Māori Affairs policy, it must be conceded that the focus on social inclusion provided a means by which to address some of the structural weaknesses evident in the government sector. In particular, five new reporting mechanisms were introduced to improve the capability of departmental systems and processes to track expenditure and effectiveness. These initiatives, which are outlined below, targeted several different levels of the government sector, but combined to form a 'whole of government' strategy.

ANNUAL REPORTS: 'EFFECTIVENESS IN CLOSING THE GAPS'

One of the first initiatives approved (in January 2000) required every government department, State Owned Enterprise and Crown entity to include a new

section entitled 'Effectiveness in Closing the Gaps' in its annual report (CCCTG 2000b:2-3). Departments were expected to outline their expenditure for Māori in 2000/1 and assess the effectiveness of this spending, focusing on key achievements and common themes for Māori and Pacific peoples. The plan was then for TPK and the Ministry of Pacific Affairs (MPIA), in consultation with the Treasury and the State Services Commission (SSC), to prepare aggregate annual reports on contributions across the government sector. These were to be provided to the Cabinet Committee on Closing the Gaps (GAP Committee) by 31 October each year to feed into the strategic phase of the next year's Budget and assist Labour-Alliance in its oversight of the CTG strategy (Audit Office 2000:39; OMF 2000:5).

On the advice of the Office of the Minister of Finance (OMF 2000:3), the 'Effectiveness of Closing the Gaps' section in annual reports allowed expenditure to be placed under three categories: that targeted solely at improving outcomes for Māori; that intended to improve outcomes for at-risk groups who were not specifically Māori; and other expenditure on Māori not covered by categories one and two. All departments were required to compare actual with budgeted expenses for at least the first two categories (OPM 2000:3).

This was the first time a Māori-specific reporting procedure had been implemented, so the degree to which agencies would be in a position to report accurately on the required information was unknown (OPM 2000:3). At first, it was expected all mainstream departments would measure how much of their general funding went to Māori. It was soon reported (NZPA 2000h:A9), however, that this was too expensive and difficult to accomplish. As a test of whether the benefits of collecting the information outweighed compliance costs, Votes Education, Health, Courts, Corrections, Work and Income, Social Services (later changed to Child, Youth and Family) and Housing were asked to provide information in respect to the third category. The GAP committee was then to consider future options after the Treasury had collated and submitted a paper to it by June 2000 (CCCTG 2000c:3; OPM 2000:3-4).

QUARTERLY REPORTING

In addition to the annual report requirements, departments also had to comply with new quarterly reporting requirements concerned with Māori outcomes. In July 2000, Prime Minister, Helen Clark, issued a 'monitoring template' for ministers to complete each quarter under the headings: Policy area? What outcome are we trying to achieve? Specific target? What are we doing? What specific progress have we achieved? (Tamihere 2001b:5-6). Sent to the Department of Prime Minister and Cabinet (DPMC) to collate, the reports were then passed over to TPK (and, as appropriate, the MPIA) to analyse as part of their monitoring function (Maharey 2001d).

CHIEF EXECUTIVE PERFORMANCE ACCOUNTABILITY

A third initiative aimed at improving accountability for the 'whole of government' involved a new expectation that departmental chief executives explicitly demonstrate how they had acted upon the government's policy objectives of improving outcomes for Māori. This was to be achieved through assessment of the development, evaluation and effectiveness of policies and programmes in each chief executive's department (CCCTG 2000b:2). Greater transparency and accountability to the state for departmental spending had been sought since the introduction of the 1989 Public Finance Act, which required chief executives of government departments to be directly responsible for outputs produced by their departments (Higgins 1998:3). But this was the first time that chief executives had become accountable for outcomes for Māori. TPK's role was expanded to include participation in the formulation and assessment of chief executive performance agreements, as well as providing feedback (OPM 2000:2).

TE PUNI KŌKIRI EFFECTIVENESS AUDITS

TPK was required to play an integral monitoring role in all three of the above initiatives, but a fourth measure saw Cabinet formalising TPK's mandate to monitor the mainstream by conferring upon it an effectiveness audit function and associated audit powers (OMMA 2000a:6). Mainstream agencies were still responsible for monitoring and evaluating their own programmes and services for Māori, but TPK was given the authority to conduct independent reviews assessing agency capacity and general service provision, as well as specific programmes. Nonetheless, the decision as to which audits were to be conducted came from the highest levels of the Labour-Alliance government (Davies 2001). The reviews tracked both tagged expenditure and strategic initiatives for Māori, measuring the effectiveness of government expenditure in improving outcomes for Māori (OPM 2000:5).

TPK's strengthened role was supported by extra capital funding of \$200,000 and increased operating funding (\$2.175 million in 2000/1 and over \$3 million for 2001/2 and 2002/3) to build the capacity of its effectiveness audit function (Samuels 2000). TPK was also restructured so as to reflect the renewed emphasis on monitoring, evaluation and effectiveness auditing. Thus, the Social Development Directorate was responsible for this function along with social policy advice, while the Economic Development Directorate concentrated on capacity building and the Māori Business Facilitation Service (NZHR 2001a:214).

TE PUNI KŌKIRI PURCHASE ADVICE ROLE

TPK's extra funding was also intended to help support a fifth initiative, the expansion of TPK's role in providing quality assurance for purchase advice. As of 14 February 2000, TPK filled a 'Treasury-like' function. The Treasury, as government's primary economic and financial advisor, has the authority to assess and test the advice and proposals of other agencies that have economic and financial implications. TPK, in gaining a similar (although less extensive) function, was thus able to provide specific advice on individual budget initiatives contained within the planned expenditure on Māori, for which all departments were required to provide information in their 2000 Budget returns (OPM 2000:6-7; Hollings 2001). This allowed a 'Māori perspective' to be offered on all aspects of the government sectors work and formalised a role that TPK had previously filled only informally and partially.

In combination, these five initiatives aimed to reorient the government sector so that its work was squarely focused on improving outcomes for Māori. In implementing the initiatives, Minister of Māori Affairs, Dover Samuels (2000), suggested they would act as a blueprint for the future, because "[w]ithout a map, policy initiatives risk becoming just a good intention". The following discussion explores the obstacles that stood in the way of designing such a 'map', despite the 'good intentions' of the Labour-Alliance government.

WEAKNESSES IN SOCIAL RESEARCH CAPACITY

One major impediment for the new focus on measuring government effectiveness for Māori related to the "low levels of investment in research and

evaluation in New Zealand". The Ministry of Social Policy's (MOSP 1999, Sect. 3:14) commentary on 'Supporting Families and Whānau' summed up:

Despite an increase in the resources going into programme evaluation there has not been a strong strategic approach to monitoring and evaluation of the government's interventions to support families and whānau. Policy is hampered by a lack of information about the effects of existing policies and programmes. Cost-effective approaches are required to generate better information about which programmes work and why. More generally, better information is needed about the best mix of regulation, public information, and delivery of programmes and services.

Such inadequacies existed in the wider area of social inequality and social exclusion (see MOSP 2001a, Overview:6; Newell 2001). For instance, there were no official measures of poverty or deprivation in Aotearoa New Zealand (New Zealand Government 2001:21). This section, however, focuses specifically on the weaknesses found in social research related to Māori.

First, the reliability and accuracy of Māori data collected by government departments was a major concern (see Gould 2000:117; C. Williams 2001:66;70). Up until the mid-1980s, Māori and other ethnic data were not considered politically important and in many cases were not collected. This situation improved during the 1990s, but confusion remained as to the way in which the term 'ethnicity' (and more specifically 'Māori') was or should be defined. The Ministry of Health (MOH 2001a:21) noted:

.... the official concept of ethnicity as self-identified cultural affiliation is not well understood or accepted by the general population, who tend to interpret ethnicity as biological race, natality (birthplace, country of origin) or nationality (country of long-term residence or citizenship).

Different understandings of 'ethnicity' resulted in inconsistent responses to 'ethnicity' questions, a problem compounded when Māori data were often collected through a third party. In the health sector, for example, Māori numbers were known to be heavily under-estimated by health workers, having long-term consequences on health funding and the targeting of programmes (see Broughton cited in T. Ross 2000:16; Reid, Robson and Jones 2001:5).

Accuracy in Māori data was also limited by the fact that, until recently, large studies failed to recruit adequate numbers of Māori to ensure equal explanatory power by ethnicity. The inflexibility of statistical information gathering methods and systems and the high cost of identifying small populations additionally acted against Māori-specific quantitative research being conducted. As a result, most Māori data came from surveys of the general population with an 'added on' Māori component (Mako 1998:40-41). Tracking changes to the Māori population over time was also difficult, due to the prevalence of one-off surveys that were not regularly updated and inconsistencies in Census questions relating to Māori ethnicity in the 1991 and 1996 Censuses (see MOH 2001a: 33-34; MOSP 2001b:12; Newell 2001). Potential improvements in the reliability and accuracy of Māori data were additionally constrained by Māori disagreement about how Māori ethnic identity should be defined, as well as who should collect information about Māori (Davies 2001).

A second major weakness found in government policy research stemmed from the limited capacity within many government departments for expert analyses of the statistical data available. There was a tendency for social research conducted within the government sector to focus on *describing* ethnic disparities, without attempting to identify their *causes* (see Ministry of Commerce 1998:1-4; Alexander 2000:1-2). Accurate causal identification is no easy task, for a number of variables may play a role in producing disparity. However, analyses within the government sector frequently considered only one of many possible variables at a time or, when variables were cross-tabulated, underlying factors such as gender, age, and qualifications that influence results were ignored. For example, Māori success and failure were often evaluated within the government sector via relative (rate ratio) measures alone, rather than combining them with absolute (rate difference) measures. This overlooked the fact that the external standard of comparison (non-Māori) is itself subject to variation (MOH 2001a:23; see OMMA 1998a:3-5). In particular, the socio-economic status of Pacific peoples is much closer to Māori than that of the Pākehā (European-descended)

or Asian peoples who are also included in the 'non-Māori' category (see Statistics NZ 2001a:90; 2001b:63-71).

The late 1990s saw increasing recognition of the need for more sophisticated analyses (see MOSP 1999, Introduction:6; TPK 1999a:66). But limited resources, short-term bureaucratic and electoral timeframes and disagreement amongst Māori on this issue continued to inhibit the ability of some government departments to produce quality social research (see Gould 2000:117; Davies 2001; Newell 2001). In consequence, there was no doubt that Māori, as a group, were disproportionately disadvantaged. But a dearth of reliable information meant that there was uncertainty as to the strength of *ethnicity* in causing the disparities between Māori and non-Māori relative to other causal factors (such as class or geographical location). Policy was thus consequently founded more upon political values than "systematic, scientific, rigorous research and assessment" (McKegg 2001:22). This left the government sector open to criticism from the Opposition, statistical experts and Māori, as Labour-Alliance found.

LABOUR-ALLIANCE RESPONSE: SETTING SYSTEMS AND PROCESSES IN PLACE

The five effectiveness initiatives employed by Labour-Alliance cannot be said to have specifically addressed the methodological issues of unreliable statistical data relating to Māori and the unsophisticated methods through which they were analysed. For example, there were no direct attempts to increase the reliability and accuracy of Māori data, despite their obvious relevance to measuring the effectiveness of government performance for Māori. Nor did Labour-Alliance encourage explicit, informed debate about whether internal indicators should be measured in unison with external indicators.

Avoiding the complexities of measuring Māori disparity

This lack of willingness to engage with the complexities that measuring Māori disparity involved was evident even when Simon Chapple (2000), a Department of Labour economist, published a report strongly critical of the 'ethnic' focus of CTG. While clearly influenced by a particular personal standpoint, Chapple correctly identified the tendency of government departments to predominantly use external indicators of comparison when analysing disparity issues, resulting in the diversity contained within the 'Māori' and 'non-Māori' groups being under-estimated (see Durie 1998a:92). Since 1991, the Census has allowed Māori individuals to identify themselves as of 'sole' or 'mixed Māori' ethnicity or as only having 'Māori ancestry'. Chapple (2000:4) argued that results from recent Censuses highlighted that "many individuals implicitly reject the common binary ethnic classifications and perceptions that underpin the standard disparity analysis and official ethnicity measures".

The debate that ensued (see EPMHRC 2000; Alexander 2001; Gould 2001; MOH 2001b; Reid, Robson and Jones 2001; Baehler 2002) suggested that Chapple's (2000:9-10) focus on internal standards alone was also not enough to provide a well-rounded analysis of Māori issues. When a statistical analysis relies on the 'total' Māori population (that is a combination of 'sole' and 'mixed'), as commonly occurred within the government sector, the 'gaps' between Māori and non-Māori are likely to be over-estimated. This is because 'sole' Māori are more likely to be distributed among the more deprived deciles than 'mixed' Māori. Yet, when the 'sole' Māori category is used alone, figures are under-estimated. Ideally, 'sole', 'mixed' and 'total' Māori categories should be combined to show the 'bigger picture', starting with the simplest ('total') and gradually moving on to more complex and detailed ('sole' and 'mixed') analyses, because reliance on either external or internal indicators can favour one interpretation of the disparity issue (see Chapple 2000:9-10; MOH 2001b:26; Reid, Robson and Jones 2001:2). MOH (2001a:24) asserted that combining these categories would avoid very

simple 'on average' conclusions being made in an area where considerable complexity exists.

Debate about the way in which ethnicity and disparity should be measured was not new and had been apparent in a less public way in the dialogue that surrounded the publication of the first *Closing the Gaps* report in 1998 (see Secretary of Labour 1998:1-12; TPK 1998d:1-2). However, Chapple (2000) brought attention to the fact that a major rethinking of these issues was long overdue, at least in the case of Māori ethnicity (his emphasis on internal standards did not extend to the 'non-Māori' group). Instead of engaging with the issues exposed, Labour-Alliance government went on the defensive over Chapple's (2000) report. Robert Alexander (2000:1-2), a University of Otago economist, was brought before the Māori Affairs Select Committee to provide support for TPK's analyses of disparity in the 2000 *Closing the Gaps* report. He did so, but also publicly articulated concerns about statistical research in Aotearoa New Zealand, particularly that conducted by the government sector. His and Chapple's arguments provided fodder for the Opposition's political purposes, but Labour-Alliance avoided engaging with the issues behind their statements by simply abandoning the CTG slogan and thus diverting the public focus away from Māori issues (see Baehler 2002:27-29).

It must be conceded that the role of any political leadership is to provide general direction and guidance, rather than get bogged down in the everyday, practical issues of its departments. As noted earlier, directives from the highest levels of the Labour-Alliance government required departments and their leaders to take part in new reporting and monitoring procedures. Dover Samuels, then Minister of Māori Affairs, indicated in a paper to the GAP Committee that the effectiveness initiatives would not only send "a strong and clear message" (OMMA 2000a:2) about the seriousness of the Labour-Alliance's 'commitment' to Māori, but would also result in departments "lifting their game" (OMMA 2000a:7) in the collection of evaluation information about Māori. There was some question as to whether departments would be able to provide the depth of understanding required by Labour-Alliance. But it was

thought that the initiatives would at least improve departmental capacity, including, one would assume, their ability to collect reliable statistical information and then analyse it through appropriately sophisticated means (see OMMA 2000a:7).

The political Opposition (e.g. Peters 2001; Prebble 2001; Te Heuheu 2001), however, brought to the public's attention that Labour-Alliance might not be as committed to the effectiveness goal as its rhetoric indicated. Even the Māori Affairs Select Committee (2001) questioned the actual existence and frequency of such reporting and the speed at which benchmarks (outcome indicators) were being developed to measure effectiveness for Māori (see Tamihere 2001b). Labour-Alliance was accused of purposely withholding the release of information and of failing to set quantifiable targets so that the average person could judge the merits of specific policy objectives. In this way, journalist Bob Edlin (2000) suggested that "[s]uccess is what the government claims it to be", rather than something that could be quantitatively measured and assessed.

Governments in the past *have* delayed or obstructed the release of politically dangerous information. For example, Ngātata Love (2001), former Chief Executive of TPK, has claimed that the first *Closing the Gaps* report in 1998 was withheld by the National-led coalition for some weeks because it demonstrated government's failure to reduce disparities. Certainly, the fact that compliance costs for all the new reporting procedures (except TPK's effectiveness audits) had to be met within current baselines did not aid their implementation. However, TPK official Lisa Davies (2001) suggested that it is unlikely Labour-Alliance would have made such a strong commitment to monitoring and evaluation if it had no intention of releasing material. In addition, government officials tend to be experts at reporting results in the most favourable light. Journalist Anthony Hubbard (2001:C1) has indicated, therefore, that making chief executives more accountable by threatening their employment simply made them less likely to tell their ministers unpalatable truths.

Confusion about reporting procedures

The Māori Affairs Select Committee's inquiry into the auditing and monitoring of CTG programmes in December 2000 *did*, nevertheless, highlight that the way in which some of the initiatives had been implemented was problematic. This appeared to belie the strength of the Labour-Alliance government's political 'commitment' to improving outcomes for Māori and to social inclusion more generally. While it is understandable that Labour-Alliance wished to move quickly in 'refocusing' the government sector, decisions were often made without full consideration of the potential difficulties trying to measure effectiveness for Māori involved (see OMMA 2000a:5-6). There was additionally "an overly casual flow of information between the closing the gaps committee and state sector agencies" which relied only on oral briefings by DPMC officials to department staff after Cabinet committee meetings (Tamihere 2001b:5). In particular, TPK officials reported that uncertainty existed across the government sector as to the frequency of quarterly reports (which changed to a monthly or six-weekly timeframe in February 2001) and their continued necessity following the abandonment of the CTG slogan.

Such confusion and the lack of clear guidelines in regards to reporting procedures held major implications for the success of the effectiveness goal. For instance, when assessing a selection of annual reports, the Audit Office (2000:37;42) found great diversity in the level of adherence to the reporting framework and the nature of the information provided. Some of these discrepancies were the result of structural inconsistencies (such as the way in which departments fund, and are funded for, Māori initiatives and difficulties correlating outcomes, output classes and spending on Māori) and were important to identify if the effectiveness goal was to be achieved.

Other inconsistencies stemmed from a lack of comprehensive guidelines as to the nature of the effectiveness and expenditure reporting required. When departments consequently had difficulty measuring their funding for categories two and three, some

estimated budgeted and actual expenditure for Māori as fifteen per cent of their total (based on Māori constituting approximately fifteen per cent of population). This did not account for the disproportionate service usage levels of Māori. Likewise, some departments reported on the effectiveness of achieving outputs and Māori participation in *programmes*, rather than evidence of their effectiveness in 'closing the gaps' (Audit Office 2000:42;45).

While the Audit Office (2000:44) noted that departments made a creditable effort to provide information, the production of an aggregate report across all departments was virtually impossible. Steve Maharey (2001b) indicated that this *was* a first attempt at tracking effectiveness and some inconsistencies were expected, particularly when the development of robust monitoring and evaluation tools requires time and investment and many departments were starting from scratch. Nevertheless, a lack of guidance and haste in completing this task reduced the value of the annual report results and thus hindered the achievement of the effectiveness goal.

In summary, this section has argued that there were major methodological weaknesses within the government sector that stood in the way of improving outcomes for Māori. Labour-Alliance did not deal with these issues specifically, but the effectiveness initiatives it implemented held the potential to establish the structural processes and systems necessary to encourage better quality statistical data and analyses for Māori. By 2001, the newly formed Ministry of Social Development (MSD) had placed a strong emphasis on longitudinal research as a foundation for 'evidence-based' social policy, leading a Social Policy Evaluation and Research Committee to oversee this research programme, as well as a Knowledge Base for Social Policy Project aiming to upgrade the production and dissemination of the knowledge necessary to underpin social policy advice (Maharey 2001e:2; MSD 2002, Pt. 1, Overview:7; Pt. 2, Chap. 2:4). These moves suggest that 'improving effectiveness' remained a key priority for Labour-Alliance generally.

Government sector inexperience in, and poor capacity for, this kind of work was a major hindrance to the new reporting procedures being implemented. But the

Labour-Alliance government itself also appeared to contradict the political 'commitment' it had made to the effectiveness goal. A proliferation of initiatives occurred as Labour-Alliance rushed the effectiveness initiatives through the Cabinet process without communicating clearly its expectations to departments or giving due consideration to potential difficulties ahead, including the appropriateness of applying the principle of social inclusion to Māori. Policy proliferation did not necessarily provide a 'map' to fill the policy vacuum that existed in relation to collecting, measuring and analysing Māori data. Nevertheless, it cannot be denied that the effectiveness initiatives took the government sector a first step towards improving its performance for Māori by obligating departments to consider the effectiveness of its work. Over time, such a move held the potential for improvements in the quality of statistical research and analyses found within the government sector.

RESISTANCE TO A MĀORI DIMENSION TO POLICY

The second obstacle facing Labour-Alliance's goal relating to effectiveness for Māori was the general lack of understanding of – or support for – a Māori dimension to policy in government departments outside TPK and small pockets of expert knowledge in other agencies. Throughout the 1990s, there had been growing calls for Māori research to not only be conducted by Māori, but to have a 'Māori analysis' applied to the data. A Māori or Treaty analysis involves a critical exploration of existing power structures and societal inequalities within a culturally appropriate framework (see Bishop 1996:12; Pihama 1996:109; Cunningham 1998:399; TPK 1999c:36).

Proponents of such an analysis (e.g. Jackson 1995; Reid, Robson and Jones 2001) have argued that an historical focus is necessary to take into account the

colonial basis of socio-economic disparities. Alongside this analysis of the present effects and extent of discrimination that Māori experience, it is also necessary to move away from deficit-model understandings of disparities that 'blame the victim'. This involves situating Māori issues within a Treaty framework, for the intersecting relationship between multiple variables in causing Māori disadvantage suggests that a "social justice approach to inequality may prove to be insufficient to address Māori disadvantage" (MOH 2001a:25). Some type of Treaty quality assurance audit, like those that had become common in tertiary institutions, was considered one way of assessing and improving the analytical capacity of government departments from a Treaty perspective (see Walker 2001b).

Chapter Two noted how official acceptance of a bicultural element to the government sector had developed through the 1980s and 1990s. However, Love (2001) recalled that when he entered the public service from academia in the mid-1990s, there remained "a *huge* resistance to Māori taking a strong stance on things within the public sector I mean, you can't, *can't* underestimate that culture of not understanding". Capacity varied between different agencies, but this context had not changed dramatically by 1999 when Labour-Alliance was elected. Love (2001) stated that there continued to be a "total lack of appreciation of the Māori dimension within the public sector generally, particularly in the areas like Treasury". Love's comments must be taken in the context of his positioning as Chief Executive of government's Māori-specific agency, but his account is backed up by other sources both inside (Tauri 2001) and outside (C.Williams 2001) TPK.

Clearly, TPK was further ahead than other government agencies in evolving Māori/Treaty policy analysis functions and the agency should have been a leader in transforming the government sector's generally poor understanding of a Māori dimension. There are two main reasons why this ideal was not achieved. First, commentators from outside TPK (see Newell 2001; Poata-Smith 2001) have suggested that the agency's own organisational capacity was weak. In the main, this was due to a high turnover of staff because capable Māori were in demand by mainstream

departments requiring Māori representation or opinion. The loss of talented and committed senior staff due to such 'poaching' (as well as internal management struggles within the agency during 1999) resulted in a weakening of institutional memory and organisational capability. TPK's own ability to complete robust research and deal with the increasingly complex and contested issues that confronted it was thus compromised. This comment was made not only from Richard Prebble (2001), a member of the Opposition, but also a social scientist involved in contract work with TPK (Newell 2001).

In addition, lack of support from mainstream departments had also weakened TPK's policy advice role. For example, Love (2001) has indicated that Māori units or analysts within mainstream departments were frequently used as "buffer Māori systems" to avoid having to take heed of TPK's advice in Māori issues. Such resident Māori 'experts' (often young graduates lacking the level of expertise and bureaucratic rank required) were naturally compelled to view policy from the perspective of the agency that employed them, rather than defend the question 'what is best for Māori development?' (Love 2001; Walker 2001b). As mainstream agendas often clashed with those of TPK, departments did not see it as in their interests to support the agency's advice:

So, Education were very reluctant to accept things, Conservation didn't feel we should be intruding, Treasury saw it as costing, the Office of the Prime Minister looked at the political risk, State Services Commission saw it as 'how do we avoid in a sense creating an upheaval in amongst the broader government sector' (Love 2001).

TPK's positioning as a specialist agency, which allowed it to develop the kind of analyses that were most likely to benefit Māori, thus paradoxically placed limitations on its capacity to advocate for Māori development goals.

The agency's poor image, poor leadership and circumscribed practical authority resulted in its monitoring and evaluation role, which was bestowed by statute in 1982, never being realised until the mid-1990s (see NZHR 1995:157; Love 2001). When monitoring *was* implemented, lengthy delays were common at all stages of evaluation

projects because TPK had to negotiate with, and get the agreement of, mainstream agencies it wished to evaluate. Difficulties were also experienced in accessing all the information required and when mainstream agencies disagreed with TPK's assessment of them. TPK's monitoring role thus could not be considered full and independent and, by 1999, TPK's reputation for monitoring and evaluation was poor (see (OPM 2000:6; Newell 2001; Prebble 2001). Michael Wintringham, head of the SSC, was consequently reported (Brockett 2000b:2) to have had serious doubts as to whether TPK could deliver on its CTG responsibilities and whether the agency's management structure could deliver the requested outcomes for the CTG programme.

LABOUR-ALLIANCE RESPONSE: SUPPORTING AND STRENGTHENING TE PUNI KŌKIRI

The Labour-Alliance government recognised TPK's difficult position and poor organisational capacity, addressing these problems in two ways. First, Labour-Alliance used its authority to support TPK's role in promoting a Māori dimension in the government sector and the policy it formulated. Top-level direction was given to the CTG strategy, while departments and their leaders were required to demonstrate what they were doing to improve outcomes for Māori. There is some doubt, however, as to whether such 'accountability' for Māori outcomes is really possible in what former Secretary for Māori Affairs Kara Puketapu (2001) called the "sausage machine" of government bureaucracy. This is because delegation of authority at numerous levels makes it difficult to actually pinpoint where decisions are made (see Chapter Six).

In addition, Labour-Alliance's request that all departments respond to *He Pūtahitanga Hōu* (Labour Party 1999a), by considering how the ideas contained within it related to their current work, produced very uneven responses. The request did result in departments being obligated to at least consider Māori issues on a regular

basis as a result of the effectiveness initiatives, but it did not necessarily produce good quality analyses. The Audit Office's (2000:41-44) report illustrated the mixed quality of reporting procedures on effectiveness for Māori, stating that three of twelve agencies surveyed provided no information at all in this section.

Second, the Labour-led coalition strengthened the capacity of TPK. As noted earlier, TPK received extra funding to provide a quality assurance role for every departmental budget bid and purchase agreement. This meant that all current and potential mainstream initiatives were assessed from a 'Māori perspective' and Cabinet was given guidance as to their likely effectiveness for Māori. Senior TPK policy analyst Juan Tauri (2001) has suggested that Labour-Alliance's focus on developing cross-sectoral relationships actually gave high-level mainstream managers an opportunity to 'calm down' TPK's criticism of their departments in the name of 'peace-keeping'. However, TPK's advice was immediately given greater standing within the government sector through its new role in monitoring the purchase advice of other departments.

In addition, the new effectiveness audits gave TPK far greater independence in its monitoring and evaluation role, allowing the agency to assess the actual effectiveness of departments for Māori, rather than just audit their processes and systems (OPM 2000:6; Davies 2001). To overcome the lack of cooperation demonstrated by mainstream departments, Cabinet itself directed agencies to assist TPK with particular audits and provide free access to all relevant information. Departments were also offered the opportunity to correct only errors of fact and identify issues of disagreement with TPK judgments, rather than demand a complete rewrite, before the final reports were tabled directly to Cabinet by the Minister of Māori Affairs (OPM 2000:6).

Mixed motivations behind support for a Māori dimension

Under these new arrangements regarding TPK's functions, senior members of Labour-Alliance maintained considerable control over the effectiveness audit process,

for Cabinet held the right to veto TPK's potential choices for audit (see OPM 2000:4). Strong executive control was, in fact, an over-riding feature of the CTG strategy, as it was of Blair's New Labour and other Third Way governments generally (Thomson 2000:142). Labour-Alliance claimed that this centralised, top-level control was a demonstration of its 'commitment' to Māori. Alternatively, a 'hands-on' approach may have reflected continued concerns about TPK's capacity or, more cynically, the desire of individual ministers or Cabinet to promote the Māori issues they were more comfortable with, while containing those that caused discomfort. The latter argument could explain delays in amending the Ministry of Māori Development Act 1991 to authorise TPK's information-gathering powers when conducting effectiveness audits (Tamihere 2001b:10), which suggested, as the OMMA (2000a:9) had feared, "a commitment of lesser duration and significance than that portrayed by the Government".

It is likely that all of these explanations hold an element of truth. While the intentions of at least some members of the Labour-Alliance government were genuine, the initiatives never held the capacity to overcome long-standing resistance to, and acceptance of, a Māori dimension within the government sector. For example, departmental chief executives were expected to develop and provide for assessment a policy statement setting out how the Treaty of Waitangi informed the business of their department (OMSS 2000:3). But there was no move to directly audit departmental compliance against Treaty principles, provisions or articles, nor did Labour-Alliance place focus on developing a cross-sectoral Treaty policy framework (Walker 2001b; see Chapter Eight). Caution due to the political volatility of initiatives for Māori was probably the major reason for this. But it is likely that Labour-Alliance's own weak analysis of Treaty issues, which haphazardly placed the Treaty within a traditional disparity discourse without considering the conceptual implications, also played a role.

In addition, attempts to strengthen TPK's capacity may have been subverted by simultaneous moves to restructure the agency, creating the Social Development and Economic Development Directorates (NZHR 2001a: 214). While it is too early to judge

the success of the new internal structure, there have been questions about its necessity (e.g. Love 2001) and timing (e.g. Hollings 2001). Social scientist James Newell (2001) indicated that the upheaval of restructuring certainly distracted TPK from policy issues and full participation in the debates surrounding CTG, particularly in responding to the criticism of TPK's analysis of Māori statistical data made within the Chapple (2000) report.

This section has demonstrated that poor understanding of a Māori dimension to policy was prevalent in government departments prior to Labour-Alliance's election in 1999. While it is difficult to argue that Labour-Alliance's effectiveness initiatives radically changed this situation, they did, once again, attempt to move in the right direction. The initiatives themselves demonstrated weaknesses, but they succeeded in obligating government departments to at least consider Māori on a regular basis and thus enhanced the likelihood of less resistance and greater acceptance of the necessity of a Māori dimension to policy in the future. However, Labour-Alliance support for a Māori dimension was always about the *modification*, rather than *transformation*, of existing state institutions. Restricted by broader agendas relating to social inclusion, social development and, ultimately, national cohesion, meant that the prevalence of a Māori dimension within the government sector remained subject to Labour-Alliance's terms and ongoing good will.

POOR CAPACITY FOR AN OUTCOMES-BASED APPROACH

The government sector's poor capacity for developing and evaluating outcome indicators, both generally and specifically for Māori, was a third major obstacle encountered by the Labour-Alliance government. It must be noted that any shift to a

focus on outcomes is inherently complex. Distinctions between causes and outcomes are not always clear, for indicators that are 'outcomes' in one area may be 'causes' in another. It is also possible for there to be significant interconnection between outcomes because many indicators relate to more than one desired outcome, yet often have to be placed in one category or another (MOSP 2001b:11). Lisa Davies (2001), a TPK General Manager, noted that: "the state sector is grappling *worldwide* with: 'How do you get outcomes information? How do you get information that is beyond the straight statistical stuff? How do you get more quality with information?'. Thus, the difficulties Aotearoa New Zealand demonstrated in shifting the focus to outcomes were "part of a *bigger* issue" (Davies 2001).

Nevertheless, fifteen years of an Aotearoa New Zealand-brand of neo-liberalism had also reduced the government sector's capacity to work from an outcomes-based approach. Governments from the late 1980s pledged greater responsiveness to Māori, through expansion of the monitoring role of TPK (and prior to that, Manatū Māori) and improvement in the quality of ethnic indicators and data (see OMMA 1988b; MPG 1991; Cabinet 1995). But such responsiveness was mostly focused on 'output' delivery – that is the *services* provided by the government sector for Māori – rather than evaluation of the *outcomes* that such services produced. This allowed targets or benchmarks of success to be measured within very short timeframes, but did little to indicate whether a programme or policy was effective, something that might take ten or fifteen years, possibly a generation, to accurately assess (see C.Williams 2001:77-78; T.Williams 2001). By the late 1990s, recognition of the inadequacy of this approach and the need to focus on outcomes was slowly evolving (see TPK 1998e; 1998f), but remained hindered by a lack of departmental capacity and political will.

Māori criticism (see Durie 1998a:91) relating to this focus on outputs was concerned with several issues. First, outputs-based indicators ignore outcomes relating to Māori culture and identity. For example, key indicators of economic status – such as business activity, income, employment and housing – do not account for the collective economic status of whānau (extended family), hapū and iwi. Nor do they take

note of the culturally significant relationships between individuals and hapū/iwi or other Māori groups (Kawharu 2001:3-4). Projects such as 'Te Hoe Nuku Roa', a longitudinal study in progress at Massey University, illustrate that it is possible to develop indicators that take into account the importance of cultural factors on the well-being of Māori communities, but the government sector appeared both unwilling and unable to incorporate such factors into its own work (Durie 1995b:464; Durie 1998a:58-9; Bishop and Glynn 1999:71).

In addition, Māori (e.g. Kawharu 2001:3-4) argued that an outputs focus remains concerned with comparing Māori against non-Māori 'norms' and does not fully account for Māori experience and Māori goals for their own development. Poata-Smith (2001) has noted:

I think a lot of Māori believe that we're on a journey to self-determination, but there's no sort of yardstick of that, you can't measure that against anybody else, it's about going from A to B ... rather than try to 'close the gaps' between another sort of community and our community.

As a result, there was a call for those at the 'coal face' to define and measure indicators for success, as best suited each community (Mariu 2001). At the very least, Māori argued, any discussion of outcomes and government effectiveness for Māori should allow "Māori [to] participate in the decision about what kind of measure is used" (T. Williams 2001; see Kawharu 2001:2). However, agreement about this issue, upon which a partnership relationship between Māori and the state could be based, did not exist under National-led governments in the 1990s.

LABOUR-ALLIANCE RESPONSE: PRIORITISING OUTCOMES

"Restoring trust in government" (Cullen 2000a:D4), and thus enhancing the state's legitimacy through greater accountability, was a major goal for Labour-Alliance.

It recognised that political u-turns made by the Fourth Labour government in the 1980s, along with the trouble-ridden coalition between National and New Zealand First in the late 1990s, had destroyed public faith in the state. For a social-democratic government that proclaimed itself to be committed to social justice and social inclusion, a sole emphasis on outputs was thus no longer considered adequate.

Labour-Alliance's effectiveness initiatives consequently aimed to move the government sector into an outcomes-based framework of reporting that reflected the coalition government's broader desire to develop evidence-based social policy built on initiatives proven to be successful in 'closing the gaps' or 'reducing inequalities'. There remained a concern with outputs, however, and the way in which effectiveness was defined often suggested that the goal was to get 'value for money' with Māori policy and programmes, rather than focus on their success at reducing disparities (see OMMA 2000a:3-4). It is argued that the Labour-Alliance ministers involved appear to have *intended* to transform the government sector's mindset to focus on outcomes. Yet, they once again it found themselves being able to only *begin* the process envisaged.

Inexperience with outcomes-based approach

Any shift from an outputs-based to an outcomes-based approach is fraught with difficulty and this was certainly the case in Aotearoa New Zealand. In particular, Labour-Alliance found that the government sector's inexperience with an outcomes-based approach slowed the process of outcome indicator development. The way in which the Māori Affairs Select Committee placed considerable pressure on the government sector to define its outcome measures or benchmarks, questioning whether any such outcome measures had been defined at all, has already been discussed. The Committee quite rightly asserted that without outcome targets, TPK could not monitor the performance of government departments nor the effectiveness of the CTG strategy (NZHR 2001a:216). Rather, TPK could only provide an indication of

the soundness and responsiveness of agencies' processes, from which it would have to judge their effectiveness in delivering services to Māori (Tamihere 2001b:6).

Better guidelines for departments and extra funding for the new compliance costs and the recruitment of skilled people, along with taking notice of cautions about the difficulties of implementing an outcomes-based approach, would have improved government's performance and credibility in establishing the outcomes-based approach. For example, the SSC had warned that the evaluation of causal links between outputs and outcomes would be difficult, due to "the number of exogenous factors that may contribute to outcomes" (OMMA 2000a:7). Yet, the initiatives went ahead with no clarification of such issues for participating departments, which TPK official Juan Tauri (2001) suggested allowed them to effectively not bother monitoring because results would be dubious anyway.

As a consequence, Opposition members of the Māori Affairs Select Committee were able to gain political mileage by using the Audit Office's (2000:44) report to accuse TPK of being incapable of monitoring the CTG strategy. This was because the report suggested that TPK (and other agencies, although this fact was glossed over) would be unable to measure the effectiveness of its policy advice (Audit Office 2000; Love cited in TPK 2001b:3). Yet, a prior analysis would have made it clear that establishing links between policy advice and outcomes is very difficult. This is particularly so when agencies like TPK do not deliver the majority of the programmes they provide advice on (Owen cited in Venter 2000c:2) and when they have little or no control over whether their advice is taken into account when decisions are made by other agencies or Cabinet (NZHR 2001a:216). It is again argued that the space for such controversies resulted more from the rush to implement the effectiveness initiatives and the government sector's poor capacity for change, than, as the Committee implied, political manipulation by the Labour-Alliance coalition.

Lack of Māori input in defining outcomes

A more significant flaw contained within Labour-Alliance's initiatives was the failure to pay serious attention to the desires of Māori to be involved in, and in control of, the process of defining Māori outcomes. As MOSP (2001b:8) acknowledged, outcome indicators reflect "explicit value judgments about what quality of life means, and about the characteristics of society considered desirable". Account of Māori cultural values was taken by the agencies with some comprehension of the need to incorporate a Māori dimension in policy (e.g. TPK 1999c). But the active development of culturally appropriate outcome indicators *for Māori by Māori* was not part of Labour-Alliance's implementation plan. In particular, there was no challenge to the assumption that measures of individual socio-economic status reflecting liberal principles of equality and social justice are the best means to assess outcomes for Māori.

In the short-term, these limitations may have been the result of a desire to avoid further complicating the already difficult process of establishing an outcomes-based approach to the government sector's work or the provocation of a backlash against Labour-Alliance and Māori. It could be argued that this was only a *first* phase in the broader process of improving outcomes for Māori, with appropriate stakeholder values and input to be included as the government sector became more experienced and the outcomes-based approach became embedded in the bureaucratic structures. Yet, Māori values and input should never be regarded as 'add-ons'. Rather, to achieve a 'closing of the gaps' – whether socio-economic, cultural or political – it is essential that Māori be involved right from the initial stages of planning through to the implementation stages of any government initiative for Māori.

Such Māori involvement would have seriously challenged the dominance of socio-economic factors in measuring outcomes and, as a consequence, the ideological foundations of the Labour-Alliance coalition itself. Key members of the Labour-led government, most notably the Prime Minister, Helen Clark, were only reconciled with

Māori demands if they were framed by a disparity discourse that positioned Māori as facing 'injustice' because they suffered disproportionately from socio-economic disadvantage. As a result, the Labour-Alliance coalition avoided having to directly address the obvious contestation that existed around the definition of disparities and their causes (see Chapter Four), as well as the tension between the goal of national cohesion (through social inclusion) and support for Māori calls for self-determination. It dropped the 'CTG' slogan, rebranded the strategy as 'reducing inequalities' and largely escaped having to clearly identify the 'problem' it was aiming to solve (see Knutson 1998:31).

Within this context, it is clear that the goal of 'improved outcomes for Māori' was limited by the government sector's desire to continue controlling how those outcomes should be defined. It also provoked questions as to whether the effectiveness initiatives developed under CTG needed to be supplemented with information on 'improving outcomes for lower socio-economic non-Māori' (Tamihere 2001b:4). Such a move, however, would have had little effect on the conceptual foundations of the strategy because it regarded Māori only as one of many target groups in a general drive towards social inclusion.

INEXPERIENCE WITH STRATEGIC SOCIAL POLICY

The government sector's inexperience in developing strategic vision in social policy was a final major weakness that confronted the Labour-Alliance coalition. Labour-Alliance's Minister of Social Services and Employment, Steve Maharey (2001b), indicated that neo-liberal agendas pursued through the 1980s and 1990s had encouraged an environment in which "social policy became the kind of servant of deregulation", rather than a major developmental area in its own right. The National-

New Zealand First government transformed the Social Policy Agency (which was part of the Department of Social Welfare) into a stand-alone Ministry of Social Policy in October 1999 in the context of growing recognition that strengthening inequalities within Aotearoa New Zealand required effective social policy. But, according to Maharey (2001a), there was no longer any infrastructure for longitudinal research in social policy areas.

As a result, concern about the lack of strategic vision in social policy was a strong theme in MOSP's *Post Election Briefing Papers* (1999, Sect. 9:7). It was noted that policy across all sectors tended to be crisis-driven in its focus and hampered by short-term perspectives that emphasised costs, rather than investment in long-term outcomes. In particular, strategic vision was impeded by three main weaknesses across the government sector:

The first was a general lack of information, particularly monitoring and evaluation. Discussion in this chapter has already highlighted weaknesses in government capacity for conducting social research relating to Māori. However, an overriding theme in MOSP's (1999, Sect. 2:6) *Post Election Briefing Papers* was the urgent need for better quality and a greater quantity of research and evaluation across the whole government sector.

In addition, short-term purchase agreement (quarterly), Budget (yearly) and parliamentary term (three-yearly) cycles dominated departmental decision-making (MOSP 1999, Sect. 12:6; C.Williams 2001:62). Budget and purchase cycles tied up funding months in advance and encouraged the development of short-term indicators, making it difficult to think strategically about the future (Newell 2001). Changes in political leadership of government every three years, with corresponding shifts in policy emphasis, also hindered long-term vision, although differing opinions exist (e.g. Davies 2001; Kawharu 2001) as to how much influence such political manipulation has on the strategic planning of individual departments.

A lack of cross-sectoral coordination and cooperation also impeded strategic vision in the government sector. Recent years had seen some government departments

take part in initiatives (for example, the Strengthening Families strategy) involving cross-sectoral cooperation, with different degrees of success. But varied interests and priorities, along with what Maharey (2001f:8) called a “silo mentality”, often made the coordination and collaboration of such initiatives difficult within the government sector. As a TPK official noted: “Agencies are very good at delivering programmes, but in terms of working together, that’s another story, because we’re all busy delivering our own programmes, rather than collaborating”. TPK, in particular, had been side-lined from many cross-sectoral fora and was increasingly vocal in its wish for the mainstream to “make room at their table for TPK” (OMMA 1998b:2).

In short, poor organisational capacity and weak cross-sectoral cooperation meant that the bureaucratic context of 1999 was, according to Maharey (2001f:8), one that lacked “anything approaching a meaningful strategic social policy capability”. Given the natural tendency of politicians to criticise previous governments, Maharey’s comments must not be taken as conclusive. However, he suggests that even though civil servants themselves were talented, they lacked commitment to the ideas they worked with, for there were few broad social policies that were so well embedded within the bureaucracy that they could not be significantly changed by political whim. As a result, they “hadn’t done a lot of strategic policy for a long time, they’d turn out their little items of policy” and “it certainly took a long time to wring it [strategic vision] out of them” (Maharey 2001b). In fact, Hubbard (2001:C1) has reported that the reliance on a market model had led to increasing numbers of consultants being employed at huge cost to complete work departments did not have the time or skills to do themselves.

In consequence, longitudinal planning for improving Māori outcomes was more likely to come from well-developed Māori organisations (see Puketapu 2001) and experienced private research consultants (see Newell 2001) than government departments. It appears that a shift was in process, with growing recognition of the need for strategic social policy under the National-New Zealand First government. But a lack of ministerial involvement and tight control over the selection of research and its

release made it difficult for agencies to evaluate where the real 'problem' areas and 'solutions' lay (Newell 2001; see MOSP 1999, Sect. 9:8).

LABOUR-ALLIANCE RESPONSE: ESTABLISHING AN ENVIRONMENT CONDUCTIVE TO STRATEGIC VISION

Maharey (2001b) has suggested that, unlike its predecessor, the social-democratic Labour-Alliance coalition government enjoyed the luxury of support across a broad political spectrum, as well as a clear majority. This gave his government certain freedoms in policy direction, enabling Labour-Alliance to situate the development of strategic social policy as a key priority. The emphasis placed on CTG itself is an example of willingness to position social policy issues at the top of the agenda. Although a TPK official I interviewed questioned whether any of the programmes incorporated under this strategy could really be regarded as demonstrating strategic vision, the emphasis on improving monitoring and evaluation of Māori outcomes certainly offered something upon which to base strategic thinking. Within this new environment, even the Treasury (2001) began to take notice of social policy and its importance in relation to economic policy (see Hollings 2001; Laugesen and Maling 2001).

Building social policy capacity

Weaknesses within MOSP were addressed through restructuring. Plans for MOSP to be integrated back into the Department of Work and Income (WINZ, formally the Department of Social Welfare) to form MSD were announced in April 2001 and implemented in October that year (Longmore and Berry 2001:3; MSD 2002, Pt. 1, Overview:1). In preparation for this change, a new strategic policy unit was

established to deal with longer-term issues, while policy units within WINZ and the Department of Child, Youth and Family Services (CYF) were developed to focus on short-term policy agendas. Senior managers were also given specific responsibilities in the area of strategic social policy to help identify and provide clear definition of key social problems, their causes and desired outcomes, as well as to develop wider inter-agency collaboration, cooperation and recognition of linkages between problems within different sectors.

The Labour-Alliance government also strengthened the status of MOSP by giving it greater powers, just as it had done with TPK. MOSP began to fulfill a more comprehensive 'Social Treasury' role. All Cabinet papers going through Maharey's office thus received comments on 'the social exclusion issue' (MOSP 1999, Sect. 9:7; NZHR 2000:409-408). In addition, MOSP played a key part on the Official's Group on CTG, with Maharey an important figure on the Cabinet GAP Committee and chairperson when it was integrated into the Social Equity Committee. MOSP also participated in other cross-sectoral committees established under Labour-Alliance in an effort to integrate social policy into all aspects of the government sector.

While it is difficult to evaluate the effect of these changes, by June 2001 MOSP at least appeared to have a plan for the future of social policy. The title of the *Pathways to Opportunity: From Social Welfare to Social Development* report (NZ Government 2001:2) embodied Labour-Alliance's shift in thinking. Reflecting a similar type of approach to those adopted in countries where a Third Way politics has been influential, traditional welfare objectives were distinguished from those of social development. The latter was said to be not just about income assistance to alleviate poverty, but helping and supporting people as they lift their skills and participation. This was referred to by Maharey (2001g:3;11;12) as "bringing social policy to the challenge of economic transformation" and "moving beyond the simple bifurcation of social welfare and economic development".

In terms of implementing such a social development approach, Labour-Alliance's requested that MOSP (2001b:3) produce *The Social Report*. This aimed to act

as a benchmark for general social indicator reporting, against which the country's progress on major social goals and areas of well-being could be measured, in the same way that the first *Closing the Gaps* report (TPK 1998a) had formed a baseline for Māori. Under the National-New Zealand First government, the Social Policy Agency (1999) had produced a similar *Social Environment Scan* in June 1999, but it lacked the conceptual framework that surrounded *The Social Report* (MOSP 2001b).

Such a conceptual foundation sprang from ideas contained within *The Social Development Approach* (MOSP 2001a), which MOSP unveiled at the same time. This document was constituted by a general framework for cross-sectoral social policy, alongside a strategy to reduce social exclusion through social development. There was a strong focus on measuring the effectiveness of policy by defining well-being, selecting indicators for desirable social outcomes and plans to expand programmes 'proven' to work (MOSP 2001a, Overview:3). Although still rather vague, the *Approach* provided a much-needed conceptual framework for the future (MOSP 2001a, Framework:6;12). The emphasis on social investment involved the 'whole of government' focusing on outcomes over outputs and placed stress on cross-sectoral coordination and cooperation. It also emphasised greater community control over the nature and means of delivery of government services outcomes, rather than the traditional approach of directly providing government services (MOSP 2001a, Strategy:11).

The small-scale promotion of the *Approach* disguised its significance. It is possible that Labour-Alliance wished to avoid the negative kind of backlash the upfront 'selling' of CTG caused, but the proposed strategy would have done much to quell fears that social policy 'favoured' Māori, for it talked about social exclusion in far wider terms than just ethnicity. The *Approach* and *The Social Report* would have been good accompaniments to the launch of the CTG strategy in 2000 for that reason, particularly as CTG did not benefit from an explicit, written policy framework. However, according to Maharey (2001a), MOSP was unable to articulate its strategy until mid-2001, by which time the CTG strategy had already been refocused on 'reducing inequalities'.

Giving new names to old social policy discourses

While such a conceptual framework may have diminished fears of 'preferential treatment', the social development approach adopted by Labour-Alliance tweaked rather than transformed the meta-principles that had long guided social policy. It was thus insufficient for dealing with Māori as indigenous peoples and Treaty partners. The reports described above made comparisons between ethnic groups across a variety of indicators, but Māori were never a particular focus. Rather, Māori were regarded as yet another ethnic minority group demonstrating relative disadvantage.

Stemming from the same citizenship-based needs discourse that had dominated previous Māori Affairs policy, the Third Way 'twist' offered by the Labour-Alliance government promised Māori 'a new phase of partnership'. Yet, its major achievement was giving new names to traditional meta-principles, such as equality and social justice. For example, what had been formerly described as 'inequality' was now called 'social exclusion'. The latter concept purportedly offered a more comprehensive understanding of social problems than simple class analyses (see earlier discussion). There has been criticism (see Taylor 1996:3; Lister 1999:2; Briar 2000:24-25; Peace 2001:20;32-33), however, that social exclusion establishes a dichotomous tension which assumes that the 'included' and 'excluded' are from two different but homogeneous groups, just as traditional understandings of poverty have assumed an oppositional relationship between the rich and poor. Such a dichotomy ignores degrees of inequality amongst those who are considered 'included'. In addition, levels of 'inclusion' and 'exclusion' are usually measured along the single dimension of participation in waged work, thus masking relations of 'inclusion'/'exclusion' associated with gender, ethnicity, age, disability and sexual orientation.

Certainly, the concepts of social inclusion and social exclusion lack the same ethnic dimension for which the social justice and equality discourses have been criticised (see Eichbaum 1999:37-39). They consequently make culturally-specific assumptions that do not necessarily reflect the experiences of indigenous peoples

and/or ethnic minority groups. For example, Robinson and Williams (2001:55;68) have noted that European definitions of social capital, which focus on networks of civic engagement that are created outside the family, ignore the way in which the boundaries between family/community and cultural/social capital are seamless for most Māori. They have warned that this lack of compatibility between values prioritised by Māori communities and those reflected in policy aiming to boost Māori social capital will result in energy wasted simply dealing with the conflict, thus limiting the impact of voluntary activity in resolving community issues.

Levitas (1998:7;178) has also argued that social exclusion represents a 'new Durkheimian hegemony' focused on social order, social cohesion and solidarity, encouraging us to think of deprivation and inequality as peripheral phenomena occurring at the margins of society and thus treating them as pathological and residual, rather than endemic. This suggests that Labour-Alliance's notion of social inclusion was simply a late twentieth century interpretation of traditional foci concerned with integrating 'disadvantaged' groups into the mainstream labour market and society. Like the more traditional concepts of social justice and development, social inclusion (and the broader social development approach) never challenged the assumption that such incorporation was into a 'national culture' that side-lined Māori nation status. Thus, the core goal remained a form of national cohesion, whereby Māori nationhood was depoliticised through the positioning of Māori individuals as disadvantaged citizens, rather than as sovereign peoples. Given these concerns, it is unlikely the social development approach could ever have fully accounted for the power relations perpetuating socio-economic disparities between Māori and non-Māori, no matter how genuine the intentions of particular politicians or officials may have been.

It is too early to assess whether Labour-Alliance's strategy for social policy can actually produce long-term strategic vision and develop outcomes that engage with some of the tensions found in Māori Affairs policy and social policy more generally. Nevertheless, a cross-sectoral exercise led by SSC called 'Review of the Centre'

suggested that, in late 2001, the 'silo mentality' was still alive and well, with inter-agency collaboration a major issue requiring further attention (MSD 2002, Pt. 1, Overview:3). Certainly, neither the *Approach* (MOSP 2001a) nor any of Labour-Alliance's effectiveness initiatives touched upon one of the major obstacles to strategic vision within the government sector: the influence of short-term bureaucratic and political cycles. In fact, the effectiveness initiatives further entrenched these cycles, obligating departments to produce short-term results (through quarterly and annual reporting), even when the wider goal was to improve long-term outcomes for Māori and develop strategic thinking. This emphasises the conflicts that often exist between bureaucratic and policy objectives within the government sector and places doubt on whether the changes made by Labour-Alliance could produce the kind of broad-based, embedded policies that Maharey (2001a) favoured.

Nevertheless, it is argued that the Labour-led coalition once again made some progress in establishing the processes, structures and intellectual environment that would enhance the ability of government departments to begin thinking strategically in social policy. Such major transformation is not possible over the short-term and may require a number of years to become fully established. It remains to be seen whether the groundwork laid by Labour-Alliance withstands the test of time – and politics.

CONCLUSION: EFFECTIVENESS FOR WHOM?

This chapter has argued that at least some members of the Labour-Alliance coalition seriously intended to improve the effectiveness of government performance for Māori. As a result, Labour-Alliance made a first, if imperfect, step towards addressing the "dearth of information as to the degree to which [government sector] programmes are achieving results for Māori" (OMMA 2000a:4). Recognising that the ability of

government departments to implement change was low, Labour-Alliance began by pursuing several structural initiatives aimed at 'building the capacity' of the government sector to achieve the effectiveness goal.

The implementation of these initiatives suffered from poor planning, poor communication between different sectors of government and the poor capacity of the government sector in general. This not only highlighted the multidimensionality of the policy process but also hampered the government sector's ability to measure and improve outcomes for Māori. Political agendas were no doubt at play, as they are always in the policy process. But this chapter has rejected accusations that delays and inadequacies in the implementation of the initiatives were manipulated by the Labour-Alliance government to hide either politically damaging outcomes or, as ACT Party leader Richard Prebble (2001) suggested, the fact that it no longer 'believed in' the CTG strategy.

Rather, it has been argued that poor capacity within the government sector resulted in serious methodological and conceptual issues being ignored or glossed over, while some structural changes were beyond the reach of Labour-Alliance, at least in its first parliamentary term. It is unlikely, therefore, that the Labour-Alliance government's effectiveness initiatives achieved any radical improvement in outcomes for Māori. The initiatives *did*, however, go a considerable way in establishing the kinds of processes and systems necessary to be able to *measure* outcomes so that it is possible to conclude whether improvement has occurred or not. Given the context of a weak government sector, that in itself was a major achievement for the Labour-Alliance coalition.

But, in the final analysis, the effectiveness initiatives implemented did not challenge the fundamental assumption that government departments would continue to be accountable to the *political leadership of the day* for the effectiveness of their performance for Māori. By 2002, TPK (2002b:28) planned to produce regular Māori Economic Development reports, in conjunction with the New Zealand Institute of Economic Research, and Māori Social and Cultural Development reports were to

follow. Yet, as a Labour-led government went into a second term, Turia (2002) indicated that she believed Māori communities continued to be left out of the outcome definition, policy development and evaluation process of policy and programmes that aimed to benefit them. This contradicts Maharey's (2000c) earlier assertion that evaluation has the potential to "democratise the policymaking process" by allowing stakeholder involvement. It also places into question whether the tension between needing to find long-term solutions for recurring social problems and getting better value for the government sector's expenditure can be adequately resolved without fundamental reform of current government sector structures and procedures.

In addition, the effectiveness initiatives demonstrated that the social development framework adopted by Labour-Alliance, which perpetuated traditional distributive justice, needs and development discourses, was conceptually inadequate in terms of accounting for Māori as indigenous peoples and Treaty partners. Yet, despite the emphasis Labour-Alliance placed on strategic vision and building the capacity of the social policy function, the distinction between the projects of Māori self-determination (based on rights) and social inclusion (based on needs) was not explored. This suggests that the initiatives described in this chapter might be considered 'effective' for the Labour-Alliance government, in terms of tracking spending, improving the government sector's ability to counteract social exclusion and consequently promote national cohesion. But they were hardly 'effective' in situating what many Māori consider the core issues to be – Māori self-determination at the local, regional *and* national levels – towards the forefront of the mainstream political agenda.

Drake (2001:5;116-117) has commented that policy principles based on the values and norms of the majority group will constrain significant acceptance of diversity, even if explicit acknowledgement of difference is articulated. In the case of CTG, the unequal power relations between Māori and the state continued to go unaddressed by the initiatives aiming to improve government effectiveness for Māori. This casts doubt on Labour-Alliance's political 'commitment' to an "enhanced Crown-Māori relationship" (CCCTG 2000b:1) or even the more limited goal of reducing

disparities between Māori and non-Māori. The following two chapters, focusing on capacity building and the provisions for Māori contained within the NZPHD Bill, explore further the way in which the CTG strategy failed to meet Māori expectations raised based by Labour-Alliance's rhetoric regarding 'self-determination' and 'partnership'.

THE CAPACITY BUILDING PROGRAMME

INTRODUCTION: 'EMPOWERING' MĀORI COMMUNITIES

Capacity building was the second major arm of the Closing the Gaps (CTG) strategy. Like the effectiveness initiatives described in the last chapter, it reflected a 'whole of government' approach involving almost all agencies working together to respond appropriately and effectively to the needs of Māori communities. Capacity building was not about providing further services, however, but promoted by Minister of Māori Affairs Parekura Horomia (2000a:1) as a process that aimed to enable Māori organisations and communities to assess their 'capacity' and then ensure they got the appropriate information, support and technical assistance to strengthen any weaknesses identified in their strategies, systems, structures. In this way, capacity building was, according to a Te Puni Kōkiri (TPK) official, about "providing the foundation, the building blocks that they [Māori] need to move on to achieving what it is they want to achieve for themselves".

Labour-Alliance government aimed to 'solve' two 'problems' with its capacity building programme. First, it intended to improve the capabilities of Māori communities and the effectiveness of Māori service providers so that they were better equipped to 'close the gaps'. The capacity assessment and building initiatives provided a first step towards this goal, attempting to deal with long-standing structural issues that had prevented Māori organisations from improving their capacity and effectiveness

and had hindered some Māori communities from becoming established as service providers in the first place.

The second goal of capacity building was to respond to Māori desires for self-determination and “give effect to an enhanced Crown-Māori partnership” (OMMA 2000a:10). Ironically, the Labour-led government probably considered capacity building to be a good yardstick by which it could be judged over the short-term to provide evidence of the coalition’s ‘commitment’ to Māori (Gamlin 2000b:27). Yet, if capacity building is measured against the rhetoric of ‘self-determination’ and ‘partnership’ that was particularly prevalent during the promotion of this CTG initiative, it actually points to a *lack* of ‘commitment’ by Labour-Alliance. The government’s Māori members (see Horomia cited in Maling 2000a; Samuels 2001; Tamihere 2001a; Turia 2000b) may have genuinely intended capacity building to go beyond Māori empowerment to provide greater self-determination. The initiative certainly continued the trend for the government sector to move away from being directly involved in delivering programmes for Māori. But in the rush to implement the capacity building initiatives, there was little time to develop the operational, strategic and conceptual clarity required to adequately define the government sector’s intended goals (Loomis 2000a:2-3).

As a result, there was uncertainty as to whether the conceptual framework driving capacity building was a general one relating to social inclusion through a social development approach or one more specifically aiming to respond to Māori desires for self-determination, as Labour-Alliance’s rhetoric indicated. This should come as no surprise given discussion in the last chapter detailing the lack of reliable Māori data and the government sector’s poor ability to think strategically or to incorporate a Māori dimension into its policy work. This chapter argues, however, that such uncertainty concealed the fact that capacity building was based upon a Third Way model of community empowerment aiming to better ‘include’ Māori within mainstream society. Thus, even though rhetoric promoting capacity building suggested that it could allow Māori the space for greater strategic ‘*exclusion*’ from the mainstream, capacity building

remained concerned with a form of national cohesion in which Māori nation status was marginalised.

To begin exploring the conceptual tensions that existed between the 'inclusive' goals of community empowerment and the potentially 'exclusive' nature of Māori self-determination, the chapter outlines the capacity building initiatives. It then indicates that, given the limited funds available and the lack of consultation that Labour-Alliance participated in, capacity building was not enough to radically improve the relationships between the government sector and Māori organisations providing social services or Māori communities more generally. Three other major characteristics of the government sector's operational culture also hindered the potential for capacity building to live up to the rhetoric of self-determination that surrounded it.

First, Labour-Alliance's attempts to substitute – or at least significantly weaken – the market model that dominated the government sector with a renewed focus on community empowerment were constrained by the inability and, in some cases, lack of will demonstrated by government departments. Community empowerment as a means to increase government sector accountability to *communities* also sat in tension with Labour-Alliance's measures to improve government effectiveness for Māori, which increased emphasis placed on accountability to *government* for public funding (see Chapter Five). Finally, the chapter contends that the community empowerment development model supporting capacity building was conceptually inadequate to sustain the kind of *self-determined* development that Māori desire (see Chapter Three).

In essence, the purpose of this chapter is to demonstrate that capacity building went some way to addressing the structural problems within the government sector that hindered Māori communities in exercising greater self-determination. Yet, capacity building remained based on a form of western, corporate development heavily criticised by indigenous peoples internationally because of the assimilatory intentions behind it (see Chapter Two). Traditional assumptions that Māori be incorporated into the mainstream economy and society consequently went unchallenged. The result was a potentially empowering programme, but one that by no means could be said to

constitute “a new era of partnership” (Horomia cited in TPK 2000f:1) between Māori and the state based on the Treaty of Waitangi.

THE ‘CAPACITY BUILDING’ INITIATIVES

Māori capacity building was a major component of Budget 2000, attracting \$113 million of the \$243 million earmarked for CTG over four years (Horomia 2000a:1). Rather than simply ‘buy’ services for Māori from Māori organisations, the funding aimed to support “[b]ottom-up development from the grassroots level” in Māori communities, which encouraged “[f]lexible and innovative solutions for local issues” (OMMA 2000c:3). Capacity building itself was thus not ‘bottom-up’ development, but a means to build the capabilities of Māori communities who could develop solutions from the ‘bottom-up’ with the government sector acting as an ‘enabler’, rather than ‘dictator’, in the process.

The concept of capacity building has been a common component of development models advanced by Māori and other indigenous peoples as a way to strengthen the ability of indigenous communities to exercise self-determination (see Loomis 2000b:9-10). Some policy players, particularly Samuels (2001), Tamihere (2001a), Turia (2000c) and TPK officials may have been influenced by these discourses (see Maharey 2001b). However, it is argued that the capacity building model adopted by the Labour-Alliance government was rather more limited in its scope than those endorsed by indigenous models, for its ultimate goal was Māori empowerment not Māori self-determination (see Chapter Three).

The notion of empowerment suited the trend for social-democratic governments to be “struggling away from being a traditional social-democratic party where the state is the mechanism for doing things to saying the state is a *facilitator* of people doing

things for themselves” (Maharey 2001b). A Third Way politics realised that communities have relevant knowledge of local needs and capability, the flexibility to meet diverse needs and the motivation to mobilise resources and energy far beyond that commercial self-interest and government regulation can achieve. It thus advocated a revival of civil society (Harris and Eichbaum 1999:234-235). To this end, the Labour-Alliance government wished to promote a community-state partnership “between Māori, the state sector, business, local government and the wider community” (Horomia 2000a:1). It was hoped that local communities would reach a level of ‘self-determination’ where they could solve local problems (see Clark 2000c; 2001c; Maharey 2001c; Chapter Four). This basic principle of community empowerment was behind all capacity building initiatives, although they were implemented separately by mainstream departments and TPK.

‘WHOLE OF GOVERNMENT’ CAPACITY BUILDING

In line with its emphasis on improving government performance for Māori, the Labour-Alliance government envisioned capacity building as a ‘state-sector wide initiative’ which placed the responsibility for improving outcomes for Māori on the shoulders of the entire government sector. Each government agency was, therefore, expected to develop its own initiatives or incorporate the concept of capacity building into existing programmes and processes (TPK 2000g:1).

Although agencies were encouraged to *supplement* rather than *substitute* their core business responsibilities with capacity-building strategies, the forty-three Māori capacity building proposals outlined in Budget 2000 were based largely on existing programmes and arrangements (OMMA 2000b:6-7). In fact, a TPK official indicated that for much of the government sector, the most significant difference between capacity building and past policy was that it encouraged them to “collaborate more

[and] work together” to support Māori initiatives. While this is possibly an oversimplification of capacity building’s functions, the previous chapter highlighted how such a focus on cross-sectoral collaboration was desperately needed.

As a means for achieving this goal, three mechanisms were established so as to provide regular opportunities for cross-sectoral engagement around Māori capacity building. First, the quarterly Chief Executive’s Forum was instituted. This aimed to coordinate high-level inter-sectoral commitment from all government sector chief executives whose departments received funding that targeted Māori and/or held the potential to contribute to Māori capacity building and provider development (CCCTG 2000d:2; 2000e:1).

In addition, a Senior Officials Group was established to meet regularly and report to Ministers on a six-monthly basis. Its goal was to ensure the coordinated, integrated and consistent implementation of capacity building strategies across the government sector by reviewing progress country-wide and providing strategic policy advice.

Finally, the Regional Inter-Sectoral Fora provided a government sector mechanism in each of TPK’s regions for responding to the capacity needs and priorities of whānau (extended family), hapū (sub-tribes or clans), iwi (tribes), Māori organisations and Māori communities at the local and regional level. Each Fora was convened by TPK’s regional offices and designed to include regional managers from territorial authorities, Crown entities and government agencies whose participation in capacity building was pivotal to CTG. The Fora aimed to identify problem areas and strengths, while also ensuring that capacity building initiatives were consistent with government objectives and finances (CCCTG 2000d:2; 2000e:1).

Alongside these rather bureaucratic responses to the need for greater collaboration at the management level, specific capacity building funding provided *new* resources for five agencies: TPK; the Ministry of Social Policy; Child, Youth and Family; the Ministry of Education; and the Department of Labour. One of the two biggest funding pools went to the Community Employment Group, a service of the Department

of Labour that had supported capacity building-type work in local communities for many years. The other was allocated to TPK which, in addition to coordinating and leading the government-sector wide approach to capacity building and ensuring those eligible gained access to resources, delivered its own capacity building programme (OMMA 2000c:1).

TE PUNI KŌKIRI CAPACITY BUILDING

While TPK's regional offices maintained contact with local communities, the agency itself had not maintained a delivery function since 1990. Recognising that fact, the Labour-Alliance government allocated an extra \$12.25 million in operating funding to improve the capacity of TPK (NZGE 2000:4). Like the four other agencies with specific capacity building funding, TPK was to provide strategic facilitation, support and funding assistance for the capacity assessments and development plans of Māori communities. This was done in five stages.

The first phase was a matter of engaging Māori and other key stakeholders. This involved actively informing iwi, hapū, whānau and Māori communities about the capacity building programme and seeking their commitment and participation, through the facilitation of hui, answering inquiries and processing applications (OMMA 2000c:5).

Phase Two was capacity assessment. In the capacity building programme's first year (2000/01), the emphasis was on funding Māori communities to conduct capacity assessments of their organisations with \$8.6 million allocated to this function (NZGE 2000:4). A TPK official indicated that the funding targeted mainly "grassroots, new groups, disadvantaged communities" previously unable to access government sector funding (particularly the Māori Provider Development Fund formed under National-New Zealand First) because they were not already established as Māori service

providers. It was acknowledged that the capacity building programme would include some high-risk projects, “as it targets marginalised communities with low level capacity” (CCCTG 2000a:1). However, TPK officials were instructed to ‘manage’ such risks so that it was still possible to ‘take a punt’ on ideas that were new and ‘outside the box’, but might have good results.

A smaller allocation of funding was available for a third phase, which was for communities that had already moved beyond the capacity assessment phase to begin planning their development and ‘building their capacity’ (OMMA 2000b:5).

Most communities, however, completed capacity assessments and then began to implement plans and strategies that specifically addressed the capacity needs they had identified, which was the fourth phase of capacity building. \$27.5 million was earmarked for this and the capacity building implementation process (NZGE 2000:4; OMMA 2000c:2-3).

In keeping with Labour-Alliance’s emphasis on improving the effectiveness of its policy and programmes for Māori, the above funding also covered the fifth stage of the capacity building process, monitoring and evaluation. TPK’s role in capacity building was not only as facilitator and supporter, but also as monitoring agent. A TPK official indicated that the regional offices were required to monitor the progress of communities in implementing their goals and, if things were not working, broker the relationship between the organisations and those who could help.

As capacity building was implemented, TPK also developed regional profiles with input from Māori of that region, based on statistical data and local level information (see TPK 2001c). The profiles aimed to “construct a snapshot of the social, economic and cultural situation of whānau, hapū, iwi, Māori organisations and communities – these provide a context within which to develop and evaluate local level capacity building initiatives” (OMMA 2000c:5; see TPK 2001d:6 for results). In addition, the entire capacity building programme was evaluated by TPK within twelve months of its implementation (see CCCTG 2000f:3). The evaluation report was an in-house document unable to be obtained for this research. However, TPK official Juan

Tauri (2001) suggested that, given the timeframe, it is unlikely the evaluation could focus on much more than implementation *processes*, rather than the *outcomes* of the capacity building programme itself (see TPK 2001e:5).

The capacity building initiatives implemented by mainstream departments and by TPK together provided a 'whole of government' approach. As noted, a huge range of mainstream programmes across a large number of departments came under the title of 'capacity building', many of which existed before this term was applied. For the sake of brevity, the remainder of the chapter focuses largely on TPK's Māori capacity building programmes, which were a new function for TPK and which brought into sharp focus the tensions between Māori and government understandings of capacity building.

POOR RELATIONSHIPS WITH MĀORI ORGANISATIONS

One of the major aims behind Labour-Alliance's capacity building initiative was to address outstanding complaints made by Māori organisations providing government-funded social services, particularly regarding the level of support they received from and the interaction they had with the government sector. A common excuse offered by governments generally when failing to meet indigenous demands is that indigenous communities do not yet have the capacity to put into action their goals for greater self-determination (Loomis 2000a:16-17). Māori communities are ultimately responsible for improving capacity to meet their own goals, but it can also be argued that, under Article Two of the Treaty of Waitangi, the government sector has an obligation for providing Māori with opportunities to do so.

During the 1990s, National-led governments suggested the contractual relationships developed between government agencies and Māori social service providers fulfilled this obligation. Some organisations, such as Te Whānau o

Waipareira, a large non-tribal entity in West Auckland, built their corporate capacity through government contracts during the 1990s. But, by 1999, only a small number of Māori providers had the infrastructure in place to actually demonstrate a substantial level of self-determination. Most were small, under-resourced and reliant on volunteer labour.

Several reviews (e.g. TPK 2000h; TPK 2000i; TPK 2000j) and the 'Māori Realities Through Māori Eyes' Futures Conferences (Hancock 1999) highlighted that Māori and iwi providers were increasingly frustrated in their relationships with the government sector in the late 1990s. In particular, inflexible, inconsistent short-term contracting and funding procedures that did not cover the full cost of the service provided were highlighted as a problem. Social services were constantly under threat due to unreliable funding, forcing the organisations providing them to depend on under-skilled volunteers.

In addition, there was concern about the lack of consultation with Māori organisations in identifying community funding needs and about monitoring mechanisms that focused on outputs, not client outcomes as measured by culturally appropriate, result-based indicators. Finally, conference and review participants (see Hancock 1999; TPK 2000h; TPK 2000i; TPK 2000j) highlighted another fundamental problem for many Māori organisations: the lack of opportunity for iwi and Māori providers to deal directly with the state and negotiate as partners when mainstream agencies failed to fulfill Treaty principles in their relationships with providers. A rural Māori provider interviewed by TPK (2000h:48) summed up the situation succinctly:

.... one of the things the Government is doing is that they are putting more and more onto Māori and iwi and the community without providing the sufficient resources to up-skill. Everyone talks about grass-roots (delivery) but no one talks about nurturing the soil (the providers).

The National-New Zealand First government's response to these issues was the *Tahua Kaihoatu* (Māori Provider Development Fund), which was introduced in February 1999. Allocated \$3.5 million per year over three years in the 1999 Budget,

the fund aimed to enhance the development of Māori providers who delivered social services contributing to whānau and community development. The focus was on training, enhancing organisational capability and improving linkages and coordination between providers and government agencies (TPK 1999a:116;169).

While Tahua Kaihoatu addressed some of the issues described above, it failed to seriously account for Māori provider desires to develop a relationship with the state based on Treaty principles (TPK 2000j:21). Nor did it commit mainstream agencies to improved consultation or the establishment of culturally appropriate measures for monitoring. In addition, it is questionable whether the \$3.5 million allocated could make any real difference when distributed among hundreds of Māori providers. Thus, although they welcomed Tahua Kaihoatu, this fund did not adequately resolve the outstanding issues that Māori providers had identified.

LABOUR-ALLIANCE RESPONSE: STRENGTHENING COMMUNITIES AND THEIR TIES TO THE STATE

Labour-Alliance was clearly aware of the issues highlighted by Māori providers regarding the lack of support they received for building their organisational capacity and the poor relationships they shared with government sector agencies. *He Pūtahitanga Hōu* (Labour Party 1999a:4-5) indicated that:

In many areas whānau, hapū, iwi and Māori organisations do not currently have the range of skills and experience necessary to assert control over their own development or to manage the delivery of a comprehensive range of services. It is also necessary to build up the skill base required to staff the range of Māori trusts and other authorities, at the level of expertise necessary to deliver significant parts of government funded community based social service programmes.

The last sentence, however, provided an early indication that capacity building stemmed from assumptions similar to those upon which Tahua Kaihoatu was founded.

Both focused on developing the organisational capacity of Māori communities through training and improved infrastructure because Māori providers were considered crucial players in 'closing the gaps' between Māori and non-Māori. This was not only because they offered local level solutions, but also because the development of Māori provider organisations was thought to build the capacity of Māori communities as a whole (TPK 2000j:9).

Moves to improve the interaction between Māori organisations and the government sector recognised the need "for a shift from a contracting to a partnership relationship" (CCCTG 2000d:1). Yet, they were hindered by the assumption that the ultimate goal was to improve government-funded social service provision *to* Māori, rather than support greater self-determination *for* Māori. As a result, the financial limitations and lack of Māori input that characterised capacity building did little to demonstrate the kind of partnership relationships that Māori communities desired.

Providing leverage for further dependence on government funding

First, in arguing that capacity building was financially limited, it is necessary to state that the funds it involved were a substantial improvement on those received in the past and attempted to address the problematic issues highlighted by Māori providers. For example, Labour-Alliance government continued to fund and extend *Tahua Kaihoatu*, improving existing contracting arrangements between Māori providers and government agencies; developing a simpler tendering/compliance process; and reducing compliance costs for Māori providers (OMMA 2000d:4).

The Labour-Alliance government additionally allocated significant funding to its capacity building programme, which it was keen to differentiate from *Tahua Kaihoatu*, not least because its political predecessor initiated the former. The Office of the Minister of Māori Affairs (2000b:5; see OMMA 2000d:2) emphasised in a Cabinet paper that *Tahua Kaihoatu* focused on *existing provider organisations*, while capacity

building targeted Māori *communities* “who, historically, may not initiate, design and implement their own development”. In addition:

Provider and workforce development is a process for building the skills, structures, systems and strategies for Māori groups and communities to *allow them to contract with the government to deliver services*. This is distinct from capacity building, which is a process to strengthen the abilities of Māori groups to control their *own development and achieve their own objectives* (CCCTG 2000g:1, my emphasis).

Capacity building clearly gave Māori communities more space than Tahua Kaihoatu to identify and implement their own goals and, as a TPK official stressed, allowed TPK more flexibility in assisting a whole range of groups of differing sizes and capabilities. The level of funding capacity building involved was also significantly higher than Tahua Kaihoatu, as were the number of groups able to utilise these resources.

However, as later discussion will highlight, capacity building was based on a limited form of development more interested in using Māori organisations to ‘close the gaps’ than supporting self-determination. Capacity building consequently did little to reduce Māori dependence on the state. Despite the rhetoric quoted above, a TPK official noted that communities were expected to use the capacity assessment and building funds “as leverage to access much greater resources in mainstream agencies for the ongoing development”.

This access was necessary because the capacity building fund itself was relatively small and committed for only four years, with a large proportion directed at employing new staff and establishing processes to *administer* the programme, rather than at communities themselves (Puketapu 2001). The most telling sign of these financial limits was that the initial 565 applications received for capacity building asked for a total of \$34 million, but TPK only had \$9.2 million to allocate. Many communities received only very small sums of money, perhaps \$2000 here or \$5000 there. As the Chief Executive of non-tribal Māori organisation Te Rūnanga o Ngā Maata Waka, Norm Dewes (2001), commented, this meant: “The amount of money they poured into it looked huge, but broken down it was nothing”. He suggested that

focusing on a smaller number of projects that were tangible and measurable would have been better use of the funds. This might have helped avoid the possibility of burnout and operating beyond capacity as Māori communities over-extended themselves to remain in the funding ball-game. But TPK's power in deciding which Māori communities received these larger funds would have been just as problematic.

A third initiative paid some heed to international evidence indicating that there tends to be better management of resources under indigenous control than under the bureaucratic management of a government department (Loomis 2000a:11-12). Certainly, many Māori organisations have been able to provide services more cost-effectively than the state (for example, Te Whānau o Waipareira, see McLoughlin 1998:48). It is notable, therefore, that Labour-Alliance's 2001 Budget allocated \$15 million over three years to what it called 'direct resourcing'. This was similar to Māori proposals for the bulk funding of Māori organisations, described in Chapter Three. Under direct resourcing, established Māori communities with "innovative solutions" (Horomia and Turia 2001) were able to bypass heavily prescriptive central government contracts and have greater control over the delivery of social services. It may be regarded as a genuine attempt to pay homage to some of the complaints Māori service providers had tendered, but direct resourcing suffered from limitations similar to those restricting capacity building's potential to offer Māori real autonomy and control.

First, the fund itself was again remarkably small, particularly when it was divided between different organisations and over a three-year period. While perhaps "acknowledging the rangatiratanga of hapū and iwi", as Horomia and Turia (2001) claimed, the long-term underfunding of Māori providers meant that direct resourcing was more "the ambulance at the foot of the cliff" (Poata-Smith 2001) for these entities, rather than a great opportunity for self-determination. In addition, although government's role was ostensibly to 'lead the way' by providing resources, rather than 'dictating terms', it effectively retained control through TPK's management of the fund (OMMA 2000c:6-7; TPK 2000d:1). Labour MP John Tamihere (2001a) has suggested that this was due to a lack of commitment to unbundling mainstream services, a move

regarded by some members of his own government as an extension of a market model which they found difficult to explicitly support for ideological reasons.

By mid-2001, TPK was looking beyond capacity building to consider how such funding (assuming it was still available) might be used once capacity was built. Further direct resourcing initiatives were one possibility mooted, although Cabinet approval was still being sought for the initial funding in this stream as Aotearoa New Zealand went into an early election in August 2002 (TPK 2002b:33). A TPK official noted that it was difficult to 'embed' strategic policy that can withstand political change when the government sector holds poor capacity for strategic vision, as described in Chapter Five, and when political will cannot be relied upon.

Ultimately, while Labour-Alliance recognised the need to move from a contracting to a partnership relationship, capacity building and the direct resourcing fund were more about *improving* contractual relationships than *replacing* them. Yet, communities found that they not only had to compromise themselves to get funding, but once their capacity had been built, they then had to turn to further contractual relationships with *mainstream* agencies if they wished to continue to be resourced. This outcome was enhanced by the fact that capacity building encouraged rivalry, rather than supported collaboration, between Māori organisations as they competed for funding, potentially prolonging the dependency of Māori communities upon the state (Mariu 2001).

Continuing a history of poor consultation and collaboration

The Labour-Alliance government's emphasis on partnership over contractual relationships also aimed to encourage better cooperation and interaction between Māori communities and government agencies. In particular, the Regional Inter-Sectoral Fora were designed to facilitate discussion and collaboration between government agencies about the issues raised by Māori providers. However, there were two significant reasons why such a goal was inhibited.

First, the last chapter has already highlighted the difficulties government departments had in working cross-sectorally with *each other*. Feedback to TPK about the Fora suggested that, due to the competitive environment that had dominated the government sector during the 1990s, cooperation and collaboration was difficult to achieve for the government agencies involved due to their inexperience in developing relationships cross-sectorally. As a result, a TPK official indicated that:

.... it's been really hard for agencies to get out of their little boxes and actually be able to get together [but] because we're all really good at reporting, if it suddenly becomes into your business plan and you're expected to report on it, then there's an actual reason to actually get out of your box

Nevertheless, the same official suggested that most of the other agencies involved in the Fora agencies had not been required to make such a priority in their work programmes and thus were not accountable for meeting outcomes relating to cooperation and collaboration. They failed, therefore, to show particular interest in achieving this goal. The fact that the costs of establishing and running the Fora had to be met within the existing baselines of agencies hardly motivated agencies or eased the process of facilitating fora meetings (CCCTG 2000e:1).

Second, and even more problematic, was the fact that there was no provision for Māori communities to be represented on the Fora. While this was ostensibly due to Māori having the right to determine for themselves how they would interact with the Fora, it effectively limited input from Māori (OMMA 2000b:4). In addition, Māori communities who *did* choose to consult with the Fora, found their feedback had to negotiate its way through the bureaucracy of both the Senior Officials Group and the Chief Executives Forum before it reached the Cabinet Committee on Closing the Gaps (GAP committee), where government priorities were set (see OMMA 2000e:5).

This model, which effectively limited the participation of Māori communities in the capacity building process to applying for and receiving funding, certainly did not reflect the kind of partnership relationships Māori providers had highlighted as necessary and which Labour-Alliance rhetoric suggested might be forthcoming. Such

a contention is supported by the fact that no comprehensive consultation process took place before capacity building was adopted as policy. Ironically, capacity building, despite its goal of 'bottom-up' development, was clearly a 'top-down' programme designed by politicians and bureaucrats. Tūwhakairiora Williams (2001), Chief Executive of the National Māori Congress, articulated the continued frustration that such a move provoked in Māori:

.... to me one of the serious flaws of that whole initiative was that *assumptions* about Māori capacity were made here in Wellington without any serious consultation and discussion about that issue within the Māori community. And so they created this capacity building programme and policy direction without *talking* to the people whose capacity was at issue Māori were totally out of the loop, the decision-making loop, on those issues I'm sure some of them [Labour politicians] went out and had that discussion out there in some of our communities. But to then just go out and simply have a conversation about it and then run it, write it into the manifesto, is not a mandate for them to actually go off and make those decisions without *further* consultation and *full* participation by Māori in that

Knowledge of past 'promises' for greater community autonomy that had resulted in continued government sector control made many Māori question the honesty of Labour-Alliance's rhetoric concerning capacity building. A TPK official involved in conducting information hui found that:

.... communities were really skeptical about the government, the policy of capacity building, what it is, how it's to be delivered, you know, what do they have to do to get access to the funding, they were really skeptical about the whole thing

The same official noted that such skepticism changed once funding began to be distributed. Yet, interviews conducted with leaders of Māori organisations (e.g. Dewes 2001; Mariu 2001) suggested that, despite desiring government funding and accessing it where they could, Māori remained dubious about the real intentions behind, and outcomes of, Labour-Alliance's capacity building initiative. In addition, Poata-Smith (2001) has suggested that it was convenient for Labour-Alliance to assist in upskilling and strengthening Māori communities because this encouraged Māori to support the government sector's own agendas for *relinquishing* its obligations, especially financial

ones, to Māori. Even Tamihere (2001a) implied that the programme was about “building Māori capacity to take ownership and responsibility for their failure”. Thus, when offering the resources for and control of service delivery to Māori, the government sector also transferred responsibility and blame in the event that anything went wrong.

In summary, it cannot be argued that Labour-Alliance’s capacity building initiative successfully achieved the goal of improving the working relationships between the government sector and Māori organisations and communities. Funding was extended beyond that which had been available through *Tahua Kaihoatu*, but it proved too limited and driven by government desires to utilise Māori providers in ‘closing the gaps’, rather than encouraging Māori to meet the needs and desires of Māori communities for self-determination. In addition, Labour-Alliance failed to adequately consult with Māori about capacity building, thus missing the point of the partnership relationships it was purportedly attempting to develop with Māori in this area.

DOMINANCE OF ‘MARKET MODEL’ THINKING

The previous chapter highlighted that the government sector demonstrated poor capacity when implementing initiatives aiming to improve government performance for Māori. In particular, note was made of inadequacies in research data and analyses; poor understanding of a Māori dimension in policy; limited ability when developing strategic social policy; and little experience working with an outcomes-based approach to government sector performance. This was obviously the same context within which capacity building was developed and implemented and these issues had effects on both processes.

The current section explores a further characteristic of the government sector, one that impeded the implementation of a capacity building programme that better

reflected Māori desires for self-determination. This was the dominance of the 'market model' over government sector operations. Although this model was first adopted by the Fourth Labour government in the mid-1980s, National-led administrations in the early 1990s placed an unprecedented emphasis on a smaller ('costs less') and smarter ('more efficient') government sector. Service delivery operations were first separated from the functions of policy, purchase and regulation and then privatised. There was, as a result, far greater reliance on the market as a mechanism of contracting out, reflecting purchaser (and thus usually government) preferences, rather than those of producers. This led to the transferral of decision-making powers, along with responsibility and accountability, to the point of implementation (Fleras and Spoonley 1999:120-121).

The shift towards a market model brought with it the goal of enhanced institutional responsiveness to clients and customers and increased managerial responsibility for the government sector and to communities. Even given an important Māori-specific component, responsiveness was based on the neo-liberal understanding that deprivation was caused by 'choices' made by individuals. Market forces were relied on to acknowledge people's rights as consumers with needs. Thus, while the number of Māori providers grew significantly under the market model regime of the early 1990s, their development was supported less because Māori were regarded as holding special status and more because the market 'demanded' culturally appropriate services for Māori. Such demand stemmed from consumers who, given the choice, were expected to pick from a 'diversity' of consumer preferences (Cheyne, O'Brien and Belgrave 2000:44-45;191; see Boston 1992:5-8).

Some Māori groups, by engaging with the market model and delivering social services under contract with government departments, developed substantial infrastructures and economic resources within this competitive environment. But they were few and far between and by the mid-1990s, there was growing resistance to the idea that the market alone could provide for all New Zealanders, particularly Māori who had suffered disproportionately from state restructuring and the following welfare

cutbacks. When in coalition with New Zealand First from 1996, the National majority was consequently forced to make concessions in the social welfare arena and it was just before this coalition broke up, in 1998, that the first *Closing the Gaps* report (TPK 1998a) was released (Cheyne, O'Brien and Belgrave 2000:44;151;213).

Nevertheless, the last chapter highlighted that a decade of the market model had long-term effects on the government sector, creating a reliance on outputs-based measures for reporting and a lack of strategic vision and research in the social policy sector. In addition, it encouraged a general competitiveness (both bureaucratic and ministerial) between portfolios, making coordination in policy formation and implementation difficult (McLeay 1995:79). The market model had become ingrained in the institutional and bureaucratic structures of the government sector and, despite growing recognition that the market might not rule after all, little structural or conceptual work had been undertaken to overcome that situation by the end of 1999.

LABOUR-ALLIANCE RESPONSE: COLLABORATING IN CONFUSION

The Labour-Alliance government, after almost a decade in Opposition, was well aware of the limitations of the market model. In advocating for a 'new social democracy', the Labour-Alliance government wished to temper the worst effects of the market model. Some commentators (e.g. Thomson 2000) have suggested that Third Way thinking has failed to come up with any real alternative to market-based, neo-liberal economic policies. Yet, Steve Maharey (2001e; 2001g), Labour-Alliance's Minister of Social Services and Employment, claimed that while neo-liberalism considers all markets to be the same, his government's new social democracy did not. It thus promoted an active role for the state in a mixed economy, with a new alignment between economic and social policy. This kind of argument has been common from parties on the left and centre-left worldwide, as they have all but abandoned traditional

socialist values in favour of a mixture of private and public approaches (Drake 2001:158).

Such Third Way thinking has brought with it a shift away from a sole focus on the social-democratic project of redistributing existing wealth towards an emphasis on fostering conditions that enable people to create new wealth through the use of public and private investment (Thomson 2000:213-214). One of those conditions is the restoration of civil society. As a means towards this goal, Labour-Alliance articulated a desire to empower communities so that they could better participate in the country's democratic institutions. Maharey (2001c; 2001f) indicated that this focus on building partnerships between the state and civil society, as well as empowering communities to find local solutions to local problems, attempted to provoke a change of thinking for the government sector, one that was more difficult for some agencies than others.

Inexperience with a community empowerment approach

The five agencies targeted for specific capacity building funding were those with the most experience in community development-type projects, but it remained difficult for some officials to reconcile the 1990s notion of agency/principal relationships – ‘telling them what to do’ – with the new focus on working *alongside* communities. An official from TPK suggested that: “the feeling I got from other agencies [was] ... that ... they were actually *picking* communities and [saying] ‘we will go to this community and this is what we will do to this community’”. The official believed such an attitude resulted from the government sector's lack of experience when implementing policies that supported ‘bottom-up’ development. TPK General Manager Lisa Davies (2001) also mentioned the difficulty of adapting quickly to initiatives such as capacity building: “I think the challenge is, they're not conventional, it's not ‘go and buy an early childhood participation programme’, it's ‘go and develop communities and demonstrate outcome’ – it's a pretty big ask”. As a result, a TPK official told me that there was considerable debate amongst government departments as to what the term ‘community

empowerment' meant, especially for Māori. TPK, whose concern with Māori development had long focused on such issues, often found itself in conflict with mainstream agencies who were more comfortable with the market model approach of the 1990s. Labour-Alliance's social development approach was not fully articulated until 2001, leaving the government sector with little conceptual guidance in this area.

With neither experience in working from a social development approach focusing on community empowerment, nor the desire to learn from those knowledgeable of traditional community development models, many government departments were confused as to what the term 'capacity building' actually entailed. The past two chapters have already noted that the lack of a clear, specific policy framework allowed Opposition members to gain political mileage out of confusion about the definition of 'CTG'. In addition, poor communication and few guidelines resulted in considerable uncertainty within many government agencies about the requirements of the effectiveness initiatives described in the last chapter. The same problem occurred with capacity building, for Labour-Alliance had wanted to define capacity building broadly enough to allow a whole range of different activities, projects and initiatives to be included. But this also meant that capacity building was interpreted from multiple perspectives and, as the State Services Commission (SSC) noted, could be "potentially everything to everybody" (OMMA 2000b:7).

This ambiguity was partly because the term 'capacity building' itself was not new and it had been used internationally in at least four different fields: community development; business development; education (training and upskilling); and governance and development (indigenous nation-building). Each has its own emphasis and methods, with the latter increasingly being utilised by indigenous peoples outside Aotearoa New Zealand. Loomis (2000a:3-4) has claimed that he offered this indigenous perspective when asked to address the Labour Party's Māori Policy Council in 1999. But, while capacity building was at times described by Labour-Alliance as reflecting "the principles of economic independence, empowerment and self-determination"

(OMMA 2000a:4), hopes that the programme might focus on *capacity building for Māori self-governance* went unfulfilled (Loomis 2000a:19).

Further ambiguity stemmed from the fact that although the *term* 'capacity building' was new to the Aotearoa New Zealand arena, its basic principles were not. There have been many examples of government sector initiatives aiming to support 'bottom-up' development that would enable Māori (and other communities) to develop their own solutions for local issues. For example, the Community Employment Group has worked on community development initiatives for years. In addition, the Tū Tāngata initiatives implemented by the Department of Māori Affairs in the late 1970s included experimental projects developed out of community-identified needs. Māori business and training development was the focus of the MANA Enterprises and MACCESS schemes in the 1980s, while the Community Education Initiative Scheme implemented around the same time intended to empower Māori and was a forerunner to Labour's devolution model (see Love 2001). Finally, Māori politicians from the right (Peters 2001) and left (Tamihere 2001a) of the political spectrum also indicated that innovative Māori organisations, including rugby league teams and Kōhanga Reo (Māori language pre-schools), had been capacity building for years before Labour-Alliance decided to adopt this term.

Lack of guidance about capacity building

Alliance MP Willie Jackson (2001) indicated that he regarded capacity building as a purely "bureaucratic" term. Ironically, however, it was one which government officials, when questioned by the Māori Affairs Committee, could not define without confusion. This was certainly the case after the CTG slogan was dropped, as a TPK official commented:

Mainstream agencies became confused, like there is this hiss and a roar around CTG as a policy platform, and all of a sudden, bing, it's gone and where does that actually leave them. And they're sort of told that capacity building's really important, but where does capacity building fit

into CTG and where has CTG gone, it's become social inequality, so what does it all mean? So, yeah, they're not getting strong messages from above

In fact, the strongest message that appeared to be coming from Labour-Alliance was that capacity building should be implemented as fast as possible to demonstrate its 'commitment' to Māori. In April 2000, the SSC suggested that TPK identify its perceived elements of capacity building and run two or three pilots to test them, so as to reduce the risk of confusion when the whole programme was implemented (OMMA 2000b:7-8). This recommendation appears to have been ignored. In addition, although extra funding recognised the new pressures that TPK bore in delivering an operational programme after nine years as a purely policy agency, it was given little space to develop the sound infrastructure required for such a shift. A TPK official noted:

.... the policy papers [on possible implementation strategies for capacity building] took so long to get through Cabinet, and then suddenly we were expected to deliver all the programmes and the policy process took so long that it impacted on our ability to deliver.

The same official considered that TPK had done a very good job in developing and implementing capacity building, given the timeframe, but stressed that it had been a highly challenging time for the agency, particularly with internal restructuring underway at the same time.

The poor ability of government departments to implement a social development model aiming to empower communities had serious consequences. First, a considerable proportion of the funding allocated was actually used in trying to determine exactly what the term 'capacity building' meant and, in the case of TPK, developing suitable structures for its implementation. Two prominent Māori leaders, one (Puketapu 2001) formerly having worked in Māori Affairs and the other (O'Regan 2001) having had long experience of interacting with government, were critical that capacity building mostly funded "committees to sit around talking about capacity building" (O' Regan 2001), with a lot less action at the level of Māori communities. This

highlighted for them the incongruity of a 'top-down' policy promoting 'bottom-up' development.

Second, the inability of the government sector to clearly define capacity building affected its implementation. As Dewes (2001) noted: "everyone was giving an interpretation of Closing the Gaps, everyone was giving an interpretation of capacity building, and every time I spoke to someone it meant something different, it really did". It is highly possible that many Māori communities, perhaps those most in need, did not apply for capacity building funding because of this lack of clarity as to what it meant for government sector and for Māori.

In consequence, attempts to move away from the market model were not completely successful. Government departments were inexperienced with the way in which the new social development approach focused on community empowerment and there was much confusion as to what it and capacity building meant and how they were to be implemented. Coupled with resistance to cross-sectoral collaboration around capacity building issues, the government sector demonstrated an incapacity for changing the established market model with which it had worked for more than a decade.

DIFFICULTY IN RECONCILING ACCOUNTABILITIES

The government sector's need for accountability over public funding was a third factor limiting the potential of capacity building to meet the desires of Māori for greater self-determination. Clearly the actions of any democratic government are bound by the need to account for the tax dollars of voters. Nevertheless, the last section indicated that a market model dominated the government sector in the 1990s, focusing on a form of efficiency that was less about accountability to voters and more about cutting

the costs of the bureaucratic state and increased managerial responsibility for the government sector. The Public Finance Act 1989, for example, extended the accountability of the public sector by changing the way in which government departments manage and report on expenditure to encourage greater efficiency. A long chain of accountability meant that departmental officials were accountable to their chief executive, who in turn was accountable to a minister for providing certain outputs supporting the outcomes sought by government's political leadership (Cheyne, O'Brien and Belgrave 2000:124).

As the delivery of services was increasingly contracted out to non-governmental organisations during the 1990s, this chain of accountability extended further and further into communities. Attempts to delegate or devolve responsibility for social service programmes to Māori communities were accompanied by complex systems of monitoring and regulation, aiming to ensure accountability to the government for funding. These government-defined accountability measures, however, were often hard to reconcile with the goals of the Māori organisations receiving funding and those of the Māori communities to whom they were also accountable (see TPK 2000h; TPK 2000i; TPK 2000j).

Such accountability requirements not only involved so much paperwork that Māori organisations were left with little time and energy for pursuing political aspirations, but the need to maintain transparent reporting and accountability for public funds was used as a common excuse by successive governments when resisting the devolution of major responsibility for policy-making and programme delivery to Māori (see Loomis 2000a:16-17). As a result, responsiveness simply tried to reconcile a state-defined understanding of Māori desires for greater autonomy with existing bureaucratic structures and the complex web of accountability, output and outcome measures found there. Largely designed by non-Māori, these did little to address the tensions faced by Māori organisations when attempting to be accountable to both government and their own communities.

LABOUR-ALLIANCE RESPONSE: REGULATING MĀORI ACCOUNTABILITY

The previous chapter has already highlighted how greater accountability for spending on Māori was a major focus of the Labour-Alliance government. It has been argued that this was purportedly to improve government performance for Māori but accountability was, in reality, virtually a one-way street. Thus, although government agencies and the Māori providers they contracted were accountable for the government funding they received, departments remained liable to the communities they served only through the fact that their ministers were subject to a three-yearly election cycle. Capacity building was yet another example of the tension created by attempts to empower communities to find 'local solutions for local problems' within the context of the state apparatus.

Associate Minister of Māori Affairs, Tariana Turia (2000c), described capacity building as aiming to enhance the capabilities of Māori to act as managers and controllers of their own development. It was also regarded as a means with which to encourage 'Māori authority and leadership', one of TPK's new goals after the agency's restructuring (Hollings 2001). Yet, Labour-Alliance attempts to expand opportunities for the involvement of Māori communities in designing and implementing programmes and services that met their own objectives through capacity building came at the expense of further regulation.

The paper trail: capacity building application and assessment process

Certainly, representatives of Māori communities applying for capacity building funding indicated that they were faced with an application process that was reportedly more cumbersome than ever before and "worse than extracting a tooth" (Dewes 2001; see Mariu 2001; Te Kani 2001). Cabinet approved nine criteria to be met by Māori

communities wishing to access the fund. Importantly, applicants were required to demonstrate support, participation and commitment from the wider Māori community for their initiatives (OMMA 2000c:3). Although it was never explicitly stated, this suggested that capacity building initiatives were to provide some measure of accountability to Māori communities.

Yet, a closer examination reveals that capacity building procedures not only remained concerned with Māori accountability to the government sector, but also perpetuated government sector regulation over Māori communities. For example, only whānau, hapū, iwi, Māori organisations or Māori communities who could demonstrate that their initiatives would involve, and assist, disadvantaged groups, in addition to being “consistent with the [TPK-crafted] definition of capacity building”, were eligible to apply for capacity assessment funding. Proposed initiatives had to clearly specify outcomes, timeframes for their achievement and, once an assessment had been made, it was expected that applications for implementation be consistent with such outcomes (TPK 2000d:1). Capacity assessment and building funding was paid out only on completion of these outputs and when key milestones had been agreed between TPK and the community (OMMA 2000c:8).

For many groups applying for small amounts of money, the detail required by the application process often did not seem worth the effort. Jackie Te Kani (2001), President of the Māori Women’s Welfare League, told how one small group of women eventually managed to gain \$1000 for capacity building, but by that time they had almost lost the motivation to run the programme they wished to establish. The League had to give considerable assistance to potential applicants, particularly in helping them write a strategic plan, one of the requirements of the funding. Despite the confusion and difficulty, a total of 565 applicants remained motivated enough to apply in the first year, with the number increasing to 1897 by May 2002 (Tamihere 2001a; Horomia and Turia 2002).

The assessment of applications was also a very long-winded process. Regional offices first prioritised applications based on their assessment of the written data and

engagement with applicants to confirm their intentions and abilities. Recommendations were then made as to which applications should be supported and at what level funding should be offered. Regional directors were delegated the authority to approve capacity assessment grants under \$2000, but most applications were forwarded to a Wellington-based National Assessment Team, a committee made up of senior TPK managers and a regional director representative. According to a TPK official, once applications over \$2000 were checked off with different people around TPK and with mainstream agencies to ensure no duplication, decisions were made.

Although very thorough, questions have been raised as to whether this assessment procedure was, as promoted, “flexible and responsive to Māori needs, while ensuring a fair and transparent decision making process” (CCCTG 2000a:1). There is some evidence that this procedure may not have been as ‘fair and transparent’ as it claimed to be. For example, the TPK regional office in Christchurch, which was run by local iwi, Ngāi Tahu, rejected an application made by a non-tribal organisation based in that city until another office expressed interest in using the application as a ‘best-practice’ model for other applicants. This was interpreted by Dewes (2001), CEO of a non-tribal organisation, as evidence of the way in which tribal organisations were prioritised over non-tribal organisations as Ngāi Tahu assessed applications. In addition, ACT Party leader, Richard Prebble (2001), told how the Māori Affairs Select Committee, of which he was a member, became suspicious of at least one organisation which received multiple grants of funding. He implied that a small number of Māori communities had been able to manipulate the application process in their favour. Both of these interpretations may, of course, have been influenced by the political positioning of the commentators.

However, capacity building, like other aspects of government policy (see Chapter Five), was subject to monitoring and evaluation to ensure that Māori organisations and communities were accountable to the “[g]overnment for the use of its resources” (OMMA 2000b:6). Once capacity assessment or building funds had been transferred to Māori communities, regional TPK staff maintained a close relationship

with applicants and had to submit progress reports based on a standard template, as did the funded group itself.

Prioritising government accountabilities

Māori communities were no doubt thankful for another possible source of funding and the support offered, particularly when, as a TPK official suggested, for some it was a first opportunity to access government sector resources. A significant \$17.1 million had gone to applicants by 2002 and this fact should not be neglected, given the constraints of previous Māori Affairs funding (Horomia and Turia 2002). In addition, the groups that gained assistance were encouraged, to a degree, to be accountable to their communities, through the mandating requirements and by the fact that they were *part* of the communities they represented. However, for all the rhetoric concerning 'empowerment' and 'self-determination', Labour-Alliance's capacity building initiative was still designed, regulated and monitored by the state (TPK 2000d:2). It was thus reminiscent of the highly controversial Rūnanga Iwi Act of 1990, which gave legal status and social service responsibilities only to iwi demonstrating government-defined 'essential characteristics' (see Baird and Gover 2000:11-12; Chapter Two).

Loomis (2000a:19) has argued that if capacity building had truly been about *self-determined* development, Māori would have been encouraged to develop their own measures of success. These might have been along the lines of the 'Self-Governance' or 'Tino Rangatiratanga Index' being designed by the School of Māori and Pacific Development at the University of Waikato, for example. But in reality, while capacity building allowed Māori groups to "invest time and effort in fulfilling their own aspirations" (CCCTG 2000f:1), Māori academic Evan Poata-Smith (2001) stressed that they still had to reach milestones that reflected the objectives of the government sector, not their own communities. Capacity building thus made little significant movement towards greater self-determination for Māori except at the most basic, flaxroots level,

nor did it seriously attempt to make the government sector more accountable to Māori communities.

It was part of TPK's brief regarding capacity building to encourage the development and maintenance of constructive relations between Māori and government departments, thus helping to "foster a relationship of confidence between the Government and Māori" (CCCTG 2000f:2). Yet, Labour-Alliance clearly did not demonstrate 'confidence' in Māori communities, for it saddled them with considerable 'red tape' and monitoring procedures that may, in some cases, have reduced their ability to be self-determining. This illustrates the difficulties of attempting to incorporate Māori desires for greater autonomy (or even a 'true' form of community empowerment) within existing bureaucratic structures that rely on accountability, output and outcome measures largely designed by non-Māori. It is a tension for which the government sector was ill-prepared and, indeed, may never be able to resolve, but one that the Labour-Alliance government's capacity building programme did little to alleviate.

LIMITED MODEL OF 'MĀORI DEVELOPMENT'

A final issue that hindered the capability of capacity building to live up to the 'self-determination' and 'partnership' rhetoric articulated by the Labour-Alliance government concerned the conceptual limitations of the development model by which the government sector has traditionally framed Māori. Although the National-led governments preceding Labour-Alliance had pursued a 'hands-off' approach which avoided specific focus on Māori development and concentrated on establishing contractual relationships with Māori providers, policy initiatives did not abandon the development model problematised in Chapter Two. There it was contended that such a

model was driven by state agendas; framed in terms of Eurocentric notions of progress, civilisation and modernisation; and compartmentalised economic and business development from cultural and political development.

Driven by a desire to ensure Māori organisations provided responsive and efficient services in a way that contributed to Aotearoa New Zealand's economy, as well to gain Māori votes, the National-led government established the Māori Business Facilitation Service and Tahua Kaihoatu prior to the 1999 election. These new initiatives continued a long history of business 'fixes' focused on developing the capabilities of Māori as entrepreneurs and service providers (a form of 'corporate governance') with the aim of not only 'closing the gaps', but also contributing to the 'national interest' (Loomis 2000a:12-13). Such initiatives remained firmly in state control.

LABOUR-ALLIANCE RESPONSE: 'EMPOWERMENT' AS AN END IN ITSELF

The Labour-Alliance government placed a strong emphasis on development across many ministerial portfolios including Māori Affairs where, by 2002, explicit development principles and standards had been formulated and included in TPK's (2002b:18;21-27) Business Plan. Capacity building symbolised what the term 'Māori development' meant for Labour-Alliance, with its move away from assuming that it was the state's role to 'fix' Māori 'problems' towards focusing on improvements in the long-term capabilities of Māori communities to prevent and 'solve' issues themselves. A TPK official stated that capacity building conceptualised Māori as active participants within their communities and rejected the notion that Māori should be "passive recipients of measures designed from a theoretical standpoint by people outside the situation". Yet, the notion of capacity building was neither specific to Aotearoa New Zealand, nor the Māori context. It consequently remained based on a limited understanding of

development that was *not* driven by Māori agendas. The following discussion identifies several reasons for this argument, relating to the way in which capacity building was based both on a western corporate model and a form of community empowerment that perpetuated needs-based thinking.

Encouraging corporate development

Capacity building may have been promoted as “Māori development by themselves for themselves” (Horomia cited in TPK 2000f:1), but its basic principles stemmed from a western corporate model of development. This is clear from the way in which its purpose was defined as providing Māori communities with “resourcing, facilitation, support, access to expertise, information and funding from TPK and other government departments” (Love 2000:3). These measures aimed to enhance Māori skills in relation to “strategic and operational planning, training, infrastructure development and resource building, personnel development, consultation and management” (OMMA 2000a:4). They were well-aligned with Labour-Alliance’s social development approach, which was founded on the belief that investment in skills, research, technology and community development are a means with which to accelerate the rate of economic and social progress through sustainable growth (Maharey 1999; see Warren 1970).

Such skills *are* important, but Loomis, Morrison and Nicholas (1998:3) have argued that focusing *only* on the provision of information and technical advice is a very limited form of capacity building. Even though the restoration of economic resources and the development of robust political institutions are crucial to greater Māori autonomy, the capacity building initiative ignored the development of resources other than human resources (Loomis 2000b:12; see Chapter Three).

Like capacity building in developing countries, the programme was supply-driven and reduced to training Māori communities in the kind of skills and expertise that the government sector is expert in and wished such communities to emulate (see

Bikales 1997:435). That is not to say some Māori communities did not benefit from the extra funding. Yet, the knowledge and expertise transmitted through capacity building continued to reflect a free market/western capitalist model, as well be founded upon dominant cultural norms. International evidence (see Cornell and Kalt 1997:18-19) suggests that success in indigenous governance requires cultural identity and culturally appropriate institutions, yet capacity building continued the trend of government policy attempting to assimilate Māori into the mainstream culture and society, instead of helping Māori develop the cooperative models of economic development based on Māori tikanga (customs) favoured by many Māori (see TPK 1999a:163).

Marginalising Māori political development goals

The preoccupation with business development and training that capacity building embodied also continued to sideline, although not completely ignore, the political objectives of Māori communities. Despite the restructuring of TPK under Labour-Alliance, which resulted in the compartmentalisation of capacity building in the new Economic Directorate, TPK (1996; 1999a; 2002a) had long acknowledged that development at the cultural, economic *and* political levels is necessary for Māori communities to be self-determining in a holistic manner. A TPK official estimated that twenty to thirty per cent of applications for capacity building concerned issues of governance, leadership, organisational structures and obtaining a mandate from the community. Capacity building thus at least offered Māori communities greater opportunity to develop their political objectives and structures if they so wished. But this was only at the flaxroots, local level where a state-centred approach to Māori self-determination accepted that there might be some degree of autonomy. It is highly debatable whether the notion of capacity building advanced Māori claims at the broader national level, where autonomous decision-making institutions and shared governance arrangements between Māori and the state have been proposed. There was

some concern within Māori communities (e.g. Mariu 2001; Puketapu 2001) that the way in which capacity building continued to encourage competition over funding may have actually contributed to continued difficulties in building consensus within Māoridom on these issues.

In addition, TPK was hesitant about allowing political development goals to be explicitly expressed in the political climate of the time. While a TPK official told me the agency was “very much openly supporting and encouraging, strengthening the governance of Māori communities”, TPK tried to do this in a way that did not stir resistance:

Now we don't, sort of promote it as sort of saying 'political development' – people get confused, 'what do you mean by that?' they get confused by 'what do you actually mean by that Are we talking self-determination, tino rangatiratanga, all that sort of stuff?'

Such caution was necessary, even with a relatively sympathetic Labour-Alliance government, because there was still considerable resistance to recognising the political rights of Māori to tino rangatiratanga (the power to be self-determining). For example, in reporting on capacity building proposals, the Treasury claimed a paper from the Office of the Minister of Māori Affairs (OMMA 2000b:7) suggested that capacity building would fund “political initiatives in communities”. The Treasury considered this inappropriate because it was not consistent with government objectives, recommending a greater emphasis on evaluation so that the funding could be monitored for effectiveness in achieving the goals of *government*.

Loomis (2000a:22) has contended that the concepts of ‘closing the gaps’ and capacity building are in conflict, because ‘gaps’ discourse regards Māori as a client population, for which mainstreamed initiatives are appropriate, while capacity building regards Māori as a people concerned with indigenous nation-building. However, the shying away from discussion of Māori political development indicates that Labour-Alliance’s capacity building programme was not “a schizophrenic nonsense” (Peters 2001), for reference to ‘self-determination’ was in *rhetoric* only. Explicit discussion of

capacity building as “closely aligned with the protection *and* guarantees of the Treaty” (OMMA 2000c:9, my emphasis), belied the fact that the focus was largely on government’s obligations to Māori as equal citizens, rather than as self-determining peoples. Havemann (1999d:473) has stressed that: “[s]elf-determination, by definition, must be specified in terms that express the assertions of indigenous peoples, not the concessions that the State is prepared to make”. Yet, capacity building failed, other than providing general references to the Treaty and tino rangatiratanga, to formally recognise Māori self-governance.

Promoting ‘empowerment’ over ‘self-determination’

With the political objectives of the Māori self-determination project down-played during the implementation of capacity building, the focus was on Māori empowerment. While the kind of community empowerment Labour-Alliance promoted as part of its social development approach might overlap with the exercise of Māori self-determination in actual activities, the philosophies behind the two outcomes are significantly different (see Jenkins and Jones 2000:139). Servian (1996:5-7;12) has noted that the term ‘empowerment’ can be defined in numerous (often contradictory) ways, but it often refers to those in authority *giving power to or meeting the needs* of those who are *powerless*. Implying that communities are in ‘deficit’ and need to have power invested in them to discourage social exclusion, the goal of empowerment thus complemented the underlying conceptual framework of the CTG strategy (see James 1999:20). It is currently fashionable for governments in developed countries to allow for ‘community participation’ and ‘empowerment’, but the notion of ‘power’ in this context has been reduced to participation, having a ‘voice’ or being represented within a decentralised administrative or management context (Servian 1996:13; James 1999:13-14). Driven by a model of community empowerment, capacity building may be viewed as an example of the government sector giving Māori communities ‘permission’

to assume greater responsibilities (and accountabilities) for meeting their own needs, without threatening the political status quo.

Empowerment thus contrasts markedly with the kind of self-determined development at the heart of Māori calls for self-determination. There an assumption is made that Māori *already* hold power (through their inherent right to self-determination as 'first peoples'), but their ability to *exercise* it has been diminished. Māori have thus called for recognition of this existing power through the transferral of not only responsibilities, but also authority and control over decision-making and resources. As noted in Chapter Three, there is great debate within Māoridom as to how tino rangatiratanga might be exercised at the practical level, but the transferral of such authority and control is central to all perspectives.

It is important to note, therefore, that capacity building could not bestow greater self-determination upon Māori, for this is something that Māori already have and must develop for *themselves*. At best the programme could only provide an environment that would "place Māori in a stronger position to facilitate their own development" (OMMA 2000b:1). But conceptually, the notion of capacity building could never conceive of Māori desires to be self-determining within their own socio-cultural and political structures because it was focused on empowering Māori to participate more fully in the country's *existing* institutions. In this way, the notion of empowerment was not regarded as a *process* that, over time, would allow greater and greater self-determination for Māori communities, perhaps even to the point of a strategic 'exclusion' from the mainstream. Instead, it was conceptualised as a *programme* that could be implemented by making a few structural changes within existing institutional arrangements (see Sanders 1970:19-25).

Ultimately, although capacity building stressed "enhancing capabilities as well as meeting needs" (OMMA 2000b:2), it was still founded on the problematic needs discourse outlined in Chapter Two. "[B]ased on the precept that one of the ways to improve outcomes for Māori is to increase the delivery of government services 'by Māori for Māori' " (OMMA 2000a:4), capacity building reflected a needs-based interest in the

most effective delivery of social services aiming to 'close the gaps'. The end goal was not, therefore, Māori self-determination, but "to empower Māori to achieve their economic, social, political and cultural goals enabling them to *fully participate in all sectors of NZ society*" (OMMA 2000c:1, my emphasis). Such empowerment was consequently concerned with the goal of national cohesion, which has long been used to justify state intervention into the affairs of Māori peoples and the exercise of control over their resources (see Loomis 2000a:18).

Use of the language of 'Māori self-determination' and the 'Treaty' as a way to recognise the unique nation status of Māori, did not, therefore, necessarily intend to offer Māori communities any more 'self-determination' or 'partnership' than other communities within civil society. For some within the Labour-Alliance government, this may have been a way of manipulating Māori support. But such ambiguity also stemmed from multiple interpretations of what capacity building involved, poor planning and the speed at which decisions about the programme were pushed through Cabinet. The inherent tension faced by individual members of the Labour-Alliance who "support Māori efforts at self-determination" (OMMA 2000b:8), when to do so too enthusiastically would involve relinquishing some of the state's and their own political power, was also a factor. Some were explicit in voicing these limitations (e.g. Samuels 2001; Tamihere 2001), while others (e.g. Horomia and Turia 2001) were key proponents of the rhetoric concerning the Treaty and 'self-determination' that failed to be reflected in the actual practice of capacity building as it evolved during 2000.

In summary, it is evident that, as Loomis (2000a:22, emphasis in the original) noted at the time: "Government's current capacity building initiative seems to recognise the importance of Māori self-determination, but not the strategic difference between *government* reducing disparities and *Māori* achieving their own development through self-governance". Capacity building was a half-hearted attempt to acknowledge that socio-economic 'gaps' between Māori and non-Māori are likely to remain unless Māori are able to advance in all areas of indigenous development (see Loomis 2000b:8;10).

Yet, the Labour-led government attempted to deal with structural issues through capacity building without addressing flaws in the conceptual framework from which such structural problems developed, just as the last chapter noted it did when attempting to improve government effectiveness for Māori. Without this conceptual work, the capacity building programme certainly held the potential to empower Māori by putting a focus on 'local solutions for local problems'. But it could not support a level of self-determination that is hinged upon an uncoupling of nation from state, because it was preoccupied with promoting a form of national cohesion that assumes the inseparability of these two concepts.

CONCLUSION: BUILDING WHOSE CAPACITY?

This chapter has highlighted that Labour-Alliance's capacity building programme offered some opportunity for Māori communities to become empowered through assistance aiming to improve their skills and infrastructure. The flexibility of the capacity assessment and building funding allowed a variety of community-driven goals to be identified and work to begin on tackling the obstacles that restricted their achievement. For many communities, capacity building offered a first chance to access government funds and it benefited many small, disadvantaged communities "who have few opportunities or resources to move ahead" (TPK 2000c:1). Established Māori organisations were also assisted, either through capacity building funding or the enhanced resources of Taihua Kaihoatu. Such initiatives were certainly more of the 'enabling' than the 'rescuing' variety and capacity building can be regarded as another 'first step in the right direction' for the Labour-led government.

Nevertheless, in pushing ahead with Labour's election promise for capacity building without consulting with Māori or considering the conceptual questions that

its implementation required, the government sector was confused as to what exactly Labour-Alliance's version of capacity building meant for their daily work. Labour-Alliance failed to distinguish between the community empowerment goals of the new social democracy and the aims of Māori self-determining development. It defined 'empowerment' in terms of Māori communities participating more fully in a mainstream 'national culture' by developing their skills and creating partnerships built on a contractual basis. It cannot be said, therefore, that capacity building lived up to claims that it held "the potential to reshape New Zealand as we know it" (Horomia cited in TPK 2000c:1).

Founded upon a traditional needs discourse, this notion of community empowerment consequently continued to promote national cohesion in a way that Chapter Two highlighted as extremely problematic, given the calls made by Māori for self-governance at the local, regional *and* national levels. There were certainly overlaps between these two development models, but capacity building failed to make adequate connections between the development of resources and the political and cultural aspects of development that a self-determined model embodied (see Loomis, Morrison and Nicholas 1998:16). As a result, it was more about improving the government sector's capacity for 'closing the gaps' than that of Māori communities to be self-determining.

The previous chapter illustrated that a lack of political will and bureaucratic inability to deal with the conceptual tasks at hand restrained the potential of Labour-Alliance's aims to improve the effectiveness of government performance for Māori. An analysis of capacity building has suggested that these same constraints were in place as Labour-Alliance attempted to empower Māori through a development model that political commentator Colin James (2001:A13) bel

ieved had succeeded in *raising* and then *frustrating* Māori expectations in relation to these issues (see). The next chapter, in focusing on the last of three main CTG initiatives to be discussed in detail, indicates that Labour-Alliance's intentions relating to active citizenship amongst Māori were also similarly confused and ill-

conceived, further delaying progress in significantly reconceptualising the Māori-state relationship.

THE NEW ZEALAND PUBLIC HEALTH AND DISABILITY BILL: PROVISIONS FOR MĀORI

INTRODUCTION: IMPROVING 'MĀORI PARTICIPATION IN DEMOCRACY'

The New Zealand Public Health and Disability (NZPHD) Bill was a major piece of legislation with which the Labour-Alliance government aimed to restructure the public health system. Many of its core components were already under consideration when the 'Closing the Gaps' (CTG) term was adopted as an umbrella for the Labour-Alliance government's general policy direction (King 2001). However, the health legislation shared an interest in improving effectiveness for Māori, building the capacity of Māori providers and reducing socio-economic disparities with the initiatives described in the last two chapters (MOH 2001c:60-61). The legislation is the focus of this chapter because the provisions for Māori found in the NZPHD Bill provide a good example of the Labour-Alliance government's attempt to improve 'Māori participation in democracy', which was a core goal of *He Pūtahitanga Hōu*. (Labour Party 1999a:6). This involved combining the foci central to other CTG initiatives with a partnership framework built upon the 'principles' of the Treaty of Waitangi.

The rationale behind the NZPHD Bill reflected the over-riding drive for a new social democracy led by senior members of the Labour-Alliance government. Its prime purpose was to abolish the government-appointed Health Funding Authority (HFA) established under a National-led government and replace it with twenty-one democratically elected District Health Boards (DHBs). This was a major election

promise, for the Labour Party (1999b:4) had vowed to “restore the [health] system’s moral authority” and, with it, that of the democratic state. Labour (1999b:4-6) claimed that it would do this by encouraging greater community involvement in “decisions about the composition of services in their regions, the way those public health services are managed, and the planning for their future health services”. Introducing a DHB system was thus a means with which to encourage national cohesion and build the state’s legitimacy by encouraging active citizenship through greater ‘citizen engagement’ or participation in health decision-making.

Once elected, the Labour-Alliance coalition also promoted the legislation as demonstrating its ‘commitment’ to improving the state’s partnership with Māori. This was to be achieved by ensuring that the Treaty had ‘a positive and enduring role’ (King 2000b); improving Māori participation and representation in the health sector; and reducing Māori health disparities. The provisions for Māori were not mentioned in manifesto documents for health (see Labour Party 1999b:30), but *He Pūtahitanga Hōu* (Labour Party 1999a:6) had promised ‘fair’ representation for Māori on statutory and other government agencies and advisory boards. While this lack of coordination between differing policy arenas suggests inconsistency, the provisions were certainly not out of character with the emphases on consultation, participation and representation that were part of the Labour Party’s (1999c) plan to ‘democratise’ and ‘community-orient’ health. Nor were they in conflict with Labour-Alliance’s wider concern with reducing health disparities, as articulated in the New Zealand Health Strategy (MOH 2000) or the broader CTG strategy.

The NZPHD Bill made serious attempts to improve the *relationships* between Māori and health bodies, offering some practical mechanisms with which to implement a form of partnership based on Treaty principles. The following section outlines the three main initiatives encompassed within the Bill that related to Māori. These were: two clauses referring to the Treaty of Waitangi; a requirement that DHBs establish or maintain partnership relationships with ‘mana whenua’ (defined as people with customary authority over a particular area); and a guarantee of Māori representation

on the DHBs. In the cases of improving government effectiveness for Māori and capacity building, it has been argued that references to 'partnership', 'self-determination' and the Treaty of Waitangi were largely rhetorical. While the NZPHD Bill attempted to move beyond such rhetoric, it also contained serious flaws, both in the practical means by which partnership was to be implemented and the conceptual foundations upon which it was based.

Many of the bureaucratic and conceptual issues that inhibited Labour-Alliance's stated goals for the NZPHD Bill have already been highlighted in Chapters Five and Six. This chapter concentrates on three issues. First, although poor consultation and communication were characteristics of both the effectiveness and capacity building initiatives, this problem was one that dominated the legislative process. In particular, it is stressed that the Treaty references inserted into the NZPHD Bill were subject to considerable disagreement, even within Māori communities, as to whether they were an appropriate means with which to implement partnership.

Second, emphasis is placed on the lack of consistency and certainty demonstrated by the government sector when interpreting the Treaty of Waitangi in its day-to-day work. This resulted in parts of the legislation being in conflict with government policy found in other arenas, considerable ambiguity and confusion generally and a questioning of Labour-Alliance's 'commitment' to a partnership model.

Finally, a critical analysis is made of the somewhat limited interpretation of partnership upon which the legislation was founded. This focused on Treaty principles over Treaty provisions or articles and better Māori representation within mainstream institutions instead of improving Māori governance opportunities through constitutional transformation. Labour-Alliance's understanding of partnership thus recognised the importance of the Treaty, making symbolic recognition of the nation status of Māori through Treaty discourse. Yet, at the same time, the partnership model framed Māori by a distributive justice, needs-based discourse promoting a form of national cohesion that contradicted such recognition. The coalition government's assumptions about active citizenship and 'improving democracy' for Māori thus made

no significant challenge to traditional conceptions of a universal, coherent and politically-defined citizenship (Fleras and Maaka 2000:2).

This chapter aims to demonstrate that, as a consequence, the Bill can at best be described as politically naïve and at worst, poorly devised. Its provisions for Māori caused a backlash against both Māori and the Labour-Alliance government from Opposition Members of Parliament (MPs). Yet, these measures actually contained little threat to the existing political and constitutional framework or the traditional notions of citizenship that maintained the unequal power relations between Māori and the state. Rather, they merely tinkered with existing means for Māori consultation, participation and representation. In this way, the NZPHD Bill and the resulting Act continued many of the troublesome themes found in the past two chapters. It certainly cannot be said to have lived up to the political rhetoric regarding the Treaty partnership and Māori self-determination that surrounded it and the other CTG initiatives.

THE HEALTH LEGISLATION PROVISIONS FOR MĀORI

The NZPHD Bill reflected Labour-Alliance's Third Way focus on active citizenship, which was to be achieved through citizen engagement (see Giddens 1998:64). Lead Third Way advocate and Minister of Social Services and Employment, Steve Maharey (2001e:9), stressed that the government sector needed to facilitate communication with and the participation of communities, moving from a process of consultation to engagement. He stated that this: "will involve a new deliberative democracy. It will involve citizens accessing information about policy issues, and a greater measure of involvement on the part of citizens in the political process".

This chapter does not offer an assessment of whether Maharey's (rather weak) definition of 'deliberative democracy' was achieved, although it is unlikely, given that Labour-Alliance's poor record of consultation did nothing to facilitate the high degree of trust and understanding required (see Kymlicka 2001:226). Rather, it is stressed that the concept of deliberative democracy itself is neither culturally nor politically neutral. The deliberative democratic aim of fostering a sense of belonging and civic responsibility retains unity, rather than recognition of difference, as its ultimate goal (see Young 1995:136-141; Cheyne 1999:221). Indeed, liberal nationalists have argued that only a common *national* identity has succeeded in securing the level of trust needed for citizens to consider the opinions of others and accept electoral decisions they disagree with (Kymlicka 2001:225-226). Labour-Alliance's interest in active citizenship through partnerships between the state and civil society, such as the DHB system represented, thus shared the same underlying assumption as the principles of social inclusion and community empowerment: that nation and state are irrevocably tied.

It is within this context that the provisions for Māori included within the NZPHD Bill were based on a 'generic' partnership model. This aimed to build upon existing arrangements to facilitate Māori participation at all levels of the health and disability sector through partnership relationships with Māori. Like other aspects of Labour-Alliance's CTG strategy, the partnership model placed a dual emphasis on both Māori capacity building and developing mainstream responsiveness, as well as encouraging service integration and the development of inter-sectoral approaches for Māori health gain and service delivery (OMH 2000a:10). However, it framed these 'closing the gaps' issues with discussion about the Treaty (OMH 2000b:3). The provisions specifically relating to Māori are outlined below.

TREATY OF WAITANGI CLAUSES

The Treaty of Waitangi is a natural foundation for any discussion of partnership relationships between Māori and the state and plans for inserting clauses referring to the Treaty into the NZPHD Bill were evident from an early stage (OMH 2000a:2-3; 2000b:3). The Adhoc Ministerial Committee, which formed to make decisions on the health legislation, agreed that two references to the Treaty would be inserted into the NZPHD Bill. Clause 3, which dealt with the purposes of Bill, listed one such purpose as being to “recognise and respect the principles of the Treaty of Waitangi” consistently with the provisions of the legislation. In addition, Clause 4 dealt specifically with the Treaty, asserting that the Bill was “to be interpreted in a manner that is consistent with the principles of the Treaty of Waitangi”.

MANA WHENUA PARTNERSHIPS CLAUSE

The Labour-Alliance coalition was aware that accountability mechanisms needed to be put in place to oblige DHBs to work within a partnership framework and thus give “effect to the principles of the Treaty of Waitangi at the DHB level” (OMH 2000c:2). As a result, provisions were included concerning the need for DHBs to meet their objectives for Māori and make progress towards Māori health goals, targets and other agreed upon performance measures (see OMH 2000a:7). These were similar to the initiatives applied to the wider mainstream sector that were described in Chapter Five.

However, a more significant and controversial provision was the requirement that DHBs establish “Treaty-based partnership agreements between the board and the

mana whenua of the region". 'Mana whenua' were defined as "the people whose customary authority over their tribal area is derived from their tupuna whakapapa [ancestor's genealogy]" (NZPHD Act 2000 18 [5]). The purpose of such agreements was to ensure that iwi (tribes) were able to participate in strategic planning "with an emphasis on closing the gaps between Māori and non-Māori health and disability outcomes". These partnerships were not new, for the HFA already had four formal Treaty partnerships with iwi organisations and another five ready for signing (Laugesen 2000b:C2). However, Labour-Alliance wished to strengthen these and formalise new operational partnership relationships (OMH 2000b:3).

GUARANTEED REPRESENTATION FOR MĀORI

Attempts to enhance 'Māori voice' in the health sector were considered another means of ensuring DHB accountability under the partnership model. Officials argued that consultation with Māori consumers and whānau (extended families), hapū (sub-tribes or clans) and iwi in their local areas was unlikely to achieve the "desired outcomes of partnership on its own" (OMH 2000a:6). The option of standing Māori advisory committees was considered but rejected, due to fears that they would be too easily marginalised (see Labour Party 1999a).

As a result, the Adhoc Ministerial Committee eventually agreed: "In recognition of the Crown's partnership with Māori, each board will have at least two Māori members, or a greater number if Māori make up a higher proportion of the DHB's population" (King 2000b). It was argued that two or more Māori board members were needed to spread the burden of work often carried by Māori in such forums (OMH 2000d:3). Cabinet papers noted, however, that: "[n]o election system will *guarantee* Māori representation" (OMH 2000d:2, emphasis in the original). In consequence, Labour-Alliance retained the power to appoint four members to the DHBs. Two such

appointments were to be Māori if none were elected, so as to achieve the desired Māori representation levels. The appointment process was also used to balance the DHBs in terms of skills and experiences, thus allowing for Pacific peoples, women, the disabled and other minority groups to be equitably represented if appropriate for the community in question (OMH 2000e:1;5).

In combination, these three core components aimed to fundamentally improve the participation and representation of Māori within the health sector. They constituted a significant extension of gains already made within health. Yet, the remainder of the chapter outlines how their potential to 'improve democracy' for Māori and develop the Māori-state partnership was diminished by: poor consultation and communication with Māori; inconsistency and uncertainty in Treaty interpretation; and the very limited conception of partnership that underlay the provisions for Māori.

POOR CONSULTATION AND COMMUNICATION PROCESSES

One of the first impediments to Labour-Alliance's goals, which aimed to improve the participation and representation of Māori, as well as their partnership relationships with the state, stemmed from the poor processes of consultation and communication that existed within the government sector. Eichbaum and Harris (1999:11-12) have noted that fifteen years of neo-liberal reform decreased the level and quality of public debate on economic, political and social issues. Citizens became 'stakeholders', 'clients' and 'consumers' in a market-based notion of citizenship, a focus diminishing the right to participate in the policy process and hold the government sector accountable for decisions and delivery. Indeed, democratic participation and debate were frequently considered corrosive to 'sound public policy' (Cheyne 1999:216; Eichbaum and Harris 1999:11-12; Muetzelfeldt 2000:78-79; 90).

Nevertheless, the same period witnessed increasing government sector recognition of the importance of consulting with Māori about the Treaty and policy matters that affected them. A landmark court decision (*New Zealand Māori Council v Attorney-General*) in 1987 tentatively identified consultation as a 'principle' of the Treaty of Waitangi (Hayward 1999:184). From that time, improvements were made in government sector consultation processes, but there remained a divide between Māori and government expectations of their purpose and practice. Some government departments were more diligent than others, but consultative hui (meetings) were often only conducted at an initial stage of the deliberative process or treated as a chance to inform Māori about decisions that had already been finalised (see Chapter Three). In addition, submissions on legislation or consultative documents were frequently ignored (see Wallace 1998:58;63; Anglican Diocese of Auckland 2000:3). Māori were thus becoming more vocal in their frustration at being continually asked to consult when their viewpoints held little weight in decision-making (see Kawharu 1996:17; Hayward 1999:187-189).

In their defence, governments through the 1990s attempted to deal with difficulties concerning: who they should consult; the level of consultation necessary; and how much credence should be placed on 'expert' (that is the government sector) over 'local' (whānau, hapū, iwi or Māori) opinion. All of these questions, particularly the first, were highly contested within Māori communities, making consistency difficult to obtain.

Debate also arose as to which arms of the state were obliged under the Treaty partnership to enter into consultation with Māori. As the 1990s drew to a close, discussion was underway as to whether devolved government agencies, such as local government councils, could be considered a Treaty partner and thus obliged to consult (Hayward 1999:19; see Turner 1995:80; Young 2000f:A20). The Waitangi Tribunal, for example, had received a number of claims alleging that various aspects of local government law and practice were or had been inconsistent with the Treaty (Baird and

Gover 2000:7). However, these issues remained unresolved in 1999 when Labour-Alliance took control of the country (DIA 2001:34).

LABOUR-ALLIANCE RESPONSE: CONTRADICTING 'COMMITMENTS'

The provisions of the NZPHD Bill (along with slower moves to update the Local Government Act) demonstrated Labour-Alliance's awareness of some of the shortfalls of government sector consultation with Māori (see Labour Party 1999d:10). Without stating it explicitly, the coalition government also assumed that DHBs, as a devolved arm of government, were implicated in the Treaty relationship and thus had to develop adequate consultation processes with Māori.

Consultation: the double standard

This recognition of the need for consultation resulted in Māori representation being required on thirty-four community and public health advisory committees, disability support advisory committees and hospital advisory committees (MOH 2001d). The health legislation also placed emphasis on enhancing DHB accountability to Māori by establishing a minimum statutory requirement for DHBs to consult over the development of their strategic plans and by linking consultation with outcomes relating to the New Zealand Health Strategy (OMH 2000f:1-5). Such consultation had to be with Māori generally, irrespective of partnership agreements with the mana whenua of their area. It was reported (Maling 2000b: A4) that public consultation would cost DHBs more than \$4 million a year, with sixty per cent of that total allocated to consultation specifically with Māori.

While the NZPHD Bill provided some important guidelines for the new DHBs, in terms of who and when to consult, DHBs were only 'obligated', rather than directed by

ministerial or regulatory measures, to follow such guidelines. A Cabinet paper argued that consultation would be more effective if DHBs had to accept its value as good management practice, rather than an exercise in complying with the law (OMH 2000f:3). While this is probably true, it did leave questions as to how compliance would be measured and what would happen if DHBs failed to follow the guidelines set (see MOH 2001e:32). In addition, the DHB guidelines were drawn from existing common law consultation requirements, the HFA's existing guidelines and, where relevant, the New Zealand Health Strategy discussion document (MOH 2000). This meant that they were based on practices that had largely failed to resolve the problematic issues Māori had highlighted through the 1990s. For instance, DHBs were obligated to consult with their resident populations over changes to DHB annual plans only *after* changes had been made (NZPHD Act 2000 3 [40]).

This obvious *recognition* of the importance of meaningful consultation with Māori for DHBs was also somewhat ironic. Reflecting similar problems with the effectiveness and capacity building initiatives, the Labour-Alliance government itself participated in very little consultation with Māori about the provisions of the NZPHD Bill that affected them. A one-off hui was held in February 2000 with forty representatives from the Māori health and disability sector, who were reported to strongly support a partnership model for health based on the Treaty of Waitangi (see OMH 2000a:2). Annette King and Tariana Turia, as Minister and Associate Minister of Health respectively, held other hui in late March and early April. But these were part of a *communications* strategy informing Māori of the sector changes and opportunities for participation, rather than a *consultation* process asking for Māori opinion on the provisions (OMH 2000g:1;5). Although a Māori health forum for consultation on strategic issues was proposed in Cabinet documents, no such a body was involved in the development of the legislation (OMH 2000h:2).

The submission process allowed the public to respond to the draft legislation, but it is questionable as to how 'democratic' this was when submission writers were given just over a month to contribute and the general public was largely unaware of

the proposed legislative changes (King 2001; NZHR 2001b:569). There was also considerable confusion, with even potential DHB candidates uncertain of electoral and appointment procedures (see Dewes 2001), that may have inhibited the number or quality of submissions. Significant alterations were made to the Bill following this submission process, but they appear to have been more the result of Opposition criticism and a reaction to both Māori and non-Māori backlash than a sensitive response to opinions offered in the submissions (see King 2000c:6504).

Māori input on the legislation was gained from health officials participating through the Ministry of Health's (MOH) Te Kete Hauora (Māori health policy) branch. Other Māori bureaucrats from Te Puni Kōkiri (TPK), the HFA's Māori Health Operating Group and the Ministry of Justice were also involved in developing the legislation. But TPK officials (see Hollings 2001; Tamahori 2001) have suggested that their misgivings, particularly in relation to the appropriateness of an explicit Treaty clause, were often rationalised away in a wave of good intentions founded upon Labour-Alliance's belief that the Bill symbolised its 'commitment' to Māori and the Treaty.

The importance of consultation: The Treaty clauses debate

The issue of inserting references to the Treaty in legislation was, indeed, a highly controversial one and provides a good example as to how Labour-Alliance's emphasis on the consultation processes of DHBs did not extend to its own case. Although a Cabinet document (OMH 2000a:2) indicated that Māori health leaders strongly supported a reference to the Treaty in the health bill, the impetus for the clause came from the Ad Hoc Ministerial Committee. Turia was the only Māori representative on the Adhoc Ministerial Committee and was reported (Te Iwi O Ngāti Te Ata 2000; Templeton 2000c:C4) to be the chief driver behind the Treaty clauses. Nevertheless, Minister of Health, Annette King (2001), indicated that the Committee agreed the references were appropriate for what was considered to be an opportunity to completely rewrite landmark social legislation. Such a decision as to the

'appropriateness' of Treaty clauses demonstrated either a lack of awareness or complete disregard for widespread disagreement concerning their necessity or advisability. The debate that emerged around the NZPHD Bill illustrated the wide range of opinion that existed on this issue.

The most public views in this debate were those of the National, ACT and New Zealand First Party MPs who vehemently opposed the Treaty clauses being inserted into the NZPHD Bill. They accused Labour-Alliance of establishing two classes of patients based on skin colour because "only Māori would be able to go to court and argue that regardless of clinical advice [they] should be considered differently" (Shipley, cited in Bingham and Young 2000:A1). Such opposition, which evoked universal citizenship rights and suggested that these should be applied equally to all New Zealanders, was not new. Winston Peters, leader of the New Zealand First Party, for example, had used similar arguments against the Treaty during election campaigns since 1996 (see Young 2002:A7). But the ambiguity contained within the NZPHD Bill provided a prime opportunity to question the intentions and sincerity of the Labour-Alliance government.

Race Relations Conciliator, Rajen Prasad (2000), was more moderate in his opposition, but also argued that the clauses were capable of endorsing preferential treatment for Māori and were certainly being interpreted as such. Reflecting the vision of multiculturalism that the Office of the Race Relations Conciliator (2001) promotes, he suggested that the clause contravened standards set out in international instruments and that the human rights and Bill of Rights implications had not been fully considered. Given Prasad's professional role, these comments did little to dispel the Opposition's claims that the NZPHD Bill's provisions for Māori were 'racist'. Labour-Alliance responses to such allegations were poorly managed and contradictory (see *The Listener* 2000:16-17). Yet, Prasad's comments deserved more attention because they highlighted the tensions created by Labour-Alliance's implementation of specific policies and programmes for Māori (suggesting recognition of their indigenous

and Treaty rights), while also promoting social inclusion for all disadvantaged groups as a fundamental right of citizenship.

Although for different reasons, some Māori also argued that Treaty clauses had no place in social policy legislation. For example, Ngāi Tahu leader, Tipene O'Regan (2001), supported a reading of the Treaty that regards Article Two as relating to property rights but not any social policy area, including health. While believing that *mana whenua* should be consulted in their *rohe* (territory) and that the health legislation needed to place focus on developing Māori providers, he argued that the latter should only occur in the name of gaining effective performance for Māori, not by right.

The clauses were also opposed because "the Treaty is almost becoming like the grab-bag now, when in fact every time you grab the bag you demean the significance" (Hēnare 2001). Some Māori (see Te Heuheu 2000:6874) emphasised that the *tapu* (sacred) nature of the Treaty means that it should not be 'poked' into any legislation. It has also been asserted (Dahlberg 1996:68) that the Treaty was never intended to be law, so the focus should be on its 'spirit' (the intentions behind the Treaty), rather than the specific document. A further concern was that Treaty clauses might load down the Treaty with expectations and tasks upon which it might not be able to deliver (see James 2000a:14).

Additional doubts were raised as to whether the Treaty was an appropriate means with which to redress inequalities. Poata-Smith (2001) has contended that it is only useful to think that it is so if inequalities are believed to be principally between Māori and non-Māori. Chapter Four highlighted the way in which Labour-Alliance emphasised more general disparities in response to criticism of its CTG strategy, particularly the provisions for Māori in the NZPHD Bill. A Treaty focus was thus no longer necessarily pertinent when the emphasis was on socio-economic, rather than ethnic, inequalities.

Even many of those who favoured the insertion of Treaty clauses into the health legislation were ambivalent in their support. Tamihere (2001a), for instance, believed

that the Treaty itself was not going to help Māori, but endorsed the Treaty clauses stating that “we use the Treaty as an argument to go in this direction, because everybody else doesn’t want to”. In contrast, legal scholar, Denese Hēnare (2001) regarded the Treaty as crucial to the future of Māori, but had concerns about the way in which Clause 4 was drafted. For example, she noted that this Treaty clause was “a very, very good example of high intention, but insufficient working through as to how it is going to be implemented and enacted” (Hēnare 2001). Pointing out that bad law is not necessarily better than no law, Hēnare (2001) stated that “unless there is clarity around what the Treaty provision means in terms of relationship and the provision of services and strategies on the ground, then I don’t understand why it is there”. She believed that ambiguity and the uncertainty it created made the legislation unworkable at the practical level and thus pointless.

TPK official, John Tamahori (2001), indicated that such bald Treaty clauses also suggested that the Treaty is a ‘solution’, rather than a point of mediation from which to begin negotiations. Lack of detail as to how such clauses might be applied in practical contexts resulted in them becoming a source of tension, so that anyone with an “axe to grind will grind it on the Treaty stone” (Tamahori 2001). While providing a “security blanket” (Hēnare 2001) for some, the Treaty clauses thus risked putting the Treaty itself into disrepute, as well as making progress on other Treaty policy difficult and causing embarrassment for Māori (T. Williams 2001).

Tamahori (2001) consequently suggested that it would have been better to avoid generic Treaty references and instead establish processes that could be identified as an expression of the Treaty relationship. In aiming to develop an environment in which this could occur, some Māori (e.g. Hēnare 2001; O’Regan 2001) have argued that the Treaty should be entrenched in a formal constitution, rather than referred to by individual acts of legislation. In this way, the Treaty would be “at the forefront of Parliament’s mind, whenever it is seeking to implement a particular piece of legislation” (Hēnare 2001).

Finally, there were others (see Dahlberg 1996:68) who believed that Māori had nothing to lose by supporting the Treaty clauses, because they potentially gave the courts more power to impose justice on situations that contravene Treaty rights. This is particularly so considering it has commonly been stated that, as an international document, the Treaty of Waitangi has no power unless inserted in domestic legislation, although this claim has been disputed (Walker 1996:69; see Williams cited in Kersey 2000:4). Submissions on the NZPHD Bill (e.g. Dyll 2000; Te Iwi o Ngāti Te Ata 2000; Te Whānau o Waipareira 2000) indicated strong support within Māori communities for the Treaty clauses. However, such support was qualified by confusion, particularly over what was meant by references to 'Treaty principles' and 'mana whenua', as discussed in the next section.

Certainly, the complexity of the debate described above suggests that considerable consultation was required before the Labour-Alliance government began drafting Treaty clauses for the health legislation. As Tūwhakairiora Williams (2001) commented: "I don't think that the thinking within Māoridom on those [Treaty] issues has chrystallised to the extent that it was being represented in that way [through the Treaty clauses]". It was thus inappropriate for the Ad Hoc Ministerial Committee to proceed with the Treaty clauses without gaining a mandate larger than that represented by Turia and a handful of Māori health officials, particularly when one of the legislation's key goals was to *improve* 'Māori participation in democracy'.

While King (2001) suggested that Opposition party and public reaction to the Treaty clauses was relatively mild considering the significance of the legislation, the Labour-Alliance members of the Health Select Committee felt pressured enough to omit the Treaty provision found in the purposes of the Bill and replace it with a general statement indicating that the legislation aimed to reduce health disparities for Māori and other population groups (NZHR 2001b:549). Any recognition of the special status that Māori hold as Treaty partners was thus removed. A new Clause 3(3) was also added to emphasise that nothing in the Act "entitles a person to preferential access to services on the basis of race or limits section 73 of the Human Rights Act 1993" (MOH

2001c:4). The separate Treaty clause in Section 4 remained, but in a modified form that limited its application to mechanisms enabling Māori to “contribute to decision-making on, and to participate in the delivery of, health and disability services” (NZPHD Act 2000 [1] [4]).

These changes addressed some of the concerns, raised by both Māori and non-Māori, regarding clarification of the ways in which the Treaty was to be interpreted in health and the limitation of potential legal risks. Yet, as the National Party minority on the Health Select Committee noted, they also represented “a huge watering down of the position put in the Bill” (NZHR 2001b:562). In short, Labour-Alliance’s failure to substantially improve the government sector’s consultation and communication processes ignored significant ambivalence within Māori communities as to the appropriateness of the Treaty clauses in the first place. This failure additionally had the effect of provoking further resistance against, rather than advancing support for, improvements in Māori participation, representation and partnership. It is unclear whether this was an intentional manoeuvre to depoliticise Māori calls for self-determination, but it certainly placed into question Labour-Alliance’s ‘commitment’ to Māori.

INCONSISTENCY IN TREATY OF WAITANGI INTERPRETATION

A second constraint upon Labour-Alliance’s articulated goal of ‘improving democracy’ for Māori and the Māori-state partnership more generally relates to the inconsistency and uncertainty demonstrated by the government sector when interpreting the Treaty of Waitangi. Chapter Two highlighted that awareness of Treaty issues heightened after the first-ever Treaty clause was inserted into the State Owned Enterprises (SOE) Act by the Fourth Labour government in 1986. The issue of how to

best use the Treaty in legislation, and indeed, the question of whether the Treaty has a place in domestic law at all, produced ongoing angst within the government sector from that time. Uncertainty about how to proceed provoked a range of inconsistencies in the way the Treaty was conceptualised and utilised by different government departments and agencies in their relations with Māori.

For example, during the 1990s, National-led governments worked on Treaty relationships – particularly within health – “without actually sticking it [the Treaty] in the legislation In doing that you’re not alienating that part of the population that you actually want and need to bring along with what you do” (Te Heuheu 2001). At times this worked quite well, for example, in the arrangements the HFA and North Health had with Māori Assisted Provider Organisations (MAPO). Yet, Chapter Two highlighted that there was often a gap between recognition of the importance of the Treaty and the actual implementation of Treaty-based policies and programmes within the social policy arena. Such contradictions were particularly problematic when National-led governments simultaneously placed considerable emphasis on the settlement of Treaty claims based on the property rights of Article Two.

As the 1990s progressed, growing Māori frustration resulted from these inconsistencies and the uncertainty they created. There were increasing calls (see Durie 1998a:210; Walker 2001b) for some kind of comprehensive Treaty policy framework that could be applied across the government sector to provide guidance for policy makers and legislators and thus lead to a greater degree of consistency (see Chapter Eight). Given the poor reputation of TPK and the limited understanding of Treaty issues demonstrated by most mainstream departments (see Chapter Five), calls were also made for an independent and adequately-funded Māori agency to be established to develop such a Treaty policy (see Durie 1995a:40-44; Berry 1999:C5; Chapter Three). However, these proposals found little favour with National-led governments, who demonstrated a tendency to shy away from dealing with the complexity of the Treaty in contemporary situations by focusing on Treaty claims.

LABOUR-ALLIANCE RESPONSE: PERPETUATING CONFUSION

The Labour-Alliance government's public 'commitment' to recognising the Treaty of Waitangi has already been identified. Appearing to want to pick up from where Labour had left off in the late 1980s, the coalition government inserted Treaty references in the Singapore Free-Trade Agreement and the Modern Apprenticeship Bill, in addition to the NZPHD Bill. There were also plans to develop a standard Treaty clause for possible insertion into 'relevant legislation' including education, public works and labour (see Bingham and Young 2000:A1; Laugesen 2000a:A4; Luke 2000b:11; Ross 2001:6). Such ambition was stunted, however, by the negative reaction evoked by the NZPHD Bill.

This was partly because, in rushing to prove its 'commitment' to Māori and the Treaty, the Labour-Alliance government did not take the time to consider some of the major conceptual issues surrounding the Treaty and the notion of partnership when placed into the context of public policy. Nor did it tackle the structural changes required to develop this conceptual understanding, such as the establishment of an expert body able to develop the Treaty policy framework, which ideally should have been a forerunner to the insertion of any Treaty clauses in legislation.

Work was reportedly underway in the wider public sector to clarify the contemporary application of the Treaty in the government sector, but this was not completed in time for the passing of the health legislation (see OMH 2000a:3). As a result, decisions about the legislation were consequently made with details still to be developed. In addition, government departments were left to their own devices when dealing with Treaty issues, leading to inconsistencies across the government sector and, as the NZPHD Bill demonstrated, within single policy or legislative areas. In the absence of comprehensive guidelines, space was given for both personal and broader political agendas to influence the legislative drafting process.

Placing priority on 'mana whenua', 'Māori' or 'whānau'?

The mana whenua partnerships clause provides a prime example of these contentions in regard to the legislative drafting process. The clause, like those relating to the Treaty discussed in the last section, was reported (Bingham 2000a:A22) to have been developed from a recommendation made by Turia, without adequate consultation with the wider Māori community. An enthusiastic advocate for iwi, Turia (2001a) distinguished between a governance relationship between hapū, iwi and the state in relation to the Treaty and a contractual service delivery relationship for non-tribal Māori groups that serves to meet the needs of Māori as citizens. She recommended the mana whenua partnerships clause as a means by which to place iwi authorities alongside the boards in a much stronger application of the partnership relationship than already existed. Her proposal was rejected, but she was reported (Bingham 2000a:A22) to consider the insertion of the term 'mana whenua' a symbolic victory on behalf of iwi because it had more sacred meaning and greater political connotations for tribal groups than 'tāngata whenua' (people of the land) or 'Māori'.

While submissions (e.g. Ngāi Tahu Development Corporation 2000; Te Rauru Tetera 2000; Te Oranganui Iwi Health Authority 2000) suggested that the mana whenua clause was widely supported by iwi, it held the potential to marginalise the claims of non-iwi groups wishing to be involved in Treaty-based relationships with the state and its agencies. Several submissions (e.g. Ngāti Porou Hauora 2000; Te Iwi o Ngāti Te Ata 2000) asserted, as Tamihere (cited in Young 2000b:A5) did, that the clause was, "an attempt to reconstruct tribal hegemony" through the creation of a hierarchy of different relationships between DHBs and various groups within Māoridom (see NZHR 2001b:553). For many, the clause provided yet another example of the government sector assuming that iwi would or should act on behalf of other Māori communities (see Chapter Two). Representing a non-tribal organisation, Norm Dewes (2001) commented that: "it's a cop-out for them, it's an easy way out for the

Crown to say ‘well, this group here will act on your behalf, you know, because they’re Māoris [sic] as well’.

Shane Jones (cited in Young 2000f:A10), Chief Executive of Te Ohu Kaimoana (the Treaty of Waitangi Fisheries Commission), thus warned that inclusion of the mana whenua partnerships clause would provide a new stage for costly legal rows to determine which iwi, hapū or whānau exercised mana whenua in any given area. Certainly, the continuing litigation over fisheries quota allocation illustrated the potential divisiveness that prioritising iwi over others could produce (see Young 2000g:A10; see Chapter Three). Jones’ assertion was also supported by the case of the Bay of Plenty Regional Council (Māori Constituency Empowering) (BPRC) Bill, which was working its way through the House of Representatives at the time. Its progress had been complicated by the existence of several groups claiming mana whenua status within the Bay of Plenty area (see King 2001).

In addition to causing dissension within Māoridom, the mana whenua partnerships clause also contradicted the deliberate emphasis on tribal, non-tribal *and* pan-Māori communities found in other policy arenas, including capacity building and the ‘whole of government’ approach to improving effectiveness for Māori. Such an emphasis had developed within the government sector through the late 1990s, at least partially in reaction to the Waitangi Tribunal’s (1998:16) report on the claim brought by Te Whānau o Waipareira. There the Tribunal stated that non-tribal Māori organisations, like Waipareira, embodied an iwi-like status stemming from their expression of rangatiratanga, which the Tribunal defined as autonomy and control in their local communities. Te Whānau o Waipareira (2000), in its own submission on the NZPHD Bill, argued that mana whenua certainly had no significant health service delivery role when compared to non-tribal, pan-Māori organisations like itself. Endorsing partnership relationships only between DHBs and iwi thus pointed either to deliberate favouritism or a lack of awareness as to what was actually happening at the flaxroots level.

The way in which the mana whenua partnerships clause prioritised iwi additionally conflicted with the focus on *whānau* health at the centre of the Māori Health Strategy produced by the Labour-Alliance government in December 2000 (MOH 2001e:1-2). By 2002, TPK (2002b:21;27) had also centred its approach on 'whānau development', presumably because an emphasis at this level could apply equally to both tribal and non-tribal groups. In fact, outside of the mana whenua partnerships clause there was no other reference to the term 'mana whenua' in the NZPHD Bill or related documents (Te Matarau Collective 2000). King (2001) stressed that the Ad Hoc Ministerial Committee had made a point of ensuring DHB candidates were able to represent *any* Māori community and Māori providers of *all* types were encouraged to deliver health services. This left considerable confusion as to when and where mana whenua were to be prioritised over other Māori groups.

Such criticism of the clause, as well as confusion as to who could be interpreted as being mana whenua, led the Health Select Committee to recommend that the mana whenua partnerships clause be rewritten in the final draft of the NZPHD Act. (King 2000c:6504). It was reduced to "a requirement for DHBs to establish and maintain processes to enable Māori to participate in and contribute to strategies for Māori health improvement" [NZPD Act 2000 S.23 (1) (d)]. This kind of modification of legislation via select committees is very common, but it would have been unnecessary if Labour-Alliance had not based its legislation upon ad hoc decisions made by a few ministers and a handful of Māori officials.

Suffering from inadequate consultation with Māori and the lack of a clear and consistent strategy regarding Treaty interpretation to guide the government sector's work, the provisions for Māori were both unnecessarily divisive and confusingly inconsistent with policy and precedent elsewhere. The emphasis on partnership contained within the clause could have offered a variety of Māori organisations the practical means with which to establish Treaty-based relationships with devolved levels of the state. As a consequence of the priority placed on mana whenua, however, the clause was reduced - even for tribal groups such as iwi - to a focus on the

'participation' and 'contribution' of Māori, reflecting a traditional needs-based discourse rather than one based on partnership.

Implementing which Treaty principles?

Further inconsistencies and ambiguities stemmed from the two Treaty clauses inserted into the NZPHD Bill, which referred to 'Treaty principles' but failed to define them. This was highly problematic because various versions of the principles existed, making the Treaty clauses subject to conflicting interpretations. The concept of Treaty principles first appeared in Labour's Treaty of Waitangi Act 1975, but it was left up to the Waitangi Tribunal, the Court of Appeal, the Privy Council and the Fourth Labour government to expand on what these meant. Although varied, similar themes run through different definitions of the principles and the most well-known include: partnership; rangatiratanga; mutual benefit or good faith; and redress (for an overview, see Law Commission 2001:79-82). Yet, the Law Commission (2001:83) provides evidence of several cases in previous legislation where Treaty principles were not fleshed out with more specific provisions, thus leading to uncertainty and prolonged litigation.

It came out in a Health Select Committee hearing (see Shirley 2001:31) that the legislation was based on a further definition of the principles, one offered by the 1988 Royal Commission on Social Policy (RCSP 1988a;1988b). These three principles (participation, protection and partnership) carry considerable moral weight and are a good simplification of the different principles offered over the years. They also later formed the basis of the Māori-state relationship as outlined in the New Zealand Health and Māori Health Strategies (OMH 2000c:3).

But when the Bill was introduced, it was not clear that the RCSP principles would apply. A Cabinet paper (OMH 2000c:3) during the drafting stage of the NZPHD Bill had referred to them, while another (OMH 2000b:4) had outlined principles as defined by the Privy Council. These are that the Crown acts reasonably and in good

faith to its Treaty partner, makes informed decisions and avoids impediments to providing redress. The legislation itself did not define the principles at all. Submissions (e.g. Anglican Diocese in Auckland 2000; Ngāti Porou Hauora 2000; Te Matarau Collective 2000; Te Rauru Tētere 2000) illustrated the confusion that surrounded this issue. They called for the Treaty principles to be listed and explained, so that DHB performance could be assessed against them and the risk of litigation reduced.

Barrett and Connolly-Stone (1998:35) have noted that Treaty principles can be interpreted as constantly evolving and thus should be viewed in the context of the issue at hand. I would argue that, if found to be appropriate in framing Māori-state relations (see later discussion), any definition of Treaty principles must certainly be flexible, but should also attempt to avoid confusion and ambiguity by clearly explaining their potential practical effects. In choosing to continue incorporating the Treaty in legislative and policy arenas in such an inconsistent and ambiguous manner, Labour-Alliance risked the kind of litigation the SOE Act's Treaty clause and the 1989 Māori Fisheries Act had provoked, as well as creating a backlash against itself.

This is because, with no clarity as to which principles were at the basis of the NZPHD Bill and no reference to specific articles of the Treaty (see later discussion), the strength of Labour-Alliance's 'commitment' to partnership with Māori was uncertain. A common understanding within Māori communities is that the Treaty should be interpreted as a whole; that is, the 'trinity' of articles should be read in unity and in relation to each other, rather than as individual entities (see O'Regan and Mahuika 1993:33). In a sense, this is what the Labour-Alliance government aimed to do, by attempting to place its goal for 'closing the gaps' within a Treaty policy framework in the health legislation. However, by failing to separate the three Treaty articles *conceptually*, Labour-Alliance left unclear what its 'commitment' to the Treaty actually intended (Poata-Smith 2001). The meanings of Article Two and Three, as found in the Māori version of the Treaty, were confused, causing much misunderstanding within both Māori and non-Māori communities.

For those who argue that Article Two only concerns property rights, the legislation was highly problematic, because it appeared to collapse property rights into Article Three, thus subsuming them under 'closing the gaps' or equity issues (Awatere-Huata 2000:6935). Others interpreted the legislation as saying that health, and inevitably other social policy areas, were actually Article Two issues, in that Māori had the right to assert rangatiratanga in such a context. This was troublesome for many Opposition MPs, provoking some to even dispute the notion of partnership altogether. For example, ACT MP, Ken Shirley (2000:6919), stated that one cannot have partnership with oneself. Basing his reading of the Treaty on the English-language version only, he argued that it was impossible to have partnership with Māori as if they were a sovereign peoples because Article One situated Aotearoa New Zealand as an indivisible nation-state.

Many Māori, of course, argued that sovereignty and partnership are exactly what the Treaty did guarantee and read the health legislation as recognition of this fact. Some were concerned, however, about the way in which these Article Two guarantees appeared not to be acknowledged in their own right, but merely as a means with which to achieve social inclusion (Article Three) goals. Such an interpretation was consistent with the responses of National-led governments to Māori claims that health could be described as a taonga (treasure) and therefore entitled to protection under Article Two, which acknowledged the importance of the Treaty but only in relation to Article Three (see Durie 1998c:83). Durie (1998d:12-13; 2000:418) has commented that National-led government actions also implied that if disparities were eliminated, then there would be no need for the Treaty at all.

It could be argued that the confusion as to which article/s of the Treaty Labour-Alliance intended to promote stemmed from a lack of clarity in the Treaty itself (see Appendix 2). For example, Shirley had a point, in that the notion of partnership between Māori and the Crown is troublesome when, on one hand, the Crown is a Treaty partner in opposition to Māori and, on the other, it represents all New Zealanders, *including* the Māori partner. However, Durie (1994:294-295) has noted

that the problem is not that these roles are incompatible, but that the distinction between them remains unclear. This has resulted in the Crown speaking for *both* treaty partners.

Labour MP, Mita Ririnui (NZHR 2000:6870), additionally suggested that the lack of clarity around the Treaty was intentional, so that Māori, rather than the government sector, could decide which interpretation should dominate. Yet, when admitting that the legislation was unclear as to whether it favoured Article Two or Three – it “*probably* does a bit of both” – King (2001, my emphasis) rationalised such uncertainty differently. One reason was conflicting opinion on the issue within Labour-Alliance itself, particularly between key players, such as Turia and the Minister in Charge of Treaty of Waitangi Negotiations, Margaret Wilson. But King (2001) also stressed that this was “ground-breaking legislation” and the lack of clarity was “because it was new, and we hadn’t done it before, because we weren’t quite sure – and I made speeches saying ‘we might get it wrong, we don’t know’ ”.

Such a statement supports arguments made earlier in the chapter concerning Labour-Alliance’s lack of consultation. Although it also appears to contradict King’s (2001) claim that the provisions were developed with uncharacteristic deliberation, she was probably correct when comparing the Bill with other legislation (and indeed the CTG strategy) developed within the same political context. Chapter Five stressed that the government sector works on a very tight schedule that does not allow time to explore the conceptual foundations of policies being developed. In particular, a three-yearly electoral cycle means that major policy and legislative changes need to be pushed through in the first eighteen months, prior to the run-up to the next election (Dewes 2001).

Without guidelines as to how best to interpret the Treaty in the day-to-day work of the government sector and in lieu of constitutional guarantees for Māori, legislators had to do the best they could given inadequate experience and knowledge, as well as insufficient time (see RCSP 1988b:77-78; Walker 2001b). Clearly, their ‘best’ was not good enough, for it created further inconsistency and uncertainty as to the application

of the Treaty in public policy. It also called into question the 'commitment' Labour-Alliance made to Māori, for the coalition government's failure to pursue calls for a Treaty policy framework demonstrated both a lack of political will and conceptual insight. A submission on the NZPHD Bill (Te Puāwai Tapu 2000:3) stressed: "Government implementation of Treaty-based 'closing the gaps' initiatives and policy will be ineffective if they are not supported by meaningful legal recognition across the spectrum of 'closing the gaps' work". Certainly, Treaty policy guidelines that spanned the government sector would have allowed greater progress in disparity reduction even if, as the next section argues, this goal reflected only a restricted interpretation of partnership.

LIMITED INTERPRETATION OF 'PARTNERSHIP'

The third and final constraint upon Labour-Alliance's desire to improve 'Māori participation in democracy' and enhance the Māori-state relationship was the government sector's reliance on a limited model of partnership. This endorsed greater symbolic recognition of Māori as a nation, while simultaneously protecting the legitimacy of the nation-state.

It has been noted that Treaty principles have been characterised in a number of ways, but central to all such interpretations has been the relationship between Māori and the state, which is frequently referred to in terms of 'partnership'. The Treaty was depicted as embodying 'partnership' for the first time in a 1987 Court of Appeal judgment and through the 1990s this 'partnership' rhetoric grew in policy and political discourse (Kawharu 1996:13). Successive governments gradually accepted that, while there may not have been a partnership as such at the original signing of the Treaty, it

seems clear that Māori signatories were keen to establish a working relationship with the British Queen and her people (Durie 1991:157).

The question of how and to what degree such a partnership might be expressed remained under debate at the end of the twentieth century. Chapter Three highlighted that Māori have tended to characterise partnership in quite different ways than successive governments have done in the name of Māori Affairs policy. There have been some significant overlaps (see Chapters Two and Three), but National-led administrations in the 1990s frequently contradicted its own 'partnership' rhetoric by refusing to acknowledge the Article Two rights of rangatiratanga outside the Treaty settlement arena.

Within this ambiguous context, Aotearoa New Zealand governments continued to assume that they would act as the 'senior partner' in the Treaty relationship, deciding when and where the implementation of partnership might occur. This was certainly so in the health sector, where Treaty discourse was relatively well-established (see Chapter Four). As a result, Māori continued to call for greater control over Māori health, including funding, criteria, management and delivery of services in 1999 (see Chapter Three). Also unmet were desires for better non-Māori understanding of the Treaty as it relates to health; recognition of accountability to Māori and transparent processes in place to ensure that this happens; and further Māori involvement in developing tools of measurement and the benchmarks necessary to improve Māori health (see Hancock 1999:5;13). More broadly, Māori calls for autonomous institutions and the reform of Aotearoa New Zealand's current constitutional arrangements as a means to implement a shared governance arrangement at the national level continued to be marginalised (see Chapter Three).

LABOUR-ALLIANCE RESPONSE: 'PARTNERSHIP' ON OUR TERMS

Earlier chapters have argued that Labour-Alliance endorsed partnership as a basis for its relationship with Māori, but this concept was regarded as a mechanism with which to 'empower', 'include' (through the reduction of socio-economic disparities) and 'improve democracy' for *all* disadvantaged groups across Aotearoa New Zealand. In continuing to frame Māori issues in terms of national cohesion, doubt has been placed on whether references to 'partnership' could meet Māori desires for power-sharing arrangements at the national level, particularly those involving an element of strategic 'exclusion'.

In some respects, the NZPHD Bill contradicted this assessment, because, as one submission (Te Rauru Tētere 2000) commented, "it moves a step beyond tokenism" in acknowledging a special Māori-state relationship. The Bill did this by recognising the importance of Māori representation in the governance of health services and by beginning to address issues concerning the marginalisation of Māori within the health sector. These measures were not sufficient in themselves. But the *mana whenua* partnerships and Treaty clauses indicated that Labour-Alliance was also interested in moving beyond contractual partnerships made with Māori service providers, towards a partnership more like that of 'marriage' than business, as has been promoted by the Waitangi Tribunal (see OMH 2000b:3). The focus on ongoing *relationships* between Māori and DHBs, rather than just funding or claims settlement issues, was certainly a positive step that was largely supported by those Māori who made submissions on the Bill.

However, inadequate consultation with Māori prior to decisions being made, along with poor communication as the legislation passed through Parliament, are serious faults that cannot be ignored. So too is the ambiguity that clouded interpretation of the *mana whenua* partnerships and Treaty clauses. A closer examination of the legislation also reveals that a shift towards a focus on relationships

concealed the way in which the NZPHD Bill continued to frame Māori in terms of distributive justice and needs-based discourses. This allowed room only for state-centred understandings of self-determination, concerned with ‘nominal’ sovereignty and situated at the ‘soft’ end of the sovereignty continuum, to be implemented. In this way, concessions for Māori in terms representation and partnership relationships at the DHB level appeared to offer recognition of Māori as a distinct cultural-political community, yet Māori desires for power-sharing partnerships at *all* levels of governance remained off the mainstream political agenda.

Prioritising principles over provisions or articles

Evidence of this continued preference for a state-centred approach to self-determination comes first from the way in which the Treaty clauses alluded only to Treaty principles, rather than the Treaty and its articles. In addition to concerns as to *which* principles the NZPHD Bill referred, some Māori (e.g. Anglican Diocese of Auckland 2000; Te Matarau 2000; see Durie 1998a:211) were critical of *any* reference to ‘principles’ of the Treaty. This is because the identification or recognition of certain principles may over time modify the actual intent of the Treaty, creating new understandings and implications. In particular, the manner in which Treaty principles have been distilled and given official or popular approval by different governments without consultation with Māori has been regarded as troublesome and reflective of the senior partner role assumed by the state. Such principles may thus be regarded as a means through which successive governments have sought to reclaim political control over Treaty discourse (RCSP 1988b:48; Hēnare 2000:26). A key example was the Fourth Labour government’s unilateral drafting of five Treaty principles in 1989, where ‘rangatiratanga’ was defined in terms of self-management and ‘equality’ as sameness before the law (Durie 1998a:204).

Some Māori (see RCSP 1988b:48; Durie 1998a:28) consequently argued that if the Treaty was going to be referred to at all, then the legislation should have used the

term 'provisions' or undertaken "to adopt and implement the *articles* of the Treaty of Waitangi" (MIT 2001:12, my emphasis) found in the Māori-language translation. Interestingly, the Waitangi Tribunal has focused on principles rather than provisions because this is what legislation instructs it to do, but National-led governments at times shifted from a principle-based interpretation of the Treaty to one based on the articles of the Treaty without explanation (see Durie 1998a:211). Clearly, inconsistency has again been prevalent.

To the Ad Hoc Ministerial Committee's credit, there does not appear to have been any 'conspiracy' aiming to control Treaty discourse in relation to the NZPHD Bill. A Cabinet document (see OMH 2000i:2) explicitly noted that the risk of increased litigation from Māori was *not* sufficient reason to omit Treaty clauses from the Bill. There also appears to have been a genuine belief that the clauses were a "principled policy response – both to the Government's Treaty obligations and to its explicit commitment to significantly improving Māori health" (OMH 2000i:2). This was particularly the case given that "Māori expectations have been raised by Government manifesto and policy statements in relation to Māori The omission may of itself be perceived as a breach of the partnership and protection principles of the Treaty" (OMH 2000i:4).

In addition, awareness that the rather vague Treaty references adopted would lead to conflicting interpretations was coupled with concern that a clause with greater specificity would be complicated by disagreement as to what should be specified. Discussion also highlighted that a more specific clause brought with it "a risk of becoming over prescriptive and thus limiting the development of genuine partnership" while also "locking agencies into actions that may be inappropriate in some settings, or over time" (OMH 2000i:2). Due to the impending introduction of the Bill into Parliament, insufficient time was also given as a reason for not drafting a more specific clause (OMH 2000h:1).

Based on the Te Puni Kōkiri (TPK) Bill provision, the second, generic Treaty clause was the less substantive of the two options considered and thought to be less

favoured by “many Māori” (OMH 2000c:2), although who exactly was not identified. But officials and King recommended the TPK Bill option because it established some boundaries on the application of the Treaty and thus posed less risk in terms of potential legal wrangles. Without a Treaty policy framework from which the government sector could work, there was concern that the absence of a Treaty clause in the NZPHD Bill would lead to the Waitangi Tribunal being called upon more frequently to “fill what might be perceived to be a policy vacuum, directing the Government in respect of its obligations to Māori health” (OMH 2000i:5). The Treaty clauses may, therefore, be regarded as a serious attempt to meet some of the desires Māori had for recognition of their nation status. Yet, the confinement of Treaty references to principles, in effect, *limited* Māori claims so that they did not threaten the constitutional status quo by disturbing traditional understandings of the unitary nation-state.

Prioritising representation over governance

This contention regarding Labour-Alliance’s limited recognition of Māori nationhood is confirmed by consideration of the provision guaranteeing representation for Māori on DHBs. The provision highlights both the genuine intentions Labour-Alliance had for recognising the unique status of Māori *and* the restricted form of partnership from which the coalition government worked. The guarantee of representation was a significant innovation because, ultimately, ‘politics is numbers’ and Māori have traditionally found it difficult to gain representation through election because they constitute only a small percentage of population (see Te Kani 2001). The problem lay, however, in the way such representation was guaranteed if Māori failed to be voted on to a DHB. In establishing the DHB electoral system, Labour-Alliance retained the power to appoint four members to the DHBs, two of whom would be Māori if none were elected (OMH 2000d:1-3). As only four Māori members were successfully elected on to the twenty-one, eleven-person boards across the country in 2001, the

coalition government thus maintained considerable control over whom it approved (or disapproved of) as suitable for the DHB positions (Ministry of Health 2001a).

Jessop (1999:6) has noted that one function of governance (improvements in which was a main goal of the DHB system) is to enable decisions with long-term implications to be divorced from short-term political, especially electoral, calculations. Yet, this was certainly not the case with the NZPHD Bill. It contained no obligation for the government sector to consult Māori about or demonstrate transparency when making DHB appointments (Dyall 2000). Certainly, neither the Labour-Alliance's appointment decisions nor its appointees were accountable to Māori communities in the way that elected Māori representatives were expected to be (Te Rauru Tētere 2000).

It is thus debatable whether the guaranteed representation clause really 'improved democracy' for Māori or gave Māori communities a greater role in decision-making, because the people they voted for were very rarely elected. Rather, the legislation allowed Labour-Alliance to look as if it were committed to Māori, while enabling it to *choose* the kind of Māori input it wished to have in health. This was particularly problematic when debate over the mana whenua partnerships illustrated that it cannot be assumed Māori embody a common set of attributes or interests which can be easily represented by two or more DHB members (see Young 1997:350-351).

Furthermore, the guaranteed representation clause ignored Māori calls for a form of governance partnership that went beyond simple participation. For example, a submission from the Ngāti Rārua Iwi Trust (2000) argued that if Labour-Alliance was serious about partnership, then Māori should be involved with the Minister in making appointments to the DHBs. Another submission (Conder 2000) commented that without effective Māori representation at higher levels, including the Ministry of Health and Cabinet, the proposed model of Māori representation and partnership did not go far enough. In particular, there was a call for a broadening of the Māori role to policy development, so that Māori were not just asked advice on Māori health matters, but were actually involved in making decisions about potential 'solutions' (Dyall 2000).

In addition, some submissions (e.g. Ngāti Porou Hauora 2000; Te Puāwai Tapu 2000) suggested that to give credibility to the Māori-state partnership precept, it was necessary to consider that for many Māori only a 50:50 ratio would give true meaning to the Treaty commitment (OMH 2000d:3). Kara Puketapu (2001), Chief Executive of Te Rūnanganui o Taranaki Whānui ki te Upoko o te Ika a Māui, also contended that the restructuring should have established a joint venture between DHBs and Māori communities, so that they shared a similar degree of power. This suggestion was similar to the proposal Turia was reported to have recommended (Bingham 2000a:A22; see earlier discussion).

King (2001), however, made it very clear that Labour-Alliance's interpretation of partnership was *not* about an equal, 50:50 relationship, nor was it negotiable. This emphasises that guaranteed representation in health failed to change the power dynamic whereby government holds the power to distribute opportunities for greater representation in ways it deems suitable, while Māori continue to be subjected to government-defined appointment procedures testing their worthiness to be targets of distribution. This being the case, many Māori (e.g. Ngāti Porou Hauora 2000; Te Puāwai Tapu 2000) found the idea of guaranteed seats on DHBs either condescending or inadequate.

This was particularly so given that Parliament at this time was considering the BPRC Bill. Allowing the creation of separate Māori seats in the Bay of Plenty region, this Bill was a means with which to address the long-standing under-representation of Māori in an area in where they were proportionally significant. The establishment of separate Māori seats was an alternative electoral option debated, but discounted for the DHBs, probably due to the controversy that had surrounded the BPRC Bill when Opposition MPs referred to such a measure as 'apartheid' (see Young 2000h:A5; Milne 2001:1). However, a submission on the NZPHD Bill (Department of Public Health 2000:6) noted that apartheid is about *restricting* choices. In contrast, separate seats provided *more* choices to Māori, as those allocated to Māori at the parliamentary level had done for well over a century (Barnett 2000:10; OMH 2000d:4).

Rejecting such an option, the Adhoc Ministerial Committee agreed that the DHBs would adopt a Single Transferable Voting (STV) System, known for achieving better representation for minority groups, although this was not to take effect until 2004 when local governments could also choose to use this system (King 2001). Given that only a small number of Māori were successfully elected (as opposed to appointed) in 2001, it is questionable whether an electoral system like STV is powerful enough to overcome voter apathy amongst Māori and lack of support for Māori candidates shown by non-Māori. The decision regarding STV illustrates further that Māori were regarded as one of many minority groups (whom the STV system was reputed to better represent), rather than a special case as indigenous peoples.

As noted earlier, the NZPHD Bill also contained provisions aiming to encourage 'equitable representation' for other minority groups, such as Pacific peoples, women and disabled peoples. Representation for these other groups was not *guaranteed* as it was for Māori. This appears to be more because the small number of appointees also had to be used to fill technical or skill gaps on each board than due to any special status Māori held (see OMH 2000e:1;5). For the same reason, it appeared unlikely that the attempts to ensure that "Māori membership of the board is proportional to the number of Māori in the DHB's resident population (as estimated by Statistics New Zealand)" (NZPHD Act 2000 S.3 [29] [5]) could be achieved.

Prioritising distributive justice over recognitive justice

The way in which equitable representation was endorsed for minority groups other than Māori suggests that the form of partnership promoted by Labour-Alliance continued to frame Māori in terms of a equity-based needs discourse, rather than within one recognising Māori nationhood and rights to self-determination. This was clear from the DHB partnership model's anticipated outcomes, which were still very much based on the 'gaps' kind of thinking that dominated CTG (see OMH 2000b:2-3).

For example, improved 'participation for Māori' itself, when defined in the context of DHBs, was regarded by a Cabinet document (OMH 2000d:2) as meaning:

Māori will be represented on Boards in a number and manner that will give Māori an effective and informed voice in the conduct of the Board's business, and in a way that reflects the priority given to disparities in Māori health compared to other New Zealanders.

Focused on disparities, the provision for guaranteed representation did not, therefore, attempt to radically change the power relations that resulted in Māori being elected infrequently or - as is often the case - in Māori communities failing to vote altogether.

Ultimately, Labour-Alliance's attempt to rearticulate health governance arrangements in terms of 'improving democracy' failed, at least in relation to Māori, due to a lack of conceptual ability to deal with issues of representation and participation outside of a distributive model of justice. Instead of implementing a form of recognitive justice that at least acknowledges Māori rights to self-determination, as rhetoric suggested, policy-makers attempted to extend a distributive notion of justice to things that are not 'goods', but concepts, such as 'power', 'opportunity', and 'rights'.

This is disturbing, because these concepts were treated as if they can be measured and distributed by the state, rather than regarded as a set of relations between groups in society. For example, Young (1990:31-32) has argued that power is a relation, not a thing, therefore it cannot be distributed. While exercise of power may sometimes depend on the possession of certain resources, the resources are not in themselves power. Rather, power consists of a relationship between the exercisers and those over whom power is being exercised. Regarding power as a commodity to be distributed misses the structural phenomena of the domination and oppression that Māori experience. As a result, although the NZPHD Bill required a quota of Māori individuals on DHBs, there could be no guarantee that Māori would be able to exercise power within that context without Māori involvement in the establishment of decision-making processes. This is particularly so, given the competitive and majoritarian

democratic environment of elected bodies such as the DHBs (see Faulks 2000:6; M.Williams 2001:124).

Continuing to conceptualise Māori representation and participation within a 'gaps' discourse was, of course, an 'easy' option when compared to addressing calls for shared governance between the two partners of the Treaty: the state and Māori. It avoided a direct challenge to the dominant understanding of an 'inclusive' citizenship that supported the alignment between nation and state by attempting to incorporate Māori into the political and constitutional status quo. It must be noted that several Labour members were open to constitutional change in some form. For example, Prime Minister, Helen Clark (cited in *The Dominion* 2000a:2), and Minister in Charge of Treaty of Waitangi Negotiations, Margaret Wilson (see Anderson 1999:13), supported Aotearoa New Zealand becoming a republic and there was talk of abolishing links to the Privy Council in Britain (a first step in this process) during Labour-Alliance's term (G. Espiner 2001b:A1). But Clark (cited in Wickliffe and Dickson 2000:48) indicated in 2000 that her government would only be interested in significant constitutional reform if public mood developed in favour of it. The bicultural dimension that was inserted into the NZPHD Bill (and consequential Act) thus reflected the limits of Labour-Alliance's recognition of Māori claims for a greater power-sharing role at the national level.

In essence, the legislation represented another case of governmental depoliticisation of Māori calls for greater self-determination in the political realm. Poata-Smith (2001) suggested that this was because improvements in 'Māori participation in democracy' were regarded as a means to Article Three rather than an end in itself. Like the capacity building initiative, the guaranteed representation provision aimed to merely empower Māori through measures encouraging 'Māori participation in democracy' as it was already established. Such participation was ultimately concerned with reducing disparities and improving public perceptions of democracy, thus promoting national cohesion and, with it, the state's legitimacy. The way in which the legislation was based on the meta-principles of social justice and

needs that had informed traditional citizenship discourses was, however, concealed from even the government officials and ministers who designed the Bill by rhetoric relating to 'partnership' and the Treaty.

CONCLUSION: LEGISLATING THE STATUS QUO?

This chapter has argued that the Labour-Alliance government promoted the NZPHD Bill as a significant and sensitive response to Māori needs and desires for improved consultation, participation and representation, as well as an enhanced partnership relationship with the state. Yet, a lack of consultation with Māori before the provisions were drafted and poor communication concerning the legislation after it was introduced led to inconsistencies and uncertainties that eventually resulted in a 'backlash' by both Māori and non-Māori. Of the three major provisions aiming to benefit Māori in the initial Bill, only the guarantee of Māori representation on the DHBs was not significantly altered or omitted in the NZPHD Act that received the Royal Assent on 14 December 2000.

Similarly problematic was the government sector's inability to adequately consider the conceptual issues underlying the provisions for Māori. Little account was taken of Māori ambivalence surrounding all three provisions for Māori contained within the Bill, allowing personal and political agendas to dominate the drafting process. Labour-Alliance also made only a half-hearted attempt to improve the capacity of the government sector to deal with Treaty issues. It 'obligated' DHBs to consult, but failed to place sufficient emphasis on consultation as it developed the legislation itself. The coalition government also inserted Treaty clauses into the NZPHD Bill, but placed no priority on developing guidelines regarding the Treaty which could

have enabled greater consistency across the government sector in its relationships with Māori generally.

More fundamental, however, was the way in which the provisions for Māori contained within the NZPHD Bill defaulted from significantly challenging the problematic discourses that have traditionally dominated government policy for Māori. Confusion over which article of the Treaty drove the legislation concealed the fact that, despite rhetoric suggesting otherwise, strategies to radically alter the relationships between Māori and the state were not on the agenda. Rather, the aim was to merely 'close the gaps' (as guaranteed under the Article Three rights of equal citizenship), even if by comparatively sophisticated means of participation and representation. Needs-based, distributive justice discourses thus remained at the heart of the legislation's measures for Māori. This goal of disparity reduction (and, as a consequence, national cohesion) was obvious in the general direction of the Bill and even more so in the Act that was finally passed.

Labour-Alliance's distributionist motives and methods, favouring Article Three arguments which convert the rights of tino rangatiratanga into distributive equity, were difficult to reconcile with the Treaty relationships it wished to establish (see O'Regan and Mahuika 1993:33; Upton 2000:21; O'Regan 2001). This is because distributive justice and social inclusion are based on an understanding of citizenship that denies the possibility of multiple nations existing within a single state. Fully acknowledging the nation status of Māori requires providing the space for Māori *governance*, potentially through major constitutional reform, rather than fiddling with Māori *consultation* and *representation* processes contained within ad hoc pieces of legislation, such as the NZPHD Bill.

In pursuing a goal of 'improved democracy' with the NZPHD Bill, the Labour-Alliance government thus failed to address the way in which an 'inclusive' democracy itself can be exclusionary. Such a conclusion brings us back to the key conceptual dilemma running through the thesis: Labour-Alliance's social development approach, which attempted to better 'include' Māori within mainstream society, sat in tension

with its own rhetoric supporting Māori calls for greater autonomy from the mainstream.

Taylor (1999:265-268) has noted that democracy can only continue to work as long as the legitimacy of the principle of popular sovereignty remains and that this is traditionally achieved through conflating nation with state. Labour-Alliance's assumptions about active citizenship were certainly based on a sense of 'national identity' that is maintained by building solidarity through emphasis on a universal, coherent and politically-defined citizenship (Fleras and Maaka 2000:2). As a result, Labour-Alliance's attempts to better 'include' Māori within democracy and mainstream 'national culture', so as maintain or enhance the high degree of cohesion required by democratic states, simultaneously 'excluded' the more politicised calls for Māori self-determination.

It is important to stress that there is nothing wrong with the goals of social cohesion and solidarity themselves. Indeed, proposals outlined in the next chapter share such aims. However, Chapter Two indicated that the discourses traditionally utilised by Aotearoa New Zealand governments in achieving these goals are highly problematic for Māori, because they marginalise their claims to self-determination across the full spectrum of cultural, economic and political options at the local, regional *and* national levels. The three chapters providing substantive detail of the CTG initiatives have demonstrated that the strategy made no significant challenge to the prevailing distributive justice, needs-based discourses that had traditionally promoted national cohesion. The task of the following, final chapter is to highlight the alternative policy directions that a future government might explore in taking up this challenge.

LOOKING BACK, LOOKING FORWARD: REVISITING THE RESEARCH GOALS

INTRODUCTION: THE FOUR RESEARCH GOALS

This thesis has argued that the Closing the Gaps (CTG) policy strategy may be regarded as a case of continuity in change. With it, Labour-Alliance attempted to respond to some of the major challenges presented to successive governments by Māori over several decades. This ‘commitment’ to Māori was demonstrated through initiatives aiming to improve government effectiveness for Māori, provide extra funding to build the capacity of Māori communities and extend the Treaty into social policy through legislative guarantees.

Political rhetoric suggested that these initiatives constituted a ‘new phase of partnership’ between Māori and the state, which brought with it greater governmental support for Māori self-determination. Continuing to define self-determination from a state-centred perspective that recognised only ‘nominal’ or, at best, ‘community’ levels of sovereignty, Māori-state relations were not, however, significantly transformed. This is because CTG relied on the same problematic discourses that have long dominated Māori Affairs policy. Promoting national cohesion at the expense of Māori rights to be self-determining at the local, regional *and* national levels, the CTG strategy thus constituted another case in which Māori Affairs policy was used to defend the legitimacy of the state at the expense of Māori.

In reaching such a conclusion, this thesis has been framed by the four research goals established in Chapter One. The first was achieved through an analysis of published and unpublished government documents, as well as qualitative interview data, which has allowed an indepth exploration of the policy process through which the CTG strategy developed. The second research goal was concerned with making an original contribution to the stock of sociological and policy analysis knowledge by attempting to disturb the common 'myths' and problematic principles upon which Māori Affairs policy has been based. This permitted reflection as to whether the Labour-Alliance government's CTG strategy represented a fundamental change in the orientation of Māori Affairs policy or whether it simply continued past mistakes and miscalculations. Labour-Alliance's rhetoric indicated that a change in political leadership after nine years would bring with it significant gains for Māori, but the reality was much more ambiguous. The thesis has indicated that Labour-Alliance led the government sector towards some important shifts in direction. Yet, in meeting a third research goal, consideration of bureaucratic, political and conceptual weaknesses within the government sector has provided an explanation as to why the CTG strategy failed to live up to rhetoric indicating that it was a catalyst for fundamental change.

Finally, this chapter attempts to fulfill a fourth research goal, outlining four future policy directions that could potentially improve Māori-state relations. It is stressed that the policy alternatives offered do not provide for an immediate transformation of the relationship between Māori and the state, for the thesis has identified numerous constraints that inhibit such change at the present time. Rather, they aim to address the four issues I believe to be the most significant obstacles hindering an enhanced, partnership relationship between Māori and the state. I argue that the policy directions recommended constitute a beginning point for a *staged process of transformation*, whereby the end goal is to provide political and constitutional space within the existing Aotearoa New Zealand state for the expression of Māori self-determination at the local, regional *and* national levels.

LOOKING BACK: CONTINUITY IN CHANGE

Formulating and implementing policy in a plural democratic state is never an easy task, as discussion in this thesis has demonstrated. Multiple demands are placed upon the formulation and implementation of policy, but in a multinational society these pressures are often magnified because the principles prioritised by the state and national minority groups are vastly different. Posing a risk to understandings of national cohesion and solidarity that are based on the alliance of nation with state, national minority principles may be acknowledged and, at times, accommodated, but only in so far as they do not challenge the state's own legitimacy and longevity (see Drake 2001:39-40).

Discussion in Chapters One and Three highlighted that the fundamental change advocated by a politics of indigeneity certainly constitutes a major challenge to the legitimacy of existing political and constitutional institutions found within settler societies. Indigenous proposals for greater self-determination run along a continuum of 'soft' to 'hard' options, with varying degrees of sovereignty recognised at the 'nominal', 'community', 'nationhood' or 'statehood' levels (see Chapters One and Three). But Fleras (1999:196) has noted, "indigenous ethno-politics constitute a type of transformative counter-hegemony", in which the objectives are to establish creative structures and innovative processes rather than a leveling of the playing field.

Nonetheless, before making final comment on the strengths and weaknesses of the CTG strategy and recommending alternative policy directions, it necessary to again stress that calls for transformatory change at the 'hard' (statehood) end of the sovereignty continuum have not been very common in the Aotearoa New Zealand context. Although there is a moral argument for the restoration of independent Māori authority and control over the internal *and* external jurisdictions that statehood incorporates, Māori generally accept the impracticality of such a claim. A return of the

entire country to Māori control or the creation of two geographically separate Māori and non-Māori nation-states are options that are simply not feasible, given the existence of a substantial non-Māori majority and high levels of social and geographical integration (see Durie 1998a:238; Brookfield 1999:178).

In accepting that greater exercise of Māori self-determination will inevitably occur within the existing Aotearoa New Zealand state, proposals concerning significant jurisdictional authority for Māori over internal, but excluding external, matters have been promoted by many Māori scholars and activists. Māori nationhood is a complex system of interacting organisations at the tribal, community, cultural, sectoral, political and national levels and the kind of shared governance arrangement advocated would necessarily be expressed at each of these (Durie 1998a:230). It is at the *national* level that calls for a co-existent and cooperative arrangement, which accords Māori equal status in governing Aotearoa New Zealand, that have been the most ambitious and have met the most resistance. Proposals for a national Māori assembly, bicultural legislatures and a Māori parliament aim to establish a more consistent voice in discussions with the state (see Chapter Three), but also entail a radical transformation of the existing distribution of power and resources. Unlike the CTG strategy, they would constitute a 'new phase of partnership' between Māori and the state.

In redefining society as constituted by two socially and culturally distinct nations, each of which is regarded as sovereign yet co-dependent, binational proposals involving the strategic 'exclusion' of Māori via parallel governance institutions are certainly challenging (see Fleras and Spoonley 1999:240). But in *reforming*, rather than *destroying* the existing political state, they cannot be situated at the 'hard' end of the self-determination continuum. Nor can they be regarded as unrealistic ideals. Although established in differing socio-political contexts from that of Aotearoa New Zealand, parallel institutions, such as the Saami Parliament in Norway and the Assembly of First Nations in Canada, have given internally-colonised indigenous peoples elsewhere a mechanism for governance at the national level (see Durie 1998a:230). The British and Australian governments have also conceded to Scotland

and Norfolk Island most of the self-determination measures, including a separate parliament and the ability to raise their own taxes, that indigenous peoples defining themselves as 'nations within' desire (see Reynolds 1996:182; C. Espiner 2001:5).

While Māori lack the discrete, separate territory that many indigenous nationalisms are founded upon, there are clearly working examples which are similar to the binational proposals for which Māori have called. Nevertheless, such proposals are considered extremely 'radical' by most non-Māori because they challenge existing notions of a unitary nation-state. Aotearoa New Zealand governments have certainly attempted to marginalise these highly politicised calls for self-determination by assuming a state-centred approach to self-determination that acknowledges only proposals at the 'soft' end of the sovereignty continuum. It is conceded that some Māori individuals might be satisfied with policy initiatives, like those incorporated under the CTG strategy, that merely tinker with the existing system to provide better *recognition* of indigenous and Treaty rights through the symbolic means of biculturalism. But these initiatives do not constitute an adequate response to a politics of indigeneity, for they fail to account for more challenging binational proposals where the transferral of resources and power are sought as the basis of sovereign self-determination (see Fleras 1999:192-195).

Labour-Alliance's political rhetoric indicated awareness, perhaps even a degree of acknowledgment, of the more politicised claims that Māori have asserted in their bid for greater Māori self-determination. This, in itself, was an improvement on past government performance. But, in practice, such claims were stifled by employment of the traditional meta-principles that have dominated Māori Affairs policy. In continuing to frame Māori within distributive justice, needs and development discourses, the CTG strategy aimed to better incorporate Māori into the mainstream economy and society and thus lessen any potential threat to the concept of absolute sovereignty and the unitary nation-state. With potential conflicts channelled or structured, rather than eradicated, through the democratic process, this accommodation yet containment of

difference is a juggling act few governments have successfully achieved (see Keman 1997:3).

THE CLOSING THE GAPS 'BALANCE SHEET'

Given the rather ambiguous and ambivalent way in which governments tend to deal with multinational diversity, it is argued that: "Policy experiences resemble balance sheets, rather than triumphant lists of accomplishments; in all the spheres we investigate, there are liabilities as well as assets" (Young 1998:5). This was certainly the case with the CTG strategy, which reflected the mixed or selective approach to diversity that has characterised past Māori Affairs policy (see Chapter Two). When Parekura Horomia and Tariana Turia (2002:1-6), as Minister and Associate Minister of Māori Affairs respectively, came to summarise what Labour-Alliance had done for Māori in Budget 2002, they noted the accomplishments of particular programmes or shifts in policy direction. This thesis has argued, however, that in the CTG 'balance sheet' these 'assets' were offset by 'liabilities' relating to the bureaucratic, political or conceptual context in which they were established.

Sites of Change

Focusing first on achievements, it must be stressed that the priority Labour-Alliance placed on strategic, evidence-based social policy and cross-sectoral integration was a significant shift in direction. This was the case both for the country as a whole and for Māori, who had found that the focus National-led governments placed on Treaty settlements during the 1990s failed to provide a long-term, holistic approach to the social problems that affected them. In addition, Labour-Alliance's emphasis on the

effectiveness of government performance for Māori attempted to facilitate an important change in governmental thinking about its responsibilities to Māori. While it has been argued that the rundown social policy function inherited by Labour-Alliance was not completely resurrected, the first imperfect steps were taken to improve government sector awareness of the need for a Māori dimension to policy.

Second, the capacity building initiatives, as part of unprecedented spending on Māori-specific social policy programmes, were an important extension upon the previous government's *Tahua Kaikoatu* (Māori Provider Development Fund). Based on the notion of community empowerment, capacity building offered a large number of Māori communities access to government sector resources and allowed some freedom in determining what aspects of their capacity they felt needed building. Within state-defined limits, capacity building may have thus enabled some communities to exercise moderate levels of self-determination at the local level.

Third, the Labour-Alliance government's attempt to insert explicit Treaty references into social policy legislation was a significant move. In confusing improved Māori participation and representation with calls for greater Māori governance, Labour-Alliance failed to go beyond an Article Three (citizenship rights, needs-based) discourse in drafting the New Zealand Public Health and Disability (NZPHD) Bill. Yet, the need to develop better *relationships* with Māori communities was recognised. The partnership model upon which the Bill's provisions for Māori were based was also conceptually limited, but potentially paved the way for debate about more substantial power-sharing arrangements in the future. In addition, the guaranteed representation clause reflected partial recognition of the need for a more recognitive form of justice to be applied to Māori, even if this shift in thinking was incomplete.

In summary, CTG made a lot of the 'right noises', as well as having some limited impact upon the government sector. It identified the continued disparities between Māori and non-Māori as a major concern and the need for better resource distribution to Māori. It also attempted to encourage the government sector to take into account the special status of Māori by identifying partnership as the preferred model

for Māori-state engagement. The emphasis placed on Māori Affairs issues, at least in the Labour-Alliance government's first year, was thus more deliberate and explicit than that demonstrated by its National-led predecessors.

Sites of Continuity

Yet, despite these significant modifications at the face of Māori Affairs policy, the proliferation of initiatives that the CTG strategy embodied made no real changes to its conceptual heart. In line with other commentators (e.g. Parata 1994; 1998; Kelsey 1996; Tauri 1996; C. Williams 2001), the last four chapters have demonstrated that fundamental change in the Māori Affairs portfolio was inhibited by bureaucratic, political and conceptual weaknesses found within the current government sector. It can by no means be asserted that CTG transformed the government sector to allow greater levels of self-determination to be exercised within Māori communities beyond the local level. Aiming to improve mainstream services, the three key CTG initiatives may well have actually further incorporated Māori into mainstream institutional structures (see Fleras and Elliott 1992:226). CTG thus represented "a paradox of big words and small gains" (see Barsh 1994:55) that repackaged, rather than reworked, the troubling themes that have long dominated Māori Affairs policy.

The demise of the CTG slogan and the rebranding of the CTG strategy's initiatives in terms of 'reducing inequalities', were enough to suggest that the needs-based focus traditionally found in the Māori Affairs arena remained intact. CTG did not challenge the centrality of poverty at the heart of social policy in Aotearoa New Zealand and thus continued to focus on socio-economic disparities. Even when the term 'social exclusion' was used, socio-economic 'gaps' were the CTG strategy's core concern. Capacity building is a prime example of this contention, for it remained concerned with a supply-driven form of corporate development which suggested that Māori empowerment was really about the better incorporation of Māori within the labour market and, ultimately, the Aotearoa New Zealand and global economies.

This persisting preoccupation with disparities indicated that capacity building and other CTG initiatives never actually located Māori as the centre of concern. Māori 'deficit' continued to be measured in comparison to a non-Māori 'norm', binary thinking that produces an adversarial politics based on notions of 'us' versus 'them', as demonstrated by the backlash against CTG which developed during 2000 (see Bishop and Glynn 1999:71; Meredith 1999:12). In addition, although CTG incorporated a large number of Māori-specific programmes clearly focused on the 'gaps' between Māori and non-Māori, these sat alongside others aiming to alleviate more general disparity gaps. Thus, the processes of community empowerment and active citizenship, which hoped to build the capacity of Māori and improve their participation in democracy, were also applied to other communities. These facts indicate that, rather than redefining the relationship between Māori and the state, CTG's core socio-political project was a reduction in the inequalities of poverty, termed 'social inclusion'.

A distinction between these two socio-political projects was blurred by the way in which discussion about social policy generally was framed by Labour-Alliance's social development approach. The core concepts of social inclusion, community empowerment and active citizenship were couched in the same language of 'self-determination' and 'partnership' that Māori use to articulate their claims for greater autonomy. There is some overlap between these two projects, in that Māori agree that reducing socio-economic disparities between Māori and non-Māori should be a crucial goal for the government sector (M. Durie 2000:418). But a focus solely on socio-economic inequalities is an extremely limited response to calls for more politicised models of self-determination. Indeed, Māori have argued that it may not be possible to reduce such disparities until the 'gaps' in power between Māori and non-Māori are eliminated. In short, the two projects of social inclusion and Māori self-determination were based on conceptually separate foundations and required different analyses and 'solutions' (Rata 2000:30). This was not least because the concept of social inclusion cannot comprehend that full 'inclusion' within a Māori 'national culture' may require

the strategic 'exclusion' of Māori from the mainstream through self-determining, parallel institutions.

Inevitably, tensions became evident between CTG's attempts to 'include' Māori within mainstream society and economy and the rhetoric by which it was framed, which endorsed Māori calls for self-determination that could potentially involve their 'exclusion' from the mainstream. To resolve such tensions, the Treaty was called into play. By discussing Māori desires in relation to Treaty rights, it was possible to avoid having to deal with the conflict between social inclusion and self-determination directly. The Treaty, while providing positive resonance in public discourse, is itself full of ambiguity and tensions and, in the absence of a coherent policy on the Treaty, can be read in various ways (see Appendix 2). Reference to Treaty rights may be interpreted as concerned with the right to self-determination, because Article Two in the Māori-language version suggests that the chiefs signing the Treaty expected to retain the right to exercise *tino rangatiratanga* (the power to be self-determining). This article can be limited to property rights or extended to cover all aspects of Māori society, depending on the interpretation. In addition, reference to the Treaty can be read in relation to Article Three citizenship rights, which do not contradict the notion of social inclusion at all because they are based on the notion of universal rights for all citizens.

As a consequence, it was not clear at the outset whether rhetoric about 'partnership' and 'self-determination' indicated a plan to extend a rights-based discourse into social policy and, if so, which rights were at issue. This thesis has argued that certain members of Labour-Alliance (in particular Tariana Turia and Parekura Horomia) may have conceived CTG as a beginning point for further recognition of and support for Māori calls for self-determination. Yet, the Article Two rights of *tino rangatiratanga* were never a driving force behind the strategy, because it failed to go beyond the traditional preoccupation with Māori needs. No number of references to 'self-determination' and 'partnership' could hide the fact that CTG did not represent a relinquishment of, or even reduction in, state control over the Māori Affairs policy arena. Decisions in Māori Affairs policy continued to be made by government,

whose actions greatly depended on the mood and temper of the non-Māori population (see Coates 1998:44). Initiatives aiming to empower Māori through better resourcing, greater access to decision-making and a commitment to 'closing the gaps' and building the capacity of Māori communities may have shared some similarities with the more moderate proposals put forth by Māori. But they had a far more limited goal in mind.

In essence, the conceptual understandings behind the social development approach matched those of policy predecessors, endorsing integration of Māori 'difference' into mainstream institutions as a means to maintain and enhance solidarity, national cohesion and the legitimacy of the state. By the late twentieth century, this unstated aim of national cohesion was not driven by an open desire on the part of the coalition government to extinguish Māori culture; in fact, there was explicit support for its retention (see Labour Party 1999e:1-3). The common refrain that social cohesion and inclusion were necessary as an "essential building block for a growing and innovative economy" (Clark 2002a:10) suggested that a kind of corporate assimilation, likely to enhance Māori integration into the mainstream and – more importantly, the global – economy, was a key pursuit. CTG can thus be regarded as a sophisticated version of the traditional focus on the socio-economic disparities between Māori and non-Māori. The title 'Closing the Gaps' had never been applied to a policy strategy before, but its concern with 'closing the gaps' between Māori and non-Māori was one that had been around for decades (see Chapter Two).

Socio-economic integration, however, was not the only agenda behind CTG. The thesis has argued that even the Māori-specific programmes incorporated under the CTG umbrella implicitly marginalised proposals for Māori self-determination, particularly those posing a direct threat to the absolute sovereignty of the unitary nation-state. Whether conscious or not, Labour-Alliance politicians and government sector officials were implicated in this marginalisation when they evoked the rights of citizenship, both through reference to the Article Three rights of the Treaty of Waitangi and emphases on social inclusion, community empowerment and citizen engagement. In this way, CTG continued to frame Māori as disadvantaged citizens who, in the name

of social justice and national cohesion, have certain universal needs that should be met. The new and significant policy initiatives or directions that the CTG strategy introduced at the face of Māori Affairs policy consequently failed to confront the conceptual limitations of the national cohesion goal when applied to Maori.

As a result, Māori claims to a form of strategic 'exclusion' from the mainstream and shared governance arrangements that reflect their nation status continued to be depoliticised on the cusp of a new millennium, just as they had since the signing of the 1840 Treaty of Waitangi. The next section argues that acknowledging and remedying Māori grievances concerning the Treaty, as well as limiting parliamentary supremacy through the accommodation of Māori rights securely within Aotearoa New Zealand's constitutional structures, would have gone some way to redressing the 'passive revolution' of 1840. In failing to address the need for balance between Article One's *kawanatanga* (governance) with Article Two's *tino rangatiratanga*, however, the Labour-Alliance government repeated the same mistake made by the Crown in the nineteenth century and by its governmental predecessors in the intervening years (Brookfield 1999:170-1;183).

The Labour-Alliance government also failed to actualise an opportunity to restore, at least in the eyes of many Māori, the legitimacy of the state. This is rather ironic given that this goal has been the driving force behind Māori Affairs policy. In failing to address the 'gap' in power relations that Māori have long identified as the real issue at the heart of Māori-state relations, Labour-Alliance's CTG strategy cannot, therefore, be considered a 'fundamentally different' approach to Māori Affairs issues.

LOOKING FOWARD: RECOMMENDED POLICY DIRECTIONS

This thesis has pin-pointed the bureaucratic, political and conceptual constraints that obstructed the CTG strategy from representing stronger support for Māori self-determination, in particular the more politicised models that propose strategic 'exclusion' through parallel institutions and/or shared governance arrangements at the national level. These constraints made unrealisable an immediate shift from the socio-political context of the late 1990s to a fully established nation-to-nation relationship between Māori and the state. Past governments tinkered with some of the bureaucratic constraints, as did Labour-Alliance. But there was a lack of willingness to address the political and conceptual issues at the heart of Māori Affairs policy. This not only made fundamental change unlikely, but made it *inconceivable* to many politicians and government sector officials. There is a need, therefore, to facilitate a shift in such limited thinking before future reform may be implemented.

In attending to the fourth and final goal driving this thesis, I offer four alternative policy directions that aim to encourage this change in thinking. Given that I have identified that limited governmental acceptance of Māori self-determination has been gained at the local and regional levels, the policy directions focus on providing the bureaucratic, political and constitutional space for Māori self-determination at the national level where resistance has been most prevalent. Based on the findings of the current research, alternative strategies for implementing each policy direction are offered. This discussion aims to open up debate about, rather than prescribe, the transformation by which Māori might realise their aspirations for a nation-to-nation relationship as part of a *staged process of transformation* that takes place over a number of years (see Mead 1997:150-151; 238-240; Durie 1998a:239; C. Williams 2000:xiii). To achieve this goal, I believe four over-riding issues must be tackled.

First, there is a need to shift away from the inconsistency and confusion around Māori/Treaty issues that dominated the CTG policy process. Comprehensive, culturally appropriate longitudinal research into disparity issues, along with the development of a comprehensive, cross-sectoral Treaty policy framework, are two means by which greater clarity and coherence may be gained. Second, an analysis of CTG has highlighted that there is a need for a permanent Māori voice in the policy-making process. I consequently suggest several alternatives that could potentially fill this breach. Both these first two policy directions can and need to be attended to immediately.

Following improvements in the bureaucratic and political contexts where Māori Affairs policy is made, I believe further stages of transformation would be necessary to address the wider conceptual tensions that exist between Māori Affairs policy and Māori calls for self-determination. The thesis provides evidence that there is a need to renegotiate the basis of state legitimacy so that acknowledgment of Māori as sovereign peoples is no longer conceived as posing a threat to the existence of the Aotearoa New Zealand political state because it challenges the notion of absolute sovereignty. In arguing that such renegotiation requires significant political and constitutional reform, I recommend a formal process through which discussion about future constitutional reform may begin. Finally, the thesis has identified that traditional liberal understandings of citizenship are highly problematic when they are applied to Māori (and other national minorities). A revisioning of citizenship that aims to enhance solidarity and cohesion by allowing for different forms of belonging is thus endorsed. Clearly, the conceptual issues that the latter two policy directions propose cannot be tackled immediately; thus my recommendations concentrate on establishing a context and initiating a process of deliberation whereby the tensions that exist between Māori Affairs policy and Māori self-determination may be illuminated, debated and negotiated.

IMPROVE CONSISTENCY REGARDING TREATY/MĀORI ISSUES

The thesis has identified that the government sector lacked consistency and coherency when engaging with issues relating to the Treaty and Māori more generally. This resulted from inexperience; a lack of reliable data and analytical expertise; and, at times, active resistance to the incorporation of such a dimension into the government sector's work. TPK and Māori-specific units within mainstream agencies found it difficult to counteract these issues because they lacked sufficient authority or because the incorporation of a Māori dimension was in conflict with other departmental and governmental priorities. Ultimately, this uncertainty regarding the Treaty/Māori implications of the government sector's day-to-day work led to a lack of distinction being made between the projects of social inclusion and Māori self-determination.

Such conceptual incoherence left Labour-Alliance open to the charge that its policy was developed as an ad hoc product of political calculations and concession. The thesis has suggested there is some evidence that this was the case, with the policy proliferation that CTG represented ultimately pointing to a policy vacuum within the Māori Affairs portfolio, particularly in relation to the Treaty of Waitangi (see Chapters Four and Seven). I argue that two major changes need to be made at the bureaucratic level to overcome these inconsistencies.

Conduct culturally appropriate, longitudinal research into Māori disparity

First, there is an urgent need for comprehensive, longitudinal social research to be conducted in the Māori Affairs and broader social policy arenas. The Labour-Alliance government went some way to establishing a context in which this kind of research might occur, as well as placing an important focus on evidence-based policy. Largely ignored, however, were many of the problems with traditional, culturally-biased

research and analysis that Māori have long articulated. In particular, there is a need for the government sector to engage with debate about 'Māori' ethnicity and 'disparity' and how these should be defined and measured. This process has already begun, with Statistics New Zealand (2002) having initiated a consultative project reviewing the measurement of ethnicity. But to have real impact, the process of debating such issues needs to move beyond the confines of one particular government agency.

In addition, traditional concepts of Māori disparity, of which this thesis has been highly critical, must be reassessed. To overcome constraints in this area, there is a need for considerable consultation with Māori and collaboration with projects such as Massey University's 'Te Hoe Nuku Roa' and the University of Waikato's 'Self-Governance Index'. Only then would it be possible to conduct culturally appropriate research that gives an accurate picture of Māori disparities, thus allowing policy to be based on clear and justified rationale instead of personal and party political agendas (see Baehler 2002:27-28).

Develop a comprehensive, cross-sectoral Treaty policy framework

It is clear, however, that there is no point collecting reliable data relating to Māori unless a Māori/Treaty analysis, which moves away from the needs-based, 'gaps' thinking problematised by the thesis, is then applied (see Chapter Five). TPK (2002b:24) have long called for an integrated, comprehensive and coherent Treaty policy framework across the government sector and I believe this would be a significant means by which to ensure Māori issues are consistently placed within an appropriate Treaty discourse, as well as allowing greater clarity and consistency across the government sector more generally. To be successful, such a Treaty policy framework would need to demonstrate three essential characteristics.

First, it would have to be formulated in negotiation with Māori (see later discussion). There will, no doubt, be considerable debate amongst Māori as to the appropriateness of such a framework and the key elements that should be contained

within it. Nevertheless, the explicit articulation and negotiation of these conflicts through a formal process would reduce the likelihood of backlash and division of the kind provoked by the Treaty and *mana whenua* clauses contained within the NZPHD Bill.

Second, although Treaty issues are complex, the framework itself would need to be relatively simple and general, so that it could be employed and understood across the government sector (see Durie 1998a:210). The aim would be to encourage government departments to regard the Treaty as a starting point for partnership, rather than an end in itself (see Tamahori 2001). This would allow contemporary and future issues, rather than just historical grievances, to be situated within a Treaty discourse.

Third, to ensure departmental compliance, the Treaty policy framework would need to be accompanied by a set of clear and comprehensive incentives and penalties, an absence of which severely limited Labour-Alliance's effectiveness initiatives. Every government department would have to engage in some form of Māori/Treaty analysis before submitting policy proposals to Cabinet and these would be reviewed by an appropriate agency. Acting as a true equivalent to the Treasury, this agency would require the authority to reject or demand changes if such proposals did not meet clearly defined standards established in conjunction with the Treaty policy framework.

Neither sound, longitudinal research relating to Māori nor a Treaty policy framework will be easily implemented, considering both the bureaucratic and political context highlighted in this thesis and the complex conceptual and cultural issues they involve. Yet, they would aid in overcoming the inconsistency and confusion that have traditionally dominated the Māori Affairs portfolio and contribute to Labour-Alliance's desire for a more strategic, coherent approach to social policy. Such initiatives would also provide the kind of 'map' that Samuels (2000) suggested was necessary for policy initiatives to avoid becoming just 'good intentions'.

ESTABLISH A PERMANENT MĀORI VOICE IN THE POLICY-MAKING PROCESS

The absence of an established Māori body with whom the government sector can consult on an on-going basis has been a major obstacle hindering the development of a Treaty policy framework and the achievement of greater coherency and consistency in the Māori Affairs portfolio as a whole. Without such a body, the Labour-Alliance government followed the example of its political predecessors and assumed complete control over the policy process. It was thus able to largely ignore Māori concerns about the appropriate design of outcome indicators, accountability and monitoring arrangements and the insertion of Treaty-related clauses into legislation (see Durie 1998a:237). With continuity evident in the organisational structures of government, as well as the conceptual orientation of Māori Affairs policy, there was little chance for the CTG strategy to afford significant change.

From my understanding of the events that surrounded the CTG strategy, it appears obvious that there is an urgent need for a pan-Māori body that can act as a permanent Māori voice in the policy formulation and decision-making process. Such a body is necessary to debate the Treaty policy framework I have recommended and to ensure that future policy for Māori is decided in collaboration with Māori communities, rather than by politicians or government officials alone. Several alternatives regarding how and by whom such a body should be established have already been proposed and urgent discussion about these is required within and between government and Māori communities.

Alternative bodies to be considered

One possible option would be to establish an appointed body within the government sector, similar to the Treaty of Waitangi Fisheries Commission, the Māori

Language Commission and the electoral college established to govern the Māori television network. It is this kind of forum that the Community and Voluntary Sector Working Party proposed in 2001, when it recommended that a Treaty of Waitangi Commission be instituted to provide guidance for the government sector (Maharey 2001a:6). Yet, an historical overview demonstrates that such a commission would remain subject to government funding and political interests. In lacking a specific mandate to make decisions, there would also be no guarantee of Māori support for such a body (see Durie 1998a-161;169; see Chapter Three).

Another option would be to establish permanent, consultative bodies in specific policy and delivery areas, such as the health, education and criminal justice sectors. These could act as forerunners to the parallel policy institutions for which there have been repeated calls from Māori (e.g. Jackson 1988; Smith and Smith 1996; see Tauri 1996:204). It is possible, however, that sectoral consultative bodies would perpetuate the 'silo mentality' that currently exists within the government sector, making it difficult to gain cross-sectoral agreement on policy issues relating to Māori.

Alternatively, TPK could be maintained as the sole, Māori-specific policy agency but be radically restructured along the lines of the Aboriginal and Torres Strait Islander Commission (ATSIC) in Australia to act as a representative Māori institution. Until 2003, when its funding and policy mechanisms were separated, ATSIC allowed for elected Aboriginal and Torres Strait Islander representatives to exercise a significant degree of power over both funding and policy decisions (Rintoul 2003:6). With improvements to the pre-2003 ATSIC model, Māori might be able to regard TPK as an extension of the powers located within their own existing local and regional communities and as a legitimate mouthpiece and potential negotiator in relations with the state. An ATSIC-like structure would improve TPK's accountability to Māori and give a greater level of Māori control over its decision-making processes (see Coombs 1994:183-186). Under this model, however, TPK's advice could still be marginalised by mainstream agencies, unless it was given the authority that previous discussion has suggested is necessary for the successful implementation of a Treaty policy framework.

In addition, any Māori body aiming to serve Māori constituents, while at same time being a government statutory authority serving the political goals of the government of the day, would inevitably experience conflicts between internal and external accountabilities (see Fletcher 1999:344-345).

An independent, national Māori body could potentially overcome these tensions (see Walker 1999:118-119), but would require that tribal and non-tribal groups agree on some basic issues at the macro level, while still being free to express their *tino rangatiratanga* at the micro level (Durie 2000:423). To date, existing proposals for a national Māori congress, mobile Māori parliament or a ruling council of the Māori Congress have all been hindered by disagreement as to how such a mandating arrangement might work in practice. The experience of the National Māori Congress, which was established in 1990, also demonstrates that the existence of an independent Māori body does not guarantee government recognition of its authority (see Chapter Three).

It is beyond the brief of this thesis to advocate for any particular proposal described above, given that all are accompanied by a range of obstacles and a Māori body politic established at the central government level would inevitably be only one site for the greater exercise of self-determination. Yet, the current research indicates that a pan-Māori body that can authoritatively assert itself in the policy-making process is an essential element in overcoming some of the political and conceptual factors that constrained the CTG strategy.

INITIATE A PROCESS FOR DEBATING CONSTITUTIONAL REFORM

Previous discussion has argued that the CTG strategy continued to depoliticise Māori calls for self-determination because its chief concern remained national cohesion and state legitimacy. Given that the legitimacy of the Aotearoa New Zealand state has

been founded on the dispossession of Māori and framed in terms of absolute sovereignty, greater support for Māori self-determination at the national level has thus posed a serious threat to the existing basis of state legitimacy, the notion of absolute sovereignty. The only way to overcome the inherent tension between the state's need for legitimacy and Māori calls for greater autonomy and control is to renegotiate the basis of state legitimacy so that it no longer rests on the 'passive revolution' of 1840.

In achieving such a goal, major reform of the current political and constitutional order is required. This would not resolve the continuing dilemma faced by the state as it attempts to accommodate plurality and the demands of multiple interest groups, while also maintaining its legitimacy (see Chapter One). Yet, it would certainly go some way to easing the tensions between the state and Māori communities who, in the Aotearoa New Zealand context, pose the most obvious and arguably the most significant challenge to the state's legitimacy.

The ability of any constitutional reform to act as a site for ensuring Maori self-determination would, of course, depend on the extent of Maori involvement in the drafting and implementation of new constitutional conventions and arrangements (see Alfred 1995:8). Chapter Three highlighted that several proposals aiming to establish a nation-to-nation relationship *within* the existing political state have already been proposed by Māori. These allow exercise of the Māori self-determination guaranteed in Article Two of the Treaty of Waitangi *in balance with* the governance role the Crown was given in Article One. Given the current, constrained socio-political context, such constitutional reform can not be implemented immediately, but a formal process of debate and discussion to address the issues outlined can certainly be initiated. I propose three key mechanisms through which to begin this process.

Establish a Māori constitutional commission

First, I support discussion already underway within Māori communities regarding a Māori constitutional commission, which would provide a vehicle for Māori-

driven discussion amongst Māori (see Wickliffe and Dickson 2000:48). As proposed by Durie (2000:423), such a commission would aim to identify the key components of contemporary Māori society and the nature of the relationships between them, focusing on their collective strengths and agreeing on the basic parameters of self-governance. The constitutional commission would then attempt to gain consensus as to what role the Treaty, its articles, provisions or principles should play in Aotearoa New Zealand's constitutional arrangements. By distilling an agreed position/s on these issues, the constitutional commission's recommendations could then form the basis for discussion in a second commission reflecting the interests of the general public. Durie (2000:423) has suggested that a final constitutional covenant would be best ratified by a referendum, if endorsed by seventy-five per cent of voters from each of the Māori and general electoral rolls.

This proposal is attractive, in that it deals with the need to establish a legitimate process of negotiation by which Māori views can be brought together and some sense of consensus gained. However, Durie's (2000) proposal does not provide detail as to who should constitute his second proposed commission, who should lead it and whether it should be informed by previous debate within non-Māori communities. I believe that discussion within wider Aotearoa New Zealand society would certainly be necessary, particularly as any final decision concerning the transformation of Aotearoa New Zealand's political and constitutional structures lies largely in the hands of the non-Māori majority (see Mulgan 1998:180; Pearson 2001a:153). The backlash against the CTG strategy suggests, however, that there is a need for greater public awareness about the Treaty and Māori self-determination issues, as well as their constitutional implications, to counteract the confusion and misinformation that currently exists.

Develop a public awareness strategy about Treaty and constitutional issues

I consequently recommend that a public awareness strategy focused on Treaty/Māori and constitutional issues be implemented *prior* to the establishment of a

shared constitutional commission between Māori and non-Māori. A Treaty of Waitangi education programme, such as that proposed in *He Pūtahitanga Hōu* (Labour Party 1999a:5-7), is a potential means for addressing this issue. While probably more comprehensive than that intended by Labour, one possible (although imperfect) model for this educative process is the Council for Aboriginal Reconciliation in Australia (see Coombs 1994:183-185). Although the concept of reconciliation has been weakened considerably since the election of a Liberal-National government, this council was initially backed by bipartisan support and with federal funding was led by twenty-five Aboriginal and non-Aboriginal community leaders. It established a country-wide network of branches which coordinated community meetings and 'study circles' which shared the aim of bringing about a greater level of awareness of Aboriginal history, cultures, dispossession, continuing disadvantage and the need to redress such disadvantage (Hollinsworth 1998:207).

Alternatively, a public awareness programme could be established to focus on broader constitutional issues, in which discussion about the Treaty and Māori indigenous rights would play only a part. According to a country-wide Values Survey in 1998, approximately one third of New Zealanders support the transformation of Aotearoa New Zealand from a constitutional monarchy into a republic, but only five per cent believe that the Treaty's constitutional standing should be strengthened (Perry and Webster 1999:74-76). Republicanism could, therefore, provide the occasion for constitutional recognition of the Treaty with the least resistance from non-Māori and should certainly be a focus for discussion in both Māori and non-Māori communities.

Establish a second, general constitutional commission

Following wide-ranging debate, a shared constitutional commission reflecting both Māori and non-Māori interests would provide a means by which Aotearoa New Zealand's diverse communities could then decide their future together. Engagement over constitutional issues would also allow an opportunity for dialogue between Māori

and the state that does not hinge on crises or claims, with the focus on Māori advancement for the future rather than remaining preoccupied with the injustices of the past (Durie 1998a:239). Australian Aboriginal leader, Michael Dodson (1995:10-13), has commented that while the Canadian constitutional reform process cannot be regarded as entirely successful for Canada's indigenous peoples, it was an important means for bringing leading politicians, government agencies and other parties into contact with indigenous peoples and issues. It also facilitated the participation of indigenous Canadians in 'Canadian' society more actively than before. Thus, whatever the outcome of future constitutional reform, I believe the *process* of debate that would accompany the public awareness strategy and constitutional commissions proposed is vital to the well-being Aotearoa New Zealand society.

REVISION TRADITIONAL CITIZENSHIP DISCOURSES

As this thesis has highlighted, CTG, like past Māori Affairs policy, employed traditional citizenship discourses promoting a form of national cohesion that effectively marginalised Māori calls for nationhood. It is clear, therefore, that if the concept of citizenship is to be of any use in promoting solidarity and social cohesion, it must be taken out of its liberal history and inserted into a very different set of transactions and political practices. The abstract conceptions of universal rights and entitlements attached to citizenship must come to terms with underlying structural power relations that underscore practices of both the state and market mechanisms (see Taylor 1996:157).

Begin a process of reconceptualising citizenship

I argue, therefore, that the constitutional reform process proposed above would provide a prime opportunity for government sector officials, scholars and other citizens to reconceptualise the rights and obligations of Aotearoa New Zealand citizenship. This does not mean that liberal notions of citizenship should be abandoned, for they do play an important role in enhancing solidarity and cohesion within the state and provide a positive identity for many citizens. Rather, it is argued that the concept of citizenship needs to be revisioned as a non-universalising yet solidarity-building identity (see Havemann 1998). Fundamental to this revisioning is the assumption that it is possible to agree on a common citizenship (and thus shared values) which is recognised as legitimate by Māori, Pākehā (New Zealanders of European descent) *and* ethnic minority groups (Mulgan 1998:180).

There is an urgent need, therefore, to acknowledge that both Māori and non-Māori care about social justice, equality, needs, rights and development, but that they think about these differently. This thesis has pointed to distinctions between the way Māori and the state conceive of the 'problem' and the 'solutions' for Māori Affairs policy based on the differing principles that Māori and the state have prioritised. Certainly, the meta-principles upon which the Aotearoa New Zealand state has been founded require further debate, qualification and supplementation so that they can act as a means for establishing a mutual compromise and understanding regarding the relevance of cultural specificity and difference (see Young 1990:158; Walker 1997:154; Carens 2000:197).

There is considerable work underway internationally (e.g. Taylor 1992; Tully 1995; Van Dyke 1995; Young 1995; 1998) attempting to reinvent liberal theory so that this kind of diversity can be incorporated within liberal understandings of citizenship. Given the long-running preference for Aotearoa New Zealand governments to favour needs-based over rights-based discourses, there is a necessity for politicians, government sector officials and scholars to fully engage with this literature. In

particular, the issue of whether citizenship should supplement universal individual rights with certain group-differentiated rights is one crucial to the Aotearoa New Zealand situation. Many scholars argue that the adoption of a diverse, multilevel and 'multicultural' notion of citizenship does not necessitate the enshrinement of differential rights (see Castles 1997; Habermas 1998; Taylor 1999; Castles and Davidson 2000; Faulks 2000; Miller 2000). Yet, formal recognition of group rights, as Kymlicka (2001) has recommended, could potentially deal with some of the ambiguities and contradictions evident within the Māori Affairs portfolio, without requiring an overthrow of the existing liberal-democratic state.

First, the enshrinement of group rights would acknowledge the importance of culture to an individual's sense of place and identity by separating ethnicity and state (see Faulks 2000:88). Second, it would abandon the framing of individual and collective rights as oppositional, which can miss the real issue for indigenous peoples: their concern with the ongoing effects of colonisation. In addition, it would enable indigenous peoples to be regarded as nations with the right to political autonomy, rather than merely as a minority group wishing to protect its culture. Finally, recognition of group rights could also identify the *limits* of group rights, diminishing fear of seemingly 'endless' demands by indigenous peoples and other minority groups (Kymlicka 2001:22;77;120).

Certainly, any new model of citizenship would need to be designed or modified to suit the specific socio-political context of Aotearoa New Zealand and be developed by New Zealanders, thus reflecting the tikanga [customs] of the people who live here (see Turia 2000e:49). Local scholars (e.g. Meredith 1998; Fleras and Spoonley 1999; Havemann 1999d; Fleras and Maaka 2000) provide some interesting, although incomplete, theoretical frameworks and these need further development so that the constitutional commissions proposed might consider them. Like the policy directions outlined in this section, such scholars share the belief that citizenship in the twenty-first century needs to recognise that people can belong in different ways to society, without necessarily rejecting a sense of citizenship or loyalty to the whole. This would

ensure that, in the future, state legitimacy is founded upon a citizenship discourse that promotes social cohesion and solidarity in a way that benefits not only the state, but also Māori and New Zealanders more generally.

CONCLUSION: THE POLITICS OF MĀORI AFFAIRS POLICY

This thesis has argued that the Labour-Alliance government considered the CTG strategy to be a significant policy response to long-standing issues articulated by Māori. In its initial stages, the strategy provided unprecedented emphasis on, and funding for, social policy programmes specifically targeting Māori. It also demonstrated a desire on the part of the Labour-Alliance government to empower Māori via improved government performance, better access to funding and greater participation in some sectors of government. Through the insertion of the Treaty of Waitangi in social policy legislation for the first time, Labour-Alliance also tried to shift the style of engagement between Māori and the state towards a focus on the importance of relationships and a partnership discourse.

Yet, this thesis has argued that CTG represents a case of *continuity* in change. The policy strategy remained preoccupied with reducing disparities between Māori and non-Māori and failed to seriously challenge the prevailing distributive justice, needs and development discourses that have dominated Māori Affairs policy. Nor did Labour-Alliance adequately address the tension existing between the needs and rights discourses by distinguishing between the two socio-political projects of social inclusion and endorsement of greater Māori self-determination. Labour-Alliance co-opted the language of Māori self-determination through reference to 'partnership' and 'self-determination', yet in practice continued to avoid dealing with the challenge that Māori calls for self-determination at the national level pose for the assumed alliance between

nation and state. Demonstrating the risks of applying a Third Way politics that developed out of a vastly different socio-political context than that found in Aotearoa New Zealand, Labour-Alliance's confusion of the two 'problems' made it unlikely that either would be 'solved', in addition to creating a backlash against itself and Māori.

An analysis of the three major initiatives that constituted CTG has reinforced such arguments. I have contended that the Labour-Alliance government appeared serious in its intention to improve the effectiveness of government performance for Māori and, ultimately, address social inclusion for this diverse target group. Labour-Alliance made a first, imperfect step towards improving government capability as a means for achieving this goal. However, such improvements continued to ignore Māori calls for their greater involvement in information gathering and analysis, the development of outcome measures and the establishment of accountability procedures.

The capacity building initiative was similarly problematic, in that it attempted to empower Māori without seriously addressing their desires for self-determination. As a result, the capacity building funding made available was small, tightly regulated and based on a form of corporate development that did not challenge existing unequal power relationships between Māori and the state.

The NZPHD Bill provided another example of the Labour-Alliance government articulating a desire to develop practical means with which to implement a partnership relationship with Māori based on the Treaty. However, such rhetoric was again contradicted by poor consultation, inconsistency and uncertainty in government sector interpretations of the Treaty and willingness to confer upon Māori only limited improvements in participation and representation.

Labour-Alliance's CTG strategy thus embodied a small number of new initiatives that improved on past policy. But in general, the coalition government simply provided new, Third Way names for the old concepts that have driven Māori Affairs policy since at least the days of the 1961 Hunn Report. 'Integration' became 'social inclusion', 'community development' was evoked through references to 'community empowerment' and 'partnership', while the term 'active citizenship' was

used to describe improvements in Māori participation in mainstream institutions. Remaining concerned with national cohesion, the CTG initiatives never provided any serious challenge to the status quo and, as a result, the abandonment of the CTG slogan had little effect on the implementation of CTG initiatives.

A major contribution of this thesis has been the provision of explanations for the CTG strategy's failure to match its own rhetoric and significantly progress beyond the weaknesses of past Māori Affairs policy. Three main factors have been highlighted. First, the bureaucratic processes and systems dominating the government sector did not have the capacity to meet the challenges that full endorsement of Māori rights to self-determination would involve. Labour-Alliance must be given credit for attempting to address many of the bureaucratic deficiencies it found within the government sector, but alone these were not enough to constitute significant change within the Māori Affairs arena.

This is because instability, volatility and confusion within Aotearoa New Zealand's political structures also made it difficult for Māori models of self-determination to be supported by successive governments. The Labour-led government did little to overcome these political constraints; indeed, lack of consultation, poor communication, inconsistency and the abandonment of the CTG slogan may well have strengthened them, as well as the general public's resistance to Māori claims for greater autonomy and control over all things Māori.

Bureaucratic and political weaknesses culminated in the Labour-Alliance government lacking the conceptual ability to acknowledge that its own social development approach and Māori models of self-determination were based on vastly different conceptual foundations. Labour-Alliance promoted notions of community empowerment, social inclusion and citizenship engagement founded on a model of citizenship that heavily emphasises civic notions of nationalism which are framed by the state (Pearson 2001a:174). Yet many proposals for self-determination call for the strategic 'exclusion' of Māori, in that they be granted the constitutional space to

express their rights as a 'nation within', thus challenging the way in which nation and state are commonly perceived as irrevocably tied.

In identifying the most urgent issues needing to be addressed, the final chapter of this thesis has offered four alternative policy directions to guide Māori Affairs policy in the future. First, in addressing the ambiguity and uncertainty evident in the Māori Affairs portfolio, there is a need for comprehensive, longitudinal research and a cross-sectoral Treaty policy framework that can be applied across the government sector. Second, the establishment of a representative and mandated Māori body that can act as an official voice in the policy process is recommended to ensure policy does not continue to be decided without significant Māori input. Third, the development of a deliberative process to debate potential constitutional reform is identified as a first step towards renegotiating the basis for state legitimacy. This would lead, finally, to a revisioning of traditional citizenship discourses to accommodate the diversity that indigenous Māori, as well as other ethnic minority groups, represent.

Such recommendations mark only the beginning of a staged process of transformation that could span a generation or more. An analysis of the CTG strategy has demonstrated that, as a result of its continued reliance on problematic discourses, substantial change in the Māori Affairs portfolio is not an easy task. The past one hundred and sixty-two years since the Treaty of Waitangi was signed have been fraught by mistakes, misconceptions and miscalculations in government policy for Māori. It is argued that committed dialogue between Māori, government and wider society will not make these one hundred and sixty-two years disappear, but it could be the first, quivering step towards a brighter future for Māori and for Aotearoa New Zealand.

APPENDIX 1

Declaration of Independence of New Zealand 1835

- 1 We the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October 1835, declare the Independence of our country, under the designation of the United Tribes of New Zealand.
- 2 All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.
- 3 The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.
- 4 They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag, and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in this country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unianimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

(Here follow the signatures or marks of thirty-five hereditary chiefs or heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames).

English witnesses

(Signed)

Henry Williams, Missionary, CMS

James C Clendon, Merchant

George Clarke, CMS

Gilbert Mair, Merchant

APPENDIX 2

Treaty of Waitangi 1840

(English text)

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 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 so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate – at such prices as may be agreed between the respective 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 imparts 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 the 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 follow the 512 signatres, dates and locations).

Te Tiriti o Waitangi 1840

(Māori text with relevant literal translation in English)

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki ngā Rangatira me Ngā Hapū o Nū Tīrani, i tana hiahia hoki kia tohungia ki a rātou ō rātou rangatiratanga, me tō rātou wenua, ā kia mau tonu hoki te Rongo ki a rātou me te āta noho hoki, kua wakaaro ia he mea tika kia tukua mai tētahi Rangatira hei kai whakarite ki ngā tāngata māori o Nū Tīrani. Kia wakaetia e ngā Rangatira māori te Kāwanatanga o te Kuini, ki nga wāhi katoa o te wenua nei me ngā motu. Nā te mea hoki he tokomaha kē ngā tāngata o tōna iwi kua noho ki tēnei wenua, ā e haere mai nei.

Nā, ko te Kuini e hiahia ana kia wakaritea te Kāwanatanga, kia kaua ai ngā kino e puta mai ki te tangata māori ki te pākehā e noho ture kore ana.

Nā, kua pai te Kuini kia tukua a hau, a WIREMU HŌPIHONA, he Kapitana, i te Roiara Nawa, hei Kāwana mō ngā wāhi katoa o Nū Tīrani, e tukua āiane amua atu ki te kuini, e mea atu ana ia ki ngā Rangatira o te Wakaminenga o ngā Hapū o Nū Tīrani, me ērā Rangatira atu, ēnei ture ka Kōrerotia nei.

Ko te Tuatahi

Ko ngā Rangatira o te Wakaminenga, me ngā Rangatira katoa hoki, kīhai i uru ki taua Wakaminenga, ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu te Kāwanatanga katoa o ō rātou wenua. **The Chiefs of the Confederation, and all the Chiefs who have not joined the Confederation give absolutely to the Queen of England for ever the complete government over their land.**

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki ngā Rangatira, ki ngā Hapū, ki ngā tāngata katoa o Nū Tīrani, te tino Rangatiratanga o ō rātou wenua o ratou kāinga me ō rātou taonga katoa. Otiia ko ngā Rangatira o te Wakaminenga, me ngā Rangatira katoa atu, ka tuku ki te Kuini te hokonga o ērā wāhi wenua e pai ai te tangata nōna te wenua, ki te ritenga o te utu e wakaritea ai e rātou ko te kai hoko e meatia nei e te Kuini hei kai hoko mōna. **The Queen of England agrees to protect the Chiefs, the Subtribes, and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, their villages, and all their treasures. But on the other hand the Chiefs of the Confederation and all the other Chiefs will sell land to the Queen at the price agreed by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.**

Ko te Tuatoru

Hei wakaritenga mai hoki tēnei mō te wakaetanga ki te Kāwanatanga o te Kuini. Ka tiakina e te Kuini o Ingarani ngā tāngata māori katoa o Nū Tīrani. Ka tukua ki a rātou ngā tikanga katoa rite tahi ki āna mea ki ngā tāngata o Ingarani. 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 all the rights and duties of citizenship as the people of England.

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

Nā, ko mātou, ko ngā Rangatira o te Wakaminenga o ngā Hapū o Nū Tīrani, ka huihui nei ki Waitangi. Ko mātou hoki ko ngā Rangatira o Nū Tīrani, ka kite nei i te ritenga o ēnei kupu, ka tangohia, ka wakaaetia katoatia e mātou. Koia ka tohungia ai ō mātou ingoa o mātou tohu. Ka meatia tēnei ki Waitangi, i te ono o ngā rā o Pēpuere, i te tau kotahi mano, e waru rau, e wā tekau, o tō tātou Ariki.

APPENDIX 3

List of interviews completed

Lisa Davies, General Manager – Central Agency at Te Puni Kōkiri (Wellington, 28 August 2001).

Norm Dewes, Chief Executive of Te Rūnanga o Ngā Maata Waka (Christchurch, 16 July 2001).

Denese Hēnare, legal scholar and former member of the Law Commission (Auckland, 22 August 2001).

Mike Hollings, General Manager – Māori Development Policy at Te Puni Kōkiri (Wellington, 9 August 2001).

Willie Jackson, Alliance Party Member of Parliament (Wellington, 15 August 2001).

Annette King, Minister of Health (Wellington, 10 August 2001).

Ngātata Love, Professor of Business Development at Victoria University and former Chief Executive of Te Puni Kōkiri (Wellington, 30 August 2001).

Steve Maharey, Minister of Social Services and Employment (Wellington, 30 August 2001).

June Mariu, Te Whānau o Waipareira Trust Board member and former President of the Māori Women's Welfare League (Auckland, 20 August 2001).

Mike Munro, Chief Press Secretary in the Prime Minister's Office (Wellington, 8 August 2001).

James Newell, Monitoring and Evaluation Research Associates (Wellington, 10 August 2001).

Tipene O'Regan, Senior Research Fellow at the University of Canterbury and former chairman of the Ngāi Tahu Trust Board and the Treaty of Waitangi Fisheries Commission (Wellington, 27 August 2001).

Winston Peters, Leader of the New Zealand First Party (Wellington, 8 August 2001).

Evan Poata-Smith, Lecturer in Sociology at the University of Canterbury and former policy analyst for the Ministry of Education (Christchurch, 20 June 2001).

Richard Prebble, Leader of the ACT Party (Wellington, 29 August 2001).

Kara Puketapu, Chief Executive of Te Rūnanganui o Taranaki Whānui ki te Upoko o te Ika a Māui and former Secretary of Māori Affairs (Wellington, 17 August 2001).

Dover Samuels, Parliamentary Under-Secretary to the Minister of Economic Development and former Minister of Māori Affairs (Wellington, 4 April 2001).

John Tamahori, Branch Manager – Treaty Compliance at Te Puni Kōkiri (Wellington, 5 April 2001).

John Tamihere, Labour Party Member of Parliament and Chair of the Māori Affairs Select Committee (Wellington, 3 April 2001).

Juan Tauri, Senior Policy Analyst at Te Puni Kōkiri (by telephone, 19 December 2001).

Georgina Te Heuheu, National Party Member of Parliament and spokesperson on Māori Affairs (Wellington, 4 April 2001).

Jackie Te Kani, President of the Māori Women's Welfare League (Wellington, 29 August 2001).

Ranginui Walker, Emeritus Professor at Auckland University and former chairman of the New Zealand Māori Council (Auckland, 21 August 2001).

Tūwhakairiora Williams, Chief Executive of the National Māori Congress (Wellington, 29 August 2001).

Note

Four other interviews were conducted but the participants chose to remain anonymous. These included one official in the Department for Prime Minister and Cabinet and two in Te Puni Kōkiri, as well as one journalist.

It is of note that nine other people were approached but declined to be interviewed, including the Prime Minister, the Minister and Associate Ministers for Māori Affairs, two Members of Parliament, a Te Puni Kōkiri official, two journalists and one Māori academic. Difficulties in making and maintaining contact with several other key Māori leaders hindered further interviews being conducted.

APPENDIX 4

**Letters of approval from
Massey University Human Ethics Committee
Te Puni Kōkiri**

7 February 2002

Louise Humpage
C/O Professor Paul Spoonley & Dr Ann Dupuis
Social and Cultural Studies
Massey University
Albany

Dear Louise

**HUMAN ETHICS APPROVAL APPLICATION – MUAHEC 01/012
CLOSING THE GAPS: THE POLITICS OF MAORI POLITICS**

Our annual review of submissions to the Human Ethics Committee has revealed that a final letter of approval was not sent in response to your letter of 5 July 2001 outlining the amendments made to your application, in accordance the Committee's recommendations.

I would like to finally confirm that your project has been fully considered, and approved by the Massey University, Albany Campus, Human Ethics Committee. I am sorry if this has led to any confusion with the conduct of your project.

If you make any significant departure from the Application as approved then you should return this project to the Human Ethics Committee, Albany Campus, for further consideration and approval.

Yours sincerely



Associate Professor Kerry Chamberlain
CHAIRPERSON
MASSEY UNIVERSITY, ALBANY CAMPUS
HUMAN ETHICS COMMITTEE

cc Professor Paul Spoonley & Dr Ann Dupuis, Social and Cultural Studies, Massey University, Albany



Te Puni Kōkiri
Ministry of Māori
Development

Head Office:
Te Puni Kokiri House
143 Lambton Quay
PO Box 3943,
Wellington
New Zealand
Telephone: 04 922 6000
Fax: 04 9226 299

16 September 2002

Louise Humpage
634 Gloucester Street
CHRISTCHURCH 8001

Tēnā koe Louise

OFFICIAL INFORMATION REQUEST

I write in response to your request of 19 August 2002 under section 12 of the Official Information Act 1982 where you seek approval to use some material from Te Puni Kōkiri files (obtained through an earlier OIA request) in your PhD thesis.

In response to your request, I am happy for you to use this information in your thesis.

Heoi anō

Leith Comer
Chief Executive

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