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**DEVELOPMENT OF BICULTURAL POLICY**

**for**

**THE AUCKLAND MUSEUM.**

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

Master of Philosophy

in

Maori Studies

at Massey University, Palmerston North,

New Zealand.

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**1999.**

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## **ABSTRACT**

In common with the indigenous peoples of North America, Māori have undergone processes of colonisation that dispossessed them of their lands and diminished their cultures. Museums were institutions developed to house the material culture of the indigenous peoples dispossessed by the colonisers. Their interpretation of Māori culture, constructed in isolation from the people who had crafted the taonga, became primary sources of information about Māori.

Throughout the last three decades of the twentieth century Māori have noticeably engaged in a reaffirmation and rejuvenation of their culture. In those thirty years, there has been significant change in society - a growing awareness and recognition of the Treaty of Waitangi as fundamental to the polity of Aotearoa New Zealand. This has impacted on museums as Māori assert the rights guaranteed them by the Treaty of Waitangi.

Auckland Museum is one of the four major museums in Aotearoa New Zealand. It houses arguably the most extensive and significant collection of taonga in the world. To date, it is the only museum whose legislation includes reference to the Treaty of Waitangi and provision for a Māori governance body. This thesis examines the effectiveness of those statutory provisions and documents the progress of Māori involvement in Auckland Museum since the Auckland War Memorial Museum Act 1996 became effective. Developments amongst the indigenous peoples of North America in relation to museums, and the bicultural stance of the Museum of New Zealand Te Papa Tongarewa are reviewed by way of comparison and example of bicultural policy development for Auckland Museum.

## ACKNOWLEDGEMENTS

My experiences as Manager Iwi Values at Auckland Museum prompted me to undertake this thesis. There were so many occasions when I felt that we, Māori, had achieved something profoundly *right*, and had regained some of those parts of our culture that have for too long been defined by others.

To Ngāti Whatua o Orakei, in particular Sir Hugh Kawharu and Danny Tumahai, I thank you for the manaakitanga. To the Tainui kaumatua, especially Brownie Rauwhero, it is with much appreciation that I acknowledge your *kōrerō*, your support and guidance.

For the women, Hariata Gordon, Dame Georgina Kirby, Titewhai Harawira, Dr Mere Roberts, Jeny Curnow, Sandra Phelps and Priscilla Thompson - my special thanks for that indomitable female presence.

The two kaumatua who discussed the politics with me and spoke of honesty and compassion, Pereme Poata and my tuakana Hone Kaa – heartfelt thanks. I have learned so much from both of you.

To my own hapū and iwi, Ngai Tahu Matawhaiti and Ngāti Kahungunu ki Wairoa, who drove for eight hours and were late planting their Christmas potatoes, you spoke so eloquently and you were there when I and our taonga *tuku iho* needed you.

Jane Legget I very much appreciated the assistance with articles and international museum perspectives. Of course, my thanks to my supervisors, Professor Mason Durie and David Butts who made this project seem so achievable.

And for the ones who were always supporting me and sharing the burdens – my family – thank you.

## **CHAPTER ONE**

### **INTRODUCTION**

The intent of this thesis is to examine the legislated involvement of Māori in Auckland Museum, the development of bicultural policy for the Museum and to consider whether the policy is capable of implementation.

The major issues to be considered are development of indigenous people and museum relationships, significant legislation both in North America and Aotearoa New Zealand, and the evolving partnerships between Māori and museums. The main focus of the thesis is on Auckland Museum.

While there has been much written on the subject of Māori and museum relationships, little of it has been by Māori. In 1995 there were only four Māori in the senior management of the museums of this country and three of them were at Te Papa Tongarewa. As the first Manager Iwi Values at Auckland Museum ( the first ever Māori in the management of this institution and the only staff member whose position was dedicated to Māori issues) I became aware of the paucity of information available to Māori attempting to introduce a Māori perspective into a monocultural organisation. There were no guidelines for a position whose title had such significance and import to Māori, no support structure, and resistance from some Museum staff who felt threatened by the creation of a senior Māori position and the change of direction that it heralded. (See Tapsell 1998:175-176, 231). Moreover, that the appointee was a woman was taken as a personal affront by a few individuals and the persistent myth that Māori women cannot fulfil leadership roles circulated yet again.

The position was the advance guard to the Taumata-a-Iwi (Māori advisory committee to Auckland Museum Trust Board) that was provided for in the Auckland War Memorial Museum Act 1996.

It soon became evident that a Māori body to whom descendants of taonga could speak was desperately needed. This thesis records some of the more prominent cases in which I was involved that are representative of major issues of concern to Māori. I have attempted to provide a record of developments and have included relevant legislation and policies as examples of bicultural initiatives. As much as possible I have avoided theoretical discourse. The reasons for this were twofold:

1. my intent was to record the realities of advancing the position of Māori in relation to Auckland Museum; and
2. my experience has been that theoretical discussion is often incomprehensible to the very people who need to understand ideas of change and difference.

This thesis provides useful material for others developing partnerships between museums and Māori. It contains examples of some inspirational developments, as well as instances of practices and structures that are inherently flawed and therefore to be avoided.

Chapter two is a background chapter in three sections:

I        A review of selected publications on biculturalism in order to understand the development of the concept.

II        There are many similarities of culture and cultural concerns between Māori and the indigenous peoples of North America. Section II will examine North American laws and agreements that highlight the similarities or have relevance to the management of Māori cultural heritage. One of the clearest reports on museums working with indigenous peoples is the report of the Task Force on Museums and First Peoples (1994). The National Museum of the American Indian (NMAI) is the most recent addition to the group of major museums that make up the Smithsonian Institution. The policies and operational

principles of this institution are of interest to Māori and museum professionals who are seeking to involve Māori in their profession. The NMAI's collections and research policies will be covered in this section. Numerous Native American museums and cultural centres have been established in North America. An overview of some of these will also be included.

III the three decades from the 1970s through the 1990s were a time of reaffirmation and rejuvenation of Māori<sup>1</sup> culture and identity, and a time of development of a greater awareness of the Treaty of Waitangi. These decades are very significant to an institution that should reflect the society in which it is based, and the notable events and developments of those thirty years will be covered. The last section of the Background chapter will examine relatively recent legislative developments in Aotearoa New Zealand such as the Taonga Māori Protection Bill and the Protection of Movable Cultural Heritage Bill.

The concept of biculturalism has been promoted and most publicly instituted in Te Papa Tongarewa, the national museum of Aotearoa New Zealand. Chapter three will include the key elements and an explanation of the concept of Mana Taonga, the aims of Te Papa in regard to Scholarship and Mātauranga Māori, Te Papa's research themes and imperatives, comment from international participants at their Scholarship and Mātauranga Māori hui, and Te Papa's Bicultural Policy.

Chapter four will be about Auckland Museum. The Auckland War Memorial Museum Act 1996 includes numerous clauses relating to the Treaty of Waitangi and Māori representation at governance level. The legislation and the origins of the clauses pertaining to Māori will be examined. The provision for and establishment of the Auckland Museum Taumata-a-Iwi is one of the most significant advances towards Māori participation in Auckland Museum. This committee, its composition and the debate surrounding it will be covered in this chapter. The need for a protocol regarding the care of taonga was recognised by

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<sup>1</sup> Please note the double dot over vowels is used throughout the thesis to denote the long vowel in Maori words. This programme does not have a macron facility.

the then Auckland Institute and Museum Council in 1996, and a Kaitiakitanga protocol was drafted. This also will be discussed.

By the time the Taumata-a-Iwi held its inaugural meeting in July 1997, there were several matters that urgently awaited their consideration. For the very first time Māori had a Māori body at the governance level of Auckland Museum to whom they could convey their requests and concerns. Chapter five will examine those issues that proved to be defining issues for the Taumata-a-Iwi. These will include the return of Pukaki to Ngāti Whakaue, the debate over inclusion of a Māori perspective in the Natural History Galleries, the loan of taonga for the Tainui exhibition, the pōwhiri for representatives of the Pacific Island communities and the repatriation of two preserved heads.

Chapter six will be an in-depth look at the document that is the bicultural policy for Auckland Museum, the Kaupapa. The Kaupapa was compiled within four months of the appointment of the Taumata-a-Iwi. It is based on the Treaty of Waitangi principles and incorporates those sections of the Auckland War Memorial Museum Act 1996 that are particularly relevant to Māori. The reasons for its development, the implications of its acceptance by the Auckland Museum Trust Board, the issues that need to be addressed for it to be implemented and an analysis of the Auckland Museum's Treaty of Waitangi obligations aligned with the Kaupapa principles will be provided.

The refurbishment of the Māori galleries, for the first time in the almost one hundred and fifty years of its existence, provided the Auckland Museum with a superb opportunity to project an authentic and credible Māori view of the extensive collections of taonga that the Museum houses. This would have been the time to involve knowledgeable Māori in the development of displays, to have the project headed by qualified and credible Māori, and most of all to develop new and positive relationships with the tribal groups of origin of the taonga.

Chapter seven will give an overview of the issues that arose because Auckland Museum did not conduct proper consultation in regard to the refurbishment of the Māori galleries, and will include commentary on the Museum from representatives of the three largest iwi groupings in this country, Ngā Puhi, Ngāti Porou and Ngāti Kahungunu.

The last chapter of this thesis will essentially summarise the whole, discuss major issues and provide the conclusion of the author in regard to the implementation of bicultural policy for Auckland Museum.

## **CHAPTER TWO**

### **BACKGROUND**

The first section of this chapter will provide an overview of the development of ideas about biculturalism through a chronological examination of selected publications on the subject.

There are many parallels and similarities between the Native Americans or First Nations Peoples of North America and the Māori of Aotearoa New Zealand. Most importantly, they have suffered in common the loss of land, diminishing of their culture and particularly the alienation of their cultural heritage through the processes of colonisation.

There have been a number of significant legislative changes and reports compiled in relation to the cultural heritage of the indigenous peoples of North America. Section II of this chapter will look at those that have particular relevance to the museum profession, and also provide a brief overview of the development of several of the indigenous peoples' cultural centres and museums.

In the third section the development of the institution of the museum and the changes in Aotearoa New Zealand culture that impacted on museums within this country throughout the 1970s, 1980s and 1990s are examined to provide a context for the changes that emerged within the museological profession.

## SECTION I: BICULTURALISM

Donna Awatere (1984:8), in a series of provocatively titled articles, “sought to re-conceptualise colonial experience from a Māori point of view.” In the first article, “The Death Machine”, Awatere defined Māori sovereignty as “the Māori ability to determine our own destiny”. She aligned sovereignty with biculturalism, stating that

At its most conservative it could be interpreted as the desire for a bicultural society, one in which taha Māori receives an equal consideration with, and equally determines the course of this country as taha Pakeha. It certainly demands an end to monoculturalism. (Awatere 1984:10).

She defined sovereignty, contextualised the concept in Aotearoa New Zealand society of the mid-eighties, and provided an analysis of Maori socio-economic status. Her summary of the conference on the Public Service in a Muticultural Society states that the

surprise of the conference was the uniformity of Māori analysis and of Māori demands which are centred on that basic issue of sovereignty. There was an acceptance that multiculturalism could never be achieved without biculturalism. There was an acceptance that biculturalism meant acknowledgment of Māori sovereignty, of Māoritangā, of our land and language. (Awatere 1984:29).

In 1984 the Anglican Church established a bicultural commission to study the Treaty of Waitangi. The commission found that “the Treaty created one nation but acknowledged two peoples with two distinct cultures. It recognised and established the principle of partnership”, and further that the Treaty “clearly implies the principle of bi-cultural development”. The definitions of these concepts provided in the report were:

BI-CULTURAL DEVELOPMENT is the process whereby two cultures grow and develop within one nation in a spirit of mutual respect and responsibility.

PARTNERSHIP involves co-operation and interdependence between distinct cultural or ethnic groups within one nation”. (Bi-cultural Commission of the Anglican Church 1984:2).

A Ministry of Social Welfare report, *Puao-te-Ata-Tu* (1986), identified the need for government departments to develop bicultural policies, as opposed to the development of multicultural policy. The commissioning of the report indicated that the government of the day recognised the need to empower Māori and to address shortcomings in its delivery of services to Māori, at least in one department that had a predominantly Māori client-base. In 1985, a ministerial advisory committee was established, charged with advising the Minister of Social Welfare on the Māori perspective in regard to policy development. The committee was to advise the minister “on the most appropriate means to achieve the goal of an approach which would meet the needs of Māori in policy, planning and service delivery in the Department of Social Welfare.” (Puao-te-Ata-Tu 1986:5).

The report, *Puao-te-Ata-Tu*, is a comprehensive document resulting from extensive and widespread consultation with many thousands of people. It is evident that the essentially Māori approach of the committee meant that Māori felt that they could express themselves in a frank and open manner. The report spoke of the anger, hurt, and concerns, criticisms and grievances expressed on marae after marae throughout the country. This outpouring was described using the term *ngeri*, meaning that the grievances were “recited with the fury of a tempest”. (Puao-te-Ata-Tu 1986:21). The grievances were placed in historical, legal and cultural context.

The chapter on the historical perspective referred to the lack of consultation with, or involvement of Māori in decision-making in key areas such as education, justice and social welfare. The inappropriate structures established by Pakeha, and Pakeha involvement in issues that were critical to Māori were identified as factors contributing to the break down of traditional Māori society and the weakening of the kinship-based authorities that were best able to deal with Māori issues.

Indigenous rights were referred to in the section on the legal perspective, and the extent to which policies of assimilation and one law for all have contributed to the disintegration of the Māori way of life. Issues of racism and the forms it takes were considered. Racism was defined as “belief or practice based on the

assumption that one race, culture or ethnic group is inherently superior or inferior to another.” Three broad forms were identified – personal racism, cultural racism and institutional racism. “The most insidious and destructive” form was institutional racism – “the outcome of monocultural institutions which simply ignore and freeze out the cultures of those who do not belong to the majority.” (Puao-te-Ata-tu 1986:18-19).

This report made it clear that addressing the issues of the Māori situation must take precedence over development of multicultural policy. It stressed that biculturalism – defined as “...the sharing of responsibility and authority for decisions with appropriate Māori people” (Puao-te-Ata-tu 1986:19) – was the most appropriate policy development direction for Aotearoa New Zealand. The thirteen recommendations of the committee provided a detailed plan of change for the Social Welfare Department, a plan which, with some adaptation, could be applied to most institutions where institutional racism appears to be entrenched.

The essential elements of such a plan would be the incorporation of Māori values in all policies; equitable sharing of power, authority and resources; restructuring of governance structures to allow proper iwi-mandated Māori representation; recognition of Māori social structures and kaitiaki systems; acknowledgment and support of mātauranga Māori; support for whanau/hapu/iwi initiatives; affirmative action in training and employing Māori; Māori involvement in staff recruitment and appointment procedures; training of staff to facilitate awareness of Māori culture and issues; and providing resources to encourage use of te reo Māori.

Paul Spoonley (1984, 1990a, 1990b, 1995, 1996, Spoonley and Fleras 1999) has written extensively on the relationships between Maori and Pakeha in this country. In 1988, he examined the issues of biculturalism in his book *Racism and Ethnicity*. He made the point that

there is an urgent need to re-evaluate the relationship between the tangata whenua, the Māori, and the dominant Pakeha. For the moment, the relationship is a highly unequal one, and in the interests of racial equity, a new understanding must be reached about the structures and resources of New Zealand society. A form of social contract already exists

in the Treaty of Waitangi, and the undertakings given in both Māori and English versions provide a Magna Charta. (Spoonley, 1988:xi).

He suggested ways that the inequalities could be addressed, such as development of bicultural policies and affirmative action programmes, provision of resources, and decentralisation of delivery organisations. He described decentralisation as “increased ethnic autonomy for Māori” and suggested that it be seen as the means to “establish an effective bicultural society wherein Māori have much greater control over those policies that affect them.” (Spoonley, 1988:100). He stressed that there

are different definitions of biculturalism, but central to most is the ambition of establishing Māori and Pakeha as groups of equal standing rather than one being subjugated by the dominance of the other. (Spoonley, 1988:105).

While stating the importance of biculturalism, he is also pragmatic. In *Being Here and Being Pakeha* he states that

Of the new sets of values and relationship that have been forged in the 1980s, one of the most important is biculturalism. It does not find universal favour, but for those who regard the Treaty of Waitangi and its commitments as important, it is critical to our future. (Spoonley, 1991:154).

Raj Vasil also published his views on biculturalism in 1988. In considering issues of racial equality in Aotearoa New Zealand, he introduced his treatise with this statement:

For the present it is better to accept the notion of a bicultural New Zealand, as preferred by the Māori, than to create an unnecessary and damaging controversy by insisting on multiculturalism. A bicultural nation alone can enable the two peoples to co-exist in dignity and to begin to respect and relish each other's languages, cultures and ways of life. (Vasil 1988:1)

He examined ideas of sovereignty, Māori expectations and concerns, Māori culture and identity and the effects of the politicisation of Māori. He stressed the need for fair representation of Māori at decision-making levels of government and also elaborated on some of the concerns of Pakeha. He concluded that “...in the

final analysis, as Aotearoa New Zealand remains a democracy, any deal for the Māori has to be acceptable as much to the mainstream of the Pakeha community as to the Māori". (Vasil 1988:44)

In considering biculturalism, it is necessary to first identify the two cultures that are dominant in the society. The 1985 Social Welfare Ministerial Advisory Committee, Raj Vasil, and Paul Spoonley had already identified the two dominant cultures as being Māori and Pakeha. That there was uncertainty about Pakeha culture is evident in the 1991 publication, edited by Michael King, titled *Pakeha: The quest for Identity in Aotearoa New Zealand*. A number of authors provided their perceptions of the meaning of 'Pakeha'. King concluded that they identified themselves as 'Pakeha' and preferred to use this term "as an indigenous expression to describe Aotearoa New Zealand people and things that are not Māori". (King, 1991:8). He also noted that

'Aotearoa New Zealand' is too general a term, because there is not a single coherent culture that gives all Aotearoa New Zealanders a shared vision of themselves and their place in the world. ...

'Pakeha', on the other hand, is an indigenous Aotearoa New Zealand expression that denotes things that belong to Aotearoa New Zealand via one major stream of its heritage: people, manners, values and customs that are not exclusively Polynesian. But it also denotes things that are no longer simply European. It denotes people and things that derive from abroad but that, through the transformations of history and geography, through their new characteristics and combinations, are now unlike their sources and antecedents. (King, 1991:16).

King goes on to summarise culture as

the basis of the relationship between the individual and society, the values and rituals through which people perceive and feel their identity; and by which society accepts or rejects them - for culture, by its nature, is both inclusive and exclusive. (King, 1991:17).

W.H. Oliver contributed to *Pakeha The quest for Identity in Aotearoa New Zealand*. He highlighted the differences between the ideal of biculturalism and

the everyday practicality of Aotearoa New Zealand society. In his essay '*Belonging to the Land*', he wrote

Operationally, however, it means that within the 'European' culture people should show respect for Māori culture. Of course it has to be that way around; Tipene O'Regan once told me that for people like me biculturalism was a matter of choice, but for people like him a matter of survival. (Oliver, 1991:102).

In 1992 James Ritchie provided a personal history of his own transition to a bicultural identity. In his book *Becoming Bicultural* he considered that Aotearoa New Zealand had already moved from the debate of a decade earlier, to the position where biculturalism was "a fact of contemporary social life so profound that everything we do, everything we are, must be considered and reconsidered in terms of it". (Ritchie, 1992:6).

He stressed the need for commitment to biculturalism, for growth in understanding, for respect for the Māori world in order to achieve an authentic bicultural society. His book in its entirety defined his view of biculturalism. He, as with the earlier writers, identified the two predominant cultures of Aotearoa New Zealand as that of Pakeha and Māori, stating that

Pakeha culture (about which we know surprisingly little, anthropologically speaking) is dominant by power, history and majority. Māori culture is dominant by a longer history, by legacy and by its strength of survival and the passionate commitment of its people. (Ritchie, 1992:6).

In 1993 M.H. Durie presented a paper titled *Māori and the State: Professional and Ethical Implications for a Bicultural Public Service* at the Public Service Senior Management Conference, Wellington.

Having described the Treaty of Waitangi as "the founding document of the Aotearoa New Zealand Polity", Durie provided an overview of the development of biculturalism. He stated that "Though there was incomplete understanding of the theory and practice of biculturalism, by 1985 it had become part of the

Aotearoa New Zealand Public Service ethos” (Durie, M.H. 1993:4). He stressed that there was no single definition of biculturalism – that the theory and practice was different in each situation. He provided a diagram of the ‘Bicultural Continuum’, a chart against which an organisation could determine its existing practice and also its goals. The range of the continuum is from an unmodified monocultural institution to an independent Māori organisation. While there had been considerable progress in the development of biculturalism within Government departments, Durie noted that Māori did have concerns. The four major concerns were

1. The use of Māori protocol and culture within government departments, frequently modified to suit the needs of the institution, was often seen by Māori as another form of appropriation. Some chief executives and senior public servants appeared to assume cultural skills and knowledge, but did not observe or exhibit respect for more fundamental Maori values.
2. Bicultural policies created an impression of responsiveness to Maori issues yet there was no demonstrable evidence that the Maori position was well understood. The policies did not address the fundamental issues of social and economical advancement of Maori, but appeared to place emphasis on cultural niceties while ignoring more basic matters.
3. At the very time when Maori were seeking to establish their own structures and delivery systems, there was competition for the relatively small Maori professional workforce as Government departments operationalised their bicultural policies.
4. A conflict of interest frequently arose for Maori working in Government departments. The expectation of their people (and their own inclination) that they should promote Maori interests was often irreconcilable with the interests of the department.

Durie also examined the ethical issues. He wrote about the need for safeguards for the intellectual and cultural property of Māori, and pointed out that policies and processes must be developed that will ensure real and practical benefits for Māori. He stressed that evidence of ‘cultural sensitivity’ such as whanau support at interviews and karakia before meetings, are by themselves insufficient to address Māori needs. A fundamental requirement for the development of policies and programmes for Māori, is the consideration of whether the conceptual basis is that of Māori as a disadvantaged minority or as tangata whenua with rights in terms of autonomy and sovereignty.

In 1995, Edward Durie, chief judge of the Māori Land Court and chairman of the Waitangi Tribunal stated that

...one culture should not be judged by the standards of another; each must be appreciated on its own terms. Resolution of cross-cultural conflicts requires, therefore, either fair negotiations with equality of bargaining power, or a biculturally competent adjudicatory body.

...Ultimate justice for indigenous peoples depends on political power-sharing through constitutional reform.” (Durie, E.T. 1995:33).

This short statement identifies

- a: the problem – that one culture is judged by the standards of another;
- b: the means of resolution – equality of bargaining power or a biculturally competent adjudicatory body;
- c: the ultimately desirable outcome – justice through constitutional reform that assures political power-sharing.

In the same book, Brenda Tahi provided a case study of the development of policy within Te Ohu Whakatupu. The “*Responsiveness to Māori Plan*” was intended to ensure that the Ministry of Women’s Affairs, in every aspect of the Ministry and having regard to Treaty obligations, accounted for the needs, aims and aspirations of Māori women.

With very little adjustment, it could also be used as the basis of a programme for bicultural policy development in other institutions. Tahī made salient points too about the impetus for policy development. She wrote that Māori are not an insignificant minority, that “understanding Māori people and our culture is good business – economic, political and social”. (Tahī, 1995:64) Her summary of the government’s policy in regard to Treaty claims was that the government sought to avoid later disruption and escalating costs. She stated that “the rights-based perspective appealing for justice has been superseded by a more persuasive efficiency argument”. (Tahī 1995: 71).

Andrew Sharp has argued that the Treaty of Waitangi is fundamental to an essentially bicultural society. He, in common with Spoonley and others, placed the growth of the development of biculturalism in the 1980s, and linked it to the increased reference to and awareness of the Treaty of Waitangi. He described the Waitangi Tribunal as the prime example of a bicultural institution because of its composition, its methodology, its observance of both Māori lore and Pakeha law and its efforts to combine both Māori and Pakeha versions of real justice.

He stressed that the discourse about biculturalism

is addressed not only to our private selves – our innermost beings accessible only to ourselves – but also to what the romans used to call our public personae; to our selves considered as bearers of rights and duties, as actors on a public stage playing the roles prescribed by the law and customs of the polity in which we live. (Sharp, 1995:120).

For S.M. Mead the 1970s were a time of “confrontation”, followed by the “optimism. and new-right philosophies” of the 1980s in contrast to the “conservative and mainstreaming” 1990s. (Mead, 1997: 1-2) He wrote about the tumult of those years, the changes, decisions and policies that were imposed on Māori, and the opportunities that Māori took to begin to redefine their world. Mead referred to his personal sense of obligation, his “duty to comment on decisions or policies made by others”, a duty that he placed within the function of

universities where “people who teach and do research there act as the conscience of the nation.” (Mead, 1997:1-2). He examined the management of knowledge and the development of Māori studies within the universities of Aotearoa New Zealand. Mead wrote also about the state of Māori language, its pivotal role in maintaining identity, and its place in the development and rejuvenation of Māori culture.

Mead also identified institutional racism as a means of denying Maori self determination (1997:100-111).

In 1998 M.H. Durie has suggested that the major issue of Māori involvement in policy development is no longer focused on biculturalism but on Māori self-determination:

advancement encompasses three important dimensions. First, it signifies a commitment to strengthening economic standing, social well-being, and cultural identity, both individually and collectively. Second, it also touches on the dimension of power and control, again at individual and group levels Māori advancement is about the better self-management of natural resources, greater productivity of Māori land, the active promotion by Māori of good health, a sound education, enhanced usage of Māori language, and decision-making that reflects Māori realities and aspirations. Third, advancement is also about change. Cultural fossilisation is not consistent with the spirit of development; and even though traditional values and knowledge have important lessons for today and offer some clues for the future, Māori self-determination is not about living in the past.” (Durie, M.H. 1998:4).

## SECTION II: MUSEUMS AND FIRST NATIONS/NATIVE AMERICANS

### **Museums and Views of Indigenous Cultures**

The indigenous peoples particularly of Canada, the United States of America, Australia and Aotearoa New Zealand have all suffered very similar colonisation processes. They have suffered too the same consequences of colonisation - decimation of their populations, detribalisation, assimilation, alienation from and consequent loss of language and culture, and dispossession of land, fisheries and material cultural heritage.

While colonisation was in process, the dominant culture chose to collect examples of the patrimony of the very cultures they were destroying - the 'art', the tools, clothing and human remains.

The extension of colonial empires, the activities of travellers and traders, and the growth of a class of wealthy private collectors made it possible to amass an astonishing quantity of objects from all over the world. The scale, both in numbers and bulk, of the items brought back to Europe over considerable distances and with great difficulty testifies to the zeal with which this pursuit was widely undertaken. (Greenfield, 1989:106).

Greenfield (1989) traces the emergence of public museums in Europe to the seventeenth and eighteenth centuries. They were institutions that arose as places to house and showcase the amassed objects obtained during eras of war and colonial expansion, from missionary and archaeological expeditions, or from peaceful and uncontroversial transactions between collectors and willing sellers.

In North America, the Native Americans were also subjected to these processes.

What began as a hobby or a means to satisfy public curiosity, however, was given legitimacy through the rise, in the second half of the (nineteenth) century, of a new social science: anthropology.

Anthropology lent credibility to collecting and justified investment in museums. Ethnocentric bias – including the notion that cultures evolve from primitivism to

civilization, or, more basic still, the idea that science and scholarship, rather than faith, experience or imagination, are the keys to understanding cultures – was institutionalized. Museums and universities decided upon the essential training and work of anthropologists: the collection, classification, and display of material culture, with occasional interviews to aid in understanding the origins and uses of artifacts.

Museums soon accommodated immense collections of “scientific specimens” and “artifacts of primitive peoples.” Objects seized as pagan idols and superstitious nonsense and clothing that was ridiculed and, in some cases, prohibited from being worn in towns and on reservations, were put on proud display in prominent institutions. These anthropological collections became the primary sources of public information about and exposure to the indigenous cultures of the Americas. Indeed, scientifically catalogued artefacts – stripped of their spirits and their connection to the people who made and used them – became the means through which cultures were defined. (Hill, T, and Hill, R. 1994:15-16).

That the 'objects' in the museum collections are most often completely out of context, and that the native peoples from whom the collections originated might have a very different view of the 'objects' and how they should be treated and presented to the world, is a relatively new concept in the museum profession.

Hill wrote of the rise of political activism among Native Americans in the 1960s as the time when changes began to occur in the museums of America.

Museums, which had considered themselves above criticism, came under attack from traditional Native Americans, tribal leaders, and militant chapters of the American Indian Movement... Archaeologists were halted in mid-shovelful at their excavations. Native Americans were tired of being treated by museums as if they were extinct. ...Mohawk art historian Deborah Duxtator explained the Indian reaction: “The very presence of religious objects on display in museums symbolized the power and control of white society over native peoples.” Anthropological exhibits displaying skeletal remains in the name of science, she says, drove the point home. .

In 1969, the press – and all of North America – was forced to confront these issues after armed Indians seized Alcatraz, in San Francisco Bay, and proclaimed it Indian land. “We moved into Alcatraz Island because we feel that Indian people need a cultural center of their own,” the occupiers announced. “For several decades, Indian people have not had enough control of training their young people. we hope to reinforce the traditional Indian way of life by building a cultural center on Alcatraz island. we hope to build a college, a

museum, a center of ecology, and a training school.” (Hill, T and Hill, R.W. Sr. 1994:16-17)

Meanwhile, other countries were becoming aware of the need to develop agreements and procedures to protect cultural heritage, and to develop conventions for processes that are at the core of the institution of the museum such as archaeological excavations and international trade in artefacts.

### **North American Laws and Agreements.**

#### Native American Graves Protection and Repatriation Act.

Public Law 101-601, the Native American Graves Protection and Repatriation Act (NAGPRA 1990), has far reaching implications for American museums and provides a very useful case study in the use of public law to manage cultural heritage issues.

The purpose of NAGPRA is to protect

Native American burial sites and to regulate the removal of human remains, funerary objects, sacred objects, and objects of cultural patrimony that are located on federal, Indian, and Native Hawaiian lands. The Act provides for the return, upon request, of certain cultural items to Native Americans, makes illegal the trafficking of those items, and sets forth procedures for the control of their excavation. (Tabah, 1993:4).

Specific guidance for museums and other communities affected by NAGPRA is provided in regulations developed by the Secretary of the Interior, the Departmental Consulting Archaeologist, and the Archaeological Assistance Division of the National Park Service.

A review committee was established to monitor and review activities and develop rules and regulations for the implementation of NAGPRA. The committee of seven included three Native Americans.

NAGPRA included very specific requirements of museums that received federal funds, such as inventories of human remains and associated funerary objects, and written summaries of unassociated funerary objects, sacred objects and objects of cultural patrimony. Critical to compliance with the Act was the requirement for consultation with “the appropriate tribal representatives, Native Hawaiian organisation officials, and tribal religious leaders.” (Tabah 1993:5).

In regard to repatriation, NAGPRA required that once the cultural affiliation of human remains and associated funerary objects had been established to lie with the tribe or lineal descendant who had requested repatriation, then that return must be expedited. The NAGPRA Review Committee was to arbitrate any disputes.

It was recognised that many museums needed to develop specific procedures and repatriation policies to comply with NAGPRA, and possibly also review or develop Native American Collections policies.

Museums affected by NAGPRA needed to develop repatriation policies and procedures. Guidance for this process was provided in the form of implementing regulations. The major areas to be addressed in repatriation policy development were:

1. Consultation – museums were urged to consult with Native American peoples.
2. Procedures for Inventories and Written Summaries – The possibility was raised that museums may find that the patrimony of certain materials could not be positively identified. Procedures needed to be developed as to how the origin of such materials could be determined, and who would be consulted in this regard.
3. Conflict Resolution – It was accepted that even with goodwill between museums and Native Americans, the potential existed for disputes in regard to repatriation. Therefore it was necessary to establish procedures to deal with this eventuality, and a committee to review specific cases was suggested.
4. Documentation of Repatriated Materials – It was acknowledged that museums may wish to document an object prior to repatriation. In this eventuality, museums were advised to seek the prior permission of the culturally-affiliated

Native American group as some could object to such record being kept of human remains or sacred objects without their express permission.

5. Access to and Use of Repatriable Materials –Where the Native American group to whom an object belongs wishes the museum to continue to care for it, NAGPRA encouraged the pursuit of collaborative agreements. Negotiations should be entered into to determine access, display, storage and care, risk management and security.

Similarly, guidelines were provided for the development of a collections management policy for collections containing Native American material. The major areas to be covered in this policy development were

- a) Acquisition policy – reference was made to the differing cultural views, legal obligations, ethical considerations, and current sensibilities.
- b) Exhibition and Interpretation – consultation with appropriate groups was urged at all stages from consideration of exhibitions of religious or ceremonial objects, through planning and the processes of interpretation and presentation.
- c) Loans – Museums were encouraged to develop loan processes that included consultation with appropriate culturally affiliated groups in regard to display and care.
- d) Curation, Care and Conservation – Again, consultation with appropriate groups was the prime consideration in regard to issues of handling, care, conservation and maintenance of culturally or religiously sensitive objects. The opportunity for culturally diverse peoples to participate in museum activities as staff, volunteers, trustees and advisory committee members was also highlighted as being desirable. (Tabah, 1993:8-10).

The critical consideration for museums in developing policy and procedure to comply with NAGPRA was that consultation with the appropriate Native American group/s must be carried out.

NAGPRA has provided Native Americans with a long-overdue recognition of their rights over some cultural property and the means to assert them.

Resistance to the implementation of NAGPRA is occurring in some museums

...because of the imposition of compromise legislation, designed to fit all circumstances but often proving to be inappropriate, many scholars and museum workers resent and passively resist the NAGPRA provisions. The recent case in which Yakima and Umatilla people near Kennewick, Washington have stated their intention to re-bury remains estimated to be 8,000 years old, have brought matters to crisis point for some. A consortium of independent scholars has applied for a court injunction to forbid the return, even though it is legal (others say required) under the NAGPRA legislation.

(Swackhammer, 1997:8)

The Bishop Museum in Hawaii has also been at the centre of a controversy relating to human remains. The museum had successfully repatriated remains to the islands of Hawai'i, Moloka'i, Kaho'olawe, O'ahu and Maui, a project arising out of a March 1990 anthropology workshop that involved Native Hawaiians. The museum had honoured a request to cease studies on Hawaiian human remains, and supported NAGPRA "...against the wishes of its academic community and staff, including some Native Hawaiians." (Tatar, 1995:250).

The controversy concerned an inventory of human remains from the site of a Marine Corps Air Station on O'ahu, an inventory that the Bishop Museum was contracted to conduct, but which was controlled by a Navy archaeologist. The archaeologist developed the scope of the work and "...assured the project staff that the Office of Hawaiian Affairs (OHA) and Hui Mälama I Nä Kūpuna O Hawai'i Nei (Hui Mälama) had been consulted and were in agreement." (Tatar, 1995:251).

The report detailing the results of previous research and the item-by-item inventory of remains and associated objects was completed in July 1994. It created offence and resulted in a lawsuit by Hui Mälama against the Navy and the museum.

The crux of the problem was that the consultation was inadequate. Tatar (1995) notes that Bishop Museum has since dramatically increased its consultation activities.

Further assistance to museums in the consultation process is provided by the National Archaeological Database-NAGPRA, available on the internet, which provides a list of contacts for each Indian tribe, Alaska Native corporation and Native Hawaiian organisation as well as suggesting other sources of information for contacts such as the Bureau of Indian Affairs, Federal, state and local government agencies; and national, regional and local archives. Heavy emphasis is placed on the need for direct interaction with all of the appropriate Native American representatives.

#### From the Native American perspective

These objects (in Museums) are "sacred objects, things of power"... They are "things that the tribes need today. We have no precedents for the problems of today, the drugs, the crime.... So far we've been listening to the dominant culture. ... This doesn't necessarily work for us. These sacred objects, now in museums, can play a very important part in our lives again". ... NAGPRA is going to become a very important thing for Native Americans. ... I see it possibly as the last chance, the last opportunity for Native Americans to revitalize, regenerate, recreate ourselves. ... We can't get on with the future until the past is resolved in some sort of equitable manner. ... NAGPRA has been very empowering to us. ... We've taken it out of the control of museums.... Even though tribes and museums alike are confused about the procedures and what to do next, the act is a good one. It empowers Indian tribes to decide among themselves what needs to be done. ... If a proposed research is good enough, those people should be able to convince Indians why its should be done. ... The reason we're in the condition we're in now is because the archaeologists never did ask. They just said, "hell with you". ... Museums have to become more sensitive. You're trying to preserve something that isn't yours. It's a whole way of thinking that's going to change. (Morris, 1997:211-212).

#### Some museum professionals have actively resisted NAGPRA:

We're not going to roll over and open the doors. Our first responsibility is to the institution and its holdings. We're dealing from a position of strength, not weakness. (quoted in Morris, 1997: 210).

Morris summarised the museum professionals' views thus:

Revealed in a conflict between their responsibility to science and to those they study, the dilemma facing museum professionals is that they are seen both as representatives of the dominant culture and as mediators of fundamental disputes between the dominant culture and the Native Americans. Treated as part of the dominant culture by Native Americans, some museum professionals fear that, in trying to mediate disputes fundamental to the relationship between Native Americans and the wider society as a result of NAGPRA, they will lose control over the objects of research on which their professional identities are based. (Morris, 1997:215).

The similarities between the Native American experiences and perspectives and those of Maori are unmistakable. We too have been subjugated by the dominant culture, members of whom have built considerable professional identities on the study of our people, research on our human remains, and who have exercised (and continue exercise) control over Māori human remains and taonga. Māori do not yet have legislation that would be as empowering to us as NAGPRA has been to Native Americans. However, that may be an option that should be considered if the move towards bicultural museums and the recognition of the Treaty of Waitangi do not eventuate in Māori control over Māori cultural heritage.

### **Task Force on Museums and First Peoples.**

When the Glenbow Museum staged the controversial exhibition titled "The Spirit Sings" during the 1988 Calgary Olympics, the exhibition was boycotted by the Lubicon Lake First Nation. The boycott and accompanying debate provided the impetus to begin a series of discussions between museums and the Native peoples of Canada. The Assembly of First Nations stated its unconditional support for the Lubicon Lake Band and the overall advancement of Aboriginal rights in Canada.

When the exhibition went to Ottawa, the then National Chief of the assembly of First Nations, Georges Erasmus, invited the Director of the Canadian Museum of Civilization, Dr George MacDonald, to co-sponsor a symposium to address outstanding issues between museums and First Peoples.

The Canadian Museums Association and the Assembly of First Nations co-sponsored the national conference "Preserving Our Heritage: A Working Conference Between Museums and First Peoples" in 1988. From this conference came the decision to establish a task force for ongoing discussions and for the development of appropriate guidelines. The structure and mandate for the task force was determined by a process of consultation with numerous representatives of Aboriginal and Non-Aboriginal museums, cultural centres, organisations and government-run culture and heritage programmes.

The Task Force on Museums and First Peoples met as a working group in 1990. Its membership included Native elders with extensive experience working in the area of Aboriginal cultural heritage. The co-chairs were Tom Hill of the Woodland Cultural Centre, and Trudy Nicks of the Royal Ontario Museum.

The Mission Statement of the Task Force was "To develop an ethical framework and strategies for Aboriginal Nations to represent their history and culture in concert with cultural institutions." (Task Force on Museums & First Peoples, 1994: I).

The Task Force identified three major issues at their initial working party meeting. These were:

- 1) increased involvement of Aboriginal peoples in the interpretation of their culture and history by cultural institutions;
- 2) improved access to museum collections by Aboriginal peoples; and
- 3) the repatriation of artifacts and human remains. (Task Force on Museums First Peoples, 1994: I).

The Task force worked as three regional consultative committees – the Western committee covered British Columbia and the Yukon, the Central committee covered the Prairie Provinces and the Northwest Territories, and the Eastern committee covered Ontario, Quebec and the Atlantic provinces.

The results of the comprehensive consultation process with Canadian Aboriginal communities, curators in key museums, university academics, cultural organisations, and archaeologists throughout Canada were published in 1994 as the “Task Force Report on Museums and First Peoples”. The major findings were organised into eight categories:

A. The importance of cultural objects in museum collections.

Cultural objects were recognised as representing the cultural history and values of First Peoples, and therefore were significant sources of learning, pride and esteem. The point was made that museums had the potential to engage with living cultures, not just objects.

B. Increased involvement of First Peoples in Interpretation, including all facets of museum administration, research, public programme and exhibition planning, and the resulting presentations of First Peoples’ histories and cultures.

C. Improved Access to Museum Collections - not only physical access to collections, but also to funding sources, policy development and implementation, and training and employment in museums and cultural institutions. Museums were encouraged to inventory collections and make these inventories available to the appropriate First Peoples and to develop flexible arrangements that would take into account the differing cultural interactions with objects.

D. Repatriation.

There was general agreement that human remains, illegally obtained objects, certain non-skeletal burial materials and other sacred objects should be returned to the appropriate First Peoples. As well, there was support for the return to the originating community of some other objects considered to be of special significance to cultural patrimony.

There was recognition of varying concepts of cultural connection and ownership, and the need to involve Aboriginal people in determining who should receive any repatriated material. The ‘Native American Grave Protection and Repatriation

Act' was studied by the Task Force members, who decided that they preferred a collaborative approach to resolution of issues rather than a legalistic one.

#### E. Training.

Training for First Peoples and non-Aboriginal museum personnel was seen to be critical – for First Peoples, training was needed in all phases of museology, and for non-Aboriginals, training was needed in the values and cultures of First Peoples.

#### F. Support for Cultural Institutions.

Strong emphasis was placed on the need for support for First Peoples who were developing cultural facilities in their own communities. Recognition was given to the significant role that community-based cultural centres and programmes played in reinforcing positive identity, healing cultural dislocation, improving educational opportunities, and supporting the socio-economic goals of First Peoples communities.

#### G. Funding.

An urgent need was flagged for funding for programmes that involved First Peoples in cultural institutions, as well as for assisting the establishment of First Peoples own museums.

#### H. International Collections.

Recognition was given to the need for governmental assistance for First Peoples to gain access to, and/or repatriate cultural objects held in collections outside of Canada. (Task Force on Museums & First Peoples, 1994:4-6).

The Task Force Report includes a section titled "Creating Partnerships: Principles and Recommendations". The introduction to this section includes this observation

A great portion of existing collections were gathered at the turn of the century when museums and private collectors rushed to collect cultural materials from Aboriginal communities, which according to the social, scientific and political philosophy of the time were believed to be well on the way to extinction. Some museum exhibitions reinforced a

public perception that Aboriginal cultures existed only in the past and that they were incapable of change. Such perceptions continue to support the mistaken notion that Aboriginal cultures are inferior. (Task Force on Museums & First Peoples, 1994:7).

The principles for the establishment of partnerships listed were:

1. Museums and First Peoples will work together to correct inequities that have characterised their relationships in the past. In particular the desire and authority of First peoples to speak for themselves should be recognised and affirmed by museums.
2. An equal partnership involves mutual appreciation of the conceptual knowledge and approaches characteristic of First Peoples, and the empirical knowledge and approaches of academically-trained workers.
3. First Peoples and museums recognise mutual interests in the cultural materials and knowledge of the past, along with the contemporary existence of First peoples.
4. First Peoples and museums must accept the philosophy of co-management and co-responsibility as the ethical basis for principles and procedures pertaining to collections related to Aboriginal cultures contained in museums.
5. Appropriate representatives of First peoples will be involved as equal partners in any museum exhibition, program or project dealing with Aboriginal heritage, history or culture.
6. First Peoples and museums must recognise a commonality of interest in the research, documentation, presentation, promotion and education of various publics, including museum professionals and academics, in the richness, variety and validity of Aboriginal heritage, history and culture.
7. First Peoples must be fully involved in the development of policies and funding programs related to Aboriginal heritage, history and culture.

(Task Force on Museums & First Peoples 1994:7).

The Task Force emphasised that no single set of recommendations and policies could adequately address the culturally diverse needs and aspirations of all the First Peoples of Canada. They therefore encouraged a flexible approach in the development of partnerships and recommended against national legislation such as the United States' NAGPRA.

Opinion on the effectiveness of the Task Force has not all been positive:-

...among cultural representatives of First Nations in southern Alberta, there is a perception that the Task Force has not accomplished much, that although communication has improved, it has not been followed by actions. (Notzke, 1996:55).

Notzke did comment that some cultural institutions do act upon the Task Force recommendations, among them the Glenbow Museum whose exhibition *The Spirit Sings* sparked the controversy that first led to the establishment of the Task Force.

The Canadian "...negotiated style of repatriation, coupled with Land Claims agreements (and by implication, imbedded in questions of constitutional law)" (Swackhammer, 1997:8) contrasts with the blanket legislative approach taken by the United States with NAGPRA. An example of this was the Yukon First Nations Umbrella Final Agreement which established three principles related to museum collections:

13.3.1 Each Yukon First Nation shall own and manage moveable heritage resources and non-moveable heritage resources and non-public records...found on its settlement land...

13.3.6.1 An ethnographic object directly related to the culture and history of Yukon Indian People shall be owned and managed by the Yukon First Nation in whose traditional territory it was found;

13.4.3 Government, where practicable, shall assist Yukon First Nations to develop programs, staff and facilities to enable the repatriation of moveable and documentary Heritage Resources relating to the culture and history of Yukon Indian People which have been removed from the Yukon, where this is consistent with the maintenance of the integrity of national or territorial collections. (Swackhammer, 1997:7-8).

These provisions potentially empower the Yukon First Nations to own and manage their cultural heritage.

On November 6 and 7 1998 the Nisga'a of British Columbia voted for ratification of the Final Agreement of the Nisga'a Treaty, the first modern-day land claims settlement negotiated in this Canadian Province. Settlement legislation to approve the Agreement was passed in the Legislative Assembly on April 22 1999. The necessary federal legislation, Bill C-9, was approved by the House of Commons on December 13 1999, and is currently awaiting Senate approval and Royal

Assent before the Nisga'a Treaty takes effect. Once an effective date of the treaty is established, the process of implementing its provisions will begin.

The Nisga'a are the indigenous people of the Nass River Valley of northwestern British Columbia, and the Nisga'a Treaty covers their traditional lands, fisheries, forests, fauna, environmental management, economy, government and cultural heritage. Chapter 17 of the Nisga'a Final Agreement concerns Nisga'a cultural artifacts and heritage. The intent of the agreement is that Nisga'a artifacts will be shared between the Nisga'a Nation, Canada and British Columbia. The two major museums affected by the agreement are the Canadian Museum of Civilization and the Royal British Columbia Museum. The Museum of Civilization is to return all Nisga'a artifacts of a religious nature from its collection to the Nisga'a and, once the Nisga'a have built a museum facility, loan all other Nisga'a artifacts to them. Approximately 50 percent of all (not just those of religious significance) the Nisga'a artifacts from the Royal British Columbia Museum are to be returned to the Nisga'a. (Ministry of Aboriginal Affairs, 2000).

As with all such agreements and legislation, the extent of success for the indigenous peoples will be affected by the willingness of the museum professionals involved to commit to the processes of repatriation and perhaps to develop new partnerships as outlined in the report of the Task Force on Museums & First Peoples. The principles that the Task Force established are appropriate for use in museums around the globe, and are particularly applicable to the development of partnerships in Aotearoa New Zealand. The provisions of the Yukon First Nations and the Nisga'a agreements regarding cultural heritage are significant examples of acknowledgment of cultural ownership. Such acknowledgment and the legislative means to effect processes that would make Māori ownership of taonga a reality have not yet been addressed in Aotearoa New Zealand.

## **NATIVE AMERICAN MUSEUMS.**

### **The American Indian Museums Association.**

There are over three hundred American Indian, Alaska Native, and First Nations museums, cultural centres and heritage centres in the United States of America and Canada. In 1995, the American Association for State and Local History (hereafter referred to as AASLH) initiated a project to get to know these institutions, and address their needs. It was called the AASLH Native American History Initiative.

A needs survey of more than three hundred American Indian, First Nations and Alaska Native museums and cultural centres was conducted. The survey identified the need for programmes to address interpretation issues; concerns about repatriation and the associated legal and ethical issues; development of networks; collections care; funding; and an association that specifically addresses the needs of the surveyed organisations.

In 1996 the Native American History Initiative Steering Committee was established, consisting of representatives from throughout the United States and Canada. This group collaborated with AASLH to plan and conduct a one-day conference on NAGPRA-related issues, in conjunction with the 1997 AASLH Annual Meeting. As well as participants from Indian and first Nations museums, the conference was attended by many Indian graduate students from museum studies programmes.

One of the outcomes of this conference was the establishment in 1998 of the American Indian Museums Association. This association supports tribal and non-tribal organisations and institutions that are devoted to American Indian heritage in art, culture, history and science; encourages the development of such institutions; and seeks to assist the continuing professional development of tribal heritage personnel. (Lomawaima, 1998:13-14). There is no equivalent

organisation in New Zealand providing an umbrella for Māori heritage institutions and initiatives.

### **National Museum of the American Indian, Smithsonian Institution.**

The National Museum of the American Indian was created in November 1989 when Congress enacted Public Law 101-185, the National Museum of the American Indian Act. This provided for the transfer of the assets of the Museum of the American Indian – Heye Foundation to the Smithsonian Institution.

### Collections Policy

The Mission Statement of the National Museum of the American Indian states

The mission of the National Museum of the American Indian is to recognise and affirm to Native communities and the non-Native public the historical and contemporary cultures and cultural achievements of the Native peoples of the Western Hemisphere by advancing, in consultation, collaboration, and cooperation with Native peoples, knowledge and understanding of Native cultures including art history and language and by recognising the Museum's special responsibility, through innovative public programming, research, and collections, to protect, support, and enhance the development, maintenance, and perpetuation of Native cultures and communities. (Tabah, 1993:166).

The Collections Management Policy of the NMAI provides the detail of all procedures involved in collection management. This includes documentation, accessioning, deaccessioning, repatriation, access, loans both inward and outward, conservation, care and handling of objects. The policy states also the respect for, and intention to incorporate the cultural protocols of Indian people.

### Policy Statement on Native American Human Remains and Cultural Materials.

This policy document provides a comprehensive statement of values, definitions and procedures pertaining to Native American human remains and cultural materials.

The stated impetus for repatriation is

to support the continuation of ceremonial and ritual life among Native American peoples, to foster and support the study by Native Americans of their own traditions, and to forge consensus among the Museum and Native American communities while accounting for and balancing the interest of each. (NMAI 1991).

The policy is unequivocal in regard to honouring Native American wishes with respect to their ancestral human remains and funerary objects. The point is further emphasised in the statement that

All Native American materials, including human remains, funerary objects, ceremonial and religious objects, and communally-owned property, together with all culturally-specific information, must be treated as the sole property of the affected Native American culturally-affiliated group and with the utmost respect by scholars and interpreters of those cultures, whether in collections research, scientific study, exhibitions, or educational programmes. (NMAI 1991).

The policy directs the repatriation upon request of any object that was communally-owned, and therefore could not have been legally alienated, transferred or conveyed by an individual. The procedures for determining cultural affiliation and repatriation are set out in this policy.

### Research Policy: The National Museum of the American Indian.

In seeking to fulfil its mission statement in regard to the promotion of awareness of Native American cultures and peoples, the NMAI recognised the need for a variety of research activities that included both primary research (generating knowledge that is entirely new) and applied research (generating information that becomes the basis for action).

The general research policies were to encourage Native American peoples “to use the collections to document their histories and cultures” and to facilitate Native American access to the collections. Guidelines were provided regarding access, resolution of conflict arising out of the expectation of access for research, dissemination of information, and related research goals and objectives.

The overriding concern expressed in these policies was that the cultural traditions and integrity of the affiliated Native American groups must be the prime consideration in all activities.

The Director of the National Museum of the American Indian is W. Richard West, Jr, a Southern Cheyenne and member of the Cheyenne and Arapaho Tribes of Oklahoma. In an address to the American Anthropological Association Annual Meeting in 1992, he described the three guiding principles of the NMAI in regard to research and scholarship.

The first principle he referred to was the museum’s

explicit recognition of the time continuum and contemporary existence of the indigenous cultures of our Hemisphere. ... The essence of our indigenous nature continues to exist and to evolve in dynamic and culturally significant ways. ... Native peoples (are) contemporary cultural phenomena that draw upon timeless traditions stretching back over thousands of years to respond to a vastly changed current environment and circumstances. (West, W. Richard, 1992:3-4).

In other words, indigenous peoples are here still, and are a dynamic and continually evolving part of society.

The second principle West described was the role of the NMAI

in affirming and supporting this cultural continuity. In a critical sense, this institution is as much an institution of living culture as it is a “museum” in the conventional meaning of the term. ... Just as our nation...is coming to grips with the devastating costs of a rapidly declining bio-diversity, so we also must begin to calculate and to remedy the cultural damage we suffer by permitting the further diminution of vital elements of our country’s cultural diversity. (West, W. Richard, 1992:4-5).

The third principle West explained was in relation to the definition of “scholarship”. He asked

...whose voices are heard in determining cultural “truth” as it relates to the cultural experiences and history of the Native peoples of the Americas? (The NMAI) is a cultural institution...where, systematically as never before, multiple perspectives must be enlisted in scholarship regarding Native peoples and their cultures. And, most emphatically, those multiple perspectives must include the voices of Native peoples themselves. (West, W. Richard, 1992:5-6).

In December 1992, the NMAI had conducted two years of direct consultation with their Indian constituents and others. From this process they had developed the fundamentals of a research agenda and how it would be practised.

At the NMAI Cultural Resources Centre in Suitland, Maryland, the intention was to make the collections more accessible to a greater number of researchers. These researchers were to include artists, academics, non-traditional scholars and community scholars. Collaborative research relationships were to be developed that would include Indians and non-Indians, academic or scholarly institutions and Indian communities, and traditional scholars and non-traditional scholars. Support networks were to be put in place that facilitated and extended the collaborative programmes, and included other museums, academic institutions, institutions in other sectors of the Hemisphere, tribal museums, tribal libraries and tribally controlled community colleges. Emphasis was to be put on those areas of applied research that tribal groups had indicated were crucial for purposes of cultural preservation. These included language, song, dance and ceremonial practice.

In regard to scholarship, West candidly stated that he did not believe that

...anthropology ever has achieved its full potential in explicating and defining Indian cultures. ...I think anthropology has fallen short of its potential (because) it has not allowed Indians, in any systematic way, to tell their own story. The scholarly result is not so much wrong as it is incomplete. ...I firmly believe that the injection of the first-person Indian voice – not as an “informant” but as a genuine participant in the scholarly process – into the work of anthropology can dramatically enhance and amplify its contributions to scholarship. (West, W. Richard, 1992:9-10).

### **Ah-Tah-Thi-Ki Museum.**

August 24 1997 was the fortieth anniversary of the ratification of the Seminole Constitution. It was also the day that the Seminole tribe celebrated the opening of its Ah-Tah-Thi-Ki Museum in Fort Lauderdale, Florida. “Ah-Tah-Thi-Ki” is from the Seminole’s Mikasuki language, and means “to learn”.

The museum was the result of extensive research, negotiation, planning, fundraising, and construction. In 1987 a study of the Seminole tribe’s cultural programmes was initiated. The two-year study highlighted the urgency of preserving and maintaining the Seminole culture and language, and in 1989 the Tribal Council chartered the museum. The master plan stated that the Ah-Tah-Thi-Ki museum would

serve as the central repository for artifacts and information of the Seminole culture, ensure the perpetuation of the culture by providing an educational centre for the exchange of traditions between tribal members, further the study and documentation of the heritage, language, oral traditions, religion, music, song, dance, and material culture items – and present the Seminole culture through documented resource presentations in book, audio/visual, and permanent exhibits, and to host ongoing educational programmes for greater understanding and appreciation of the heritage for everyone. (Gallaher, 1998:27).

In 1990, the Executive Director of the Seminole Tribal Museum Authority, Billy L. Cypress, and the Museum Director David Blackard undertook a major research project to locate collections of Seminole material culture in museums throughout the United States. The National Museum of the American Indian had one of the largest and most comprehensive Seminole collections. It included the distinctive applique and patchwork Seminole clothing, hide leggings and moccasins, silver jewellery, musical instruments, cooking utensils, baskets, beadwork and dolls.

Consistent with the principles outlined by the Director of the NMAI in regard to research, a three-year collaborative project was undertaken between the NMAI

Research Branch and the Seminole to document the collections and develop programmes for the new museum.

In 1991, NMAI associate curator Cecile Ganteaume began a joint project with Blackard to develop a consolidated database of the Seminole collections. At the same time, the Seminole assisted in the preservation and documentation of in excess of 400 Seminole objects which were originally acquired from Florida.

Throughout all the museum's design, planning, construction, curatorial and exhibition development processes, staff from the NMAI's curatorial, registration, conservation and exhibition departments provided assistance and advice.

As the museum was being built, the Tribal Museum Authority commenced filming of a documentary titled "We Seminoles", the first documentary of the Seminole from the tribe's point of view.

When the museum opened in 1997, it included 5,000 square feet of exhibition space, a five-screen orientation theatre, a folklore theatre, and archival vault and library and a gift shop. Also on the sixty-acre site are nature trails, ceremonial grounds, a Seminole living history village and an outdoor amphitheatre.

The museum continues to develop services, programmes, and plans for classrooms, seminar rooms, a conservation lab, auditorium and a dining area. (Gallaher, 1998:28.) The Ah-Tah-Thi-Ki Museum is the visible expression of the Seminole Tribe's determination to preserve their culture.

### **The Mashantucket Pequot Museum and Research Centre.**

In August 1998, the Pequot people of Mashantucket, Connecticut opened the Mashantucket Pequot Museum and Research Centre. It is the largest Native American-owned facility of its kind, and one of the United States of America's premier resources for Native American studies.

Included in the Research Centre are a research library, archives, and a children's library. The Research Library is devoted to preserving and reclaiming the cultural heritage of the Mashantucket Pequot Tribal Nation, but it also provides information on other Native peoples of the United States and Canada. It has established relationships with the NMAI and other major educational institutions such as the Newberry Library in Chicago, the University of Connecticut and the Native American Rights Fund.

The central story of the new museum is that of the Pequot Indian Nation. Mashantucket in Southeastern Connecticut has been continuously occupied by Native peoples for over 10,000 years. Immediately prior to European contact, there were an estimated 8,000 Pequots inhabiting 250 square miles of land. The combined effects of smallpox and the 1636-1638 war between the Pequot people and English colonists was the decimation of the Pequot population. Surviving Pequots were placed in slavery or under the control of the English allies, the Mohegans and Narragansetts. They were forbidden to return to their villages or use their tribal name.

In the 1640s, the Pequot leader Robin Cassacinamon negotiated the return of some tribal lands at Mashantucket. A reservation of approximately 3,000 acres was established by 1666. By 1774, there were only 151 tribal residents at Mashantucket. By the early 1800s this number had further fallen to only 40. Illegal land sales reduced the reservation to 213 acres by 1856. In the early 1970s, the Pequot people began to move back to their reservation and began the lengthy and difficult process of restoring their land base and community, developing economic self-sufficiency and revitalising their culture.

In 1976, assisted by the Native American Rights Fund and the Indian Rights association, the Pequot Tribe filed suit against neighbouring landowners to recover land that had been sold by the State of Connecticut in 1856. Tribal recognition of the Mashantucket Pequot and settlement of the land claim was reached in 1983. The reservation in 1998 covered 1,250 acres.

Of the numerous economic enterprises that the Mashantucket Pequot Nation established, the one that brought economic security for them was the Foxwoods Resort Casino which was opened in 1992. The tribe also owns several inns and hotels, a pharmaceutical company and a ship-building company. In October 1993, there was a ceremonial groundbreaking for the \$135 million Mashantucket Pequot Museum and Research Centre.

The Museum has in excess of 90,000 square feet of exhibition space. The exhibits include a caribou kill diorama depicting an 11,000-year-old hunting scene, a topographical model of the reservation, depictions of life in the sixteenth century, built glacial environments, the creation stories of four different tribes, and detailed cross-sections of the landscape, vegetation, and animal life at Mashantucket 6,000 to 3,000 years ago.

Importantly, the Mashantucket Pequot history over the last 300 years is told from the perspective of the tribe. Extensive discussions with tribal members and thorough research was the foundation for all the exhibits. (Staff of the Mashantucket Pequot Museum and Research Centre, 1998).

The effort and resources given to this centre are indicative of the importance that an indigenous people place on the preservation of their culture. In the words of the Director of Information Services, Cheryl A. Metoyer, "Its very existence reflects the Mashantucket Pequot Tribal Nation's philosophy about the importance of culture, learning, and sharing." (Quoted in the article by Staff of the Mashantucket Pequot Museum and Research Centre, 1998).

### SECTION III: THREE DECADES OF CHANGE IN AOTEAROA NEW ZEALAND

#### **Aotearoa New Zealand in the 1970s**

In Aotearoa New Zealand, the 1970s were an era that Hirini Moko Mead (1997:1) labelled 'confrontational.' While he was speaking about then Prime Minister Robert Muldoon's policies, it could as well be applied to the events that marked that decade. On 6 February 1971, Ngā Tamatoa (a group of young Māori leaders who formed a year earlier) and their Pakeha supporters protested at Waitangi about the celebrations of the Treaty of Waitangi, which they saw as supporting the myth of cultural harmony in this country. In 1972, a national petition asking that Māori be taught in all schools was presented to Parliament. Ngā Tamatoa organised the Land March of 1975, to protest the alienation of Māori land. In 1977, Ngāti Whatua occupied land at Bastion Point in Auckland, demanding that ancestral land be returned to them. In 1978, a major protest took place at Raglan, demanding the return of land belonging to the tangata whenua. The 1970s were the decade when Aotearoa New Zealanders were unmistakably confronted with the anger of Māori at the alienation of their land, and Māori determination to save their language and culture.

The Labour government responded in 1973 by making Waitangi Day a public holiday, and in 1976 a Māori text was added to the English text in the Waitangi Day Act. More significant was the Treaty of Waitangi Act 1975, which established the Waitangi Tribunal to "make recommendations on claims relating to the practical application of the principles of the Treaty and, for that purpose, to determine its meaning and effect and whether certain matters are inconsistent with those principles".

## **Aotearoa New Zealand in the 1980s.**

Events of the next decade showed that the Māori renaissance was well under way. 1982 saw the beginning of the Kohanga Reo movement – the ‘Language Nest’ whereby pre-school children attend centres where only the Māori language is spoken. Donna Awatere’s series of articles demanding that Māori sovereignty be acknowledged were published in 1982-83.

In an article penned in the 1980s, Mead wrote that “...a rising percentage of Māori youth is placing a value on Māoritanga that far exceeds anything we have yet seen”. (Mead 1997: 81).

The debate on biculturalism was strengthened by the findings of the 1984 Bicultural Commission of the Anglican Church which stressed the need for a partnership between Maori and pakeha based on mutual respect and co-operation.

Also in 1984, the Hui Taumata (Māori Economic Summit meeting) was held. This hui launched the ‘Decade of Māori Development’ which

...prescribed pathways for Māori cultural, social and economic development ... (and) brought fresh approaches... Six themes emerged as central to the philosophy of the decade: the Treaty of Waitangi, tino rangatiratanga, Iwi development, economic self-reliance, social equity and cultural advancement. (Durie, M.H. 1996:8).

The hui was indicative of the major movement that sought recognition of the Treaty of Waitangi as the founding document of Aotearoa New Zealand. Particular emphasis was placed on the second article of the Māori version of the Treaty, and the definitions of the sentence “Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa”.

The term rangatiratanga was understood by Māori to mean more than possession. It has been interpreted as "tribal control of tribal resources" (Kawharu 1989:xviii).

P.G. McHugh equates it to

the traditional authority of the tribe... (which)...has always lain at the heart of Māori claims against the Crown. Their consistent theme has been the demand for the restoration and retention of tribal resources under tribal control where Māori customary law is the governing code. (McHugh 1989:25).

In December 1985, the Treaty of Waitangi Amendment Act completed its passage through Parliament. Under the 1975 Act, the Waitangi Tribunal could only consider issues subsequent to its establishment. Once the act was amended, the Tribunal could then consider claims arising from 1840.

One of the most important claims heard by the Tribunal was put by Huirangi Waikerepu and Ngā Kaiwhakapumau I Te Reo Incorporated Society. The request was that the Waitangi Tribunal recommend that Te Reo Māori be recognised as an official language throughout Aotearoa New Zealand, and for all purposes. The Tribunal stated in its 1986 report on the claim that, whilst it appeared simple, in fact it was probably the most difficult claim of all because of its political, social, financial and other ramifications. The report on Te Reo Māori affirmed the Māori Language as a taonga. This was further confirmed in the commencement of the Māori language Act 1987 by the statement "Whereas in the Treaty of Waitangi the Crown confirmed and guaranteed to the Māori people, among other things, all their taonga: And whereas the Māori language is one such taonga".

The first claim lodged upon the extension of the jurisdiction of the Waitangi Tribunal, was the claim for land at Bastion Point, the claim by Ngāti Whatua o Orakei, filed on April 7 1986. The major part of the Orakei claim was to do with the ways in which the land of Ngāti Whatua o Orakei had been taken - for the Anglican Church, for defence reserves, by issuing title to only part of the tribe, by partitioning, for public works, by despoliation, by compulsory acquisition, by individualisation of title - a litany of the methods used to separate Māori land from its rightful owners. It enunciates as well the failure of the Crown to acknowledge those rights that later (1993) appeared in the UN Draft Declaration

of the Rights of Indigenous People - the right not to be subjected to ethnocide and cultural genocide, the right to maintain and strengthen their distinctive relationship with the lands, territories, waters and coastal seas, the right to restitution - in short, the rights to be Māori and to be recognised as a people. The findings of the Waitangi Tribunal were that the "Crown at various times and in various ways has failed to meet its obligations to the Ngāti Whatua people of Orakei under the Treaty of Waitangi." (Waitangi Tribunal 1987:2).

The Tribunal made a number of recommendations for reparation, among them the return of ownership of Okahu Park and the Bastion Point headland reserves, a refund of the \$200,000 debt incurred in 1978, and the payment of a rehabilitation fund of a minimum of \$3,000,000. The Tribunal report on this claim has importance in the development of policy for the Auckland Museum, and will be referred to in chapter four.

### **Te Māori.**

For many in the museum profession, the event that is most often referred to as the one that changed the way museums in this country regarded their Māori collections was the touring of Māori artefacts that is referred to simply as Te Māori.

The Te Māori exhibition toured the United States of America from 1984 to 1986. It was the first time that such a display of taonga was toured internationally. It was also the first time that Māori were involved in the presentation of major taonga that had resided for many decades in the museums of this country. Māori ceremonies were conducted when the taonga left this country and at the opening and closing of the exhibition in the cities of New York, Chicago, San Francisco and Saint Louis. Kaumatua accompanied the taonga on their tour. The taonga were welcomed home by Māori, and importantly, interpreted by Māori. Māori travelled by the busload from around Aotearoa New Zealand to take part in the

ceremonies, to take their place on the pae, to stand with pride alongside their taonga.

For the first time ever, ancestral treasures, accompanied by kin group elders, interacted with their dislocated descendants in urban contexts. The *Te Maori* spectacle instilled a sense of cultural pride amongst urban Maori which has never again been repeated.

(Tapsell, P. 1998:169).

It was Te Māori that challenged the museum profession, that confronted them with the idea that taonga Māori were not merely the artefacts of a culture whose art and traditions could be studied with only marginal involvement of the people of origin. Te Māori was the event that was required to “bring about a new, renegotiated working partnership between scholars, ethnologists, archaeologists, art historians and art critics on the one hand, and Māori people on the other”. (Mead, 1997:181).

The role that Māori took in this exhibition was an unmistakable assertion of cultural ownership, an assertion of the right to present the Māori perspective of taonga, and to define their culture in their own terms. Kaumatua made an effort to “... search out, relearn and revive the old rituals, incantations, karakia, and waiata so they could be expressed on these ancient taonga.” (te Rei, 1986: 23).

There was also a process of comparing the information produced in the exhibition catalogue with the oral histories of some of the taonga. There were instances (such as Pukaki and the Patetonga Lintel) where kaumatua found that the published accounts were inconsistent with their own tribal knowledge. The Auckland Museum was confronted with these two instances in 1996 and 1998.

Taonga are very much a part of Māori culture and cannot be treated as objects in isolation from the life and concerns of Māori. This was brought home doing the general euphoria surrounding *Te Maori* by one of the kuia, Mrs Majorie Rau-Kupa, who was present at the closing of the exhibition in Chicago. She had been deeply involved in Te Ati Awa’s struggles in relation to the disturbance of urupa (when the Maui gas treatment facility was built at Oanui), the pollution of the

Kapuni River (an effluent spill from the Ammonia Urea plant), and the pollution of traditional fishing reefs by the outfall from the Mobil Synthetic Fuel Plant. (See Te Ati Awa report, WAI 6, Waitangi Tribunal). Rau-Kupa took issue with the sponsor of *Te Maori*. The depth of feeling is best expressed in her own words:

In the foreword to *Te Maori* Mobil claims to honor the Maori people and have an interest in the people of New Zealand. If this were true they would have responded to our requests to them to clean up their effluent (which can be done at a moderate cost) and they never would have suggested digging up our urupa. They are sponsoring *Te Maori* purely to improve their public image. They are using our artefacts as an advertising gimmick and the Maori people who travelled with it as performing monkeys. Our taonga have been degraded to artefacts by the way Mobil has dealt with them and with us. I continue to support Aila Taylor and Te Atiawa's struggle to prevent the draining and pollution of our waters. Whilst Mobil sponsors *Te Maori* and continues to pollute our coast I cannot support *Te Maori*. (Rau-Kupa, 1986: 25).

But the most persistent images of *Te Maori* were expressed by two Ngāti Porou kaumatua

I guess that is the other dimension of *Te Maori* ...The ability of our taonga to transcend time, cultures and countries...The ability of our taonga to influence the behaviour of strangers who become whanau. ...For me that was *Te Maori*. A linking of hands with the past; a linking of hands between peoples; a linking of hands across nations. (Reedy, 1986:26-27)

Some people question the existence of museums, and think of them as repositories of dead things. Of Maori artifacts this is not true. They carry within them the mana of the old people, and they are part of the line of descent which stretches from the most distant past and into the most distant future. (Pewhairangi, 1986:27).

### **Aotearoa New Zealand in the 1990s.**

Mead termed the government of the 1990s as conservative and mainstreaming (Mead 1997:1). The decade began with the sesquicentennial celebrations of the signing of the Treaty of Waitangi. There was evidence of the thrust to rejuvenate Māori culture in the proliferation of Māori radio stations, Māori newspapers,

television programmes and the establishment of a Māori television station. The Treaty was very much to the forefront of the nation's consciousness as the Sealords Agreement was concluded, the activities of the Treaty of Waitangi Fisheries Commission were (and remain) contentious, major hearings were conducted by the Waitangi Tribunal and significant settlements of claims were concluded. Tino rangatiratanga, self-determination, tribal development, urban Māori, definitions of iwi, Treaty rights, the rights of indigenous peoples, intellectual property rights, kaitiakitanga, autonomy, and particularly the Government's 'Fiscal envelope' were the issues of debate in this decade.

In 1993 the United Nations celebrated the International Year for the World's Indigenous Peoples, and the first International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples was convened in Whakatane. Over six days, delegates from fourteen countries met to consider numerous significant issues. On the final day of the conference, the Mataatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples was passed.

The intent of the Mataatua Declaration is for indigenous peoples...to apply their own definitions to their culture and its various parts and in doing so begin to repossess aspects they may have lost during the colonization period. Thus, instead of talking about "material culture" we would write and speak about *taonga tuku iho* – treasures handed down from one generation to another. (Mead, 1995:70).

A recommendation of the Declaration was that "...Indigenous cultural objects held in museums and other institutions must be offered back to their traditional owners" (Mead, 1995:71).

One of the recommendations made in the Mataatua Declaration was that it should be incorporated in its entirety in a study on the cultural and intellectual property of indigenous peoples being conducted by the United Nations. That same year, the UN Draft Declaration on the Rights of Indigenous Peoples was produced. It states the broad parameters of self-determination drawn up by representatives of a number of indigenous peoples over almost ten years. It defines the rights and expectations of indigenous peoples.

The preamble affirms the three most important themes of the document. These are:

1. Equality of rights and prohibition of discrimination
2. The right to be different and to live as such
3. The protection of the unique character and attributes of indigenous peoples, including culture, religion and social institutions (Coulter 1996:12).

In June 1994 Te Puni Kokiri produced a discussion document on Ngā Taonga Tuku Iho No Ngā Tupuna – Māori Genetic, Cultural and Intellectual Property Rights. The intent of the document was “to increase the general understanding of the issues so as to refine the range of policy options”. (Te Puni Kokiri. 1994:1). In December 1994 consultation hui on marae were convened throughout the country to discuss the proposed Intellectual Property Law Reform Bill. The responses received at the hui indicated a high level of interest in the issues. The major recurring points were that

- a more extensive, Māori-designed consultation process was needed
- kaitiakitanga over Mātauranga Māori and taonga Māori is the right of Māori, and this right must be protected
- the Treaty of Waitangi must be recognised and incorporated in any proposed legislation
- the Wai 262 (Indigenous Flora and Fauna) claim should be heard before any legislative decisions are made.

### **Legislative Developments.**

Legislative developments that had the potential to impact on museums in Aotearoa New Zealand were the proposed Protection of Movable Cultural Heritage Bill (1995), and the Taonga Māori Protection Bill.

### Taonga Māori Protection Bill

A private members bill titled the “Taonga Māori Protection Bill” was introduced into the House of Parliament in March 1996 by the then MP for Northern Māori, Mr Tau Henare. The broad intent of the Bill, as stated in the long title was to “make provision for the preservation of the Māori cultural heritage in Aotearoa, Aotearoa New Zealand, and for related purposes”. It sought to achieve those aims by the establishment of a register of “prized taonga Māori” and also a “charitable trust which has the authority to purchase taonga and expedite their return to Aotearoa New Zealand”. (Taonga Māori Protection Act 1996 S4).

The interpretation of taonga Māori limited the term to “the tangible treasures or property as defined by Māori and which include physical artifacts”. (Taonga Māori Protection Act 1996 S2).

The Ministry of Māori Development, Te Puni Kokiri, was to be responsible for the monitoring and auditing of various Government departments, Crown entities and State enterprises. They were also to employ regional liaison officers and to establish an inspectorate of multi-national corporations to oversee the application of the Act. (Taonga Māori Protection Act 1996 S5).

Section 6 set out the purpose of the Taonga Māori Register. The register was to record the location of “physical treasures held off-shore, the origin of treasures and information relevant to its history and future, the locality and condition of taonga” held by unspecified “guardians of taonga”. This section included the requirement for a thorough process of consultation to obtain consent of Māori prior to the sale or alienation of physical taonga, for “museum authorities to advise the administrators of the Taonga Māori Register of the whereabouts of taonga Māori”. (Taonga Māori Protection Act 1996 S6(5)).

The Taonga Māori Trust was a charitable trust to be established to assist with the administration of the Taonga Māori Register. The Trust was also to “assist in the return of bodily remains and other taonga which have been alienated from their

iwi at the behest of Māori whanau ... and where it is not possible to repatriate these taonga, efforts will be made to have them removed from display”. (Taonga Māori Protection Act 1996 S7(4).

The Māori Affairs Select Committee heard submissions on the Bill in June 1996. Numerous submissions referred to the lack of clear definition of the term ‘taonga’. Paul Tapsell’s submission stated that the bill “makes the mistake of assuming that Māori skeletal remains can also be labelled ‘taonga’. Tapsell explained that this was culturally unacceptable – that taonga and ancestral remains traditionally endure two very different categories. In regard to repatriation of Māori human remains, he stated that this should only proceed if

- (a) their original process of alienation is fully known
- (b) their descendant elders support the repatriation and are fully involved at all levels; and
- (c) they are returned to their original resting place or an urupā as agreed upon by descendant elders.

Tapsell stressed that the Bill “as it stands fails to recognise the complex issues surrounding repatriation when dealing with taonga, nor does it discriminate between human remains and taonga.” (Tapsell, 1996. Submission on Taonga Māori Protection Bill).

Several submissions supported the principle of protection of taonga, but raised issues with the ambiguity of the wording of the Bill, questioned whether its provisions were in fact workable, and pointed out that many of the proposals potentially duplicated existing initiatives such as the Protection of Movable Cultural Heritage Bill.

Following a request from Ms Nanaia C Mahuta regarding the Bill, the Manager Iwi Values of Auckland Museum sent a submission dated 16 June, which noted that the Auckland War Memorial Museum Act 1996 had not been included in the list of legislation related to taonga Māori, despite the numerous sections of that act that refer to the very extensive Māori collections of the Museum. Specific concerns raised were:

the title provides for “the preservation of the Māori cultural heritage in Aotearoa, Aotearoa New Zealand, and for related purposes”, yet there is no detail as to how this is to be achieved.

Insufficient definitions are provided for the several terms used to refer to taonga Māori. Section 4(a) provides for a register of “prized taonga Māori”, without stating whether it is for taonga in Aotearoa New Zealand. Is this the same register as in Section 6?

Section 6(1) provides for a “Taonga Māori register to record the location of physical treasures held off-shore” but it is unclear whether the provisions of this entire section apply only to taonga “held off-shore.

Section 6(4) “Physical taonga Māori may not be sold or alienated without the prior consent of Māori ...” – does this apply only to taonga on the register, or to all Taonga? Is it intended that this should also include taonga in private ownership?

Section 6(5) would require “museum authorities to advise the administrators of the Taonga Māori Register of the whereabouts of taonga Māori” – does this refer to all museums in Aotearoa New Zealand as well as “off-shore”?

Section 6(6) “...guardians of taonga shall be able to inform the Taonga Māori Register of the locality and condition of taonga in their possession.” There is no definition of “guardian”. Does “in their possession” refer to ownership, or to circumstances such as those of taonga deposited in museums?

There are no guidelines for “consultation” or determinations as to who should be consulted.

There are no details on how the members of the Taonga Māori Trust are to be chosen, how the body is to operate, or exactly how it is to be funded. (Whaanga, 1996.

Submission on Taonga Māori Protection Bill).

The submission, as with many others received by the Māori Affairs Select Committee, concluded that the Bill as drafted was seriously flawed and recommended that it not proceed in its present form.

The Bill is undergoing a review process to address the concerns raised in submissions, and to consider existing and proposed legislation relevant to taonga. Progress with the Taonga Maori Protection Bill review process was interrupted by the 1999 elections. In August 1999 Te Puni Kokiri established a Ministerial group to develop a national policy statement. The final report to Cabinet is due by the end of March 2000.

### Protection of Movable Cultural Heritage Bill.

The major existing piece of legislation in Aotearoa New Zealand regarding taonga is the Antiquities Act 1975. The Act defines an artefact as

any chattel, carving, object or thing which relates to the history, art, culture, traditions or economy of the Māori or other pre-European inhabitants of Aotearoa New Zealand and which was or appears to have been manufactured or modified in Aotearoa New Zealand by any such inhabitant, or used by any such inhabitant, prior to 1902.

Its intention is to

provide for the better protection of antiquities, to establish and record the ownership of Māori artefacts, and to control the sale of artefacts within Aotearoa New Zealand. (NZ Government 1975:1).

Any artefacts found since 1975 are prima facie the property of the Crown, and the Secretary for Internal Affairs has the responsibility to determine custody of those artefacts. A national register of newly-found artefacts is maintained by Te Papa Tongarewa. The Māori Land Court has the jurisdiction to determine custody if the artefact is recovered from a grave, and the Court further has the jurisdiction to make an order preventing sale or parting with possession of any artefact which was acquired by way of gift according to Māori custom and usage.

In 1986 a review of the Antiquities Act 1975 was undertaken by the Department of Internal Affairs. As a result of this review and the consultation that was undertaken, the Protection of Movable Cultural Heritage Bill was proposed to replace the Antiquities Act. Government approved the overall policy framework for the Bill in 1990, and in 1992 it approved the proposals relating to Māori cultural property. The Protection of Movable Cultural Heritage Bill was scheduled for introduction in 1995, and submissions on the Bill were received early in 1996.

The Bill sought to protect cultural objects by the regulation of export of the same, by monitoring the trade of cultural objects within Aotearoa New Zealand, and by determining the ownership and custody of newly found Māori and Moriori

cultural objects. The Bill was wider in scope than the Antiquities Act in that it would prohibit the import of cultural objects which had been illegally exported from other countries. Of great significance from the Māori perspective were the fundamental policy changes in regard of the ownership and custody of newly found Māori and Moriori cultural property, and in regard to decision making about the export of important Māori and Moriori cultural objects.

The Bill, when enacted was intended to:

- (a) Establish a ten member board (Cultural Heritage Council) to advise the Secretary for Internal Affairs on matters affecting both Māori and non-Māori cultural objects;
  - (b) Repeal the presumption of Crown ownership of newly found Māori or Moriori cultural objects and vest ownership of such objects with the appropriate iwi;
  - (c) Provide mechanisms for Māori and Moriori to determine who shall have custody of such objects;
  - (d) Describe the categories of objects subject to export control by means of a Cultural Heritage Control List, and regulate the export of such objects;
  - (e) Provide realistic penalties for offences;
  - (f) Allow Aotearoa New Zealand to take part in international schemes for the protection of movable cultural heritage objects;
  - (g) Maintain a register of traders in movable cultural heritage objects subject to export control;
  - (h) Regulate sales of Māori cultural objects subject to export control (taonga tuku iho)."
- (Department of Internal Affairs, 1995).

Administration of the Act, maintenance of the Heritage Control List, and issuing of permits for the export of protected cultural objects would be the responsibility of the Secretary for Internal Affairs. The Secretary would be assisted in these tasks by the ten-member Cultural Heritage Council. Five Council members would be Māori, and they would form Te Roopu Wananga Taonga/The Māori group. Te Roopu Wananga Taonga members would be nominated by iwi, and - on the recommendation of the Minister of Māori Affairs - appointed by the Minister of Internal Affairs. The other five Council members would be appointed by the Minister of Internal Affairs on the basis of their knowledge and experience of cultural property issues and nominations from interested organisations.

The responsibilities of the Cultural Heritage Council were to:

- (a) Consider export applications for objects of significance to Māori and non-Māori;
- (b) Review export decisions and advise the Secretary on the operation of the Heritage Control List and the Act".

(Department of Internal Affairs, 1995).

Te Roopu Wananga Taonga were expected to liaise with appropriate iwi on matters relating to Māori cultural property newly found within the relevant iwi area, and to discuss with the iwi any export applications for taonga relating to that iwi. They would then convene meetings independently to consider matters relating to Māori cultural property.

The involvement of numerous other bodies would be necessary for implementation and enforcement of the Act. Iwi authorities, Moriori expert advisers, the Māori Land Court, the Customs Department and the four major museums (Te Papa Tongarewa, Auckland, Canterbury and Otago Museums) all would be required to assist in areas in which they had expertise or particular authority.

A significant change to be introduced by the proposed Protection of Movable Cultural Heritage Bill is that ownership of newly found Māori cultural objects should be with the appropriate iwi rather than the Crown. This ownership will be determined "in accordance with Māori custom and practice. Responsibility for determining traditional ownership will rest with Te Roopu". (Department of Internal Affairs, 1995).

'Māori Cultural Object' is defined as "any cultural object created or modified or recognised by Māori which is of cultural, spiritual, historical, aesthetic, or heritage significance and value to Māori." (Department of Internal Affairs, 1995).

The role of museums as outlined by the Bill would be to examine, record and describe newly found objects, and the location and circumstances of the find. The museum would also advise the Secretary for Internal Affairs of interim

arrangements for the object until such time as ownership and custody are determined.

Once iwi ownership had been determined, the granting of custody to either an individual or a group within the iwi is subject to quite stringent requirements, as follows:

An obligation to publicly notify the finding of the object and that its custody is to be determined;

Allowing a minimum period of notice for people to make a claim for the custody of an object;

An obligation to act in such a way that any person or group making a claim to the custody of an object is given a proper opportunity to make submissions and/or bring evidence in support of that claim;

An obligation to disclose to any claimant for custody any information received which is unfavourable to the claim;

An obligation on any member of an iwi authority, with an interest in or claim to an object being considered by that iwi authority, not to take part as a member of the iwi authority in any decision making about the custody of the object;

An obligation to have regard to the conservation needs of an object in considering its custody.

(Department of Internal Affairs, 1995).

Any disputes regarding ownership that Te Roopu Wananga Taonga is unable to resolve could be determined by the Māori Land Court. The proposed processes of determining ownership and custody of Moriori cultural objects is similar to those regarding Māori objects.

The Bill proposes the establishment of a Cultural Heritage Control List. The categories of objects for which permission to export must be sought under the Protection of Movable Cultural Heritage Bill are:

Social history, Science and technology, Military, Aotearoa New Zealand archaeological, Non- Aotearoa New Zealand archaeological and ethnographic, Natural science, Textual, graphic and sound records, Numismatic, Art objects, including fine, decorative and popular art, and Taonga tuku iho.

(Department of Internal Affairs, 1995).

The Bill lists the criteria used to determine whether an object is of such significance that it should be included in the list of export-restricted objects.

‘Taonga tuku iho’ is defined as

any movable object created or modified or recognised by Māori which:

(a) is of cultural, spiritual, historical, aesthetic and heritage significance and value to Māori and;

(b) (i) has been handed down a descent line of not less than two generations; or  
(ii) is not less than 50 years old.”

(Department of Internal Affairs, 1995).

The advantages and importance of Aotearoa New Zealand taking part in international schemes prohibiting the illicit import, export and trade in cultural objects was also recognised. The Bill included the measures necessary for Aotearoa New Zealand to be a party to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the Draft UNIDROIT Convention on the International Return of Stolen or Illegally Exported Cultural Objects, and the Commonwealth Scheme for the Protection of Material Cultural Heritage. International activity and developments in relation to the cultural and intellectual property rights of indigenous peoples, such as the Mataatua Declaration and the United Nations Draft Declaration on the Rights of Indigenous Peoples were taken into account in the drafting of the Bill.

As at the end of 1999 the Bill for the Protection of Movable Cultural Property had not been enacted. The committee reviewing the Taonga Māori Protection Bill, as part of their brief, are to consider all existing and proposed legislation pertaining to taonga. This would include the proposed Protection of Movable Cultural Heritage Bill.

### **CHAPTER THREE**

#### **TE PAPA TONGAREWA**

The development of Te Papa Tongarewa has been a project that has gained attention worldwide. As the national museum of Aotearoa New Zealand, the form of biculturalism promoted by this institution would appear to be a model for other museums. The concepts promoted by Te Papa Tongarewa are also the subject of much debate both within the country, and overseas.

This chapter will look at the structure of the museum and its legislation, and examine how key concepts of the bicultural policies of Te Papa Tongarewa developed. Significant hui organised by Te Papa to discuss subjects such as Scholarship and Mātauranga Māori and Biculturalism are included.

## **Te Papa Tongarewa**

During the time that the exhibition Te Māori was touring the United States of America, a challenge from the Honourable Peter Tapsell, then Minister of Internal Affairs for Aotearoa New Zealand, went out to Māori to discuss a place to house the taonga in the exhibition on their return. The late Maui Pomare, a significant figure in the cultural affairs of the country, convened an ad hoc Māori group to address Tapsell's challenge. (Mahuika, n.d)

The Project Development Board to discuss the building of a new National Museum for Aotearoa New Zealand was established in 1988. The Chair of the Board was Sir Wallace Rowling. The Board also included Maui Pomare, and the late Sir Kingi Ihaka. After discussion between the Board and the Māori group, a Māori Advisory Group, called 'Ngā Kaiwawao Committee', was established. It was not initially an official committee of the Board, but this changed subsequent to the membership being adjusted to consist of four Board members- three of whom were Māori.

## **Mana Taonga**

Ngā Kaiwawao's first task was to investigate the concept of a marae. Mr Api Mahuika proposed the concept of Mana Taonga to the committee

as a worthy idea that should be fostered and promoted in order that iwi will feel comfortable about the new museum and its curatorial/trustee role for iwi taonga, and, in the knowledge that under Mana Taonga they would be real co owners of the marae equally as with other iwi and tangata whenua. Such an assurance (would) calm iwi fears about other iwi having mana over their taonga, and the protection of them. (Mahuika, n.d:95).

Once the Board had agreed to the concept, extensive iwi consultations were undertaken with tangata whenua and iwi throughout the country.

The key elements of the Mana Taonga concept were:

1. Rights of iwi to the marae in equality with all other iwi was their right through their taonga held by the Museum.
  2. These rights were enshrined by the fact that they had a whakapapa both in the traditions/history expressed by the taonga as well as that of the creator of the taonga.
  3. These rights accorded to iwi the mana to care for their taonga, to speak about and with them, and to determine their exhibitionary use or uses by the Museum.
  4. These rights gave iwi the mana of co ownership of the marae with all other iwi.
- The concept retained the sanctity of the tangata whenua, and their mana tangata status, as the Mana Taonga concept did not in any way breach those rights.

The concept was also inclusive of other cultures who like iwi had taonga in the Museum. They too became co owners of the marae but subject to tikanga...  
(Mahuika, n.d.: 95).

The Mana Taonga concept was considered by Mahuika to be the forerunner of the bicultural policy for Te Papa.

### **Museum of New Zealand Te Papa Tongarewa Act 1992.**

The purpose of the Museum of New Zealand Te Papa Tongarewa Act 1992 is to establish a National Museum that, under the name Museum of New Zealand te Papa Tongarewa, shall provide a forum in which the nation may present, explore, and preserve both the heritage of its cultures and knowledge of the natural environment in order better-

- (a) To understand and treasure the past; and
- (b) To enrich the present; and
- (c) To meet the challenges of the future.

(Museum of New Zealand Te Papa Tongarewa Act 1992 S4).

It is noticeable that the museum that has made a very public stand on biculturalism has no mention of it in its legislation, neither is there any reference to the Treaty of Waitangi. Recognition of Maori is included in the Board functions whereby the Board shall

Endeavour to ensure both that the Museum expresses and recognises the mana and significance of Maori, European, and other major traditions and cultural heritages, and

that the Museum provides the means for every such culture to contribute effectively to the Museum as a statement of New Zealand's identity;  
(Museum of New Zealand Te Papa Tongarewa Act 1992 S8(b).

The only other reference to Maori in the Act is in the First Schedule, 'Provisions Applying in Respect of Board', which states the personnel policy of the Museum. In line with the State Services Act, the Board is required to recognise

- (i) The aims and aspirations of the Maori people; and
- (ii) The employment requirements of the Maori people; and
- (iii) The need for substantial involvement of Maori people as employees of the Board;

(Museum of New Zealand Te Papa Tongarewa Act 1992 First Schedule S4.2(d).

The members of the Board are appointed "by the Governor-General on the recommendation of the Minister of Cultural Affairs." (Museum of New Zealand Te Papa Tongarewa Act 1992 S10(1). Emphasis is placed on the need for Board members to have management and financial skills as well as commitment to the specific activities of the Museum. There is no requirement that Maori be appointed to the Board, nor any provision in the Act for Maori participation in the governance of Te Papa Tongarewa.

### **Te Roopu Whakamana Maori.**

In 1993, the first Chief Executive of Te Papa was appointed. It wasn't until late 1995 that the then Director of Māori Development was promoted to a new position of Kaihautu, a position ostensibly equal to that of the Chief Executive, at least in terms of representing the Māori position. While this was a clear indication that the museum was making a commitment to biculturalism within the management structure, the Kaihautu does not have equal power to that of the CEO. Cliff Whiting has led the pursuit of biculturalism in Te Papa.

(Biculturalism) is a very binding concept, both collective and individual. It provides a basis for the integration of Maori objects into a previously determined pakeha concept or interpretation, and here with Te Papa, achieving this concept has been the most difficult task.... We are directed by the narrative of the taonga...we wish to display, they tell us

why they are here, their mana is telling our stories, There are both universal and particular things. Diversity is not just ethnicity, there are differences within Maori...within iwi...between hapu. We are more than just Maori, but are iwi and even more, hapu and whanau. (Whiting quoted in Pilcher, 1998:15).

The bicultural intent of the museum was further enhanced by the establishment of a Māori Strategic Unit titled Te Roopu Whakamana Māori. Within this structure are eight positions. The most senior is the Kaihautu, whose position is roughly equivalent to the Chief Executive Officer for the implementation of Māori policy; the Poutakawaenga whose area is policy advice and to whom the Iwi Kainga group and the Kaitohutohu Kaupapa report; the Kaitakawaenga who has responsibility for concept development in regard to iwi exhibitions, management of Māori projects, projects regarding tikanga Māori, and projects involving the marae. There is a manager for each of the areas of responsibility of the Kaitakawaenga.

The Vision of Te Roopu Whakamana Māori is “To facilitate the practical implementation of a bicultural partnership with iwi across the Museum of Aotearoa New Zealand Te Papa Tongarewa.” (Te Papa Tongarewa. n.d.)

Te Papa also has a list of seven basic requirements for an operational bicultural organisation. They are:

1. All senior executives become involved in and lead the bicultural development of Te Papa.
2. Te Papa seeks iwi involvement and input into the work of Te Papa.
3. Management gives priority to a bicultural operation and integrates it into strategic business plans.
4. Employees are trained in bicultural requirements and their involvement is actively sought.
5. Processes, techniques and systems are used to consistently meet the requirements of iwi.
6. Bicultural information and data is collected and analysed to support decisions by fact.
7. Products and services delivered by Te Papa are based on iwi defined needs and expectations. (Te Papa Tongarewa. n.d.)

It is not within the scope of this thesis to examine whether or not Te Papa is actively pursuing all of these bicultural requirements. They are included as an example of one museum's requirements of its staff as it embraces biculturalism.

## Scholarship and Mātauranga Māori

In 1996, Te Papa published “Speaking With Authority : Scholarship and Mātauranga Māori at the Museum of Aotearoa New Zealand Te Papa Tongarewa – A Strategy”. The concept statement included in the preamble to this document is that

Matters of concern to the Museum of Aotearoa New Zealand Te Papa Tongarewa are expressed within the three concepts:

- PAPATUANUKU :The earth on which we all live.
- TANGATA WHENUA: Those who belong to the land by right of first discovery.
- TANGATA TIRITI : Those who belong to the land by right of the Treaty.

(Te Papa Tongarewa 1996:3).

The Corporate Plan for Te Papa sets out four corporate principles, one of which is a statement that the museum “...will be a bicultural museum”. A further principle is that the museum “...will speak with the authority that arises from scholarship and Mātauranga Māori.” (Te Papa Tongarewa 1996:3). There is also a statement that, in addition to the existing strong research tradition, the museum makes a commitment to developing Mātauranga Māori as part of its scholastic culture.

The four research themes for the museum include the geological origins and processes of Aotearoa, the settlement of this country, Aotearoa New Zealand society and national identity, and the provision of museological services to the community.

The examples of appropriate research topics include the Treaty of Waitangi and the Declaration of Independence; the meaning of ‘sovereignty’ to both Tangata Whenua and Tangata Tiriti; the meaning of land to Tangata Whenua and Tangata Tiriti, and the conflicts over land; Cultural Imperialism – education and religion; and the impacts of Tangata Whenua on Tangata Tiriti and vice versa.

The Museum’s bicultural intent is emphasised in the reasons given for pursuing such research. The explanation is that “This sub-theme is at the very core of the

Museum's identity as a bicultural institution" and that "...relations between Tangata Whenua and Tangata Tiriti is a central issue of Aotearoa New Zealand life". (Te Papa Tongarewa 1996:13).

In the glossary of terms, Mātauranga Māori is defined as "Information, knowledge, education" and scholarship as "Academic achievement; quality of knowledge; erudition; learning." (Te Papa Tongarewa 1996:23). On its own, this definition for Mātauranga Māori is clearly insufficient. A later section of the publication examines Mātauranga Māori in more depth.

The explanation given of the traditional view begins:

Mātauranga Māori in its pure form, represents an entire world view; a total reality, as seen through the eyes of Māori.

It is based on whakapapa, which sees natural phenomena linked through the primeval parents Ranginui and Papatuanuku, me a rāua tamariki, ngā Atua.

(Te Papa Tongarewa 1996:30).

It also includes reference to the Maori cosmogony and the way that knowledge was acquired. There is emphasis on the holistic nature of Mātauranga Māori.

The document explained that a great deal of effort was being expended to collect and record oral histories and the traditional knowledge base. The research imperatives, in order of priority, were the research arising from Treaty of Waitangi claims, interpretation of statute with treaty provisions, and inventories of intellectual and cultural assets that aid the revival of Mātauranga structures and processes. (Te Papa Tongarewa 1996:31).

In November 1997 Te Papa held a hui on scholarship and Mātauranga Māori, to which it invited eight international participants who are prominent in museology. Included in the guest list were seven National participants, the majority of whom were from Auckland University. The Te Papa participants were the Chief Executive, the Kaihautu, the Director of Museum Resources and the seven members of the Scholarship and Mātauranga Māori Working Group. The major questions debated at this hui concerned the recognition of various cultural traditions of knowledge, appropriate directions for such scholarship,

implementation of new research directions, and programmatic and collection development.

Each of the invited guests submitted written responses to the questions.

Christopher Anderson, Director of the South Australian Museum considered that it was very difficult for a museum to recognise, represent and address various cultural traditions of knowledge. He considered that this difficulty arose because

...the basis of western knowledge is being objective and non relativistic. Many traditional (or folk) ways of knowing are context-specific, person-specific, humanised. In these systems knowledge does not sit outside any social context. This is anathema to most western scientists. (Anderson, 1997:3).

Anderson also questioned what biculturalism really meant in the "...context of an institution deeply steeped in Western rationalism and absolutism." (Ibid).

In her reply to the questions Te Papa posed for this hui, Nina Archabal, Director and Chief Executive Officer of the Minnesota Historical Society, drew on her experience of developing exhibitions in conjunction with the native people of Minnesota. She wrote that if

...the task is to create an exhibition to tell the story of Minnesota's native people, the new model for scholarship is to assemble a team of people that includes both academically trained scholars and curators and native people who bring their knowledge and scholarship transmitted largely through oral tradition to the challenge. In offering knowledge and scholarship, the native people may bring more than new facts to the enterprise. Indeed, they may conceptualise the subject in a way that departs radically from the university-trained mode of scholarship. What we are talking about is no less than a new mode of scholarship. (Archabal, 1997:2).

Dr Des Griffin, Director of the Australian Museum, was quite succinct in commenting on the representation of various cultural traditions. He wrote that there

...is increasing attention to museums and their role in promoting respect for and understanding of other cultures.... If museums are about understanding then they have no choice but to implement such practices. ...Museums need to show they stand for certain values: tolerance of diversity is one of the critical ones. Involvement of the represented

cultures in everything the museum does is simply common sense. (original emphasis)(Griffin, 1997:5).

W. Richard West, Director of the National Museum of the American Indian, addressed the representation of a different cultural tradition from both the theoretical and practical standpoints.

First, from a theoretical standpoint, the recognition and representation of various cultural traditions of knowledge must be a matter of mission and explicit programmatic objective. At the NMAI, for example, the linkage between the work of the museum and Native cultural traditions of knowledge is express. Furthermore, this aspect of mission is reflected systematically in various policies of the Museum, including its collections management, exhibitions, and research policies. As an example, the Collections Management policy contains provisions relating to traditional care placing that objective on a par with the physical conservation of collections. The Exhibitions Policy provides that all exhibits at the Museum will be undertaken in direct collaboration with the Native community whose culture is the subject of the exhibit.

Second, from a practical standpoint, museums must establish various organizational mechanisms and practices that accomplish the objectives articulated in the various policies. The governance and staffing of the institution must include those whose cultural traditions are being recognised, represented, and addressed. At the NMAI, by statute, the Board of Trustees is required to be at least 50 percent Native. From its inception the Museum also has made a conscious effort to hire Native persons at all levels of its staff, including senior management, middle management, and entry level positions, and in all departments.

Furthermore, on an ongoing basis, meaningful linkages between the museum and those whose cultures and traditions of knowledge are being recognised and represented need to be maintained. (West, W Richard. 1997:4-5).

The common requirement that was reiterated in each of the papers was the need for involvement of the indigenous/Native people whose traditional knowledge was under consideration. That involvement was seen as necessary at all levels of organisation.

## Bicultural Policy

Te Papa has recently adopted a Bicultural Policy. The policy defines Biculturalism as “...the dynamic relationship between the two predominant cultures, Tangata Whenua (Māori) and Pakeha, and the interaction between organisations, groups and individuals.” It is based on the Treaty of Waitangi, both the Māori and English versions, and the principles of the Treaty as adopted by the Crown in 1988.

The Bicultural Policy states:

**The Rangatiratanga Principle: The principle of self management – Like all Aotearoa New Zealanders, Māori have the right to organise as Iwi and, under the law, to control the resources they own.**

**Guiding principle 1:** To provide a management system which allows the two distinctive cultures to manage and control their taonga and other resources to achieve the agreed goals of the Museum.

**The principle of Equality – All Aotearoa New Zealanders are equal under the law**

**Guiding Principle 2:** To affirm the cultural differences and ensure that all contacts between Māori and pakeha are fair, equitable and just.

**The kawanatanga principle: The Principle of Government – The Government has the right to govern and make laws for all Aotearoa New Zealanders.**

**Guiding Principle 3:** To support the principle of a single Board, that includes effective and equal representation of both Māori and Pakeha, to govern the Museum.

**The Principle of Reasonable Co-operation – Both the Government and Iwi are obliged to accord each other reasonable co-operation on major issues of common concern.**

**Guiding Principle 4:** To encourage frank and open dialogue between Māori and Pakeha and to pursue every opportunity to involve Iwi in the planning and decision making process.

**The Principle of Redress – The Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.**

**Guiding Principle 5:** To establish and resource appropriate and effective conflict resolution processes that are sensitive to the needs of the bicultural partnership.

The glossary provides these two definitions:

**Tangata Whenua, Māori :** Those who belong to the land by right of first discovery. The cultural identity of the Māori people of Aotearoa, including art, heritage, language, marae skills, science, society, technology and relationship with the land, and their place in the Pacific and the wider world.

**Pakeha:** Those of European extraction whose culture is a localised adaptation of the Western heritage stream with distinctive features that are indigenous to Aotearoa. Pakeha culture is unique to Aotearoa/Aotearoa Aotearoa New Zealand. (Te Papa Tongarewa, n.d.)

The bicultural policy was formally adopted in 1998. The task that is now facing Te Papa is the implementation of that policy.

## **National Services**

Since 1996 Te Papa National Services has supported regional and national partnership projects in the areas of assessment, bicultural development, training of museum personnel and marketing and promotion. (Te Papa National Services, 1999:8). Working in partnership with museums, iwi and related organisations, they have provided support for twenty-two bicultural projects over a period of four years.

In July 1999 National Services hosted a national wananga on bicultural development which was attended by approximately 100 representatives from the governance bodies and senior management of museums, and from iwi. Representatives from Auckland Museum were Mr Danny Tumahai (Chairman of the Taumata-a-Iwi), Mrs Hariata Gordon (Ngati Paoa representative on the Taumata-a-Iwi), Dr Rodney Wilson (Museum Executive Director) and Mr Barry Turley (Trust Board Chairman).

The topics discussed at this wananga were the definition/s and guiding principles of biculturalism and the development of operational partnerships. The guiding principles were: the Treaty of Waitangi is the basis of and provides the context for bicultural relationships; shared decision-making is essential; partners must work as a unit and have some understanding and acknowledgment of each other's culture; the relationship should be flexible, dynamic and evolving; and the professional bicultural relationship must be one between equals. (Museum of New Zealand Te Papa Tongarewa, 1999: 10).

The report on the wānanga stressed the need for bicultural relationships to be supported by the formal governance structure of the museum. The existing common governance structures of museums attempting to support a bicultural strategy included the representative board with Māori representative members and the board with a bicultural or Māori advisory committee. Another governance structure being explored by some museums was that of equal representation on the board, where either the membership was equally divided between Māori and non-Māori, or there were differing numbers but equal voting allocation. Also being planned by some iwi were autonomous cultural institutions which may invite participation from other groups.

The recommendations made by the wānanga were that

museums, iwi and National Services:

- note the importance of developing strong bicultural relationships; and
- agree that the principles and guidelines set out by this wānanga be used
- agree that further advice and guidance be provided for museums on developing bicultural relationships; and
- agree that a process be developed to review the performance of museums in application of bicultural relations. (Museum of New Zealand Te Papa Tongarewa, 1999: 10).

## **CHAPTER FOUR**

### **AUCKLAND MUSEUM : THE TAUMATA-A-IWI**

The development of bicultural policy for Auckland Museum is the main focus of this thesis. This chapter will briefly describe Auckland Museum's history, from the time of its establishment in 1852.

It will examine in greater depth the impetus for the development of new legislation governing the Museum, and in particular the inclusion of clauses relating to Māori and the Treaty of Waitangi.

The establishment of the Taumata-a-Iwi, the Māori advisory board to the Auckland Museum Trust Board, and the development of a draft kaitiakitanga protocol are also covered in this chapter.

## **Auckland Museum**

The Auckland Museum was first established in 1852 in Princes Street, in what are today the grounds of the University of Auckland. It was controlled by the Auckland Provincial Government. The purpose of the museum was to illustrate the natural history of Aotearoa New Zealand and to display artefacts made by the Māori and the Pacific Islands peoples.

Four years later, Dr Isaac Featherston is recorded as having stated “The Māoris are dying out and nothing can save them. Our plain duty, as good compassionate colonists, is to smooth down their dying pillow. Then history will have nothing to reproach us with.” (Quoted in Mead 1997:78). The statement is evidence of the prevailing attitudes of those in Aotearoa New Zealand who were collecting taonga Māori – the artefacts of what was considered to be a dying race.

In 1867 a learned society was established, named the Auckland Institute. One of the aims of this Institute was the establishment of a museum. The Superintendent of the Auckland Province transferred control of the Auckland Museum to the Auckland Institute in 1869, and the organisation then became known as the Auckland Institute and Museum. (Park 1986:2).

The larger part of the present Auckland War Memorial Museum was built at the end of the First World War, as a memorial to those from the Auckland Province who had died in that war. It was opened in 1929. A semi-circular addition on the South side was completed in 1960, a further memorial to those who fell in the Second World War. An atrium was added in 1969.

## Auckland Museum Legislation

Until 1996, the Auckland War Memorial Museum was governed by a Museum Council of twenty-nine members, elected by the Contributing Local Authorities and the Auckland Museum Institute. There was no provision in the previous legislation under which the Museum operated (Auckland Museum Endowment Act 1882, Auckland War Memorial Museum Maintenance Act 1979) for Māori representation on the Board or for the establishment of an advisory process.

During the planning process for the refurbishment of Auckland Museum, it became obvious that a streamlined Council would greatly assist the process of making decisions. It also became apparent that new legislation was necessary, and after fifty-two meetings and considerable consultation, a new Bill was drafted that would completely restructure the governance of the Museum.

In 1992, a group of Auckland Institute and Museum councillors (Sir Hugh Kawharu, Mrs Emma Davis, and Sandra Lee) formed Te Runanga Matua, an advisory committee to the Museum Council. Hui were called to discuss how the Māori exhibitions could be redesigned and how Māori input into the workings of the Museum could best be achieved. A synopsis of the meeting held on 26 April 1992 states:

... the meeting was of one accord on three main points:

- 1) That some change needs to be made to the decision-making structure, which you outlined on the board, in order to ensure a continued Māori participation at the executive level of the Museum - to enable the 'distance, independence and own initiatives' that Sir Hugh mentioned.
  - 2) That the Māori Court should occupy a separately defined and central space - at the heart of the Museum, reflecting the uniqueness of the Māori collection - and that its vitality should be evident, that is to say its connection with the past, present and future of Māori people....
  - 3) That the Museum ensure staffing of the Court and collections by Māori specialists...
- (McRae 1992:1).

The importance of participation by Māori at the executive level was also mentioned in a report to Te Runanga Matua, which made the point that "Constitutional changes need to be made to ensure Māori representation on the Museum Council". (Nathan 1992:1). In November 1992 Te Runanga Matua submitted an agenda item for the Council meeting that stressed the need 'to secure a permanent voice for Māori opinion on Council'. Although it was not articulated as such, it is evident that the essence of the concern of the Māori advisers was that Māori should be able to determine how their cultural heritage (as represented by the Auckland Museum collections) was managed.

The Auckland Institute and Museum Council resolved that Te Runanga Matua's role was

- (i) to assist in the promotion of biculturalism, both within the museum, and by means of the museum in the wider community, through a better understanding of tikanga Māori ( Māori values and customary practices)
  - (ii) to help develop greater involvement of the Māori people in the museum's activities both as employees and supporters
  - (iii) to secure a permanent voice for Māori opinion on council;
  - II Runanga Matua's authority to operate the present allocation of its budget for 1992/93 within the limits of its accepted role;
  - III Runanga Matua's present membership for the current financial year, viz
    - (a) Sir Hugh Kawharu Convenor;
    - (b) Mrs Emma Davis;
    - (c) Mrs Sandra Lee
- together with
- (i) Mike Barnes and Associates as consultants;
  - (ii) Messrs Te Warena Taua and Brett Stephenson, museum staff members, in support with power to coopt.

(Sir Hugh Kawharu/Mr R G Law).

(Minutes of the Auckland Institute and Museum Council November 1992).

Section I of the resolution in particular can be seen to be the foundation of Section 16(8) of the Auckland War Memorial Museum Act 1996.

Discussion regarding Māori representation on the Council of the Auckland Museum continued throughout 1993. Sir Hugh Kawharu, concerned at the lack of progress on Māori representation, suggested that a small working group be established to address this.

Matters he felt needed to be examined from a Māori perspective were not only exhibition specific, technical issues but also related to a stronger Māori voice on all Museum activity. (Minutes of the Auckland Institute and Museum Council September 1993).

Two months later, Sir Hugh Kawharu reported on:

... a fruitful meeting with representatives of Tainui, Ngāti Paoa and Ngāti Whatua, the Chair of the Auckland District Māori Council and the Auckland President of the Māori Women's welfare league. The group had discussed issues of representation on the Council, appropriate trusteeship of taonga stored by the Museum, and the desire to enhance appropriate prestige and mana of the Museum. Runanga Kaitiaki was the suggested name for an advisory group. The representatives had undertaken to consult their respective authorities, come together again and make a recommendation to the Council. Sir Hugh was confident that the group would be fully representative of tangata whenua. (Minutes of the Auckland Institute and Museum Council November 1993).

In June 1994 the working draft of the Auckland War Memorial Museum Act contained a provision for the Taumata-a-Iwi as the statutory committee which would provide advice to the Auckland Museum Trust Board in relation to proposed policies from a Māori perspective and on matters of Māori protocol. An amendment to the working draft was proposed, to shift the provision for Māori representation from Section 12(2) to Section 4. The proposed section included this statement:

4. Members of the Board –

- (d) One shall be a Māori representative who shall be appointed by the Ngāti Whatua o Orakei Māori Trust Board in recognition of the mana whenua of Ngāti Whatua and the Museum that stands within it.

It is evident from later Council minutes that a debate about the composition of the Taumata-a-Iwi, the role of mana whenua, and exactly who were considered to have mana whenua for the Auckland Museum area was being conducted.

Sir Hugh Kawharu spoke of the concept of mana whenua of Ngāti Whatua with respect to the Auckland War memorial Museum. Sir Hugh noted his mandate to speak on behalf of Runanga Ngāti Whatua. Other groups, such as Tainui, had undoubted links with the

Museum, but it was a gross distortion to convert those links to some sort of mana whenua. In summary, it was appropriate that the Taumata-a-Iwi should include other groups such as Tainui and national Māori organisations – indeed, Ngāti Whatua were obliged to involve them, but not to abdicate responsibility for mana whenua.

The meeting unanimously endorsed Sir Hugh's stated position.

(Minutes of the Auckland Institute and Museum Council August 1994).

In September 1994 the Auckland Museum Council received letters from Emily Karaka of Ngai Tai ki Tamaki Trust, Nganeko Minhinnick of Ngāti Te Ata, and Sir Hugh of Ngāti Whatua, all regarding tangata whenua representation on the Museum Council. This correspondence was followed by a delegation to the Council meeting of 19 October 1994. The delegation was introduced by Ms Black as including representatives of the Tainui Trust Board, Waiohū, Ngāti Te Ata and Ngai Tai ki Tamaki. The delegation expressed strong objections to the proposed Māori representation on the new Trust Board, and stressed their dissatisfaction with the lack of advance information and consultation. Sir Hugh explained the processes involving the draft Museum Act, from the Auckland Museum Council to Parliament to the Parliamentary Select Committee. Ms Emily Karaka was also present at this meeting, in this instance speaking to a tabled letter regarding the stance of Kawerau a Maki that they choose their own representation and Trust Board member.

On 9 November 1994, the Executive Director of the Auckland Museum made this report to the Council members:

Council is aware that the current proposal for Māori representation on the revised Museum Trust Board is being challenged by some Auckland Iwi. It is unlikely that the issues of manawhenua which underlie these challenges will be resolved quickly. In those circumstances there is real potential for the passage of the new legislation to be significantly impeded unless the Bill can be redrafted to allow appointment of the Māori representative at such time as the parties affected can resolve the matter to the satisfaction of an appropriate outside authority. I believe that this should not be the Council/Trust Board, and I am proposing that it should be the Minister of Māori Affairs. The Minister's consent will be required.

(Auckland Institute and Museum Council Minutes November 1994).

The Minister of Māori affairs subsequently declined the invitation to act as suggested by the Executive Director.

By March 1995, the proposed Bill had been redrafted so that the Māori representative on the Auckland Museum Trust Board would be nominated by the Taumata-a-Iwi. Ms Emily Karaka then wrote to the Executive Director requesting that Ngai Tai ki Tamaki and Kawerau a Maki be included in the Taumata-a-Iwi. (Auckland Institute and Museum Council Minutes March 1995).

The new Auckland War Memorial Museum Bill provided that the Auckland Museum Council would be replaced by a Trust Board of ten, one of whom would be elected by the Taumata-a-Iwi. The Taumata-a-Iwi was to be an advisory committee to the Trust Board, that would be comprised of five representatives, one each from: Ngāti Whatua o Orakei Māori Trust Board, Tainui Māori Trust Board, Ngāti Paoa Whanau Trust, the Auckland District Māori Council and the Auckland Māori Women's Welfare League. This composition was modelled on the Auckland City Council Māori Representatives Committee of 1993. The closing date for submissions to the Bill was 30 November 1995.

A number of written submissions were received by the Internal Affairs Select Committee established to consider the Bill in favour of the proposed composition of the Taumata-a-Iwi. The representatives of the four groups who sent dissenting submissions all asked to make oral submissions. The hearings of these took place at the Auckland Museum on 12 March 1996. Sir Hugh Kawharu, as a member of the Museum Council, briefly explained that the composition of the Taumata-a-Iwi had been decided on the principles of Tangata Whenua and the two long-established national bodies. He added that it was "not practical to have national representation pertaining to the taonga". (Kawharu, Pers. comment 1996). (The Māori collections in the Museum consist of thousands of items from a wide variety of tribal origins. (Auckland Museum Policy and Procedures Manual 1994). When questioned as to whether he thought the one Māori Trust Board member

was acceptable, he answered that it was "the best we can do under the circumstances". (Kawharu, Pers. comment 1996).

The submission from Waitakere City Council sought expansion of the Taumata-a-Iwi to include Ngai Tai ki Tamaki and Kawerau a Maki.

The Hauraki Māori Trust Board submission was presented by Buddy Mikaere. He stated that they represented 12 iwi groups, identified their tribal boundaries and asserted Hauraki tino rangatiratanga thereof through the signing of the Treaty of Waitangi (by several Hauraki chiefs). He submitted that Hauraki strongly disagreed with Sir Hugh Kawharu's earlier comments, as the provision for only one Māori representative on the Trust Board of ten "directly contradicts the concept of partnership" (as provided by the Treaty of Waitangi). Hauraki sought amendment of clause 16 because:

The Ngāti Paoa Whanau Trust does not represent all of Ngāti Paoa, let alone Hauraki whānui...Hauraki does not accept the presence of the Auckland District Māori Council and the Māori Women's Welfare League...representation should be tangata whenua. (Mikaere 1996).

They also emphasised that one of the principle taonga in the Museum, the wharenui Hotunui, is a Hauraki taonga.

On September 2 1996, royal assent was received to the new Auckland War Memorial Museum Bill. The composition of the new Trust Board (ten members comprised of five representatives of local authorities, four representatives of the Auckland Museum Institute and one representative of the Taumata-a-Iwi) remained as drafted. The Internal Affairs and Local Government Select Committee declined to decide on the composition of the Taumata-a-Iwi, electing instead to remove the specific representation and provide simply for a Māori committee of not less than five persons.

## Auckland War Memorial Museum Act 1996.

There are several clauses of the Auckland War Memorial Museum Act 1996 that refer specifically to the role of Māori in the Auckland Museum. Section 4 states that the members of the Board shall include one who will be appointed by the Taumata-a-Iwi. Section 16 defines the Taumata-a-Iwi as "a Māori Committee known as the Taumata-a-Iwi consisting of not less than 5 persons appointed by the Board".

The major role of the Taumata-a-Iwi is

To assist the Board to ensure that the Board's policies in relation to matters set out in paragraphs (a) to (d) of this subsection accord properly with Māori values as well as matters provided for in the Treaty of Waitangi, the Taumata-a-Iwi shall review proposed policies and make recommendations to the Board in relation to those matters:

(a) Custodial policies, and guardianship of all Māori taonga of whatever kind and tribal source;

(b) Staffing policies, including taking affirmative action in recruitment and training programs, which will lead Māori people into professional careers in Aotearoa New Zealand's bicultural museums;

(c) Display policies, including presentation of Māori taonga to the public in a culturally appropriate and informative manner;

(d) Development policies, including protection of both the substance and status of Māori taonga in any Museum development plan.

(9) The Taumata-a-Iwi shall give advice on all matters of Māori protocol within the Museum and between the Museum and the Māori people at large. (Auckland War Memorial Museum Act 1996 S16(8)).

The role of the Taumata-a-Iwi is only an advisory one, albeit strengthened by Section 12:

Duties, functions, and powers of Board - (2) The duties, functions, and powers of the Board shall be -

(c) To observe and encourage the spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Māori and elements in the care of Māori cultural property which only Māori can provide: ...

(g) To consult with the Taumata-a-Iwi on all matters set out in section 16(8) of this Act, and to take due regard of the advice given. (Auckland War Memorial Museum Act 1996 S12).

The ultimate authority in the decision-making process is therefore the Board of the Museum. However, the provisions of the Act are such that the voice of the Taumata-a-Iwi is a significant one, and it is evident from Section 12(2)(g) that the intent is that consultation with the Taumata-a-Iwi is to be a meaningful exercise.

### **Establishment of the Taumata-a-Iwi**

In September 1996, the Executive Director of the Museum, Dr Rodney Wilson, requested the Manager Iwi Values to draft a report to advise the Trust Board on the best way to proceed with the establishment of the Taumata-a-Iwi. The major components of the report were:

1. The statutory obligation to establish a Taumata-a-Iwi - "There shall be a Māori committee known as the Taumata-a-Iwi consisting of not less than 5 persons appointed by the Board". (Auckland War Memorial Museum Act 1996 Section 16(1).
2. An explanation of the term 'mana whenua' and the implications of this – Mana whenua can be described as the authority derived from tribal ownership of land. ... Land 'belonged to the group who ... maintained the right by 'ahi kaa' – literally 'to keep fires burning' upon the land. ... Historically, for Māori, any activity in an area occurred only with the assent of the tribal group who exercised mana whenua for that region. ... In modern times ... the essence of the restrictions and obligations of mana whenua ... is still maintained. In terms of tikanga Māori it would therefore be necessary to consult with the iwi who hold mana whenua status for the area within which the Auckland Museum is situated, when an advisory committee as significant as the Taumata-a-Iwi is to be established. (Whaanga 1996, Report to Auckland Museum Trust Board).
3. Reference to the significance of the Treaty of Waitangi – "The signing of the Treaty of Waitangi in 1840 marked the time when the issues of mana whenua were 'frozen' ... In 1840 Ngāti Whatua o Orakei owned the area upon which central Auckland now stands." (Whaanga 1996, Report to Auckland Museum Trust Board).

4. The case for affirmation of Ngāti Whatua o Orakei as the tribal group with mana whenua status for the area upon which Auckland Museum stands, supported by:

- An extract from the Waitangi Tribunal's 1987 'Orakei Report' – "it is from that convolution of circumstance that Ngāti Whatua of Orakei are tangata whenua of what is now central Auckland, and what is now central Auckland is also their ancestral land". (Waitangi Tribunal 1987:13).
- A Government press release of 1 July 1988 stating that "Government has given a tremendous amount of consideration to the recommendations of the (Waitangi) tribunal. The decision we have reached will reaffirm the mana and status of Ngāti Whatua as the tangata whenua of Auckland."
- A copy of a September 1994 letter from C.J. McGuire, solicitor for Ngāti Whatua o Orakei Māori Trust Board, to the then President of the Auckland Institute and Museum Council. McGuire pointed out that challenges to Ngāti Whatua o Orakei's mana whenua had been made from time to time over the last 150 years. The challenges have been made to Courts, the matter has been considered in Parliament by Governors General, by the Waitangi Tribunal. It has been raised in such diverse tribunals as the Planning Tribunal and the Casino Control Authority. On no occasion has the challenge to Orakei's manawhenua been successful. (McGuire, 1994).

The report from the Manager Iwi Values concluded that seeking the advice and guidance of the Ngāti Whatua o Orakei Māori Trust Board in regard to the composition and establishment of the Taumata-a-Iwi would be consistent with tikanga Māori, the obligation of the Board (as specified in Section 12 of the Auckland War Memorial Museum Act 1996) to observe and encourage the Treaty principles of partnership and goodwill and the implications of mana Māori, and consistent also with the long-standing relationship between the Auckland Museum and Ngāti Whatua o Orakei. Accordingly, the recommendation was made that the Auckland Museum Trust Board write to Ngāti Whatua o Orakei Māori Trust Board requesting advice and assistance in the establishment of the Taumata-a-Iwi in accordance with the requirements of the Act.

Advice was also received from Ms Pauline Kingi, Regional Director of Te Puni Kokiri, suggesting that the involvement of the Ngāti Whatua Trust Board was imperative to the selection process for the Taumata-a-Iwi because of their tangata whenua status and the involvement of Sir Hugh Kawharu in the drafting of the Act.

The final meeting of the Auckland Institute and Museum Council took place on 18 September 1996. The new Auckland Museum Trust Board held their first meeting in November 1996, consisting of the five trustees appointed by the contributing authorities and four members appointed by Auckland Museum Institute.

On 27 November 1996 a delegation from Auckland Museum consisting of Mr Peter Menzies (Trust Board Chairman), Mr Michael Evans (Director Collections) and Mere Whaanga (Manager Iwi Values) attended a meeting of the Ngāti Whatua o Orakei Māori Trust Board. Those present from Ngāti Whatua were Sir Hugh Kawharu (Chairman), Me Leon Wijohn (Executive Manager), Mrs Ani Pihema (Secretary), Mr Danny Tumahai, Mr Mato Pouesi, Ms Rebecca Reid, Mr Grant Hawke, Ms Rangimarie Rawiri and Ms Whetumarama Porter.

The delegation had been invited to the Ngāti Whatua o Orakei Māori Trust Board meeting at Orakei in response to a letter from the Auckland Museum Trust Board seeking advice in regard to the Taumata-a-Iwi.

Sir Hugh Kawharu explained the terms ‘mana whenua’ – mana based upon occupation of land, and ‘manaaki’ – the obligations of the iwi who have mana whenua to care for any people either visiting or living within their area in every respect. He further elaborated on manaakitanga as incorporating the ideal of trusteeship, and the incumbent responsibility of the tangata whenua to exercise good trusteeship over any taonga within their area.

After referring to the lengthy discussions that had taken place to determine the composition of the Auckland Museum Trust Board and the composition of the Taumata-a-Iwi as per the draft Auckland War Memorial Museum Act, Sir Hugh outlined four possible structures for the composition of the Taumata-a-Iwi.

They were:

1)	Ngāti Whatua	5 members	
2)	Ngāti Whatua	3	
	Tainui	1	
	Ngāti Paoa	1	Total 5
3)	Ngāti Whatua	3	
	Tainui	1	
	Ngāti Paoa	1	
	Auckland District Māori Council	1	Total 6
4)	Ngāti Whatua	2	
	Tainui	1	
	Ngāti Paoa	1	
	Auckland District Council	1	Total 5

Sir Hugh further explained the ramifications of each composition. A Taumata-a-Iwi consisting of 5 members of Ngāti Whatua (option 1) would not in his opinion be cognisant of the responsibilities and obligations of manaakitanga; and options 3) and 4) would not satisfactorily account for mana whenua. He suggested that further meetings between Ngāti Whatua and the Auckland Museum Trust Board would be necessary. (Whaanga, 1996. Report on Meeting at Orakei).

Despite a written report on the meeting at Orakei being circulated to the Museum Trust Board members the following day, no further response was received from the Auckland Museum Trust Board.

Eventually, in February 1997, a further report was requested of the Manager Iwi Values. This report essentially repeated the information contained in the November report to the Trust Board, and clarified that the only option for Taumata-a-Iwi composition that was cognisant of the responsibilities and obligations of manaakitanga and would satisfactorily account for mana whenua was option 2 as outlined by Sir Hugh Kawharu. Concerns were expressed about

this recommendation, and questions raised about the consultation process in regard to the Taumata-a-Iwi. The Trust Board conducted further discussion in committee.

A meeting of the entire Auckland Museum Trust Board and senior management of the Museum took place with the Ngāti Whatua o Orakei Trust Board on March 26. The Chairman of the Museum Trust Board advised Ngāti Whatua that the structure that was to be adopted for the Taumata-a-Iwi was option 2 as presented by Sir Hugh Kawharu in November 1996 – i.e three representatives of Ngāti Whatua, and one each of Tainui and Ngāti Paoa.

Letters from the Museum Trust Board were subsequently sent to Ngāti Whatua o Orakei Māori Trust Board, the Tainui Māori Trust Board and the Ngāti Paoa Whanau Trust Board to advise them of the Board's decision and to request that they appoint their representatives.

The inaugural meeting of the Auckland Museum Taumata-a-Iwi was convened on 24 July 1997.

The members of the Taumata-a-Iwi were

- Mr Te Puna (Danny) Tumahai, kaumatua of Ngāti Whatua, member of the Ngāti Whatua o Orakei Māori Trust Board, and a prominent person in the affairs of Ngāti Whatua;
- Mr Bernard Makoare, of Ngāti Whatua and Māori Services Manager at the Auckland City Central Library;
- Mr Martin Mariassouze of Ngāti Whatua, an officer of Te Puni Kokiri;
- Mrs Hariata Gordon of Ngāti Paoa, Chairperson of the Ngāti Paoa Whanau Trust Board;
- Mr Brownie Rauwhero of Tainui, member of the Tainui Māori Trust Board.

The members of the Taumata-a-Iwi unanimously elected the Ngāti Whatua Kaumatua, Danny Tumahai to the chair, and, also unanimously, nominated Sir Hugh Kawharu as the Taumata-a-Iwi representative on the Trust Board.

### **Kaitiakitanga Protocol for the Auckland Museum**

As a result of the protocols proposed by the Taipari Whanau for the management of the wharehau Hotunui in Auckland Museum, and the ensuing debate surrounding care and ownership of taonga Māori, the following resolution was passed by the Auckland Institute and Museum Council

Resolution 96/42

(ii) Resolved that an accompanying document be prepared by Council defining the Museum's kaitiakitanga (or role of guardian of tribal treasures) by the end of June 1996. (Auckland Institute and Museum Council Minutes May 1996).

The task was allocated to the Manager Iwi Values. In July 1996 the draft Kaitiakitanga Protocol for the Auckland Museum (Appendix I) was tabled for the information and/or approval in principle of the Collection sub-committee of the Auckland Institute and Museum Council. The Manager Iwi Values advised the Collection Committee that it was envisaged that the draft Kaitiakitanga Protocol would be subject to review by the Taumata-a-Iwi when established.

There were five main sections to the Kaitiakitanga Protocol. The introduction circumscribed the kaitiakitanga (guardianship) role of the Auckland Museum in regard to all taonga Māori within its collections. Taonga Māori were defined as objects within the Museum's collections that are of "cultural, spiritual, historical, aesthetic and heritage significance and value to Māori" (Proposed Protection of Movable Cultural Heritage Bill Section F 18.1 (a)) The Mission Statement of the Auckland Museum was acknowledged, and a statement of affirmation of the authority of the Auckland War Memorial Museum Bill 1996.

The Protocol incorporated the expectation that the Auckland Museum would respect and endeavour to incorporate tikanga Māori in relation to:

- mana whenua
- mana taonga
- the utilisation of Māori knowledge and information.

It also supported the observance of the (Court of Appeal and Waitangi Tribunal) principles of the Treaty of Waitangi and the Draft Declaration on the Rights of Indigenous Peoples, as well as the ethics of the museum profession, in the execution of the policy. Legislation pertinent to the Museum was listed, including the Antiquities Act 1976, the Historic Places Act 1993 and the Copyright Act 1994.

Section two, “Responsibilities”, described the ownership and possession of the Museum and its contents as per the draft Auckland War Memorial Museum Act, but the point was made that it should be noted that legal ownership of the collections does not rest entirely with the Museum - many artifacts are on deposit only.

The provisions of the Antiquities Act 1975 were included, with particular emphasis being placed on those clauses that provide for any artefact found in this country to be prima facie the property of the Crown; custody of any artefact recovered from the grave (of any person whose identity is known) shall be determined by the Māori Land Court; and the authority of the Māori Land Court to determine traditional ownership, rightful possession or custody in cases of dispute.

The Protocol also provided for the resolution of disputed ownership of taonga. Dispute resolution was to be facilitated by the provision of a detailed report to the Taumata-a-Iwi to consider and make recommendations to the Auckland Museum Trust Board.

Where resolution could not be achieved, under the provisions of the Antiquities Act 1975, Māori ( or any person who may have any right, title, estate, or interest in any such artefact) may have recourse to the services of the Māori Land Court to make a determination of interest.

All taonga Māori within the custody of the Auckland Museum were to be accorded appropriate care and respect, having regard for their mana and the tikanga of the iwi/hapu/whanau of origin, as well as the kawa of the Auckland Museum as established by the Taumata-a-Iwi.

The provisions of the Auckland War Memorial Museum Act pertaining to governance and to the role of the Taumata-a-Iwi were included.

Section three detailed the Māori collections as listed in the Auckland Museum Policy and Procedures Manual Draft May 1994. (Appendix I).

The fourth section of the protocol was that of Collections Management. It was noted that the Taumata-a-Iwi would be notified of any decisions to add taonga Māori to the Auckland Museum collections. The acquisition levels of the Māori collection areas were all active. Qualifications were made, such as only scientifically excavated collections would be added to the Maori Excavation Collections; localised and/or outstanding examples were preferred for the Maori Finds collection; historically documented items that must be amenable to conservation stabilisation and whose ownership was clearly established were preferred for the Maori Large Carvings collection.

The existing policies (Auckland Museum Policy and Procedures Manual Draft 1994) regarding Deaccessioning and Repatriation were included.

No deaccessioning was envisaged for Māori Finds, Māori Cloaks, Māori Material Culture or Library Māori collections. No deaccessioning was envisaged with the Māori Large Carvings Collection, although it was acknowledged that some major loans may be recalled. The Taumata-a-Iwi was to be consulted before any decisions were made.

Any repatriation requests received by the Auckland Museum were to be referred to the Taumata-a-Iwi, who would investigate the claim and make recommendations to the Auckland Museum Trust Board. The investigation would consider

- whether the claimants are entitled to custody under traditional custom
- whether the claimants are the only ones with a claim on the object
- how the object came to be in the Auckland Museum's collections
- all records pertaining to the object
- appropriate ongoing support after repatriation.

It was recognised that there may be objects within the collections that are the communally owned property of a Māori whanau/hapu/iwi which could not, under Māori custom, have been alienated, transferred or conveyed by an individual, and an appropriate process to address such occurrences was included.

The existing general Outgoing Loans Policy and the Incoming Loans Policy (Auckland Museum Policy and Procedures Manual Draft 1994) were cited. In regard to loans of taonga Māori these were to be considered on a case-by-case basis, and enacted after mutual agreement (between the Museum and Māori) on the use and time period in question as well as the risk to the object. The decision must be based on tikanga Māori.

The Kaitiakitanga Protocol urged that prior to the commencement of any conservation work on taonga Māori, the Taumata-a-Iwi (and where appropriate, the traditional owners of the taonga) will be consulted, and their recommendations for procedures and ceremonies will be followed.

The Māori collections of the Auckland Museum are an extremely important cultural and research resource. The necessity to ensure that they were accessible for research, study or viewing purposes was stressed, with the qualification that where restrictions of access have been imposed by donors (for instance some

whakapapa books and other Māori manuscripts have restricted access), these must be observed. The Museum was to actively encourage Māori to use the collections to help document their own history and culture.

The clause regarding the protection of traditional Māori knowledge and Māori cultural property (e.g. visual arts, photographs, recordings, films) advised the need for a balance being struck between protecting against expropriation and inappropriate use, and making use of the knowledge to achieve social and economic development for Māori. Intellectual property and traditional Māori knowledge are also considered to be taonga Māori, and as such should be given the same considerations and protection as provided in this policy for artefacts.

The Auckland War Memorial Museum Bill provided for the Taumata-a-Iwi to make recommendations to the Trust Board with regard to all display policies. Therefore it was expected that planning of an exhibition's content and format would be done in consultation with either the Taumata-a-Iwi or an appropriate Māori adviser/s.

The last section of the Protocol was in regard to the human remains held in the Auckland Museum (some Māori human remains, along with some from Tonga, other Pacific Islands, Australian and rest of the world.) The existing policy was that "All (unmodified) skeletal material is available for return/reburial on request subject to approval by Museum Council". (Auckland Museum Policy and Procedures Manual. Draft May 1994. Section 2.3.4)

Any returns were to be referred to the Taumata-a-Iwi so that appropriate care and customs could be observed.

## **CHAPTER FIVE**

### **AUCKLAND MUSEUM : DEFINING ISSUES**

This chapter will examine some of the major issues addressed by the Taumata-a-Iwi in their first few months of existence. The resolution of many of these issues created precedents.

This chapter provides an account of the return of Pukaki to Ngāti Whakaue, the debate surrounding the proposed Māori Natural History Galleries, the request from Tainui for a substantial loan of taonga for the planned Tainui exhibition, and the consultation process and pōwhiri for the Pacific Island communities representatives. Also included here is the repatriation of two preserved heads (pōrihirihi tupuna) to Poroti. While this did not happen until 1999, it is an excellent example of repatriation and processes that contrast with those surrounding the return of Pukaki.

## Defining Issues

The first months after the establishment of the Taumata-a-Iwi were hectic. There were several major issues that had been deferred until an appropriate body was appointed that could address them.

### Pukaki:

The first was an issue of repatriation, centred on the Ngāti Whakaue taonga Pukaki.

Excerpts from Paul Tapsell's 1998 DPhil thesis *Taonga: A Tribal Response to Museums* will aid understanding of the use of the personal pronoun 'he' in reference to the taonga Pukaki, rather than the objective 'it'. Tapsell wrote:

Four generations after his death Pukaki's mana was enhanced by his descendants' exploits, and they decided to symbolically focus his ancestral power through a carving which was erected upon the Pukeroa pa above Ohinemutu. This carving took the form of a kuwaha, or gateway, which stood approximately five metres high. (Tapsell. 1998:244).

He also explained that

Respect for taonga possessing an ancestor's wairua is widespread and many become famous, even amongst nonrelated kin groups. Often greeted as living representations of ancestors, taonga like Pukaki, Tiki, Uenuku, and Korotangi continue to be key performers in reaffirming Māori tribal identity in contemporary Aotearoa-New Zealand. (Tapsell. 1998:16).

In 1996 Tapsell had given a copy of his M.A. thesis titled *Pukaki: Te Taonga o Ngāti Whakaue ki Rotorua* 1995 to the Manager Iwi Values. After discussions, a report was given to the Executive Director of the Auckland Museum, along with a summary of the thesis. The summary essentially outlined the background of the ancestor Pukaki and the history of the taonga Pukaki. In March 1997, in anticipation of a meeting with Te Arawa and Ngāti Whakaue kaumatua to discuss Pukaki, the Director requested the Museum Ethnologist, Dr Roger Neich, to comment on the thesis. Neich concurred with Tapsell's findings.

Tapsell also provides a summary of the known history:

On 2 October 1877 Pukaki was presented by Ngāti Whakaue to Fenton during a hui at Te Papa-I-Ouru marae as recognition to proceed with the development of the Rotorua township. Thus the presentation of Pukaki to the Crown, through Fenton, was the physical and spiritual seal of trust between two Treaty partners. Pukaki was immediately transported to Tauranga by horse and cart then shipped up to Auckland Museum upon the S.S. Rowena with Fenton acting as courier. The curator, Cheeseman, placed Pukaki in the new Princes Street museum on 9 October 1877. In the 1877-78 report of the Auckland Institute special mention was made of Gillies for his efforts in securing Pukaki. But the Crown was not acknowledged as the receiver of Pukaki. Neither was he taken to the seat of government ... nor was any indication of the underlying Crown-Ngāti Whakaue relationship reported. (Tapsell, 1998:245).

The point that Tapsell made clear in his thesis was the fact that Pukaki was never intended for the Auckland Museum.

Paul Tapsell, in his role of liaison for Ngāti Whakaue, met in March 1997 with the Director and the Manager Iwi Values to clarify some of the issues surrounding Pukaki. While it was clear that there were expectations that the Auckland Museum would respond to the knowledge that Pukaki was never intended to reside in the Museum collections, nevertheless, Tapsell was very careful not to ask for the return of Pukaki.

On 4 April 1997 Sir Hugh Kawharu, Mr Takutai Wikiriwhi and Mr Danny Tumahai, exercising their mana whenua, welcomed a delegation of Ngāti Whakaue and Te Arawa kaumatua and Paul Tapsell to Auckland Museum.

The Museum was represented at this meeting by the Auckland Museum Trust Board Chairman (Mr Peter Menzies), the Director (Dr Rodney Wilson), the Director Professional Services (Mr Michael Evans), the Ethnologist (Dr Roger Neich) and the Manager Iwi Values (Mere Whaanga). The purpose of the meeting was to discuss the historical issues surrounding Pukaki, with regard to his future.

In replying to the formal welcome given by Ngāti Whatua, the Ngāti Whakaue and Te Arawa kaumatua, led by Te Kuru o te Marama Waaka, structured their

whaikōrero and waiata around Pukaki. In so doing, they declared their relationship to Pukaki, and also that the purpose of the visit was to discuss the taonga that represents their ancestor.

Menzies and Wilson also welcomed the delegation, and spoke on a number of points.

To the astonishment of the elders, the Museum not only accepted and agreed with the research findings, but also grasped the initiative by acknowledging Ngāti Whakaue as still the “owner” of Pukaki. The meeting, which was held under the mana of Ngāti Whatua, concluded with both sides expressing a strong desire to meet again to work towards forming a long-term partnership. (Tapsell, 1998:246).

In June 1997, an invitation was extended to the Auckland Museum to meet with Ngāti Whakaue/Te Arawa at Te Papa-i-Ouru Marae, Ohinemutu, on 2 October 1997 – the 120<sup>th</sup> anniversary of Pukaki being presented to the Crown – to resolve Pukaki’s long-term custodianship.

At the inaugural meeting of the Taumata-a-Iwi on 24 July 1997, Pukaki was one of the first matters to be discussed after the formalities of appointment of Chairman and Trust Board nominee were completed.

The following resolution was made:

“Pukaki should return to his rightful place with his people (Ngāti Whakaue)”.  
(Taumata-a-Iwi Minutes July 1997).

The Trust Board was advised of the Taumata-a-Iwi’s resolution, and further that an appropriate time for Pukaki to return home would be 2 October 1997.

Tapsell continued to liaise with the Museum in arranging Pukaki’s journey home. Ngāti Whatua representatives met with senior Museum staff and the Taumata-a-Iwi to discuss their role. Sir Hugh Kawharu explained the importance of Ngāti Whatua’s position – essentially that Ngāti Whatua o Orakei, as the tangata whenua, had been kaitiaki of this notable Te Arawa ancestor for 120 years. Iwi nationwide would be aware of how Ngāti Whatua conducted themselves, and their

role in this historic event was a very high-profile example of how Ngāti Whatua o Orakei in particular discharged their obligations of mana whenua.

At dawn on 2 October 1997, Pukaki was standing in a custom-built crate with the front lid off in the School Room of the Auckland Museum. The room filled with members of Ngāti Whakaue, Te Arawa, Ngāti Whatua, Museum staff, the media and many others who had come to take part in the karakia that was conducted in preparation for Pukaki's journey home. The event was very emotional, but it became very tense when a protestor interrupted the proceedings, aggressively claiming that the carving was 'Ngatoroirangi' and belonged to Ngāti Huarere and Waiohua. With Ngāti Whatua's permission, the Te Arawa kaumatua Hikooterangi Hohepa quietly spoke to the man. He explained at length the origins of Pukaki, and ended with an invitation to the protestor to bring his concerns to Te Arawa to address in the proper forum, on the marae. Eventually the protestor surrendered, exchanged a hongi with the Te Arawa kaumatua, and left.

Ngāti Whatua men carried Pukaki to the truck waiting at the front of the Museum, those who were to accompany him to Rotorua boarded their buses and various other transport, and the convoy set off.

At Te Papa-i-Ouru marae in excess of 600 Te Arawa descendants were waiting to greet their ancestor. Ngāti Whatua removed Pukaki from the truck, and took him to the marae entrance. Sir Hugh Kawharu was on one side of the crate containing Pukaki, and Mr Peter Menzies (Chairman Auckland Museum Trust Board) on the other.

Ngāti Whakaue sent two warriors to perform the wero to Ngāti Whatua. The challenge was received by Sir Hugh, then Te Arawa carried Pukaki onto his home marae to the karanga of Te Arawa kuia. After the mihimihi, formal speeches took place to mark the passing of Pukaki from the Auckland Museum back to his descendants, Ngāti Whakaue of Te Arawa.

A second manuhiri group was welcomed onto the marae – an official party representing the Crown that included the Aotearoa New Zealand Governor General, Sir Michael Hardie Boys and the Minister in Charge of Treaty Negotiations, the Hon. Douglas Graham.

A significant part of the ceremonies at Te Papa-i-Ouru marae was the completion of that which had begun 120 years earlier, the presentation of Pukaki to the Crown. Paul Tapsell gave an overview of the history of Pukaki, then representatives of each of the four parties concerned signed a Memorandum of Understanding.

The memorandum stated that

1. Ngāti Whakaue originally intended to gift its ancestor Pukaki to the Crown in 1877 to symbolise agreement between Ngāti Whakaue and the Crown to the establishment of Rotorua township.
  2. Pukaki has since 1877 been held by the Auckland Museum.
  3. Ngāti Whakaue wishes to confirm and complete its gift of Pukaki to the Crown.
  4. Ngāti Whakaue's gifting of Pukaki to the Crown is intended by Ngāti Whakaue to recognise and symbolise the partnership of Ngāti Whakaue and the Crown achieved through the settlement agreement signed by those parties on 23 September 1993.
- (Memorandum of Understanding, The Return of Pukaki: 2 October 1997).

The signatories to the memorandum were Mr Wihapi Te Amohau Winiata , Chairman, Te Papa-i-Ouru Marae, on behalf of the people of Ngāti Whakaue; the Hon. Douglas Graham, Minister in Charge of Treaty of Waitangi Negotiations, on behalf of the Crown; Mr Peter Menzies, Chairman, on behalf of the Auckland Museum Trust Board; and His Worship Mr Grahame Hall, Mayor, on behalf of the City of Rotorua.

The parties to the memorandum agreed to establish a trust to be called the Pukaki Trust which would act as guardian of Pukaki in accordance with terms yet to be agreed upon.

The return of Pukaki was the first such repatriation of a major taonga for the Auckland Museum. It was a fine example of a museum, having learnt how the taonga had been acquired, making an honourable decision to address a very significant wrong.

It was an enormously important decision for the newly-appointed Taumata-a-Iwi to make at their very first meeting. Each of the members however had skills that they brought to their positions that meant that as a body they were able to provide the Museum with advice based on very extensive experience in the field of Māori management and development, and a sound and in-depth knowledge of tikanga Māori. The return of Pukaki provided guidelines for future repatriation requests:

- the approach from Ngāti Whakaue was conducted in a manner that recognised the mana whenua of Ngāti Whatua o Orakei,
- the Museum responded quickly and in an appropriate fashion when it was confronted with the fact that Pukaki was never intended for the Auckland Museum,
- the Museum Trust Board referred the issue to the Taumata-a-Iwi as per their statutory obligations, and acted on the advice they received,
- the members of the Taumata provided advice based on an extensive and in-depth knowledge of tikanga Māori,
- Pukaki returned to te Papa-i-Ouru marae on a very appropriate day, the 120<sup>th</sup> anniversary of the day he had left for Auckland,
- he was escorted home by Ngāti Whatua o Orakei, who because of their mana whenua, had essentially been kaitiaki of this Ngāti Whakaue ancestral figure for 120 years.

In summary, there were three important issues highlighted by the return of Pukaki.

1. The Kaitiaki role of Ngāti Whatua o Orakei as the hapu with mana whenua status for the land on which Auckland Museum stands – this means not only guardianship in regard to the Museum collections, but also a responsibility to provide advice and assistance to the staff. They demonstrated their commitment to their role.

2. The honour bestowed on Auckland Museum by inclusion in the Pukaki Trust is very significant. It signals that Ngāti Whakaue believe the Museum acted with honour in that they acknowledged Ngāti Whakaue's 'ownership' of Pukaki as soon as the facts were presented to the Museum Trust Board, and facilitated a speedy resolution.
3. At a time when museums are having to address the issues of ownership and kaitiakitanga, it is necessary for museums to establish good relationships with iwi Māori. The Auckland Museum response to the ownership issue, and the subsequent return of Pukaki in an appropriate manner, provided an excellent example of how foundations could be set for future dialogue in regard to the collections of the Museum.

This event and the willingness of Te Arawa to develop a new partnership with Auckland Museum should have strengthened the relationship between Te Arawa and the Auckland Museum. Unfortunately, this was not the case. Later events, notably the demand that four Te Arawa taonga on loan to Rotorua Museum be returned and the lack of consultation with Te Arawa when the Māori Galleries at Auckland Museum were refurbished, demonstrated that Museum principals were unable to transfer the principles established in the Pukaki case to their general understanding of the management of taonga. These issues are further examined in the chapter of Māori responses to Auckland Museum.

### **Natural History Galleries**

The Auckland Museum had commenced a complete refurbishment project in 1995. In 1996 the refurbishment of the Natural History galleries on the first floor began. Mr Keith Hunter, a freelance film-maker and television documentary producer was employed in May 1996 to develop a concept. Mr John Early, Curator of Land Invertebrates and Natural History Section Leader was assigned to work alongside Hunter to provide the required scientific authority for the development of the displays.

There was a minimal direction in the brief given to Hunter that a Māori perspective be included. As part of the development of the brief, Hunter and Early visited twenty-nine museums in Australia, Britain, Europe and North America.

The brief was written and sent out to various parties for peer review in December 1996. Five responses were received from Māori, all of them stating that inadequate consideration had been given to the Māori perspective. The point was also made that Mātauranga Māori and the indigenous perspective of Natural History must be included in the Museum's Natural History galleries with the prominence and equality of delivery due to a Treaty of Waitangi partner.

A series of meetings took place, and on 28 February 1997 the Museum acquiesced to the idea of a bicultural view in the galleries. Two of the five Natural History galleries were to be available for the Māori perspective, and a further gallery was to be shared with the Western Scientific viewpoint. A Māori Consultative Committee was established consisting of Dr Mere Roberts, Dr Shane Wright, Dr Michael Walker and Professor Garth Cooper (all from the University of Auckland's School of Biological Sciences); Mr Haare Williams, member of the Directorate of Unitec; and Mrs Pauline Waiti, a member of NAMMSAT. The Auckland Museum Trust Board approved the Māori Consultative Committee at their March meeting. The convener of the meetings of the Consultative Committee was the Museum Manager Iwi Values.

The Consultative Committee appointed Dr Mere Roberts and Mr Haare Williams to be the Creative producers for the Māori perspective. Over a period of months, problems arose in regard to the time allowed to develop the concept and the funding and support being provided by the Museum. The grave concerns of the Consultative Committee were relayed to the Taumata-a-Iwi at its inaugural meeting. The Taumata-a-Iwi resolved that Mr Bernard Makoare should represent them on the Māori Consultative Committee for the Natural History Galleries, and a meeting was arranged between the two committees.

Dr Mere Roberts and Mr Haare Williams withdrew from the positions of Creative Producer because of their other professional and personal commitments, but would continue to provide advice and support as members of the Consultative Committee. Mrs Pauline Waiti agreed to be the Creative Producer for the Māori Natural History Galleries.

At their meeting of 18 August 1997 the Taumata-a-Iwi expressed support for the inclusion of the Māori perspective in the Natural History Galleries. They also stated that the mana of Ngāti Whatua in particular would be affected if the Māori presentation was not adequate. They felt very strongly that if the Māori perspective was not done properly, it should not be done at all.

Despite continuing requests for a change in the deadline for delivery of the galleries to recognise the much later start time for the concept development, and funding and support for the Creative Producer Māori that was more equitable with the fees and Museum support provided to the Creative Producer of the Scientific concept, the Museum maintained the stance that the programme for delivery as set prior to the Māori involvement was immutable.

In September 1997, the Māori Consultative Committee instructed Dr Mere Roberts to draft a letter to the Director of the Museum advising that they could no longer provide a Māori perspective for the project. The letter was accompanied by a substantial report that documented the reasons that led to the decision to withdraw.

In summary, the issues highlighted in the saga of the Natural History galleries were:

1. Planning for the refurbishment project had proceeded without Māori involvement.
2. A dichotomy existed between the opinion of Māori, who advocated a bicultural approach based on Treaty of Waitangi rights; and that of the Museum, which had planned for the Natural History Galleries to present the Western Scientific viewpoint, with minimal inclusion of Māori content.

3. Mātauranga Māori and the Māori world view was not seen as being of equal status to the Western Scientific viewpoint of Natural History.
4. Until the establishment of the Taumata-a-Iwi, those advocating the inclusion of a credible Māori perspective had no avenue within the structure of the Museum to plead their case.
5. The demonstrated lack of support for the Māori perspective, the inflexibility of delivery timelines, the inequitable funding and support provided to Māori constituted institutional racism. (As defined in *Puao-te-Ata-tu* 1986:18-19).

The Museum Trust Board eventually allocated one of the five Natural History galleries for the Māori perspective. The Museum Executive Director approached Dr Mere Roberts in early 1998 to be the Creative Producer for the gallery. With the support of the original Māori Natural History advisory committee for her decision, Roberts agreed to undertake the task. She identified the two problematic areas that would affect the development of such a gallery in any museum –

...The first (is) that no books exist on this subject; they remain to be written; the second (is) that no experts exist with authoritative standing in both knowledge systems : that of science, and of matauranga Maori. (Roberts, 1998:1).

The problems encountered from the beginning remained – the gallery was under-resourced, the Maori perspective was not given equal status with the Western Scientific viewpoint, and the complexity of the task of delivering a Māori Natural History gallery was neither recognised nor acknowledged by the Museum.

Despite all this, Roberts persevered to

...present some of the unique aspects of the Maori world view as they relate to our own environment. With this bold step Maori knowledge has been freed from the “cultural closet” within which it has traditionally been constrained within our Museums, and allowed to stand alongside the scientific world view. For all visitors with an interest in their environment, there is much to be enjoyed by obtaining an insight into these two worldviews, the one indigenous to this country, and the other the international ruling paradigm. (Roberts, 1998:2)

The Auckland Museum Maori Natural History gallery opened in December 1999.

## **The Tainui Loan**

In 1997, a major exhibition of Tainui taonga was planned for the Waikato Museum of Art and History. The exhibition was due to open in December 1997. The Curator of the exhibition, Ms Barbara Moke, had spent some time researching the records of the Auckland Museum. A formal loan request was made to the Auckland Museum on 1 May 1997 for fifty-three Tainui taonga in the Auckland collections. Consistent with Museum practice, Dr Roger Neich, Curator of Ethnology, prepared a report that included comment on the period of the loan, the location of the taonga (whether on display or in storage), the condition of the items requested, the accuracy of the list which was compiled from registers and file cards, the status of deposit of the taonga (some were on loan to Auckland Museum) and the number of staff who would need to be assigned to identification, selection, condition-reporting, and packing the loan.

The loan request came at a time when Museum staff were working on collection relocation and other tasks associated with the refurbishment project. An agreement was reached with Waikato Museum relating to the costs of condition reporting and packing the taonga that alleviated some of Auckland Museum's concerns.

The request was submitted to the Auckland Museum Trust Board, who requested the advice of the Taumata-a-Iwi. The Taumata made the following resolution: "The Taumata-a-Iwi consent to the loan of taonga for three years as per Dr Roger Neich's recommendation, excluding the Hauraki taonga until such time as consultation with Hauraki is done". (Taumata-a-Iwi minutes 24 July 1997).

The Auckland Museum hesitated to lend so many of the taonga to the Waikato Museum. Concerns were expressed at the effect on Auckland Museum displays of the absence of taonga and the fragility of some pieces.

On 12 September 1997, the Taumata-a-Iwi received a delegation of Tainui kaumatua and the curator of the Tainui exhibition. On the 22 September, Dr Roger Neich, Auckland Museum Ethnologist, took the Taumata members through the Māori galleries to show them some of the taonga being requested for the Tainui exhibition and to explain his concerns in regard to the fragility of certain taonga. The Taumata-a-Iwi subsequently made a recommendation to the Auckland Museum Trust Board urging them to reconsider the Waikato Museum request and requesting further information on specific taonga.

Eventually, the Museum agreed to loan all but a few of the taonga requested for the Tainui exhibition. The last consignment of the taonga left Auckland Museum for Waikato Museum on 26 November 1997.

This loan was significant in that it was the first time that Auckland Museum had been asked to lend so many of the taonga in its collections to another museum, and when the Tainui kaumatua came to Auckland Museum, it was the first time that the Taumata-a-Iwi met with a delegation of kaumatua. It was noticeable that the Museum presented reasons why the loan should not proceed in its entirety, and proposed a reduced list of taonga and term of loan. By contrast, the Taumata-a-Iwi immediately accepted that the loan of taonga to the tribal group of origin was most appropriate, and they moved to strongly encourage the Museum to facilitate the process. Most importantly, the Tainui kaumatua were able to meet with the Māori body statutorily empowered to advise the Museum Trust Board on such matters.

### **Pacific Island Galleries**

Planning had begun for the refurbishment of the Pacific Galleries in November 1996. A lunch meeting with nine artists and other prominent members of the Pacific Island communities in Auckland and some Museum staff members was held in the Auckland Museum Boardroom. The purpose of the meeting was to

explain about the refurbishment project, and ask how the Museum should begin the consultative process with the Pacific Islands communities.

Mr Albert Wendt stressed that the Pacific Islands community needed to be formally welcomed into the Museum before any of the artists became involved in the process of consultation. The consultation process was suspended until the Taumata-a-Iwi was established.

At their meeting of 24 July, the Taumata-a-Iwi “agreed with the necessity for the Pacific Islands community to be formally welcomed to the Museum. This would be their first consideration once they have set their kawa for the Museum”. (Taumata-a-Iwi minutes 24 July 1997).

The pōwhiri for members of the Pacific Islands community was held in the Pacific Gallery on February 2 1998. The significance of this occasion was that the tangata whenua as represented by the Taumata-a-Iwi formally welcomed representatives of numerous Pacific Islands communities into the museum for the first time. It would have been preferable to have this pōwhiri as part of an extensive consultation process with members of the Pacific communities prior to work being undertaken on the refurbishment of the Pacific galleries. However, the deadlines for delivery of the refurbishment were set well before any consultation process had begun, and before the Taumata-a-Iwi had been established. Hence the formality of the pōwhiri was completed after work had commenced on the Pacific galleries.

The consultation process was inadequate. Two Pacific Islanders, Mr Jim Viviaere and Mr Albert Refiti, were engaged for a short period to assist with the project, but the Pacific Galleries development was led by Dr Roger Neich (Museum Ethnologist) and the Assistant Curator of Ethnology, Ms Fuli Pereira (Pereira is of Pacific Island descent).

The Pacific galleries were opened to the public in December 1998. The official opening took place in February 1999. Initially, the Taumata-a-Iwi declined to

participate in the formal opening on the grounds of a serious breach of tikanga (the public were given access prior to the necessary ceremonies being conducted). However, on the day, the Chairman of the Taumata-a-Iwi and other members of Ngati Whatua did provide a tangata whenua presence at the occasion.

### **Repatriation of Mokamokai or Pörihirihi Tupuna**

The repatriation of two preserved heads to the people of Whatitiri took place on 2 April 1999. This event was yet another 'first' for Auckland Museum. It is included here as one of the defining issues for the Taumata-a-Iwi.

In 1989, the Auckland Museum received a letter from Mr Taipari Munro requesting the return to the people of Whatitiri of two mokamokai (preserved heads) which he identified as Moetarau and Koukou. The matter was referred to the Auckland Institute and Museum Council. Mr Munro wrote again in 1991. Proof of discussions with other tribal groups who may claim connections with the heads was requested of Mr Munro. Over a period of eleven years, he brought the matter up at every hui he attended throughout the Tai Tokerau region.

In 1998 Mr Munro again wrote to the Museum to re-open the dialogue with the Museum. The letter eventually came before the Taumata-a-Iwi, with all information relating to the matter. This included a report from Dr Roger Neich, museum Ethnologist, as well as Museum registration records, whakapapa supplied by Mr Munro and extracts from published records.

On February 24 1999 the Taumata-a-Iwi received a delegation consisting of Mr Taipari Munro, the Whatitiri Māori Reserves Trustees and representatives of the hapu Te Mahurehure, Te Parawhau, and Te Uriroroi. Over a period of some two hours they sang moteatea, recited whakapapa and tribal histories and gave moving personal accounts of their knowledge of the burial caves from which the heads

had been taken and the kaumatua who had over the years carried the task of persuading the Auckland Museum to return the heads.

The Taumata-a-Iwi assured the delegation that they sympathised with their feelings, and would make strenuous efforts to convince the Auckland Museum Trust Board to release the heads.

Time was pressing – Mr Munro and subsequently the delegation had requested urgent resolution so that the heads could return home at Easter, when the whanau were gathering for several unveilings. After a hui at which the delegation reported back to their people, a letter was sent to members of the Museum Trust Board, the Taumata-a-Iwi, the Director, the Manager Iwi Values and two Government Ministers to demand resolution. While understanding of Museum processes was expressed, the feeling of the people was that it had taken far too long already.

Upon the advice of the Taumata-a-Iwi, an urgent Auckland Museum Trust Board meeting was held and the Trust Board resolved to return the heads at Easter 1999.

The Museum Executive Director drafted the following press release:

On Easter weekend the pōrihirihi tupuna of Ngāpuhi Chiefs Moetarau and Koukou will be returned to Te Uriroi, te Parawhau and Te Mahurehure hapu and the Whatitiri Māori Reserves Trust after a century-and-a-half of absence.

Trustees of the Auckland War memorial museum agreed, yesterday, to return these two preserved heads, which have been held by the Museum since 1883, to Tai Tokerau following representations to the Museum from Kaumatua and descendants.

Moetarau and Koukou were part of a combined Hokianga and Kororareka force attacking Pomare and Kawiti at Otuihu. They were killed in battle in 1837. Major-General Robley reported later that the heads were preserved by Muru Paenga at Te Puna. They were subsequently exported to Britain and a half century later acquired by Auckland Museum.

The Director of Auckland Museum, Dr Rodney Wilson said “The Trust Board considered very carefully the representations of the descendants of Moetarau and Koukou, together with the advice of the Museum’s Taumata-a-Iwi, its Māori advisory committee. Trustees

weighed carefully the considerations of trusteeship and human dignity, and voted unanimously to return the heads for appropriate ceremony and interment". (Auckland Museum Press Release March 1999).

The draft press release was sent to Mr Taipari Munro, but the Taumata-a-Iwi was not asked to comment on it.

On Friday 2 April 1999, Mr Munro and a small delegation arrived at the Auckland Museum late in the evening. After Ngāti Whatua had received them in the Museum foyer, the delegation went to the room where the heads were and placed them in specially-made boxes. The tohunga with the group performed the necessary karakia, then the heads were carried to a vehicle waiting by the Museum steps. The vehicles carrying the delegation and the heads were accompanied to Maungarongo Marae at Poroti by members of Ngāti Whatua, the Taumata-a-Iwi, Museum Trust Board and Museum staff.

The ope arrived at the marae in the very early hours of Saturday April 3 1999. Once on the marae, the heads were placed in the whare mate (a tent had been erected for this purpose at the side of the wharenui). On April 5 a report of the event appeared in the *New Zealand Herald*.

.. Mr Munro said there was tension among descendants who felt unhappy at the time it had taken to get their chiefs back. The heads had been stolen about 160 years ago from local burial caves.

There was also empathy for other Māori who still awaited the return of such taonga. Old Māori traditions had been resurrected for the Poroti tangihanga, he said. The Whatitiri trustees had agreed to treat the chiefs, who died in battle in 1837, with the customs of their era.

A whare mate (house of the dead) was specially built and dismantled after the tangihanga, and in this case a tent was erected on Friday at the Maungarongo Marae.

Women of the marae had made red velvet and black ribbon covers for the boxes carrying the mokamokai, which were displayed to repatriate the chiefs with the people and allow the descendants to greet them and sing laments. (Gregory 1999).

The heads were buried shortly before daybreak at the Waiora Cemetery. This cemetery was chosen as other koiwi (human remains) had been buried there after the nearby burial caves were looted in the 1920s.

The whaikōrero (speeches) made by the tangata whenua expressed much of the tension to which Mr Munro referred in the newspaper article. Various kaikōrero (speakers) decried museum practices of research involving Māori remains, and also the fact that Mr Munro had pursued his quest for thirteen years before the Museum finally acquiesced. The tension peaked when the Chairman of the Auckland Museum Trust Board, Mr Barry Turley, stood to speak. Members of the tangata whenua objected loudly and strenuously to the breach of tikanga. A Ngāti Whatua kaumatua pulled a shocked Mr Turley back to his seat, then stood to apologise to the tangata whenua. A Ngā Puhi kaumatua who had accompanied the heads from Auckland Museum also took the blame on himself for breaching kawa.

The heads were taken to be buried just before dawn in the cemetery that contained other bones from the original burial caves. When the burial party returned, there were further karakia and mihimihi inside the wharenui, then everyone partook of a hot breakfast in the nearby wharekai. The coach carrying the Auckland Museum representatives returned to Auckland after the breakfast.

The events that took place on Poroti Marae when the two pōrihirihi tupuna were returned there on April 2 1999 highlighted a number of issues:-

- Auckland Museum is the repository for a large quantity of human remains. Many of these remains were stolen from burial caves and other wāhi tapu and later given to the museum. There is a strong feeling of anger among Māori about the way that museums have obtained human remains in the past, the way that they have been treated, and the fact that they are still in museums.
- Māori are aware that some of the collections of taonga in the Museum were obtained by less than acceptable means. There is an expectation that museums

will implement processes to inquire into the way taonga were obtained, and then address the issues that arise.

- The Māori concept of ownership of taonga and the values placed on them are quite different to those exhibited by many museum professionals. Māori expect to be involved in the management of their taonga.
- When a take (matter) such as the two pōrihirihi tupuna is brought to the Museum, Māori need to have the issues heard and addressed in a culturally-appropriate way. To have such a matter addressed by the procedures and standards of validation of a non-Māori system is insulting to those who are carrying out a task that has been handed down to them by their tupuna.
- For some years now, there has been a marked move amongst Māori to reinstate the kawa of the marae - that only Māori is to be spoken, and only speakers approved by the kaumatua may stand. Many Māori men are quite mature before they are invited to be a Kaikōrero (speaker) for their marae. Whaikōrero (oratory) is a highly-developed art form and indication of mana. Hence when people stand to speak in English, they may, as happened at Poroti, be told to sit down, especially when this happens on the Marae area outside the hui house.

Comment was made at Poroti in regard to all of the above points. The people there are part of Ngā Puhi, the largest tribal grouping in Aotearoa New Zealand. The views they expressed are representative of movements among Māori in general. It should be noted that Māori have for thirty years been undergoing a process that is now referred to as decolonisation. This process has seen a strengthening of expression of Māori culture and values, and a growing expectation that Māori will determine how Māori taonga are cared for, where they are held, and how they are displayed.

The essence of this expectation is expressed in section 12 (2)(c) of the AWMM Act which states that a duty of the Trust Board is “To observe and encourage the spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Māori and elements in the care of Māori cultural property which only Māori can provide”.

The following comments were made by Mr Bernard Makoare, member of the Taumata-a-Iwi, in a paper to the Museum Trust Board.

With the benefit of hindsight, it would seem that assumptions were made which added to the energy of misunderstanding and controversy. These assumptions were that the Museum representatives present

- had some prior understanding of the activities, emotions, feelings and importance of the event as perceived by the descendants of Koukou and Moetarau
- understood the depth of feeling felt by Māori in relation to the desecration of waahi tapu (sacred places) such as that which resulted in the removal and subsequent transferral around the globe of Koukou and Moetarau
- were familiar with the Ngā Puhi people and procedures in relation to interpretations by the Museum of Ngā Puhi taonga and history for displays and exhibitions.

The experience reinforced the Taumata-a-Iwi's growing concerns about

- the Auckland Museum's unfamiliarity with dynamic Māori culture and the activities of the marae
- the inability of Auckland Museum to respond adequately in Māori situations without Taumata-a-Iwi presence
- the lack of Museum understanding of Māori issues, emotions and feelings."

(Makoare 1999).

## Repatriation Comparison

It is useful to compare the two examples of repatriation that the Auckland Museum has conducted, as they contrast in a number of areas. The significant features of the return of Pukaki to Ngāti Whakaue in 1997 are:

- Proof of ownership by the tribe of origin was well-proven by extensive, academic research into Museum records and oral tribal histories. The research was conducted by the mandated tribal representative.
- The appropriate kaumatua met with Museum Trust Board and senior management representatives, in the presence of the tangata whenua (Note: the

Taumata-a-Iwi had not been established at this stage), to discuss the issues surrounding the taonga. The Museum acknowledged true ownership.

- At the earliest opportunity, the Trust Board referred the matter to the Taumata-a-Iwi for their advice.
- The Taumata-a-Iwi advised return of Pukaki to the rightful owners.

The decision having been made, the return was accomplished with alacrity.

Ngāti Whatua conducted the necessary karakia and functions, with the involvement of Ngāti Whakaue representatives, to fulfil their kaitiaki role through to conclusion, when Pukaki was given back to his own people. These included

- a) karakia prior to the crate being closed
- b) carrying Pukaki from the Museum
- c) accompanying him to Rotorua
- d) carrying him onto Te Papa-i-Ouru marae
- e) handing him back into the care of his descendants.

The significant features of the repatriation of the two preserved heads were:

- The claim for the preserved heads was first formally made in 1989 by Mr Taipari Munro, a representative of the Whatitiri Māori Reserves Trustees. The claim was supported by references to published documents and Auckland Museum records.
- Mr Munro raised the matter at hui throughout the Tai Tokerau region over a period of eleven years.
- Mr Munro and representatives of the Whatitiri Māori Reserves Trustees and the hapu Te Mahurehure, Te Parawhau, and Te Uriroi met with the Taumata-a-Iwi on 24 February 1999. They presented their case in the oral tradition, and in the manner preferred by Māori – kanohi ki te kanohi (face to face).
- The Taumata-a-Iwi advised the Museum Trust Board to return the heads to the claimants at Maungarongo Marae, Poroti, on the requested date, 2 April 1999.
- The Museum Trust Board held a special meeting and resolved that the heads would be returned.

- Once the delegation from Poroti had been received by Ngāti Whatua at the Auckland Museum, the kawa that was followed was that set by the delegation – i.e. by the claimants.
- Ngāti Whatua, representatives of the Taumata-a-Iwi and Museum staff and some Trust Board members accompanied the heads to Maungarongo Marae.

To this stage of proceedings, the contrasts in the two cases of repatriation were mainly that the case for the return of Pukaki was proven largely in an academic manner - albeit by a mandated member of Ngāti Whakaue and based on oral traditions, whereas the case for the return of the preserved heads was made in a much more traditional manner - by recitation of whakapapa and oral histories and less emphasis on written material.

The actual method of return in each case was very different – appropriately so, for in the case of Pukaki this was the return of a carved ancestral figure after an absence of one hundred and twenty years, and an occasion for much celebration and the renewal of a partnership with the Crown. The Auckland Museum was seen as having acted with honour once the facts were made known to the Trust Board, and the Auckland Museum received much positive public and media comment. The Museum Trust Board Chairman was expected to speak on Te Papa-i-Ouru Marae and did so in an atmosphere of goodwill and partnership.

The return of the heads of Moetarau and Koukou was quite different because it was in effect a tangi that had been delayed for one hundred and sixty-two years. Feelings were rightfully intense and the deep anger amongst Māori at the way museums have obtained and treated Māori human remains, and the fact that museums still have remains in their storerooms, was forcefully expressed at Maungarongo Marae. The kawa was set to be as consistent as possible with a tangi conducted in 1837 – the time the two chiefs died. Hence the night travel, the whare mate and the need to bury the heads before daybreak.

The incident that most discomfited the Museum representatives however, was the reception that the Chairman of the Museum Trust Board received when he stood to speak on the marae. The tangata whenua made it very clear that this was a breach of their kawa, and Mr Turley was made to sit having only uttered a few sentences. It was apparent that the Museum was not perceived as having acted with goodwill and honour, but in fact had reluctantly returned the heads only after putting the descendants' representatives through a belittling process of proving their case by the standards of the culture who had stolen the ancestral remains in the first place.

### **Koiwi (human remains) in Museums**

Since the 1980s,

...remembered by museums within New Zealand and Australia as the decade in which museum anthropologists were forced to confront simmering, longstanding issues involving the return of ancestral remains to their respective indigenous peoples (Watt, 1995:77),

most museums in Aotearoa New Zealand have returned Maori skeletal remains to the tribes of origin, where this is known. A seminar attended by Maori representatives was held in 1986 at the National Museum. This seminar "...would allow no compromise on the need to return human remains, despite pleas for research value." (Neich, 1987:6). In 1988 Auckland Museum returned a large proportion of the Maori human remains it housed (see Waitangi Tribunal Te Roroa report 6.4.3 for an account of the return of koiwi to Waimamaku), but there are still considerable numbers of koiwi in the Museum.

Ngai Tahu have developed a policy on human remains to "...manage the bones of our tipuna that all too often are found in eroding burial sites or in museum type collections." (Ngai Tahu, 1993:2).

In June 1998, Te Papa Tongarewa held a hui to discuss the management of Māori human remains focussing on the human remains held in overseas locations such as museums and medical colleges. The participants were predominantly Maori working in senior museum positions, government policy development, iwi authorities, universities and also some leading Maori artists (Tōhunga Tā Moko). Extensive discussion was held on the artistic perspective, the traditional/cultural perspective, the scientific perspective and the wider cultural/Christian perspective. This hui was followed a year later (May 25 1999) by an iwi consultation hui at Te Papa Tongarewa.

The return of the pōrihirihi tupuna from Auckland Museum to Poroti in April 1999 set a precedent for New Zealand museums. The *New Zealand Herald* reported that

Northland Maori hope the historic return of two preserved heads from the Auckland Museum over Easter will set a precedent for giving back mokomokai around the country. It was understood to be the first time a museum has handed back preserved heads to Maori. (Gregory, 1999).

### Te Papa Tongarewa

has 44 tattooed heads stored in its vault. Maori Affairs Minister Tau Henare brought 11 of them back last year from British museums. At the time, Mr Henare said the final decision on what would happen to the heads would be left for family and tribes to decide, and it would not be influenced by the Government. Last month the museum learned that another 35 heads might be returned to it from the United States, after negotiations between Patea entertainer Dalvanus Prime and the American Museum of Natural History in New York in March. (Courtney, 1999).

The debate over human remains in museums continues. Much has been achieved, despite Aotearoa New Zealand not having NAGPRA-type legislation. The Mataatua Declaration was very specific about the views of those iwi and indigenous peoples who were represented at the 1993 hui. It included this statement: "All human remains and burial objects of Indigenous Peoples held by museums and other institutions must be returned to their traditional areas in a culturally appropriate manner." (Mana Tangata, Draft Declaration on the Rights of Indigenous Peoples 1993:51).

As already noted, museums have made concerted attempts to return Māori human remains. However, an enforceable requirement to return 'burial objects' would not be received favourably by museums, many of whom have extensive collections of objects associated with burials. (For instance, the waka tupāpaku currently being displayed in Auckland Museum against the wishes of Ngā Puhi kaumatua). Until the rights expressed in the Mataatua Declaration are incorporated in legislation, Māori must look for other means of regaining control over their taonga.

Auckland Museum is developing a new Human Remains policy – regrettably there has been no attempt to include Māori in the development to date, and as at November 1999 the draft policy had not been before the Taumata-a-Iwi.

The defining issues covered in this chapter provided examples of how tikanga and the role of mana whenua can be successfully incorporated into the operations of a museum. The return of Pukaki in particular was a fine example of how past wrongs should be addressed, and how the necessary new relationships between Māori and museums can be formulated. Unfortunately, the later conduct of the Auckland Museum evidenced the inability of Museum principals to maintain the impetus to develop new understandings with Māori that would have benefited both parties. The recurring issues were the lack of importance placed upon mātauranga Māori, the unwillingness to conduct adequate consultation, and the very evident lack of understanding and knowledge of issues between Māori and museums both historical and contemporary.

## **CHAPTER SIX**

### **AUCKLAND MUSEUM -: THE KAUPAPA**

Within the space of a few months after their appointment, the Taumata-a-Iwi realised that there was a need for a document that articulated the principles upon which they made their decisions. That document became known as ‘The Kaupapa’.

This chapter will examine in detail the reasons for the development of the Kaupapa, its content, its alignment with the Auckland War Memorial Museum Act 1996, and the implications of its acceptance by the Auckland Museum Trust Board. The Kaupapa is the bicultural policy of the Auckland Museum.

The practical aspects of implementation of the Kaupapa and the relevance of the Kaupapa in regard to the Auckland Museum’s Treaty of Waitangi obligations are also covered.

## **The Kaupapa**

On 7 November 1997 the Auckland Museum Taumata-a-Iwi and the Manager Iwi Values held a one-day meeting on Waiheke Island to develop a Kaupapa and a chart of processes.

The workshop was to create a statement that encompassed the values that the Taumata-a-Iwi brought to their task, that was consistent with the provisions of the Auckland War Memorial Museum Act 1996, incorporated the Treaty of Waitangi, and identified processes and strategies for dealing with the substantial requests and issues which were being referred to them.

The principles of the Treaty of Waitangi, as enunciated by the Waitangi Tribunal and in various decisions of the Aotearoa New Zealand Court of Appeal and the lower courts, (O'Regan. 1997:19) formed the basis of the document.

The principles listed were:

- the government's right to govern
- partnership
- tribal rangatiratanga
- active participation in decision-making
- active protection
- redress for past grievances.

The Taumata-a-Iwi refined the Kaupapa, and two meetings were later held with the Auckland Museum Trust Board to discuss the document. In October 1998, a joint working party consisting of two Taumata-a-Iwi members, three Museum Trust Board members (Sir Hugh Kawharu chaired the meetings) and the Museum Executive Director and Manager Iwi Values was set up to further refine the wording of the Kaupapa.

The Kaupapa was accepted by the Auckland Museum Trust Board in October 1998. The six principles had been condensed to five, and adjustments had been made to some of the principles.

The Kaupapa, as accepted by the Auckland Museum Trust Board, reads:

**PRINCIPLE I: THE RIGHT TO ADVISE**

The Auckland War Memorial Museum Act 1996 empowers the Taumata-a-Iwi to give advice on all matters of Māori protocol within the Museum and between the Museum and Māori people at large.<sup>2</sup>

Museum policies will reflect the aspirations of both Treaty partners by acknowledging that existing and proposed policies<sup>3</sup> will be reviewed by the Taumata-a-Iwi and recommendations to the Auckland Museum Trust Board will be made accordingly.

**PRINCIPLE II: PARTNERSHIP**

Both the Auckland Museum Trust Board and the Auckland Museum Taumata-a-Iwi will act reasonably and in the utmost good faith by observing and encouraging the spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Māori and elements in the care of Māori cultural property which only Māori can provide.<sup>4</sup>

**PRINCIPLE III: IWI EXPECTATIONS**

The Taumata-a-Iwi recognises the right of iwi to expect the Taumata-a-Iwi to monitor the care and management of their taonga within the Museum on their behalf.

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<sup>2</sup> Auckland War Memorial Museum Act 1996 Section 16(9).

<sup>3</sup> Ibid Section 16(8)

<sup>4</sup> Ibid Section 12(2)(c)

PRINCIPLE IV: ACTIVE PROTECTION

The Taumata-a-Iwi will provide advice to the Auckland Museum Trust Board, and the Trust Board will protect the rights of Māori in the Museum by:

- (i) safeguarding the lore of Māori
- (ii) providing appropriate custody, care and development of all taonga
- (iii) taking affirmative action in recruitment and training programmes, which will lead Māori people into professional careers in Aotearoa New Zealand's bicultural museums.<sup>5</sup>

PRINCIPLE V: REDRESS FOR PAST MISUNDERSTANDINGS

The Museum Trust Board acknowledges that there may be misunderstandings from the past related to taonga that need to be addressed and that there is a responsibility to seek advice from the Taumata-a-Iwi, and to:

- (i) objectively explore and assess each example as it comes to light
- (ii) put in place practices that minimise and eliminate future needs for redress.

It is the intention of the Taumata-a-Iwi that the Kaupapa will inform all of their decision-making, and will provide the basis of all policy development regarding taonga in the Museum.

The acceptance of the Kaupapa by the Auckland Museum Trust Board was the first step in exhibiting a commitment to the ethic of partnership. It was also very significant in that the Kaupapa was no longer the statement of principles of only the Taumata-a-Iwi, but a policy document of the Auckland Museum Trust Board.

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<sup>5</sup> Ibid section 16(8)(b)

## Developing a Bicultural Policy

The treaty ...established the regime not for uni-culturalism, but for bi-culturalism...It was not intended to merely fossilise a status quo, but to provide a direction for future growth and development. The broad and general nature of its words indicates that it was not intended as a finite contract but as the foundation for a developing social contract.

(Waitangi Tribunal Te Atiawa Report )

In planning the future direction of Auckland Museum, the development of a bicultural policy that encompasses all aspects of governance, management and operations is the premier task. The mission statement for Auckland Museum as per the Auckland Museum Policy and Procedures Manual 1993 stated: "We are committed to biculturalism in the spirit of partnership and goodwill envisaged by the Treaty of Waitangi. We recognise and support the implications of mana Māori and elements in the care of cultural property which only Māori can provide."

During 1998, three planning workshops were held for the Trust Board, none of which included members of the Taumata-a-Iwi. From these and workshops with staff (again, with no substantial Māori input) came new statements of vision, mission, values and commitment. They were:

### Our Vision

To be the hub of our culture,

Bringing real treasures outstanding collections

Real tales stories celebrating our heritage, inspiring our future.

### Our Mission

Is caring for treasures collecting, protecting, preserving objects and materials.

...gathering knowledge studying and interpreting our heritage and environment through our treasures.

sharing knowledge displaying our collections, mounting exhibitions, providing interpretive and information programmes and delivering excellent visitor service.

Concerning the Auckland region, then Aotearoa New Zealand, the South Pacific and generally the rest of the world.

For the enjoyment and enlightenment of Aucklanders and visitors in order to be Auckland's outstanding attraction.

#### Our Values

openness, honesty and integrity, respect for all, for cultural diversity, and for the goodwill envisaged in the Treaty of Waitangi, honour for the war dead.

#### Our Commitment

Professionalism and accountability, the effective use of available resources, inspiring all to visit and wish to return.” (Auckland War memorial Museum Draft Annual Plan 2000/2001).

It is noticeable that references to biculturalism, partnership and mana Māori have all been removed, and the commitment to goodwill has been reduced to a statement of “respect for...the goodwill envisaged in the Treaty of Waitangi.”

The stronger impetus for biculturalism is contained in the Auckland War Memorial Museum Act 1996, in those sections specifically that relate to the Treaty of Waitangi. Earlier chapters of this thesis have referenced the Treaty as the basis of biculturalism.

#### **Auckland Museum Treaty of Waitangi Obligations:**

Ever since it was signed in 1840, the Treaty has been promoted by Māori. Māori have focussed many hui on the subject of the Treaty, they have petitioned parliaments, brought court cases, devoted considerable time and resources to beseeching the Crown to uphold the promises and undertakings of the Treaty. They continue to devote energy, time and considerable resources to seeking justice for wrongs perpetrated by a monocultural governance system that did not honour its undertakings. (See Orange 1987, Durie E.T 1991, Durie M.H. 1998, Waitangi Tribunal Reports).

In Aotearoa New Zealand generally, the Treaty of Waitangi has been the subject of intense study by scholars, legal experts, historians and academics for decades. A very brief synopsis of its content was provided by Judge E.T.J. Durie

... the lawyer may see in Article 1 the authority for the government to govern, in Article 2, a declaration of the natural rights of indigenous peoples, and in article 3, a declaration of the civil and political entitlements of all people." (Durie, 1991:162).

It wasn't until the Treaty of Waitangi Act 1975, and the establishment of the Waitangi Tribunal, that a body was at last provided to consider claims concerning the breaches of the Treaty. However, the Waitangi Tribunal was not given the authority to consider claims relating to breaches prior to 1975 until 1985, when the Treaty of Waitangi Amendment Act was passed.

In considering the obligations imposed on Auckland Museum by the Treaty of Waitangi, the whole of the Treaty must be considered. To date, awareness of this has not been sufficiently evident in the Museum. The knowledge of the Museum's Treaty obligations at the most senior levels of the Museum hierarchy have been exemplified by two comments, both of which concerned the Trust Board's duty to observe and encourage the spirit of partnership and goodwill envisaged by the Treaty of Waitangi. The first comment was that the definition of partnership 'could be found in the dictionary', the second was that the duty regarding the Treaty was 'only one of thirteen'.

### **The Treaty of Waitangi, the Kaupapa and Implementation.**

The Kaupapa is based on the Treaty principles and incorporates the Treaty references that are in the Auckland War Memorial Act 1996. It is therefore the foundation bicultural policy. Auckland Museum has a need for a comprehensive set of bicultural or partnership policies and procedures to enact the intent of the Kaupapa. Before this can proceed, there is a need for an understanding of the Kaupapa and its references as well as the Treaty obligations of the Auckland

Museum. Following is an analysis of the Kaupapa and the relevant sections of the Museum's legislation, as well as the practical considerations of development of policy and procedure based on the Kaupapa.

#### Principle I: The Right to Advise

This principle is about the role of the Taumata-a-Iwi in regard to Māori protocol both within the Museum and between the Museum and Māori generally as set out in Section 16(9) of the Auckland War Memorial Museum Act 1996, and the intent that all policies will reflect the aspirations of both Treaty partners. It arose out of the combination of two principles of the Treaty of Waitangi –the government's right to govern and active participation in decision-making.

The Museum Trust Board, by its method of operation, by comment made during the refining of the Kaupapa, and in the introductory remarks of its chairman at hui, have placed heavy emphasis on Section 12 of the Auckland War Memorial Museum Act 1996 which sets out the duties, functions, and powers of the Board. Essentially, the premiss is that the Trust Board are the governing body, and the Taumata-a-Iwi are only an advisory body. Hence 'active participation in decision-making' was reduced to 'give advice'.

This principle also references Section 16(8) of the Act which exhorts the Taumata-a-Iwi to "...assist the Board to ensure that the Board's policies in relation to the matters set out in paragraphs (a) to (d) of this subsection accord properly with Māori values as well as matters provided for in the Treaty of Waitangi... ". This is a very broad brief, for it covers custodial policies and guardianship of all Māori taonga, staffing policies, display policies and development policies including protection of both the substance and status of Māori taonga in any Museum development plan.

For any policy to be effective, those who are required to implement it must have a thorough understanding of the terms used in it, or be prepared to accept the advice

of those who do understand the terms whilst being prepared to undergo training and education in the issues.

To implement the intent of Principle I of the Kaupapa, a clear procedure to review policies, whether existing or proposed, is needed by the Museum. In practical terms this would require:

- a) development of a programme and schedule for policy review,
- b) the dedication of staff and funding to the task of presenting the policies,
- c) an explanation of how they relate to the actual work of the Museum,
- d) the Taumata-a-Iwi to review the policies with regard to compliance with Treaty obligations and the Kaupapa, and obtain Treaty-competent legal advice when necessary,
- e) a clear system for the Taumata-a-Iwi to make recommendations to the Trust Board, and the Trust Board to implement those recommendations.

#### Principle II: Partnership

Partnership ... serves to describe a relationship where one party is not subordinate to the other but where each must respect the other's status and authority in all walks of life. ...neither rights of autonomy nor rights of governance are absolute but each must be conditioned by the other's needs and the duties of mutual respect. (Waitangi Tribunal. WAI 414:xxvi).

This principle incorporates AWMM Act Section 12(2)(c) which states that the Trust Board has a duty to “observe and encourage the spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Māori and elements in the care of Māori cultural property which only Māori can provide.”

A legal opinion obtained on the Act noted that

... the words ‘observe and encourage’ impose upon the Board both a passive obligation not to undermine or go against the spirit of partnership and goodwill together with an active obligation to assist in the promotion of this spirit. ...By using the words the ‘spirit of partnership and goodwill envisaged by the Treaty of Waitangi’ the act has allowed the Treaty to be interpreted in a broad fashion, not just as defined by the Courts or

Parliament. Rather than meeting a defined Treaty check list of principles, the Board has the duty to participate in an ongoing and living relationship with Māori (not just the Taumata-a-Iwi) using the Treaty as their guide. ... For the Board to state or act otherwise, would indicate that the Treaty provisions in the Act were merely window-dressing at least in the Board's view. (Pond. 1999:4).

The implications of 'mana Māori and elements in the care of Māori cultural property which only Māori can provide', are extremely important concepts.

Pond's view was that

this is in effect saying that without Māori input and indeed control over the care of Māori cultural property this duty cannot be met. In other words, recognition and utilisation of mana Māori is required when caring for Māori cultural property in order to fulfil this duty. The fact, as the section recognises, that only Māori can provide this would seem to require input from Māori at a decisive level, i.e. Māori control in these matters. (Pond. 1999:4).

There are many examples of inequalities in resourcing (refer to the Māori Natural History gallery in the previous chapter), status (the Taumata-a-Iwi is advisory-only), remuneration (Taumata-a-Iwi fees are a percentage of the Trust Board's) and regard for the Māori viewpoint (refer to defining issues in previous chapter) that attest to the Museum's unwillingness to observe the provisions of Principle II of the Kaupapa or Section 12(2)(c) of their own Act.

Before any progress can be made in this area the Museum will need

- a) definition of the Treaty obligations of the Museum,
- b) development of procedures and practices that encourage observance of Treaty principles,
- c) definitions of mana Māori and Māori cultural property,
- d) definition and explanation of kaitiakitanga and its exercise,
- e) development of resources (human resources, funding, support structures) to ensure the appropriate care of Māori cultural property,
- f) development of appropriate classification and registration systems,
- g) development of accessioning and deaccessioning processes that are appropriate for taonga, and address Māori concepts of ownership and kaitiakitanga,

- h) provide extensive training at Trust Board and senior management levels to ensure that the Museum's Treaty obligations are understood.
- i) appointment of Māori staff at all levels and in all activities throughout the museum.

### Principle III: Iwi Expectations:

This principle of the Kaupapa was originally the principle of tribal rangatiratanga – that iwi have the right to organise as iwi and, under the law, to control and manage their own resources. The Waitangi Tribunal in the Te Whanau O Waipareira Report defined rangatiratanga as

...that which is sourced to the reciprocal duties and responsibilities between leaders and their associated Māori community. It is a relationship fundamental to Māori culture and identity and describes a leadership acting not out of self-interest but in a caring and nurturing way with the people close at heart, fully accountable to them and enjoying their support. ... The principle of rangatiratanga appears to be simply that Māori should control their own tūka and taonga, including their social and political organisation, and, to the extent practicable and reasonable, fix their own policy and manage their own programmes.

That the Tribunal and the courts have viewed the principle of rangatiratanga as applying generally – that is, as a right of autonomy in a variety of situations neither restricted to tribes nor confined to the management of lands and fisheries – is evident in their conception of a partnership arising partly from the fact that the Māori rangatiratanga and the Crown's kawanatanga, or right of governance, are juxtaposed." (Waitangi Tribunal WAI 414:xxv).

Concerns were raised by Trust Board members about the implications of rangatiratanga, and this principle was transmuted to one merely of expectation of monitoring of taonga by the Taumata-a-Iwi. The change in wording infers that the Taumata-a-Iwi will be the only body that monitors the care and management of taonga within the Museum, and removes any acknowledgment of the rangatiratanga of iwi in regard to the taonga in Auckland Museum.

Policy and procedures for Auckland Museum to implement this Kaupapa principle would need to include

- (a) An explanation of ‘taonga’,
- (b) Definition of ‘iwi’ in this context,
- (c) Procedural guidelines to respond to approaches from iwi or Māori,
- (d) Communication strategies to inform iwi of the Museum’s activities,
- (e) Development of appropriate structures, staff, and programmes for the management of taonga,
- (f) Development of a registration system that identifies the iwi of origin of taonga,
- (g) An appropriate monitoring system for the Taumata-a-Iwi to fulfil their role in regard to kaitiakitanga obligations,
- (h) A forum for the Taumata-a-Iwi to report to and be accountable to the iwi in regard to the Museum’s care of taonga.

#### Principle IV: Active Protection

Initially this principle included a reference to the intellectual property rights of Māori. This reference was changed to ‘the lore of Māori’.

The obligation on the Trust Board to ‘protect the rights of Māori’ is an obligation imposed by the Trust Board’s role of kawanatanga.

The perception of a partnership relationship between Māori and the Crown arises from historical evidence of Māori and Pakeha expectations at the time of the Treaty; that the gift of kawanatanga was in exchange for protection and the guarantee of rangatiratanga in all its forms. (Waitangi Tribunal. WAI 414:xxvi).

It is noted that this principle is one of active protection, of which the Court of Appeal said “The duty is not merely passive, but extends to active protection of Māori people in the use of their resources and other guaranteed taonga to the fullest extent practicable.” (Crengle 1993: 15).

To address the implications of this principle, any policy and programmes developed must include

- (a) Definitions of the ‘lore of Māori’,

- (b) Strategies to safeguard that lore,
- (c) Definitions of 'appropriate custody, care and development' of all taonga,
- (d) Provision for appropriate structures, strategies and programmes for management of taonga,
- (e) Provision for appropriate staff and staffing structures to address the Kaupapa implementation, with emphasis on providing a culturally-safe working environment,
- (f) Funding and resource requirements,
- (g) Provision for an affirmative recruitment programme, with appropriate appointment procedures,
- (h) Provide an appropriate methodology of assessment and ongoing training and support for Māori staff.

#### Principle V: Redress for Past Misunderstandings

This originally was the principle of redress for past grievances. Objection was made to the use of the word 'grievances' so 'misunderstandings' was inserted.

The Auckland Museum has already repatriated one major taonga and some human remains. The return of Pukaki and the heads of Moetarau and Koukou were significant occasions that provided examples of the processes involved in such issues. As more Māori choose to work in Museums, as Māori become more informed about taonga that are held by museums, there will be increasing pressure on museums to develop better understandings with the tribal groups of origin of taonga. Already there are concerns being raised about how taonga and in particular how Māori human remains came to be in museums. This principle of the Kaupapa will be very important as each case comes to light.

To address the issues raised in this principle, policy and procedures should be developed that

- (a) Provide a process for the Taumata-a-Iwi to receive approaches from Māori in regard to 'misunderstandings',
- (b) Provide guidelines for 'objective' exploration and assessment of each example,

- (c) Define processes to address the ‘misunderstandings’,
- (d) Provide guidelines to appropriately repatriate taonga,
- (e) Provide strategies to minimise and eliminate future needs for redress.

There are other references to the Treaty of Waitangi in the Auckland War Memorial Museum Act 1996. While they are not directly referenced in the Kaupapa, they do have very important connotations for the Museum and Māori and further development of any bicultural policy.

One of the duties of the Auckland Museum Trust Board as set out in Section 12(2) is

“(g) To consult with the Taumata-a-Iwi on all matters set out in section 16(8) of this Act, and to take due regard of the advice given”.

The Court of Appeal and the Waitangi Tribunal identified a number of characteristics of good consultation. These included:

- “the obligation to provide sufficient information so as to allow tangata whenua to make an informed assessment on the proposal and determine their response to it;
- the obligation to be willing to change plans or proposals, if that is the result of consultation;
- the obligation to ensure adequate time frames. This means allowing sufficient time for tangata whenua to absorb what they are being asked to consider, and giving them sufficient time to respond. Time frames in this respect must be calculated so as to accommodate tribal needs, specifically the need for extensive tribal discussion and hui. It should go without saying that plans for implementation of proposals should not contradict these time frames. (Crengle. 1993: 14-15).

Both parties (i.e. the Trust Board and the Taumata-a-Iwi) should approach consultation with a commitment to real and meaningful dialogue – the consultation must be genuine. There is also a very real need for the members of the Trust Board to understand the breadth of the issues upon which they must consult and to develop a system of regular meetings to exchange views. To date, the Trust Board and Taumata-a-Iwi have not met on a regular basis, despite the fact that the Trust Board was established in November 1996 and the Taumata-a-Iwi in July 1997.

Further, this section of the AWMM Act requires the Trust Board to take due regard of the advice given.

Due regard must be, at a minimum, regard that is adequate or sufficient. When the Board have undertaken consultation with the Taumata-a-Iwi and the Taumata-a-Iwi have given their advice, the Board cannot simply ignore it. The Taumata-a-Iwi are the designated experts in relation to the Board regarding the matters under Section 16(8). In conjunction with the Section 12(2)(c) Treaty obligations, the weight given to advice tendered by the Taumata-a-Iwi should be that of careful consideration by open minds. While the Board on the definitions are not obliged to follow the advice of the Taumata, they must genuinely consider it. (Pond, 1999:6).

The responsibilities of the Director are set out in Section 18 of the Act. He also has a responsibility to consult with the Taumata-a-Iwi on all matters set out in Section 12(2)(c) – the spirit of partnership and goodwill envisaged by the Treaty, the implications of mana Māori and elements in the care of Māori cultural property which only Māori can provide. As well, the Director shall be responsible to the Board for ensuring “that obligations imposed by the Treaty of Waitangi as they affect the Museum are taken into account”. (Auckland War Memorial Museum Act 1996 S18(e).

“To take into account

has also been judicially defined in the context of Resource Management Law ... as imposing a duty upon a decision maker to weigh the matter with the others being considered and in making a decision, effecting a balance of the matter at issue whilst also being able to show that he or she has done so. (Haddon v ARC). This weighing up must be done reasonably and in good faith (AG v NZMC 1991). It is therefore the Director’s responsibility to ensure that this duty has been complied with in the decision making process undertaken by the Board, or by himself.” (Pond. 1999:6-7).

In view of these sections of the Act, it is apparent that for the Act to be complied with the members of the Trust Board and the Director of Auckland Museum must have a good understanding of and commitment to the Treaty of Waitangi. There must also be willingness to take the advice of the Taumata-a-Iwi and people who are competent to comment on the Treaty.

Consider the composition of the Trust Board – of the ten members only one is Māori, Sir Hugh Kawharu, representative of the Taumata-a-Iwi. The Act states that the Taumata-a-Iwi is appointed by the Trust Board, the terms of appointment are determined by the Trust Board, the members of the Taumata-a-Iwi are paid such remuneration as the Trust Board considers appropriate, and the Taumata's role to date has been considered to be only to advise the Trust Board on matters Māori. Although the Trust Board must consult with the Taumata-a-Iwi and take due regard of its advice, the decision-making and control is very much in the hands of the CEO and Trust Board. The amount of remuneration that members of the Taumata-a-Iwi receive are also indicative of their perceived value to the Museum. In the 1998/1999 financial year, Taumata-a-Iwi members received less than one-third of the remuneration of Trust Board members (Auckland War Memorial Museum Annual Plan 1998-1999:4). In the Draft Annual Plan for 2000/2001, the maximum remuneration payable to a member of the Taumata-a-Iwi has been increased to \$6,000 whilst that of Trust Board members is \$10,500.

The Museum has approximately 100 permanent staff. Only one position, that of Manager Iwi Values, was dedicated to Māori issues and that position was also the sole position to provide secretarial services to the Taumata-a-Iwi. Whilst it was at Management Executive level it was under-resourced, a situation that is indicative of the value the Museum places on the position whose title (Manager Iwi Values) is so significant to Māori. Auckland Museum in December 1999 advertised three 'Māori' positions, ostensibly evidence of its commitment to Māori. The Director Māori position is an upgrade of the Manager Iwi Values position (which no longer exists), the Curator Māori is essentially a long-overdue replacement for a Māori staff member who held the position of Assistant Curator Ethnology until 1996 (although his position was not specifically titled Curator Māori, it is effectively the role he held), and the Māori Librarian is now a full-time position that was previously (again on a rather more informal basis) fulfilled part-time by a Māori person and which has also been vacant for some time. In essence, the Auckland Museum has committed to increasing and formalising its Māori staff by one half position.

The Trust Board has already devoted considerable resources and time to the development of plans and programmes to fulfil the obligations set out in Sections 11 and 12 of the Act. As yet, they have not addressed the Treaty obligations that are written into the Act. To address these inequalities, and conform with the Museum's Treaty obligations, either amendments need to be made to the legislation, or the Trust Board needs to take the initiative and look at developing a constitution or comprehensive operational policy that is Treaty-based.

## **CHAPTER SEVEN**

### **MÄORI RESPONSES TO AUCKLAND MUSEUM**

In 1999 Auckland Museum made a belated attempt to conduct consultation with iwi. This came about at the urging of the Manager Iwi Values, the Taumata-a-Iwi, and as a result of demands from some iwi representatives who became aware of the refurbishment of the Mäori galleries.

The consultation was at best cursory, and conducted in an attempt to gain iwi approval for the display of taonga for the APEC Leaders' retreat to be held at the Auckland Museum in September 1999. The commentary on the Museum made by Mäori during 1999 is significant. This chapter will outline some of the hui held and provide a record of the voices of representatives of a significant portion of Mäoridom.

## **Te Arawa.**

On March 4 1999 the Taumata-a-Iwi received a facsimile from the Te Arawa Māori Trust Board expressing extreme concern that the Auckland Museum had refurbished the Māori galleries without consultation with Te Arawa. (Taumata-a-Iwi minutes 4 March 1999). The Māori galleries hold a number of very significant and prominent Te Arawa taonga, such as Tiki ( a gateway), Te Puawai o Te Arawa (a large storehouse), Te Rangitakaroro (gateway) and Rangitihi (a meeting house). At a subsequent meeting between Mr Brownie Rauwhero (Taumata-a-Iwi member), the Manager Iwi Values and Te Arawa kaumatua, an invitation was extended to Te Arawa representatives to meet with the Taumata-a-Iwi at Orakei Marae in Auckland.

The Taumata-a-Iwi received approximately 80 Te Arawa members at Orakei Marae on May 3. The significant number of kaumatua was indicative of the importance of the issues to Te Arawa. The meeting was to enable the Taumata to listen to Te Arawa and explain what the Taumata had done in response to their concerns. The hui at Orakei was followed by a meeting between Te Arawa and the Museum Trust Board in the afternoon, at the Parnell Community Centre.

The essence of the concerns expressed by members of Te Arawa was that the redevelopment of the Māori galleries had proceeded without any form of consultation with Te Arawa. Hence, the Auckland Museum had failed to carry out its fundamental obligation to consult with tribes of origin regarding the display of their taonga in the redeveloped Māori galleries. Questions were also raised about the role and efficacy of the Taumata-a-Iwi at the Auckland Museum, as Te Arawa had been made aware that the Taumata had repeatedly advised proper consultation with iwi and the Museum had not implemented the recommendations.

## **Ngā Puhi**

The new displays in the Māori galleries were to include waka tūpāpaku (bone chests) in an area focussing on Māori spirituality. Disquiet had been expressed by Māori staff members of the Museum who were aware that most of the waka tūpāpaku in Auckland Museum were part of the Waimamaku collection and the understanding was that access to these was very restricted and they were not to be displayed.

The eventual list of waka tūpāpaku intended for display did not include the Waimamaku burial chests. However, with one exception, all were from the Tai Tokerau (Northern) area. In July 1999, having received advice from Ngā Puhi kaumatua of the inappropriateness of the display, the Taumata-a-Iwi instructed the Museum that the waka tūpāpaku were not to be installed in the Māori Galleries until issues relating to the display of the waka tūpāpaku had been fully discussed with the appropriate iwi representatives.

Initially, the instructions of the Taumata-a-Iwi were heeded. However, when the opening ceremonies for the galleries were conducted, the waka tūpāpaku were on public display. The Ngā Puhi kaumatua who first expressed his extreme disquiet at the Museum's plans for the display is understandably incensed.

## **Ngāti Porou.**

In August 1999, Apirana Tuahae Mahuika, Chairman of Te Runanganui o Ngāti Porou, called a hui with the Auckland Museum. The hui was to discuss

- I. MANA TAONGA and THE MUSEUM..
  - (a) The concept of Mana Taonga expresses the rights of our IWI to their taonga held by Museums.

- (b) Mana Taonga requires consultation to be a key feature in the exercising of uses/exhibitions etc. of IWI taonga.
- (c) Mana Taonga likewise gives the following rights
  - (i) whakapapa rights in that every taonga has a whakapapa through its creator and the association of the symbols escribed on the art work with a specific IWI;
  - (ii) historical, cultural and spiritual meaning and content to all taonga.

2. MANA Kaitiaki...refers to those mandated by Ngāti Porou to speak on their behalf in respect of taonga and importantly, to communicate with Ngāti Porou prior to decisions being made re: IWI taonga (Ngāti Porou Taonga).

These people would be staff such as Mere Whaanga and others of our IWI in Auckland.

Mana Taonga will not nor does it intend to usurp or interfere with the Mana Whenua and Mana Tangata of Ngāti Whatua. (Mahuika, 1999.)

The date set for the hui was September 1 1999, at Waipapa Marae, University of Auckland. On the day, the full delegation from Ngāti Porou were unable to attend, but Canon Hone Kaa of Ngāti Porou and Ngāti Kahungunu was mandated to speak. His comments are included in the following section.

### **Hui September 1 1999.**

**Ngāti Porou, Ngāti Kahungunu, Ngāti Rongomaiwahine me Ngāti Kahungunu Taura Here, Rongowhakaata, Tainui, Ngā Puhi and the Auckland District Māori Council.**

On September 1 1999 a hui was hosted by the Taumata-a-Iwi at Waipapa Marae. Those who spoke at the hui were mandated by their whanau/hapu/iwi, they expressed the views of those they represent, and those younger ones who spoke did so with the blessing and authority of their kaumatua. The kaupapa for the hui was set by the fax from Apirana Tuahae Mahuika (1999).

The Chairman of the Trust Board, Mr Barry Turley, began the afternoon proceedings by introducing himself and the three other Trust Board members who were present. He explained who appointed the Trust Board members, and outlined the provisions of the Auckland War Memorial Museum Act 1996. He expressed the need of the Trust Board members to hear from Māori of their concerns.

The responses from the iwi representatives follow, with explanatory notes where necessary. These responses were recorded on tape, and each person quoted has given permission for their kōrero to appear in this thesis.

***Walter Wilson, Ngāti Kahungunu ki Wairoa.***

*"I want to ask a question. You touched on 'Too little too late'. I wondered whether the Board has in its policy, structure ...the Treaty of Waitangi and the principles of the Treaty of Waitangi. Unless the objectives of the Board clearly set out a commitment to the Treaty and its principles, (to) tino rangatiratanga, kaitiakitanga - we need Māori to write it. .. the Board maybe needs to review its objectives ... or have you already got them?"*

Turley replied with a short explanation about the Kaupapa. Sir Hugh Kawharu also commented on the nature and purpose of the Kaupapa.

***Walter Wilson, Ngāti Kahungunu ki Wairoa.***

*"Since the devolvement of Māori Affairs - now institutions, organisations have to approach Māori...that's the reason we're here today. I question the Board's commitment ... maybe I'm pointing at the Chief Executive .. where do Māori fit into middle management and management? If we are not represented there, how can Māori deliver things Māori to Māori or anyone else? Need the commitment of the Chief Executives and Board to drive that ... It's in the Act, so maybe implementation policy needs to be developed ... for Māori ... middle management can drive it. If we're not in middle management...something needs to be done about it."*

Turley acknowledged that the priorities of the Trust Board were probably not the same as those of Māori and alluded to the Trust Board having problems developing the Museum in terms of the fifteen objectives specified in the AWMM Act 1996.

***Pereme Poata, Ngā Puhī.***

(Questioned the composition of the Trust Board). “...we need representation at all levels. The appointments (of Trust Board members) are all bound by the same Act. The issue remains - equal numbers of Māori and non-Māori on the Board. There needs to be a commitment to the Treaty ... that is not so. There is a need for Te Tiriti O Waitangi to be implemented at that level. That needs to happen. There is nothing to prevent that happening now. That is very much a key issue, which we will take from here to those bodies who make the appointments. I need that to be heard.”

The Chairman of the Taumata-a-Iwi, Mr Danny Tumahai, explained some of the difficulties faced by the Taumata. He identified the major problems as a lack of understanding of the principles of the Treaty of Waitangi and of tikanga, and frankly admitted that the Taumata was having problems because they were sometimes misinterpreted. Bernard Makoare, a Taumata member, stressed that the hui was the opportunity for the Museum to hear the concerns of Māori at first hand.

***Hone Kaa, Ngāti Porou, Ngāti Kahungunu.***

(Spoke of the appointment of Mere Whaanga to the position of Manager Iwi Values, how she had been handed into the care of Ngāti Whatua at a pōwhiri at Orakei Marae, and of the problems since experienced). “....As far as we know (Mere Whaanga) was to work for the Taumata. I became her spokesperson in Ngāti Whatua – to present her to Ngāti Whatua and the Taumata-a-Iwi. My kaumatua trusted that I would do the right thing. We believe we've been sold short.... You have a woman here who we believe to be highly qualified in terms of our kaupapa, working with the Taumata-a-Iwi. You bring in another Māori, a male, to advise you. What are you doing to my mana as Ngāti Kahungunu that

*you decide that you don't want the advice of my sister...what does it say about the Taumata - just an advisory body! "I don't have to listen to them" - that's what you're saying. Pardon me Mr Chairman, I know you might believe what you say, but we don't.*

*My whanau have come to find out what's happening to our tuahine. There are taonga in that Museum that belong to Ngāti Porou ...Api Mahuika will be up here to talk to you ...we've got plenty of room at home. That's where they belong. - we could take them back there. (The kaumatua unanimously indicated their support for this). Not just Ngāti Porou, my Takitimu side as well, Horouta and Takitimu together. If you can't put up with my people, then you can't have my taonga! If you can't hear my people, then you will not look at my taonga. We won't be alone - right around the country, they will be of the same mind.*

*My taonga are an extension of me, because I can whakapapa to them. I know who they are and they know who I am. Today I speak for them - and I don't mean the singular 'I', I mean us.*

*The message is quite clear from Api ... he gives total support to Mere. We also have been told that Mere has the total support of Te Atairangikaahu - we couldn't have put her in her position without the blessing of Dame Te Atairangikaahu, as well as the blessing and support of Ngāti Whatua ...and I know we still have that."*

***Titewhai Harawira, Ngā Puhi, Chair Auckland District Māori Council.***

*"The Auckland District Māori Council have taken this matter directly to the Minister...because we want some action! I will not sit down and be patronised. I remember you Rodney when you were heading the Art Gallery for Te Māori...you were happy for Māori to go in the back room....you're doing the same thing at the Museum...and it's not going to happen any more. Enough is enough. The Taumata is made up of rangatira representing our iwi. How dare you stand up and ask us what is it that you want.*

*The District Council stands firm in defence of Mere's position ..The District Council was involved in the selection of her for that position... she was given it because she was the best person for it. You're going to close the position down and re-advertise it - our people have been subjected to that all over the place for years. You say too little too late - I say too much too late - you've taken too much for granted. I hear the tangi of our kaumatua and kuia here today. It's a pity you can't understand the hurt that's brought them here today. If Ngāti Porou walk with their taonga from the Museum, Ngā Puhi walk with theirs as well. You take no advice from the Taumata ... you go off and talk to whoever you want to talk to. Sometimes the Trust Board doesn't even know about it. There's a lot of things going on...a lot of things that come back - and yet the Taumata is on hand for advice. I'm aroha to our Taumata .. I know how overloaded they are, how hard they work, but nothing changes. Nothing changes! The Auckland District Council has taken that step, rather than be ignored, they have gone direct to the Ministers ...the Aotearoa New Zealand Māori council was involved in the Act, we made submissions, Māori made submissions about how best to protect our taonga. We want to see it implemented to the letter.*

*The greatest taonga in the Museum at the moment is Mere...is Mere. She keeps that job - it needs to be upgraded, she needs to get it. We were part of the process that saw her as the best person for the job. Mere is the best taonga in that Museum at the moment- she lives, breathes and reflects the needs of our people in everything she does. It's her wairua that cares for the taonga in the Museum - her wairua is drawn on, it's her wairua that has to cope with the tapu of those taonga, not yours. The support for her from the Council is 100%.*

*If there's to be a change, we want to be notified, involved, and we want to know the reasons why. Not just shut it down and bring someone else on board - we know how these things operate. I learnt Pakeha skills very well . I'm challenging the Trust - recognise and take responsibility for the mistakes you have made, for the way you've ignored the advice that has been given to you. We shouldn't have to be here today. The Taumata should be in a position to make decisions - they're qualified. You've ignored their advice, I don't want to hear any excuses, 'cause*

*that's what's happened - I tautoko what's been said. A lot of us here in Tamaki are behind today's kaupapa that are strong and firm because it's gone out to the networks, it's gone out to iwi. The taonga are not on view for APEC because the Trust Board did the wrong thing - iwi weren't consulted. The consultation with people was not done by the Trust Board.*

*Let's begin with our taonga, with Mere . We want the position upgraded. We want Mere to head the upgraded position. We want answers today."*

***Ngahiwi Tomoana, Ngāti Kahungunu ki Heretaunga.***

*"There are a great many taonga in museums. This is a heavy kaupapa amongst our people. From the time of the missionaries, our taonga were put in museums. Perhaps now is the time for their return home - at the turn of the century, the millennium. Our people have asked for the return of our taonga. (He told a story of a woman from Heretaunga who lived in Sydney). She heard the cry of a mokopuna in Wellington being smothered. She was drawn to Te Papa, and told a lot of artefacts were stored in a warehouse. She went to the warehouse and found one of our tupuna, carvings, Whakato, in shrink-wrap. Whakato was carved by Rukupo. She picked it up and brought it home. It's as simple as that. It's easy, as a practical exercise, for us to pick up our taonga. We know that Ngāti Whatua, Ngāti Paoa and Taimui have been great custodians, kaitiaki of these taonga. It is not our intention to trample your mana, your mauri. The cry from home is -if our taonga are being mistreated, return them to their home..".*

**Mana Taonga, Mana Kaitiaki.**

The hui was a clear expression of mana taonga and mana kaitiaki. The iwi representatives were expressing the rights of iwi to the taonga held by Auckland Museum, and the views of their people about the guardianship of their taonga. The key concept in all these issues is that of whakapapa - every taonga has a whakapapa through its name, its creator, and the tribal symbols inscribed on it. There are many complexities of authority, obligations and understandings that

begin with the creation of each taonga, and grow throughout its history. There are spiritual and cultural dimensions that are the very essence of taonga. Māori will recognise those who have knowledge and understanding of these complexities, and mandate them to speak for the taonga on behalf of the whanau/hapu/iwi. It is not a mandate that is easily gained or lightly bestowed.

Major issues raised by the iwi representatives at the hui related to the Treaty of Waitangi and Māori policy, the Taumata-a-Iwi and the Kaupapa.

#### Treaty of Waitangi and Māori policy

Māori expect the Museum to have a commitment to the Treaty of Waitangi and its principles. A key issue in this regard was that the Treaty of Waitangi must be implemented at governance level and this requires equal representation for Māori on the Trust Board. Further, policy for Māori needs to be developed by Māori and implemented by the Museum and Māori should be represented at all levels of the organisation.

The iwi representatives clearly understood that the Taumata-a-Iwi are experiencing problems because of a lack of understanding by the Museum of the principles of the Treaty of Waitangi and a lack of understanding of tikanga.

Māori are very aware of their rights as guaranteed them by the Treaty of Waitangi. They have in-depth understanding of the 'spirit of partnership and goodwill envisaged by the Treaty of Waitangi, the implications of mana Māori and elements in the care of Māori cultural property which only Māori can provide' (Auckland War Memorial Museum Act 1996 S12(2)(c)). Their expectations in this regard were articulated at Waipapa Marae. It is unacceptable for Auckland Museum not to actively honour its Treaty obligations.

### Iwi Concerns and the Taumata-a-Iwi

When the Taumata-a-Iwi was established, the members were put forward by the tangata whenua of Auckland. They are mandated representatives of Ngāti Whatua, Ngāti Paoa and Tainui. As representatives of the mana whenua, they have responsibilities and obligations to all the iwi who have taonga in Auckland Museum, and iwi expect that the Taumata-a-Iwi would make decisions regarding taonga.

When the position of Manager Iwi Values was created, its very title had huge significance to and implications for Māori. Ngāti Whatua conducted a pōwhiri for the incumbent and the appointment was announced at a poukai at Waahi Marae in Huntly. These events were the public expression of support for the position of Manager Iwi Values. They recognised that the Manager Iwi Values was from Te Tairāwhiti (the East Coast). There are layers of expectations in such ceremonies that are essentially understandings between iwi - in this case between the iwi of Te Tairāwhiti and Ngāti Whatua and Tainui. Because the job is primarily about iwi values in the Auckland Museum, it encompasses the values of all iwi who have taonga in the Museum.

For Auckland Museum to ignore the advice of the Taumata-a-Iwi, and of the Manager Iwi Values, is insulting to all the iwi who have taonga in the Museum. It tramples the mana not only of the individuals involved, but of the iwi they represent, those who support them, and all of those who have taonga here. The Auckland District Māori Council were so concerned at the Taumata-a-Iwi's advice being ignored that they sent a report to the Minister (of Māori Affairs) on the matter. Should the Museum continue to ignore the advice of the Taumata-a-Iwi and the Manager Iwi Values, withdrawal of all the taonga from Te Tai Rāwhiti (the East Coast from East Cape to the Wairarapa) will occur. This will be followed by withdrawal of Ngā Puhi and Tainui taonga.

### Taonga and the Museum Kaupapa

Iwi have not been consulted regarding the care and display of their taonga, and this is a major issue with them. Ngāti Kahungunu ki Heretaunga asked at the hui for the return of their taonga. They acknowledge that Ngāti Whatua and Tainui have been great custodians, but now they want their taonga returned.

The establishment of the position of Manager Iwi Values, the provision in the AWMM Act for the Taumata-a-Iwi, the references in the Act to the Treaty of Waitangi, and latterly the adoption of the Kaupapa were all positive signs of a commitment to honouring the Treaty obligations of the Museum.

But the good intentions implied by these developments have been obliterated by actions of the Museum in the last few years. The Museum has exhibited a lack of commitment to the spirit of partnership and goodwill as envisaged by the Treaty, and a complete disregard for the implications of mana Māori on many occasions, and these actions have been noticed by iwi.

The prime examples have been in regard to the position of Manager Iwi Values, the development of the Māori Natural History Gallery, the Taumata-a-Iwi, and the refurbishment of the Māori Galleries.

Position Manager Iwi Values - In July 1996 Sir Hugh Kawharu, Professor Ranginui Walker and Naida Pou (all members of the appointment panel for the Manager Iwi Values in 1995) supported the upgrading of this position to Assistant Director. The Director stated that it should be the subject of a report to the Trust Board when the Taumata-a-Iwi was established. The position was nominally moved into the Management Executive team in 1997. While the Assistant Director positions were upgraded to Director, the Manager Iwi Values position remained the same. In April 1999, the Taumata-a-Iwi recommended that the position be immediately upscaled to the level of Director, with equitable remuneration, resources, staffing and budget. The Taumata-a-Iwi did not consider the position so significantly changed as to require a redundancy and reappointment. Rather the emphasis was on recognition of the importance of the

Māori perspective within the Museum and the appropriate positioning of the Tumuaki Whakatau tikanga a Iwi. The Taumata-a-Iwi put the recommendation to the Trust Board again in August 1999.

Māori Natural History gallery 1997- 1999 - The under-resourcing of this gallery, and the problems that Dr Mere Roberts (Creative Producer) experienced throughout its development were articulated in reports in September 1997 and again in March 1999. The crux of the problems were equity issues relating to the Treaty of Waitangi.

The Taumata-a-Iwi - the importance of this committee has not been recognised by the Auckland Museum. They remain under-resourced. The Taumata-a-Iwi have made a number of recommendations to the Trust Board both by way of their minutes and more recently by way of correspondence directly to the Trust Board. The AWMM Act 1996 Section 12 (2) (g) requires the Trust Board to 'consult' with the Taumata-a-Iwi in all matters set out in Section 16(8) and to 'take due regard' of the advice given. 'Due regard' must be, at a minimum, regard that is adequate or sufficient. The lack of adequate response to recommendations regarding consultation on the Māori galleries (March 1999), and the position Tumuaki Whakatau tikanga-a-Iwi (April 1999) directly contributed to the confrontation of September 1 1999 and the multi-tribal threat to withdraw support and taonga from Auckland Museum. Good relationships with iwi are critical to the Auckland Museum. The people best qualified to build these relationships are those who represent Māori and who are knowledgeable about Māori values.

The Māori Galleries - the refurbishment of these galleries was a superb opportunity to develop positive relationships with all the iwi who have taonga in Auckland Museum. In July 1997, the Manager Iwi Values advised the Director that "the consultation process for this development is now of a high priority. As these galleries are the most visible in the Museum, and the Māori collections are so significant to Māori as well as the Museum, the consultation process has to be done well."

As the refurbishment project progressed, the Taumata-a-Iwi repeatedly requested that proper consultation be done, and expressed their alarm at the extent of unrest from iwi in respect of their perceptions related to the Museum's care for their taonga.

### **Ngai Tahu Matawhaiti**

The representatives of Ngai Tahu Matawhaiti and Ngāti Kahungunu who were at the hui of September 1 raised a number of issues regarding Te Toki a Tapiri (the waka taua/war canoe in the Auckland Museum) and Ngāti Kahungunu taonga. After the hui they visited the Māori galleries and asked questions of the Creative Producer for the galleries. They were dissatisfied with the replies they received, and made the following points:

1. They have not been consulted about the work being done on Te Toki a Tapiri. They questioned why the waka was moved to its current situation, who had authorised this, and also who had authorised the other work that was then being done on the waka.
2. Strong objection was made to the proposal to restore Te Toki a Tapiri. This proposal must be fully discussed with the descendants of Tapiri and Te Waaka Tarakau. All work should cease until such consultation is completed.
3. No attempt had been made by the Museum staff concerned to advise those who whakapapa to the waka of the developments. There was an obvious lack of knowledge of how descendants relate to such a taonga, and of the consultation needed before such a project is started.
4. No adequate consultation had been conducted regarding other Ngāti Kahungunu taonga.
5. The content and translations of some of the information panels and labels that had been prepared for the galleries was unacceptable. When proper consultation is conducted, these will be thoroughly reviewed and must be amended.

### September 1 hui & Te Toki a Tapiri

All of those who spoke about the waka on September 1 whakapapa to Tapiri. There was a representative of Rongowhakaata at the hui who had been instructed by his kaumatua to come. There were two Ngā Puhi kaumatua there - both of whom came with the knowledge and support of their people.

Ngai Tahu Matawhaiti held a hui in January, at which they mandated Nigel Howe (a great-grandson of Te Waaka Tarakau, the chief for whom the waka was made) and Mere Whaanga (of Ngai Tahu Matawhaiti) to speak about the waka. Cognisant of the responsibilities of such a mandate, the expectations of those who they represent, and the intricacies of tikanga and the history of Te Toki a Tapiri, they do not make unilateral decisions.

On September 1, the invitation was made by Nigel Howe, and is fully supported by Ngai Tahu Matawhaiti and the representatives of Ngāti Kahungunu and Rongowhakaata -

*“if the Auckland Museum wants to discuss Te Toki a Tapiri, come to our marae”.*

The Museum has not responded to this request.

### **Reaction to the Māori Galleries Opening**

In November a notice was sent to a number of Māori Trust Boards . It stated that the *“Trust Board and Taumata-a-Iwi of Auckland War Memorial Museum Te Papa Whakahiku advise you that a blessing and opening of the Museum’s Māori Galleries and Māori Natural History Gallery will take place at dawn (5.00 a.m.) on Saturday December 18.”* (‘Invitation’ also sent to Manager Iwi Values).

In response, on the letterhead of Ngāti Porou Taura Here ki Tamaki, Hone Te Kauruoterangi Kaa wrote to numerous iwi

*"I have been given this panui which is an invitation to various iwi to attend what purports to be a dawn ceremony to ritually clear the tapu from our taonga that is housed in the Auckland Museum. What concerns me is that little or no consultation has been held with the Iwi who have taonga there as to how they believe that taonga might or should be exhibited. If the Taumata A Iwi has given its consent then we need to know on what grounds they made that decision. Or is this another example of Pakeha manipulation of us as a people? I believe that this is the case as I have had dealings with the Museum Director who decides what is best for us as Māori.*

**Enough is enough.**

*The taonga belong to us and we need to be kept aware of what is happening to them. It is not good enough to be treated in what I consider to be a cavalier manner.*

*I call upon you to join me in asking the Taumata A Iwi not to be involved in what is clearly a Pakeha agenda.*

*Heoi ano ra e hoa ma tautoko mai i tenei karere."* (Kaa, 1999).

The opening ceremonies went ahead as scheduled. The manuhiri (visitors) were comprised of an estimated two hundred and fifty people, approximately half of whom were thought to be non-Māori. The Museum had catered for two thousand five hundred.

## **CHAPTER EIGHT**

### **SUMMARISING DISCUSSION**

This chapter will draw together the issues raised throughout the thesis and compare the ideal of biculturalism with the reality of the practices of Te Papa Tongarewa and Auckland Museum.

By the mid-1980s an awareness had developed that Aotearoa New Zealand was a country in which the social and economic problems of the indigenous people had reached crisis proportions. The major problems were identified as racism – personal, cultural and institutional; cultural imperialism, and the deprivation and alienation of Māori. Biculturalism was proposed as not only the appropriate policy direction for Aotearoa New Zealand, but also the essential prerequisite to the development of the multiracial society. Biculturalism was defined as “...the sharing of responsibility and authority for decisions with appropriate Māori people” (Puao-te-Ata-tu 1986: 19). In itself this definition raises questions about the methodology of choosing the “appropriate Māori people”.

The Treaty of Waitangi was established as the foundation of biculturalism, and it then followed that the two partners in the bicultural proposition were Māori and Pakeha.

In 1992 James Ritchie considered that in Aotearoa New Zealand biculturalism had progressed from the debate of the 1980s to a profound fact of contemporary social life. In his 1993 paper on biculturalism, M.H. Durie stated that biculturalism had become part of the Aotearoa New Zealand Public Service ethos by 1985. These views proved to be optimistic, as within two major public institutions of this country - Auckland Museum and Te Papa Tongarewa – biculturalism remained an ideal and was not a practice even by the end of the 1990s.

The need for equality, for each culture to be appreciated on its own terms, and for political power sharing through constitutional reforms remains. Māori still have the same concerns with biculturalism that Durie identified in 1993 – appropriation of Māori protocol and culture, the appearance of responsiveness to Māori issues without the substance, the capture of the Maori professional workforce by Government departments at a time when their own people need them, and the conflict of interests that is inevitable for Maori staff working in a Pakeha environment.

By the late 1990s, the major issue for Māori in regard to policy development was no longer biculturalism, but self-determination. (Durie, M.H. 1998). Māori have become disenchanted with the idea of biculturalism as it has become obvious that the fundamentals of equality, respect and power sharing are not forthcoming from their Treaty of Waitangi partner. Too often the decision-making role has remained with Pakeha whilst Māori are relegated to advisory-only roles. There are instances too where chief executives have acquired a veneer of cultural understanding that provides them with an advantage in the employment market, yet the structure and exercise of power of their institution remains unchanged and monocultural. Racism still exists in Aotearoa New Zealand society.

The debate on biculturalism in Aotearoa New Zealand was a part of the world-wide resurgence of indigenous cultures. Given that museums were institutions to house and display collections of the cultural patrimony of dispossessed indigenous cultures, it was inevitable that once those indigenous cultures began to reassert their rights and identity the museums would come under attack. For generations

the museums of Canada, the United States and New Zealand had portrayed the indigenous peoples as either primitive (with the connotation that the white dominant 'civilised' culture was superior) or extinct. The information included in displays, the selection and placement of objects were decided without any substantial involvement of the indigenous peoples concerned, indeed generally without any involvement whatsoever of the peoples of origin of the objects. As museums were the most accessible place for the public to access information, these ethnocentrically-biased portrayals of indigenous peoples became the accepted definitions of entire cultures.

The indigenous peoples of North America have made significant advances in regaining control of their material heritage and revitalising their culture through the establishment of their own cultural centres and museums. To now have a Native American as Director of the National Museum of the American Indian is profoundly appropriate, yet such a singularly novel occurrence in the museum profession. At the present time there is not one Māori CEO in the Aotearoa New Zealand museum sector.

Museums in North America, Hawaii and New Zealand Aotearoa are still struggling with the inclusion of the indigenous peoples' perspectives in their profession. The case of the Zuni War Gods is an example of the clash of perspectives between that of the people of origin and the museum creed of preservation.

Zuni War Gods were funerary figures of the Zuni tribe that were supposed to remain with the above-the-ground corpse until both had disintegrated. The Zuni tribe argued successfully in the courts that their graves had been desecrated and the War Gods stolen. Therefore, the objects should be returned and should be allowed to disintegrate as originally intended. The Zuni position was sustained and museums that held these objects have, by and large, returned them. The War Gods were placed in a secure vault open to the elements, where they are now disintegrating. (Heumann Gurian, 1995:35).

Heumann Gurian identifies the crux of the problem:

Museums, through their care of collections, have had a key role in conserving the artifacts of many cultures, but preservation can no longer be seen as an absolute good,

and the dimensions on what to preserve are no longer ours alone to make. (Heumann Gurian, 1995:35).

Possibly the most significant development in North America was the Native American Graves Protection and Repatriation Act - a comprehensive piece of legislation that has recognised Native American ownership of their sacred artefacts and provides the mechanism for their return as well as the return of ancestral remains. New Zealand Aotearoa does not have comparable legislation. Museums in this country have engaged in the return of Māori human remains (skeletal) of known origin. This followed from a seminar held at the National Museum on 18 October 1986 at which the representatives of Māori unanimously resolved that Māori human remains would be returned to their tribes of origin, and no Māori human remains would be publicly displayed in museums. Debate on Māori remains from overseas, those still in museums in this country, and mokamokai (preserved heads) is still being conducted.

To date, advances in the position of Māori in relation to their cultural heritage has been more akin with the experiences of the First Nations people of Canada – by negotiation and based on Treaty rights. The Taonga Māori Protection Bill and the proposed Protection of Movable Cultural Heritage Bill are attempts to address some of the inequities that exist under our current legislation. The major positive change proposed in the Protection of Moveable Cultural Heritage Bill is that ownership of newly found taonga is with appropriate iwi as opposed to the Crown (as in the Antiquities act 1975.)

However, both Bills are cited in WAI 262 – The Indigenous Flora and Fauna claim -as policies and legislation being developed by the Crown “..which will have an adverse impact upon Maori rights to indigenous flora and fauna *me o ratou taonga katoa.*” ( WAI 262 First Amended Statement of Claim S17.1 ). The essential problem is that the Bills, as with previous legislation, place the ultimate authority and control with the Crown, not with Māori. Even where there is provision for Māori decision-making (Te Roopu in the Protection of Moveable Cultural Heritage Bill) the members of that committee are appointed by the

Minister of Internal Affairs. The other glaring omission is an adequate forum and process to deal with the ownership and custody of the taonga that were 'found' before 1975, and that are in the museums of this country. While some Treaty of Waitangi claims include reference to these (see Waitangi Tribunal 1992 Te Roroa Report, WAI 100-Hauraki Claim, WAI 262 –The Indigenous Flora and Fauna Claim) there has not been development of an overall legislative initiative on taonga.

Throughout the years of its building and since its opening in February 1998, there has been much negative comment on Te Papa Tongarewa - criticisms about the architecture, the cost, the exhibition policy, the bicultural intent, the interactive features, the label content, and the levels of funding have all appeared in the press. At the academic level, the bicultural concept has generated comment such as "a renovated piece of assimilatory nationalism" (Dibley 1996:59)

Tapsell has provided a thought-provoking commentary on Te Papa, the focus of which was the concept of mana taonga that is the basis of the Museum's bicultural policy and how it is inconsistent with the concept of mana o te whenua. He argued that

...on the one hand the Museum's bicultural policy theoretically espouses a policy of inclusion and equal co-ownership. But on the other hand, the principles upon which *mana taonga* are actually based – the exclusion of tangata whenua –demonstrates that the Museum's biculturalism is in reality no more than a monoculturally governed vehicle for the 'Maorinization' of post-colonial New Zealand. (Tapsell 1998:215).

Establishing a bicultural museum, moreover a bicultural national museum, in a country that is still struggling with its own identity (see King 1991, Spoonley 1995) is inherently fraught with difficult issues that will generate debate and that will continue to arise as the museum develops. The participants in Te Papa's Scholarship and Maturanga Maori hui in 1997 discussed at length the difficulties of representing various cultural traditions of knowledge in the context of the museum. The common requirement that was reiterated in each of the papers was the need for involvement of the indigenous/Native people whose traditional

knowledge was under consideration. That involvement was seen as necessary at all levels of organisation.

It is evident that the "...incomplete understanding of the theory and practice of biculturalism" (Durie, M.H. 1993:4) of the mid-1980s is a continuing problem within Te Papa. The most important change that needs to occur to progress Te Papa towards a truly bicultural institution is that its Board must have equal representation of Māori and Pakeha. The process of determining how the Māori Board members should be appointed will be complex, as

...modern Māori society is characterised by multiple affiliations. ... indigenous heterogeneity ...needs to be accepted as a contemporary reality and a sign that tribal societies are in a dynamic state, progressing as much as other populations towards an industrialised norm. (Durie, M.H. 1998:192).

The one constant in the bicultural debate is the Treaty of Waitangi. Durie reminded us that "the Treaty of Waitangi was always about the future; righting a wrong was a by-product of colonial domination but it was not the whole story, planning a future is a task for both partners". (Durie, M.H. 1998:193).

Te Papa Tongarewa may not yet have reached the optimal bicultural structure and practice. However, it has developed a bicultural policy based on the Treaty of Waitangi, and a Scholarship and Mātauranga Māori strategy that make significant statements of acknowledgment of important Māori concepts. As well, Te Papa National Services has made a considerable contribution to the advancement of bicultural development in the museums of this country. In this respect, and despite its imperfections, Te Papa is well ahead in attempting to build policies and practices which go some way towards capturing the concept of biculturalism, and more to the point, towards reflecting Aotearoa New Zealand's cultural heritage.

Royal assent for the Auckland War Memorial Museum Bill was received on September 2 1996. The Internal Affairs and Local Government Select Committee declined to decide on the composition of the Taumata-a-Iwi, electing instead to remove the specific representation and provide simply for a Māori committee of not less than five persons. This meant that the new Museum Trust Board, as the

body who appointed the Taumata-a-Iwi, were left to decide on its composition. This was a clearly inequitable decision, given that the nine members of the new Trust Board were all non-Māori.

The ultimate authority in the decision-making process of Auckland Museum is the Trust Board. Although the Taumata-a-Iwi is an advisory committee, the provisions of the Act are such that the voice of the Taumata-a-Iwi is a significant one, indeed it is potentially very powerful if exercised by people who have the knowledge and political skills to maximise the provisions of the Act.

The composition and establishment of the Taumata-a-Iwi was based on mana whenua as at 1840, Section 12(2)(c) of the Act and recognition of the long-standing relationship between Ngāti Whatua o Orakei and Auckland Museum. The key concepts were mana whenua and manaakitanga. Manaakitanga was explained as incorporating the ideal of trusteeship, and the incumbent responsibility of the tangata whenua to exercise good trusteeship over any taonga within their area. These understandings are crucial to the role of the Taumata-a-Iwi.

The inaugural meeting of the Auckland Museum Taumata-a-Iwi took place on 24 July 1997. The Taumata-a-Iwi unanimously nominated Sir Hugh Kawharu as the Taumata representative on the Auckland Museum Trust Board, which in effect gave Ngāti Whatua four representatives at the governance level of Auckland Museum (Three on the Taumata-a-Iwi and one on the Trust Board).

It would seem that a straightforward solution to problems experienced by both Te Papa and Auckland Museum exists in representation based on mana o te whenua (mana whenua) status as Tapsell has argued that "...only ...the genealogical descendants of the land, were qualified to make decisions over taonga..." (Tapsell, 1998:216). This would appear to conflict with Mahuika's statement that the mana taonga concept "...accorded to iwi the mana to care for their taonga, to speak about and with them, and to determine their exhibitionary use or uses by the Museum." (Mahuika. n.d.95). However, the experience of the Auckland Museum

in regard to representation on the basis of mana whenua (covered in chapters 4 to 7) has been fraught with difficulties, and given the primacy of mana whenua to Māori, it is not an issue that will disappear. Mana whenua has always been contestable – an examination of the history of the Auckland area will provide ample proof of the changing occupations over the centuries. It is one explanation for the name of the area - Tamaki Makau Rau - Tamaki of a hundred lovers. The most cursory look at the resources of the area - harbours, fishing grounds, good soil, defensible pa sites - will lead to an understanding of why so many people have always wanted to live here.

I do not believe the two concepts (mana taonga and mana whenua) are mutually exclusive, and Mahuika has stated that “Mana Taonga will not nor does it intend to usurp or interfere with the Mana Whenua and Mana Tangata of Ngati Whatua” (Mahuika, 1999). Tikanga has been refined over hundreds of years and kaumatua of Mahuika’s status are well-versed in the intricacies and exercise of mana whenua and mana tangata and interactions between iwi. Any issues arising in Auckland Museum in relation to these are issues for the iwi representatives to sort out. The most reprehensible action that can be taken would be for Pakeha to attempt to define the boundaries of Māori participation in museums based on their understanding (or lack of it) of the concepts. That would be sheer cultural arrogance.

The number of issues that the Taumata-a-Iwi has been confronted with since their establishment is proof in itself of how urgent was the need for such a body in the governance of Auckland Museum. The common elements that arose were the kaitiaki role of the hapū with mana whenua status, the issues of partnership with Māori, the differing perspectives of ownership of taonga, and the refusal of the Museum to adequately acknowledge Mātauranga Māori.

The repatriation of Pukaki and of the pōrihirihi tupuna were occasions that could have resulted in the development of new understandings and meaningful partnerships between Auckland Museum and Māori. That these became missed opportunities is largely the result of the governance and executive ethos of

Auckland Museum – a marginalisation of Māori that suggests, at the worst entrenched institutional racism, and at the best an inability to understand Māori perspectives. The major problem that prevents the Museum from advancing towards implementation of the relevant sections of its own Act is the unwillingness to conduct proper consultation with Māori and to take note of the expressed concerns of iwi representatives.

The Waitangi Tribunal described the Treaty as the foundation for a developing social contract. A premier task for the Auckland Museum, an institution that by its very nature must reflect the society it purports to represent and value, would then be to develop and implement a comprehensive set of operational policies that are bicultural, that observe and encourage the spirit of partnership as envisaged by the Treaty, throughout its governance, management and operational structures.

Despite being the only major museum in Aotearoa New Zealand with such explicit legislative Treaty obligations, and the first to have a statutory Māori committee, Auckland Museum has not provided leadership in encouraging Māori participation in either its governance or operational aspects. A too narrow interpretation of the Act by an overwhelmingly non-Māori Trust Board has meant that two and a half years after the Taumata-a-Iwi's establishment, there is still not a structure to facilitate adequate and accurate communication between Trust Board and Taumata-a-Iwi, let alone the meaningful consultation that is envisaged in Section 12(2)(g): to consult with the Taumata-a-Iwi on all matters set out in section 16(8) of this Act, and to take due regard of the advice given. The Museum's stated vision 'to be the hub of our culture' is meaningless if a commitment to the Treaty principles and the provisions of its own Act is not actively pursued.

It would appear that with the development of the Kaupapa and its publication in the Draft Annual Plan 2000/2001 the Museum is indeed making progress in this area. However, an analysis of implications of the Kaupapa aligned with the Treaty provisions in the AWMM Act highlight the need for extensive policy and

procedure development for the Auckland Museum along with a comprehensive educative process for the Trust Board and senior executive.

It is obvious from Section 18 of the Act, which sets out the Director's responsibilities, that the key figure in Auckland Museum is the Director. Unless that person has a commitment to the Treaty and the partnership ethic, attempts to advance the Museum in these vital areas will be frustrated.

A comparison of key indicators of value in such an organisation, for example the remuneration and resourcing of the Trust Board to that of the Taumata-a-Iwi, underscores the immense distance that has yet to be traversed to achieve a working partnership between Māori and the Museum. Amendments must be made to the legislation and the Museum leadership needs to be such that the goodwill so necessary to effecting change is amply demonstrated by development and implementation of comprehensive operational policy that is Treaty-based.

The Kaupapa is the foundation bicultural policy, but as long as it remains only a policy document as opposed to the demonstrable ethos of the Auckland Museum, it is merely another good intention.

By March 1999 iwi representatives were becoming aware that the Auckland Museum had refurbished the Māori galleries without consulting with the tribes of origin of the taonga. Iwi representatives then contacted the Taumata-a-Iwi and the Manager Iwi Values to demand explanations for this. The Taumata-a-Iwi and Manager Iwi Values renewed their efforts to persuade the Museum Director to implement a process of proper consultation, and an appropriate consultation process and person to conduct it was recommended to the Museum Trust Board. The advice was not taken.

Instead, the Executive Director undertook a round of visits to Māori Trust Boards throughout the country, meeting with their executives and delivering folders listing some of the taonga from their area that were to be displayed in the Māori galleries. The visits were made in May through June 1999 in an attempt to gain

approval for the display of taonga for the APEC leaders' retreat to be held on September 13 1999. The Taumata-a-Iwi upbraided the Executive Director for undertaking these visits without their prior knowledge and strongly advised the Museum Trust Board that the so-called consultation round should cease as it was creating even greater difficulties.

The core of the matter was that the 'consultation' was superficial, the decisions regarding display had already been made, the process was in complete disregard of the requirements of the Museum Act in regard to the Taumata-a-Iwi's role in matters Māori, and the person carrying out the 'consultation' did not have the vital understanding and knowledge of tikanga and taonga Māori that is so necessary to undertake proper consultation.

Te Arawa was the first to put their concerns in writing to the Taumata-a-Iwi. Their main point was that the Auckland Museum had failed to carry out its fundamental obligation to consult with them regarding the display of their taonga.

Ngā Puhi kaumatua were extremely upset at the prospect of waka tūpāpaku from their area being publicly displayed. They advised the Taumata-a-Iwi of this, and the Taumata instructed the Museum that the display was not to proceed until the matter had been fully discussed with the appropriate iwi representatives. Yet the Museum later went ahead with the public display of waka tūpāpaku.

Ngāti Porou called a hui with the Museum to discuss Mana Taonga and Mana Kaitiaki. The hui was held on September 1 1999 and was attended by representatives from Ngāti Kahungunu ki Heretaunga, Ngāti Kahungunu ki Wairoa, Ngāti Rongomaiwahine me Ngāti Kahungunu Taura Here, Tainui, Rongowhakaata, Ngā Puhi and the Auckland District Māori Council.

The hui was a clear expression of mana taonga and mana kaitiaki. The iwi representatives who spoke that day articulated their connections with the taonga in the Museum, and voiced both their expectations of the Museum and their issues with the Auckland Museum.

The message of the hui was that when an institution tramples the mana of the representatives of Māori such as the Taumata-a-Iwi and the Manager Iwi Values, it effectively tramples the mana of all Māori. Māori expect

- that Treaty of Waitangi obligations are honoured,
- that policy for Māori will be developed by Māori and implemented appropriately.
- to be in decision-making roles regarding their taonga,
- that Māori who iwi recognise as highly-qualified and whose appointment to significant positions is blessed and supported by iwi, will be accorded the appropriate status and recognition within an organisation
- to be properly consulted on matters affecting them, especially regarding taonga.

The advice of the Taumata-a-Iwi and the Manager Iwi Values had been ignored by the Auckland Museum too often and for too long. The determined resistance to conducting proper consultation was the fundamental issue that resulted in the very serious situation Auckland Museum is now facing i.e. withdrawal of Māori support and taonga from the Museum. A rare unity of the tribes was exhibited on Wednesday September 1. It is ineffably sad that that unity was effected by the insensitive actions of an institution that houses such significant and comprehensive collections of taonga Māori.

Following the September 1 hui, written notification of the concerns of Ngai Tahu Matawhaiti and Ngāti Kahungunu was given to the Executive Director of the Auckland Museum. The invitation extended on September 1 was put in writing – if the Auckland Museum wished to discuss Te Toki a Tapiri, it should go to the marae of Ngai Tahu Matawhaiti. The invitation was ignored.

When the Museum sent out notices of the opening of the Māori galleries scheduled for December 18 1999, Canon Hone Kaa responded with a letter to numerous iwi and iwi representatives. He reiterated concerns previously

expressed in regard to the lack of consultation with the Iwi who have taonga in the Museum.

Ngāti Whatua conducted the dawn ceremony which was attended by approximately two hundred and fifty visitors. By comparison, well in excess of five hundred guests attended the opening ceremonies of the Scars on the Heart gallery in February 1996. A presentation in the Māori Court in 1997 of the research project on the Māori Battalion C Company attracted a crowd estimated to exceed eight hundred.

The opening was for arguably the most important galleries in the Auckland Museum, those of the Māori Natural History Gallery and the ground floor galleries that house the most extensive and significant collections of taonga in the Southern hemisphere and possibly the world. Yet only some two hundred and fifty visitors attended the opening, and the comment of a Māori staff member present was that only one iwi was represented. That dawn opening was indicative of the relationship that Auckland Museum has with iwi.

## **CONCLUSION**

Auckland Museum is a major museum, nationally and internationally. As such, and on the basis of the significance of its Māori collections and the uniqueness of its legislative requirements in relation to the Treaty of Waitangi and Māori, it is not unreasonable to expect that this museum would provide leadership in developing relationships with Māori. The findings of the Canadian Task Force on Museums and First Peoples (Chapter two) and the guidelines for the implementation of NAGPRA (Chapter two) are readily accessible and contain much information on the involvement of indigenous peoples in museums that would be easily converted to practices in this country. Te Papa Tongarewa has bicultural practices and policies from which Auckland Museum could have drawn inspiration.

When provided with the opportunity, Māori are very articulate about their concerns and expectations ( see Chapter seven) and the Māori voice, too often silenced, has been preferenced in this thesis. Interviews with the Auckland Museum Trust Board and the Executive Director were not conducted. Drawing on the old aphorism that actions speak louder than words, I chose instead to detail the actions of the Auckland Museum Trust Board and Executive Director in relation to issues of importance to Māori.

The demand from indigenous peoples in Canada, the United States of America and Aotearoa New Zealand is abundantly clear – consultation with the peoples of origin of artifacts must be fundamental to museum operations. Why then has Auckland Museum been so resistant to conducting proper consultation with Māori?

Consider again the Faces of Racism identified in 1986:

Cultural racism is manifested by negative attitudes to the culture and lifestyle of a minority culture or the domination of that culture and its efforts to define itself by a power culture. **An obvious form is the selection by a power culture of those aspects of the minority culture which it finds useful or acceptable.** Essential dimensions of the minority's values and lifestyle are discarded to its detriment... (Emphasis added). (Puao-te-Ata-Tu, 1986:19).

Auckland Museum finds aspects of Māori culture acceptable – powhiri for the gallery openings, some bilingual signage, a few words in Māori at the beginning of speeches, and of course – most important – the Māori collections it houses!

The most insidious and destructive form of racism, though, is institutional racism. It is the outcome of monocultural institutions **which simply ignore and freeze out** the cultures of those who do not belong to the majority. National structures are evolved which are rooted in the values, systems and viewpoints of one culture only. **Participation by minorities is conditional on their subjugating their own values and systems to those of "the system" of the power culture.** (Emphasis added.) (Puao-te-Ata-Tu, 1986:19).

Auckland Museum has ignored and frozen out the voices of Māori. Kaumatua from Te Arawa, Tainui, Ngāti Porou, Ngāti Kahungunu and Ngā Puhi have all spoken plainly of their expectations in regard to their taonga in the Museum. The Museum largely ignored them. On occasion, other Māori who would give an opinion closer aligned to (already developed) Museum plans were approached by Museum professionals, and their comments preferenced over those who demanded their Treaty-based rights. For example, Kaumatua and a young representative of Ngāti Kahungunu demanded that restoration work on Te Toki a Tapiri cease, and invited Auckland Museum to go to Wairoa to their marae to discuss the matter. This was followed by instruction in writing to the Chief Executive. No response was received from the Museum to these mandated tribal representatives. Instead, a museum professional obtained two other opinions – one from a Māori consultant who is from a different iwi, and the other from a Māori who was associated with *Te Maori* and who, while being of Ngāti Kahungunu, has not had a mandate from the iwi or hapū to speak in relation to Te Toki a Tapiri. It is also highly likely that he has no knowledge of the discussions that the

hapū have had regarding the waka. Auckland Museum is proceeding with the restoration programme.

The participation of Māori in the Museum depends on them subjugating their own values and systems to those of the prevailing museum culture. This is evidenced most clearly by the refurbishment project that Auckland Museum has recently completed. The need for Māori involvement in every aspect of this project was identified by Te Runanga Matua in 1992, but the experience of Māori in relation to the Māori Natural History Gallery and particularly the development of the ground floor Māori galleries has been a daunting and disheartening struggle. Resources (staff and budget) have been inadequate. Inflexible timelines were imposed. Consultation was neither budgeted for (in terms of finance and time to conduct it) nor approved. Mātauranga Māori was relegated to a position inferior to Western Scientific knowledge. Numerous labels for the ground floor Māori galleries were derived from Elsdon Best, contained outdated perceptions of Māori and in some instances were derogatory to Māori beliefs and practices. The lack of scholarship was very evident. (By contrast, scholars and historians such as James Belich, Laurie Barber, and Chris Pugsley were brought in to work on other galleries). Concerns that the Māori displays were a regression of ten years (organised on type of object- e.g. all weapons together, greenstone taonga in one case - rather than tribal origin) were dismissed. No peer review process for the ground floor development was programmed.

The Taumata-a-Iwi attempted to address some of the burgeoning issues, but were rendered ineffective by incomplete and often incomprehensible information being provided very late in the development, misleading information was given to them, and their instructions to museum principals was either ignored or misinterpreted. Added to the problems was that none of the Taumata-a-Iwi had much knowledge of museum operations, and their attempts to follow through on recommendations were frustrated by either the Executive Director or the Trust Board simply not replying to their concerns, nor attempting to address them.

The Taumata-a-Iwi have hence been perceived by some iwi representatives as ineffective – a perception encouraged by the actions of the Executive Director in conducting his round of visits to iwi authorities without the prior knowledge of the Taumata-a-Iwi. Mana whenua, Sir Hugh Kawharu explained in 1996, was not only gauged by occupation and authority over land, but also by the exercise of manaakitanga - the obligation to care for any people either visiting or living within their area in every respect and to exercise good trusteeship over any taonga within the area of the tangata whenua. The hapū with mana whenua for the land on which Auckland Museum stands has been very effectively marginalised, and their exercise of manaakitanga in relation to the Museum severely compromised.

Other iwi representatives (Ngāti Porou, Ngāti Kahungunu, Ngā Puhī) have seen this, and asserted their rights as descendants of taonga (mana taonga and mana kaitiaki). Although the Taumata-a-Iwi and Sir Hugh Kawharu can rightfully cite the significant progress that adoption of the Kaupapa by the Trust Board represents, it becomes meaningless if it is not implemented. Kaitiakitanga (guardianship/trusteeship in the widest sense) is not an academic exercise, neither is it a role that can be defined by non-Māori. “Kaitiakitanga refers to Māori perspectives in the use, management and control of Māori resources”. (Durie, M.H. 1998:29). It is an active responsibility to your people, delineated by whakapapa, that requires commitment and whole-hearted involvement, and accountability back to the whānau/hapū/iwi.

### **Structural issues**

An analysis of the situation shows that there are primary structural issues that prevent appropriate (based on Treaty rights) involvement of Māori in Auckland Museum. The first is the Auckland War Memorial Museum Act 1996 which places the overall authority and power with a Trust Board that is overwhelmingly non-Māori. It is a point of interest that the nine non-Māori members (appointed by the contributing local authorities and the Auckland Museum Institute), “shall act

at all times in the interests of the Museum rather than in the interests of the body appointing them” (Auckland War Memorial Museum Act 1996 S12(1), whereas the one Māori member is a “representative ... appointed... by the Taumata-a-Iwi” (Auckland War Memorial Museum Act 1996 S4(1)(c).

The use of the term representative is interesting – the Act does not say who that person is to represent. Most Māori of course are very aware that they represent their people, whether it be whānau, hapū or iwi, or Māori in general.

- Māori representation is less about being a Māori than representing the diverse interests of the Māori nation.
- Ultimately Māori representation...should be decided by Māori and access to Māori resources should be determined by Māori.
- ...Governance of Māori resources by Māori should be a deliberate process and not presupposed in a defacto way by Crown appointed Māori representatives.

If it is to be more than a hollow, politically correct gesture, Māori representation demands that Māori representatives...carry with them a mandate from Māori people generally, and an obligation to report back to Māori. (Durie, M. 1997:6).

Whilst Durie was discussing Māori representation at National level, his comments apply equally to representation in organisations such as Auckland Museum.

“..there is no equality in fact if there is no equality of political power.” (emphasis added) (Durie, E.T. 1995:36). In the interests of true partnership and shared power, the Māori representatives should not be restricted to commenting only on things Māori, as set out in section 16 of the Act. Partnership (and equal representation on the Trust Board) should mean equality of input into all aspects of the Museum.

The Māori committee that should have the primary voice in the Museum on all things Māori are relegated to the status of ‘advisory-only’. The Act also provides for that Māori committee to be appointed by the Trust Board (Auckland War Memorial Museum Act 1996 S16(1). This again subordinates the rights of Māori. Whilst the existing Taumata-a-Iwi composition is based on tikanga and the concept of mana whenua, that composition is not protected by the legislation. It effectively places the participation of the tangata whenua at the whim of non-

Māori who by and large have neither knowledge nor understanding of the complexities of Māori society, tribal structures, authorities and obligations.

As well as the Trust Board appointing the Taumata-a-Iwi it also decides the terms and period of office, and the remuneration. (Auckland War Memorial Museum Act 1996 S16). The Trust Board have control. There is no adequate avenue for Māori to have input into this process. They can make submissions on the Annual Plan, as with any other member of the public, but again, it is the Trust Board to whom the submissions must be made, the Trust Board who hear them, and the Trust Board who decide whether or not to do anything about the submissions. (Auckland War Memorial Museum Act 1996 S22).

The Executive Director is appointed by the Trust Board. The Director has two responsibilities prescribed in the Act that relate to Māori and the Treaty of Waitangi:

The Director shall be responsible to the Board for ...Providing services and advice to members of the Board, the Taumata-a-Iwi, and the Institute Council, and consulting with the Taumata-a-Iwi on all matters set out in section 12(2)(c) of this Act;(emphasis added)...Ensuring that obligations imposed by the Treaty of Waitangi as they affect the Museum are taken into account; (Auckland War Memorial Museum Act 1996 S18).

Again, the authority rests with the Trust Board, and there is no provision for appropriate monitoring of the Director's performance in relation to these critical clauses. To date, Māori criticism of the Director's performance has been ignored by the Trust Board.

All other issues that prevent proper Māori participation in Auckland Museum are related to these three primary abrogations of Treaty rights. Recognition of and support for Māori aspirations regarding development of policy, increased Māori staffing within the Museum (appropriately appointed, adequately resourced and managed and in a culturally-safe environment), and exercise of mana taonga and mana kaitiaki are entirely dependant upon the vagaries of the Trust Board. There is no real protection of Māori rights in the Auckland War Memorial Museum Act 1996.

My conclusion in regard to a bicultural policy for Auckland Museum is that no matter how explicit it is or how well-crafted, it will not be effective until some fundamental changes are made at Auckland Museum. These are

1. The legislation must be amended to provide for equal representation of Māori on the Museum Trust Board, appointed by an appropriate Māori forum ( to be decided by mandated tangata whenua representatives).
2. The Executive Director of the Museum must be Treaty of Waitangi competent and committed to the implementation of section 12(2)(c) of the Auckland War Memorial Museum Act 1996.
3. Comprehensive bicultural or Treaty-based operational policy must be developed and its implementation monitored by qualified people well-versed in the Treaty of Waitangi and tikanga Māori.
4. The staffing structure of Auckland Museum needs urgent analysis and reform to enable appropriately-qualified Māori to be appointed to implement a comprehensive bicultural/Treaty-based operational policy. (Tangata whenua and Māori knowledgeable of tikanga and Treaty rights and conversant with museum operations must be fully involved in appointment processes).

The whole ethos of the Auckland Museum needs to be re-examined. The refurbishment of the Māori galleries has been conducted in a manner that has deliberately excluded the people who could have provided the authentic voice for the displays. A very rare opportunity to develop vibrant new relationships with the tribal groups of origin of the most significant collections in Auckland Museum has been squandered. The voice of Māori has been ignored and its representatives marginalised. In so doing, the Auckland Museum has violated its most important role – that of trusteeship – and has placed in jeopardy the collections of taonga it houses.

The evidence provided in this thesis suggests that Auckland Museum may be operating in breach of a number of the provisions of its own Act and the Kaupapa that it adopted. Such matters require priority attention in a museum that houses such an extensive and vital portion of our culture.

The Museum is a multi-million dollar operation, with the total levies for the 2001 financial year being \$11,733,000. (Draft Annual Plan 200/2001:13). The major attractions are the Māori collections, yet Māori receive extremely little benefit from Museum operations. At March 2000 less than ten percent of full-time staff identify as Māori, and only in the last week of March has an appointment to the senior management position of Director Māori been made. The Taumata-a-Iwi receive fees set at slightly less than 60 percent of the Trust Board fees (Draft Annual Plan 200/2001:8) and they are not in a decision-making role.

Auckland Museum houses taonga from every area of Aotearoa New Zealand, taonga of huge significance that should be at the centre of Māori rejuvenation and self determination. Those taonga are *taonga tuku iho*, handed down from the ancestors, links with tupuna long since departed. They should be part of our future. A museum that continues in the monocultural mode, a last bastion of colonialism, runs the risk of excluding Māori from any sense of relationship with the taonga. And a simple display of taonga, interesting though it might be, undermines the nature and meaning of taonga if it negates, or even ignores, the relationships that give life to material forms. The whole point will be missed. Māori will be denied.

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# DRAFT KAITIAKITANGA PROTOCOL FOR THE AUCKLAND MUSEUM 1996

## 1. INTRODUCTION

### 1.1 Statement of Kaitiakitanga:

This document is to circumscribe the kaitiakitanga (guardianship) role of the Auckland Museum in regard to all taonga Maori within its collections. Taonga Maori are defined as objects within the Museum's collections that are of *cultural, spiritual, historical, aesthetic and heritage significance and value to Maori*.<sup>6</sup>

### 1.2 Mission Statement:

The protocol acknowledges the Mission Statement of the Auckland Museum, which is

*To inspire all Aucklanders and visitors with the unique heritage, environment and stories of the people of Auckland, Aotearoa-New Zealand and the South Pacific, and to provide a window on the rest of the World.*<sup>7</sup>

### 1.3 Tikanga:

This policy affirms the authority of the Auckland War Memorial Museum Bill 1996.

It respects and endeavours to incorporate tikanga Maori in relation to:

- mana whenua
- mana taonga
- the utilisation of Maori knowledge and information.

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<sup>6</sup> Proposed Protection of Movable Cultural Heritage Bill Section F 18.1 (a)

<sup>7</sup> Auckland Museum Policy and Procedures Manual DRAFT May 1994 Section 1.3.

It is also supports the observance of the principles of the Treaty of Waitangi and the Draft Declaration on the Rights of Indigenous Peoples, as well as the ethics of the museum profession, in the execution of this policy.

#### **1.4 Legislation:**

This policy will be executed within the requirements of

The Antiquities Act 1976

The Historic Places Act 1993

The Copyright Act 1994

and any other legislation affecting the operation of the Auckland Museum.

## **2. RESPONSIBILITIES**

### **2.1 Ownership:**

The Auckland War Memorial Museum act provides that:

*The functions and powers of the Board shall be -*

*(a) To assume or to continue to hold ownership and possession of the Museum and such of its contents as were, before the coming into force of this Act, owned by the Auckland Institute and Museum Trust Board or the Auckland Institute and Museum, together with any other property or rights of any nature whatsoever, whether tangible or intangible, vested in the Auckland Institute and Museum Trust Board or the Auckland Institute and Museum, and to hold ownership and possession of such other property as may subsequently be acquired for the purposes of the Museum.<sup>8</sup>*

It should be noted that legal ownership of the collections does not rest entirely with the Museum - many artifacts are on deposit only.

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<sup>8</sup> Auckland War Memorial Museum Act 1996. Section 11(2)(a).

The Auckland Museum must recognise ownership in accordance with the property laws of New Zealand/Aotearoa. Maori artifacts found since 1st April 1976 fall within the provisions of the Antiquities Act 1975:

*Any artifact found anywhere in New Zealand or within the territorial waters of New Zealand after the commencement of this act is hereby declared as deemed to be prima facie the property of the Crown;*

*Provided that where any artifact has been recovered from the grave of any person or persons whose identity is known the matter shall be referred to the Maori Land Court to determine who is the proper person or who are the proper persons to hold custody of the artifact.*

*(2) Notwithstanding the provisions of subsection (1) of this section, if actual or traditional ownership, rightful possession, or custody of any artifact referred to in that subsection is subsequently claimed, the Minister or any person who may have any right, title, estate, or interest in any such artifact may apply to the Maori Land Court to exercise any part of its jurisdiction under section 12 of this Act:*

*Provided that no right, title, estate, or interest in any such artifact shall exist or be deemed to exist solely by virtue of ownership of the land from which the artifact was found or recovered.<sup>9</sup>*

Where disputes arise, all information held within the Museum records will be submitted, along with all information pertaining to the dispute, to the Taumata-a-Iwi to consider and make recommendations to the Auckland Museum Trust Board.

Where resolution cannot be achieved, under the provisions of the Antiquities Act 1975, Maori ( or any person who may have any right, title, estate, or interest in any such artifact) may have recourse to the services of the Maori Land Court to make a determination of interest.

## 2.2 Custodial policies:

All taonga Maori within the custody of the Auckland Museum will be accorded appropriate care and respect, having regard for their mana and the tikanga of the iwi/hapu/whanau of origin, as well as the kawa of the Auckland Museum as established by the Taumata-a-Iwi.

## 2.3 Decision-making authority:

The overall authority for governance of the Museum is the responsibility of the Auckland Museum Trust Board as established in the Auckland War Memorial Museum

Act 1996. One of the duties of the Trust Board is *to consult with the Taumata-a-Iwi on all matters set out in section 16 (6) of (the) Act, and to take due regard of the advice given.*<sup>10</sup>

Section 16 (6) provides that

*the Taumata-a-Iwi shall review proposed policies and make recommendations to the Board in relation to those matters:*

- (a) Custodial policies, and guardianship of all Maori taonga of whatever kind and tribal source:*
- (b) Staffing policies, including taking affirmative action in recruitment and training programmes, which will lead Maori people into professional careers in New Zealand's bicultural museums:*
- (c) Display policies, including presentation of Maori taonga to the public in a culturally appropriate and informative manner:*
- (d) Development policies, including protection of both the substance and status of Maori taonga in any Museum development plan.*

The Bill further provides that the Board must *consult with the Taumata-a-Iwi on all matters set out in section 16(6) of this Act, and...take due regard of the advice given.*<sup>11</sup>

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<sup>9</sup> Antiquities Act 1975. Section 11(1) and 11(2).

<sup>10</sup> Auckland War Memorial Museum Act 1996. Section 11(2)(f).

### 3. THE COLLECTIONS

#### 3.1 Taonga Maori:

There are five collections in the Archaeology and Ethnology departments of Auckland Museum that are of Maori origin. They are:

##### 1. Maori Excavation Collections

*Department: Archaeology*

*Foundation: 1965*

*Size: 100,000 objects/sample lots*

*Description: Archaeologically excavated Maori artefacts and waste stone and midden samples, with primary documentation.*

*Ownership: Auckland Institute and Museum for material excavated prior to April 1976. All collections excavated since that date are the property of the Crown (under Antiquities Act 1975), and the Museum has custody only.*

*Significance: Nationally and regionally significant as the major archive of excavated collections from the greater Auckland, Northland and Coromandel regions.*

##### 2. Maori Finds:

*Department: Archaeology*

*Foundation: ca. 1850s*

*Size: 4000 objects*

*Description: found Maori items of an archaeological nature: stone, bone, ivory etc. Among the most important material is the large collection of stone adzes, also patu muka, fishing lures, cutting tools and waste stone material. Bone and ivory material includes fishhooks, needles, awls and ornaments. The material may be from a known locality or site or of unknown provenance.*

*Ownership: Auckland Institute and Museum for all items found prior to 1 April 1976. Items found since that date are the property of the Crown (under Antiquities Act 1975), and the Museum has custody only. Some loan items.*

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<sup>11</sup> Auckland War Memorial Museum Act 1996. Section 11(2)(f).

*Significance: The most significant collection anywhere of northern North Island material, and one of four major collections with a national coverage (with Museum of New Zealand, Canterbury and Otago Museums).*

### 3. Maori Cloaks:

*Department: Ethnology*

*Foundation: 1876*

*Size: ca. 300 items*

*Description: Full range of all types of Maori cloaks, particularly dogskin cloaks, feather cloaks, korowai, kaitaka, rain capes and piupiu.*

*Ownership: Majority owned by Auckland Institute and Museum.*

*Approximately 35 on loan.*

*Significance: One of the best three collections of Maori cloaks internationally. Within New Zealand, of equal significance to Museum of New Zealand collection. Extremely important for preservation of finite number of cloaks surviving in world.*

### 4. Maori Large Carvings:

*Department: Ethnology*

*Foundation: 1876*

*Size: 735 objects*

*Description: Includes carved portions of meeting houses, rafters, storehouses, canoes, flagpoles, palisade posts, gateways, tombs, memorial posts. From all areas of New Zealand although particularly strong in North Auckland and Bay of Plenty items.*

*Ownership: 70% Auckland Institute and Museum, 30% on loan from tribal and individual owners.*

*Significance: One of the three most important collections of Maori carvings in the world (with Museum of New Zealand and British Museum), with the most comprehensive range of types and periods. Very high level of use by scholars, students, artists and Maori visitors. High proportion of collection already published.*

## 5. Maori Material Culture

*Department: Ethnology*

*Foundation: 1876*

*Size: ca. 7,350 objects*

*Description: Full range of Maori material culture including items in wood, stone, bone and fibre, of all sizes. Examples are bailers, bowls, weapons, gardening tools, woodworking tools, fishing gear, ornaments.*

*Ownership: Approximately 85% of collection owned by Auckland Institute and Museum, remainder on loan from individuals and Maori tribal groups.*

*Significance: One of the three most important collections of Maori material culture internationally. Of equal importance with Museum of New Zealand collection in New Zealand and of great cultural importance for Maori people.*

Some Maori material is also listed in the Ethnic Musical Instruments collection.

*Department: Ethnology*

*Foundation 1876*

*Size: ca 700 objects (already counted in other collection policies).*

*Description: Wide variety of types of ethnic musical instruments such as panpipes, trumpets, flutes, drums, slit gongs, from all areas of the world, especially New Zealand and the Pacific.*

*Ownership: Auckland Institute and Museum.*

*Significance: The largest collection in New Zealand and one of the most important collections in the world. A specialised collection of high public and scholarly importance.<sup>12</sup>*

### Library Collections:

The Auckland Museum's library has a large amount of significant Maori material.

#### a. The New Zealand Collection :

*Department: Library*

*Foundation: ca. 1854*

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<sup>12</sup> Auckland Museum Policy & Procedures Manual. DRAFT May 1994. Section 2.3

*Description: includes whakapapa, photographs, and Maori histories and traditions, many of which are unique to the Museum.*

*Ownership: Mainly Auckland Institute and Museum.*

*Significance (Library New Zealand Collection in general): One of the three most significant historical collections in New Zealand (with Hocken and Turnbull) covering all formats and all human and natural history subjects. The photograph collection is second only to the Turnbull Library in range and depth, and the manuscripts and archives collection has national, regional and international, particularly Pacific significance.*

b. The Maori Language Collection:

*Department: Library*

*Foundation: ca. 1854*

*Description: (Oceanic Languages including Maori) Includes published grammars, dictionaries and primers from 28 Pacific Islands or island groups.*

*Significance: One of the two most comprehensive regional collections of nineteenth century printed Maori - 20% (115 works) are pre-1850, 55% (326 works) are pre-1900.*

*Ownership: Auckland Institute and Museum.<sup>13</sup>*

A tribal inventory of manuscripts relating to Maori treasures, language, genealogy, songs, history, customs and proverbs, "Nga Pou Arahi" compiled by Jenifer Curnow, was published by the Auckland Museum in 1995.

## **4. COLLECTIONS MANAGEMENT**

### **4.1 Collecting Policy:**

A full explanation of the Auckland Museum's overall Acquisitions Policy can be found in the Auckland Museum Policy and Procedures Manual, Section 2.7.

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<sup>13</sup> Auckland Museum Policy & Procedures Manual. DRAFT May 1994. Section 2.3

The Taumata-a-Iwi will be notified of any decisions to add taonga Maori to the Auckland Museum collections. The acquisition levels of the Maori collection areas are all active, with the following qualifications:

1. Maori Excavation Collections :

*Acquisition objectives: To build the major repository of archaeologically excavated collections from the Auckland region, and from Northland and Coromandel regions when appropriate.*

*Acquisition standards: Only scientifically excavated collections are accepted. These must be fully analysed, refined and documented before accession and must come complete with excavation field notes and archives.*

2. Maori Finds:

*Acquisition objectives: To build the major repository of Maori finds from the Auckland region, and from other regions as available.*

*Acquisition standards: Purchases need to be localised and/or outstanding examples. Unlocalised gifts are accepted because of responsibility of Museum to Maori material.*

3. Maori Cloaks:

*Acquisition objectives: To build a collection showing as many types and techniques as possible, including changes over time.*

*Acquisition standards: Localised items preferred but important variations of type and technique equally acceptable. Good quality items accepted regardless of variation or locality.*

4. Maori Large Carvings:

*Acquisition objectives: To build a representative collection of all types, styles, and periods of Maori carvings, for research and display purposes.*

*Acquisition standards: Historically documented items preferred, but not demanded for stylistically important examples. Must be amenable to conservation stabilisation. Ownership must be clearly established.*

5. Maori Material Culture:

*Acquisition objectives: To build a collection covering the full range of traditional Maori culture and its modifications since European contact.*

*Acquisition standards: Documented items preferred but significant undocumented examples accepted. Must be amenable to conservation stabilisation. Certain categories of objects already well represented are not actively sought e.g. taiaha, patu onewa.*

#### Ethnic Musical Instruments:

*Acquisition objectives: To build a representative collection of all the types of musical instruments from throughout the world.*

*Acquisition standards: Documented material preferred but undocumented relevant types accepted. Must be of display standard.*

#### Library

##### a. New Zealand Collection:

*Acquisition objectives: To continue to build a fundamental research collection on existing strengths in the subjects of New Zealand Maori language...*

*Acquisition standards: Rare monographs and special collections, including manuscripts, are accepted if conservable within reasonable limits. Other formats must be in good condition. Acquisitions of original materials must have clear provenance and be fully documented.*

##### b. Maori Language Collection:

*Acquisition objectives: To build a research collection on existing strengths in Maori language materials and to maintain a representative collection to support existing holdings in Oceanic languages.*

*Acquisition standards: Rare (and in particular, 19th century) publications are accepted if conservable within reasonable limits. Other formats must be in good condition. Acquisitions of original material must have clear provenance and be fully documented.<sup>14</sup>*

## 4.2 Deaccessioning and Repatriation:

No deaccessioning is envisaged for Maori Finds, Maori Cloaks, Maori Material Culture or Library Maori collections. Some deaccessioning of bulk samples is possible with the Maori Excavation Collection. No deaccessioning is envisaged with the Maori Large Carvings Collection, although some major loans may be recalled.

If any items in the Maori collections are considered for deaccessioning, the Taumata-a-Iwi will be consulted before any decisions are made.

Any repatriation requests received by the Auckland Museum will be referred to the Taumata-a-Iwi, who will investigate the claim and make recommendations to the Auckland Museum Trust Board. The investigation will consider

- whether the claimants are entitled to custody under traditional custom
- whether the claimants are the only ones with a claim on the object
- how the object came to be in the Auckland Museum's collections
- all records pertaining to the object
- appropriate ongoing support after repatriation.

It is recognised that there may be objects within the collections that are the communally owned property of a Maori whanau/hapu/iwi which could not, under Maori custom, have been alienated, transferred or conveyed by an individual.

Where a request for repatriation of such an object is supported by the Maori group that is traditionally entitled to custody of the object, and the Taumata-a-Iwi is in agreement with their request, the Auckland Museum will repatriate the object.

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<sup>14</sup> Auckland Museum Policy and Procedures Manual. DRAFT May 1994. Section 2.3

### 4.3 Loans:

#### Outgoing:

The general Outgoing Loans Policy is:

*The Auckland Museum has a commitment to share its resources with institutions and the public beyond its walls so as to provide maximum public accessibility to objects consistent with long-term conservation of the objects and the needs of the Museum's exhibition and research programmes.<sup>15</sup>*

Loans of taonga Maori should be considered on a case-by-case basis, and enacted after mutual agreement (between the Museum and Maori) on the use and time period in question as well as the risk to the object. The decision must be based on tikanga Maori.

#### Incoming:

The general incoming loans policy is that:

*Objects are borrowed by the Auckland Museum from public and private institutions, commercial galleries and private individuals for purposes of exhibition, display and study.<sup>16</sup>*

Loans of taonga Maori should be considered on a case-by-case basis, and enacted after mutual agreement (between the Museum and Maori) on the use and time period in question as well as the risk to the object. The decision must be based on tikanga Maori.

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<sup>15</sup> Auckland Museum Policy and Procedures Manual. 1 March 1995. Section 2.9

<sup>16</sup> Ibid. 17 May 1995. Section 2.11

#### **4.4    Conservation:**

The Auckland Museum employs conservators who are members of the New Zealand Professional Conservators Group Incorporated, a group that has an established and rigorous code of ethics. Any conservation work carried out in the Museum is therefore of a high standard.

Prior to the commencement of any conservation work on taonga Maori, the Taumata-a-Iwi (and where appropriate, the traditional owners of the taonga) will be consulted, and their recommendations for procedures and ceremonies will be followed.

#### **4.5    Access and Research:**

The Maori collections of the Auckland Museum are an extremely important cultural and research resource. Whilst recognising the necessity to protect and preserve the collections, it is essential that they are accessible for research, study or viewing purposes. Where restrictions of access have been imposed by donors (for instance some whakapapa books and other Maori manuscripts have restricted access), these must be observed.

The Museum will actively encourage Maori to use the collections to help document their own history and culture. If any issues of conflict regarding accuracy of information arise, the matter will be referred to the Taumata-a-Iwi.

#### **4.6    Intellectual and Cultural Property Rights:**

An important issue for Maori is the protection of traditional Maori knowledge and Maori cultural property (e.g. visual arts, photographs, recordings, films). A balance needs to be struck between protecting against expropriation and inappropriate use, and making use of the knowledge to achieve social and economic development for Maori.

Some of the issues are addressed in the Copyright Act 1994. Te Puni Kokiri is currently conducting research into *the nature of Maori intellectual property and the threats to its integrity due to its indeterminate legislative status*.<sup>17</sup>

Intellectual property and traditional Maori knowledge are also considered to be taonga Maori, and as such should be given the same considerations and protection as provided in this policy for artefacts.

#### **4.7 Display Development:**

The Auckland War Memorial Museum Bill 1996 provides that the Taumata-a-Iwi will make recommendations to the Trust Board with regard to all display policies, including presentation of Maori taonga to the public in a culturally appropriate and informative manner. Planning of an exhibition's content and format shall be done in consultation with either the Taumata-a-Iwi or an appropriate Maori adviser/s.

### **5. HUMAN REMAINS**

The Museum holds some Maori human remains, along with some from Tonga, other Pacific, Australian and rest of the world items. They are stored in a special room.

*Deaccessioning statement: All (unmodified) skeletal material is available for return/reburial on request subject to approval by Museum Council.*<sup>18</sup>

Any returns will be referred to the Taumata-a-Iwi so that appropriate care and customs can be observed.

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<sup>17</sup> "Nga Taonga Tuku Iho No Nga Tupuna/Maori Genetic, Cultural and Intellectual Property Rights."

Te Puni Kokiri. June 1994.

<sup>18</sup> Auckland Museum Policy and Procedures Manual. DRAFT May 1994. Section 2.3.4

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