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*He Mahi Whakamanakore:*  
Destruction of Indigenous  
Heritage Sites at Otuparae.  
A Case Study of the Otuparae  
Headland Development

A thesis presented in fulfilment of the requirements  
for the degree of

Master of Philosophy  
in  
Resource and Environmental Planning

Massey University, Manawatu

**Hemopereki Hoani Simon**

**Ngati Tuwharetoa, Te Arawa Whanui, Ngati Manawa,  
Tuhoe, Waikato, Ngati Maru**

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## Abstract

This thesis examines indigenous cultural heritage site destruction in Aotearoa, New Zealand. In particular, it examines what took place within a planning system to approve the destruction of the heritage site at Otuparae, near Taupo. This thesis seeks to identify what contributed to the decision to grant approval to developers without consultation with the local *hapu*, Ngati Rauhoto. The research is framed in a form of *Kaupapa* Maori Research (KMR) called *whakawhanaungatanga*. Analysis of critical ethnography, key actor interviews, participant observation, field notes in research journals, videos, and documents took place to gather data. A review of the colonial history of Ngati Tuwharetoa revealed that over time the Crown usurped the *mana*, power and sovereignty of Tuwharetoa. In doing so, the Crown left Tuwharetoa politically, socially, economically and culturally weak, forcing Tuwharetoa to enter into Crown-controlled and created legal and political frameworks. Additionally, the Crown instituted a governance model based on colonial thinking. This thesis contributes to the body of knowledge about the need to incorporate different worldviews into planning to achieve sustainable development. It does so by examining how the heritage protection frameworks, in particular the Historic Places Act 1993, the Resource Management Act 1991 (RMA) and the associated Crown agencies failed to meet their obligations, by neglecting to consult with the correct group and to meet their needs in terms of heritage protection. It then moves to provide a development framework for Ngati Tuwharetoa to better contribute to decision-making processes in the future based on the needs of *hapu*.

## **Dedication**

**In Loving Memory of a Great Inspiration**

**Rangiiria Headley**

**Moe mai ra e te Mareikura, te uri o Raukatauri.  
Whakarongo ki nga Putorino e tangi ana.  
Hoki atu ki kui ma, ki koro ma. Moe mai ra!**

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I te timatanga ko Te Kore  
Ko Te Ponui, Poroa  
Wehenga Matua, Herenga Tangata  
He Toa Rangatahi  
He Toa Rangatira  
Whakaki ki te maunga  
Tae ki te whenua  
Hoki atu ki te rangi  
Piki ake, Piki ake i te Ara Poutama  
Wairua, Hinengaro, Tinana  
Ka Puta, Ka Puta ki te whai ao  
Ki Te Ao Marama  
Haumi e, Ui e, Taiki e!

Kia a koutou kua hinga atu ki te po, moe mai ra.

Kia a koutou i hapai, a, I tautoko ana I tenei kaupapa tino whakahirahira mo tatou no Ngati Tuwharetoa, anei ra aku mihi ki a koutou.

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## List of Abbreviations

CSA	Centralised Service Agency
HPA	Historic Places Act 1993
HPT	Historic Places Trust
IWGIA	International Working Group for Indigenous Affairs
KMR	Kaupapa Maori Research
RMA	Resource Management Act 1991
ROE	Runanga Owned Enterprises
TMTB	Tuwharetoa Maori Trust Board
THF	Tuwharetoa hapu Forum
TPK	Te Puni Kokiri
UN	United Nations
UNESCO	United Nations Educational, Scientific, and Cultural Organisation

## Glossary of Te Reo Maori Words and Terms<sup>1</sup>

Ahi kaa roa	The tikanga principle of keeping a person's, iwi's, or hapu's claim to an area current by constant interaction with the whenua and/or people
Aotearoa	Popularised Maori name for New Zealand
Aroha	Love, Compassion
Awhi	Support, Embracive Actions
Hapu	Sub-Nation, Nation
Hikoi	Pilgrimage, Journey
Hui	Meeting
Iwi	Indigenous Nation
Kainga	Village, Small Settlement
Kaitiaki	Traditional Gaurdian, Custodian
Kaitiakitanga	Traditional Maori principle or ethic of Gaurdianship, Stewardship
Karakia	Incantation, Prayer
Karanga	Traditional female vocal arts of calling
Kaumatua	An elder who gaurds traditional knowledge and tikanga
Kaupapa Maori	The philosophy and practice of being Maori
Koeke	The elderly
Koiwi	Skeletal Remains, Bones
Komiti Whakahaere	Governance Committee, Organising Committee
Korero	Talk, Discuss, Address
Kotahitanga	Togetherness, Unity
Kuia	Elderly Female
Mahinga Kai	Traditional food gathering places
Mamae	Pain, Hurt
Mana	Authority
Mana Whenua	Power and authority associated with the occupation of traditional lands
Manaakitanga	To look after
Marae	Traditional meeting space or courtyard usually surrounded be meeting and eating houses
Matauranga	Knowledge
Maunga	Mountain (usually ancestral)
Mauri	Life Principle, Life Force
Moko	The product of Maori skin art traditions
Mokopuna	Grandchildren, Grandchild
Nga Whakatipuranga	Coming Generations
Pa	Traditional fortified Village

<sup>1</sup> The English translations provided are for the purposes of this thesis and are used in that context. In many cases there

Paewhenua	Traditional Territory
Pakanga	Battle, Warfare
Pakeha	A person (generally) of European descent
Panui	Public Annoucement, Public Notice
Patu	Short handled club
Pono	True, Truth
Pounamu	Greenstone, Nephrite Jade
Poupou	Posts usually carved
Pumanawa	Talents, Skills
Rangatira	Chief
Rohe	Area
Runanga	Governance Council
Ta	The act of giving or receiving Ta Moko
Ta moko uhi	Skin art chisel
Tangata Whenua	Indigenous People of the land
Tangihanga	Funeral Rite
Tamariki	Children
Taonga	Treasures
Taonga Ruku Iho	Treasures passed down from generation to generation
Tapu	Sacred
Te Iwi Patupaiarehe	The fairy-like people
Teina	Person of junior status
Tika	Right, Appropriate
Tikanga	Customs
Tikanga Maori	Maori Customs
Tino Rangatiratanga	Self Determination
Toa	Warrior, Brave
Toa Rangatira	Fighting Chief
Tohunga	Expert, Skilled Person
Tuahu	Sacred place for ritual practices by a tohunga
Tuakana	Person of senior status
Tuku	Act of giving or offering
Tupuna	Ancestor(s)
Uri	Descendant
Wahi tapu	Scared Sites, Sites of Cultural Significance
Waiata	Song(s)
Wairua	Spirituality
Wananga	Traditional School of Higher learning, to discuss, seminar
Whaikorero	Traditional Speechmaking
Whakaaro	Thought, Understanding
Whakapapa	Geneology
Whakarau	Name given to the followers of Te Kooti, Captive
Whakatauki	Proverb, Proverbial Saying
Whakautu	To Repay

Whakawhanaungatanga	A Kaupapa Maori Research Methodology
Whanau	Family, Extended Family
Whangai	To Adopt, Adoptee, To Feed
Whare	House
Whare Taonga	Archive, Museum, Cultural Storage Facility
Whenua	Land

# Chapter 1: Introduction

## 1.1 Introduction

In this chapter, an investigation of heritage planning issues in the destruction of heritage at Otuparae Peninsula is introduced. The context of the research problem is reviewed. Next, the knowledge gap and research questions are identified. A short summary of the methods follows. Lastly, this chapter concludes with the thesis outline.

## 1.2 Research Context

### 1.2.1 Otuparae

Otuparae is a headland on the western side of Tapuaeharuru Bay south of Acacia Bay, Lake Taupo in the centre of the North Island of Aotearoa New Zealand. Members of the Tuwharetoa hapu, Ngati Rauhoto, own the headland. It is held, for management purposes, as a Maori Incorporation called Hiruharama Ponui Inc. In 2004, the committee of management leased the headland for 80 years to the Symphony Group.<sup>2</sup> This lease had a right of renewal and was for the purpose of creating a gated leasehold community, a lodge, and high standard hotel. Resource Consent was granted by a hearing of commissioners that was jointly convened by Taupo District Council and Environment Waikato. Work on the development began in late 2006. Many concerns were raised about this development by *hapu* members, in particular about the treatment that known heritage sites on the headland would receive, the building over burial grounds and an historic settlement.<sup>3</sup>

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<sup>2</sup> *Stuff* (Wellington), August 6, 2007, <http://www.stuff.co.nz/archived-stuff-sections/archived-national-sections/korero/14355/Owners-in-talks-over-disputed-land-project>

<sup>3</sup> *Ibid*; *Stuff* (Wellington), October 11, 2007, <http://www.stuff.co.nz/national/24355/Police-swoop-on-Parawera-protest-site>;

An application to destroy<sup>4</sup> the sites was filed with the New Zealand Historic Places Trust that allowed the trustees and the Symphony Group to develop the consultation over the site was considered inadequate by members of the local *hapu*, Ngati Rauhoto. Problems arose from this when koiwi were uncovered and treated badly. Due to the uneasy political situation at the time the trustees attempted to bury the koiwi without wider hapu knowledge. This process reinforced for Ngati Rauhoto some of the concerns about heritage planning in New Zealand that will be raised in chapter 2. The concerns centre around the failure of the current heritage planning system guided by the Historic Places Act 1993 and its failure to provide adequately protect these heritage sites give voice to relevant concerns



Figure 1 Map of Taupo showing Otuparae on the western side of Tapuaeharuru Bay, South of Acacia Bay.<sup>5</sup>

<sup>4</sup> Refer to section 1.28 Destruction for justification of the use of destroy or destruction.

<sup>5</sup> Massey University, "Tapuaeharuru Bay – Atlas Project." Massey University, accessed 2 February 2011, [http://atlas.massey.ac.nz/Geographx/downloads/Geographx\\_078\\_079.pdf](http://atlas.massey.ac.nz/Geographx/downloads/Geographx_078_079.pdf)

## 1.3 Knowledge Gap and Questions

The study will investigate Ngati Rauhoto's experiences of a planning system and consider how this system failed to protect their heritage sites from development. It will explore the impact of colonisation on the ability of Ngati Rauhoto to exercise *tino rangatiratanga* in the planning system.

In an endeavour to further understand this relationship between the heritage loss and identity this thesis will ask the questions:

- What were the planning processes that led to the loss of heritage sites and taonga at Otuparae?
- What can Tuwharetoa do to better take control of the heritage planning process?

## 1.4 Background

### 1.4.1 Heritage Planning and Indigenous People

Planning, as an activity, has been about 'making cities environmentally healthful places in which [one can] live, work, and play. The focus of such is to manage environmental spillovers of one urban function over other urban activities.'<sup>6</sup> Currently, due to Treaty settlements, iwi are coming into a 'development age'.<sup>7</sup> Where they seize opportunities to proactively develop their own beyond what was possible before. The way in which environmental planning is undertaken can greatly influence indigenous development in Aotearoa. Therefore, in terms of this thesis, planning is defined as the ability of indigenous groups to manage the environmental spillovers, as described

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<sup>6</sup> Donald Miller and Gert De Roo, "Introduction" in *Urban Environmental Planning: Policies, Instruments, and Methods in an International Perspective*, ed. Donald Miller and Gert De Roo, (Burlington, VT: Ashgate Publishing, 2005) 1.

<sup>7</sup> Tahu Kukutai refers to this as move from grievance to development mode. Refer to Tahu Kukutai, "Imagining a Post-Settlement Future: In this together?," Institute of Demographic and Economic Analysis, University of Waikato, Hamilton, <http://posttreatysettlements.org.nz/imagining-a-post-settlement-future-in-this-together> (accessed January 13, 2011).

above by Miller and De Roo, and outside impositions that would be detrimental to their ability to develop.

The Oxford English Reference Dictionary defines the term 'indigenous' as, 'originating naturally in a region; belonging naturally to a place.'<sup>8</sup> However, for the purposes of this research that definition needs to be expanded. For example Tuwharetoa might consider the explanation of 'indigenous', affirmed by, Charles Royal affirms that, 'indigenous is used for those cultures whose worldviews place special significance on the idea of the unification of... humans with the natural world.'<sup>9</sup> Also, Cunningham and Stanley observe that:

Royal contrasts three major world views—a Western (Judaean-Christian) view which sees God as external and in heaven 'above'; an Eastern view, which focuses internally and concentrates on reaching within through meditation and other practices; and an indigenous view, which sees people as integral to the world, with humans having a seamless relationship with nature which includes seas, land, rivers, mountains, flora, and fauna.<sup>10</sup>

Therefore, indigenous people are people that belong naturally to a place, in this case *Aotearoa*, with a special worldview that places significance on the idea of the unification of humankind with the natural world.

#### **1.4.2 *Kaitiakitanga* and the RMA**

*Kaitiakitanga* is a key concept supporting planning in an indigenous context in Aotearoa. It provides a window into the worldview of *hapu* and *iwi*, *kaitiakitanga* is provided for under section 7 of the Resource Management Act

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<sup>8</sup> Judy Pearsall and Bill Trumble, eds., *The Oxford English Reference Dictionary* (New York: OUP, 1995), 718.

<sup>9</sup> Charles Royal, "Indigenous Worldviews—A Comparative Study" (research report prepared for Te Wananga o Raukawa, Otaki, 2002), 26-30.

<sup>10</sup> Chris Cunningham and Fiona Stanley, "Indigenous by Definition, Experience, or Worldview", *British Medical Journal* 327, no 1. (2009): 403-404.

1991 (RMA).<sup>11</sup> Under this section of the Act *kaitiakitanga* is considered a matter of importance similar to the effects of climate change and the maintenance and enhancement of amenity values for people wishing to exercise functions of the Act. From the perspective of indigenous peoples in Aotearoa, planning is grounded in the *tikanga* of *kaitiakitanga*. This *tikanga* is explained by Te Kipa Morgan:

The state of the environment that a particular *hapu* have *mana whenua* over reflects on their *mana* and their authority to continue in the role of *kaitiaki* for that *rohe*...[and] the condition of the environment that is passed on to future generations is most important and can be demonstrated in *whakatauki* referring to *nga whakatipuranga*.<sup>12</sup>

One example is the *whakatauki*, '*He kai poutaka me kinikini atu, he kai poutaka me horehore atu, ma te tamati te iho*.'<sup>13</sup>

Under the RMA, *kaitiakitanga* means the 'exercise of guardianship by the *tangata whenua* of an area in accordance with *tikanga* Maori in relation to natural and physical resources; and includes the ethic of stewardship.'<sup>14</sup> The definition of *kaitiakitanga* used in this thesis is 'the intrinsic duty to ensure that the *mauri* and therefore the physical and spiritual health of the environment is maintained, protected and enhanced'<sup>15</sup> according to the *tikanga* of Tuwharetoa.

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<sup>11</sup> RMA 1991, s.7.

<sup>12</sup> Te Kipa Morgan, "A Tangata Whenua Perspective on Sustainability using the Mauri Model" *Proceedings of the International Conference on Sustainability Engineering and Science*, Auckland, NZ, viewed 11 October 2008, (Auckland: NZSSES, 2004). [www.nzsses.auckland.ac.nz/conference/2004/Session5/36\\_Morgan.pdf](http://www.nzsses.auckland.ac.nz/conference/2004/Session5/36_Morgan.pdf)

<sup>13</sup> Hiniri Moko Mead, *Nga Pepeha a nga Tipuna* (Wellington: VUW Press, 2001),81. 'Pinch off a bit of potted bird, peel off a bit of potted bird, but have the inside for the child' the welfare of the children ensures the future strength of the people.

<sup>14</sup> RMA 1991, s.2.

<sup>15</sup> Tuwharetoa Maori Trust Board, *Ngati Tuwharetoa Iwi Environmental Management Plan* (Turangi: TMTB, 2003), 10.

### 1.4.3 Heritage Theory and Cultural Identity

Aplin states that heritage spans moveable, immoveable and largely non-material heritage.<sup>16</sup> Immoveable heritage is defined as 'much more than historical buildings... items [like] gardens, cemeteries, archaeological sites, industrial archaeology, and shipwrecks are included.'<sup>17</sup> Environment Waikato considers heritage to be a truly non-renewable resource. This is because when it is gone, it cannot be replaced by something else.<sup>18</sup>

Immoveable heritage, such as archaeological sites, inform identity as they demonstrate the uniqueness of a culture and the preservation of cultural memories.<sup>19</sup> Drysdale comments that in preserving a language [or in this case a heritage site] is about the demonstration or preservation of identity.<sup>20</sup> Consequently, the loss of heritage affects the identity of a cultural group.

### 1.4.3 Heritage Site

The provincial government of Saskatchewan states that the main heritage resources that have been traditionally recognised and are actively managed and regulated include:

- i. Archaeological heritage sites and objects reflecting First Nations and later Euro-Canadian settlement and use of the land.
- ii. Paleontological heritage sites and objects, including dinosaur fossil localities and stratotypes.

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<sup>16</sup> Graeme Aplin, *Heritage: Identification, Conservation, and Management* (Melbourne: Oxford University Press, 2001), 113.

<sup>17</sup> Ibid, 113.

<sup>18</sup> Environment Waikato staff, "Draft Regional Policy Statement 2009" (presented at Nukuhau Marae, Nukuhau, Taupo, March 14, 2009).

<sup>19</sup> For more information on cultural memory see: Jan Assman and John Czaplicka, "Collective Memory and Cultural Identity," *New German Critique* 65 (1995): 125-133; Maurice Halbwachs, *On Collective Memory* (Chicago: University of Chicago Press, 1992).

<sup>20</sup> Helena Drysdale, *Mother Tongues: Travels Through Tribal Europe* (London: Picador, 2002), 6.

- iii. Built heritage properties and structures of historical and architectural importance.

Other types of heritage locations are only now being recognised as heritage resources. These include:

- i. 'Traditional cultural properties' (which are associated with the cultural practices and beliefs of a living community and are central to the cultural and historical identity of that community).
- ii. 'Cultural heritage landscapes' (geographical areas that have been modified or influenced or given special cultural meaning by people).<sup>21</sup>

This is echoed in New Zealand's Historic Places Act 1993 (HPA) which states that an 'historic place' means:

- i. Any land (including an archaeological site).
- ii. Any building or structure (including part of a building or structure).
- iii. Any combination of land and a building or structure.
- iv. Any combination of land, buildings or structures, and associated buildings or structures (including any part of those buildings or structures, or associated buildings or structures).<sup>22</sup>

For the purposes of this thesis, a heritage site is defined as a place of immovable cultural heritage, that is, an archaeological area. It is a place of traditional and cultural significance.

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<sup>21</sup> "What is a Heritage Site or Property?", Department of Tourism, Parks, Culture and Sport, Government of Saskatchewan, Regina, accessed April 20, 2010, <http://www.tpcs.gov.sk.ca/Default.aspx?DN=54d83dd5-b4b7-495c-9709-0c9c2056de51>.

<sup>22</sup> Historic Places Act 1993 (HPA), s.2.

#### 1.4.4 Tuwharetoa and Heritage Planning

Colonisation framed the *hapu* of Tuwharetoa and other indigenous nations as the 'other.' The political, social and economic structure in society allow colonially constructed institutions such as the Historic Places Trust (HPT)<sup>23</sup> and a committee of management for a Maori Incorporation<sup>24</sup> assert their knowledge of the subject onto the *hapu*. In Said's description of 'the other' he comments that power allows the power-holder "to make a statement about us, authorises views of us, describe us, teach about us, settle us and thus rule over"<sup>25</sup> the other or in the Maori sense, *mana whenua*. Western discourses about the 'other' are supported by, 'institutions, vocabulary, scholarship, imagery, doctrines, even colonial bureaucracies.'<sup>26</sup> All of these are used to subjugate indigenous people.

This research explores colonially imposed models and control over Tuwharetoa in the context of heritage planning. It explores the power relationship between indigenous groups and the Crown. Linda Tuhiwai Smith, for example, describes research as, 'a significant site of struggle between the interests and ways of knowing of the "west" and the interests and ways of resisting of the "other".'<sup>27</sup>

#### 1.4.5 Decolonisation

Decolonisation is a concept that is central to the overall thesis. This is because the thesis explores the colonial impact of heritage planning on indigenous

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<sup>23</sup> The NZHPT was established by an Act of Parliament in 1954. The NZHPT is established as an autonomous Crown Entity under the *Crown Entities Act 2004*, and is supported by the Government and funded via Vote Arts, Culture and Heritage through the Ministry for Culture and Heritage. Its work, powers and functions are prescribed by the *Historic Places Act 1993*. The New Zealand Historic Places Trust (NZHPT) is New Zealand's leading national historic heritage agency and guardian of Aotearoa New Zealand's national heritage.

<sup>24</sup> The role of a committee of management is to make decisions on behalf of the shareholders of the incorporation. The committee's essential role is to lead the incorporation safely and successfully into the future. Under Te Ture Whenua Maori Act 1993 The Maori Land Court can constitute a Maori incorporation over one or more blocks of Maori freehold land provided that the block has more than two owners. They have the power to do everything a bodycorporate can do. Refer to Te Puni Kokiri, "Maori Incorporation" <http://www.tpk.govt.nz/en/services/effective/governance/organisation/maoriinc/>

<sup>25</sup> Edward Said, *Orientalism* (London: Vintage Books, 1978), 3.

<sup>26</sup> *Ibid.*, 2.

<sup>27</sup> Linda Tuhiwai Smith, *Decolonising Methodology* (London: Zed Books, 1999), 2.

peoples in Aotearoa New Zealand. Chapter 8 outlines a possible path for Tuwharetoa to take towards the decolonization of the planning process.

There is an implied body of knowledge that argues that indigenous people must decolonise in order to free themselves from colonial bonds and the hegemonic power those bonds create.<sup>28</sup> Poka Laenui describes decolonisation in terms of five distinct but interconnected stages: Rediscovery and Recovery, Mourning, Dreaming, Commitment, and Action.<sup>29</sup> He adds that each phase can be experienced at the same time or in various combinations. There is no clear demarcation between them.<sup>30</sup>

Mourning is a natural outgrowth of rediscovering and recovery. The phase of mourning is when a people are able to lament their victimisation—an essential phase of healing.<sup>31</sup> The process of mourning, according to Laenui, 'can also accelerate the earlier stage of rediscovery and recovery....people in mourning often immerse themselves totally in the rediscovery of their history, making for an interesting interplay between the two phases, each feeding off one another.'<sup>32</sup> This phase can be expressed in differing ways. One way is in great anger and a lashing out at the symbols of the coloniser. This involves a sense of justified violence using either words, actions or both.<sup>33</sup> In this case, it is using words in the form of research.

#### **1.4.6 Indigenous Rights**

The preamble to the *Universal Declaration of Human Rights* states that a 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace

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<sup>28</sup> Hayley Bell, "Exiting the matrix: colonisation, decolonisation and social work in Aotearoa: the voices of Ngāti Raukawa ki te Tonga kaimahi whānau" (MPhil thesis, Massey University, Palmerston North, 2006).

<sup>29</sup> Poka Laenui, "Process of Decolonization" in *Reclaiming Indigenous Voices and Vision*, ed. Marie Battiste (Vancouver: UBC Press, 2000),152.

<sup>30</sup> Ibid, 153.

<sup>31</sup> Ibid, 154.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

in the world.'<sup>34</sup> This statement is the foundation of human rights. Arjun Sengupta comments that the right to develop is an inalienable right.<sup>35</sup> This is furthered by the Declaration on the Rights of Indigenous Peoples, which states that, 'Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures.'<sup>36</sup> Therefore, the inalienable right involves access to freedom of development in a way that is consistent with their cultural worldview.

In an Aotearoa New Zealand context, this was provided to those *hapu* that signed the *Te Tiriti o Waitangi*. Under article 2 of *Te Tiriti*, the word, '*ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa*'<sup>37</sup> conferred these rights on those that signed. This was done by accepting that the Crown gave '*tino rangatiratanga*' over the '*taonga*' of those *hapu*.

### 1.2.8 Destruction

It is recognised that the use of the word 'destruction' in the title of this thesis can be considered emotive and full of connotation. However, the use of this term is justified. Destruction is defined by the Oxford English Reference Dictionary as, 'the act or instance of destroying.'<sup>38</sup> Therefore, 'destroy' in this context means to 'pull or break down; demolish.'<sup>39</sup> The use of this term is justified because, as a part of the application to the HPT under section 11 of the HPA, the developers and Hiruharama Ponui Inc. indicated that the

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<sup>34</sup> "Universal Declaration of Human Rights," December 10, 1948, *United Nations*, preamble.

<sup>35</sup> Arjun Sengupta, "The Human Right to Develop," in *Development as a Human Right: Legal, Political, and Economic Dimensions*, eds. Bård-Anders Andreassen, Stephen P. Marks (Cambridge, MA: Harvard University Press, 2006), 11.

<sup>36</sup> Declaration on the Rights of Indigenous Peoples," September 13, 2007, *United Nations*, Article 11.

<sup>37</sup> "*Te Tiriti o Waitangi*," February 6, 1840, *Representatives of the British Crown*, Article 2. The author acknowledges that there could be more explanation on the differences between the Treaty of Waitangi and *Te Tiriti o Waitangi*. The author considers these to be totally separate documents. The author considers these differences non-essential arguments to the overall discussion within this thesis. For more discussion on these differences refer to Bruce Biggs, "Humpty Dumpty and the Treaty of Waitangi," in *Waitangi: Maori and Pakeha perspectives of the Treaty of Waitangi* (Auckland: Oxford University Press, 1989), 300-311; Maria Stenson, *The Treaty: Every New Zealanders Guide to the Treaty of Waitangi* (Auckland: Random House), 17-18.

<sup>38</sup> Judy Pearsall and Bill Trumble, eds., *The Oxford English Reference Dictionary*, (New York: OUP, 1995), 388.

<sup>39</sup> *Ibid.*

application was to destroy an archaeological site.<sup>40</sup> Thus, the use of the word 'destroy' can be read as factual rather than emotive, since that was the intention and outcome.

## 1.4 Methodology

These questions were addressed by mixed methods research. This approach to research is increasingly recognised as a way of overcoming limitations of single method research and, in particular, purely qualitative research studies. The research employs a case study approach, involving critical ethnography, key actor interviews, participant observation, field note analysis from research journals, document analysis, video analysis and wananga. The limitations include lack of generalisability and the small number of interviews.

## 1.5 Thesis Outline

*Chapter 2* of this thesis reviews the literature surrounding the topic. Major themes that are discussed centre on heritage, indigenous issues, Maori land, land use, the impact of colonisation, and Maori-local government relationships.

Chapter 3 explores the colonial history of Ngati Tuwharetoa in terms of the historical events that contributed to what happened at Otuparae. The chapter discusses how the power and *mana* of Tuwharetoa was undermined in a gradual process. This process is important to land use planning, as it outlines how planning systems came to be in Aotearoa New Zealand by the taking of power and the enactment of legislation and policy. It will start with an extensive exploration of the colonial phenomenon that took place in Tuwharetoa based on the *whakaaro* that colonisation created the political, social, and economic structures in Aotearoa that allowed this form of heritage destruction to take place.

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<sup>40</sup> Historic Places Trust, 2004/94, *Historic Places Trust*, Wellington.

Chapter 4 surveys the theory behind the research questions and discusses the ideas that inform and give this project an 'academic backbone'. Following this Chapter 5 details the methodology of the thesis and is separated into two parts. The first part explains the worldview of Ngati Rauhoto and the theory underpinning the methodology called, *whakawhanaungatanga*, a methodology derived from *Kaupapa* Maori Research (KMR). It argues there is an obligation placed upon indigenous research to provide an avenue for self-determination. The second part of the chapter describes qualitative research and the data collection methods used.

Chapter 6 outlines certain things that took place at Otuparae because of the current planning structures and systems that were in place. Next Chapter 7 examines the key ideas raised by the research and provides links between the preceding chapters as concluding remarks.

Chapter 8 addresses the second part of the research question: What can Tuwharetoa do to better take control of the heritage planning process? This chapter puts forward recommendations designed to help Tuwharetoa realise their unbound potential through development. It suggests tasks and ways of thinking that Tuwharetoa must adopt to become not only decolonised but also vibrant. Lastly, there are some recommendations for the HPT to rectify some of the *mamae* caused by this application.

## Chapter 2: Literature Review

### 2.1 Introduction

This chapter will explore the underpinnings of heritage and heritage management in terms of its relationship with indigenous issues and concepts. It begins by exploring the nature of new media and how they relate relevant literature to this research. Following this is a consideration of what heritage is and its relationship with burial sites. The chapter then examines the connectedness between heritage and identity. Issues surrounding indigenous sovereignty, human rights and self-determination are explored together with an examination of the uses of land, the impact of colonisation and a discussion on Maori land development. A short review of Maori and local government relations and specific issues to Maori heritage will end the chapter.

### 2.2 Heritage as a Field

The area of heritage is a broad and diverse field. In the west, heritage traditionally was defined very narrowly and centred on architectural preservation, archaeology, archives and other collecting institutions.<sup>41</sup> In modern times, the term heritage has changed to now represent, 'a network of interrelated elements—tangible and intangible, natural, cultural (human), personal, and collective.'<sup>42</sup> Worldwide, awareness of indigenous values is changing the way heritage is viewed in the west.<sup>43</sup> In Aotearoa New Zealand, heritage is a concept that is currently being shaped to fit the needs and expectations of a multicultural society. In respect of Maori, an eternal conundrum facing political decision-makers is that of reconciling the interest

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<sup>41</sup> Michael Hall and Simon McArthur, "Heritage Management: An Introductory Framework," in *Heritage Management in New Zealand and Australia*, eds. Michael Hall and Simon McArthur, (Melbourne: Oxford University Press, 1997), 3.

<sup>42</sup> Ontario Ministry of Citizenship and Culture, "Giving Our Past a Future" (paper prepared for the Ontario Heritage Policy Review, Toronto, 1987, 6).

<sup>43</sup> Michael Hall and Simon Mc Arthur, "Heritage Management: An Introductory Framework," 3; Fay Gale, "Aboriginal Sites and Visitors," in The Australian Heritage Commission, *Cultural Conservation—Towards a National Approach*, (Canberra: The Australian Heritage Commission Canberra, 1995).

and values of *tangata whenua* with the national interest.<sup>44</sup> A western perspective of heritage is one that identifies specific elements of the landscape or built environment as constituting heritage; humankind is thus separate from the landscape. However, an indigenous notion of heritage emphasises that humankind is not separate from the landscape but is an indivisible whole; that heritage is an everyday lived experience.<sup>45</sup> 'Maori heritage can be divided into the physical/tangible, natural and intangible.'<sup>46</sup> The tangible is described by the HPT as, '*nga nohonga me nga tohu i hanga i nga tupuna*',<sup>47</sup> while the intangible is said to be '*nga wahi o nga tupuna hei tiaki i te mauri o nga wahi tupuna, me nga wahi mahi o nga tupuna*'.<sup>48</sup>

According to Celestina Sagazio, places where loved ones are laid to rest are important to people as they have the following heritage values:

- i. Historical Significance: they are a historical record of local communities, a memorial to the country's growth, recording important events or periods in the history of the district.
- ii. Social Significance: they shed light on the social and cultural history of an area and [they] reveal contemporary values to [the community]. They demonstrate the customs and tastes of their period and record the particular social mores of their time. That cemetery landscapes reflect the elaborate funerary ritual and formal mourning customs people practise.
- iii. Architectural Significance: monuments and structures are visible in these areas, such as the work and skills of craftsmen that are displayed in the use of locally available

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<sup>44</sup> Ngawini Keelan, "Maori Heritage: Visitor Management and Interpretation." in *Heritage Management in New Zealand and Australia*, eds., Michael Hall and Simon McArthur, (Melbourne: Oxford University Press, 1997), 95.

<sup>45</sup> Michael Hall and Simon Mc Arthur, "Heritage Management," 4

<sup>46</sup> "Maori Heritage: Nga Taonga Tuku Iho no nga Tupuna," HPT, accessed 3 May, 2010, <http://www.historic.org.nz/ProtectingOurHeritage/MaoriHeritage.aspx>.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

material. These monuments also reflect cultural attitudes towards death.

- iv. Aesthetic Significance: the aesthetic significance of cemeteries arises from the combination of landscape design, memorials, settings and plantings.
- v. Scientific or Research Significance: this is found in the changes to their fabric that provide physical evidence of past attitudes towards death and in the evolution of cultural landscapes. Cemeteries are a permanent accessible record of our cultural history that can be observed, interpreted, and quantified.<sup>49</sup>

In terms of sacred sites, such as *urupa*, '...a sense of place relates to the socially constructed perceptions and beliefs that individuals or groups hold about a particular location.'<sup>50</sup> Sara McDowell discusses the significance of the memorialisation of the bombing of the federal building in Oklahoma City:

The overwhelming need to turn the site of the Oklahoma bomb into some kind of meaningful public memorial place is highly significant for a number of reasons. By carving memory into the site, first through the laying of flowers and toys, and then through the construction of a permanent exhibit the community preserve the sanctity of the site for the future [and in turn the site displays] symbols of American unity, identity, and heritage.<sup>51</sup>

Cotter *et al.* comment that, 'the exponential growth in heritage comes from the search by individuals for identity and community—a recognition [of] that

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<sup>49</sup> Celestina Sagazio, ed., *Cemetaries: Our Heritage* (Melbourne: The National Trust of Australia, 1992), 25.

<sup>50</sup> Rini Sumartojo, "Contesting place: Antigay and lesbian hate crime in Colobus Ohio," in *Spaces of Hate: Geographies of Discrimination and Intolerance in the USA*, ed. Colin Flint, (London: Routledge, 2004), 88.

<sup>51</sup> Sara McDowell, "Heritage, Memory, and Identity" in *The Ashgate Research Companion to Heritage and Identity*, eds. Brian Graham and Peter Howard, (Hampshire: Ashgate Publishing, 2008), 38.

culture.<sup>52</sup> Jan Assman provides a framework for the way in which a group constructs their identity. This area of the social sciences challenges previously accepted theories about the formation of a group's collective memory, based on connotations of race and commonly referred to as racial memory.<sup>53</sup> Theorists argue that the survival of type in a cultural sense is the function of cultural memory that in turn informs the collective identity of a group.<sup>54</sup>

## 2.3 Cultural Identity and Theory

Assman argues that there are six ways in which cultural memory can survive so that the cultural type can be passed down to future generations. They are:

- i. The concretion of memory: Cultural memory preserves the store of knowledge from which a group derives an awareness of its unity and peculiarity. The objective manifestations of cultural memory are defined through a kind of indemnificatory determination in a positive ('We are this').
- ii. The capacity to reconstruct: Cultural memory works by reconstructing, that is, it always relates its knowledge to an actual and contemporary situation.
- iii. Formation: The objectification or crystallisation of communicated meaning and collectively shared knowledge is a prerequisite of its transmission in the culturally institutionalised heritage.

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<sup>52</sup> Maria Cotter, William Boyd, and Jane Garidiner, eds., *Heritage Landscapes: Understanding Place and Communities* (Lismore, NSW: Southern Cross University Press, 2001); V G Kirby, "Landscape, Heritage, and Identity: Stories from the West Coast" in *Heritage Management in New Zealand and Australia*, eds. Michael Hall and Simon McArthur, (Melbourne: Oxford University Press, 1997), 120; also refer to Brian Graham and Peter Howard, eds., *The Ashgate Research Companion to Heritage and Identity* (Hampshire: Ashgate Publishing, 2008).

<sup>53</sup> Ernest Gombrich, *Aby Warburg: An Intellectual Biography* (London: The Warburg Institute, 1970), 323.

<sup>54</sup> Erik Erikson, "Ontogeny of Ritualization," *PUB. INFO London* (1965):21; Irenaus Eibl-Eibesfeldt, *Krieg und Frieden aus der Sicht der Verhaltensforschung* (Munich: Piper, 1984); as cited in Jan Assman, "Collective Memory and Cultural Identity," *New German Critique* 65, no.1 (1995): 125-126, <http://www.jstor.org/stable/488538>

- iv. Organisation:
  - a. The institutional buttressing of communication, for example through formulisation of the communicative situation in ceremony.
  - b. The specialisation of the bearers of cultural memory. The distribution and structure of participation in the communicative memory are diffuse. No specialists exist in this regard. Cultural memory, by contrast, always depends on a specialised practice, a kind of 'cultivation'.
- v. Obligation: The relation to a normative self-image of the group engenders a clear system of values and differentiations in importance. These structure the cultural supply of knowledge and symbols. There are important and unimportant, central and peripheral, local and inter-local symbols, depending on how they function in the production, representation and reproduction of this self-image.<sup>55</sup>

However, this viewpoint on the construction of cultural memory can be challenged as it only provides a limited framework for cultural memory to exist and that memory is fluid.<sup>56</sup> An argument from Eketone is that KMR is essentially constructivist, thereby it allows Maori to define themselves and who they are on their own terms and to have that constructed identity accepted as being so.<sup>57</sup> Thus, indigenous researchers can challenge western hegemony and validate their own knowledge.

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<sup>55</sup> Assman, "Collective Memory and Cultural Identity," 130-132.

<sup>56</sup> Brian Graham and Peter Howard, "Heritage and Identity," in *The Ashgate Research Companion to Heritage and Identity*, eds. Brian Graham and Peter Howard, (Hampshire: Ashgate Publishing, 2008), 7-8.

<sup>57</sup> Anaru Eketone, "Theoretical underpinnings of *Kaupapa* Māori directed practice," *Mai Review* 1, no.1. (2008): 1-11, <http://www.review.mai.ac.nz/index.php/MR/article/viewArticle/98/106>.

## 2.4 Indigenous Knowledge Transfer

Indigenous cultural heritage was generally passed orally from generation to generation. These oral traditions, art, dance and rituals serve an important purpose in the teaching and learning of indigenous peoples, adding to their understanding, connection to and interpretation of the world in which they live.<sup>58</sup> In particular, *whakapapa* bestows the *tikanga* of *mana whenua*. This is where *mana* is derived from the land and the special relationship that has developed over generations over occupation and control.<sup>59</sup>

## 2.5 Sovereignty and Self-Determination

Sovereignty and self-determination of indigenous peoples are issues at the heart of heritage protection. Sovereignty from the British legal tradition is that which gives governments the right to make laws, adjudicate, make war and peace. This also includes the appoint office holders, honour subjects with titles and dignities and to regulate what opinions are allowed to be propagated in public.<sup>60</sup> However, from an indigenous perspective it is, 'the right and authority of a people to control their territory.'<sup>61</sup> In cases where sovereignty was not ceded, as is the case in Australia<sup>62</sup> and with Ngati Tuwharetoa,<sup>63</sup> rights of the indigenous population were not acknowledged, resulted in their marginalisation from the economic and social realms.<sup>64</sup>

Raj Vasil comments on this debate in Aotearoa New Zealand as follows:

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<sup>58</sup> Brett Leavy *et al.*, "Digital Songlines," 295.

<sup>59</sup> Lindsay Cox, *Kotahitanga: The Search for Maori Political Unity* (Auckland: Oxford University Press, 1993), 19.

<sup>60</sup> Andrew Sharp, *Justice and the Maori: Maori Claims in New Zealand Political Argument in the 1980s* (Auckland: Oxford University Press, 1990), 249-251; Morag McDowell and Ducan Webb, *The New Zealand Legal System: Structures, Processes, and Legal Theory* (Wellington: LexusNexis Butterworths, 2002), 104-105.

<sup>61</sup> Micheal Mansell, "Citizenship, Assimilation, and a Treaty," in *Treaty: Let's get it Right!*, ed. Geoff Clarke, (Canberra, ACT: Aboriginal Studies Press, 2003), 5.

<sup>62</sup> Australia was declared by the British as "terra nullius"; Refer to: Phillip Falk and Gary Martin, "Misconstructing Indigenous sovereignty: Maintaining the fabric of Australian Law," in *Sovergn Subjects*, ed. Aileen Moreton-Robertson (Crow's Nest, NSW: Allen & Unwin, 2007).

<sup>63</sup> Refer to Lindsay Cox, "Kotahitanga," 29.

<sup>64</sup> Maggie Walter, "Indigenous sovereignty and the Australian state," in *Soveriegn Subjects*, ed. Aileen Moreton-Robertson (Crow's Nest, NSW: Allen & Unwin, 2003).

The aspirations and expectation expressed publicly by Maori were modest and restrained; their political perspective had for decades been influenced by a general acceptance of their status as a subordinate minority in a New Zealand entirely dominated by *Pakeha*. This situation has changed drastically over the past decade. Today Maori are an...aroused people, no longer willing to reconcile themselves to subjugation in their own country. Despite their serious economic plight and lack of any real political power, they have begun to recover their pride and *mana*, and their voices their frustrations, concerns, demands [are heard]... loudly and clearly.<sup>65</sup>

At the centre, are the ideas of nationalism, tribalism, and self-determination. Tribalism is described as a commitment to one's own people rather than to the state.<sup>66</sup> In New Zealand, tribalism is something that was actively discouraged by successive governments. It can be traced back to the ideas of Governor Grey.<sup>67</sup> In contrast, nationalism fosters monocultural control, internal colonialism, the oppression of minorities and xenophobia.<sup>68</sup>

For indigenous peoples, self-determination is a strategy towards emancipation.<sup>69</sup> It is essentially an international principle that grew out of the effect of foreign occupation on the peoples of certain territories.<sup>70</sup> Joshua Cooper comments that the struggle in Hawai'i for self-determination is connected with the global movement against imperialism and military aggression.<sup>71</sup> Mick Dobson says that the right to self-determination is the right

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<sup>65</sup> Raj Vasil, *What Maori Want? New Maori Political Perspectives* (Auckland: Random Century, 1990), backcover.

<sup>66</sup> David Maybury-Lewis, *Indigenous peoples, Ethnic Groups, and the State* (Boston, MA: Allyn and Bacon, 2002), 117.

<sup>67</sup> Lindsay Cox, "Kotahitanga," 80-81.

<sup>68</sup> Jan Pieterse, "Ethnicities and Multiculturalism: Politics of Boundaries" in *Ethnicities, Nationalism and Minority Rights*, eds. Stephen May, Tariq Modood, and Judith Squires, (Cambridge, UK: Cambridge University Press, 2005), 36.

<sup>69</sup> Ibid.

<sup>70</sup> Christine Flechter, *Aboriginal Politics: Intergovernmental Relations* (Carlton, VIC: Melbourne University Press, 1992), 8.

<sup>71</sup> Joshua Cooper, "Kanaka Maoli: Right of self determination," in *Unfinished constitutional business?: Rethinking Indigenous Self-determination*, ed. Bababra Hocking, (Canberra, ACT: Aboriginal Studies Press, 2005), 154.

of indigenous peoples to make decisions for themselves.<sup>72</sup> This is expanded by International Working Group for Indigenous Affairs (IWGIA):

Indigenous speakers variously described self-determination as a way to strengthen the capacity of indigenous peoples to chart their economic, social, cultural, and political destinies, to lessen conflict between Indigenous peoples and states, to promote peaceful coexistence, and to bring about sustainable development.<sup>73</sup>

According to Whall, the New Zealand government is willing to accept the idea of indigenous self-determination as long as there is consistency with Treaty settlement processes and policy, international understandings, and domestic New Zealand law.<sup>74</sup>

Traditionally, the British Crown accepted the practice of indigenous self-determination and British power in a foreign country was negotiated by treaty; this was common among European colonial powers.<sup>75</sup> In New Zealand, this treaty is commonly referred to as *Te Tiriti O Waitangi*.<sup>76</sup> The right to self-determination is reaffirmed in article two of *Te Tiriti* by the phrase, *tino rangatiratanga*.<sup>77</sup> However, the Crown was trying to secure sovereignty as evidenced in the English version. For years the judiciary upheld the *Pakeha* view that *Te Titiri* was a simple nullity and it was, in fact, a treaty that ceded sovereignty.<sup>78</sup> The landmark New Zealand Maori Council case created the idea of the three principles of *Te Tiriti* being protection, participation, and

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<sup>72</sup> Mick Dobson, *Aboriginal and Torres Strait Islander Social Justice Commissioner: First Annual Report*, an annual report for the Australian Human Rights Commission, Canberra, ACT, 1993, 41.

<sup>73</sup> IWGIA, *The Indigenous World*, 2000-2001, 422.

<sup>74</sup> Helena Whall, "Indigenous self-determination in the commonwealth of nation" in *Unfinished constitutional business?: Rethinking Indigenous Self-determination*, ed. Bababra Hocking, (Canberra, ACT: Aboriginal Studies Press, 2005), 23.

<sup>75</sup> Peter Russell, "Indigenous self determination: Is Canada as good as it gets?" in *Unfinished constitutional business?: Rethinking Indigenous Self-determination*, ed. Bababra Hocking, (Canberra, ACT: Aboriginal Studies Press, 2005), 171.

<sup>76</sup> Treaty of Waitangi

<sup>77</sup> Absolute Chieftainship

<sup>78</sup> Mason Durie, *Te Mana, Te Kawanatanga* (Melbourne: Oxford University Press, 1998), 180.

partnership.<sup>79</sup> These principles are the modern basis for Crown-Maori relations in Aotearoa New Zealand.

## 2.6 Maori Land

The relationship between the Crown and Maori is, and has been, defined by the use of land.<sup>80</sup> This relationship was founded on differing worldviews. The European worldview sees land as a resource, which only holds value if worked.<sup>81</sup> However, Maori regard land as fundamental to identity.<sup>82</sup> This is because Maori view themselves as being descendents of Papatuanuku and as such are users and *kaitiaki* of the land, not owners. They see themselves as part of their environment, at one with it, not dominating it.<sup>83</sup> Such ideas did not sit easily with Westerners, who were accustomed to individual property rights and concepts derived from Judeo-Christian tradition and the divine command to Adam and Eve, 'Go out and subdue the Earth.'<sup>84</sup>

Very early in the relationship there was awareness on the part of Maori that the Crown and those from Europe were highly interested in the acquisition of land. This is exemplified in a *moteatea* from Nga Puhī, which states:

*...Ka tu a Te Matenga, e, ko te kupu tenei, eii:  
'Kei te rangi te atua,' eii  
Ka noho a Nga Puhī, e, ka titiro ki reira eii.  
Ka noho Te Matenga, e, ka titiro whakararo, eii,  
Ki te papa oneone, e, o Aotearoa, eii,*

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<sup>79</sup> Ibid, 183.

<sup>80</sup> Refer to Hazel Riseborough and John Hutton, "The Crown's Engagement with Customary Tenure in the Nineteenth Century" (research report prepared for The Waitangi Tribunal, Wellington, 1997).

<sup>81</sup> Jim Williams, "Papa-tua-nuku: Attitudes to land" in *Ki te Whaiao: An Introduction to Maori Culture and Society*, ed. Tania Ka'ai, (Auckland: Pearson Education, 2004), 16; Hazel Riseborough and John Hutton, *The Crown's Engagement with Customary Tenure in the Nineteenth Century*, 13.

<sup>82</sup> Jim Williams, "Papa-tua-nuku: Attitudes to land," 16.

<sup>83</sup> Waitangi Tribunal, "Muriwhenua Land Report" (report prepared for the Wai45 claim, Wellington, 1997); Evelyn Stokes, *Contesting Resources: Maori, Pakeha, and the Tenurial Revolution in Environmental Histories of New Zealand* eds. E Parsons and T Brooking (Auckland: Oxford University Press, 2002), 35; Takirangi Smith, "Hapu Fishing Rights in the Wairarapa: Regulating Whakapapa and Korero" in IRI, *Fisheries and Commodifying Iwi: Economics, Politics, & Colonisations*, (Auckland: IRI/Moko Productions, 1998), 57.

<sup>84</sup> Evelyn Stokes, "Contesting Resources," 35; Refer to Genesis 3: 17-23.

*Taiapa rawa mai, e, ki te paraharaha, eii,  
Ki te patiti, e, ki te paraikete whero eii  
Ki te roria rino, e, nau te Kawana eii!  
I riro ai te whenua, e,  
Tere ra i te moana, eii.  
Haere oti atu, e, i te ringa o te Kuini  
E kore ra e hoki mai, eii, ki te iwi Maori na iie.<sup>85</sup>*

The Crown was heavily involved in extensive land purchase and confiscation, particularly in the 19<sup>th</sup> century.<sup>86</sup> Another effective method of detaching Maori from their *whenua* was through the establishment and operation of the Native/Maori Land Court.<sup>87</sup> The Maori attitude towards taken land is summarised by Te Puea Herangi who comments in her *waiata*, *Nga Ra o Hune*:

*Nau mai Kawana ki runga ki Waikato  
Whakatikahia ra to hara ki te Iwi  
I riro whenua atu me hoki whenua mai<sup>88</sup>*

Effectively, such acts by the colonists reduced the Maori land estate from 6.4 million hectares before the establishment of the Native Land Court to 2 million hectares at the start of the 20th century.<sup>89</sup> As Walker argues, this is because Aotearoa 'was marked out for large scale development by the British, which meant that Maori lost the large majority of their land.'<sup>90</sup>

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<sup>85</sup> Unknown, "He Waiata Mo Te Matenga" in Te Reo Rangatira Trust, *He Waiata Onamata* (Wellington: Huia Publishers, 1998) 26.; Refer to Appendix # 6.

<sup>86</sup> George Asher and David Nullus, "Maori Land" (research report for the New Zealand Planning Council, Planning Paper No.29, March 1987, Wellington), 17, 28.

<sup>87</sup> George Asher and David Nullus, "Maori land," 29; David Williams, *Te Kooti Tango Whenua: The Native Land Court 1864-1909*. (Wellington: Huia Publishers, 1999) 1; Evelyn Stokes, "Contesting Resources," 49.

<sup>88</sup> Te Puea Herangi, "Nga ra o Hune" in Tui Adams, *Te Arataki Manu Korero Waikowharawhara 2008* (Hamilton: Te Wananga o Aotearoa, 2008).

<sup>89</sup> Ranginui Walker, *Ka Whawhai Tonu Matou* (Auckland: Penguin, 2004), 135-139.

<sup>90</sup> Shane Munn, Alison Loveridge, and Hirini Matunga, "Ka Kaupapa Putaka mo Maori: Development Issues for Maori Landowners" (research report prepared for the New Zealand Institute for Social Research and Development, Christchurch, 1994), 1.

This alienation of land led to attempts from 1890 onwards to make the remaining Maori land economic and to provide a monetary base upon which Maori could support themselves.<sup>91</sup> In 1894, the Native Land Court was empowered to constitute the owners of Maori land as a body corporate with perpetual succession and a common seal. The owners' land could be vested in the body corporate,<sup>92</sup> with the owners becoming tenants in common. This allowed the land and other assets to be dealt with commercially and for it to be developed.<sup>93</sup> This was a difficult task as land that was left in Maori hands was hard to develop due to lack of access to finance.<sup>94</sup>

Under the Maori Affairs Amendment Act 1967 Incorporations were limited to operate as farming, forestry or coal mining operations, although they could also arrange for alienation by sale or lease.<sup>95</sup> In practice, they were regarded as more of a business venture as opposed to a commercial expression of the corporate and communal nature of Maori society and its *tikanga* relating to landowning and usage.<sup>96</sup> However, under Part XIII of Te Ture Whenua Maori Act 1993 the powers of an incorporation expanded. A corporation may do and suffer all that a body corporate does.<sup>97</sup> Essentially, the intention is to improve the way in which incorporations can be used to facilitate the management and development of their lands for the shareholders' benefit.<sup>98</sup>

According to Munn et al., there have been three main historical factors that have contributed to the successful development of Maori land. They are:

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<sup>91</sup> Bryan Gilling, "Most Barren and Unprofitable Land": The Effectiveness of Twentieth-Century Schemes to Make Maori Land Usable and Profitable" (research report for rangatiratanga series, no14, Wellington: Treaty of Waitangi Research Unit, 2008), 7.

<sup>92</sup> A legal entity that is not a natural person but has the rights of a natural person to own property, sue and be sued. (Terry Kirkham "Kirkham Law Legal Dictionary," Kirkham Law, Taupo, <http://www.kirkhamlaw.co.nz/contact-frame.asp> (accessed January 11, 2011).

<sup>93</sup> Ibid.

<sup>94</sup> Munn, Loveridge, and Matunga, "*Ka Kaupapa Putaka mo Maori*," 1.4.

<sup>95</sup> Bryan Gilling, "*Most Barren and Unprofitable Land*," 7.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

- i. That *tikanga* Maori was a key factor in the development of new ventures for Maori in the past and can be in the future.
- ii. That it cannot always be assumed that Government will act in the best interests of Maori in the development of their land.
- iii. That development finance is obtained.<sup>99</sup>

Two reasons seem to stand out as factors in successful development. The first is the availability of resources, in this case, land. The second is the application of *tikanga* to the occupation, use and development of land. *Tikanga* gave rise to a communal society where Maori lived together, made decisions together based on the common good, worked together towards common goals, cared for each other, developed land together and adapted quickly to change.<sup>100</sup>

In the past, although local and central governments have contributed to land development, it cannot be assumed that this was in the interests of Maori. The three main factors driving governmental involvement have been the efforts of key Maori people, pressure from Maori groups and organisations and when broader government goals to develop land have included Maori land.<sup>101</sup>

## 2.7 Maori and the Resource Management Act

The legislation that governs the use of resources in Aotearoa New Zealand is the RMA. According to Hirini Matunga:

The Treaty promised a collaborative partnership between Maori and the Crown. What eventuated though was a closed and exclusionary colonial discourse which stripped Maori of

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<sup>99</sup> Shane Munn, Alison Loveridge, and Hirini Matunga, *Ka Kaupapa Putaka mo Maori*,” 1-4.

<sup>100</sup> *Ibid.*, 4.

<sup>101</sup> *Ibid.*, 2-3.

ownership of their resources and decision processes about their use and management.<sup>102</sup>

If *rangatiratanga* were recognised and restored in planning the major themes of debate would centre on:

- i. Recognition of Maori rights of self-government over resources in Maori title.
- ii. Restoration of *tino rangatiratanga* over other natural resources confiscated through various means by the Crown.
- iii. Recognition of Maori ownership of resources such as water, seabed and coastal habitat, of which the Crown has presumed ownership.
- iv. Protection and access to resources, sites, waters, *wahi tapu*, and other *taonga* important to Maori, irrespective of ownership.
- v. Provision for Maori involvement in resource decision-making processes at all levels of government as a Treaty right rather than a privilege.<sup>103</sup>

Matunga also concludes that there is a notion throughout the RMA that rejects the idea of *rangatiratanga*. The Act asserts dominance of the colonising discourse by requiring that Maori views need only be 'taken into account', 'regarded' or 'recognised and provided for'.<sup>104</sup> It is questionable as to whether better environmental outcomes for Maori are actually being achieved. In reality, there is an absence of any methodology for determining adequacy and, coupled with diminished Maori agency to make resource decisions, this

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<sup>102</sup> Hirini Matunga, "Decolonising Planning: The Treaty of Waitangi, the Environment, and a Dual Planning Tradition" in *Environmental Planning and Management in New Zealand*, eds. P. Ali Memon and Harvey Perkins, (Palmerston North, Dunmore Press, 2000), 36.

<sup>103</sup> Hirini Matunga, "The Dual Heritage" *The University of Auckland News* 8 (1997): 10.

<sup>104</sup> Hirini Matunga, "Decolonising Planning," 43; RMA 1991 ss.6,7,8.

makes assessments difficult.<sup>105</sup> Decisions about resource use generally rest with a coterie of non-Maori planners, politicians and judiciary and, at another level, over-reliance on *iwi* consultation to 'bring a Maori perspective'.<sup>106</sup> As Margaret Mutu points out, there is a lack of protection of Maori rights under the RMA as Maori are battling large economic considerations that prevent them seeking support for their rights and cause.<sup>107</sup>

## 2.8 Maori and Local Government

Ryks *et al.* comment that 'Maori have struggled since the signing of the Treaty of Waitangi to be allowed to make decisions regarding their own affairs and resources at a local level.'<sup>108</sup> They add that despite the provisions for Maori representation and participation under the law namely the Local Electoral Act 2001, the Local Government Act 2002 (LGA), and the RMA. There still remains widespread concern from Maori that they struggle to obtain effective representation and participation in local government.<sup>109</sup>

Additionally, a study on local government and Maori in 2007 highlighted that:

- i. Maori are concerned with how they can hold local government accountable.
- ii. Local governments' representatives must develop effective communication networks with their respective Maori communities, so they can properly represent and be held accountable to those communities and their issues.
- iii. Greater representation of Maori at all levels of local government will improve local government attempts to

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<sup>105</sup> Hirini Matunga, "Decolonising Planning," 43.

<sup>106</sup> *Ibid.*, 43-44.

<sup>107</sup> Margaret Mutu, "Barriers to Tangata Whenua Participation," in *Whenua: Managing Our Resources*, ed. Merata Kawharu, (Auckland: Reed, 2002), 75.

<sup>108</sup> John Ryks, Jerome Wyeth, Scott Bladwin, and Nathan Kennedy, "The Teeth of the Taniwha" *Planning Quarterly* 2 (2010): 39.

<sup>109</sup> *Ibid.*, 39-41.

engage Maori, through a perceived higher-level of accountability and responsiveness to Maori and Maori concerns.

- iv. The visibility and accessibility of local governments must be enhanced to foster Maori participation.
- v. Maori feel consultation is not genuine, but 'after the fact', i.e. after the real decision-making has occurred. What contributions are made by Maori through consultation, participants feel are then undervalued.<sup>110</sup>

## 2.9 Specific Issues to Maori Heritage Management

Alivizatou suggests that a threat to heritage is abandonment of traditional ways of life.<sup>111</sup> For Maori the advent of colonisation, as will be demonstrated in *Chapter 3*, had dire consequences on their ability to continue living in accordance with *tikanga*.<sup>112</sup> A part of this was the ability to control their affairs. Smith outlines the need for Maori to achieve Tino Rangatiratanga around heritage spaces, which could be promoted through a good Crown-Maori relationship. A part of this relationship is about recognising the Treaty of Waitangi and how it is interconnected with wellbeing based on mutual respect. Providing for this recognition will increase the benefits to future generations.<sup>113</sup>

In terms of *koiwi*, Maori have felt for a long time that archaeologists endangered the dead. Furthermore, that heritage policy, particularly from museums, was written from the institution's perspective and avoided the most fundamental of Maori concerns. A key concern was that the decision making

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<sup>110</sup> "He Wharemoa Te Rakau, Ka Mahue: *Maori* engagement with local government knowledge, experiences, and recommendations", Christine Cheyne and Veronica Tawhai, Massey University, accessed January 12, 2010, <http://muir.massey.ac.nz/bitstream/10179/552/3/hwtrct.pdf>.

<sup>111</sup> Marilena Alivizatou, "Intangible Heritage and Erasure: Rethinking Cultural Preservation and Contemporary Museum Practice" *International Journal of Cultural Property* 18, no. 1 (2011): 39.

<sup>112</sup> For a general overview of the impact of colonisation refer to Ranginui Walker, *Ka Whawhai Tonu Matou: Struggle Without End*. (Auckland: Penguin, 2004).

<sup>113</sup> Huhana Smith, "Taonga Tuku Iho," in *'Always Speaking: The Treaty of Waitangi and Public Policy* (Wellington: Huia, 2011), 75-76.

over remains [and sites] were not being made by those with ancestral cultural connection to the deceased. Secondly, there was a concern that the ongoing holding of bones in museum collections continues the desecration of the original burial.<sup>114</sup> To combat this, iwi are becoming more vocal about asserting a policy direction for those institutions. Ngai Tahu, for example developed the policy document *Koiwi Tangata: Te wawata o Ngati Tahu e pa ana ki nga taoka koiwi o nga tupuna*. This document gave a direct messages to those in a heritage decision making capacity that the only people that had a right to manage the *koiwi* of Ngai Tahu was Ngai Tahu Whanui. Additionally, it recommended that in the returning of *koiwi*, belonging to Ngai Tahu, should be located within the rohe of Ngai Tahu. According to the *Iwi, koiwi tangata* in situ should not be disturbed. The *Iwi* believed that burial remains should remain intact that the collecting and possession of *koiwi tangata* of anyone other than Ngai Tahu is cultural insensitive. A bottom line policy was that reburial is the preferred option for those *koiwi* held in collections.<sup>115</sup>

The Parliamentary Commissioner for the Environment in a report on cultural heritage management in Aotearoa New Zealand found that there is a need to address Maori participation in historic and cultural heritage. That there were Treaty implications and that there were frequently asked questions such as “how can Maori best participate as kaitiaki?” or “Are Maori management structures recognised in the governmental system?”<sup>116</sup> The question about kaitiaki is relevant as Taiepa *et al.* explain, “While there is legal recognition that Maori concepts of kaitiakitanga should be incorporated into resource management decisions, there is a common view among Pakeha that it is of marginal relevance to contemporary...problems.”<sup>117</sup> Smith comments that the

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<sup>114</sup> Gerard O'Regan, “Regaining Authority: Setting the Adgenda in Maori Heritage Through the Control and Shaping of Data,” *Public History Review* 13, no. 1 (2006): 96,

<http://epress.lib.uts.edu.au/journals/index.php/phrj/article/viewArticle/254>.

<sup>115</sup> Te Runanga o Ngai Tahu *Koiwi Tangata: Te wawata o Ngati Tahu e pa ana ki nga taoka koiwi o nga tupuna*, The policy of Ngai Tahu concerning the human remains of our ancestors.(Chirstchurch: Te Runanga o Ngai Tahu, 1993).

<sup>116</sup> Parliamentary Commissioner for the Environment, *Historic and Cultural heritage Management in New Zealand*, Wellington, 1996, 7.

<sup>117</sup> Todd Taiepa *et al.*, “Comanagementof New Zealand Conservation Estate by Maori and Pakeha: A Review,” *Environmental Conservation* 24, no. 3 (1997) : 240.

Commissioner's report in 1996, "revealed deficiencies in meaningful protection over *Iwi* and *hapu* land and water-based wahi tapu, urupa or cemeteries, battle sites, or other sacred grounds."<sup>118</sup>

This report and the Historic Heritage Review 1998 found a number of issues and concerns with the Crown's management of the protection of wahi tapu and sites of significance to Maori these include:

- A lack of co-ordination between key agencies such as NZHPT, Department of Conservation, and local authorities.
- That agencies talk past each other, neither alleviating the concerns of Maori organisations, nor devising effective solutions for protection.
- A lack of resources to better assist *Iwi* and *hapu* to protect site through enhanced planning and assessment.
- Lack of recognition for *Iwi* and *hapu* to manage the affairs surrounding cultural landscape and to exercise Tino Rangatiratanga and *kaitiakitanga*.
- That Maori seek new governance arrangements with strong Maori representation of *tangata whenua*, or better partnerships/co-management projects and that an impediment was the lack of interrelatedness between the RMA and HPA.
- That a Maori Heritage Agency be established.
- That Maori believed that they could better manage heritage than the agencies responsible.<sup>119</sup>

Smith comments that in 2011 these issues particularly from the Historic Heritage Review are still unaddressed.<sup>120</sup>

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<sup>119</sup> Smith, "Taonga Tuku Iho," 65-67; New Zealand Historic Places Trust, Building on the Best: Submission of the NZHPT/ Pouhere Taonga to the the Ministerial Review of Historic Heritage, 1998, 11, 15; New Zealand Historic Places Trust, Historic Heritage Management Review Maori Consultation Around Key Points: Preliminary Report. Wellington.

<sup>120</sup> Smith, "Taonga Tuku Iho," 66.

In 2009 the Maori Heritage Council of the HPT released a report called *Tapuwae* prior to the passage of new legislation intended for heritage protection. A part of this was to provide a vision moving forward. The Council stated that “Over the last 150 years, much Maori land-based and built heritage has been seriously undermined and damaged. The Maori Heritage Council seeks to assist with protecting Maori heritage – in particular places, landscapes, and knowledge of significance to tangata whenua...”<sup>121</sup> A new vision for Maori heritage is motivated by recognition of the stories, knowledge, and korero the cloak ancestral sites and places.<sup>122</sup>

## 2.10 Conclusion

In conclusion, the traditional western ideas of heritage must change to incorporate indigenous worldviews, so must society change with those definitions. However, there are problems in order for society to take into account indigenous interests and worldviews. The problem lies in the fact that those interests do not always coincide with democracy and that of the ‘national interest.’

It is clear from the argument put forward by Jan Assman and the constructivist nature of KMR that identity and heritage are interlinked and rely on each other to co-exist.

From a wide variety of sources in the literature, it is evident that self-determination is an important and relevant issue to all indigenous peoples. In Aotearoa, this was given to Maori under *Te Tiriti*. However, it is something is yet to be delivered.

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<sup>121</sup> New Zealand Historic Places Trust, *Tapuwae: Maori Heritage Council Statement on Maori Heritage – A Vision for Places of Maori Heritage*, 2009, 5.

<sup>122</sup> *Ibid.*

The literature points out that the relationship that exists between Maori and the Crown is defined by the use of resources, in particular land. The relationship can be both detrimental and rewarding. However, from the *waiata* we can gather that this relationship through purchase or *raupatu* was marred with a sense of irritation on behalf of Maori.

Governments tried to remedy the economic problems of Maori through many measures, including different types of land development. Despite this, access to finance has been a key factor in the lack of development. In addition to this a major piece of legislation, the RMA, does not provide for *rangatiratanga* as it purports. The RMA also fails to recognise a dual planning tradition that exists in Aotearoa.

The literature around the management of Maori heritage focuses on the need to amend the system. There is an underlying theme for Maori heritage management to become more responsive to meeting the protection needs of Maori. A key part of this is that the control of that system should reside in the hands of Maori as reviews of a Crown controlled system have repetitively shown recurring concerns.

The next chapter will explore Tuwharetoa's colonial background. This will provide a broad understanding of today's planning situation and legislation. It will give a broad overview of the colonial process in Tuwharetoa, in particular events that have contributed to the erosion of sovereignty and thus the approval and policy framework and system for environmental planning.

## Chapter 3: Background

### 3.1 Introduction

This chapter will explore the background events associated with colonisation in Tuwharetoa, and, in particular, how the planning system came to be the way it is in Tuwharetoa. This will involve a broad examination of Tuwharetoa history from the signing of *Te Tiriti o Waitangi* to today. The events that are highlighted are done so because they are the events that have shaped the nature of planning through the eyes of a colonial discourse. It will conclude that it was the colonial process that eroded the *mana* of Tuwharetoa and that the Crown usurped this *mana* to further its goals. Loss of the control of planning led to the disengagement of *hapu* and the *iwi*. It will bring to light the way in which Tuwharetoa lost its *mana* and power to control things within their own *rohe*.

### 3.2 Tuwharetoa and *Te Tiriti o Waitangi*

When the representatives of the United States created the Treaty of Hopewell between the United States and the Cherokee, the treaty was classed as an international agreement. This was because the Cherokee were perceived as a distinct, independent, political people.<sup>123</sup> Lindsay Cox argues that it was significant that the word ‘treaty’ was used as it showed that the situation was international<sup>124</sup> and that the parties involved were distinct and sovereign political entities whose rights fell to be regulated by agreement.<sup>125</sup>

According to Cox, 'in 1840 we can at least assume that *rangatira* and the *iwi/hapu* for whom they stood held legal title and presumed to exercise both

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<sup>123</sup> Lindsay Cox, "Kotahitanga," 27.

<sup>124</sup> *Ibid.*

<sup>125</sup> J. Williams, *Towards a Treaty Driven Society: New Perspectives on the Treaty of Waitangi* (Wellington: New Zealand Planning Council, 1989), 3.

legislative and judicial functions of government.<sup>126</sup> For Tuwharetoa this is captured in the words of Mananui Te Heuheu. When Jerningham Wakefield asked permission to climb Tongariro he said:

I am king here, as my fathers before me, and as King George and his fathers have been over your country.... You white people are numerous and strong; you can crush us if you choose, and take possession of that which we will not yield; but here is my right arm, and should thousands of you come, you must make me a slave or kill me before I will give up my authority or my land...Do not bring many white people into the interior, who may encroach on our possessions till we become their servants.[sic]<sup>127</sup>

This statement by Mananui<sup>128</sup> highlights how *rangatira* saw themselves, in that they had complete control and exercised it.

On the 6<sup>th</sup> of February 1840 when *Te Tiriti o Waitangi* was signed at Waitangi in the Bay of Islands three-noted *rangatira* from Ngati Tuwharetoa are known to have been present. They were: Pohipi Tukairangi from Ngati Rauhoto and Ngati Kurapoto, Iwikau Te Heuheu from Ngati Turumakina, and Te Korohiko from Ngati Tutemohuta and Ngati Te Rangiita.<sup>129</sup> At the main ceremony, none of them signed *Te Tiriti*. It was done three days later when Iwikau and Te Korohiko were persuaded to do so by Reverend Henry Williams. The main purpose of the *rangatira* from Tuwharetoa for being in Nga Puhi was to secure missionaries for the Taupo area.<sup>130</sup> Pohipi did not sign, as his father Te Paahi

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<sup>126</sup> Lindsay Cox, "Kotahitanga," 27-28.

<sup>127</sup> Angela Ballara, "Tribal Landscape Overview: C1800-1900 in the Taupo, Rotorua, Kaingaroa, and the National Park Inquiry Districts" (research report prepared for the Waitangi Tribunal, Wellington, 2004), 433.

<sup>128</sup> First names will be used in this analysis for people of *Maori* Descent when the name is consistently used. This is to reflect how they are recorded in whakapapa.

<sup>129</sup> Grace, "Tuwharetoa," 437; Crown Forestry Rental Trust, "*Te Taumarumarutanga o Ngati Tuwharetoa*" (research report prepared for the Waitangi Tribunal National Park Inquiry, Wellington, 2006), 277-278; Wall *et al.*, "Ngati Tutemohuta," 50.

<sup>130</sup> Wall *et al.*, "Ngati Tutemohuta," 50.

was still alive.<sup>131</sup> Te Korohiko and Iwikau knew they had no *mana* to do so for their respective *hapu* and Ngati Tuwharetoa. Iwikau commented:

*...Me he mea koina te take, he whakaae kia eke mai te mana o Kuini Wikitoria ki runga ki a tatou. Ko te tangata e tika ana te kupu mo te whakaae, mo te whakakore, ko taku tuakana ko [Mananui] Te Heuheu; kei Taupo [ia]...[sic]<sup>132</sup>*

It appears from Tureiti Te Heuheu's dictation that Iwikau was encouraged to sign by Te Korohiko as both were very interested in receiving a red blanket.<sup>133</sup>

Upon arriving back in Tuwharetoa, Mananui was furious and stated:

*E hara i te hanga to korua nei karoke! E ki! E ki! Ma korua rawe e uta mai i te mana o tena wahine ki runga ki a Te Heuheu. Kahore au e whakaae ki te mana o tetahi iwi ke. Kia eke mai ki runga tenei motu.[sic]<sup>134</sup>*

He ordered Iwikau and Te Korohiko to give the blankets back and to take their names off the document. Mananui made sure Tuwharetoa went to the *hui* held in Ohinemutu at Papa i o Uru. When he stood to speak, he expressed his thoughts on the idea of a Treaty and the ceding of Tuwharetoa's sovereignty by saying:

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<sup>131</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009.

<sup>132</sup> Elsdon Best Papers, MS-Papers-0072-036, "Dictated by Tureiti Te Heuheu 26-5-1913," Alexander Turnbull Library. Chris Winitana of Tuwharetoa argues that, "It is a humble heart indeed that dares translate and explain the words of old, the words of on's ancestor[s]. Such undertakings are fraught with despair, for who can really know the politics of the time, the nuances of the people, the thoughts and minds of the composer [writer.]" (Alex Frame, Grey and iwikau: A Journey into Custom (Wellington: VUP,2002), 87. As such, text that are found in Te Reo will be used in the language of origin.

<sup>133</sup> Best Papers, MS-Papers-0072-036, "Dictated by Tureiti Te Heuheu 26-5-1913," Alexander Turnbull Library.; These are the, "paraekete whero" referenced in the waiata, " *Te Waiata mo Te Matenga*" refer to page 21 of this thesis.

<sup>134</sup> Ibid; The word "karoke" appears to be written as "koroke" in the manuscript however Tuwharetoa *kaumatua* maintain it is karoke as in the meaning something they had no authority to do. (Matiu Pitiroi, *Kaumatua* Advice Session, 15/10/09).

*Hau wahine e hoki i te hau o Tawhaki...E kore rawe au e whakaae ki te mana o tera wahine[,] iwi ke [,] kia eke mai ki runga ki enei motu....Ma tenei waka ma Te Arawa, kaua e whakaae, ka riro tatou hei taurekareka ma te wahine.*<sup>135</sup>

From those words Te Arawa waka did not sign the treaty. Neither did those who were influenced by Tupaea, from Ngai Te Rangī, after hearing of Mananui's response.<sup>136</sup>

Benedict Kingsbury comments that, 'the Treaty was a valid international treaty of cession, and the parties in 1840 were recognised as having the necessary legal capacity to enter into such a treaty.'<sup>137</sup> Since Tuwharetoa did not sign—or those that did, did not have the authority to do so—this would mean in theory that we remain a sovereign nation. It must be said that although Iwikau did sign he later stated that he regretted signing, as the Crown never lived up to its promises.<sup>138</sup> Even if Iwikau was recognised as being the authority for Tuwharetoa to sign, it is highly likely that he would have withdrawn from this treaty based on his later comments. In addition to this Iwikau only took the position, left by Mananui, in a custodial capacity.<sup>139</sup>

A fundamental key concept that arises out of *Te Tiriti* is that of *tinō rangatiratanga*, more broadly defined in modern terms as self-determination. It is argued by Tuwharetoa *kaumatua* that '*rangatiratanga*' is not something we as Tuwharetoa could have understood in terms of *Te Tiriti* as it was never a word in Tuwharetoa's vocabulary. They argue that the only word we could have understood is '*mana*'.<sup>140</sup> In addition to this, according to Hugh Kawharu's translation of *Te Tiriti* the Te Reo copy does not match the English version. So

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<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Benedict Kingsbury, "The Treaty of Waitangi: Some International Law Perspectives," in *Waitangi: Maori & Pakeha Perspectives of the Treaty of Waitangi*, ed. Hugh Kawharu (Auckland: Oxford University Press, 1989).

<sup>138</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 296.

<sup>139</sup> Refer to CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 297.

<sup>140</sup> George Te Waaka Asher, Brief of Evidence, 29 April 2005; This is an argument put forward by his father.

while the British wanted to secure sovereignty, which is '*mana motuhake*', they instead used the phrase '*kawanatanga*' which translates to 'governorship'.<sup>141</sup> Given these arguments, it would be hard for Tuwharetoa to accept the arguments put forward by Kingsbury that the Crown's treaty involved Maori ceding sovereignty. This guaranteed the Crown only governorship, as modern international law only recognises the indigenous language version under *contra proferentem*.<sup>142</sup> However, over time, in the later part of the 19<sup>th</sup> century the Crown ignored Tuwharetoa's claims and continued to usurp that sovereignty despite the objections from Te Arawa and Tuwharetoa.

### 3.3 The Coming of *Pakeha* to Tuwharetoa

Mananui was renowned as a figure that opposed the *Pakeha* invasion of Tuwharetoa.<sup>143</sup> However, his brother Iwikau was known to be a supporter of all things *Pakeha*. It is he, after the death of Mananui, who took on this mantle.<sup>144</sup> It is through Iwikau that Christianity took hold in Tuwharetoa with the arrival of Reverend T.S. Grace who set up a mission at Pukawa under the protection of Iwikau.<sup>145</sup> This action by Iwikau to allow or tolerate the teaching of the Gospel could be described as the beginning of Tuwharetoa's cultural stigmatisation in Tuwharetoa. This is made relevant by his actions and thoughts on the writing of traditional *karakia* or *waiata* and the use of this new technology to record things in what Grace described as the 'heathen language'.<sup>146</sup>

It is these new technologies that the missionaries brought that were so sought after in Tuwharetoa. It was not just the Gospel and the written word they

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<sup>141</sup> Refer to Hugh Kawharu, ed., *Waitangi: Maori & Pakeha Perspectives of the Treaty of Waitangi* (Auckland: Oxford University Press, 1989), 316-321.

<sup>142</sup> Fiona Cram, "Backgrounding *Maori* Views on Genetic Engineering," in *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, ed. Joanne Baker, (Lincoln, NE: University of Nebraska Press, 2006), 53; For full legal explanation of *contra proferentem* refer to Peter Spiller, *Butterworths New Zealand Law Dictionary* (Wellington: Lexis Nexus Butterworths, 2002), 63.

<sup>143</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 275.

<sup>144</sup> Refer to CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 297.

<sup>145</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 284-285.

<sup>146</sup> *Ibid*, 285.

brought. Missionaries brought things like candles, iron, flax threshing machines, blankets, hats, pipes, belts, sewing kits, European animals such as the cow to supplement their native diet and beasts of burden like the horse.<sup>147</sup> The missionaries also brought to Taupo another commodity in the form of opportunists and traders.<sup>148</sup>

Rev. Grace also served as conduit between *tangata whenua* and the Crown—a way of finding out what the intentions of the government and *tangata whenua* were doing.<sup>149</sup> It is around this period that Governor Grey visited Tuwharetoa and engaged in vigorous discussions with Iwikau.<sup>150</sup> The best way to consider why these discussions took place is to frame what Tuwharetoa and especially Tuwharetoa *rangatira* were going through. George Asher comments that, 'Iwikau... was confronted by land alienation and the threat to *iwi* control and management of ... [our] *taonga*.'<sup>151</sup>

Iwikau and Governor Grey enjoyed a very valuable relationship with each other. Grey's relationship with Tuwharetoa in his first term as Governor can be best described as solid and welcoming. This is signified by his gift to Iwikau of a flag in 1850, Iwikau's *waiata tangi* for Grey when he left for South Africa, and the willingness of Tuwharetoa to let Grey attend the *tangi* of Mananui. At the time, the *tangihanga* was in its second year at the point of his arrival at Pukawa.<sup>152</sup> The point of the visit was for him to gain an understanding of *tikanga* and to demonstrate to Maori that he was not going to affect *tikanga*. Additionally, it was to show that British law was more efficient at regulating relations between Maori and *Pakeha*.<sup>153</sup> By the time, he returned to Aotearoa his approach to dealing with Maori had changed based on his experiences in

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<sup>147</sup> Ibid, 285; Grace, "Tuwharetoa," PAGE

<sup>148</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 285.

<sup>149</sup> Ibid.

<sup>150</sup> Refer to Alex Frame, *Grey and Iwikau: Journey into Custom* (Wellington: VUW Press, 2002).

<sup>151</sup> George Te Waaka Asher, *Waitangi Tribunal*, CNI Inquiry. [Brief of Evidence, 29 April 2005], 5.

<sup>152</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 283-285.

<sup>153</sup> Alex Frame, "Grey and Iwikau," 37.

South Africa.<sup>154</sup> The political environment he returned to was one of struggle for the control of resources.

### 3.4 The Bad Deeds of the Government

During Grey's first term as governor, he managed to keep the question of Maori land at bay.<sup>155</sup> However, trouble in relation to Maori land began in 1843 in Wairau, an event dubbed the 'Wairau Massacre'.<sup>156</sup> Following this was the eviction of Ngati Toa from the Hutt Valley because of a suspicious land deal signed between Te Ati Awa and the Crown. Clashes took place between Ngati Toa and the Crown at Taita, Boulcott's Farm, Pauatahanui and the Horokiri Valley, which led to the arrest of Te Rauparaha in 1846.<sup>157</sup> While tensions in Wellington were increasing, so were hostilities in the far north at Kororareka. Hone Heke believed that '*rangatiratanga*' promised in the Treaty was being usurped by British authority. Kawiti and Hone attacked Kororareka on the 10 March 1845. This was the first instance of Kupapa forces being used by the British.<sup>158</sup>

Grey's intervention in the Wellington unrest was based on his firm belief that, 'Maori and Europeans shall be equally protected, and live under equal laws.'<sup>159</sup> However, Patricia Burns comments that these laws were, 'entirely those of the Europeans.'<sup>160</sup> This was because Grey's vision did not encompass legal and political pluralism.<sup>161</sup> It was his 'high moral tone'<sup>162</sup> that led him to be a key figure in the colonial era for Maori in the struggle for the major economic resource at the time, land.

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<sup>154</sup> Refer to Monica Wilson and Leonard Thomson, eds., *The Oxford History of South Africa: South Africa to 1870* (London: Oxford University Press, 1969) for information on Grey's time in South Africa.

<sup>155</sup> Arthur Jose, *The Growth of the Empire: A Handbook to the History of Greater Britain* (Unknown: Bibliolife, 2008), 398.

<sup>156</sup> Ranginui Walker, "Ka Whawhai Tonu Matou," 101-102.

<sup>157</sup> Micheal King, *Nga Iwi o te Motu* (Auckland: Reed Publishing, 2004), 37-38; Richard Boast, "Ngati Toa and the Colonial State" (research report prepared for The Waitangi Tribunal, Wellington, 1998), 46-56.

<sup>158</sup> Michael King, *The Penguin History of New Zealand* (Auckland: Penguin, 2003), 184-185.

<sup>159</sup> Grey to Te Rauparaha, 16 February 1846, IA46/799, Archives New Zealand, Wellington.

<sup>160</sup> Patricia Burns, *Te Rauparaha: A New Perspective* (Auckland: Reed Publishing, 1980), 271.

<sup>161</sup> Boast, "Ngati Toa and the Colonial State," 50.

<sup>162</sup> Octavious Hadfield to Brother, 13 April 1846, qMS 0897, 0898, Alexander Turnbull Library, Wellington.

After Kororareka, a time of peace occurred. Interaction with Europeans differed around the country, from the now wealthy Waikato *iwi*, who grew mass amounts of produce to supply Auckland, to *iwi* who had little to no contact with any Europeans like Tuhoe, Ngati Maniapoto, and Tuwharetoa.<sup>163</sup> However, in 1860 the European population began to outnumber Maori for the first time, so much so that places like Auckland and New Plymouth were deemed to be over-crowded. It seemed to some *rangatira* that Maori culture, *mana*, and traditional society would be erased if preventative steps were not taken. Stopping the sale of land was a key part of this.<sup>164</sup>

To stop land sales, Wiremu Tamihana of Ngati Haua became an advocate for the establishment of a Maori King. A key contribution to this was advice from a friend to be less reliant on the British Government but to work with Maori who would help with what the Governor denied.<sup>165</sup> Wiremu tried to see Grey, 'to lay before him the lawless condition of the country' and to remedy this situation. Unfortunately, a subordinate mistreated him.<sup>166</sup> This mistreatment furthered his desire to establish a Maori King who would '...hold the *mana* or prestige over the land; secondly *mana* over man; thirdly, to stop the flow of blood.' He hoped that, 'the Maori King and the Queen of England [would] be joined in concord'<sup>167</sup> Iwikau, like many others, refused to take up the position, so at a *hui* called, '*hinana ki uta, hinana ki tai*'<sup>168</sup> at Pukawa, a *rangatira* from Ngati Mahuta, Te Wherowhero<sup>169</sup> became the monarch of Maoridom. This was strongly supported by Iwikau and to this day some in Tuwharetoa regard this gathering as more important than the signing of the Treaty.<sup>170</sup>

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<sup>163</sup> King, "Nga Iwi o te Motu," 39.

<sup>164</sup> *Ibid.*, 40.

<sup>165</sup> Evelyn Stokes, *Wiremu Tamihana: Rangatira* (Wellington: Huia, 2002), 135; John Gorst, *The Maori King* (London: Macmillan, 1864), 81-82.

<sup>166</sup> *Ibid.*

<sup>167</sup> Pei Te Hurinui Jones, "Maori Kings," in *The Maori People in the Nineteen-Sixties*, ed. Erik Schwimmer, (Auckland: Longman Paul, 1960), 223-224.

<sup>168</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 286.

<sup>169</sup> When Te Wherowhero was instilled at Ngaruawahia he took his more commonly known name, Potatau. Refer to King, "Nga Iwi o te Motu," 40.

<sup>170</sup> Evelyn Stokes, "Wiremu Tamihana," 156; CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 287.

European settlers saw this as a blatant attempt to stop land being sold<sup>171</sup> which led in the end to further unrest. The first case was in Taranaki, where Government officials bought the Tataraimaka block from a *rangatira* with no right to sell it. The owners continued occupation and resisted Grey's attempts to remove them by force.<sup>172</sup> Grey used Maniapoto's participation in the conflict, and propaganda about an alleged threat, to attack Auckland. This was his justification to subjugate the Kingitanga and invade the Waikato.<sup>173</sup>

The struggle with Waikato led to further battles with Ngai Te Rangi in Tauranga because of their steadfast support of Waikato against Cameron and Grey. Over nine months, ending with the battle at Orakau, plus the skirmishes in Tauranga, over 1000 Maori and 700 *Pakeha* died. This was followed by the major confiscation of 1.3 million hectares of *whenua*.<sup>174</sup> The Crown was very indiscriminate with regard to who had land taken from them in these confiscations. They took land from those who did not even take part in the fighting. One of the most famous examples was that of Ngati Apakura from Te Awamutu who were evicted by colonial troops and settled in the territory of Tuwharetoa *hapu* Ngati Karauia at Tokaanu. This story is memorialised by the *waiata*, '*He Tangi mo Te Wano*'.<sup>175</sup>

At this time, there was a leadership change in Waikato and Tuwharetoa. Potatau was replaced by his son Tawhiao and Iwikau was succeeded by his nephew Horonuku. Horonuku felt obligated to support his Waikato relations and Tuwharetoa, mostly from the Matapuna area, participated at Ohia, Haerini, and Orakau.<sup>176</sup> However, other factions of Tuwharetoa (particularly from the Te Hikuwai)<sup>177</sup> under the control of *rangatira* like Poihipi Tukairangi fought on the

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<sup>171</sup> King, "Nga Iwi o te Motu," 40.

<sup>172</sup> Alan Ward, "A 'Savage War of Peace'," in *Raupatu: The Confiscation of Maori Land*, eds. Richard Boast and Richard Hill, (Wellington: VUP, 2009), 103-109.

<sup>173</sup> King, "Nga Iwi o te Motu," 41; Evelyn Stokes, "Wiremu Tamihana," 156.

<sup>174</sup> King, "Nga Iwi o te Motu," 41.

<sup>175</sup> Apirana Ngata and Pei Te Hurinui Jones, eds. "Nga Moteatea," *Auckland University Press*, Vol. 1, 316 (Auckland, 2004); This *waiata* is also more commonly known by the name, "E Pa to Hau."

<sup>176</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 298; George Te Waaka Asher, *Waitangi Tribunal*, CNI Inquiry. [Brief of Evidence, 29 April 2005], 6.

<sup>177</sup> General name for Northern Tuwharetoa.

side of the Crown.<sup>178</sup> A peace was brokered at Oruanui at the end of fighting between those who supported the Kingitanga and the Crown. The outcome was that Kingitanga fighters would return to their own *whenua*, retain their arms, and the *mana* and sovereignty of Tawhiao would be acknowledged. However, the Crown was not as forgiving as the Crown supporters, and peace did not last long in Tuwharetoa.<sup>179</sup>

### 3.5 Te Kooti and the Taupo Invasion

After the Kingitanga battles a religious movement called Pai Marire took hold in Taranaki under the leadership of the prophet Te Ua Haumene. It moved to provide deliverance from European domination. Te Ua wove biblical and Maori *tikanga* into ritual that included incantation and dancing around a *niu* pole. As a part of this he revived pre-European *toa* traditions of eating the hearts and eyeballs of victims. To many followers this was a rejection of what missionaries advocated; to *Pakeha* this was considered barbaric.<sup>180</sup> The Crown and Pai Marire fought battles in Taranaki, the Bay of Plenty, the East Coast, Rotorua and Whanganui. In fighting near Gisborne at Waerenga-a-Hika, Crown supporter Te Kooti Arikirangi was wrongfully arrested.<sup>181</sup>

Ngati Tutemohuta and Ngati Hinerau became great converts to the new faith. A Pai Marire *niu* pole stood at Motutere. The only *kainga* to withstand conversion was Te Hatepe, where adamant Crown supporters like Paora Hapi lived. He despised the idea of Pai Marire, or Hauhau as it was more commonly known to *Pakeha*. Pai Marire converts from Taupo went on a *hikoi* to Ngati Kahungunu to seek further converts. Although their intentions were peaceful, their presence in Kahungunu escalated the fears of settlers and officials about the dreaded 'Hauhau'. They moved to attack the Pai Marire converts at

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<sup>178</sup> National Library (NZ), "Lieut. Bates with Pohipe (Taupo Chief) and two other unidentified men," Photograph PA2-2876, Alexander Turnbull Library.

<sup>179</sup> Wall, et al., "Ngati Tutemohuta," 70.

<sup>180</sup> King, "Nga Iwi o te Motu," 41-42.

<sup>181</sup> *Ibid*, 42; For reasons of word constraint this thesis will not focus on the believes of the Ringatu faith established by Te Kooti at this time; only on their actions.

Omarunui.<sup>182</sup> This is where Te Rangitahau was captured and, with Te Kooti, was exiled to Wharekauri<sup>183</sup> without trial.<sup>184</sup> This conflict gave the Crown an excuse to take acres of Ngati Tutemohuta land at Runanga as a part of the Mohaka ki Waikare confiscation.<sup>185</sup>

Prior to Te Porere, Te Kooti knew many Tuwharetoa *rangatira* including Horonuku, Te Rangitahau and Matuahau because of his association with the Pukawa mission and Rev. Grace.<sup>186</sup> Therefore, it is no surprise that one of Te Kooti's major supporters and converts was Te Rangitahau. When they escaped Wharekauri by hijacking the schooner 'Rifleman' they landed at Whareongaonga on 9 July 1868. Te Kooti was focused on a religious goal of going to the Waikato and challenging Tawhiao who, as King, claimed to be the mouthpiece of God; it was a struggle for religious authority.<sup>187</sup> However, some, including Colonel Whitmore, viewed this as Te Kooti wanting to dethrone Tawhiao to restart the war.<sup>188</sup> However, Te Kooti's intention was just to establish himself in the upper Waikato with the ultimate goal of residing near Taupo on the Eastern Lake settlement of Tauranga.<sup>189</sup> This was an area in which Te Rangitahau was the *rangatira*.<sup>190</sup>

Te Kooti warned government messengers that his task was peaceful, telling them that he would only fight if pursued or attacked.<sup>191</sup> With that he set out on his 'journey into the wilderness' with the religious aim of establishing the tabernacle for the 'ark of the covenant'.<sup>192</sup> This was his idea to provide his people with land and a new life.<sup>193</sup> However, in November 1868, in an act of *utu* he and his *whakarau* attacked Matawhero for the government's

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<sup>182</sup> Wall, et al., "Ngati Tutemohuta," 71.

<sup>183</sup> Traditional Name for the remote Chatham Islands.

<sup>184</sup> Wall, et al., "Ngati Tutemohuta," 71; Judith Binney, *Redemption Songs: A Life of Te Kooti Arikirangi Turuki* (Auckland: Auckland University Press and Bridget Williams Books, 1995), 93.

<sup>185</sup> Wall, et al., "Ngati Tutemohuta," 71.

<sup>186</sup> George Te Waaka Asher, *Waitangi Tribunal*, CNI Inquiry. [Responses to Claimant Questions, 29 April 2005].

<sup>187</sup> AS, 28 March 1914 as cited in Binney, "Redemption Songs," 92.

<sup>188</sup> Whitmore to Haultain, 21 August 1868, AD1 68/2810, Archives New Zealand.

<sup>189</sup> Binney, "Redemption Songs," 93; Tauranga is commonly known today as Tauranga Taupo.

<sup>190</sup> Refer to Wall, et al., "Ngati Tutemohuta."

<sup>191</sup> Binney, "Redemption Songs," 93.

<sup>192</sup> Binney, "Redemption Songs," 93; Biddle MSS, I, 197.

<sup>193</sup> *Ibid*, and also Backcover.

confiscation of his *whenua*.<sup>194</sup> This began what is commonly known as, 'Te *Whaia o te Motu*'<sup>195</sup> after Te Kooti. The Crown first attacked at Ngatapa. However, Te Rangitahau and Te Kooti managed to escape.<sup>196</sup> This attack is acknowledged by the Waitangi Tribunal as the worst atrocity of the Land Wars; a stain on New Zealand's history.<sup>197</sup> However, Ngati Tutemohuta argues that what the Crown did by implementing a scorched earth policy towards Tuhoe, those who were providing shelter, proved far more deadly.<sup>198</sup> Arguably, the Crown's action at Ngatapa amounts to genocide.<sup>199</sup>

After fleeing Te Urewera in March 1869 Te Rangitahau led Te Kooti and the *whakarau* into the Taupo area where Te Kooti hoped to find refuge. However, there was little chance of sanctuary because of the Crown's relentless pursuit and the large number of Maori in Northern Tuwharetoa who were Crown supporters. Paora Hapi and others did in fact lobby the Crown for arms to confront Te Kooti upon his arrival.<sup>200</sup> While Te Rangitahau was incarcerated on Wharekauri, the militarisation of Northern Tuwharetoa took place in preparation for Te Kooti. The Crown built a militarised line of redoubts from Ahuriri to Tapuaeharuru.<sup>201</sup> Two were built on confiscated land at Te Haroto and Tarawera, with further instillations established at Runanga, Opepe and Tapuaeharuru.<sup>202</sup>

It was recognised by those *rangatira* that it was wise, given what had happened in Tuhoe, to assist the Crown. To be seen to support Te Kooti, or not to oppose him, was seen as far too risky. If they let him pass unmolested the Crown might accuse them of supporting or sheltering him.<sup>203</sup> Therefore,

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<sup>194</sup> Wall, *et al.*, "Ngati Tutemohuta," 71.

<sup>195</sup> The pursuit across the land.

<sup>196</sup> Wall, *et al.*, "Ngati Tutemohuta," 72-73.

<sup>197</sup> Waitangi Tribunal, *Turanga Tangata, Turanga Whenua: The Report on the Turanganui a Kiwa Claims*, Vol. 1, Wellington, 2004, 246-250.

<sup>198</sup> Wall, *et al.*, "Ngati Tutemohuta," 73.

<sup>199</sup> Genocide in this case is defined as, "the deliberate destruction of a people, principally but not only by killing some of its members." (Martin Shaw, *War and Genocide* (Cambridge, UK: Polity Press, 2003), 34.)

<sup>200</sup> Wall, *et al.*, "Ngati Tutemohuta," 73.

<sup>201</sup> Traditional name for the Taupo Township.

<sup>202</sup> Wall, *et al.*, "Ngati Tutemohuta," 74; Tapuaeharuru became the foundations of the Taupo Township.

<sup>203</sup> *Ibid.*

they drew a line from Runanga to Opepe and promised to not let Te Kooti pass.<sup>204</sup> As *Kaumtua* Mataara Wall states, it was not for the northern *rangatira* to do such a thing as they had no right to speak for Ngati Tutemohuta, since this was that hapu's *paewhenua*.<sup>205</sup> Driven out of Tuhoe by Tuhoe and the pursuit of the Crown forces, Te Kooti crossed the line in June 1869 at Opepe with dramatic results.<sup>206</sup> They surprised an encampment of Armed Constabulary at Te Rangitahau's *kainga* at Opepe and, given the Crown's treatment of Tuhoe and the *whakarau*, neither Te Rangitahau nor Te Kooti held back in their attack.<sup>207</sup>

After this, Te Kooti burned Te Hatepe and Motutere to the ground. However, Te Rangitahau and Te Kooti had a major disagreement over the fact that Te Kooti had killed a relation of Te Rangitahau.<sup>208</sup> This boiled down to a pact between the two *rangatira* where the chief of origin to the area would have a voice in their operations.<sup>209</sup> It is for this reason that Te Rangitahau withdrew his forces from fighting at Tokaanu, particularly since Wi Maihi Maniapoto was there fighting on the side of the Crown.<sup>210</sup>

It is also for these reasons that Te Rangitahau stayed out of Te Kooti's last fight in Tuwharetoa at Te Porere.<sup>211</sup> However, this fight led to defeat by the Crown forces and Te Kooti fleeing Tuwharetoa to Moerangi in the west.<sup>212</sup> Those from Ngati Tutemohuta, including Te Rangitahau, claimed refuge in Ngati Tamatera at Ohinemuri, close to the headwaters of the Hikutaia River.<sup>213</sup>

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<sup>204</sup> St. George Diary, 14 April 1869. MS1842 to 1845. Alexander Turnbull Library.

<sup>205</sup> Wall, *et al.*, "Ngati Tutemohuta," 74

<sup>206</sup> Binney, "Redemption Songs," 167.

<sup>207</sup> Wall, *et al.*, "Ngati Tutemohuta," 77.

<sup>208</sup> *Ibid.*, 78.

<sup>209</sup> Statement by Wi Tamararo, 25 February 1869, MSS 32:22, Alexander Turnbull Library.

<sup>210</sup> Wall, *et al.*, "Ngati Tutemohuta," 78.

<sup>211</sup> *Ibid.*, 79.

<sup>212</sup> Binney, "Redemption Songs," 185.

<sup>213</sup> Wall, *et al.*, "Ngati Tutemohuta," 79.

What is more important than how planning was undertaken in Tuwharetoa is the participation of Horonuku and others against the Crown.<sup>214</sup> Of all the *rangatira* who took part, it was Horonuku who lost and gained the most.

### 3.6 Incarceration at Heretaunga

At the ending of hostilities at Te Porere, Horonuku was faced with threats of land confiscation and imprisonment. This was a major period of regrouping for Tuwharetoa, as a large number of *rangatira* fled to external safety. Eventually, Horonuku had to surrender to the Crown and was taken to Heretaunga and placed under house arrest at the *whare* of a *rangatira* of Ngati Kahunganu, Karaitiana Tomoana. The *iwi* is unsure for how long Horonuku was held under house arrest. What is clear is that the *korero* passed down to *kaumatua* was that because Horonuku was arrested the land was confiscated.<sup>215</sup>

While the Crown was deciding what to do with him they put the idea out that a court of his 'peers' should try Horonuku, in other words *rangatira* from Kahungunu who supported the Crown. In the view of Tuwharetoa, to be dealt with in this manner would be a greater loss of *mana* than imprisonment. After a while Horonuku was 'invited'<sup>216</sup> to Auckland. Horonuku's treatment paralleled that of the other leaders during the Waikato conflict such as Tawhiao and Rewi Maniapoto. Tuwharetoa view the treatment suffered by their *rangatira* as sorely detrimental to their *mana*. The result of all of this was that those who took the mantle of Te Heuheu, or any form of leadership within Tuwharetoa in general, were subjected to scrutiny thereafter by the Crown.<sup>217</sup>

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<sup>214</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 298-299.

<sup>215</sup> *Ibid*, 301.

<sup>216</sup> This is a loose word used in the report to imply forced.

<sup>217</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 301-302.

### 3.7 The ‘Land Taking Court’

The Native Land Court became functional in 1865.<sup>218</sup> As Justice Durie comments it was:

Modelled on the conventions of British Courts of Law, there was little room for incorporating Maori forms of justice, evidence, and debate, and earlier promises to give local chiefs roles in determination were never realised. Between 1865 and 1900 the main judicial tasks were to determine ownership and then to facilitate individualisation of title, with greater likelihood of transferring title to settlers.<sup>219</sup>

The fact that it was there to individualise title is highlighted by the occasion when Tuwharetoa supported the development of the Kingitanga. This is where Tuwharetoa placed *pou whenua* around the *rohe* in order for other Kingitanga *iwi* to recognise the *iwi* boundaries. This was also recognised by Crown authorities, in particular the Native Land Court. This would question the need for a court as title and boundaries were already established without *Pakeha* intervention.<sup>220</sup> This court system was very effective in the *rohe* of Tuwharetoa that, by the end of the 1870s, nearly 3000 hectares were alienated by the court. For example, by December 2000 a total of 402,403.75 hectares had been alienated from a total of 1,079,046 hectares included in the original Taupo-nui-a-Tia block.<sup>221</sup>

The Native Land Court arrived in Tuwharetoa in response to an application by a number of *rangatira*, including Horonuku as the main applicant, in December 1885. The Court sat on 16 January 1886 and the block boundary was in

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<sup>218</sup> Mason Durie, “Te Mana, te Kawanatanga,” 121.

<sup>219</sup> Eddie Taihakurei Durie, Submission to the Royal Commission on the *Maori* Land Courts, No11, Wellington, 1979 in Durie, “Te Mana, Te Kawanatanga,” 121.

<sup>220</sup> CFRT, “Te Taumarumarutanga o Ngati Tuwharetoa,” 291.

<sup>221</sup> *Ibid*, 307, 472.

accordance the *pou whenua* of the Kingitanga. However, there were 141 *hapu* recognised as a part of the claimant group; it was admitted that the list was for 'the descendants of Tuwharetoa and Tia and other ancestors who have lived continually on this land up to the present time.'<sup>222</sup> It was recognised that the block also included *tupuna* like Tahu, Tamaihutoroa, Apa and Manawa [Tangiharuru]<sup>223</sup> despite an objection by Te Rangihwinui Keepa<sup>224</sup> that he had overall right to the southern portions of the block based on what happened at Te Porere.<sup>225</sup> Horonuku pointed out his relationship by *whakapapa* to Ngatoro-i-rangi, which forced other claimants to withdraw.<sup>226</sup>

Tuwharetoa remain clear that the reasoning for bringing the block before the court was so that the Court could confirm the external boundary to the *whenua* of Tuwharetoa and that it belonged to Tuwharetoa. Therefore, the *iwi* assert that the land should never have been carved up into 163 blocks and individualised title issued. It is argued by Tuwharetoa that the application was made on behalf of the *hapu* that were the descendants of Tuwharetoa through Ngatoro-i-rangi, Tia and others, but once the Court determined title it moved immediately to individualise the *whenua*. This came with the payment of survey costs and other things in which the court awarded to the Crown 25 of the 163 blocks, which amounted to 77 790.5 hectares.<sup>227</sup>

Following this, an application by Hiriti Te Paerata was lodged. A hearing was held on 18 January 1888 that forced people to claim ancestry through Tia or Tuwharetoa, thereby ignoring 23 *hapu*.<sup>228</sup> This was in direct contradiction as to how the *rangatira* of the day came to support the original application. It was their thinking that it was '*tika*' for everyone to be included as this was

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<sup>222</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 308; NLC 4 TPO 39.

<sup>223</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 308; The Principal *tupuna* of Ngati Manawa is Tangiharuru.

Refer to Appendix 5

<sup>224</sup> Also commonly known as Major Kemp

<sup>225</sup> Grace, "Tuwharetoa," 461.

<sup>226</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 309.

<sup>227</sup> *Ibid.*

<sup>228</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 310.

consistent with *tikanga*.<sup>229</sup> This assertion by the court led to a large amount of false evidence being tabled. Tuwharetoa assert that, 'it is not unreasonable to assume that the Native Land Court process from 1886–1888 wholly and utterly succeeded in undermining the inclusive nature and intent of [Horonuku] Te Heuheu's application.'<sup>230</sup>

### 3.8 Rahui Whenua v National Park

It is a fundamental cornerstone in the nation-building history of Aotearoa that when John Ballance was Minister of Native Affairs in 1894:

...one of his achievements was helping to persuade... Horonuku Te Heuheu, to gift to the nation the land and mountains in the central North Island that became in 1894 the Tongariro National Park, the country's first national park and one of the earliest in the world.<sup>231</sup>

However, *iwi* history surrounding the Crown's acquisition of the maunga differs from that well-known version.

A Crown Forestry Rental Trust Report states :

*Ko te korero a Ngati Tuwharetoa, na te herehere-a-whare o Te Heuheu ki Heretaunga i whakapehi nei ki runga ki a ia, mana hei tuku i nga maunga hei koha ki te ao. Na te kitenga o tetahi o wahine whakatika whare no Ngati Tuwharetoa i hoki mai ai ki te kainga ka korero 'kua mauheretia a Te Heuheu ki te kainga.' Ka tae te wa i tohua a Te Heuheu ka puta a ia o enei korero: 'Ka wareware au, i tohua.[sic]<sup>232</sup>*

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<sup>229</sup> Ibid, 310.

<sup>230</sup> Ibid.

<sup>231</sup> King, "The Penguin History of New Zealand," 261.

<sup>232</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa,"320.

Ngati Tuwharetoa further contend that:

*No te hokinga mai o Te Heuheu ka mea atu ki te iwi na te whakapehitanga a te Karauna me te korero a [Te] Kerehi,<sup>233</sup> na kona i whai aua tangata ma Te Heuheu e haina. Kaore a Te Heuheu i puta te panui ki mua i te kooti, ... na te rongu, na Te Kerehi i puta. Ko te ingoa o te panui ki roto i te Kooti, 'ko te panui a Te Kerehi mo Tongariro.' No muri mai ka haere a Te Heuheu ki Akarana i runga te tono a te Karauna, i reira haina ai i tetahi pepa i nga tihi o nga maunga ki te Karauna. [sic]<sup>234</sup>*

Tongariro and the surrounds are considered *wahi tapu* to Tuwharetoa.<sup>235</sup> It is for this reason that Tuwharetoa sought to prevent *Pakeha*, mostly tourists, from going there.<sup>236</sup> This is how Lewis became involved in the debate surrounding the creation of the Tongariro National Park. This is further disputed by Tureiti Te Heuheu, who commented to the Minister of Tourist and Health Resorts, William Nosworthy, in the 1920s on the issue of sale:

Mr. Lewis made a statement to my Father in this manner: that in seeing the other *Rangatiras*<sup>237</sup> my Father put into the other sub-divisions had consented to sell, and the Government were acquiring that part of the country, and also that the Prime Minister had agreed that the portion asked for by my Father be set aside for himself, and should be held sacred, he made that request at the time...that my Father should agree that the Queen be represented in the title along with himself, so that the Crown should be represented in the title of the partition. I

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<sup>233</sup> Lewis, the Under Secretary for the Native Affairs Department.

<sup>234</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 320-321; The "panui" mentioned is the application to the Native Land Court to determine title to the maunga.

<sup>235</sup> *Te Wananga* (Unknown), 5 January 1887, 8.

<sup>236</sup> *Ibid*; *Te Wananga* (Unknown), 22 June 1878, 318.

<sup>237</sup> A map was drawn up by Lewis and a list compiled which placed the rangatira of Tuwharetoa on the lower slope of the maunga; Refer to Appendix 5.

was present and my Father...asked me what I thought about that arrangement. I then said to my Father that I thought he should agree... as it would be a very great honour to him to have the name of the Queen as co-owner, as it were, in that petition. It was decided that it should be. [sic]<sup>238</sup>

Horonuku was harshly criticised for these actions.<sup>239</sup>

It is this *panui* that Lewis issued to Ballance, which he read to Parliament that is the problem for Tuwharetoa. The *panui* was written in Te Reo and English. However, the translations did not match and Horonuku's intention was lost in the translation. In the Te Reo version Te Heuheu's '*tuku*' of the peaks '*mo te Rahui whenua ka whakatapua nei mo te iwi o Tongariro.*' However, the English version states, 'the subject of making Tongariro a National Park' without no mention of for the *iwi* of Tongariro. The word '*whakatapua*' or 'to make or be held sacred' was substituted for the understanding of a 'National Park.' The Tongariro National Park Act 1894 ('*Te Ture Paaka Mo te Iwi Katoa i Tongariro 1894*') cited the address to Parliament on 23 September 1887 regarding the supposed 'gifting.' It substituted the words '*rahi paaka*' or 'reserved park' for the intended term of Horonuku's which was '*rahi whenua*', translated as sacred or reserved territory and ignored, '*mo te iwi o Tongariro*' or for the *iwi* [Maori surrounding] Tongariro.

Tuwharetoa contend that no one man could hold *mana* over the mountains so the concept of 'gift' could never come to fruition.<sup>240</sup> In terms of *tikanga* it is argued by Tuwharetoa that it is the *maunga* holds *mana* over the man, and it is the *kaitiaki*, *Te Iwi Patupaiarehe*, enforces the *mana* of the *maunga*.<sup>241</sup> The material that was printed in the *Te Wananga* Newspaper enforces the *tapu*

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<sup>238</sup> Robyn Anderson, "Tongariro National Park: An Overview Report the Relationship Between *Maori* and the Crown in the Establishment of the Tongariro National Park," (includes an interview with Tureiti Te Heuheu and William Nosworthy), (research report for the Crown Forestry Rental Trust, Wellington, 2005), 82.

<sup>239</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 372.

<sup>240</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 371.

<sup>241</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 50-51.

nature of the *maunga*. What must be noted is that the reading of the letter took place in parliament on 23 September 1887. This was a day before Horonuku was awarded sole title in the Native Land Court on 24 September 1887. This is a stark departure from the 1886 order, where the nineteen *rangatira* were relegated to the lower slopes and the Queen owned the peaks.<sup>242</sup>

It is clear from Tureiti's interview that Horonuku's intention was at most to have the Queen as co-owner. Given what had happened to the *iwi* of Taranaki, Waikato, Tauranga Moana and their confiscations, it is clear that Horonuku and Tureiti were trying defensive tactics to preserve Tuwharetoa's land, considering Horonuku's house arrest. Gilbert Mair came to formally arrest Horonuku, however Tuwharetoa managed to persuade him not to do so.<sup>243</sup> It is clear from Horonuku's comments that he considered his release from house arrest to be the result of this apparent 'gifting' and that the Crown, either by gift, purchase, or confiscation, was going to secure title to the *maunga*. This was most likely due to the growing *Pakeha* interest in the area as a tourist attraction. The only reason to secure a '*rahi whenua*' that can be found is that Horonuku was seeking to restore some form of *mana*<sup>244</sup> for what had transpired at the hands of the Crown. Even Grace recognises that he had no authority to give the *maunga*.<sup>245</sup> The following assertion, '*ka mea te ao katoa, he mea takoha "gift" ki te Kawanatanga. Ka mea hoki an Ngati Tuwharetoa he mea whanako ke*'<sup>246</sup> appears to be correct.

However, despite this popularly held *iwi* viewpoint, there are some adjustments that need to be made. Robyn Anderson states that, 'at the heart of the matter was the question of [Horonuku] Te Heuheu's powers [in a largely hereditary position] and the Crown's interpretations and exploitation of his

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<sup>242</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 372.

<sup>243</sup> This was done by loaning some of Tuwharetoa's most prized taonga which currently make up the Gilbert Mair collection. Tuwharetoa contends that we never gifted in perpetuity. Refer to CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 302.

<sup>244</sup> Grace, "Tuwharetoa," 498.

<sup>245</sup> *Ibid.*

<sup>246</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 329. Translation: The whole world says, it is a "gift" to the government. However, Ngati Tuwharetoa states that it was something that was stolen.

position within the tribal organisation that constituted an "*iwi*".<sup>247</sup> In the case of the *maunga* the voices of Te Herekieke and Te Huiatahi were ignored. Te Huiatahi's objections for example, 'were considered of negligible significance and dismissed without investigation.'<sup>248</sup> Therefore, southern-based *hapu* lost their rights without their knowledge and agreement.<sup>249</sup>

Horonuku was no passive bystander in this scenario. Although held captive by the Crown, Horonuku, over and above other Tuwharetoa *rangatira*, enjoyed good backing from the Crown.<sup>250</sup> This was because, in making his decision to '*tuku*' the *maunga*, Horonuku was faced with a major problem to do with the *mana* of his line. If he opposed the Crown, while others supported it, his *mana* in the eyes of the Crown would diminish.<sup>251</sup> Therefore, he moved to promote rather than oppose because, according to Anderson, 'he was a man of prestige, but also because he had been persuaded to throw his weight behind government goals.'<sup>252</sup> What Horonuku did through the land court and the act of '*tuku*' was in fact an act of support, and in turn, the Crown affirmed the *mana* of Te Heuheu. What he did was subject us as individual *hapu* to the whims of the Crown and 'sign a pact with the devil' in that the *mana* of Te Heuheu is ultimately tied to Crown support.

### 3.9 Turn of the Century

After the 'gifting' of the *maunga* to create an unwanted park, Maori in general were in dire straits. A lot of the problems stemmed from Maori lack of resistance to European diseases. As rates of European migration increased, epidemics of influenza, measles and whooping cough were common. The fertility rate of Maori women dropped dramatically due to general ill health, and from the effects of syphilis, gonorrhoea and tuberculosis. The national Maori

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<sup>247</sup> Robyn Anderson, "Tongariro National Park," 76.

<sup>248</sup> *Ibid*, 77.

<sup>249</sup> *Ibid*; David Young, *Woven by Water*, (Wellington: Huia Publishers, 1998), 140-141.

<sup>250</sup> Robyn Anderson, "Tongariro National Park," 79.

<sup>251</sup> *Ibid*, 78.

<sup>252</sup> *Ibid*.

population dropped from 56,049 in 1857–1858 to 43,113 in 1896.<sup>253</sup> Communities, particularly the war-ravaged areas, suffered greatly from poor nutrition and grossly substandard accommodation. This was generally a period where *Pakeha* believed Maori to be heading for extinction and there was a liberal sentiment to 'smooth the pillow of the dying race.'<sup>254</sup> Legal scholar, Ani Mikaere, describes the period from 1900–1970 as the 'survival period' in other words the period where Maori struggled for their existence on the cultural, political and social stage.<sup>255</sup>

Tuwharetoa were no different. The Armed Constabulary exacerbated the situation in Taupo. Following the end of the battles with Te Kooti, there was very little food. The Crown's action towards Te Kooti amounted to an unjustified invasion of Taupo that exploited the brief presence of Te Kooti to establish military supremacy over the area; thereby reducing Maori autonomy by force.<sup>256</sup> Archaeologist Perry Fletcher commented that, at the time of Reverend Chapman's arrival to establish a mission at Otuparae (which later became more commonly known as Hiruharama), 'they were so hungry they were giving *pounamu* away for food.'<sup>257</sup> The Armed Constabulary, who amused themselves by robbing local Maori, setting fire to their *kainga* and digging up *urupa* in order to find *pounamu* and other *taonga* did not help this.<sup>258</sup> Towards the turn of the century, the food situation changed little. What little work there was for Maori and Tuwharetoa was very marginal and usually involved some form of credit arrangement so that employers could gain land.<sup>259</sup> This period is described as the era in which, 'our cultural fabric was under enormous pressure and in a desperate situation.'<sup>260</sup>

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<sup>253</sup> King, "The Penguin History of New Zealand," 224

<sup>254</sup> *Ibid.*

<sup>255</sup> Ani Mikaere, "Maori Self-Determination in Aotearoa New Zealand," (Working Paper 5/2000, University of Waikato, 2000), 12-13.

<sup>256</sup> Wall, *et al.*, "Ngati Tutemohuta," 81; Waitangi Tribunal, He Maunga Rongo, Wellington, Part 2, 2007, 108-110. Final Draft.

<sup>257</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009).

<sup>258</sup> Wall, *et al.*, "Ngati Tutemohuta," 82.

<sup>259</sup> *Ibid.*, 153-157.

<sup>260</sup> TMTB, *TMTB Annual Report 2008* (Turangi: TMTB, 2008), 3.

### 3.10 Native Schools for Maori

The Native School System was a colonial tool that contributed to the impact on us as Tuwharetoa. It was the state's goal in these times to 'civilise the natives' by encouraging us to abandon our traditional cultural values, customs, and language in favour of the '*Pakeha way*'.<sup>261</sup> Schooling was seen by officialdom as the easiest way of promoting assimilation and the colonial agenda.<sup>262</sup> Tuwharetoa *Kaumatu*, former principal, and Native School attendee Heramana Johns from Ngati Tutemohuta, in her brief of evidence to the Waitangi Tribunal in 2005 commented that, 'the most devastating Crown action on Maori was the prohibited use of the Maori language within the school system.'<sup>263</sup>

In Tuwharetoa there was a range of measures used by school staff to discourage the use of Te Reo. They ranged in severity from:

- i. Openly chastising students by saying things like students, 'would never gain employment if they could not speak English or learn the basics of arithmetic'.
- ii. Sent to stand in the 'dunce corner'.
- iii. Corporal punishment.
- iv. Expulsion.<sup>264</sup>

All these forms of punishment aimed in varying ways to dehumanise Maori and place Maori culture into 'crisis mode'. Such measures by the Crown have contributed to what this author terms the 'lost generations'—generations that do not know *tikanga* or Te Reo because of Crown policies that prevented or humiliated the previous generations into not teaching it. What is amazing

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<sup>261</sup> Judith Simon and Linda Tuhiwai Smith, eds. *A Civilising Mission?: Perceptions and Representations of the New Zealand Native Schools System* (Auckland: Auckland University Press, 2001), 7-8.

<sup>262</sup> *Ibid.*, 7.

<sup>263</sup> Heramana Meremere Johns, Brief of Evidence, Waitangi Tribunal, CNI Inquiry, Undated.

<sup>264</sup> *Ibid.*

about this system is that it was intergenerational and was generally pushed for by our own, to learn the ways of *Pakeha*.<sup>265</sup>

### 3.11 New Wave in Governance

That desperate situation extended to Tuwharetoa's traditional governance system. *Rangatira* who were traditionally dependent on resources to exercise *rangatiratanga*, which was largely sourced from land, were in limbo. This is because the Crown's insistence on opening up Maori land led to stark poverty and higher reliance on traditional *mahinga kai* areas. However, these traditional areas had been purchased, sold or used to settle individuals' debt.<sup>266</sup> *Rangatira* were reduced to doing more administrative duties and not occupying more traditional roles like their forefathers.<sup>267</sup> This is how successful the Crown's attempts to illegally occupy Tuwharetoa and subjugate their *rangatira* were.

The only *whanau rangatira* to remain in control was the Te Heuheu *whanau*. However, due to the arrival of the Crown into the area, the control which once was exercised by *rangatira* like Mananui (who held absolute power), disappeared. The Crown subjected *rangatira* to what could be considered ultimate humiliation. Then, through assimilating agendas like Native schools, deprived Tuwharetoa of their *tikanga*. Every *rangatira* who held the title 'Te Heuheu' was more or less reduced to a Crown pawn. The only form of *rangatiratanga* that the position carries today is 'moral sway'.<sup>268</sup> This is just another form of severe cultural collapse that happened after the advent of Grey, the collapse of Tuwharetoa's traditional governance.

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<sup>265</sup> Ibid.

<sup>266</sup> Waitangi Tribunal, He Maunga Pongo, Wellington, 2007, Part 5, 70; Wall, *et al.*, "Ngati Tutemohuta," 142-162.

<sup>267</sup> Wall, *et al.*, "Ngati Tutemohuta," 144.

<sup>268</sup> Hemopereki Hoani Simon, Research Journals, Vol. 4, 2009, 14.

### 3.12 The Hand of the Crown and its Board

To replace the traditional governance system, the Crown instigated an agenda rooted in colonial thinking. The *whakapapa* for such ideas stems from Governor Grey and his pacification policies for the rebels. Grey's generally good relationship with leaders like Iwikau and Potatau in his first appointment led to his reappointment for a second term. In his second term his main priority changed to the maintenance of *pax Britannica* and the securing of land for the influx of British settlers.<sup>269</sup> These were the underlying reasons for his pacification policies. One of those policies grew out of his time in South Africa where he looked at the establishment of chiefly councils. This proved valuable to him as he understood the Maori preference to come together and debate issues of relevance to *hapu* and *iwi*.<sup>270</sup>

Using his knowledge of Maoridom and along with the Premier William Fox, the Attorney-General Henry Sewell and Francis Dart Fenton, Grey constructed a new governance system of local and regional *Runanga*. His previous investigations in South Africa aided in this. They were to be run in areas where the Maori population was dominant. They were subservient to *Pakeha* district commissioners and were only given general, mundane administrative tasks.<sup>271</sup> At a local level they were to deal with things like fencing, stock trespass, lack of sobriety, common nuisance and most importantly, title to land.<sup>272</sup> Effectively, what Grey had created was a system that drew in *rangatira* so that they were of the belief that they were in control, when in reality they were subservient to the Crown.

Grey's colonial style thinking arrived in Tuwharetoa in 1923. Prior to this, Tuwharetoa was earning income from tourism, as tourists came to fish the

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<sup>269</sup> Cox, "Kotahitanga," 80.

<sup>270</sup> *Ibid.*

<sup>271</sup> *Ibid.*, 81.

<sup>272</sup> G.V. Butterworth and H. R. Young, *End of an Era: The Departments of Maori Affairs 1840-1989* (Wellington: Manatu Maori/Te Tira Ahu Iwi, 1989), 35.

lake and rivers. According to Tuwharetoa *kaumatua* there were no issues and no real threat to the fishery.<sup>273</sup> They also contend that when the Crown came to talk it was not about the lake, but about establishing a licensing regime for the fishery. We believed that under this new system we could continue the operation of fishing camps that we had established to take advantage of the tourists. We as Tuwharetoa were not ready to engage in discussions about taking the lake and access rights.<sup>274</sup> This is highlighted by Te-Hokowhitu-a-Rakeipoho Taiaroa's testimony to the Waitangi Tribunal that:

The Crown's original objective of securing access to the trout fishery for anglers ended up with the passage of the Maori Land Amendment and Maori Land Claim Adjustment Act 1926, in which a chain right of way was created around the lake. More significantly from the Tuwharetoa point of view, the bed of the lake and the bed of the Waikato River extending as far as the Huka Falls, was wrongful declared to be property of the Crown.<sup>275</sup>

However, this was extended to include 13 major tributaries that flow into the lake on the 7 October 1926.<sup>276</sup>

This Act of the Crown, together with its request for public access to the lake during 1923–1925, led to the establishment, by Act of Parliament, of the Tuwharetoa Maori Trust Board (TMTB) with Hoani Te Heuheu as its chairperson.<sup>277</sup> It provided Tuwharetoa with an annual sum of £3,000 pounds. Under the original Act the board's sole function was, 'to administer all funds held by it for the general benefit of the Tuwharetoa tribe or their

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<sup>273</sup> CFRT, "Te Taumarumarutanga o Ngati Tuwharetoa," 397.

<sup>274</sup> *Ibid.*

<sup>275</sup> Te-Hokowhitu-a-Rakeipoho Taiaroa, Brief of Evidence, Waitangi Tribunal, 26 April 2005, 2.

<sup>276</sup> *Ibid.*

<sup>277</sup> George Te Waaka Asher, Brief of Evidence, 29 April 2005, 11.

descendants.<sup>278</sup> Over time the TMTB was given free reign in that it was given by the Crown the ability to extend 'its functions to other fields.'<sup>279</sup> George Asher believes that on some level there was coercion by the Crown.<sup>280</sup> This is because *rangatira* were by now fully aware of the power of parliament to create legislation whether agreed to by *iwi* or not. It is likely that, faced with this eventuality, Hoani Te Heuheu and others must have agreed to the compromise in which there was some benefit for the *iwi*.<sup>281</sup> Therefore, in the origins of this organisation is a form of basic self-determination. Their actions are not surprising given the economic and health climate of Maori at the time.

Today the TMTB is mainly governed by the Maori Trust Boards Act 1955. As a part of that legislation the Crown provides an annuity of \$1,500,000 dollars.<sup>282</sup> However, as per Grey's *runanga* ideas, under section 24 of the Act the Crown controls the actions and functions of the Board. Ultimately, the Board itself is answerable to the Minister of Maori Affairs. Before this, Tuwharetoa were politically, socially and economically independent and in control of their own destiny. Essentially, what the Crown did was make Tuwharetoa totally dependent through many cases of purposeful coercion. Thus the TMTB is a form of very limited control where the Crown arguably retains control of *iwi* affairs.

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<sup>278</sup> TMTB, *Tuwharetoa Maori Trust Board: Golden Jubilee 1926-1976* (Turangi: TMTB, 1976), 14.

<sup>279</sup> *Ibid.*, 18.

<sup>280</sup> George Te Waaka Asher, Brief of Evidence, 29 April 2005.

<sup>281</sup> *Ibid.*, 15-16.

<sup>282</sup> *Maori Trust Boards Act 1955*, s.10 (2).

### 3.13 Conclusions

It was important when the colonials signed agreements with indigenous peoples that the word 'treaty' was used. This is because *iwi* were a distinct, independent, sovereign nation in their own right where *rangatira* held the judicial and legislative functions of government. This is supported by the statement of Mananui Te Heuheu to Jerningham Wakefield, asked to climb Tongariro.

Although three *rangatira* from Tuwharetoa were present at Waitangi none could, or had the right to sign for Tuwharetoa and its *hapu*. As a result of not signing *Te Tiriti*, Tuwharetoa remains a sovereign nation. However, despite the validity of this, the Crown, in many differing ways, set out to usurp that sovereignty.

This came first with the establishment of a mission by Rev. Grace at Pukawa. Grace acted as a conduit between Iwikau and the Crown. This resulted in the visit by Governor Grey to Tuwharetoa. It is interesting that Grey's intention was to demonstrate to Tuwharetoa that European systems of law were better at regulating the relations between Maori and *Pakeha*. As relations with Maori worsened, his attitude towards establishing a *Pakeha* dominated governance system with little room for the idea of pluralism grew.

The Land Wars had a significant impact on Tuwharetoa. Despite the fact that they split the *iwi* into two factions the battles that took place led to issues faced by the *iwi* like starvation and rapid land loss. The Crown's militarisation of Tuwharetoa in preparation for the arrival of Te Kooti counts as an unjustified invasion of Northern Tuwharetoa.

The participation of certain *rangatira* in the fighting against the Crown is the beginning of the major turning point for the control of sovereignty in

Tuwharetoa. The actions of Horonuku Te Heuheu to first support Tawhiao and then Te Kooti led him to be a prime target for suppression. Held by the Crown in Heretaunga, he agreed to the establishment of a *rahui whenua mo nga iwi o Tongariro*, which was misinterpreted as a *rahui paka*. However, despite being held captive it must be acknowledged that Horonuku was not a passive bystander. His actions to have his *mana* affirmed in the eyes of the Crown have forced Tuwharetoa into a system where the *mana* of individual *hapu* was ignored in favour of the 'iwi.' What is at the epicentre of this debate is a critical constitutional question of what role did Te Heuheu have in terms of decision making within the structure of the 'iwi.'

In the case of the *maunga* he had no decision making power whatsoever. Therefore, it is easy to conclude that other *rangatira*, who were in a position to make that decision, were excluded. This loss of resources included the complete breakdown of traditional governance systems. The Crown-driven governance structure placed the Crown in the dominant position. What this does highlight is that there was a dynamic leadership and governance structure in place that, due to Crown influence, disappeared. The influence placed on Tuwharetoa's governance structures by the Crown calls into question the validity of Te Heuheu in the iwi's current governance system.

The arrival of Grey's ideas of the *runanga*, it was given free-range to expand into any area they saw fit, with no consultation. Lastly, it cemented the position of Te Heuheu permanently in the governance of the *iwi* above other traditional leaders.

Lastly, the present cultural situation has been significantly altered by the introduction of native schools. The agenda of the Crown was that Native schools were an avenue to facilitate assimilation of Tuwharetoa and Maori. This led to further cultural division and is displaying signs that the worst impact

is yet to come in terms of leadership. This move by the Crown is described by Heremana Johns as 'the most devastating Crown action.'<sup>283</sup>

The next chapter will explore the theories that are relevant to this thesis. It will take an in depth analysis of cultural memory theory and heritage. It will also examine the relationships between history and heritage plus heritage and sustainable development. Following that, a discussion on the interplay between neoliberalism and heritage will transpire. Finally, a short review on constructivism will take place in the context of how it contributes to KMR.

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<sup>283</sup> Heremana Meremere Johns, Brief of Evidence, Waitangi Tribunal, CNI Inquiry, Undated.

# Chapter 4: Theory

## 4.1 Introduction

The purpose of this chapter is to examine the factors that underpin the planning decisions of local and central government agencies that have responsibility for heritage planning. The chapter will explore theories that constitute the idea of heritage and identity commonly referred to as 'collective memory'. Following this, there will be a survey of the theory about sustainable development and its relationship with heritage. This will highlight the need to discuss the concept of well-being and Durie's understandings of what constitutes Maori well-being. Finally, a theoretical discussion as to where *Kaupapa* Maori sits as a form of social science research will take place.

## 4.2 Cultural Theory and Cultural Memory

Writers comment that, 'the exponential growth in heritage comes from the search by individuals for identity and community—recognition [of] that culture.'<sup>284</sup> The concept of 'collective memory' is highly relevant to this thesis. An open-ended definition of collective memory is, 'the representation of the past and the making of it into a shared cultural knowledge by successive generations in "vehicles of memory".'<sup>285</sup> This area of the social sciences challenges previously accepted theories about the formation of a group's collective memory, these were based on connotations of race commonly referred to as 'racial memory'.<sup>286</sup> Theorists argue that the survival of type, in a cultural sense, is the function of cultural memory; which in turn informs the

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<sup>284</sup> Maria Cotter, William Boyd, and Jane Garidiner, eds. *Heritage Landscapes: Understanding Place and Communities* (Lismore, NSW: Southern Cross University Press, 2001); V G Kirby, "Landscape, Heritage, and Identity: Stories from the West Coast" in *Heritage Management in New Zealand and Australia*, eds. Michael Hall and Simon McArthur, (Melbourne: Oxford University Press, 1997), 120; also refer to Brian Graham and Peter Howard, eds. *The Ashgate Research Companion to Heritage and Identity* (Hampshire: Ashgate Publishing, 2008).

<sup>285</sup> Alon Confino, "Collective Memory and Cultural History: Problems of Method," *American Historical Review*, 102, no. 5 (1997): 1386-1387.

<sup>286</sup> Ernest Gombrich, *Aby Warburg: An Intellectual Biography* (London: The Warburg Institute, 1970), 323.

collective identity of a group.<sup>287</sup> This is because collective memory is formed in a social environment.<sup>288</sup>

It is widely accepted that memory is central to the construction of collective identities, for example, those adopted by religious, ethnic or national groups.<sup>289</sup> For the purposes of theory, material objects or places can play a critical role in reinforcing and perpetuating collective identities, and therefore heritage, in the form of 'objectivised culture...texts, images, rites, buildings, monuments, cities, or even landscapes'. These act as the 'concretion of identity' for particular groups.<sup>290</sup> Therefore, heritage has become of central importance to particular ethnic peoples as a way of asserting collective uniqueness. However, such identities are not immutable, since memory and assumed identity exist in a reciprocal relationship.<sup>291</sup>

Identities and memories are highly selective, inscriptive rather descriptive, serving particular interests and ideological positions. Just as memory and identity support one another, they also sustain one another, certain ideological positions, social boundaries and power.<sup>292</sup>

## 4.4 Heritage and Sustainable Development

There are two theoretical concepts that must be explored in terms of heritage studies that are relevant to this thesis. They are: the new role of sustainable development and its relationship with cultural heritage conservation and the relationship of sustainable development and well-being. Sustainable development is defined by the Brundtland Commission as, 'development that

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<sup>287</sup> Erik Erikson, "Ontogeny of Ritualization," PUB. INFO London (1965):21; Irenaus Eibl-Eibesfeldt, *Krieg und Frieden aus der Sicht der Verhaltensforschung* (Munich: Piper, 1984); as cited in Jan Assman, "Collective Memory and Cultural Identity," *New German Critique* 65, no.1 (1995) 125-126, <http://www.jstor.org/stable/488538>

<sup>288</sup> Maurice Halbwachs, *On Collective Memory* (Chicago, IL: University of Chicago Press, 1992), 37.

<sup>289</sup> Refer to Ed Cairns and Michael Roe, eds. *The Role of Memory in Ethnic Conflict*. (New York: Palgrave MacMillan, 2003), 3-8; Anna Green, *Cultural History: Theory and History* (London: Palgrave Macmillan, 2008), 106.

<sup>290</sup> Assman, "Collective Memory and Cultural Identity," 130-132.

<sup>291</sup> Anna Green "Cultural History," 107.

<sup>292</sup> John Gillis, ed., *Commemorations: The Politics of National Identity* (Princeton, NJ, 1994), 4.

meets the needs of the present without compromising the ability of future generations to meet their own needs.'<sup>293</sup> In terms of heritage conservation/protection if properly protected:

Will we be able to realise that our heritage is part of us and what we do now will become part of our future and that of our future generations, and then we would endeavour to advocate for sustainable development.<sup>294</sup>

Robert Pickard observes that:

Sustainable development implies the implementation of prudent management policy on the cultural and natural heritage in order to hand it down to future generations with all its beauty, authenticity, and diversity. Very strict protection measures could never have a significant impact. The ideal of sustainable development must inspire a more creative attitude, capable of handing down to future generations a heritage enriched by future work.<sup>295</sup>

This is supported by Betty Ho:

...If we agree to the importance of heritage conservation in the development of a sustainable future, then heritage conservation is a public purpose and worth the effort. Whether it is a historical heritage, building, an archaeological site, cultural artifacts or a traditional village setting, what is

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<sup>293</sup> Cited in Roberto Lopez, ed., *Progress in Sustainable Development Research* (New York, NY: Nova Science Publishers, 2008), vii.

<sup>294</sup> Betty Ho, "Achieving Heritage Conservation in Sustainable Development – Transfer of Development Rights as a Sustainable Solution" Public Address, The Conservancy Association, Hong Kong, May 10, 2000.

<sup>295</sup> Robert Pickard, *European Cultural Heritage: A Review of Policies and Practice* (Strasbourg: Council of Europe Publishing, 2005), 90.

gone will be gone forever. Let us dedicate our effort to protect them before it is too late.<sup>296</sup>

Underpinning these comments is that heritage resources, such as cultural heritage sites and landscapes, cannot regenerate themselves but can only be modified, destroyed or retained. Thus, sustainability in this context is ensuring a continued contribution of heritage to the present through good management of change responsive to the historic and cultural environment.<sup>297</sup>

Low comments that, 'most cultural heritage sites are identified solely in terms of their historical rather than contemporary importance to the community.'<sup>298</sup> Anwar Punekar argues that this approach leads to the alienation of local communities from their own heritage.<sup>299</sup> A new approach to heritage conservation is required and is implied by the notion of sustainable development. This now requires new ways and practical applications of law and policies. It implies working towards a better multi-sectoral co-ordination of the various policies influencing heritage, in particular the environment, to recognise the idea of the 'cultural environment'.<sup>300</sup> The cultural environment or cultural landscape is an area with significant spiritual and/or cultural significance to a people and in terms of sustainable development these areas would be protected.<sup>301</sup>

What must be pointed out is that there is an interrelationship between economic progress, environmental management, and individual well-being. All

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<sup>296</sup> Betty Ho, "Achieving Heritage Conservation in Sustainable Development" May 10, 2000.

<sup>297</sup> Jeanne Teutonico and Frank Matero, eds., *Managing Change: Sustainable Approaches to the Conservation of the Built World 2003*, Proceedings of the 4<sup>th</sup> Annual US/ICOMOS International Symposium, Philadelphia, PA, April 2001. Los Angeles: The Getty Conservation Institute. as cited in Anwar Punekar, "Value-led Heritage and Sustainable Development: the Case of Bijapur, India" in *Designing Sustainable Cities in a Developing World*, eds. Roger Zetter and Georgia Watson, (Hampshire: Ashgate Publishing, 2006), 60.

<sup>298</sup> S.M. Low, "Social Science Methods in Landscape Architecture", *Landscape Planning*, 8, 1987, 137-148

<sup>299</sup> Anwar Punekar, "Value-led Heritage and Sustainable Development," 103.

<sup>300</sup> Pickard, "European Cultural Heritage," 90.

<sup>301</sup> For the example of the Tongariro National Park as a protected Cultural Landscape/ Environment refer to: Mechthild Rössler, "World Heritage – Linking Cultural and Biological Diversity," in *Art and Cultural Heritage: Law, Policy, and Practice*, ed. Barbara Hoffman (New York: Cambridge University Press, 2006), 201.

these affect the quality of sustainability of a society in which people live.<sup>302</sup> This quality is usually referred to as well-being. An indigenous perspective from Hawai'i states that we, as indigenous peoples, had 'traditional understanding between ancestors, immediate family, and future generations, which is a central concept in revitalising, sustaining, and fostering well-being.'<sup>303</sup> This is further enhanced by caring for the land/earth and reaffirming ones relationship with ancestral lands and genealogy.<sup>304</sup> In terms of Maoridom, this is supported by the ideals surrounding *kaitiakitanga* and by Mason Durie who states that when quantifying well-being there, 'are Maori specific measures [which] are attuned to Maori realities and worldviews.'<sup>305</sup>

## 4.5 Neoliberalism and Heritage

In conflict with these forms of well-being and cultural heritage protection is a major theory which is the centre of thought for the modern globalised economy, called neo-liberalism. According to a neo-liberal perspective:

Human well-being can best be advanced by liberating individual economic freedoms and skills within an institutional framework characterised by strong private property rights, free market, and free trade. The role of the state is to create and preserve an institutional framework appropriate for such practises. Further, if markets do not exist (like in land, water, and education) then they must be created, by state action if necessary. But beyond these the state should not venture.<sup>306</sup>

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<sup>302</sup> Faud Abdulla, Mohammed Abu-Dieyeh, and Esam Qnais, "Human Activities and Ecosystem Health," in *Environmental Management, Sustainable Development and Human Health*, eds. E. Labou-Nieves, F. Schaffner, M. Goosen, (London: Taylor & Francis, 2009), 341.

<sup>303</sup> Luciano Minerbi, Daviana Pomaika'i Mc Gregor, Jon Kei Matsuoka, "Using Geographic Information Systems for Cultural Impact Assesment," in *The International Handbook of Social Impact Assesment: Conceptual and Methodological Advances*, eds. Henk Becker and Frank Vanclay, (Cheltenham: Edward Elger Publishing, 2003), 122.

<sup>304</sup> Ibid.

<sup>305</sup> Mason Durie, "Measuring *Maori* Wellbeing" The Treasury Guest Lecture Series 1 August 2006.

<sup>306</sup> David Harvey, *A Brief History of Neo-Liberalism* (New York: OUP, 2005), 2.

Neo-liberals argue that the state should not do so because it cannot possibly possess enough information to estimate the market signal or prices. They add that interest groups will distort and prejudice state interventions for their own gain.<sup>307</sup>

## 4.6 Constructivism

Constructivism is a theoretical perspective underpinning this thesis. Constructivism purports that 'knowledge is not confined to the world of science but is also to be found in the everyday world where social actors creatively construct their world using cognitive structures. In this view, the social world is socially constructed.'<sup>308</sup> Delanty argues that social construction '...is seen as meaningful construction and not as an objective reality.'<sup>309</sup> As such, constructivism 'entails a degree of 'reflexivity''<sup>310</sup> in that the subject is the operating agent of construction and thus becomes subjectively aware of themselves.<sup>311</sup> If this is the case, then constructivism as a theoretical base implies that for research to be valid it must come from the subject's reality. Therefore, the research is constructed by them, and the social reality that is present in the findings must represent their reality and, as such, be accepted as valid. From the researcher's perspective, the individual symbols form an ideal and are natural representations of their community.<sup>312</sup>

## 4.7 Conclusion

Collective and cultural memories are crucial for the continuation of a culture, as these memories tend to be vehicles on which a culture is built. Memories

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<sup>307</sup> Ibid.

<sup>308</sup> Gerard Delanty, *Social Science Philosophical and Methodological Foundations* (Berkshire, UK: Open University Press, 2005), 139.

<sup>309</sup> Ibid, 40.

<sup>310</sup> Ibid, 137.

<sup>311</sup> Ernst von Glasersfeld, *Radical Constructivism: A Way of Knowing and Learning* (London: Routledge, 2002), 128.

<sup>312</sup> Linda Tuhiwai Smith, *Decolonising Methodology* (London and Dunedin: Zed Books and University of Otago Press, 1999), 2.

are also used to construct a 'useable past' and in doing so they sustain the worldviews and ideologies of that culture, as suggested in Assman's Cultural Memory theory.

Cultural heritage is considered to contribute toward sustainable development and identity. Theorists such as Betty Ho, S.M. Low and Rob Pickard comment that there is a need for present generations to safeguard heritage for the future. However, a notable finding is that strict regulation will never have significant impact. We as a society must be more creative in how we pass heritage down to future generations. We must change our attitudes to acknowledge that heritage, in terms of sustainable development, must be a public good, and thus worth the effort of protection or enhancement.

Heritage as an agent has the ability to contribute to the well-being of a community or people. Indigenous peoples and their philosophies, such as *kaitiakitanga*, can only contribute to that well-being. However, philosophies like market-based neoliberalism threaten immovable heritage, as the freedom of the market decides what is worth protecting based on the wants of developers, for example, not what the needs of the community or group are.

The following chapter will outline the underpinnings of the methodology being *Kaupapa* Maori and the chosen method, *whakawhanaungatanga*. It explores my *whakapapa* and my connectedness to Ngati Rauhoto and other *whakapapa* groups that hold an interest in the research. It will describe the ethical framework for this thesis. It will argue that an objective way of academic writing cannot be used.

# Chapter 5: Methodology

## 5. 1 Introduction

This chapter describes the methodology used in this research project. The thesis contrasts an agenda of planning in the wider context of indigenous development. With the effects of colonisation a methodology is required that reinforces the rights of indigenous people to develop on their own terms. In line with other KMR projects, this methodology aims to facilitate an analysis of the planning processes surrounding a development known as Parawera on Otuparae Headland, Lake Taupo.

This chapter outlines theoretical and methodological application of *whakawhanaungatanga*. The second section will examine what *whakawhanaungatanga* is as a research methodology. In particular, it focuses on whakapapa and cultural aspirations placed upon the researcher in terms of *tika* and *pono*. From the *tikanga* of *tika* the aim of the researcher is to further the *iwi's* and *hapu's* development. Data collection methods of the study align with qualitative research. This will be interwoven with the practical aspects of how this research was undertaken. This will be done while trying to adhere to an aspirational ethic of *tika* and *pono*.

## 5.2 The Underlying *Tikanga*—*Tika*, *Pono*, and Maori Research Ethics

*Tika* is the concept from *tikanga* where everything one must do must be done correctly, justly and fairly.<sup>313</sup> Webber states that *tika* is the research practice where, '...[the] emphasis is placed on making the research procedures culturally relevant.'<sup>314</sup> In contrast, *pono* is described by Hirini Moko Mead as the concept of

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<sup>313</sup> Joan Metge, *New Growth from Old: the Whanau in the Modern World* (Wellington: VUP, 1995), 28.

<sup>314</sup> Melinda Webber, *Walking the Space Between: Identity and Maori/Pakeha* (Wellington: NZCER Press, 2008), 118.

being true and genuine in terms of the culturally constructed worldview.<sup>315</sup> This research attempts to adhere to these values as an aspirational goal. In practice, this thesis is a product of that attempt which is bound to normal academic convention. Therefore, this methodology section is written with these concepts in mind.

### 5.3 Kaupapa Maori Research

There are many definitions of KMR and the theory that underpins it. For example, Webber describes it as the desire for the research to be by Maori, for Maori, using Maori cultural perspectives and providing a strategy for the empowerment and the self-determination of the participants involved.<sup>316</sup> The philosophy of *Kaupapa* Maori is considered in its most basic form to be the philosophy and practice of being Maori.<sup>317</sup> Thus, the position of the language, culture, knowledge and values are accepted in their own right.<sup>318</sup> Graham Smith expands this further by stating that *Kaupapa* Maori as a philosophy is four-fold in that it is:

- i. Related to 'being Maori'.
- ii. Connected to Maori philosophy and principles.
- iii. Something that takes for granted the validity and legitimacy of Maori, the importance of Maori language and culture.
- iv. Concerned with the struggles for the autonomy over our own cultural well-being.<sup>319</sup>

*Kaupapa* Maori as a research philosophy is a form of resistance to the imposition of colonisation and western ideologies usually reinforced by science

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<sup>315</sup> Hirini Moko Mead, *Tikanga Maori: Living by Maori Values* (Wellington: Huia Publishers, 2003), 25.

<sup>316</sup> *Ibid.*, 115.

<sup>317</sup> Anaru Eketone, "Theoretical Underpinnings of *Kaupapa* Māori Directed Practice," *Mai Review* 1, no.1. (2008): 2, <http://www.review.mai.ac.nz/index.php/MR/article/viewArticle/98/106>.

<sup>318</sup> Russel Bishop, *Collaborative Research Stories: Whakawhanaungatanga* (Palmerston North: Dunmore Press, 1996), 12. Also refer to Linda Tuhiwai Smith, "Te Raapunga i te Ao Maarama: The Search for the World of Light," in *The Issue of Research and Maori* (Auckland: Research Unit for *Maori* Education, University of Auckland, 1992).

<sup>319</sup> Ngahua Te Awekotuku, "Understanding Theory: Frameworks to Fit Your Project." (Lecture, University of Waikato, Hamilton, April 2, 2009).

and the law. In a letter to Apirana Ngata, Te Rangihiroa Buck states, '*...kua mutu te wa mo Te Peehi ma...kua riro ma taua, ma te Maori, taua korero...*'<sup>320</sup>

Te Awekotuku contends that the statement by Buck reflects the philosophy of KMR.<sup>321</sup> However, in a more modern context Rangimarie Mahuika states:

We live in a time, when many people who traditionally have occupied the role of the 'researched' are in increasing numbers becoming 'researchers'. As their minority voices are beginning to be heard they speak of various similar experiences of marginalisation, cultural inferiority, and immobilising oppression.<sup>322</sup>

Te Awekotuku reinforces this by affirming that KMR is a form of research that moves, 'to avoid the cultural imperialism of past research and researchers, [that] research itself should be responsive to expressed Maori needs; needs expressed from within the community and not needs perceived by those outside it.'<sup>323</sup>

Hence, KMR seeks to realign power and authority between dominant western science and alternative knowledge such as *matauranga*. This is because the culture, language and sense of being are scrutinised and validated through the use of 'sound' social science methods in the research process. The ideology of social science stems from positivism, which is rooted in western science.<sup>324</sup> Positivism, like science only validates facts and the laws they create. This is

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<sup>320</sup> Ta Te Rangihiroa Buck letter to Ta Apirana Ngata, February 1931. (as cited in Ngahuia Te Awekotuku, "Understanding Theory: Frameworks to Fit Your Project." (lecture, University of Waikato, Hamilton, April 2, 2009) Ngahuia Te Awekotuku translates this as being, "The time for [Elsdon] Best and co is over, we as *Maori* must take responsibility for researching our world ourselves...It is up to us to straighten up what has been written by *Pakeha* pioneers." (Ngahuia Te Awekotuku, "Understanding Theory: Frameworks to Fit Your Project." (Lecture, University of Waikato, Hamilton, April 2, 2009)).

<sup>321</sup> Ibid.

<sup>322</sup> Rangimarie Mahuika, "Kaupapa Maori Theory is Critical and Anti-Colonial," *Mai Review* 1, no.3. (2008): 1, <http://www.review.mai.ac.nz/index.php/MR/article/view/153/180>.

<sup>323</sup> Ngahuia Te Awekotuku, "He *Tikanga* Whakaaro: Research Ethics in the *Maori* Community" (research report prepared for Ministry of *Maori* Affairs, Wellington, 1991), 14.

<sup>324</sup> Roy Porter, et al. eds. *The Cambridge History of Science*, vol. 7 *The Modern Social Sciences* (New York: Cambridge University Press, 2003), 315.

referred to by Martias as “the laws of phenomena”<sup>325</sup> Therefore, KMR fosters research that meets the needs of Maori where there is potential for a shift in the power held within research from the researcher to the researched. This all takes place with an aspirational goal of tika and pono.

Therefore, the ultimate goal of KMR must be the empowerment of Maori, for research to 'assert our cultural beliefs and practices, our way of knowing and being and our right to both live and maintain them.'<sup>326</sup> Arohia Durie describes this as '*mana*' in that research should make a positive contribution to Maori needs, aims and aspirations.<sup>327</sup>

## 5.4 *Whakawhanaungatanga*—A Maori Centred Research Method

Mead (Smith) considers that a key principle of *Kaupapa* Maori is *whanau*.<sup>328</sup> *Whanau* provide the support structure for KMR to develop. This philosophy is very important, as *Kaupapa* Maori brings with it a number of obligations and responsibilities to the *whanau*.<sup>329</sup>

Bishop states that *whakawhanaungatanga* is the process of establishing relationships, by the means of literally identifying, through *tikanga* and other culturally appropriate ways, the researchers bodily [and spiritual] linkages, engagements, connectedness and therefore commitment to other people.<sup>330</sup> In this case I do so through the use of *whakapapa*. Under the research method of *whakawhanaungatanga*<sup>331</sup> there are three elements present:

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<sup>325</sup> Julian Martias, “History of Philosophy,” (Madrid: Dover Publications, 1966), 350.

<sup>326</sup> Mahuika, “*Kaupapa* Maori Theory is Critical and Anti-Colonial,” 1.

<sup>327</sup> Arohia Durie, “Me Tipu Ake Te Pono: *Maori* Research, Ethicality, and Development” (paper presented at Te Oru Rangahau: *Maori* Research and Development Conference, Palmerston North, Aotearoa New Zealand, 7-9 July 1998).

<sup>328</sup> Linda Tuhiwai Te Rina Mead (Smith), “Nga Aho o Te Kakahu Matauranga: The Multiple Layers of Struggle by *Maori* in Education,” (PhD. Thesis, University of Auckland, Auckland, 1996), 219.

<sup>329</sup> Kiri Powick, “*Maori* Research Ethics: A Literature Review of the Ethical Issues and Implications of *Kaupapa* *Maori* Research for Researchers, Supervisors, and Ethics Committees” (research report prepared for Wilf Malcolm Institute for Educational Research, University of Waikato, Hamilton, 2002), 16.

<sup>330</sup> Russell Bishop, “*Kaupapa* *Maori* Research: An Indigenous Approach to Creating Knowledge,” in *Maori and Psychology: research and practice*, ed. Neville Robertson, (Hamilton: MPRU, University of Waikato, 1999), 215–216.

<sup>331</sup> Refer to Powick, “*Maori* Reserch Ethics,” 17-20 for discussion on how *whakawhanaungatanga* is a research method.

- i. Establishing whanau relationships.
- ii. Participant-driven approaches to power and control.
- iii. Research involvement as a lived experience.<sup>332</sup>

These elements will now be explored in the context of this study.

## **5.5 Nga Hononga—Establishing My *Whanau* Relationships**

### **5.5.1 *Whakawhanaungatanga***

Bishop states that establishing and maintaining *whanau* relationships, either literally or in a metaphoric sense, within the discursive practice that is *Kaupapa* Maori, is an integral and on-going constitutive element of the KMR process.<sup>333</sup> Kiri Powick provides four categories that can be identified as constituting a whanau:

- i. A group of people descended from a common *tupuna*.
- ii. A term used for a set of siblings exclusive of the parents.
- iii. An extended family group consisting of parents, *kaumatua*, their children, and their *mokopuna*.
- iv. A 'kin cluster' or a group who regularly cooperate for common ends and accept a variety of kin or quasi-kin limits as the basis for recruitment.<sup>334</sup>

For the purposes of this research project all of the above categories are relevant.

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<sup>332</sup> Powick, "Maori Research Ethics," 17-18.

<sup>333</sup> Ibid.

<sup>334</sup> Powick, "Maori Research Ethics," 18.

As Mead explains, *whakapapa* is a way by which researchers may look at themselves, about Maori issues, or the people they are researching.<sup>335</sup> As such there is a need to explain the *whakapapa* of the group that this research centres on being Ngati Rauhoto, also known as Ngati Rauhoto-Matua, a *hapu* of Ngati Tuwharetoa from North-West Taupo. The common *tupuna* for Ngati Rauhoto-Matua is Rauhoto II, who was the wife of Tuwharetoa-a-Turiroa of Ngati Kurapoto.<sup>336</sup> Other common *tupuna* that are of relevance to this group include Tuwharetoa-i-te-Aupouri,<sup>337</sup> the *tupuna* from which Ngati Tuwharetoa derives the name for our *iwi*. Tuamatua, also known as Atuatua, is another as he is a common *tupuna* for a number of *iwi* including Ngati Tuwharetoa, Te Arawa and the *iwi* from Tainui *waka*. His son Kurapoto is also of relevance as he is the *tupuna* from whom the *iwi* Ngati Kurapoto gains their name and rights to the Taupo area. Tia, another son of Tuamatua, is relevant as one of the *tupuna* from Te Arawa *waka* and a major *tupuna* of Ngati Tuwharetoa who settled at Titirapunga and contested settlement rights with the Tohunga of Te Arawa *waka*, Ngatoro-i-rangi<sup>338</sup>. Ngatoro-i-rangi is the *tupuna* Tuwharetoa claim *ahi kaa roa* to the Taupo area. Other *iwi* who are of interest to the methodology of this research are Ngati Maru from the Hauraki Gulf area, which my *kuia* comes from. Ngati Whakaeue, a key *iwi* from Te Arawa, is of interest as this where my mother is from. The other *iwi* of interest are those that come from Tainui *waka*, in particular Waikato.

Metge states that within the concept of *whanau* there are a series of rights, responsibilities, commitments and obligations, all of which are referred to by Metge as the *tikanga* of *whanau*.<sup>339</sup> In the case of this thesis, the rights and responsibilities have been given to me are to present the *korero* from the *hapu* in a culturally appropriate way. In addition to this, the researcher has an

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<sup>335</sup> Mead (Smith), "Nga Aho o Te Kakahu Matauranga," 210-213.

<sup>336</sup> There are variations in this *whakapapa*. It is very hard to distinguish between which Rauhoto was the common ancestor who married Tuwharetoa-a-Turiroa. For the purposes of this thesis this is the more commonly cited version.

<sup>337</sup> Tuwharetoa-i-te-Aupouri's birth name was Mania Refer to Matara Wall, Lennie Johns, and Bruce Stirling, *Ngati Tutemohuta* (Taupo: Pakira, 2009).

<sup>338</sup> It is common to see the name Ngatoro-i-rangi shortened to Ngatoro particularly in waiata.

<sup>339</sup> Joan Metge, "Address" (An Address to the Whakamua ki 1990 Conference, Wellington, New Zealand, 1989).

obligation to contribute to the future development of all the *iwi* involved. This will be explained below.

### 5.5.2 Hapu with *Mana Whenua*

*Mana whenua* was established first to the general area of Otuparae known as Rangatira by Ngati Kurapoto. This is correct, since they were residents of the area before the mass migration of Tuwharetoa from Kawerau to the Taupo area.<sup>340</sup> Rauhoto<sup>341</sup> was married to a *rangatira* from Ngati Kurapoto called Tuwharetoa-a-Turiroa.<sup>342</sup> Rauhoto was made famous by her legendary swim from Whakamoenga Point to Wharewaka across Taupo-nui-a-Tia.<sup>343</sup> This was to save her son Te Urunga,<sup>344</sup> the main *tupuna* for the *hapu* Ngati Te Urunga, from being killed by Te Whitipatoto<sup>345</sup> from Ngati Raukawa at the request of Tutetawha,<sup>346</sup> the son of Te Rangiita<sup>347</sup> and Waitapu, as *utu* for the death of Waitapu's father Te Atainutai.<sup>348</sup> In order for them to escape Tuwharetoa-a-Turiroa sacrificed himself by offering his *patu*, Paroparhoumea. Previous to Ngati Raukawa chasing the couple to the lake edge they raided Omaunu Pa at the base of the Otuparae Headland.<sup>349</sup>

### 5.5.3 Other *Iwi* with Interests

According to Geoff Rameka the *whakapapa* to the *rangatira* area where Otuparae lies is very intertwined with Waikato *whakapapa*.<sup>350</sup> In addition to this, the prominent *kuia* from Waikato, Hiraina, married into Ngati Ruingarangi.<sup>351</sup> Waikato and Ngati Maru have an interest in the area around Hiruharama

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<sup>340</sup> Refer to Appendix 5.

<sup>341</sup> Ibid.

<sup>342</sup> Ibid.

<sup>343</sup> Adapted traditional name for Lake Taupo.

<sup>344</sup> Refer to Mataru Wall, *et al.*, *Ngati Tutemohuta* (Taupo: Pakira, 2009).

<sup>345</sup> Refer to Appendix 5.

<sup>346</sup> Refer to Grace, "Tuwharetoa," 84. For the Ngati Raukawa *whakapapa* of Tutetawha

<sup>347</sup> Refer to Appendix 5.

<sup>348</sup> A *rangatira* and *tohunga* from Ngati Raukawa.

<sup>349</sup> Grace, "Tuwharetoa," 175.

<sup>350</sup> Geoff Rameka, "Interview," 30<sup>th</sup> August 2009. Due to the unpublished nature of Tuwharetoa history oral history has been used to supplement this chapter. This is relevant as *Maori* society literature pre-contact was oral.

<sup>351</sup> Refer to Appendix 5.

Ponui as one of the last battles in Ngati Tuwharetoa history took place at Omaunu Pa, with the *rangatira* Piohipi Tukairangi from Tuwharetoa and Ngati Kurapoto.<sup>352</sup> This *pakanga* was significant in Tuwharetoa history as it cemented Mananui Te Heuheu's position as a '*toa rangatira*.' Since my *kuia* is from the Parata *whanau* from Manaia.<sup>353</sup> I have an obligation to my other *iwi* to represent their interests in their cultural heritage in the area of Otuparae to the best of my ability. Their interest in the area arises from the notions of warfare and the spilling of blood, which is *tapu*.<sup>354</sup>

#### 5.5.4 Location of '*Whangai*' in This Research—Ngati Whakaue

Since the time of Whakauekaipaipa<sup>355</sup> my *whakapapa* on this line is littered with people who are *whangai*, which has continued in my immediate *whanau* as recently as 2006. *Whangai* is the traditional practice of sharing and caring for children among *whanau* to strengthen those links and to ensure that the child is provided for physically, socially and spiritually.

In the context of this thesis it is relevant as my mother, Rongoheikume.<sup>356</sup> She is a *whangai* to the Tuwharetoa *hapu* of Ngati Rauhoto, Ngati Te Urunga and Ngati Ruingarangi. She was taken from her mother Ngahuiatapu<sup>357</sup> from Ngati Whakaue and placed in the care of Ngahuiatapu's first cousin<sup>358</sup> from Ngati Whakaue, Te Honopurere (Monika),<sup>359</sup> who married into the Habib/Pitiroi *whanau* from Nukuhau and Oruanui<sup>360</sup> in Ngati Tuwharetoa. My mother was

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<sup>352</sup> Refer to Grace, "Tuwharetoa," 247.

<sup>353</sup> lat 36°51'5.60"S, long 175°28'24.74"E

<sup>354</sup> For information on the nature of *tapu* in regards to the spilling of blood during warfare refer to Poia Rewi, "Ko te waihanga me nga wehewehenga o te whaikorero: The structural system of whaikorero and its components." *The Journal for Thematic Dialogue* (2004), under "Ko te waihanga me nga wehewehenga o te whaikorero: The structural system of whaikorero and its components." <http://eprintstetumu.otago.ac.nz/13>. For information on *tikanga* regarding the development of *Maori* land where warfare took place refer to Angela Gregory, "Maori fear tapu on land marked for prison," *The New Zealand Herald* September 16, 1999.

<sup>355</sup> Refer to Appendix 5.

<sup>356</sup> Refer to Appendix 5.

<sup>357</sup> Ibid.

<sup>358</sup> First Cousin is used loosely to describe this relationship as Te Honopurere was also *whangai* to Atiraira, Ngahuiatapu's sister – effectively they were brought up as sisters.

<sup>359</sup> Refer to Appendix 5.

<sup>360</sup> Refer to Appendix 5.

given a very Te Arawa name from Ngati Tarawhai so that she might never forget her Te Arawa links.

The principles of *tika* and *pono* mean there is an inherited obligation placed upon my immediate *whanau*, including me, to be humbled and appreciative of the *aroha* and *manaakitanga* that these Tuwharetoa *hapu* have bestowed upon my mother. Even though she married back into Tuwharetoa,<sup>361</sup> we have a cultural obligation to '*whakautu*' that *aroha*. In terms of myself, this is being done through this research, where I am using my skills to effect change and bring about our *rangatiratanga*.

*Whakapapa* is described by Mead as the most fundamental aspect of the way Maori think about and come to know their world. This can be demonstrated by the first *whakapapa* displayed in Appendix 1,<sup>362</sup> which states that the common tupuna of Te Arawa and Tainui, in this case the *tohunga*, Ngatoro-i-rangi and the *kaihautu*, Hoturoa, descend from the heavens directly from Ranginui. According to Mead:

*Whakapapa* contributes to Kaupapa Maori Research as it is imbedded in Maori knowledge and ways of thinking patterns. It is through *whakapapa* that Maori relate themselves to significant things in their world... *whakapapa* provides Maori with a sense of location within *whanau*, *iwi*, and *hapu*.<sup>363</sup>

Powick agrees that '[It]...allows the researcher to have an in-depth understanding of Maori society, which contributes to the aims and objectives of *Kaupapa* Maori Research projects.'<sup>364</sup>

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<sup>361</sup> Refer to Appendix 5.

<sup>362</sup> Refer to Appendix 5.

<sup>363</sup> Linda Tuhiwai Te Rina Mead (Smith), "Nga Aho o Te Kakahu Matauranga," 210.

<sup>364</sup> Powick, "*Maori* Research Ethics," 14.

Therefore, to demonstrate my *whakapapa* in relation to this research shows how I relate as a member of the Ngati Tuwharetoa *hapu* of Ngati Rauhoto, Ngati Kurapoto, Te Urunga and Ngati Ruingarangi. In doing so it illustrates how they fit into these *iwi* structures and how I relate myself to the *wahi tapu* and significant sites that were involved with the planning processes at Otoparae. This is deliberate. Therefore, for the purposes of this thesis, I have defined what or who the *whanau* of interest is and how the I I relate to that group by whakapapa.

A ‘*whanau* of interest’ in KMR is defined as those with a vested interest in the outcome of the research with which their *rangatiratanga* is intertwined.<sup>365</sup> In addition, the researcher has attempted to make transparent his positioning and epistemological orientation, which can be summed up by the fact that my *whakapapa* determines who a person is and how they view the world. In this case he cannot provide a point of view that belongs to Taranaki *iwi*, for example, but only of those mentioned in the *whakapapa* presented and in particular Ngati Rauhoto,<sup>366</sup> for they are him, just as he is them. The ethics and relevance of this statement lie in a question posed by the *kuia* Hera Hemi from Te Tau Ihu who asks: ‘If you don’t know where you come from, how can you know where you are going?’<sup>367</sup>

### **5.5.5 Participant-Driven Approaches to Power and Control**

According to Powick, KMR is grounded in the notions of participant-driven approaches.<sup>368</sup> This is because *Kaupapa* Maori methodological approaches, like *whakawhanaungatanga*, endeavour to ensure that the imposition of the viewpoints and biases of the researcher are limited in the work. Participant-driven approaches to power and control allow indigenous groups the right to

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<sup>365</sup> Powick, “*Maori Research Ethics*,” 18

<sup>366</sup> The author notes that permission was sought to do so.

<sup>367</sup> Hera Hemi, *A Journey Through Time*, (Sunnybank, Qld: Hera Hemi Self Publishing), 1.

<sup>368</sup> Powick, “*Maori Research Ethics*,” 19.

ensure that how they are represented is consistent with their worldview and *tikanga*.

To facilitate the participant-driven aspect of this research project Ngati Rauhoto *kaumatua*, leaders and *hapu* members were afforded open access to the information generated by the research, within ethical limitations. This was done by taking chapters of written work to hapu members during the duration of this research for comment, usually after each chapter was completed. The response was generally positive and one mistake corrected in the data analysis chapter about the unearthing koiwi during the construction of the road in the area.

Other methods used were having open discussions with kaumatua and others about the issues raised in the research, providing information either verbally or in writing to any request for information about what was being written, using Facebook to communicate ideas that were being written about and responding to hapu and iwi members comments. This allowed *hapu* members to examine for inconsistencies against Ngati Rauhoto *tikanga* and shift the balance of power in the research process to favour the *hapu*. This attempts to ensure that the portrayal of the information was correct and in the context it was offered to the researcher.

In addition to this a *wananga* was held at the end of the first draft of the thesis in January 2010 to allow for Ngati Rauhoto members to discuss the draft product before submission. It was attended by 29 hapu members and was held at Nukuhau Marae. This *wananga* validated the research and provided an open forum to share and critique what had been recorded of the hapu's collective experience. The *wananga* moved to approve the research and its results for dissemination via this thesis. Ngati Rauhoto *Kaumatua* were also

asked to advise with cultural matters,<sup>369</sup> as they are/were versed in the *tikanga* of Tuwharetoa and Ngati Rauhoto. They were used throughout all stages of this thesis project. This is considered consistent with *tika* and *pono* as it establishes relationships between researcher and participants that are vital to *Kaupapa* Maori approaches.<sup>370</sup> Finally these methods move to legitimate indigenous epistemology

### 5.5.6 Researcher Involvement as Lived Experience

According to Powick, to undertake a project involving *whakawhanaungatanga* as a research methodology, a researcher should demonstrate the following characteristics. The researcher should:

- i. Have a high degree of cultural consciousness and understanding.
- ii. Be able understand how to participate fully within a Maori cultural context.
- iii. Know what is *tika* and *pono* within a culturally constructed environment.
- iv. Contribute in a culturally conscious manner to the *whanau* of interest.
- v. Have an understanding of Te Reo in order to be able to understand and interact in a Maori-speaking environment<sup>371</sup>

Members of Ngati Rauhoto will confirm that the researcher has these *pumanawa*.

Since KMR is participant-driven, the researcher becomes a part of the *whanau* of interest. It is not just about being concerned with methodology, but is also

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<sup>369</sup> The kaumatua involved in this portion of the research were mainly Matiu Pitiroi, Rose Stebbing, and Sonny Garmonsway. However, others including Doreen Ngawhika, Mataara Wall, Rose Spain, Moira Bramley were used at various times. Use of these kaumatua was discussed at the wananga.

<sup>370</sup> Powick, "Maori Research Ethics," 19.

<sup>371</sup> Powick, "Maori Research Ethics," 20.

about being involved physically, ethically, morally and spiritually as a member of the *whanau* of interest. In this case, Ngati Rauhoto and the wider *iwi* of Ngati Tuwharetoa, because of *whakapapa*, are my own. Therefore, I have an increased interest in providing outcomes to facilitate our attainment of the *hapu's tino rangatiratanga*. This is because the attainment of the elusive goal of *tino rangatiratanga* for Ngati Rauhoto, Tuwharetoa and the other *iwi* of interest is important to the researcher. This position offers the *hapu* and *iwi* the opportunity to own their voices, to create a situation where the *hapu* are in control of their cultural development without any external imposition.

Underpinning all this is a challenge to the western academy to accept indigenous knowledge and epistemologies as they are. Eketone considers these challenges to be 'normal' as KMR and other indigenous based models for research move to allow indigenous peoples to construct their cultural reality and have it accepted.<sup>372</sup> These actions examine the flaws of early thought about social science, particularly positivism, and the notions of objectivity, which have been under attack since the emergence of postmodernism,<sup>373</sup> and the increasing number of indigenous academics.

The emerging challenge here is that indigenous researchers need to provide for the voice of those being studied and making sure the research is relevant. This is because they are the ones being studied.<sup>374</sup> As such, there are issues that need to be dealt with around the area of representation of their voice. In this case researchers cannot at all times write from an objective standpoint. This notion of *whakawhanaungatanaga* as a methodology is where the researcher is part of the *whanau* of interest and the process of creating the research is a real, lived experience.

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<sup>372</sup> Eketone, "Theoretical underpinnings of *Kaupapa* Māori directed practice," 4-5.

<sup>373</sup> Denzin, 1992; Rorty, 1979; Rosenau, 1992 as cited in Carolyn Ellis, "Evocative Autoethnography: Writing Emotionally About Our Lives," in *Representation and the Text: Reframing the Narrative Voice*, eds. William Teirney and Yvonna Lincoln, (Albany, NY: SUNY Press, 1997), 115.

<sup>374</sup> Te Awekotuku, "He *Tikanga* Whakaaro: Research Ethics in the *Maori* Community," p14.

When Russell Bishop developed the idea of *whakawhanaungatanga*, as an academic concept, it was with groups he did not *whakapapa* to.<sup>375</sup> As such, Bishop's ideas are not formed with the practical application of undertaking research as an insider or as a tool for your own people. In working with my own I as the researcher and the subject being the *hapu* there is a connection to the hapu through *whakapapa*, which the researcher has provided. In undertaking this research exercise those bonds are strengthened. In this context the researcher has been granted *matauranga* that they are and should be grateful, privileged, and humbled to receive. This information in some areas is *tapu* and traditionally this type of knowledge was restricted to those who had been prepared to receive and expand it.<sup>376</sup>

## 5.6 Collecting the Data

Qualitative methods were used to collect data about what took place within the planning processes with the Otuparae headland. Qualitative approaches were adopted because the aim of the research is to understand in-depth the social processes which are taking place; in this case, the land-use planning process. Linda Waimarie Nikora, using the model below, explains that the objective of qualitative research is to take a small section of all the possible information and to know it in a way that has depth. In contrast, quantitative methods deal with large amounts of information, usually by statistical analysis, and the depth of that information is considered shallow.<sup>377</sup>

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<sup>375</sup> Refer to Rusell Bishop, *Whakawhanaungatanga: Collaborative Research Stories* (Palmerston North: The Dunmore Press, 1996), 7.

<sup>376</sup> Ibid, p8.

<sup>377</sup> Linda Wamarie Nikora, *Kaupapa Maori* Research Discussion Panel: University of Waikato, Hamilton, 7 May 2009.

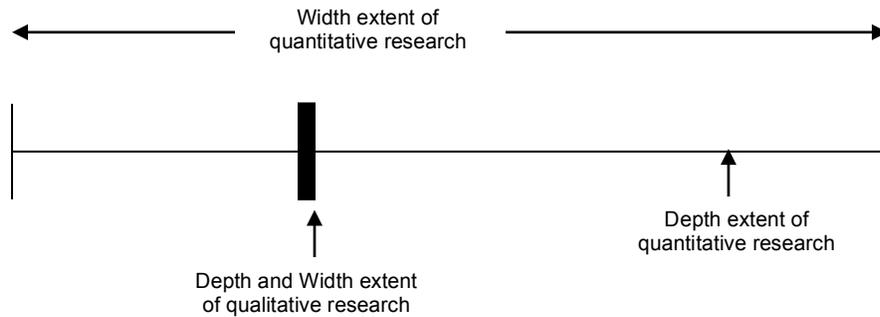


Figure 2: *Kaupapa Maori Research Discussion Panel Model for Social Science Research*<sup>378</sup>

Nikora also comments that data collection in KMR projects is an 'anything goes', flexible exercise. She says that, 'I don't care how the info arrives to me in a text message, email, having me sit there all night, or on a YouTube video, everything is a valuable method of data collection.'<sup>379</sup>

The research involves six main methods: critical ethnography, key actor interviews, participant observation, analysis of field notes from research journals, document analysis, video analysis and wananga as a 'CRFG'. Each of these will be discussed in the context of how these data collection methods contribute to understanding the planning processes that took place and the subsequent issues and their usefulness in providing for the goals.

However, although not used, there were many interviews and information sessions held with *kaumatua* at which I sought to clarify issues. Throughout the research process, informal discussions took place with *hapu*, *iwi* and community members.

<sup>378</sup> Ibid.

<sup>379</sup> Ibid.

### 5.6.1 Participant Observation

DeWalt and DeWalt state that, 'Participant observation is a method in which the researcher takes part in the daily activities, rituals, and events of a group of people as one of the means of learning the explicit and tactic aspects of their life routines.'<sup>380</sup> During this study I was based at Taupo, the site of this research. As previously mentioned I was raised in and am a member of Tuwharetoa and Ngati Rauhoto. The perspectives and worldview of the iwi and hapu are very well known to me, as I grew up among these people. The interesting aspect was that I could already predict the reactions of certain people and groups about what I was doing due to this 'insider knowledge'.

For the researcher this was more than a research exercise; it was the opportunity to reconnect with my *iwi* and *hapu*. This was done by the fact that the researcher was home and able to attend *wananga*, *hui*, *tangihanga*, 21<sup>st</sup> birthday celebrations: events that are significant to the social and cultural fabric of Tuwharetoa. It gave the researcher the chance to observe my *iwi* in action. This was an interesting exercise as the more the researcher undertook research the more information and ideas flowed between the researcher, and *iwi* and *hapu* members. However, this highlighted a significant ethical issue. It was the fact that even though the researcher was an insider, the researcher was undertaking an outsider activity with his own people as the subject. To combat the potential cultural threats to the success of the project before this became an issue, the researcher constructed a group of *kaumatua* with links to Ngati Rauhoto and the Tauhara *hapu* of Tuwharetoa for the purpose of providing advice and guidance out in the field. This proved to be a very successful method for curtailing any perceived ethical problems that arose from being an insider undertaking an outsider activity.

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<sup>380</sup> Kathleen DeWalt and Billie DeWalt, *Participant Observation: A Guide for Fieldworkers* (Walnut Creek, CA: AltaMira Press, 2002), 1.

For the purposes of data collection of the experience detailed fieldnotes were kept in 'research journals.'

### 5.6.2 Critical Ethnography

Ethnography is described as, 'the art and science of describing a group or culture.'<sup>381</sup> In this case it will be the science of describing the Tuwharetoa *hapu* of Ngati Rauhoto and the aforementioned groups that have an affiliation to Otuparae. Fetterman states that an ethnographer, before asking a question in the field, begins with a problem, a theory or model, specific data collection techniques for analysis, appropriate tools and a specific writing style.<sup>382</sup> In the case of Otuparae the problem was that destruction of heritage sites had taken place. In addition to this, it was believed that the system created to protect the heritage values of Maori was flawed. This drove me to construct methods for data collection that would gain the required data to prove this. On a list suggested by Fetterman, the researcher chose participant observation in the field, key actor interviewing, as well as unobtrusive methods such as video analysis of documentaries, writing research journals and document analysis.

The primary tools required were a laptop computer, an external hard drive, a filing cabinet, a car, petrol, internet access, a *marae*, housing within Tuwharetoa's boundaries, general stationary like pens and paper, a photocopier and a mobile phone. These facilitated the gathering of data within the required time.

For this project the type of ethnography that took place was in line with what is described as critical ethnography. The methodology for this type of ethnography calls for methods to rely on reflexivity in that it must recognise the interplay between the researcher and the participant, between data and theory

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<sup>381</sup> David Fetterman, "Ethnography." *The Sage Encyclopedia of Qualitative Research Methods*. 2008. Sage, accessed 1 March, 2010, [www.sage-reference.com/research/Article\\_n150.html](http://www.sage-reference.com/research/Article_n150.html).

<sup>382</sup> Ibid.

and between research and action.<sup>383</sup> The relationship between participants being Ngati Rauhoto was outlined earlier in the chapter and the other points raised by Cook will be explored further into the thesis.

Cook also comments that:

Critical ethnography shares the methods of traditional ethnography, such as seeking the emic perspective gained by intensive fieldwork, but it adds an explicit political focus. This focus places critical ethnography in a unique position to examine power-laden social and cultural processes within particular social sites. More specifically, critical ethnography can be defined as a research method through which social, cultural, political, and economic issues can be interpreted and represented to illustrate the process of oppression and engage people in addressing them.<sup>384</sup>

In this case, this method allows the researcher to explore the areas of heritage studies and planning where conflict for the control of resource use occurred. The conflict as demonstrated arose from the colonial era, where Maori, including Tuwharetoa, were left marginalised and disenfranchised from the decision-making processes. The result of this was decision-making processes that allowed heritage destruction and land-use planning decisions like Otuparae. The researcher needs to demonstrate to the *hapu* that research can be a tool for emancipation, for this construct this thesis must move away from traditional ethnography and invite everyone from *hapu*, government, to our *koeke* and *mokopuna* to engage and plan for the future development of

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<sup>383</sup> Kay Cook, "Critical Ethnography" *The Sage Encyclopedia of Qualitative Research Methods*. 2008. Sage, accessed 1 March, 2010, [www.sage-reference.com/research/Article\\_n81.html](http://www.sage-reference.com/research/Article_n81.html).

<sup>384</sup> Ibid.

Tuwharetoa. This will be explored in the final chapter; the key methods mentioned above will now be explored.

### 5.6.3 Analysis of Field Notes in Research Journals

Research journals are a very rewarding data collection method that provide a researcher with highly valuable, rich data about a social group being studied. It enables a researcher to consistently document the social world around them. Rebecca Campbell comments that, 'I saw this as research...what field notes [or research journals] did is provide researchers with a constructive [way] for documenting activities and reflecting on my experiences.'<sup>385</sup> For indigenous groups, research journals or field notes enable the researcher to record events, conversations and surroundings that, in future, can be used to further the goals of *tangata whenua* in their development. Smith-Sullivan comments that, 'Journals [for research purposes] are one of the most effective tools to mine the rich personal experiences and emotions of participants' inner lives.'<sup>386</sup> However, in my experience, as that of Rebecca Campbell, these journals were not from the perspective of the usual ethnographic field construct of research-participant. This was a scenario where the researcher was also a participant. Therefore, these journals are written from the researcher's personal perspectives. Ellis and Bochner say that this form of auto-ethnography promotes using first-person and introspective journal keeping as a tool for capturing researchers' lived experiences.<sup>387</sup> Etherington also adds that researchers can use detailed journals to record and reflect their own behaviours, attitudes, feelings and thought processes to provide a multilayered facet to their study.<sup>388</sup>

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<sup>385</sup> Rebecca Campbell, *Emotionally Involved: Researching the Impact of Rape*. (London: Routledge, 2002), 159.

<sup>386</sup> Kendall Smith-Sullivan, "Diaries and Journals." *The Sage Encyclopedia of Qualitative Research Methods*. 2008. Sage, accessed 1 March, 2010, [www.sage-ereference.com/research/Article\\_n110.html](http://www.sage-ereference.com/research/Article_n110.html).

<sup>387</sup> Caroline Ellis and Art Bochner. "Autoethnography, Personal Narrative, Reflexivity: Researcher as Subject." in *Handbook of Qualitative Research* eds. Norman Denzin and Yvonna Lincoln, (Thousand Oaks, CA, Sage, 2000), 733-768.

<sup>388</sup> Kim Etherington, *Becoming a Reflexive Researcher: Using Ourselves in Research* (London: Jessica Kingsley, 2004).

My research journals document my residence in Tuwharetoa in 2009–2010. I collected data that reflects my experiences in the *rohe*. To gain that data, the researcher commented on media articles both current and in the past, interactions with people and what happened at certain events the researcher attended. The researcher also kept items of relevance in the research journals that reflect the research journey from maps to correspondence. The researcher believed that because these are my personal reflections, this form of journal keeping is a non-invasive method. This is because only the researcher has the obligation to write in a journal and not other participants, apart from nieces and nephews who voluntarily provided artworks that were not required. In the case of this thesis research journals are a key part of the approach to critical ethnography. This is because research journals are the practical way to record the interactions as part of critical ethnography and participant-observation. Details of the data gathered in these journals will be used in the data analysis chapter.

To gain information that could be used as data from the journals the researcher coded manually according to themes. This was done by placing potential sources of data into the journals. From there the researcher analysed the source, which produced themes and issues which could be used as data.

As a method in KMR because of standard sociological practice and the need to validate findings this is not a particularly effective method. What is written in the journals is from a first person perspective and is seen to be a personal view of the social environment. With the need in Social Science to remain objective the comment a researcher makes in these journal to a large degree cannot be used. What they serve to be is more of a functional asset to collect other forms of information like newspaper articles.

#### 5.6.4 Key Actor Interviews

Jennifer Mason states that 'qualitative interviewing is generally used to refer to in-depth semi-structured or loosely structured forms of interviewing.'<sup>389</sup> The one form of qualitative interviews that took place are classed as 'unstructured.' This is when relatively few, or in some cases one or more, grand tour questions are asked.<sup>390</sup> Burgess classifies these types of qualitative interviews as 'conversations with purpose.'<sup>391</sup> I believe this is so because it gives the researcher freedom to be flexible in their approach to gain clarification and allows the researcher to learn from the participant about the processes that took place. According to Mason, these types of interviews are usually informal, face-to-face and the style is more of a discussion than a formal question and answer format.<sup>392</sup> The reason for undertaking such interviews is to understand the processes at play in-depth and to fill the gaps that documents cannot explain. Unstructured interviews will be used with two key people in the process. One is an historian/archaeologist with vast knowledge of Tuwharetoa history and *wahi tapu*. The other is a *hapu* member who orchestrated the protests and occupation of the development after the discovery of *koiwi* at the site around 2007.

The framework used to select interviewees was that the author knew them as key participants. The use of key participants as interviewees is described by Fetterman as, 'performers in the theatre of ethnographic research. Key actors can provide detailed historical data, knowledge about contemporary interpersonal relationships, and a wealth of information about the nuances of life.' It must be noted that the nature of the *matauranga*, in this case, is shared or collective *matauranga*. This is due to the destruction of heritage at Otuparae being experienced from a Maori perspective as a shared experience. The memories that resulted were emblazoned in the collective consciousness

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<sup>389</sup> Jennifer Mason, *Qualitative Researching* (London: Sage Publications, 2002) 62.

<sup>390</sup> *Ibid.*

<sup>391</sup> R.G. Burgess, *In the Field: an Introduction to Field Research*, Contemporary Social Research Series, No.8, (London: Allen & Unwin, 1984).

<sup>392</sup> Ellis, "Evocative Autoethnography," 115

resulting in new *matauranga* and collective memories. Therefore, only two interview participants were utilised. The accuracy of the data from the two interviewees was scrutinised by other *hapu* members and *kaumatua* by providing the written material to them. The main form of approval and validation was by made by *hapu* members at the *wananga*. Since interviews were collecting a form of collective knowledge any more interviews would have confirmed the data from the initial two interviewees, so it was felt that the remainder was unnecessary. The appropriateness of this was approved during the *wananga*.<sup>393</sup> Those who were scheduled to be interviewed took part in other ways such as informal discussions with *kaumatua*, *wananga* participants, to providing documents for this study.

Three others were approached to contribute during the course of the research outside of those interviewed and *hapu* members. They were the Strategic Relationships Officer at the Taupo District Council, the National Maori Services Manager for HPT, and Sir Dr. Tumu Te Heuheu. The Strategic Relationships Officer for the TDC refused and cited employment reasons as the reason for non-participation. Contact was made with the Kaihautu-National Maori Services Manager for HPT in February 2009 via email and phone. However, in mid-2009 the Kaihautu-National Maori Services Manager resigned and was not contactable. Despite this, he was still being advertised by the HPT as being in that role until February 2010 on the HPT website. At the end of the November 2009 at the Tuwharetoa *Hapu* Forum, I approached Sir Dr. to provide him with a way to explain some of the conflicts that the data was displaying. He declined to participate. This may have been due to my approach as I told him it was to discuss his conflicts of interest to do with the Otuparae development. If these people had participated in the research, the result may have differed due to the incorporation perspectives from outside of the *hapu*. However, since they declined what resulted was a more in depth *hapu* perspective.

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<sup>393</sup> Refer to Page 97 and Appendix 7.

To facilitate these interviews, a high level of openness was adopted. The interviewees were briefed about the topics that would be covered, the nature of the research and how it was going to be conducted. Upon completion of the data collection, the preliminary results were shared with the interviewees, in an effort to be transparent and consistent with *tikanga*.

The interviews were analysed using manual coding and interpretation.

### **5.6.7 Wananga as a CRFG Focus Group**

A *wananga* is described by Kerr as an indigenous workshop [usually] held on a *marae* to which people ... are invited.<sup>394</sup> *Wananga* can be called for a number of causes. As part of this research process the researcher conducted a *wananga* at Nukuhau Marae in Taupo on 23 January 2010.

The overall aim of this *wananga* was to bring as many *hapu* members that wanted to come to discuss the destruction of heritage at Otuparae. The researcher used a guided method where *wananga* participants were given powerpoint handouts of the thesis that outlined the entire content that was covered in the draft. The researcher read the entire draft to the participants with frequent breaks in between. The whole process took 12 hours and 25 minutes.

The researcher allowed *hapu* members to organize the *wharepuni* this led to the researcher being placed at the front of the room near the back of the *whare*. The participants were allowed to choose where and how they took part in the *wananga*. Some participants sat directly in front of the researcher while others sat to the sides on mattresses.

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<sup>394</sup> Sandy Kerr, "First Person, First Peoples: A Journey Through Boundaries," *American Journal of Evaluation* 27, no. 1 (2006) : 361, <http://aje.sagepub.com/content/27/3/360>.

What took place during the discussions was a process where participants had three ways to contribute to the *korero* – they could agree, disagree or add to the existing *korero*. If they disagreed debate and discussion took place. If they wanted to add to the *korero* they just interrupted the researcher. The role the researcher played in this *wananga* was a facilitator. The researcher allowed hapu members to talk about the issues as they needed and if disrupted or disagreements were present the researcher did not continue until a clear consensus was reached. To test that consensus the researcher would restate for participants what agreement or consensus had been reached, confirm their understanding by asking the questions like: “kei te pai?” or “haere tonu?” The *wananga* was recorded by video camera, which was placed at the back of the room, and participants were made aware that the discussion was to be filmed. This was the main way to capture the data or by notes that the researcher kept in their research journals.

The researcher was provided with funding from Massey University’s School of PEP’s Graduate Research Fund to pay *koha* to the marae and for *kai* to facilitate the *wananga*. The reason for having *wananga* on a marae and being part of research context as a methodology explained by Kerr in her experience of a research *wananga* at a conference on indigenous evaluation she comments that,

The stated goal of the *wananga* was to provide a culturally safe space for engagement of key issues and interaction with others who have a passion or interest in indigenous evaluation. The *Wananga* process will allow you to freely share your ideas and to discuss issues and challenges relating... to indigenous peoples.<sup>395</sup>

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<sup>395</sup> Ibid.

In the context of this thesis the point of using *wananga* is that it creates a culturally safe space for a group of people who affiliate to the *hapu* or Tuwharetoa to come together and discuss issues of importance to them in this case heritage destruction. However, the discussion takes place in a culturally appropriate way.

As the way the data was gathered as a group and in a culturally appropriate manner a *wananga* fits the criteria to be considered a Culturally Responsive Focus Group (CRFG). In social research focus groups have been increasingly used since the 1990s.<sup>396</sup> Focus groups are described as “Groups interviews. A moderator guides the interview while a small group discusses the topics that the interviewer raises. What the group says during their discussions are the essential data of focus groups.”<sup>397</sup>

What makes using *wananga* a culturally responsive is that it meets the criteria that the researcher modified from Rodrigues *et al.* journal article on what a culturally responsive Researcher in that *wananga* are socially conscious, it operates from an asset-based model seeing the participants’ perspectives and stories are opportunities for understanding reality and co-constructing that knowledge, creates comfortable environments that allow authentic sharing of experience, acknowledges the participants’ identity, and is reflexive on the experiences that the group has experienced.<sup>398</sup> Therefore, *wananga* can be considered a kind of natural and culturally appropriate and responsive focus group.

If this is so there are two issues that need addressing validating data through *wananga* and the numbers of participants. At the *wananga* the researcher

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<sup>396</sup> Janet Smithson, “Focus Groups” in *The Sage Handbook of Social Research Methods* (Thousand Oaks, CA, 2008), 357.

<sup>397</sup> David Morgan, *The Focus Group Guidebook* (London: Sage Publications, 1998), 1.

<sup>398</sup> Katrina Rodrigues *et al.*, “Culturally Responsive Focus Groups: Reframing the Research Experience to Focus on Participants,” *International Journal of Qualitative Methods* (2011), <http://ejournals.library.ualberta.ca/index.php/IJQM/index>.

guided the participants through the research that had previously been completed and using that as the topics that could be discussed. This provided the researcher with comments that could be used as data to reinforce or co-create the record of the experience of heritage destruction at Otuparae. At the end of the *wananga* the participants were asked to validate the research and the areas that were highlighted for change during the *wananga* were altered and checked by *hapu* members before submission. This was in some respects an unavoidable aspect of Kaupapa Maori Research where the *hapu* controlled the research.

Smithson suggests that focus groups should be limited up to 12 participant<sup>399</sup> this is because “[i]n larger groups, there is a likelihood that some participants will remain silent or speak very little, while smaller groups (say 4–8 participants) often provide an environment where all participants can play an active part in the discussion.” In this context unlike normal focus groups the participants were all related and knew each other well. This made it easier for participants to be more comfortable and in familiar surroundings. Since the *wananga* was held on a marae any attempt to make small groups would have been impossible, as the researcher could not prevent *hapu* members from coming to the marae. Therefore, the decision was made with *kaumatua* to be open and transparent about it thus the *wananga* was advertised.

*Wananga* are naturally occurring in Maori society and could potentially be a useful method but in terms of social research needs to be framed in a particular way in order to be accepted by academia and their validation processes. The validity of *wananga* and subsequently *matauranga* and *tikanga* that accompany it, in this case, can only be done by framing *wananga* as a form of focus groups. Therefore, conflict arises by using this method in KMR because *matauranga* must be validated through the ideals of general laws.

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<sup>399</sup> Smithson, “Focus Groups,” 359.

That is in order for wananga to qualify as an acceptable method it must meet a criteria and rigour that the western model has faced, in this case focus groups.

### **5.6.5 Video Analysis**

Three documentaries on the subject of indigenous heritage loss were analysed and used in this research. Two of these documentaries focus on the topic of heritage loss at Otuparae: a documentary segment from Native Affairs, a current affairs show on Maori Television entitled 'Parawera' and a documentary made about the reason for the mentioned protest action, entitled 'Otuparae: Taonga Lost.' These videos increase understanding of the planning processes that took place. Such sources offer researchers the chance to understand the social reality and the culture more fully.

For the data that was available in the videos the researcher watched the Native Affairs segment online and the Otuparae: Taonga Lost Documentary on a DVD player at my residence. For both videos the researcher manually coded the information, writing it down and placing it into my research journals. This method was critical for the Native Affairs segment, as it was not known for how long it would be available online. The researcher considers this a good move as Maori Television did remove the video from online viewing access when the researcher went to review it again in July 2009. Although the researcher had a copy of the DVD, this method of coding proved useful for the purposes of the research.

### **5.6.6 Document Analysis**

Important documents such as court minutes, newspaper articles, letters to the editor, Waitangi tribunal reports, Maori Land Court records, archival material from the HPT, National Archives, the National Library and the Taupo District Council, books, maps, pdf files and journal articles have been analysed in

order to establish the actors and their roles within the processes at play in the loss of heritage at Otuparae. This document analysis will contribute to the analysis of the processes that occurred at Otuparae.

## 5.7 Ethics

As a part of the research process, a low risk notification was filed with Massey University. This was approved in July 2009 and covered aspects of human participation in the research. The data for this project are being treated as collective *matauranga*. A *wananga* was held in January 2010. The purpose of the *wananga* was to satisfy the cultural 'ethical' requirements placed upon me to produce analysis that is robust and is in line with the *iwi* and *hapu*'s worldview. This provided an avenue for the *hapu* to have power and control over what is being written about them; the result is that the research meets the ethical requirements of KMR. In addition to this, the final draft was circulated around the *iwi* for comment.

## 5.8 Validation

To validate the data, a *wananga* was held in January 2010 at Nukuhau Marae in Taupo for members of Ngati Rauhoto. This *wananga* was advertised in the Taupo Times on 15 January 2010, 19 January 2010 and 22 January 2010.<sup>400</sup> In addition to this a page was set up on Facebook to advertise among *hapu* members that this was to take place. From this, extra data was recorded and used in the research to strengthen the other methods used.

At the *wananga*, participants were asked to confirm that the data collected was accurate and ethical. This was given after a presentation of the data.

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<sup>400</sup> Refer to Appendix 7 for copies of the *wananga* notifications.

## 5.9 Conclusion

*Tika* and *pono* can be considered the centre of Maori research ethics. This form of research is founded on the notions of KMR, which at its essence is a form of research that is a philosophy and practice of being Maori. It calls for Maori to be assertive and take charge, so they are constituted in the research process. As such, it is considered self-empowering.

*Whakawhanaungatanga* is an appropriate methodology for KMR as it emphasises the importance of the relationship between researcher and the researched. *Whakawhanaungatanga* is about how the researcher establishes their relationships within the research. For the researcher, providing their *whakapapa* firmly places them within the research and exposes the researcher's biases. As a methodology, these biases are what *whakawhanaungatanga* moves to limit, as a major premise of *whakawhanaungatanga* is participant driven approaches to power and control. The researcher has attempted to construct ways in which the *tikanga* of Ngati Rauhoto is consistently taken into account, such as being accountable by holding *wananga* to see if what the researcher had written is consistent with the *hapu's* worldview.

Another factor of *whakawhanaungatanga* is that research is a lived experience. A result of this the researcher has a vested interest in the outcome of this research. A fundamental idea of *whakawhanaungatanga* is that indigenous research allows indigenous groups to construct their own worldview and have it accepted.

As the worldview of Maori is based on the idea of *whakapapa*, in the context of this research an objective way of writing is not viable, as it fails to recognise that *whakapapa*. This is reinforced by the notion that objectivism is losing

credibility. If indigenous research moves to challenge the ways in which research is done, then the way indigenous researchers write is a part of this.

The type of research that is being undertaken is qualitative. It provides a way for the researcher to explore research questions in-depth. In terms of data collection for the project, it is an 'anything goes' affair, which is in line with KMR.

The next chapter will highlight how a non-pluralistic system contributed to what took place at Otuparae by not allowing for the input of the right entity to the planning process. It will highlight how the decisions made in the processes of giving planning approval contributed to heritage destruction at Otuparae. It will finish by providing an idea of current events of relevance after the protesting occurred at Otuparae.

# Chapter 6: Data Analysis

## 6.1 Introduction

This chapter covers data analysis and presents research findings. It starts with information obtained from historical research. Analytical material from interview data collation is then outlined. Key findings from the research are identified such as analytical findings of cultural ignorance,

This chapter will outline the data analysis process of the research. Historical research and interview data collation are firstly covered that was made accessible by the interviews conducted. Secondly, the chapter discusses case study analysis of Otuparae and how the heritage sites were treated during the planning process. Following this will be an examination of the cultural ignorance and the role of *kaumatua* in the planning processes. The issues Ngati Rauhoto have with the overall experience of the planning process will be highlighted. Subsequently, analysis of some planning developments since Otuparae will be provided, followed by some closing remarks for the chapter.

## 6.2 Historical Information

The wider context of site use and historical information in terms of Hiruharama Ponui and the surrounding area of Rangatira is that, 'it is an area which was settled first by Ngati Hotu then by the descendants of Kurapoto. It was one of the first areas in Taupo to be settled and it is an area that speaks volumes in terms of *mana whenua* for northern *hapu*, Ngati Kurapoto, and Tuwharetoa *whanui*.<sup>401</sup>

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<sup>401</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

However, most of the area's history that was talked about during the interviews was from the period around Mananui to the 1970s. In the case of Mananui it was said that, 'in this battle [that took place on the *pa* site at the base of the headland] it was where Mananui got his *mana* through his first test in battle.' The battle took place '...to avenge a violation of what they saw as a [war] party coming and throwing the bones of an *ariki* from Motutaiko [Island away].'<sup>402</sup>

Perry Fletcher comments that in terms of post-treaty history that, 'Pohipi [Tukairangi] was prominent [at Otuparae] about the time of the land wars. He was considered [by government forces] to be one of three friendly chiefs. In the 1850s a church was built by the Reverend Spencer [at the headland]. Spencer gave his intentions to put a mission station up this end of the lake. *Iwi* members from the other [southern] end of the lake said that we don't want any mission station but if there was it was going to be one it was to be at our [southern] end of the lake.'<sup>403</sup> He adds that, 'They threatened to come burn it down. George Grey came from Rotorua and came here [to Otuparae] to talk and try and mediate with the different parties.'<sup>404</sup> Eventually, the mission station was built at Otuparae.

Perry recalls that, '*kuiā* took me through the area in the 1960s and that there were *poupou* then that marked the area and its significance.'<sup>405</sup> He laments that they are long gone and in many cases their children '...have passed on too.'<sup>406</sup> He adds that, 'I originally recorded the headland as a sensitive site officially in 1977.'<sup>407</sup> Just to show the sensitivity of the sites around Otuparae, he pointed out as an example that 'when they took the machinery to make the boat ramp here [next to the Rameka *whenua* at Hiruharama] that a lot of *taonga* were found. [in that case it was] mainly basalt adzes at the time around

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<sup>402</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009).

<sup>403</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009).

<sup>404</sup> *Ibid.*

<sup>405</sup> *Ibid.*

<sup>406</sup> *Ibid.*

<sup>407</sup> *Ibid.*

the seventies. These were handed into the Auckland Museum.'<sup>408</sup> He comments that this is only a brief description of the history that he knows of or is recorded.<sup>409</sup>

### 6.3 The Sensitive Nature of the Area

There were many comments from interviewees and *wananga* participants about the sensitive nature around the Hiruharama Ponui block. Perry Fletcher comments that:

The whole area is sensitive you can't trivialise it. Like this little bit is and this little bit isn't or anything else and we know over the years that every time machine works land [in the area] things are brought up to the surface.<sup>410</sup>

A key example talked about at the *wananga* was when the original road was put in and *koiwi* were brought up to the surface.<sup>411</sup> Geoff Rameka comments, "in the area there are wahi tapu all over the place."<sup>412</sup>

### 6.4 Treatment of the Site

Both Geoff Rameka, a *hapu* member and Perry Fletcher agree that the headland had *wahi tapu* and sites of significance. Perry Fletcher argues that all agents involved in the destruction of sites 'tended to trivialise the significance of this very important site not just for *hapu* but for the region.'<sup>413</sup> Geoff Rameka adds that '*wahi tapu* contribute to the whole community—something of significance, historical and cultural—they are a place of *wairua*

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<sup>408</sup> Ibid.

<sup>409</sup> Ibid.

<sup>410</sup> Ibid.

<sup>411</sup> Thesis *Wananga* (Nukuhau Marae, January 23, 2010).

<sup>412</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>413</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009).

and *mana* that should be left intact.<sup>414</sup> Unfortunately for cultural heritage at Otuparae, the driving factor behind the cultural ignorance was money. The *wananga* agreed with this and also commented that:

Even when we tried to get the site moved to the other side of the road after the digging up of *koiwi* the developer said, 'no' and that there was more profit involved for him if he continued to build on the headland regardless of the *wahi tapu* and heritage.<sup>415</sup>

## 6.5 Decision-Making Processes

### 6.5.1 Tuwharetoa Maori Trust Board

Traditionally, before the TMTB, governance could be described as 'organic.' This is because it was based on a system of *tikanga* that came from us. It was a system that was *hapu*-based and therefore more expressive of our own people. Leadership was also based on the idea of *pumanawa*, the idea that your *whakapapa* gives you a number of skills or leadership traits.<sup>416</sup> Given the large number of *rangatira*, Tuwharetoa had a system where the best person for that position undertook that role. The most distinguishing feature was that everything was done by consensus. This consensus way of governance is best demonstrated in the decision to take the Taupo-nui-a-Tia block to the Native Land Court.

Since the TMTB is, in essence, a Crown organisation, there are many issues that *iwi* members have with the TMTB. The TMTB is a governance system that marginalises *hapu* and places that power in the hands of a few. This system is based on the western ideal of democracy. Prior to Crown interference:

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<sup>414</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>415</sup> Thesis *Wananga* (Nukuhau Marae, January 23, 2010).

<sup>416</sup> Mead, "*Tikanga Maori*" 44.

Tuwharetoa's governance system, leaders went through rigorous training through the *whare wananga* to be in that position. They governed in the terms of *tika* and *pono*.

### 6.5.2 Exclusion from Planning Processes

In modern times this is where bodies responsible for planning in particular local government agencies only want to deal with the Crown-created *iwi* organisation as opposed to the *hapu*. '*Mana whenua* is *hapu* based [but] when you are placed under "*iwi*" you are swallowed up.<sup>417</sup> This is because the Crown has created a system where *hapu* are excluded from the decision-making processes,<sup>418</sup> thus leading to planning outcomes like Otuparae.

This is because, as Matunga suggests, an exclusion agenda is at play where *hapu* are excluded from the planning decisions because planning legislation under the RMA only provides that their views be taken into account and that local authorities are challenged to 'have regard' for Maori views.<sup>419</sup> Tuwharetoa are confronted with the situation Mutu describes, that is, because of the vast amount of beautiful vistas, our land and thus our *wahi tapu* are under threat because *hapu* are not in control.<sup>420</sup> This is highlighted by Perry Fletcher and the overseas developer, IDG of the failed Paenoa Resort site<sup>421</sup> near Otuparae. The archaeologist argues that *koiwi* and *wahi tapu* are more likely to be in areas closer to water as that was where settlement traditionally took place.<sup>422</sup>

However, the developer argues that, 'Lake Taupo, larger than Lake Tahoe, is the largest lake in the Southern Hemisphere, located on the North Island in the North Central plains. Lake Taupo is poised for major tourism resort

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<sup>417</sup> Ibid.

<sup>418</sup> Ibid.

<sup>419</sup> Matunga, "Decolonising Planning," 45.

<sup>420</sup> Margret Mutu, "Barriers to Tangata Whenua Participation in Resource Management," in *Whenua: Managing Our Resources*, ed. Merata Kawharu, 75-78 (Auckland: Reed Publishing, 2002).

<sup>421</sup> Paenoa Resort was a proposed development that was to be created on the Paenoa Te Akau blocks, just north of Acacia Bay. The proposal is now defunct.

<sup>422</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009).

development.<sup>423</sup> There lies a major difference in ideology where one group believes that, as a part of the planning process, you must plan as if you are a part of the resource. In the other camp they believe that the resource can be possessed by the individual. The emphasis is placed on status and that status is dependent on what a person owns and where that person owns it.

Those involved in the planning processes and decisions at Otuparae were *Pakeha* who lacked knowledge of Maori values and planning processes. In addition to this, at a governance level, the decision to modify or destroy heritage sites was made by people who had no concept of Tuwharetoa history. Therefore, the analysis will now move to focus on four major themes that contributed to the outcomes in heritage planning called 'Otuparae'. They are: Tuwharetoa leadership in planning, the role of cultural ignorance in planning, the use of *Kaumautua* in heritage planning processes and *hapu* issues with the Crown agency consultation.<sup>424</sup>

## 6.6 Quality of Leadership

The quality of indigenous leaders in Tuwharetoa has suffered because of what took place in colonial times. This issue of leadership quality was something that was discussed in depth at the wananga and throughout the interviews.

In 2003 Sir Dr. Tumu Te Heuheu was appointed to the Board of the New Zealand HPT<sup>425</sup>. As a part of this appointment he became Chairperson of the Maori Heritage Committee (MHC)<sup>426</sup> It was believed by *wananga* participants that his appointment to these positions was because of his high profile within Tuwharetoa, a profile bestowed on him through an *iwi* leadership role.<sup>427</sup> The

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<sup>423</sup> IDG, "Project Profile" accessed December 4, 2009, <http://idgroupinc.net/projects.html>.

<sup>424</sup> The author acknowledges that there are more issues that *hapu* have issue with in this planning process. However due to word limit placed on this particular project those issues may be discussed in future projects.

<sup>425</sup> Sue Hawkins, "Paramount Chief Gets Top Honour." *Taupo Times*, December 31, 2004, NewzText Plus Database (November 14, 2009).

<sup>426</sup> *Ibid.*

<sup>427</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

basic function of this role is to further the interests of the *hapu* of Ngati Tuwharetoa. However, under section 14 of the Historic Places Trust Act 1993, the MHC, of which Te Heuheu was a part of, is responsible for making the decision as to whether or not historical sites marked for development (like Otuparae) get approval to be destroyed or modified. This is reaffirmed by the organisation's trust board. This is commonly known as an 'archaeological authority'.<sup>428</sup>

Wananga participants were in agreement that from a *hapu* and *iwi* perspective, the first role Te Heuheu should occupy and execute is that which his forefathers have held since Herea.<sup>429</sup> However, his position on the board of the HPT places him in direct conflict with the *hapu* and the *iwi* of Tuwharetoa. This is because, when developments on known culturally sensitive land come to the attention of the HPT board, it is this board that makes the decision based on a decision by the MHC. Te Heuheu was a member of that board on 2 April 2004. This is when the HPT board made the decision to approve the archaeological authority.<sup>430</sup> Therefore, because of Te Heuheu's position on these boards, he is ultimately responsible to some degree for the destruction of *wahi tapu* on Otuparae.

At the time Te Heuheu was also Chairperson of the TMTB. The Board has a legal right to approve development consents that may affect the lake bed of Taupo-nui-a-Tia.<sup>431</sup> Otuparae was highlighted in the resource consents to Environment Waikato<sup>432</sup> as being land that was at high erosion risk.<sup>433</sup> Despite this the TMTB approved the development without consultation with *hapu*. This lack of proper consultation, bad project management and inadequate

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<sup>428</sup> 227. Historic Places Trust Board, "Extract from 227<sup>th</sup> Meeting of the Trust Board," file 2004/94, New Zealand Historic Places Trust; Waaka Vercoe to Rick McGovern, 10 February 2004, 2004/94, Historic Places Trust, Wellington.

<sup>429</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

<sup>430</sup> 227. Historic Places Trust Board, "Extract from 227<sup>th</sup> Meeting of the Trust Board," file 2004/94, New Zealand Historic Places Trust.

<sup>431</sup> Personal Communication, Facebook Message Anonymous to Author 24 November 2009.

<sup>432</sup> As a part of the resource consent process applications to Environment Waikato were lodged and approved for earthworks and to divert an unnamed underground stream.

<sup>433</sup> L151585, Taupo District Council Archive, Taupo.

engineering led to major washouts that affected the lake bed, water quality and heritage sites on or surrounding Otuparae.<sup>434</sup>

Based on the roles already mentioned and the position Te Heuheu has held since 1993 as the Chairperson of the Department of Conservation's Nga Whenua Rahui programme<sup>435</sup> he led the New Zealand bid in 2003 for a place at the UNESCO World Heritage Committee.<sup>436</sup> In 2006, he was appointed Chairperson of that committee.<sup>437</sup> These appointments may further marginalise *hapu*. At the heart of this is the question over the control of resources. UNESCO for example is a key organisation in the UN system. The UN system is founded on the idea that all members must be nation states.

In practice, the nation state is an entity that has constantly subjugated indigenous peoples worldwide. This form of political body cannot provide for groups involved in the struggle for equality.<sup>438</sup> Nation states make indigenous peoples politically weak, economically marginalised and culturally stigmatised members of the wider society in the nations that overtook them, their lands and resources.<sup>439</sup> This scenario is what has become known as the 'Fourth World'<sup>440</sup> Tuwharetoa are in a situation where we are a Fourth World Nation under control of the British Crown through the New Zealand Government. An example of this is the length of time and the problems it took for the New Zealand government to ratify the Declaration of the Rights of Indigenous Peoples.

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<sup>434</sup> Ibid.

<sup>435</sup> Sue Hawkins, "Paramount Chief Gets Top Honour." *Taupo Times*, December 31, 2004, NewzText Plus Database (November 14, 2009).

<sup>436</sup> New Zealand Government, "NZ bid for election to World Heritage Committee," press release, November 28 November, 2001.

<sup>437</sup> The *Maori* Party, "Tuwharetoa's Chief's International Appointment," press release, July 18, 2006.

<sup>438</sup> John Rex, *Ethnic Minorities in the Modern Nation State: Working Papers in the Theory of Multicultural and Political Intergration* (New York: St. Martin's Press, 1996), 121.

<sup>439</sup> Noel Dyck, "Aboriginal Peoples and Nation States: An Introduction to the Analytical Issues," in *Indigenous Peoples and the Nation-State*, ed. Noel Dyck, (St. John's: Institute of Social and Economic Research, 1989), 1.

<sup>440</sup> Refer to George Manuel and M. Poslus, *The Fourth World: An Indian Reality* (Toronto: Collier-MacMillan, 1974); Anthony Hall, *The American Empire and the Fourth World* (Quebec: McGill-Queen's University Press, 2003).

In addition to this there appears to be a lack of true recognition by HPT of the value of cultural landscapes. This is highlighted in the promotional material on its website and the fact that, at the same meeting that the archaeological authority was issued to destroy or modify *wahi tapu* and historic sites on Otuparae, the Napier Prison Wall was marked as a far more important site for protection and was made an archaeological site.<sup>441</sup> Wananga participants noted that it is a very interesting that the five main heritage sites in Taupo under government protection all have to do with the history of colonial invasion they are: Tapuaeharuru Redoubt, the Settlers' Cemetery, Tongariro National Park, Opepe and Te Porere.<sup>442</sup>

## 6.7 Role of Cultural Ignorance in Planning

The research highlights a potential cultural ignorance on the part of planners. One of the driving factors behind this is the 'hired gun' syndrome, where a professional was hired to express the views of the client.<sup>443</sup> That professional advocated for development over and above heritage value. It is clear that this planner had no understanding of adequate consultation planning with *tangata whenua*. The planning consultant, for the developer, advocated that their client had met the requirements for adequate consultation. However, the trustees, at a later date, implied that the requirement to consult was inadequate.<sup>444</sup> This is reinforced by HPT staff who claimed that the minutes from the 18 July 2003 meeting had mistakes.<sup>445</sup> However, despite this it is more likely that the reason for making such claims was based on the need to keep the consultancy running and lack of good information from their client.

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<sup>441</sup> 227. Historic Places Trust Board, "Extract from 227<sup>th</sup> Meeting of the Trust Board," file 2004/94, New Zealand Historic Places Trust.

<sup>442</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

<sup>443</sup> Mike Martin and Roland Schinzinger, *Ethics in Engineering* (New York: McGraw-Hill, 2005), 209.

<sup>444</sup> Andrew Kusabs to Edwin Abury, 8 June 2004, L151585, Taupo District Council Archive, Taupo. (letter).

<sup>445</sup> Te Kenehi Teira to Waaka Vercoe, 9 February 2004, 2004/94, Historic Places Trust, Wellington. (email).

It is clear from analysing the TDC records<sup>446</sup> that there was no real idea as to how to approach this planning process. There was a major over-reliance on *hui* to get a 'Maori or *iwi* perspective'. However, it is noted that the TDC, through their sites of significance project and the work Perry Fletcher, knew the sensitivity of the site.<sup>447</sup> However, from the HPT correspondence it is clear that the council did not take real responsibility in standing up and protecting indigenous and district heritage in this case. This is highlighted by the 'devoid of responsibility' approach they undertook. Heritage was deemed to be the responsibility of the HPT.<sup>448</sup> *Hapu* members believed that the TDC had a lot to gain financially if the development went through.<sup>449</sup> This is supported by their position that Maori land should developed if possible<sup>450</sup> as this would boost rates revenue at the expense of Maori cultural values.

HPT state that its role is to identify, protect, preserve and conserve the historical and cultural heritage of New Zealand.<sup>451</sup> Under the process for Otuparae, as outlined by the HPT, an archaeology report was compiled.<sup>452</sup> Perry Fletcher says that the original work done by him on the site at the beginning of the development was directed by the trustees. He was told by the trustees not to record any historical facts about the area.<sup>453</sup> This work was taken over by archaeologists Don Prince and Ken Phillips and the report produced by Prince and Phillips is devoid of local knowledge.<sup>454</sup> This report was acceptable despite a research strategy that never took into account any form of engagement with *mana whenua* and that if *tikanga* took place it was *tikanga* from a different *iwi*.

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<sup>446</sup> L151585, Taupo District Council Archive, Taupo.

<sup>447</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009.

<sup>448</sup> HPT, 2004/94, Historic Places Trust, Wellington.

<sup>449</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>450</sup> TDC, LTCCP 2006-2009 (Taupo: TDC, 2006).

<sup>451</sup> Dave Robson, James Schuster, Rachel Darmody, "Historical Places and the Authority Process," Presentation, 24 April 2004.

<sup>452</sup> *Ibid.*

<sup>453</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009.

<sup>454</sup> The report is totally reliant on secondary material (Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009.).

One of the key factors in granting an archaeological authority is consultation with *tangata whenua*. According to the HPT, under the HPA they are required to consult 'with an individual or group who is mandated to speak for the *tangata whenua*.'<sup>455</sup> The committee of management for the incorporation assert that this took place on the 19 July 2003 at the Acacia Bay Community Hall.<sup>456</sup> However, no person or group in that meeting was mandated to speak for the *hapu*. HPT were also fully aware that *kaumatua* had grave concerns about the adequacy of consultation in that *hui*.<sup>457</sup> There were mistakes in what was reported in the minutes.<sup>458</sup> It was also mentioned in the HPT records that the *hui* was supposed to take place at Te Rangita Marae.<sup>459</sup> Therefore, it is reasonable to argue that the HPT failed in its obligations under the Act. In its dealing with Otuparae, Hiruharama Ponui Inc. was treated as the *hapu*.<sup>460</sup>

The only organisation or entity that had rights to speak on behalf of Ngati Te Urunga or Ngati Rauhoto was the Rauhoto Land Rights Committee, which was created to deal with resource management issues. Both entities, the Rauhoto Land Rights Committee and the *hapu*, were ignored in this process. Correspondence about the development was sent to Ngati Rauhoto-a-Tia, a *hapu* based at Maroanui, nowhere near Otuparae or Nukuhau. Coincidentally, the committee secretary at the time for Maroanui Marae was also the secretary for Hiruharama Ponui Inc., so the correspondence was going to the same address.<sup>461</sup> The conflict arises as it was the Hiruharama Ponui Inc. trustees who filed the application that said the *hapu* was Rauhoto-a-Tia.<sup>462</sup> HPT just accepted that they were dealing with the right people.

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<sup>455</sup> Dave Robson *et al.*, "Historical Places and the Authority Process." 24 April, 2004. (powerpoint).

<sup>456</sup> *Ibid.*

<sup>457</sup> Te Kenehi Teira to Waaka Vercoe, 9 February 2004, 2004/94, Historic Places Trust, Wellington. (email).

<sup>458</sup> *Ibid.*

<sup>459</sup> HPT, 2004/94, Historic Places Trust, Wellington.

<sup>460</sup> Questions were raised by Te Kenehi Teira over this to Waaka Vercoe. Refer to Te Kenehi Teira to Waaka Vercoe, 10 February 2004, 2004/94, Historic Places Trust, Wellington.

<sup>461</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>462</sup> Refer to 2004/94, Historic Places Trust, Wellington.

Many *wananga* participants were adamant that the trustees, in contrast, were blinded by money. Their attitude toward the sites on Otuparae and elsewhere signifies this. Instead of listening to common sense and reason they set a goal and stuck to it. A major part of the heritage destruction took place because they signed an 80 year lease to the *whenua* and had legal obligations to follow through with it.<sup>463</sup> *Hapu* members believe that the attitude displayed by the trustees was one of 'the parental unit knows best'.<sup>464</sup> The trustees' lack of knowledge of *tikanga* and respect of the heritage sites can be wrapped up in one sentence uttered by a trustee: 'Who will care about this in 400 years.'<sup>465</sup> Ultimately, if *hapu* involvement had taken place in the beginning a better outcome could have eventuated for all parties involved, given that the same thing was happening with a development at Matata with the same people involved.<sup>466</sup>

The Trustees' believed that the leasing arrangement was not a form of alienation and that this type of development for Maori land was 'defining'. There were better models in place in Tuwharetoa, where Maori incorporations built settlements at Waipehi and Hatepe. These would have been models to use and develop from. However, the trustees saw this as the defining development for Maori land.<sup>467</sup> At Hatepe, for example, the development is totally administered by the Incorporation's committee of management. This is where section sites are leased to individuals and there is public access to the community. In the case of the Hatepe, during the development phase of the settlement heritage sites like known historical *urupa* were left alone and the development built to the north of them. The two *pa* sites inside the settlement were either built around or destroyed with the consent of the *hapu*. Those *pa* sites outside of the *kainga* were preserved.<sup>468</sup>

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<sup>463</sup> Refer to Andrew Kusabs to Wiremu Henry and Matiu Pitiroi, 8 June 2004, L151585, Taupo District Council Archive, Taupo.

<sup>464</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>465</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November 2009.

<sup>466</sup> Refer to 2004/94, Historic Places Trust, Wellington.

<sup>467</sup> Refer to L151585, Taupo District Council Archive, Taupo.

<sup>468</sup> "Historic Hatepe" photo, *Whare Tupuna*, Te Rangatahi Marae, Hatepe.

It is clear from the HPT records that the HPT had no grasp of local issues. It over-relied on its previous experiences with the trustees (through personal relationships) to gauge the process of the application.<sup>469</sup> A member of the MHC threatened to resign to save face with his Te Arawa kin after the granting of the application.<sup>470</sup> It is clear from an email written by Waaka Vercoe on 15 December 2003 that conflicts were apparent in his advocating for the good nature of HP Inc. trustee, Alex Wilson.<sup>471</sup> This was only two days after the authority was granted. This would call into question the accessibility of applicants to MHC members.

It is apparent that the HPT was also reliant on advice from TMTB or Te Heuheu to guide it in its endeavours.<sup>472</sup> Neither of these Tuwharetoa entities had right to speak for Ngati Rauhoto. It is *tikanga* that Te Heuheu cannot speak for *hapu* on their behalf unless directed to do so by *hapu*.<sup>473</sup> This is highly apparent from the analysis to do with the 'gifting' of the *maunga*. Secondly, based on the analysis of the first annual report and the discussions that took place surrounding the establishment of the TMTB, it is clear that it does not have a 'mandate from all the *hapu* to speak on matters affecting all of Ngati Tuwharetoa.'<sup>474</sup> It is apparent from the evidence presented that the HPT staff and in particular the members of the Maori Heritage Committee only assumed that this is *tikanga* in Tuwharetoa.<sup>475</sup>

One the most alarming displays of ignorance was that of *hapu* members—those with so much apathy that they did not participate until after the fact, mostly as protesters. It was pointed out by Rameka that 'we as *hapu* needed

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<sup>469</sup> 2004/94, Historic Places Trust, Wellington.

<sup>470</sup> Waka Vercoe to Te Kenehi Teira, 10 March 2004, 2004/94, Historic Places Trust, Wellington. This reaction was because trustees from the committee of management were in contact with the member of the MHC and HPT staff were taking a very extrodinarally long time to process the application.

<sup>471</sup> Waaka Vercoe to Sandra Patton, 15 December 2003, 2004/94, Historic Places Trust, Wellington.

<sup>472</sup> Waaka Vercoe to Rick McGovern, 10 February 2004, 2004/94, Historic Places Trust, Wellington.

<sup>473</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>474</sup> *Ibid.*

<sup>475</sup> HPT, 2004/94, Historic Places Trust, Wellington. Refer to emails written by Waka Vercoe.

to be far more vigilant.<sup>476</sup> It is no excuse that while this was happening only three people showed interest at one *hui*.<sup>477</sup> It is no wonder that our seldom seen *whanaunga* from Te Arawa achieved their goal by allowing the development to proceed. 'We have a culture where due to people's so-called 'busy lives' they stay at home doing nothing expecting you to go to the *hui* and have you report back to them.'<sup>478</sup>

## 6.8 Role of *Kaumatua*

There are many issues surrounding the use of *kaumatua* at Otuparae. A *kaumatua* is an elder who is a guardian of traditional customs and knowledge.<sup>479</sup> According to Hirini Moko Mead they are a person who is 'expected to know... [as] *tikanga* should not be new to them... and experience is helpful in knowing what to do.'<sup>480</sup> In addition to this a friend of the researcher commented that she considers a *kaumatua* to be a big word that is about someone with maturity and *mana* but most of all knowledgeable and learned about *tikanga*. They are more than a person that has turned sixty and male. She underlines the point that a *kaumatua* is more than someone who is male and that it does include females. The extension of the vowel following the 'm' in the word pluralises the word to be gender neutral.<sup>481</sup>

In *hapu* and *iwi* discussions, *kaumatua* shared in the decision-making. The task of the *kaumatua* was to give advice to the *rangatira* so that they could make informed policy decisions for all.<sup>482</sup> Since that was the traditional role played by *kaumatua*, their role in modern day planning is simple. It is to provide advice to decision-makers within *hapu* and *iwi* on cultural matters that may affect planning outcomes. This may also apply to Crown agencies as they

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<sup>476</sup> Ibid.

<sup>477</sup> Hemopereki Hoani Simon, Research Journals, Vol 4, 22.

<sup>478</sup> Hemopereki Hoani Simon, Research Journals, Vol 4, 40.

<sup>479</sup> Hirini Moko Mead, "*Tikanga Maori*," 14.

<sup>480</sup> Ibid.

<sup>481</sup> Hemopereki Hoani Simon, Research Journals, Vol 3, 39-40.

<sup>482</sup> Mead, "*Tikanga Maori*," 217.

undertake their statutorily appointed roles.<sup>483</sup> However, a major trend has developed when it comes to *hapu* engagement between Crown agencies and *kaumatua*. A major failing of *iwi* and government to provide for the elderly and that is *kaumatua* who are recognised as being so but are using the RMA provisions to supplement their pension. Wananga participants agreed that this happens in Tuwharetoa.<sup>484</sup>

After a pre-consent *hui* about the development, well known Ngati Rauhoto *kaumatua* Matiu Pitiroi and the now late Wiremu Henry sent a letter to the Chairperson of the Hiruharama Ponui Inc. In the letter they expressed their wish to have the development halted until another *hui-a-hapu* was called on the *marae*. This was so the *hapu* could make a fully informed decision on the implications of the development.<sup>485</sup> They had many concerns, including the impact:

- i. On *wahi tapu*.
- ii. On *koiwi*.
- iii. On the lake.
- iv. Of pollution.
- v. That there were already too many existing buildings and developments.<sup>486</sup>

Wananga participants agreed that the main issue that arises from the letter is the difference between *tangata whenua* and *mana whenua*.<sup>487</sup> *Tangata whenua* is essentially based on the idea of *whakapapa*. If you have *whakapapa* to the *hapu* or *iwi* that hold *mana whenua* you qualify to be *tangata whenua*. However, if you have been resident in the area and have gained a significant amount of 'insider knowledge' about the *iwi* or *hapu*, this is

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<sup>483</sup> Hemopereki Hoani Simon, Professional Experience.

<sup>484</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

<sup>485</sup> Matiu Pitiroi and Wiremu Henry to Chairperson, 18 August 2003, L151585, Taupo District Council Archive, Taupo.

<sup>486</sup> Ibid.

<sup>487</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

where one can claim to be *mana whenua*. Wananga participants believed that in being *mana whenua* you are more able to contribute to the running of *hapu* and *iwi* affairs.<sup>488</sup> This was highlighted by Matiu Pitiroi at a *hui* when he said that, 'when we were kids we were told to stay away from there [Otuparae].'<sup>489</sup>

The problem with consultation, from a *mana whenua* point of view, is that the trustees on many occasions used owners that affiliate to Te Arawa. It is fact that many *uri* of Ngati Rauhoto live in and *whakapapa* to Te Arawa. This is highlighted by the statement of Secretary Andrew Kusabs: 'There were many senior respected *Kaumatu*a and Chief of Te Arawa at the meeting of 19 July...[sic]'<sup>490</sup> The problem is they have no ties to the area of Otuparae or Ngati Rauhoto whatsoever. These people were well organised to attend the meetings by the trustees to out-vote those with *mana whenua*.<sup>491</sup> Wananga participants discussed the appropriateness of democracy as the best system to use when developing Maori Land. The voting that took place upheld the view of the many over those who had trusted cultural knowledge.<sup>492</sup> This is a major problem with the current land tenure system. All voting that took place was based on poll voting that is according to the shares you hold in the incorporation.

*Kaumatu*a with *mana whenua* were purposefully sidelined in the development process in favour of those from Te Arawa, in terms of the dealing with *koiwi*. In the same letter from Andrew he states that 'there are highly respected *Kaumatu*a [from Te Arawa] that support the development who are willing and able to assist the HPT with their investigations.'<sup>493</sup> He added that the committee 'had as one of its members an ordained minister of the Anglican

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<sup>488</sup> Ibid.

<sup>489</sup> Native Affairs, television programme, *Maori Television* (aired 23 November 2007).

<sup>490</sup> Andrew Kusabs to Wiremu Henry and Matiu Pitiroi, 8 June 2004, L151585, Taupo District Council Archive, Taupo.

<sup>491</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>492</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

<sup>493</sup> Andrew Kusabs to Wiremu Henry and Matiu Pitiroi, 8 June 2004, L151585, Taupo District Council Archive, Taupo.

(*Hapu* Members have questioned the accuracy of this statement as they believe the *kaumatu*a involved were Poirangirangi, Te Rangihiroa Te Whetu, and Franklin Loughlin.)

Church who could offer *karakia* when necessary'<sup>494</sup> and that 'if *koiwi* are located these will be treated with respect and will follow the precedent set by Anaru Te Whetu and other senior *Kaumatumā* who uplifted the remains and arranged proper reburial.'<sup>495</sup>

The point of contention from *wananga* participant in terms of *tikanga* is that those respected Te Arawa *kaumatua* in practice should only execute *kaumatua* duties in Te Arawa. If they are not recognised by the *hau kainga* as being *kaumatua* they should not be in that position. *Kaumatumā* who are *mana whenua* would have been able to deal with the *koiwi* in a way more acceptable to the *hapu*. When it was discovered by *hapu* members on the morning the trustees were reburying *koiwi* without *hapu* consent, those 'respected *kaumatua*' were under the impression that they were invited by *mana whenua* to participate. When confronted by *hapu* members they acknowledged that they were not from here and let *hapu* members take control.<sup>496</sup> From there the *koiwi* were taken back to the *marae* at Nukuhau for a *tangi* and time to decide what to do with them.<sup>497</sup>

It must be said that *wananga* participants and the *hapu* in general have grave concerns about the protocols that were undertaken by the trustees in relation to *koiwi*. When *koiwi* were found it was reported that they left for the University of Auckland. However, according to Perry Fletcher, the trust's archaeologist, Don Prince left the *koiwi* in his garage in Takapuna and that continued to be their primary residence in Auckland, not the Anthropology Department.<sup>498</sup> It is unacceptable to *hapu* that our *koiwi* were given such treatment. Today it is unnecessary for *koiwi* to leave the area. *Wananga* participants agree that any testing could have taken place in Taupo if *kaumatua* had consented. Instead the trustees decided to take control and without any *hapu* input institute their

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<sup>494</sup> Ibid.

<sup>495</sup> Ibid.

<sup>496</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>497</sup> Native Affairs, television programme, *Maori Television* (aired 23 November 2007).

<sup>498</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November 2009.

own *koiwi* policy, use *kaumatua* not from Tuwharetoa and rebury *koiwi* without *hapu* consent.

This all took place under the HPT and the MCH. This casts doubt on the advice provided to the trust by HPT employees. Another interesting factor is that no agency took responsibility for what happened with the *koiwi*. The HPT said it was the area of the Ministry for Culture and Heritage, the then minister for the Ministry for Culture and Heritage said it was the responsibility of the HPT.<sup>499</sup>

The trustees were also responsible for the defacement of *wahi tapu* at Otuparae. This statement relates to a committee member's action of taking a shovel to the *tuahu*. This is the most significant site on Otuparae. Their defence in the Maori Land Court was that this was common practice in Te Arawa.<sup>500</sup> This led Ngati Rauhoto to question the adequacy of the overall process used to approve any 'archaeology authority'. Particularly, since the *tuahu* was deemed by the HPT to be a 'protected space' under the authority.<sup>501</sup>

## 6.9 Ngati Rauhoto's Issues

The issue that arises here is the lack of procedure to allow for *hapu* input at the beginning of large development projects. The RMA, as already mentioned, does not adequately provide for *rangatiratanga*; neither does the HPA as shown by the examples above. Wananga participants felt that if large developments are going to alter or destroy culturally significant areas such as Otuparae, then it would be advisable to have this provision.<sup>502</sup> This provision would truly recognise *mana whenua* and would make *hapu* more supportive of the project.<sup>503</sup> Ignoring *hapu* rights as in the case of Otuparae only leads to mistakes and ultimately unrest. Wananga participants commented that these

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<sup>499</sup> 2004/94, Historic Places Trust, Wellington.

<sup>500</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>501</sup> 2004/94, Historic Places Trust, Wellington.

<sup>502</sup> Thesis Wananga (Nukuhau Marae, January 23, 2010).

<sup>503</sup> Ibid.

areas that were known to be very culturally significant to *iwi* that is why occupation took place as it did at Otuparae.<sup>504</sup>

Ultimately, if one does choose to develop sites like Otuparae, it must be said that it is in a developer's best interest to do this anyway, as consent applicants will ultimately pay financially. This did happen in the case of Otuparae as the developer had to pay for delays caused by council and HPT processes to meet its requirements under the RMA and HPA.<sup>505</sup> The lack of respect afforded to *hapu* in this case led to heritage destruction and the unearthing of *koiwi*. In doing so, occupation of the site ensued. Eventually, the developer sustained heavy financial losses and legal proceedings due to public perception of the site after the supposed 'accidental discovery' of *koiwi*. On top of this *hapu* members, including a *kuia*, were arrested for trespassing.<sup>506</sup> In the end everybody lost something—the developer lost financially, the *hapu* lost culturally, economically and socially and the trustees lost financially and socially. This underlines the importance of building relationships early with the proper *mana whenua* and giving weight to their input before lodging consents and an archeological authority.

One of the most disturbing problems was that when the HPT assessed the application for the authority, our heritage as *hapu* was treated like a scientific project. These are the 'sites' of a living culture that has already suffered from classifying, poking and pointing at differences. It was clear that the regional archaeologist was more concerned with whether it was a settlement as opposed to a *pa* site, as previously recorded. Waka Vercoe was informing HPT staff that the 'sites' on Otuparae were not '*wahi tapu*' but '*wahi noa*'. The *rua* pits were classified as such and yet this is where *koiwi* are commonly found.<sup>507</sup> Rauhoto's *whare* sites on Otuparae were claimed to be 'common' by the trustees and HPT accepted this. However, as Perry Fletcher points out,

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<sup>504</sup> Times Reporters, "Hapu 'unites' Over Protest," *Taupo Times* (Taupo), June 7, 2007.

<sup>505</sup> Planner to Chris Kimpton, 12 November 2003, L151585, Taupo District Council Archive, Taupo.

<sup>506</sup> Ned Wotherspoon, "Police Swoop on Parawera Protest Site," *Taupo Times* (Taupo), 11 October, 2007.

<sup>507</sup> 2004/94, Historic Places Trust, Wellington.

these were the last remaining sites of this kind between Rangatira Point and Nukuhau.<sup>508</sup>

The fact remains that, for Ngati Rauhoto, these were very significant sites, which can now only be visited in photos. Who are the HTP to be setting the heritage values of *hapu* and *iwi*? Who are the HPT to determine what is worth preserving and what is not in terms of *iwi* heritage? Finally, it must be asked of all agencies: what is it that you see as adequate consultation? The consultation that took place in determining heritage values was, on the HPT's behalf, paternalistic and degrading of Ngati Rauhoto's *mana* as a *hapu*. It took the HPT staff to witness a potential assault on a trustee at Nukuhau Marae for you them to recognise that everything that took place, influenced by their decisions, was wrong.<sup>509</sup> There were other sites in the country at the same time that received far better treatment and preservation.<sup>510</sup>

The biggest insult to us as *hapu* is this paternalist attitude of Crown agencies who determine what adequate consultation with *tangata whenua* is. Essentially, *mana whenua* are pushed to one side and told what we were given was adequate. In terms of heritage we had Maori from other *iwi* determining whether it was appropriate for the heritage of Tuwharetoa to be destroyed. It is bad enough that we are barely surviving culturally as *hapu* when the Crown is constantly placing more importance on this thing called '*iwi*'—an entity that cannot be defined by the corporates who prefer this *iwi* system.<sup>511</sup> It appears that a racist attitude and an assimilatory agenda of 'they are all Maori they must all be the same' is present. Since this is the attitude it is fine to destroy this and that at the will of the developer and market forces.

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<sup>508</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009.

<sup>509</sup> Geoff Rameka (Ngati Rauhoto *Hapu* Member) in interview with author, 30 July 2009.

<sup>510</sup> Perry Fletcher (Local Archaeologist/ Historian) in interview with author 1 November, 2009.

<sup>511</sup> Mead, "*Tikanga Maori*,"

## 6.10 Closing Remarks

Special Advisor to the Western Australian Government for Indigenous Affairs Lieutenant-General John Sanderson comments that western society can learn a lot from indigenous peoples in terms of environmental management.<sup>512</sup> He adds that in order to combat some of the most extensive environmental problems, we must begin to question the appropriateness of using market-based approaches to resource and the environment.<sup>513</sup> In addition to this Mason Durie says that future Crown agencies must change so that they and *iwi* may work together in order to bring about community outcomes.<sup>514</sup> However, the researcher would contend that in order for this to happen, Crown agencies must change the way they engage and become more open to indigenous values. In addition to this we as *whanau*, *hapu*, and *iwi* must be less apathetic.

Without question, the biggest factor contributing to what happened at Otuparae was the colonial process. This process sought to debase Tuwharetoa's *mana* and dignity in a system where the Crown controls all. This system did not consider indigenous values and moved to do the opposite and rid Tuwharetoa of our cultural values. This was achieved in many ways from coercion to confiscation.

Another contributing factor and result of the colonial process was the apathy displayed by *hapu* members until after the heritage sites had been destroyed. Contributing to that apathy is the quality of leadership in Tuwharetoa, which is best, described as 'lacking'. Te Heuheu's perspective of the role that kaumatua play, the advice given to him by advisors and decision makers and

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<sup>512</sup> Lieutenant-General John Sanderson, "Indigenous Affairs," Lecture/Podcast (Canberra: Australian National University, 2007).

<sup>513</sup> *Ibid.*

<sup>514</sup> Mason Durie, Paerangi Lecture 3 - Pae Mana: Waitangi and the Evolving State, Lecture, Massey University, Wellington. 14 July 2009.

the appointment to other roles on top of his iwi role, contributed to his part in the decision made at Otuparae.

Ultimately, this research shows that there are many faults with the way the HPT approves an authority. The process gives no undertaking to deal with the *hau kainga* and is based on market forces mentality. This is not a reassuring way to approach heritage planning and protection. What is at play here is an assimilation agenda of 'all must be the same' where *hapu* are swallowed up into an *iwi* and *iwi* are usurped into being 'Maori' and as such we all must be 'New Zealanders.' This way of thinking means that I cannot take my nieces and nephews to an historically significant site called Otuparae put their hand on the ground and say to them, '*I noho o tupuna ki konei.*' Cultural memories of Ngati Rauhoto lost.

## **7: Conclusions**

The following chapter will focus on some key conclusions that can be drawn from the above work. Since this was a case study based research, the conclusions will draw out what happened with the planning outcomes for Otuparae. These outcomes will provide broad generalisations that may, in future, be applied to other cases of indigenous and general New Zealand heritage.

### **7.1 Good Consultation Processes Needed**

This is clear from the research that heritage, as suggested by Environment Waikato, is a non-renewable resource. Sites like Otuparae are classed in the literature as immovable heritage in the form of archaeological sites. Once they are modified or destroyed, their heritage values are gone forever. Since the research implies that heritage sites are ultimately linked to a person's or groups identity. It is important to acknowledge that when planning permission in Aotearoa New Zealand is given, even with some questionable behaviour by those making that decision, the result is that the identity of that person or group is destroyed, damaged, or altered with the site. Therefore, all planning decisions must proceed with absolute caution. In this case, since *kaumatua* or those with cultural knowledge of the area were not consulted and the HPT were actively misled by the committee of management for Hiruharama Ponui Inc. it is easy to conclude that the HPT did not undertake its responsibility as prescribed by law. Therefore, good consultation processes with key stakeholders is vital in making heritage planning decisions to destroy or modify sites.

## 7.2 Good Information Needed In Planning Decisions

The HPT and other agencies did not have the correct information needed to protect the sites of significance. Basic information such as where *hapu* boundaries are so that they may consult with the right *hapu* would have been highly useful in the proper protection of these sites. It is clear that the HPT is not well resourced or is not interested in providing investment into areas of Maori heritage protection that would be extremely useful for the HPT to undertake its work.

## 7.3 Better Recognition of Maori Cultural Values

This also highlights the conflict that exists with planning as an activity and its interaction with indigenous people. The conflict is one of basic human rights for indigenous peoples and what is considered to be 'good planning'. Good planning in practice in Aotearoa New Zealand provides that it is an inalienable right for *tangata whenua* to practise *kaitiakitanga*. In the case of Otuaparae this was not provided for by all agencies involved. The TDC failed to have adequate staff in the planning department to deal with Maori planning issues. Environment Waikato failed to notify or consult with *tangata whenua* over the erosion issues with the development even when it acknowledged that the site was high risk, which led to questionable damage to the site and heritage values. The HPT did not consult with anyone that had relevant cultural knowledge of the site. Additionally, the actions of the consultant archaeologist were not monitored by the HPT. In terms of *taonga* and *koiwi* that were discovered, authorities recognised people as *hapu* members that would not be recognised by the *hau kainga*. They did not invest in areas such as basic GPS systems so they could know which *hapu* they were supposed to be dealing with. The HPT's lack of systems to control the applicant's interaction with

decision makers resulted in perceived conflicts of interest that were not monitored correctly. Their general processing of the application and its after-effects was flawed. All of this contributed to the lack of exercising of *kaitiakitanga*.

This is further compounded by the notion of development as a human right. Basic international law recognises that indigenous peoples have a right to practise cultural traditions and customs. Therefore, agencies failed to do this because they did not provide avenues for Ngati Rauhoto to practise *kaitiakitanga*, or their systems did not provide ways for this to actively take place as a part of a planning process. However, at the centre of the debate on human rights is the idea that furthers this, that indigenous people have the right to maintain, protect and develop the past, present and future manifestations of their cultures. In this case Ngati Rauhoto and Ngati Tuwharetoa were denied that right to maintain and protect the past, present, or future forms of our culture.

The implication for Aotearoa New Zealand as a society is that planning could be seen to be a racist activity. In this case it privileged the European-based legal system over *tikanga*. It reduces the idea of *mana whenua* to the idea that the indigenous people of the area only need to be consulted with and it favours European ways of knowing and doing things over the ways of knowing and doing things that come from an indigenous worldview.

## **7.4 Power and Control in the Planning System**

The current system provides more rights for an individual to develop land, in this case a developer, over that of needs of a collective group. Heritage conservation gives preference to protecting heritage sites that are about a collective community identity as opposed to sites that are specific to certain indigenous groups. Therefore, the planning structure is designed to rid *tangata*

*whenua* of sovereignty, power, identity and control over what sites can be developed over. It continues a legacy in Tuwharetoa where a *Pakeha* system dominates back to the signing of *Te Tiriti o Waitangi*. This example of Otuparae also displays how hard *hapu* and *iwi* are struggling to survive for existence and relevance in that planning system.

## 7.5 Improved Legislation Needed

An additional problem also exists with the legislation and the legal definition of a *wahi tapu*. The definition seems to have created problems in defining what constitutes a *wahi tapu*. It led to debate among HPT staff over what values should be assigned to historical features within the heritage landscape. Consequently, it led staff to assign values and personal judgments to what they considered had greater value. While this took place, *tangata whenua* were given no opportunity to voice or outline their values to guide HPT staff in their decisions. The source of this as illuminated by the literature stems from the narrow and very defined Eurocentric view of what constitutes heritage. In doing so it does away with indigenous notion of humankind being one with the landscape and that heritage is a lived experience. Ultimately, there needs to be definitions that also provide for the protection of culturally and historically significant features and landscapes other than the usual *pa* site.

It seems that Crown agencies did not, in this case, provide for any of the three principles of the Treaty of Waitangi. I believe, for planning, the most important of these for indigenous peoples is partnership. This is important if Maori are to participate in a political democracy whether consensual or otherwise, due to the impact of colonisation. The problem with planning is that government in New Zealand is based on ideas imported from England, which assume that the Crown assumes control and makes laws and decisions that are supposed to benefit their citizens. If sustainable development is to truly occur then the incorporation of other worldviews in decision-making must occur.

It is clear from the data that Crown agencies such as the HPT made decisions. These decisions about the Parawera development did not include a form of partnership with *tangata whenua*. These actions only add to the comment provided by Peter Ryks about the struggle Maori have endured to be allowed to make decisions regarding matters that affect them and their affairs.<sup>515</sup> This lack of partnership led to heritage destruction and protest action from *tangata whenua*. Partnership structures that acknowledge the principles of the Treaty and ideas of *mana whenua* would go a long way to preventing this type of thing happening. If *tangata whenua* were more in control and contributed meaningfully to planning, this would improve social and cultural cohesion and facilitate goals of sustainable development. However, since immovable heritage is non-renewable it should be the group whose identity is intertwined with that site that should have the right to approve destruction, particularly indigenous heritage. We need to depart from the mindset of just consulting with *hapu* and *iwi* and market-forces forms of development.

## 7.6 Traditional Knowledge Transfer and Heritage Planning

As Sagazio points out, heritage sites include historical and social significance.<sup>516</sup> Very sacred features like the *tuahu* and *urupa* hold key information as to what is important and what are socially constructed perceptions and beliefs of Tuwharetoa. Therefore, what took place at Otuparae, from a lack of leadership in the planning process to why the committee of management proceeded with the development, is full of socially constructed perceptions and beliefs about *wahi tapu*. However, the effects of colonisation and the lack of traditional knowledge transfer were contributing factors as to why these decisions were undertaken by individual members of

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<sup>515</sup> John Ryks, Jerome Wyeth, Scott Bladwin, and Nathan Kennedy, "The Teeth of the Taniwha" *Planning Quarterly* 2 (2010): 39.

<sup>516</sup> Celestina Sagazio, "Cemetaries: Our Heritage," 25.

Tuwharetoa. Therefore, iwi must increase opportunities for younger generations to learn traditional knowledge.

## 7.7 Improvement in Governance

This research presents problems for Tuwharetoa, as cultural memories are being erased and with it the identity of Tuwharetoa. It highlights a lack of understanding of our cultural needs and cultural richness by our leadership and governance systems. Therefore, colonisation as a process is still in existence and functioning with the planning system and Tuwharetoa. This is because this system is upheld and supported by an imposed governance system and our own leadership. The data even supports the idea that the current governance structure aides this form of planning system, a system that only pays lip service to the idea of *mana whenua*.

It is very interesting to note that the committee of management and trustees did this to provide a form of economic development. However, their approach led to a situation where the historical factors for successful development of Maori land were not taken into account. *Tikanga* was not taken into account and was poorly understood by the committee. Secondly, because the committee pushed through the development without addressing concerns of the *hau kainga*, the HPT did not act in the interests of the *hapu*. Lastly, despite existing models in place in Tuwharetoa a renewable 80-year lease was used and an outside party to create the development sourced finance.<sup>517</sup> The author contends that this was not needed as they could have used the Hatepe model. Consequently, those that take governance roles must have adequate knowledge, skills, and training to be in governance positions.

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<sup>517</sup> For the framework on historical factors for the successful development of *Maori* land refer to Shane Munn, Alison Loveridge, and Hirini Matunga, *Ka Kaupapa Putaka mo Maori*,” 1-4.

## 7.8 The Interface of Planning and Maori Development

Some people may argue that this thesis is better suited in the area of Maori development. However, the definition of planning used facilitates the integration of development studies into the realm of planning. We must acknowledge that since planning as an activity is integral to the resource use and development it cannot be ignored that in order for Maori development to occur, resources must be exploited (development in terms of a geothermal resource or taking water for *papakaiinga* development). Planning as a discipline must become more aware of this reality.

# Chapter 8: Recommendations: *Mo Nga Mokopuna*

## 8.1 Introduction

*Tukua mai ki ahau  
Kia whakangaoa  
Ki te uhi o Uetonga*<sup>518</sup>

The above *whakatauki* asks a person to give their body to the *ta moko uhi* of Uetonga so that they may be adorned with the beauty that is *moko*. In that context these recommendations ask Tuwharetoa, as an *iwi*, to give themselves, as the subject to the *ta*. In doing so, a *taonga tuku iho* may be applied. The *taonga tuku iho*, in this case the *moko*, is advice on the direction for the future development of Tuwharetoa. The reason for giving this *moko* is simple: we need to provide our *mokopuna* a situation that is better than what we experienced at Otuparae. The majority of these recommendations will focus on the development aspects that Tuwharetoa must consider in order to better engage in planning and to provide a path forward. I do recognise that some of these are unworkable at present. They are goals that we as an *iwi* can aspire to achieve. Ultimately, these goals are suggested to stop us as an *iwi* being reactive to the processes around us and move into controlling the process.

These recommendations are based on a statement by the TMTB that:

There is no doubt that Ngati Tuwharetoa is travelling to a new destination that is difficult to see, because it is on the other side of the horizon. The name of that destination is called tomorrow, how well we navigate there is in the hands of Ngati Tuwharetoa....Perhaps if there is one message our forebears

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<sup>518</sup> Te Rangikaheke, 'Maori Manuscripts: Description of the Ceremonies Observed on the Occasion of Tattooing a Chief and the Method of Performing the Operation,' GMSS89, 1854, Auckland Public Library, Auckland.

might offer us, the navigators of today—it could be this: Remember that the desperate day of uncertainty and fear about our future was back in our time, it is your time now, face the future and be fearless.<sup>519</sup>

The aim of these recommendations is to face the fear of uncertainty that is presented in the report. Using what is known today about Tuwharetoa to structure some of the unknown, to make it familiar to us so that we are better guided in that direction. These recommendations are not concrete; they are designed to facilitate discussion so that we as an *iwi* may be more open to talking about our common future direction.

## 8.2 Research Culture

### 8.2.1 The Aim

There is a need to break the culture in Tuwharetoa where anything that has the potential to challenge the status quo is unacceptable. A fundamental aspect of our development is for us to understand ourselves. In understanding the circumstances of the current situation we are provided a path, through research, to change and to be adaptive. For if we do not embrace research, particularly that which is done by our own, I believe that we are condemning our *mokopuna* to a worse struggle than today. We are in need of development; however, development requires innovation and adaptation, not an adherence to the status quo and acceptance of current convention.

Therefore, we as an *iwi* need to develop a research culture. We must recognise that research is necessary to facilitate our development. It is therefore recommended that we increase our participation in tertiary education. Further recommendations are that we encourage more *whanau* into

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<sup>519</sup> TMTB, "Annual Report 2008," 3.

postgraduate study with a focus on areas that will enable us to participate in our development. We should also endeavour to set targets in terms of postgraduate degree attainment of *iwi* members. For example, targets are to be set for the number of students as displayed below.

**Table 1: Ngati Tuwharetoa's anticipated need for Post-Graduate Education**

Year	# of PhD attained <sup>520</sup>	#of Masters attained <sup>521</sup>
2013	3	10
2016	7	20
2020	14	30
2025	25	50
2040	50	100
2060	80	250
2080	120	375
2100	150	500

The other reason to support this is that it will increase the socio-economic standing of Ngati Tuwharetoa. In doing so, the quality of life for our *whanau*, and more importantly our *tamariki*, will only increase.

The following research foci are recommended:

- i. What are the factors that contribute to the current research climate in Tuwharetoa?
- ii. Why are challenges to the status quo unacceptable in Tuwharetoa?
- iii. How can research make us understand ourselves as Tuwharetoa?
- iv. Why is gaining postgraduate qualifications important for future development in Tuwharetoa?

<sup>520</sup> Please note that as the number increases the number includes those that graduated in previous years; it is also expected that a number of these would be resident in Tuwharetoa.

<sup>521</sup> Please note that as the number increases the number includes those that graduated in previous years; it is also expected that a number of these would be resident in Tuwharetoa.

- v. How will the rejection of a research culture affect development in Tuwharetoa?
- vi. What is the importance of setting postgraduate attainment targets for indigenous development?
- vii. What educational infrastructure is needed to for Tuwharetoa to reach these targets?
- viii. Why are postgraduate attainment targets needed for Tuwharetoa?
- ix. How will the socio-economic state of Tuwharetoa improve with the attainment of postgraduate degrees?

### **8.2.2 Facilities**

I am of the firm belief that in order to develop a research culture we need to build an infrastructure to support it. This section will now examine the facilities needed by Tuwharetoa to further these goals.

### **8.2.3 University/*Wananga***

A university/*wananga* is needed to increase the research capability of Ngati Tuwharetoa. While many discussions have taken place in the past between the TDC and the University of Limerick and the University of Waikato to establish a University College, nothing has come to fruition. Tuwharetoa had a limited role in these discussions, despite the fact that we may benefit greatly. What a university does is provide jobs for our own, particularly those that are considered 'overqualified' for Taupo. In drawing them home it means that we will have a source of qualified *iwi* members to help with our development.

An idea put forward by the CNI collective during the settlement phase was to establish a training facility. It is a recommendation that we as Tuwharetoa should put a case together to have this training facility situated close to Taupo. This will be used as the beginning of a tertiary education precinct. While this is taking place, we should move to apply pressure on the University of Waikato

and University of Limerick for one or the other or both to establish a university college or outpost campus. For the University of Waikato, we may use our relationship with the *kingitanga* to further this venture. For the University of Limerick we may also use our high-ranking members in the New Zealand Catholic Church. However, there are alternatives to these universities. Other New Zealand-based universities or *wananga* that may be enticed to establish a university college are Massey University and the University of Canterbury. The advantages for Canterbury are that it has a world class Forestry School, which would benefit greatly from the location in Tuwharetoa. In contrast, the advantage to Massey is that it will firm its relationship with *iwi* in its catchment area.

In addition to this there are a number of world-class institutions that have yet to be approached on the issue. A model that we should investigate is the University College of London's (UCL) School of Energy and Resources, Australia-based in Adelaide. Using the resources of highly endowed world class institutions like UCL, the Australian National University, Stanford and Yale a College of Indigenous Development could be established, which would focus on majors that are needed for indigenous development, marketing it to worldwide indigenous populations not just Maori. These would include majors in planning, business, development studies, law, indigenous and colonial languages and sciences. However, the logical steps to start with, given the location of CNI *iwi*, are geothermal sciences, forestry science, tourism, planning and resource management. Gaining support from research organisations already based in the area such as the Geothermal and Nuclear Science Institute based at Wairakei would be vital to the success of this undertaking. Suggested sites that could cater for an expanding facility like this are Opepe, Rotongaio, Paenoa, or Oruanui Farm. Although these sites are mainly rural at present, Taupo will grow to meet these areas. Additionally, Opepe and Oruanui are close to CNI forests and all three are close to

geothermal fields. Ultimately, placing a facility on these sites will contribute to *hapu* development.

#### **8.2.4 Suggested *Iwi* Development Goals**

- 2011 Establish current situation to do with CNI collective training facility and a University College.
- 2012 Produce an '*iwi* needs' document for tertiary education and a CNI 'collective needs' for tertiary education document.
- 2013 Establish 'polytechnic-type' training facility for CNI forestry needs.
- 2014 Produce proposal based on CNI *iwi* needs and projections for tertiary education and development. A large portion of this should focus on the need to establish a University College in the CNI collective area and the future *iwi*. This should be sent to the top 250 universities to gauge interest.
- 2020 Memorandum of Understanding should be signed by this date. *Iwi* and local government should assist in discussions with government about student access to loans.
- 2027 University College established and functional
- 2060 University College becomes independent University.

The following inquiries are suggested to facilitate this:

- i. Why is it important to have a research-led university facility in the *rohe* of Tuwharetoa?
- ii. How would a research-led education facility contribute to the development of Tuwharetoa?
- iii. Why did negotiations for the establishment of a university college in Taupo fail?
- iv. How can Tuwharetoa and the CNI collective contribute to the establishment of a University College?

- v. What benefits to Tuwharetoa could come from the establishment of a University College?
- vi. How will exploiting our relationships and *whakapapa* facilitate the establishment of a University College?
- vii. Which institution would be the preferred partner of Tuwharetoa and the CNI collective?
- viii. What are the barriers for a world-class institution to establish a University College in Taupo?
- ix. What marketing strategies are needed to attract international indigenous students to a University College in Taupo?
- x. What majors need to be taught at a University College based in Taupo?
- xi. What partnerships need to be established for a functional University College in Taupo?

### **8.2.5 Whare Taonga**

An important aspect of our development is to reconfirm our identity. A key facility to do this is a *whare taonga*. Given our need to develop a research culture, the places where our *taonga* are located, and what happened at Otuparae a *whare taonga* is needed within Tuwharetoa. A study to establish an archive/museum/cultural research facility in Tuwharetoa has already been completed by Rangiiiria Hedley and others. The main reason for establishing a facility like this is that repatriation of our *taonga* from overseas and other parts of Aotearoa New Zealand is inevitable. Therefore, there is a need for this facility to cater for this. Secondly, I have seen many important *hapu* papers, *taiaha*, *piupiu*, *mere* and other *taonga* stored in inappropriate places. For example, they are stored under beds, above cabinets, in drawers, above doorframes. These *taonga* deserve better storage places. Thirdly, given the treatment of the *koiwi* that were found at Otuparae and the rapid rate of

development around Taupo, a proper storage facility is needed. Models for this facility that may be useful to examine are the Otakou Marae *Whare taonga*, the Otago Settlers' Museum, the Hocken Library and Te Papa Tongarewa. Therefore, it is highly recommended that we start to make progress towards the establishment of *Te Whare Taonga o Ngati Tuwharetoa*.

Suggested *Iwi* Development Goals:

- 2011 Examine the Hedley Report, conduct *wananga* series for the purpose of establishing a *Whare Pupuhi Taonga* led by an appropriately qualified person.
- 2015 Produce proposal for the establishment of a *whare taonga* based on *wananga* series *korero* and recommendations.
- 2021 *Whare taonga* established.

The following inquiries are suggested to facilitate this happening:

- i. How can a *whare taonga* facilitate development in Tuwharetoa?
- ii. How will a *whare taonga* contribute to developing a research culture?
- iii. What Tuwharetoa *taonga* need to be repatriated?
- iv. What Tuwharetoa *taonga* are in museums outside of Tuwharetoa?
- v. What documents about Tuwharetoa are in archives outside Tuwharetoa?
- vi. What documents about Tuwharetoa are held by *whanau*?
- vii. What *taonga* of Tuwharetoa are held by *whanau*?
- viii. What barriers are present to the loaning of *taonga* by Tuwharetoa to the care of museums?
- ix. Why is a *koiwi* lab needed in Tuwharetoa?

### **8.2.6 Te Whare Rangahau o Ngati Tuwharetoa**

If we are to develop a research culture, it would be greatly assisted by the establishment of a research excellence centre or institute whose sole focus would be to produce research on Tuwharetoa. As such it is recommended that in a post-settlement environment a centre or institute be established.

- 2025 *Wananga* series starts on the establishment of a *whare rangahau*.
- 2028 *Wananga* series ends, Produce plan on the establishment.
- 2030 *Whare rangahau* established.
- 2031 Research tendering department established.
- 2032 First Marsden Fund project started.
- 2034 First FORST funded project started.
- 2035 Visiting Indigenous Scholar Programme established.
- 2060 *Whare rangahau* becomes PhD granting institution.

### **8.2.7 Te Putea Rangahau**

In addition to the research centre or institute there is a need to establish a contestable research fund. This is because good research requires money. More money needs to be provided to masters and doctoral students who are undertaking degrees by research that benefits the *iwi*.

### **8.2.8 Awards for Research and Educational Achievement**

To encourage a research culture it is advised that we establish a bi-annual awards evening for research and educational achievement. This could be in place by 2013. For judging of research, it is recommended that an independent panel be used.

## 8.3 Governance

### 8.3.1 Tuwharetoa Maori Trust Board

It is obvious from the analysis and people's reaction to the TMTB that it is not an organisation that has delivered much in terms of development or good governance. If you go back to examine how this organisation came into being, it was solely to administer assets given to the *iwi*. This was for Crown actions that amounted to the confiscation of the *iwi* estate by coercion. Since this form of governance entity is Crown-controlled and rooted in colonial thinking, it would be advantageous for the *iwi* to consider alternative models of governance. Therefore, it is recommended that the TMTB be stripped of all governance functions. It should retain its ability to receive and administer funds to do with trout licensing and commercial use. It is recognised that the funding provided for accessing the lake and other related commercial activities is not providing us with enough of a base to facilitate development. We should move to negotiate better conditions and measures with the Crown to increase funding.

Therefore, the following inquiries are suggested to facilitate this happening:

- i. What is the value (\$) for public access to Taupo-nui-a-Tia?
- ii. What amount should Tuwharetoa receive from the New Zealand Government for access to Taupo-nui-a-Tia?
- iii. Why should/should not Tuwharetoa grant the public access to Taupo-nui-a-Tia in the future?
- iv. What is an adequate annuity to facilitate development in Tuwharetoa?
- v. Why does the Crown hold half of the revenue for fishing licenses? Should this change?
- vi. What are the obstacles to increasing revenue for lake usage to Tuwharetoa?

- vii. How will settlement monies and income change our position on public access to Taupo-nui-a-Tia?

### **8.3.2 Tuwharetoa *Hapu* Forum**

There are many positives and negatives to this form of governance. One of the positive outcomes of the Tuwharetoa *Hapu* Forum (THF) is that it is a good governance model that is a more organic *hapu* based model and more like our traditional governance. Each *hapu* has the opportunity to eat, sit, exchange ideas and participate in the discussion and ultimately everybody is informed about *iwi* issues from the *kaumatua* to the six-month-old child, so that transparency is alive. This makes *whanau* more aware of what is going on and in doing so lessens the distrust that exists with our current governance systems. Another advantage is that the system empowers *hapu* to make decisions that lessen Crown control and 'constructed models' like the TMTB. This is because *kotahitanga* challenges *Pakeha* dominance that was imposed by their perceptions of what an '*iwi*' is.

However, in saying this there are also negatives that accompany this governance structure. The first is that the guiding document is unworkable. For example, I went to the November 2009 *hui* at Waitetoko *marae* and the rules put forward by the guiding document were broken three times. The second is that there are the attempts at control of power; this is highlighted by the voting for the co-deputy chairperson. The third is the lack of control a *hapu* has to say who qualifies as a *hapu*. Finally, we are trying at present to use the 'law' not 'lore' to justify its existence; this is because we are currently trying to turn it into a trust. It is therefore recommended that this model be continued in a post settlement environment to conduct 'high level' governance at an *iwi* level. However, before this can happen we need to transform the guiding document into a living and, most of all, credible document.

The following research is recommended:

- i. What are the obstacles that face the THF over the next ....(5,10, 20) years?
- ii. What value does the THF have for Tuwharetoa governance?
- iii. What things make the current guiding document unworkable?
- iv. How often should Tuwharetoa governance models be revised?
- v. How is a *hapu*-led governance model better for Tuwharetoa?
- vi. Why is transparency good for governance in Tuwharetoa?
- vii. Why does an '*iwi* control' mentality exist in Tuwharetoa?
- viii. What are the current *hapu* issues with the THF?
- ix. How is Ngati Tutetawha a *hapu* of Tuwharetoa?

### **8.3.3 New Governance Structure: *Runanga-a-hapu***

I am of the belief that a strong *iwi* requires strong, economically, culturally and socially vibrant *hapu*. This is something that we clearly do not have in Tuwharetoa. Based on my professional experience with Ngai Tahu Whanui, for us to continue to strengthen our *hapu* we need a *marae/hapu* based governance system like *papatipu runanga* in Ngai Tahu. Corporate run models like the TMTB have proved that they do not work. That model moves to marginalise *hapu* and privileges only a few. We need a model where transparency is everywhere and leadership is built from the flaxroots; pan-tribal corporate models do not do this. Therefore, a model needs to be built in which the traditional power structure as *hapu* is replicated. In this *hapu*-based unity model we become stronger as an *iwi* and in doing so force the Crown into a scenario where they have to conform to our wishes and, most of all, *tikanga*. It is with the Turangitukua settlement and the CNI settlement process<sup>522</sup> for Tuwharetoa that we are already heading in this direction. Therefore, this section will provide some direction as to how this could happen.

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<sup>522</sup> For information on the Tuwharetoa CNI settlement *hapu* settlement process refer to Wall, et al., "Ngati Tutemohuta," 193.

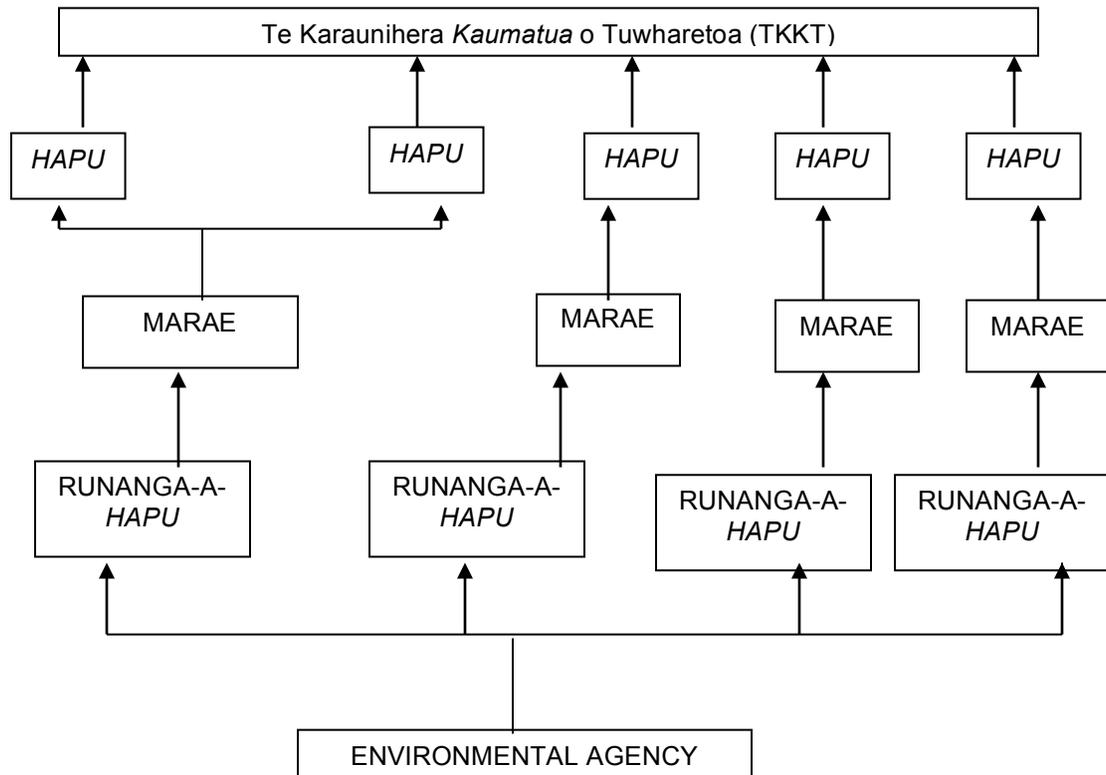
What the *runanga-a-hapu* does is take care of the day-to-day business of the *hapu*. It is governed by a *komiti whakahaere*, similar to a *marae* committee. However, they employ people to undertake certain roles and responsibilities. For example, they would generally employ an administrative person, a CEO or general manager and a projects officer. In the Ngai Tahu model the chairperson of the *papatipu runanga* is paid as it is a full-time job. In a Tuwharetoa model it would be up to the *runanga-a-hapu* to decide if this is appropriate. Each *runanga-a-hapu* would essentially be based around a *marae* and would represent the *hapu* that affiliate to that *marae*. The area of responsibility for that *runanga* would be based on the traditional *hapu* boundaries of the represented *hapu*. Since some *marae* overlap (for example Nukuhau and Te Rangiita or Rongomai and Korohe), it would be advisable for these *runanga* to undertake a dialogue about roles and responsibilities between them.

In areas of mutual concern for *runanga*, such as environmental planning, *runanga* would join together to create an agency like they have done with environmental planning in the Ngai Tahu ki Murihiku, for example. This would be the agency responsible for undertaking environmental planning for the Waikato *awa hapu*, for example. This agency would take planning responsibility for the *runanga* and *hapu* it represents. In Ngai Tahu ki Murihiku, this agency is funded by local government like an outsourced agency doing the Maori aspects of its planning regime. This is something groupings of *runanga* should do, particularly where under the law it allows the *runanga* to do so as part of the Crown's obligations, as in the provisions under the RMA. The main reason for doing this is that it would be a waste of resources for 26 *hapu* to all have an environmental agency. However, in certain areas like legal services this may be best served at an *iwi* level.

### 8.3.4 New Development Entities

Since our development is reliant on facilitating an economic base, we must move to examine how this would take place in a post-settlement environment. In this model we are not creating a large corporate giant like the Tainui model so our corporate governance would mainly happen at a *runanga* level. Therefore, in a post-settlement environment *runanga*-owned enterprises (ROE's) would be created as a collective entity within a collective of *runanga* as shareholders. Each *runanga* would provide the governance for these entities. This may be by consensus, by voting people to represent, by appointment or in any way that *runanga* sees appropriate. Each entity would have at least one representative from the *hapu* that the *runanga* represents. The sole purpose of these ROE's is to make money to ensure that there is a consistent flow of funding for the *runanga* and the CSAs to operate and provide deliverables to *hapu*. As time passes, *runanga* on their own or as a collective may want to start new ROE's to produce further income. For example, a sole *runanga* may create a satellite-making ROE while at the same time combining in equal shares with six other *runanga* to buy a wind turbine maker.

Figure 3: Centralised Service Agency (CSA) Model<sup>523</sup>

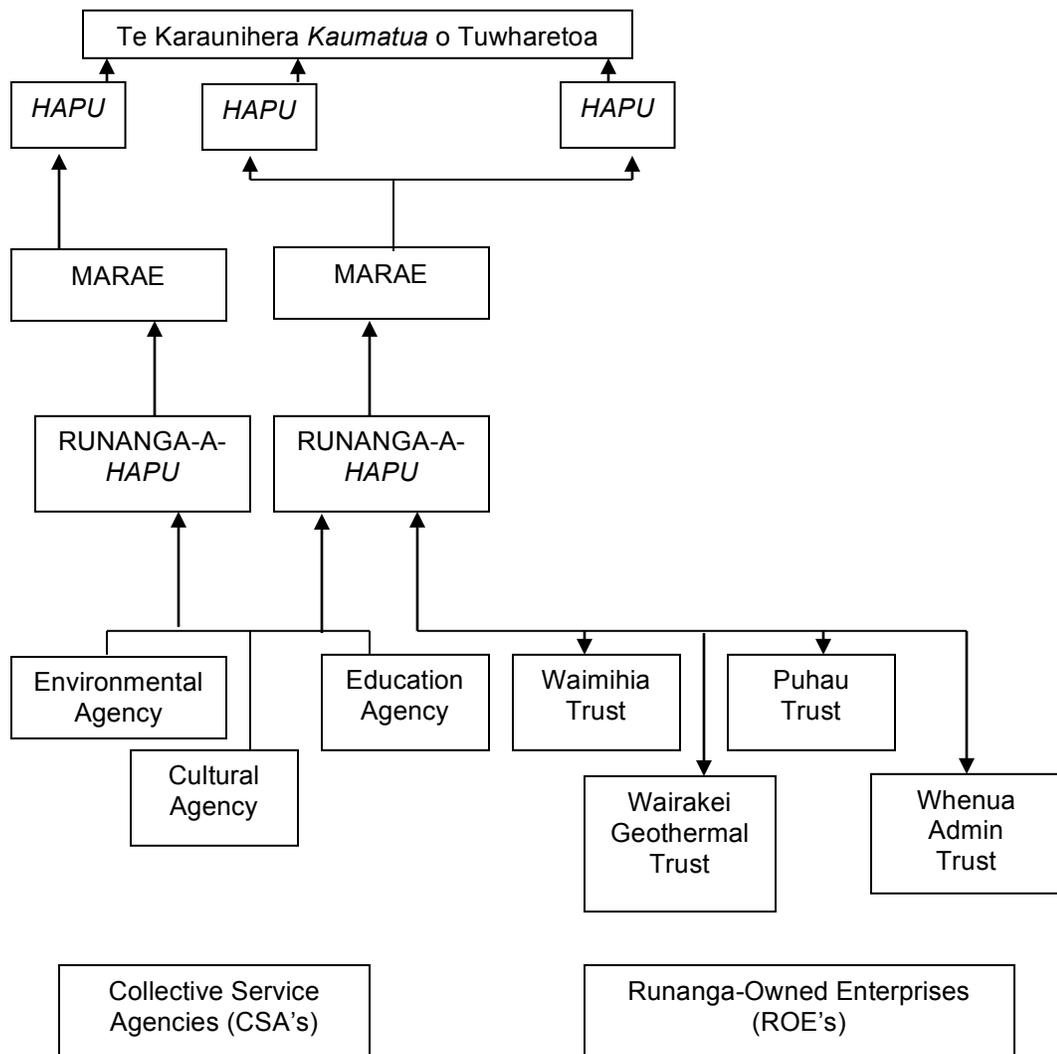


For the *Runanga-a-hapu* that represents Ngati Rauhoto and Ngati Te Urunga, the ROEs that represent the commercial interest for these *hapu* are the Waimihia Trust, the Wairakei Geothermal Trust, the Puhau Trust and the Whenua Administration Trust. The Waimihia Trust would be the ROE established to run and administer the Waimihia Forest and the Carbon credits and assets associated with the CNI settlement for that forest. The Wairakei Geothermal Trust would administer the geothermal asset returned to Ngati Rauhoto and Te Urunga under the geothermal settlement. The Puhau Trust would administer the usage rights associated with the boat harbour and the rentals received. The Whenua Administration Trust would administer any *whenua* returned to the *hapu* by the collective settlement and from all *whenua*

<sup>523</sup> The arrows in the CSA Model point up to indicate where the powerbase in this model lies.

held in trust by the collectivisation of all land held in Maori Title within the *hapu* boundary.<sup>524</sup> Essentially, the ROEs would be based on the Crown model for State-owned enterprises (SOE). It should, in theory, be a relatively easy transition to set this up as we already have a model in place in the Lake Taupo Forest Trust. However, in this case profits would be distributed to *runanga*.

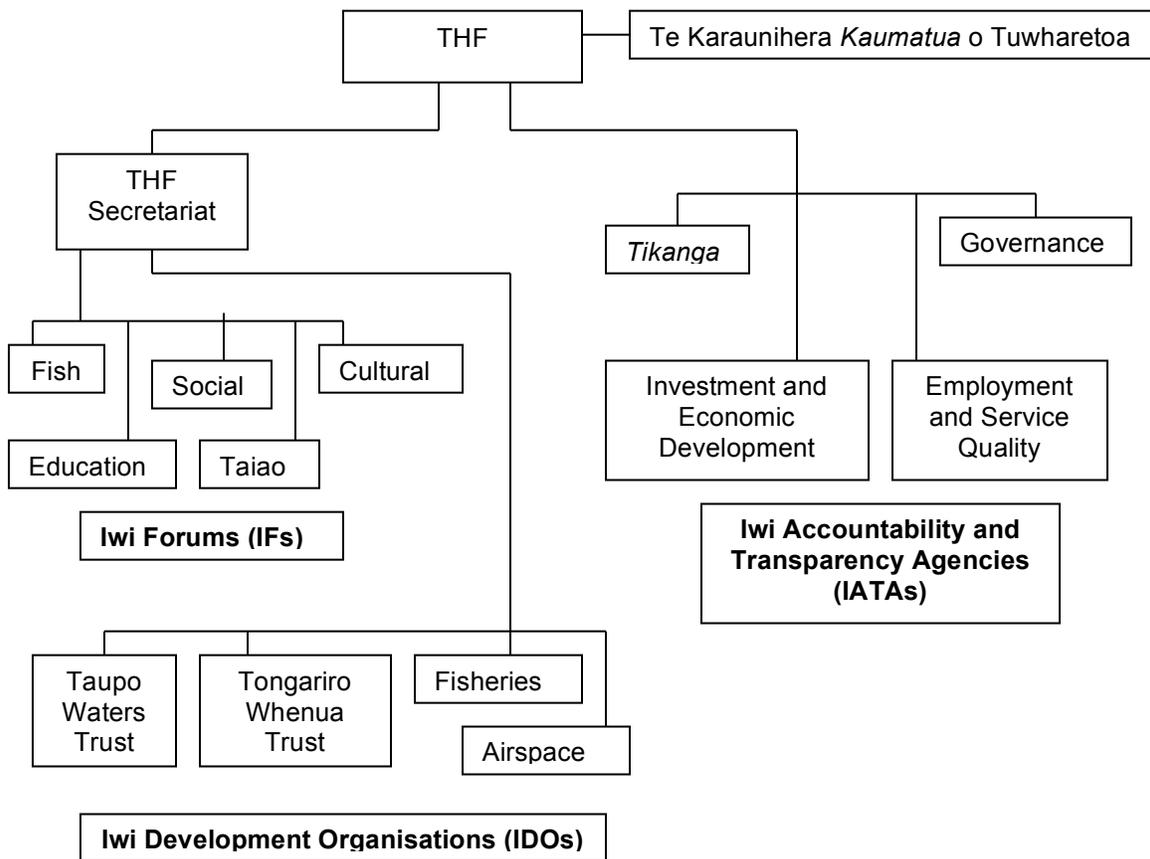
Figure 4: The Runanga Owned Enterprises (ROEs) Model<sup>525</sup>



<sup>524</sup> The collectivisation of *Maori* Land Title will be discussed in the economic section in this chapter.

<sup>525</sup> The downwards arrow indicates that the governance for these entities are appointed by the *runanga-a-hapu*. The upwards arrow indicates.

Figure 5: THF Governance Model



However, there are entities that cannot be made into ROEs, such as the Fisheries Trust and the Lake Taupo Waters Trust, Tongariro Whenua Trust, the Tuwharetoa Settlement Trust and the Tuwharetoa Airspace Trust. These will be known as *Iwi* Development Organisations (IDOs) and would be modelled on the United Nations system. This is where many organisations function for different causes under one umbrella organisation, in this case the THF, and can be overseen in function by this organisation. The Secretariat's function would be limited to advisory and creating *iwi* policy based on recommendations from the THF. Governance for these entities would be appointed by the THF on the basis of best person by qualification and experience for the position. In addition to this there would be *Iwi* Accountability and Transparency Agencies (IATAs) in the fields of governance, investment

and economic development, *tikanga* and employment and service quality. The role of an IATA is to ensure that all *iwi* organisations are functioning to the best of their abilities and to use a suite of tools such as organisational reviews, rating the service and providing improvement advice. The third governance structures to be created are Iwi Forums (IFs). These would run in a similar fashion to the one currently running in the Tuwharetoa Environmental Roopu. It would be there to make *runanga* and *hapu* members aware of specialised issues of importance and to provide the THF with policy advice to be implemented by the Secretariat. The forums yet to be created, for example, are Fisheries, Education, Social Policy, Cultural, Taiao, Water and Lake Policy, Foreign Policy, Governance and Accountability, Geothermal, Forestry and Services.

In this governance model a key agent is *Te Karaunihera Kaumatua o Tuwharetoa* (TKKT) since traditionally it was the role of *kaumatua* to provide advice to the decision-makers. It is important that this recognised role in governance is continued. In the CSA and ROE models the *kaumatua* provide advice and have differing duties at all levels. As such the whole structure is reliant on *kaumatua* and therefore in an advice capacity they sit above *hapu*. However, in the THF model they are an equal entity without voting or governance roles.

This governance model is reliant on transparency, accountability, co-operation, openness and dialogue, qualities currently lacking in Tuwharetoa.

## Suggested *Iwi* Development Goals:

- 2014 First set of *runanga-a-hapu* established by this year with settlement money from CNI and Turangitukua settlements.
- 2018 The remainder gradually established as other claims settled by this date.
- 2028 Total governance review.
- 2030 Implementation of review recommendations.
- 2035 Review *hapu* numbers; follow-up review to be completed number and every ten years hence.
- 2040 Total governance review number and every ten years hence.

## 8.4 Leadership

The analysis of this thesis looked at two aspects of leadership—*kaumatua* and the position of Te Heuheu in their current state in Tuwharetoa. At its core, the leadership in Tuwharetoa is generally weak. This is due the effects of colonisation. Each step of colonisation and the assumption of power by the Crown diluted our traditional leadership structure. An example of one such step was the establishment of the TMTB. Traditionally, leadership was attained through warfare or by your *whakapapa*. However, colonisation successfully removed our ability to practise the arts of teaching our traditional knowledge to our younger generations of leaders—something usually done through *wananga*. This is because leadership in traditional society required a form of learning. This is demonstrated in the model below.

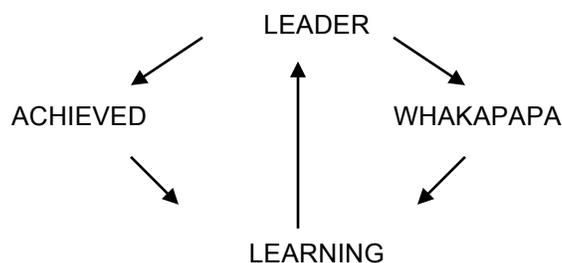


Figure 6: Traditional Leadership Model

What is evident from the research is that we as Tuwharetoa need to not only produce good business leaders and administrators but we need to make them culturally competent as well. Moving toward a sustainable future as Tuwharetoa requires dynamic and innovative leadership. This is because 'poor governance constrains, retards, and distorts the process of development.'<sup>526</sup> If we do not prepare our young for leadership then we are destined to repeat mistakes like Mangamawhitwhiti or Otuparae, which we as *iwi* can ill-afford, due to our lack of resources and our need for development.

Therefore, it is recommended that we institute a *wananga* development programme across the board. There is a need to teach traditional areas like history, *tikanga*, *whaikorero*, *karanga*, and *karakia*. Additionally, we require competent leaders who are versed in both worlds, so teaching of subjects such as financial investment, international trade, public relations, corporate governance and international relations must take place. We must grasp the fact that traditionally leaders were chosen for their ability. Examples of this are present in our history with leaders like Maniapoto and Tutanekai. This means that a university qualification or *whakapapa* and nepotism are not enough for that person to be in a leadership position in the governance of *hapu* and the *iwi*. Leaders must participate in the *wananga* in order to be considered for *hapu* and *iwi* positions. These *wananga* would be run by individual *hapu* who, ideally, would specialise in certain areas, as was the case traditionally.

In developing the ideal leadership within the *iwi* and among *hapu* we must institute a *teina/tuakana* programme. This is where, from Year 13, a student is paired with a *tuakana*—someone acknowledged as doing well and who has 'been there'. These *tuakana* will help students into the transition period from teenager to tertiary education to active *iwi* leader. On top of this we need to

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<sup>526</sup> Peter Rogers, Kazi Jalal, and John Boyd, *Introduction to Sustainable Development* (London, Earthscan, 2008), 62.

develop a programme where these acknowledged future leaders are shown what is possible for them if they apply themselves. Taking a group to outposts of the world where a *tuakana* may be doing something of note would be ideal. This would be an opportunity for people closer to the *teina*'s age to discuss issues and instil into the *teina* obligation, expectation and goals before tertiary study. This programme should include discussion about life experiences where *teina* learn from the mistakes that the *tuakana* has made. This *teina/tuakana* programme will need to extend into the *iwi* workforce. When new graduates enter the workforce we would have in place a programme where they could be initially trained in *iwi* organisations. They would be paired with someone senior to teach them the fundamentals of professionalism.

It is apparent that national and international appointments for our leaders, in particular the person occupying the position of Te Heuheu, are questionable. To have the person in such positions places them in direct conflict with the *iwi*. We must acknowledge that, as an *iwi*, our development in the immediate future is intertwined with the Crown. Our ability to establish mutual and meaningful relationships with the Crown will determine our level of development in the future. It is obvious from the analysis that Te Heuheu should not be in this position because of ethical conflicts that arise from it. We must, therefore, move to establish a strong leadership base that may undertake this role with the Crown. In doing so we as *hapu* must define what Te Heuheu's role is within the *iwi*. This could be done by constructing a job description since the traditional functions that *rangatira* performed are redundant and need to be refined. Ultimately, we need to have three major conferences on the topics of youth, leadership and economic development so that we can discuss these issues in a Tuwharetoa context.

## 8.5 Economic Development and Investment

A key area that we must take notice of as an *iwi* is *kaitiakitanga* and our economic development. Currently, our economic development is dependent on us as an *iwi* modifying in negative ways or polluting Papatuanuku for commercial benefit. This is exactly what took place at Otuparae, where the perception of economic development of the trust and benefit to the owners outweighed the need to protect heritage and the *iwi* and community well-being. To ensure economic development for this we need to reduce our reliance on primary products and on land development in undeveloped areas.

In addition to this we must move to create jobs where the *iwi*'s ultimate economic focus is on the utilisation of our own to create a tertiary economy based on services. From personal experience it is almost impossible for qualified graduates who come from Tuwharetoa to gain employment in Tuwharetoa. However, we recognise the need to have more qualified *hapu* and *iwi* members on the ground in Tuwharetoa to deal with issues like *hapu* engagement with the Crown. In creating a tertiary sector economy we fix the *iwi* brain drain and *hapu* and *iwi* engagement problems. We also contribute more to the wider community as employers.

An important recommendation in terms of economic development is that we must consider the re-collectivisation of Maori land from individual trusts, Maori incorporations, *whanau* and individuals to *hapu* ownership and control. If we are to revamp our colonial model governance system we must review the resource that created these problems. The individualisation of collectively owned land under customary title has led to a raft of problems. If the *whenua* was still held in a traditional way the heritage destruction at Otuparae would never have taken place. Land Administration arms as ROEs would be established to administer the collective asset for *runanga*.

## 8.6 Historic Site Protection

It is evident from the analysis that when it comes to indigenous heritage in Aotearoa New Zealand the current, nationalised system is inadequate. If there is a link between sustainable development and community well-being through heritage, and if heritage sites are needed to maintain cultural memory, then the system should reflect this and be based at a local level. In terms of local indigenous heritage a system of pluralism could exist. This is where the *iwi* could take charge of the management of heritage sites within the *iwi* boundaries with guidance and policy assistance from the HPT.

In terms of Otuparae it is time that the HPT breaks its 'wall of silence' and formally apologises to Ngati Rauhoto. A mutually agreed path to reconciliation must take place, but this requires the HPT to discuss openly what took place with the heritage sites at Otuparae. I would recommend that the HPT do this through a restorative justice programme based at Nukuhau Marae.

An inquiry should take place into the events that took place at Otuparae. A part of this should focus on whether prosecution for heritage destruction is valid, particularly for the unauthorised modification of the *tuahu* site and the failure to store the *koiwi* properly.

While the main theme of this thesis had focused largely on heritage protection issues it is a firm believe of the author that in order for Tuwharetoa to control the loss of heritage development needs to be achieved first. In reaching key ideas like critical mass Tuwharetoa will grow and be more able to participate in leading their heritage protection.

Ka huri au!

# Appendix 1

## Te Titiri O Waitangi

KO WIKITORIA, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga *Hapu* o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata Maori o Nu Tirani-kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei. Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Maori ki te *Pakeha* e noho ture kore ana. Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga *hapu* o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

## Ko te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

## Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga *hapu*-ki nga tangata katoa o Nu Tirani te tino rangtiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

## Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata Maori katoa o Nu Tirani ka tukua ki a ratou nga *tikanga* katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed)  
Consul and Lieutenant-Governor.

WILLIAM

HOBSON,

Na ko matou ko nga Rangatira o te Wakaminenga o nga *hapu* o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu. Ka meatia tenei ki Waiangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

*Ko nga Rangatira o te wakaminenga.*

## Treaty of Waitangi

**Preamble**

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

**Article the First**

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

**Article the Second**

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess 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 Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

**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.

W 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 signatures, dates, etc.]*

## Appendix 2

### Universal Declaration of Human Rights

#### Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

**Article 3**

Everyone has the right to life, liberty and security of person.

**Article 4**

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

**Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

**Article 6**

Everyone has the right to recognition everywhere as a person before the law.

**Article 7**

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

**Article 8**

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9**

No one shall be subjected to arbitrary arrest, detention or exile.

**Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

**Article 11**

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12**

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13**

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

#### **Article 14**

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

#### **Article 15**

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

#### **Article 16**

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

#### **Article 17**

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

#### **Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

#### **Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

#### **Article 20**

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

#### **Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

#### **Article 22**

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

### **Article 23**

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

### **Article 24**

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

### **Article 25**

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

### **Article 26**

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

### **Article 27**

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

### **Article 28**

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

### **Article 29**

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

**Article 30**

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

## Appendix 3



### **United Nations Declaration on the Rights of Indigenous Peoples**

#### **Adopted by General Assembly Resolution 61/295 on 13 September 2007**

*The General Assembly, Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,*

*Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,*

*Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,*

*Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,*

*Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,*

*Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,*

*Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from*

their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Recognizing* also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

*Emphasizing* the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

*Recognizing* in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering also* that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*Bearing in mind* that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing* and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

**Article 1**

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

**Article 2**

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

**Article 3**

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**Article 4**

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

**Article 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**Article 6**

Every indigenous individual has the right to a nationality.

**Article 7**

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

**Article 8**

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
  - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
  - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
  - (d) Any form of forced assimilation or integration;
  - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

**Article 9**

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

**Article 10**

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

**Article 11**

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

**Article 12**

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain,

protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

#### **Article 13**

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### **Article 14**

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

#### **Article 15**

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

#### **Article 16**

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

#### **Article 17**

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific

measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

#### **Article 18**

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

#### **Article 19**

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

#### **Article 20**

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

#### **Article 21**

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

#### **Article 22**

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

#### **Article 23**

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other

economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

#### **Article 24**

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

#### **Article 25**

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

#### **Article 26**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

#### **Article 27**

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

#### **Article 28**

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

#### **Article 29**

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.

States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

#### **Article 30**

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

#### **Article 31**

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

#### **Article 32**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

#### **Article 33**

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

**Article 34**

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

**Article 35**

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

**Article 36**

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

**Article 37**

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

**Article 38**

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

**Article 39**

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

**Article 40**

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

**Article 41**

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and

technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

**Article 42**

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

**Article 43**

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

**Article 44**

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

**Article 45**

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

**Article 46**

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

(2) See resolution 2200 A (XXI), annex.

(3) A/CONF.157/24 (Part I), chap. III.

(4) Resolution 217 A (III).

# Appendix 4



**Massey University**

FILE

OFFICE OF THE ASSISTANT  
TO THE VICE-CHANCELLOR  
(RESEARCH ETHICS)  
Private Bag 11 222  
Palmerston North 4442  
New Zealand  
T 64 6 350 5573  
64 6 350 5575  
F 64 6 350 5622  
humanethics@massey.ac.nz  
animalethics@massey.ac.nz  
gtc@massey.ac.nz  
www.massey.ac.nz

14 August 2009

Hoani Simon  
5 Rata Street  
Wairakci  
TAUPO 3332

Dear Hoani

**Re: Te Ukuinga a Otuparae: Loss of Indigenous Heritage at Otuparae – A Case Study of the Otuparae Development Affair**

Thank you for your Low Risk Notification which was received on 6 August 2009.

Your project has been recorded on the Low Risk Database which is reported in the Annual Report of the Massey University Human Ethics Committees.

The low risk notification for this project is valid for a maximum of three years.

Please notify me if situations subsequently occur which cause you to reconsider your initial ethical analysis that it is safe to proceed without approval by one of the University's Human Ethics Committees.

Please note that travel undertaken by students must be approved by the supervisor and the relevant Pro Vice-Chancellor and be in accordance with the Policy and Procedures for Course-Related Student Travel Overseas. In addition, the supervisor must advise the University's Insurance Officer.

**Please ensure that the following statement is included in all information provided to participants during recruitment (eg, information sheet, preamble to questionnaire, etc):**

*"This project has been evaluated by peer review and judged to be low risk. Consequently, it has not been reviewed by one of the University's Human Ethics Committees. The researcher(s) named above are responsible for the ethical conduct of this research.*

*If you have any concerns about the conduct of this research that you wish to raise with someone other than the researcher(s), please contact Professor Sylvia Rumball, Assistant to the Vice-Chancellor (Research Ethics), telephone 06 350 5249, e-mail humanethics@massey.ac.nz".*

Please note that if a sponsoring organisation, funding authority or a journal in which you wish to publish requires evidence of committee approval (with an approval number), you will have to provide a full application to one of the University's Human Ethics Committees. You should also note that such an approval can only be provided prior to the commencement of the research.

Yours sincerely

Sylvia V Rumball (Professor)  
**Chair, Human Ethics Chairs' Committee and  
Assistant to the Vice-Chancellor (Research Ethics)**

cc Assoc Prof Christine Cheyne  
School of People, Environment and  
Planning  
PN331

Dr Rangi Mataamua  
School of Maori Studies  
PN601

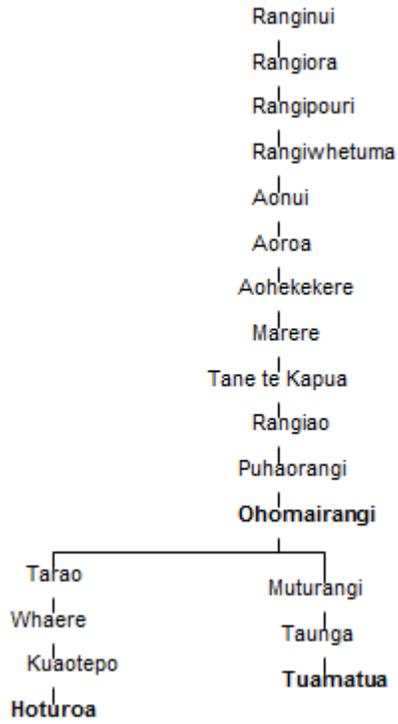
Mrs Mary Roberts, HoS Secretary  
School of People, Environment and  
Planning  
PN331

Massey University Human Ethics Committee  
Accredited by the Health Research Council

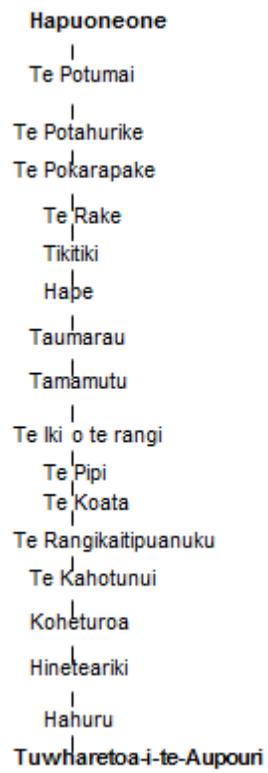


# Appendix 5

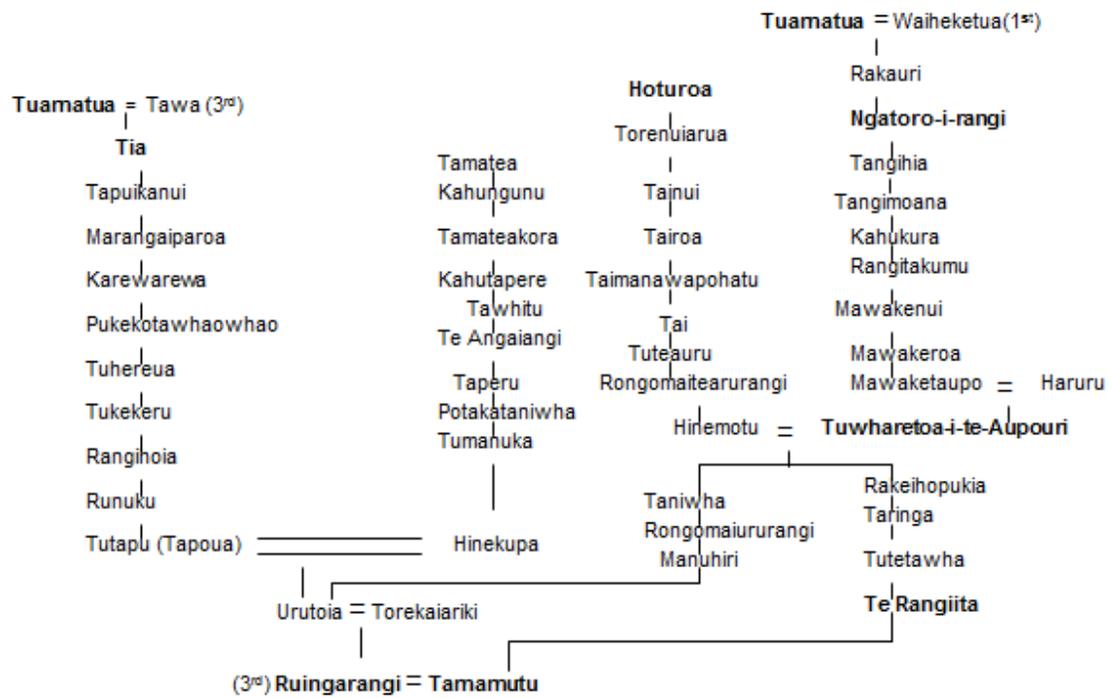
## Ranginui ki Tuamatua raua ko Hoturoa



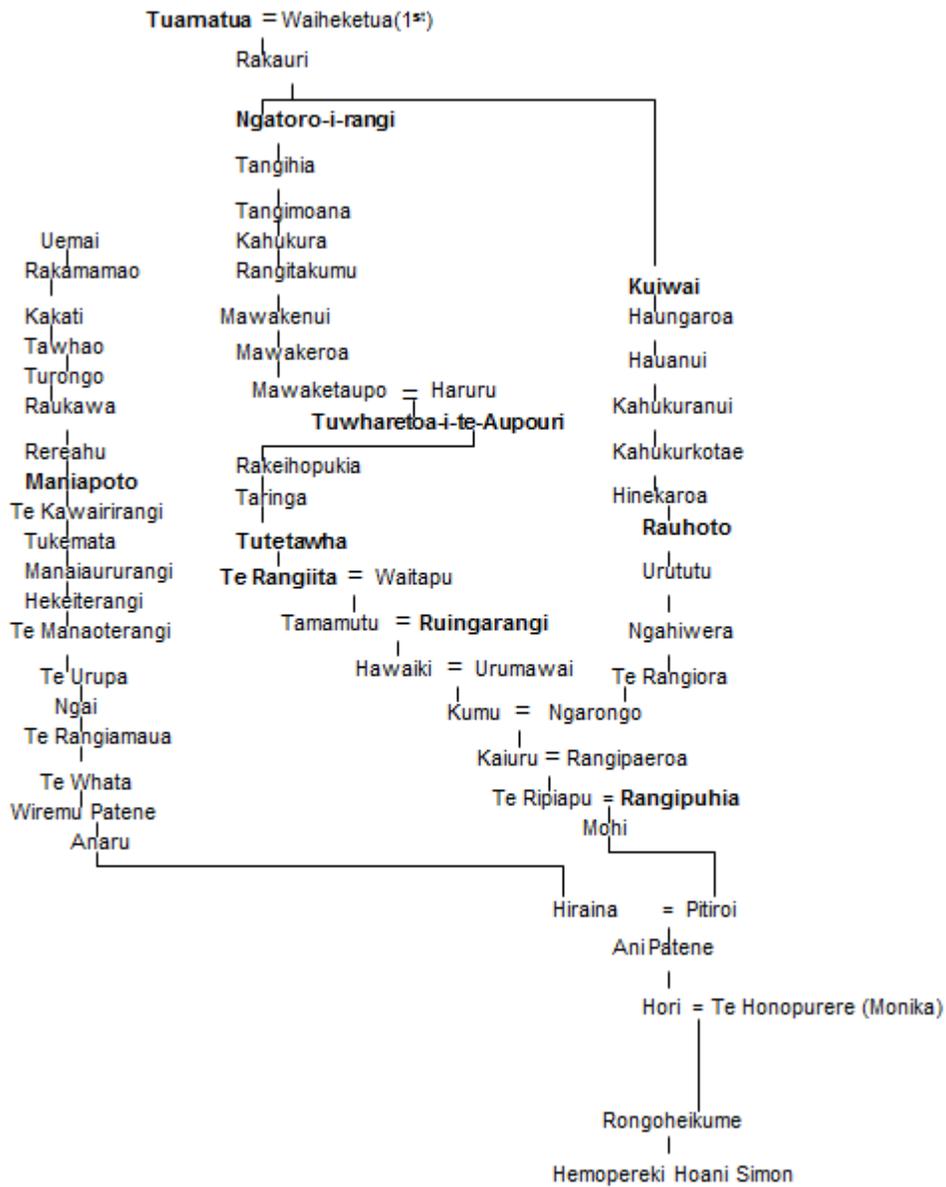
## Hapuoneone ki Tuwharetoa-i-te-Aupouri



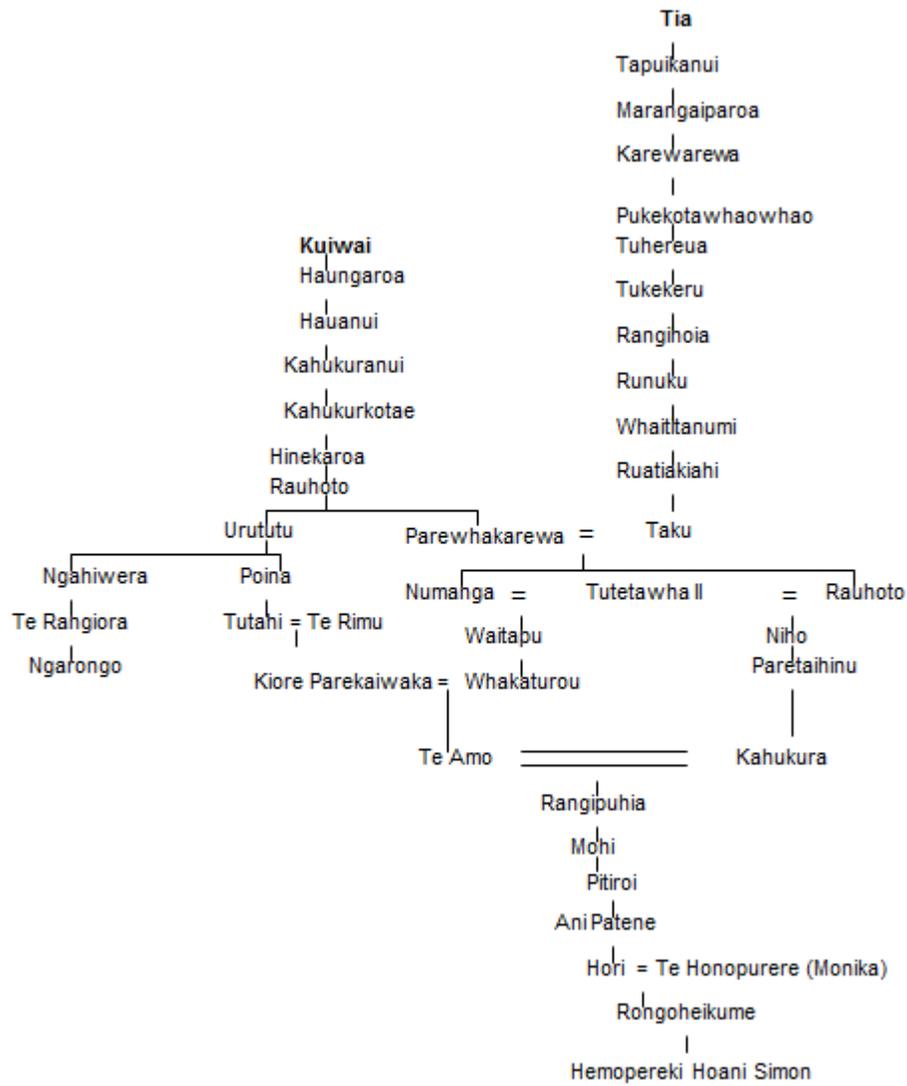
## Tuamatu ki Tamamutu



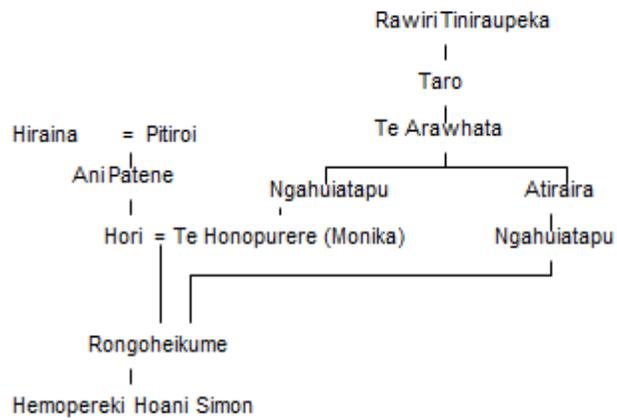
# Tuamatumā ki te kairangahau



## Tia me Kuiwai ki te kairangahau



## Rawiri Tiniraupeka (Ngati Whakaue) ki te kairangahau<sup>527</sup>

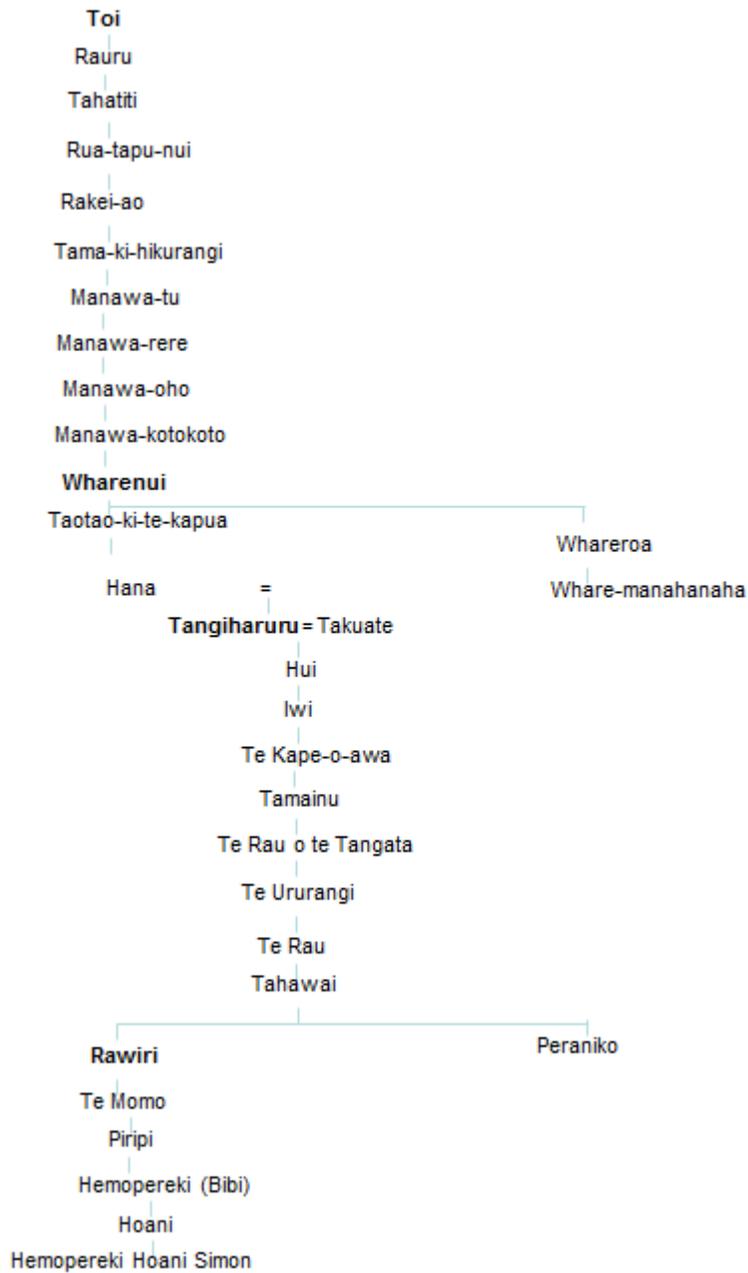


## Potatau Te Wherowhero ki te kairangahau



<sup>527</sup> Atiraira was tuakana to Ngahuiatapu.

## Te Kahui Ariki o Ngati Manawa



## Appendix 6

### Nga Ra O Hune

Nga ra o Hune ka ara te pakanga  
Ki roto o Waikato ka riro ko Te Rau  
Me tana hokowhitu  
Turia atu raa  
Te tatau o te whare o te hoariri  
Te tatau o te whare o te hoariri

Me whakatupu ki te hua o te rengarenga  
Me whakapakari ki te hua o te kawariki  
Rukuhia atu ra Te Moana a Kiwa  
E te iwi nui tonu kia manawa nui  
E te iwi nui tonu kia manawa nui

Kupapa rapua te mea ngaro nei  
Ka hoki tatou ki runga ki nga tongi  
Hei kawē ia tatou ki runga ki te oranga  
Hei kawē ia tatou ki runga ki te oranga  
Hei kawē ia tatou ki runga ki te oranga

Tena Kawana whakapaua too kaha  
I whea koe i mua raa i taku tai oretanga  
Ka tukua e koe ka tutahangatia  
Ka ahei taua i te peka titoki  
Ka ahei taua i te peka titoki

Autoro ki waho raa ka wheke koe ahau  
E ka murumurua e maua ki taku ipo  
Koia hoki tenei nga tongi o mua ra  
E ka murumurua e maua ki taku ipo  
E ka murumurua e maua ki taku ipo

Me kore te rahui te pane he toitu  
E ka kamukamu ki nga mahi koia hoki  
Whatiwhati te kakau o te paipa kia poto  
Kia ngau kau ki te kohua koia hoki  
Kia ngau kau ki te kohua koia hoki

Kati nei e te iwi to kumekume roa  
Kei mau tatou i te ra whakawa  
I te ra whakawa i te ra whakawa

I te ra whakawa o te Atua  
I te ra whakawa o te Atua

Nau mai Kawana ki runga Waikato  
Whakatikahia ra to hara ki te iwi  
I riro whenua atu me hoki whenua mai  
I te ra o Matira kua hokia e  
I te ra o Matira kua hokia e

Tairi te aroha ia ha ha  
Toro mai to ringa me aroha taua  
Aue Hi Aue Ha Aue Ai Aue  
Aue Ai Aue  
Tihei Mauriora Hi!

He Waiata mo Te Matenga (Unknown, Nga Puhi)<sup>528</sup>

I te tekauma wha o Tihema, e,  
Ka u te whakapono, eii  
Ki runga o Ohi, eii.  
Ka tu Te matenga, e, ko te kupu tenei, eii:  
Kei te rangi te atua," eii  
Ka noho a Nga Puhi, e, ka titiro ki reira eii.  
Ka noho Te Matenga, e, ka titiro whakararo, eii,  
Ki te papa oneone, e, o Aotearoa, eii,  
Taiapa rawa mai, e, ki te paraharaha, eii,  
Ki te patiti, e, ki te paraikete whero eii  
Ki te roria rino, e, nau te Kawana eii!  
I riro ai te whenua, e,  
Tere ra i te moana, eii.  
Haere oti atu, e, i te ringa o te Kuini  
E kore ra e hoki mai, eii, ki te iwi Maori na iie.

He Tangi mo Te Wano (Rangiamoa, Ngati Apakura)

E pa to hau he wini raro,  
He homai aroha  
Kia tangi atu au i konei;  
He aroha ki te iwi  
Ka momotu ki tawhiti ki Paerau

Ko wai e kite atu?

---

<sup>528</sup> Unknown, "He Waiata Mo Te Matenga" in Te Reo Rangitira Trust, *He Waiata Onamata* (Wellington: Huia Publishers, 1998) 26.

Kei whea aku hoa i mua rā,  
I te tonuitanga?  
Ka haramai tenei ka tauwehe,  
Ka raungaiti au, e.

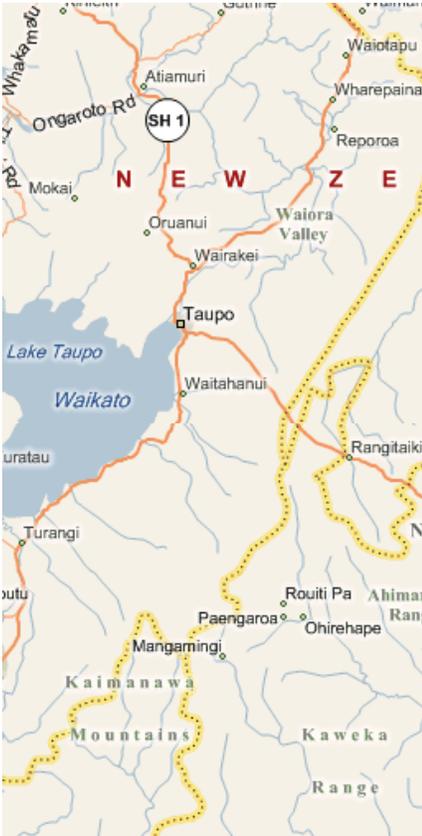
E ua e te ua e taheke  
Koe i runga ra;  
Ko au ki raro nei riringi ai  
Te ua i aku kamo.

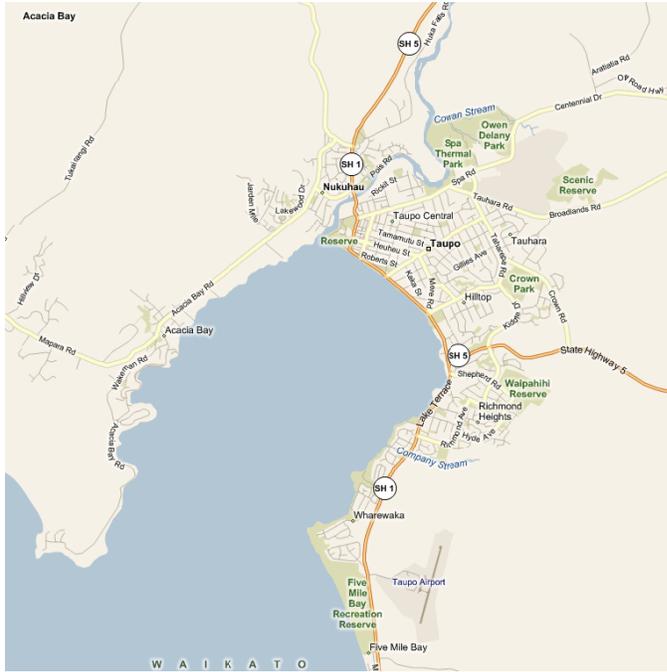
Moe mai, e Wano, i Tirau,  
Te pae ki te whenua  
I te wa tutata ki te kainga  
Kaua hurihia.

Tenei matou kei runga kei te  
Toka ki Taupo,  
Ka paea ki te one ki Waihi,  
Ki taku matua nui,  
Ki te whare koiwi ki Tongariro.

E moea iho nei  
Hoki mai e roto ki te puia  
Nui, ki Tokaanu,  
Ki te wai tuku kiri o te iwi  
E aroha nei au, i.

# Appendix 7







# Appendix 8

30 TAUPO TIMES, JANUARY 15, 2010

**PUBLIC NOTICES**

**Lancewood Dental Practice**

New patients and emergencies welcome.  
Ring office hours: Mon-Thurs 378-5676  
WINZ quotes welcome



The car parking area of the Taupo Yacht Club will be closed to vehicle access during the weekend of the 16th-17th January for the Epic Swim Festival. Public are encouraged to enter the area by foot and support the event.

**Public Notices**

**Great Lake Centre**

**CLOSURE TO PUBLIC**

On Monday, 18 January 2010 The Great Lake Centre will be closed to the public to enable the undertaking of urgent electrical maintenance. Council apologises for any inconvenience this may cause.

The Centre will be open again for normal business on Tuesday, 19 January 2010.

**2010 SPARC Rural Travel Fund**

This fund is open to Taupo District sports clubs and school sports teams that require assistance with the cost of transporting teams to local sporting competitions.

Team members must be aged between 5 and 19 years. Applications forms are available from Taupo District Council Offices in Taupo, Tarengi and Mangakino.

Applications close at 4.00pm on Friday, 19 February 2010.

**Proposal To Close Road To Ordinary Vehicular Traffic**

**2010 NEW ZEALAND IRONMAN TRIATHLON**

**FOOTBRIDGE OVER LAKE TERRACE [SH1]**

Pursuant to the Transport (Vehicular Traffic Road Closure) Regulations 1965, notice is hereby given that, for the purpose of enabling the construction and operation of a foot bridge over

**PUBLIC NOTICES**

**W.S.R.S.A. Annual General Meeting**

Wednesday  
3rd February 2009  
2pm

Agenda:  
1. Minutes last AGM  
2. Financial Report  
3. President's Report  
4. Introduction of new committee  
5. General Business  
No ballot necessary.  
Members, please pay sub of \$16 prior to 14th February.  
A Ansell  
Secretary

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**PUBLIC NOTICES**

**FREE BIBLE PROPHECY**

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**Ngati Rauhoto Wananga**

Masters Research Project  
29th January 2010  
Nukuhou Marae,  
Pihoro St, Nukuhou, Taupo.

A Wananga is to be held on the 29 January 2010 at Nukuhou Marae to discuss the findings of an MPhil thesis project by H Simon. Date: 29th January 2010 Purpose: Research Wananga

Time: 10am to late  
Place: Wanamara, Nukuhou Marae

Agenda Items:  
Powhiri  
Karakia  
Mihimihi  
Site Visit  
Presentation

Ethics Approval  
For more information please contact H Simon on (07) 3748222 or hsimon@yahoo.com

Signed: G Rameka and H Simon

**Public Notices**

**Public Notice Of Application Concerning Resource Consent**

**SECTION 95 OF THE RESOURCE MANAGEMENT ACT 1991**

The Taupo District Council has received Non-complying Subdivision and Discretionary Land Use applications at 315 Centennial Drive, Taupo, (Lot 2 DP 403073) from **CNI Developments Limited**. The proposed activity is as follows:

- To subdivide the site into fifteen allotments of between 5001m<sup>2</sup> and 7775m<sup>2</sup> in area. The allotments will be used for industrial activities. The proposed land use will not meet maximum building height, maximum building coverage, minimum building setback, noise or signage requirements in the Taupo District Plan.

A full copy of the application is available for

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exper  
Work  
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• Air Conditioning • Mecha  
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Phone 07

**KAMO KAMO**  
AT THE Vase Plaza, 18  
Main St. Ph: 377-0113

**WATERCRESS**  
AT THE Vase Plaza, 18  
Main St. Ph: 377-0113

**FINIS**  
REARER COURTESY  
Ph: 377-0113

**JOHN CHAPMAN**  
RESEARCHER &  
INVESTMENT ADVISOR

**INVESTMENT ADVISOR**  
Ph: 377-0113

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