Mana Whenua, Mātaawaka, and Local Government—An Examination of Relationships

Between Māori and Local Government in Wellington and the Hutt Valley

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Dedication

He tohu tēnei ki ōku mātua a Mark rāua ko Sarah. Mei kore kōrua, ka ngaro ahau. This thesis

is dedicated to my mum and dad, who I would be lost without.

Declaration

This thesis contains no material which has been accepted for the award of any other

degree or diploma in any university. To the best of the author's knowledge, it contains no

material previously published or written by another person, except where due reference is

made in the text.

Name: Annie Sarah Elizabeth Te One

Month Year: October, 2018

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Abstract

This thesis is about governance relationships between Māori and local governments. The research has used a Kaupapa Māori methodology which has aimed at identifying areas of ongoing colonial practice, while also highlighting Māori values, rules and institutions. The thesis has been grounded in Wellington and the Hutt Valley, and investigated the historical and contemporary relationships between british-informed local government and Taranaki Whānui ki te Upoko o te Ika. A key focus has examined how local government legislation has failed to meet Māori te Tiriti o Waitangi/Treaty of Waitangi (Te Tiriti/ the Treaty) expectations of partnership, resulting in on going debate over how Māori are involved in local decision-making. In particular, the thesis has analysed the Local Government Act 2002, and the Local Electoral Act 2001, both pieces of legislation which are meant to support Te Tiriti / the Treaty. Examination of the Local Government Act 2002, reveals that partnership remains a contentious proposition for local governments. Examination of the Local Electoral Act 2001, demonstrates how local governments are unwilling and unable to support Māori as local decision-makers. I argue that neither of these pieces of legislation can produce Te Tiriti / the Treaty partnership as they are only informed by western legal ideas which are sourced in colonial practices of local governance. Although these arguments are also true in Wellington and the Hutt Valley, by examining local government relationships with both mana whenua (iwi) and mātaawaka (Māori from outside of Wellington and the Hutt Valley) there is clear evidence of how Māori governing rules and institutions continue to influence how Māori and local governments engage.

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Pepeha

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In a Māori setting, the appropriate form of introduction is through pepeha. A pepeha is a statement about identity which draws on the whakapapa (genealogical) connections between people and the environment. Pepeha connects a person to their tūpuna (ancestors) and can confirm a person's identity through reciting connections to people and places. These connections transcend time and can evoke both Māori creation narratives and oral traditions that have been passed on for generations. Recounting pepeha is an important exercise to confirm identity and relationships, but is also a strong statement about the permanency of Māori connection to land and the legal, political, cultural and social authority. While pepeha is personal, its purpose is relational.

The short pepeha presented above records the histories, movements, and changes of significance to my iwi (tribe). At the same time, the pepeha also confirms the permanency of my iwi—our connections (relationships) to the land are still central to the way we define ourselves. As my research is inherently about relationships, and the characteristics that shape and define political relationships between Māori and local governments in Aotearoa, beginning with a pepeha is not only customary in Māori settings, but positions me within this research. Pepeha highlight one way in which Māori connections to land are rehearsed to support the foundation for Māori authority and decision-making as the tāngata whenua (indigenous people of the land).

The pepeha begins with a reference to the māunga (mountain) Taranaki situated on the west coast of the North Island of Aotearoa. It is here that my waka (canoe) Tokomaru arrived from the Māori ancestral home of Hawaiiki, crewed by my tūpuna who sought new lives in a new land. That canoe carried descendants of different Taranaki iwi (tribes), including my main iwi—Te Ātiawa. Having established our mana whenua (Māori authority over land) in the Taranaki region, in the 1800s some of my tūpuna made the decision to move south towards Te Upoko o te Ika a Māui, the head of the fish of Māui, at the very southern end of the North Island. The name of this area, Te Upoko o te Ika a Māui references a pūrakau (narrative) about the formation of the Northern Island of Aotearoa, in which the atua (god) Māui pulled a giant fish from the ocean which became the island. The head of that fish is now also known as Wellington. My awa (river), Te Awakairangi flows through part of Te Upoko o te Ika a Māui, and is near the land that my tūpuna settled from the early 1800s. Since that time, we have lived on the head of the fish establishing ourselves as Taranaki Whānui ki te Ūpoko o te Ika a Māui (Taranaki Whānui)—the collective name for Taranaki iwi who now have mana whenua in parts of Wellington. Taranaki Whānui are the descendants of Te Ātiawa, Ngāti Ruanui, Ngāti Tama, Taranaki, and other Taranaki iwi and hapū[1].

In 1933 Taranaki Whānui, including my grandfather Mohi Te One, helped to build Te Tatau o Te Pō, one of our marae (iwi meeting complexes) in the Hutt Valley, a new English name for the township close to the river Te Awakairangi. Te Tatau o Te Pō sits between a railway track and a main road now representing how our position on the land, and how our connections to the land have been shifted and changed through the arrival of Pākehā (non-Māori) settlers. The two English names, Wellington and Hutt Valley, also indicate these

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[1] Although Taranaki Whānui have hapū, references are now centered around iwi. There is significant debate around the relationship between iwi and hapū with particular regard to the Treaty Settlements process which is beyond the scope of this thesis. However, the author notes that these debates exist however given the context of Taranaki Whānui, the main level of analysis in this thesis is at the iwi level.

changes to the area, and are the two main geographical sites of this research. The different Māori and Pākehā names, associated with the areas discussed above, allude to the broader issues considered in this thesis, and in particular how Māori and Pākehā understandings of authority are debated and applied within the context of Māori and local government relationships.

My pepeha links me to the past, to the environment, but also to the changes that have occurred through the pressures of colonisation. The practice of pepeha can evoke the narratives about the creation of the land through to the changes that we experience today. Relationships between people, the past, the present, and future all sit within pepeha which is in itself an expression of survival and of our continued presence in the midst of significant changes. It is through drawing on my pepeha, that this research finds its footing.

My thesis focuses on relationships between Māori and local government. Understanding how these relationships are characterised and enacted is central to the political landscape of Aotearoa, particularly given the ongoing impact of colonisation and the signing of Te Tiriti o Waitangi / the Treaty of Waitangi (Te Tiriti / the Treaty) by rangatira (Māori leaders) and representatives of the Crown in 1840 and the ongoing impact of colonisation. Upholding this agreement has led to ongoing issues as Māori have continued to seek equal decision-making rights and recognition as Te Tiriti / the Treaty partners in governance in the face of Crown resistance to do so. The numerous colonial acts in Aotearoa have limited the ability for these relationships to be exercised as Te Tiriti / the Treaty partnerships, and more often than not, Māori are treated as having a minor or stakeholder type role. Given the history of Crown and Māori relationship building, it is important to understand how governance relationships have changed, what depletes them, what develops them, and what maintains them. Knowing how relationships are characterised within different local government

environments helps to build a picture of how partnership as conceptualised in Te Tiriti / the Treaty, might be realised more effectively and equitably in the future.

Research Questions

This thesis examines relationships between Māori and British-informed local governments (herein referred to as local government) in Aotearoa. The central question was: How are relationships characterised between Māori and local governments in Wellington and the Hutt Valley?

This question locates the research within my own communities, in the areas most commonly known today as Wellington and the Hutt Valley. There is yet to be any substantive academic research on Māori and local government relationships in this area. This question focuses on a defined area because, throughout Aotearoa there are 78 local governments, and many more iwi and hapū. There are vastly different approaches to iwi and local government relationships between areas. Furthermore, focusing on Wellington and the Hutt Valley makes sense to me because this area is where the group of iwi that I belong to, Taranaki Whānui, are from. My family have been affected by the outcome of relationships with local government since it was first established by British colonists in Wellington in 1841. The intention of this research question was to investigate the rules and institutions underpinning relationships between Māori and local government. The spaces where relationships between Māori and local governments are enacted are highly contested. Shared political boundaries between Māori and British-informed local government have resulted in ongoing concerns regarding the right to make decisions at the local level. Although local governments in Aotearoa have a far shorter history of decision-making than Māori local authorities, the tools of colonialism which drove the development of local government led to significant disparities in how local decisions are made (Bargh, 2016a; Hayward, 2003b, 2011). Underpinned by the Crown's efforts to impose a new template for political organisation in Aotearoa, local governments

today are the products of colonial intent, resulting in widespread Māori exclusion from decision-making. Indeed, James Anaya, the special rapporteur on the rights of indigenous peoples, noted in his 2011 country report on Aotearoa that Māori participation in local government needed to be substantially readdressed by governments given the lack of Māori influence over local decision-making. Even though that report was released in 2011, those same concerns continue to echo throughout the country and are discussed throughout this thesis.

In this thesis I aim to understand the different perspectives on local authority operating in Wellington and the Hutt Valley. On the one hand Māori local authority is grounded in Māori rules and institutions applicable to iwi and hapū (sub-tribes) relationships to the land, and born out of relational frameworks pertaining to understandings of mana (authority) (Barlow, 1991; Mead, 2016). On the other hand, local government authority is born out of Western legal institutions, which in Aotearoa, come hand in hand with colonisation (Jackson, 1991). In this thesis I argue that understandings of Māori and local government relationships are too heavily defined and so circumscribe by the Crown, and that a recentring of focus on Māori rules and institutions as discussed in the second half of this thesis, provide lessons for overcoming the challenges which currently characterise Māori and local government relationships. The research question is designed to understand what characterises and defines Māori and local government relationships in the lands of my iwi given the different contexts from which authority is based.

Wider Context and Sub-Questions

Central government has been the main focus of research when it comes to Māori and Crown relationships and a discussion of how Te Tiriti / the Treaty is understood and enacted (see, for example, Durie (1998)). This is due in part to a focus of Crown breaches of the Te Tiriti / the Treaty (Durie, 2003), as well as central government representing the key site of

protest by Māori for the recognition of Māori rights (see, for example, Walker (1984)). Similarly, the existence of Māori seats as a feature of the New Zealand parliamentary system since 1867, coupled with the use of the Mixed Member Proportional electoral system to promote the election of minority representatives, has attracted significant attention to how Māori might be better represented and subsequently contribute to decision-making at the national level (Sullivan, 2010). Despite the numerous challenges associated with implementing Te Tiriti / the Treaty at this level, its relevance to central government as the successor of the Crown's responsibilities is (albeit contentious) accepted. Less attention has been given to the relevance of Te Tiriti / the Treaty in local government, despite the existence of Crown-instigated local government since 1841 in Wellington.[2] In 2003, Janine Hayward's research asked whether or not local government too was a Te Tiriti / the Treaty partner, demonstrating how relatively recently an interrogation of Te Tiriti / the Treaty to local government has occurred. Hayward concluded that local government was indeed a Te Tiriti / the Treaty partner, largely due to the inheritance of their role and responsibility from central government, coupled with the eventual inclusion of reference to the principles of the Treaty of Waitangi in legislation. The question of how this partnership is subsequently enacted by the 78 different local governments is still an area of concern.

Based on this, a number of sub-questions were used to frame the central research question. These are constructed to elucidate the different elements of relationships between Māori and local government. The questions are:

1) What is an appropriate methodological framework for examining the Māori and Crown relationships through a Māori worldview?

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[2] The New Zealand Company, who were independent of the Crown, established a short-lived local government in 1840, which I discuss in chapter two.

2) What does an analysis of a short history of Wellington and the Hutt Valley demonstrate about the relationships between Māori and local government today?

3) How can the concept of a "Te Tiriti / the Treaty partnership" be understood between Māori and local government?

4) Are Te Tiriti / the Treaty partnerships enabled by legislation pertaining to Māori wards in local government?

5) What does mana whenua mean in respect to Maori modes of governing at the local level, and how do Taranaki Whānui continue to assert mana whenua today?

6) What characterises relationships between Taranaki Whānui and local governments in Wellington and the Hutt Valley today? And what are the implications of those for Māori in the context of local government?

7) What characterises relationships between Mātaawaka (Māori who are not from Taranaki Whānui) and local government in Wellington and the Hutt Valley? And what are the implications of those for Maori in the context of local government?

The thesis uses threes approaches to investigate these questions. The first approach is to build a broad picture of the local government environment by interrogating some of the discussions regarding Te Tiriti / the Treaty partnerships and political representation in local government. This has required examining contexts beyond Wellington and the Hutt Valley to understand what types of debates occur in regard to Māori and local government relationships. Central government features in this section, as many of the debates are shaped around different pieces of legislation and how they are interpreted or enacted. The second approach narrows the discussion to focus on Taranaki Whānui. This requires examining the political tools and governance processes used by the iwi that demonstrated values associated with mana whenua, as well as relationships with three local governments, the Greater Wellington Regional Council, the Wellington City Council and the Hutt City Council. This

focus aims to assess both the history of the relationship, the different approaches to local government, and the developments that have occurred to support representation and partnerships. The third approach focuses on this same area—Wellington and the Hutt Valley—but examines how relationships are developed with Mātaawaka, or Māori who are not from Taranaki Whānui but live in Wellington and the Hutt Valley. This focus draws together a discussion of legislation, mana whenua and Te Tiriti / the Treaty.

Each of these questions addresses the nature of relationships between Māori modes of governance and local government. They are developed using the following guiding framework which provides a distinctive Māori lens and analytic approach for answering the research questions.

Guiding Framework

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

Clay will not stick to iron, when the sun shines upon it, it will break away.

The whakatauki (proverb) above is attributed to Tohu Kakahi, a tohunga (spiritual leader) from Parihaka pā (settlement) in Taranaki. Tohu Kakahi and Te Whiti o Rongomai were two prophets from Taranaki who led a passive resistance movement against the confiscation of Māori land by the Crown in the 1860s–1880s. During this period, the full force of British colonisation was being felt across the country. British law, supported by aggressive Crown acts, characterised British acquisition of Māori land (Buchanan, 2009). Alongside the significant loss of land experienced by Māori from throughout Aotearoa, challenges to Māori social, political, legal and cultural ways of being and doing were also threatened. This sustained violent attack on Maori led to the emergence of passive resistance as a collective movement.

The whakatauki emerged from this context and is a metaphor for the imposition of British rules and institutions that sought to eradicate Māori rules and institutions. One

interpretation of the whakatauki is that Māori laws and institutions are permanent, like iron, and that the clay (or colonisation) is a cosmetic covering. When the sun dries the clay, causing it to fall away, the Māori rules and institutions will remain. In other words, the whakatauki, alludes to the endurance of Māori culture and authority that at times can appear hidden by imposed colonial frameworks. This message relayed through the whakatauki forms the goal of this research: To focus on the aspects of Māori political society that continue to operate at the local governance level and shape relationships with local government. This guiding framework for Māori and Crown relationships, allows an interrogation of local politics extending beyond the dominant paradigms that tend to be defined by externally imposed local governments. The framework is particularly useful to argue against colonisation which was committed to supressing Māori manifestations of authority. As Moana Jackson (1991) contends "the culture of colonisation has never had any place for contesting views on power" (p. 171). Importantly, this "culture," as Jackson labels it, implies that colonisation was more than simply a one-off event, or temporary occurrence, but has its own institutions and lasting impacts.

Relationships between Māori and local government were initially shaped by colonial tools of power, and for this reason, they also risk being *continually* defined by colonisation. In simple terms, by definition, relationships between Māori and British-informed local government were never equipped for an equal, power-sharing relationship. Neither, arguably, was this the intention. Edward Said's (1993, p. 8) discussion of imperialism and colonisation describe in part this refusal to recognise parallel sites of power:

> "imperialism" means the practice, the theory, and the attitudes of a dominating metropolitan centre ruling a distant territory; "colonialism", which is almost always a consequence of imperialism, is the implanting of settlements on distant territory. Both

are supported and perhaps even impelled by impressive ideological formations that

include notions that certain territories and people require and beseech domination.

Importantly, this definition suggests that colonisation is a necessary process or culture

to implant on "certain territories," and that the goal is explicitly about domination.

Domination presupposes subordination of indigenous peoples and their governing institutions

and so is inextricably linked to how indigenous peoples navigate their position on land now

shared with imposed colonial institutions. Given this context, and the perceived and real

consequent threats to Māori rules and institutions, Tohu Kakahi's whakatauki continues to

pose resistance to a presumed monopoly of local governing authority that the western mode

of local government maintains—Māori continue to chip away at the clay. This challenging set

of relationships and negotiations lie at the heart of the thesis.

Chapter Outlines

When deciding on an appropriate standpoint through which to position this research,

the whakatauki helped guide my thinking towards Kaupapa Māori research methodology

(Royal, 2012; Smith, 1997; Tuhiwai-Smith, 2012) which is centred on a Māori worldview.

Kaupapa Māori methodology is discussed in depth in Chapter One. The basic premise of a

Kaupapa Māori methodology is that research needs to serve two complementary purposes.

The first is that research in Aotearoa should be aimed at decolonising spaces. In order for

research to be beneficial, the process of analysing data should happen in a way which

deconstructs the tools which continue to entrench colonial ways of thinking. Secondly, while

identifying and critiquing colonial structures, research should promote transformational

praxis through Māori knowledges. That is, research should aim to reify Māori values and

concepts as the basis from which transformation can occur. The whakatauki expresses a

Kaupapa Māori methodology and offers a distinct approach to analysing Māori and local

government relationships.

In Chapter Two I focus on the initial relationships between Māori and local

government in Wellington and the Hutt Valley as the foundation for understanding how

colonial rules and institutions sought to displace Māori political rules and institutions. Here I

elaborate on mana whenua (Māori authority over land) as a set of Māori values for

understanding political relationships and authority to make decisions over land. I discuss how

these rules and institutions were challenged by British settlement, and how some of the tools

used by British-informed local governments created a power imbalance between mana

whenua rules and institutions and British-informed rules and institutions; with the latter

aiming to assert power over the former. In this chapter, I argue that any discussion of Māori

and local government relationships needs to be positioned within the colonial contexts from

which they emerged.

In Chapter Three I review and analyse debates regarding the place of Te Tiriti / the

Treaty in local government. Signed on 6 February 1840, Te Tiriti / the Treaty, is the defining

document for the basis of Māori and Crown partnership (Mutu, 2010; Orange, 2011). Debates

over whether local government is a Te Tiriti / the Treaty partner have been at the centre of

challenges and uncertainty surrounding Māori and local governments throughout the country

(Hayward, 2003a). Legislative changes to the Resource Management Act 1991, and the Local

Government Act 2002, required local governments to take Te Tiriti / the Treaty into account

and to consider "the principles to the Treaty of Waitangi." However, although legislation

requires local governments to consider Te Tiriti / the Treaty, the fact that there are 78 local

governments throughout Aotearoa means that the application of the legislation is inconsistent

and variable. The wording of the legislation is too broad (Bargh, 2016b) which means many

local governments are not always clear about what their Te Tiriti / the Treaty responsibilities

are. Despite these legislative changes to take Te Tiriti / the Treaty into account, one of the

key barriers has been a lack of support by central governments to provide the appropriate

guidance for local governments (Hayward, 2011). My argument supports current scholarship

(Bargh and Hayward): That the legislation pertaining to local government Te Tiriti / the

Treaty responsibilities results in significant challenges. I argue that the challenges stem

partially from the fact that partnership within local government is overwhelmingly influenced

by Crown definitions. I suggest that partnership will continue to fail Māori expectations if

enacting that partnership is solely defined by Crown tools like the current legislation.

In Chapter Four I discuss debates regarding Māori representation in local government.

In amongst the varying discussions surrounding Te Tiriti / the Treaty partnerships in local

government, one major concern has continued to gain widespread attention— namely the

issue of Māori representation on local governments. Māori are under-represented as

councillors. Statistics show that the percentage of councillors of Māori descent fails to exceed

six per cent (Hayward, 2011) despite the fact that 14.9% of the total population are Māori

(Statistics New Zealand, 2013a[3]). The New Zealand Human Rights Commission (2010)

identified low representation of Māori on local governments throughout Aotearoa as one of

the most prominent issues of race relations. I discuss Māori representation with reference to

the Local Electoral Act 2001 which allows for the establishment of Māori wards. This

chapter uses a case study approach to present the debates which occurred in 2014–2015 when

the New Plymouth District Council's decision to establish a Māori ward was overturned by a

public referendum in accordance with the provisions set out in the Local Electoral Act 2001. I

argue that the legislation in its current form does not support Te Tiriti / the Treaty

partnerships and continues to entrench the historical exclusion of Māori from local decision

making.

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[3] Although there have been changes to population estimates since 2013 there have not been new census results released. As such, where statistics are used in this thesis from Statistics New Zealand, they draw on 2013 census results. Updated statistics are due to be released in 2019.

In Chapter Five, I shift the conversation away from relationships with local governments and discuss Taranaki Whānui iwi trusts in Wellington and the Hutt Valley. The three trusts discussed are the Port Nicholson Block Settlement Trust, the Palmerston North Māori Reserve Trust and the Wellington Tenths Trust. The focus on these three trusts is to highlight continuing aspects of Māori political rules and institutions that work to support mana whenua. I use two Māori concepts, ahi kaa (continued occupation) and whakapapa (genealogy), both of which I argue, provide clear and distinct examples of the values system used to inform local Māori politics. The focus on ahi kaa enables a discussion of physical representations of place, such as maara kai (food gardens) which embody Māori knowledge that link a place to the past, present and future. These links support the importance of whakapapa as a central value which enables political participation, like voting in iwi elections. Highlighting two concepts associated with iwi political institutions simultaneously demonstrates what Bargh (2013, p. 453) describes as "micro-oriented" practice which challenge the colonial narrative of domination. This demonstrates how iwi autonomy and authority can operate through a distinctly Māori worldview. This discussion of aspects of political rules and institutions today, reveals the link with mana whenua discussed in Chapter Two to provide a context within iwi relationships with local government operate today.

Chapter Six returns to iwi-local government relationships and examines these in Wellington and the Hutt Valley. Three local governments are discussed in this section: the Greater Wellington Regional Council, the Wellington City Council, and the Hutt City Council. Although this chapter is underpinned by the discussions pertaining to Te Tiriti / the Treaty partnerships, I purposefully frame this conversation around rangatira ki te rangatira (leader to leader) relationships. This phrase has roots in Māori political organisation, and the term "rangatira" evokes rules and institutions within a Māori political framework and in particular the idea of mana or Māori based authority (Mikaere, 2010). This framework,

"rangatira ki te rangatira," creates expectations of how the relationship should be managed. It is used, explicitly and implicitly, to describe the local government relationships with iwi in Wellington and the Hutt Valley. An analysis of this framework reveals contested understandings of relationships, and how colonial framing can masquerade within Māori political rules and institutions. However, while I argue that "rangatira ki te rangatira" is not appropriately interpreted at present by local governments, I contend that the existence of this framework in local government contexts provides a strong foundation for Māori influence over understandings of partnership, and into the future.

Chapter Seven continues to focus on the same three local governments, but examines the relationship with mātaawaka. Mātaawaka are Māori who are not resident on their iwi lands but live in other iwi areas. Relationships between Māori and local government have tended to situate at the iwi level with the result that mātaawaka relationships with local government are much less well understood. However, claims that all Māori, irrespective of their connections to iwi and hapū, should be recognised as Te Tiriti / the Treaty partners continues to challenge government agencies, including local government (Waitangi Tribunal, 1998). Local governments are uncertain about how to engage with mātaawaka, and how Te Tiriti / the Treaty should be understood in this context. I shape the chapter in relation to a mātaawaka group in Wellington, the Mōkai Kāinga Māori Centre (Mōkai Kāinga). Through this case study, evidence of mātaawaka challenges to local government's presumed monopoly on authority was evident. Mōkai Kāinga have positioned themselves as a Te Tiriti / the Treaty partner and use different strategies to ensure local government upholds their legislative requirements. Furthermore, Mōkai Kāinga provided insight into how mana whenua is still recognised and paramount to their position in Wellington, revealing an arena in which parallel sites of authority work in conjunction with one another.

Matters of scope and contribution

This research is not intended to be a full analysis of the governing rules and institutions associated with Taranaki Whānui, but rather provide insights into discrete aspects of mana whenua. Neither is it intended that the thesis provide a full analysis of the rules and institutions associated with local governments in Wellington and the Hutt Valley, but instead I focus on some of the key ways that relationships between Māori and local government are understood in practice, and what that reveals. While this research does provide some lessons in the final chapters, my intention has not been to provide specific recommendations for Māori and local government in Wellington and the Hutt Valley. Rather, my conclusion is that local governments need to better understand Māori rules and institutions in order to build partnerships.

Research into relationships between Māori and local government is inevitably framed by colonisation. Not only is the relationship frequently characterised by power imbalances, but often the tools devised to rectify Māori inequalities are themselves also Crown controlled being founded within, and enacted, by colonial institutions. Put simply, definitions of colonisation as the basis for British-informed government systems today, will not on their own, support Te Tiriti / the Treaty partnerships. Whether through the continued existence of collective Māori communities, through to direct legal challenges to the Crown, relationships need to be analysed in order to understand how each polity influences the rules and institutions of the other, and the outcomes of the relationship. Understanding local political relationships with Māori in Aotearoa therefore needs to be situated within a context of Māori rules and institutions— using tools that are already available within Māori-centred contexts. This research is the first piece of intensive academic research into Māori and local government relationships in Wellington and the Hutt Valley, and is supported by my whakapapa (genealogical) connections to the areas. The guiding framework, coupled with

kaupapa Māori methodologies, offers a unique approach to examining the nature of relationships. Indigenous scholars such as Corntassel (2007), Alfred (2005), Coulthard (2013), Tuhiwai-Smith (2012), and Bargh (2013) have continually argued that a relationship defined and dominated by a colonial culture simply does not possess the tools to recognise Māori authority and connections to land and people. Creating a partnership between indigenous peoples and local government needs to draw on Māori rules and institutions in order to meet Te Tiriti / the Treaty expectations. In essence the focus on relationship characteristics in this thesis is prioritised in order to understand how Māori continue to fragment the "uku" (clay), by strategically revealing the "rino" (iron).

Chapter One: Kaupapa Māori Theory and Methodology

Introduction

In order to explore relationships between Māori and local government in further depth, Kaupapa Māori theory and methodologies assist to answer my questions. Kaupapa Māori research is a methodological framework which is drawn from Māori knowledge and experiences to inform a theory grounded in Māori realities (Tuhiwai-Smith, 2011, 2012; Royal, 2012; Pihama, Cram, & Walker 2002; Smith, 1997). Methodology is a way of "thinking about and studying social realities" (Straus & Corbin, 1998, p. 3), and for Māori today there are important considerations entailed in those "realities" which form the basis of Kaupapa Māori theory. Kaupapa Māori theory is a lens used to analyse the lasting impact of colonisation, but rather than simply identifying and critiquing sites of continuous colonising structures, a Kaupapa Māori approach seeks to reify Māori systems and values which challenge those colonial structures (Tuhiwai-Smith, 2012). A Kaupapa Māori theory offers a suitable lens for this research which examines the relationships between Māori and a colonially derived institution—local government—which is the central site of analysis for this thesis. Kaupapa Māori theory does not suggest an overall framework of what the social and cultural reality will be for Māori, but rather forms as a theory to critique colonial power-structures and seek out ways in which Māori actively challenge these structures. Later chapters illustrate both how local government needs to be understood through its ties to colonisation, and how Māori political concepts continue to pressure and shape areas of the relationship. This theory, while broadly applicable to other indigenous peoples, draws its strength from being grounded in Aotearoa and the knowledges and experiences specific to Māori.

Kaupapa Māori methodology has two components: one is a theoretical lens for analysis and the other is guidance on the practice and ethical considerations of research.

These two components of Kaupapa Māori methodology have grown out of the purpose and development of the methodology—to decolonise research (Tuhiwai-Smith, 2012). Part one of this chapter will begin with an outline of the development of Kaupapa Māori research, followed by a discussion of the theory in part two. Details about the practice of Kaupapa Māori research, including some of the ethical guidelines that inform practice under a Kaupapa Māori theory, will follow in part three, before an outline of the methods used in this research project in part four.

Part one- Development of Kaupapa Māori Research

Kaupapa Māori research grew as a response to the continual misrepresentation and objectification of Māori within academia (Tuhiwai-Smith, 2012; Smith, 1997; Irwin, 1994). Research about Māori and other indigenous peoples throughout the world, bought with it predetermined understandings about civilisation which in many cases positioned indigenous peoples and their knowledges as infantile or less civilised in their ways of knowing and being. First Nations Sioux lawyer and academic Vine Deloria wrote that this perception of indigenous peoples enabled indigenous knowledge to be considered as "a strange story … dismissed as a quirk" (Deloria, 2006, pp. xviii–xix). As a result of these types of perceptions, Māori and indigenous research and narratives were considered as "unreliable" sources of information in academic institutions founded on the principle of robust research. However, within this trend to fulfil the objective of robust and reliable research, there was a failure by researchers who focused on indigenous communities to consider the possibility that their measure of "robust" and "reliable" was inherently biased, and therefore also "unreliable" in the way indigenous peoples were portrayed.

The central problem for indigenous people has been the presentation of "truths" about indigenous people that are situated within a broader, historically racist argument. Deloria (1997), for example, states:

In methodological terms there is a major problem in bringing non-Western traditions within the scope of serious scientific perspective, and that is the inherent racism in academia and in scientific circles. Some of the racism is doctrinaire and unforgiving—for instance, the belief that, for a person and/or community possessing any knowledge that is not white/Western in origin, the data is unreliable. (p. 34)

Linda Tuhiwai-Smith (2012) furthers this association by arguing that, as a result of these global misrepresentations, research became one of the "dirtiest" words for Māori (p. 1), given the focus of early academic research being "about" or "on" Māori, essentially objectifying Māori ways of being. Early anthropological research which involved methods of brief observations of indigenous peoples' lives or, in some cases, the reliance on other peoples' notes on indigenous peoples, became the legitimate basis of expertise on Māori. As a result, Western academia was able to claim a level of ownership over representations about the way indigenous peoples think, act, and feel, and subsequently develop ideas about our pasts, present and future. In effect this enabled an ongoing superiority of Western culture as the legitimate knowers and doers of research.

Challenging these associations has led to a diverse and growing field of resistance that has inhabited the space of "decolonising methodologies."[4] The basic definition of methodology provided at the start of this chapter, by Straus and Corbin (1998), defines methodology as "thinking about and studying social realities" (p. 3). Decolonising methodologies is still to think about and study social realities but to ensure that the veil of misrepresentation is exposed so as not to perpetuate colonial myths and representations. In order to combat the assumption that indigenous knowledge and research is "unreliable" there has been a growing impetus for researchers working on indigenous-focused research to

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[4] Linda Tuhiwai-Smith has written the most substantial work discussing the nature of "decolonising methodologies."

involve the communities who will be affected and undertake projects that are beneficial for those people. Decolonising methodologies is not only about illuminating any obvious discrimination in research but also the less obvious and intangible forms of colonisation that, Sikes (2006) claims, "(masquerade) as emancipatory and empowering action, when in actuality the premises, assumptions and values upon which such work is founded are essentially Western and not applicable or relevant in other indigenous contexts" (p. 354).

In the 1970s, there were a series of Māori political movements, a Māori renaissance which was encouraged by an increase in Māori attendance at universities and a growing dissatisfaction with academic research which had developed Māori research as being "research about Māori." Te kohanga reo and kura kaupapa (Māori immersion schooling) movements were integral in the development of Kaupapa Māori research. Pihama, Cram, and Walker (2002) state that these Māori education initiatives have "become an influential, coherent philosophy and practice for Māori conscientization, resistance and transformative praxis, advancing Māori cultural and educational outcomes" (p. 33). This demonstrates how active challenges to colonialism, by in this case taking ownership over education by promoting a Māori agenda, could create a space for decolonisation. The basis of these movements was the proposition that transformation of past Māori representations in research could be done through research done by, with, and for Māori. This stance was to promote how one possible avenue to positive change could come about, firstly through research that was done by Māori researchers, as opposed to by non-Māori, as well as distinguishing it from what Irwin (1994) defines as culturally safe research, that is not simply defined by researchers who happen to be Māori. This emphasis placed on the researcher indicates that Kaupapa Māori research is not only about having Māori involvement but is also about making sure that the knowledge that informs the research and that is produced from the research aligns with Māori values. Secondly, that if non-Māori researchers are involved there

should be significant collaboration with Māori in a reflexive manner, and that thirdly the

research outcomes should benefit Māori communities. This position represents a shift for

Māori from the researched to the researchers, the object to the subject, and a drive to "re-

write" Māori ways of being into academic literature (Tuhiwai-Smith, 2012, p. xi). Kaupapa

Māori methodology grew out of this context of revealing and challenging colonialism in

research, and as a result is developing Māori education mediums that reify Māori cultural

values.

Part two- Kaupapa Māori Theory

Pihama, Cram, and Walker (2002) argue that the title "Kaupapa Māori theory" is in

itself a deliberate act of resistance, that by commandeering the term "theory" it challenges the

Western hold on determining what counts as theory and what lenses are legitimate to analyse

data. There has been some resistance to defining the theory too specifically given the

significant diversity within Māori society. The basic Māori social structure, for example,

exists in four interlinked layers, between the iwi (tribe), the hapū (sub-tribe), the whānau

(family) and of course individuals. These social structures are discussed in more depth in

Chapter Two, but indicate the diversity within Māori society that can be seen as a challenge

to establishing a "Māori" theory (Mahuika, 2008). However, there are some clear positions

that are consistent to using a Kaupapa Māori theory, that are directly related to its

development.

Literally, Kaupapa Māori translates as a Māori "agenda" or "philosophy" (Bishop,

1999, p. 2). While both words "kaupapa" and "Māori" can provide the basis for significant

linguistic debate (Eketone, 2008), I draw on two definitions here which point to the basis of

Kaupapa Māori theory. The Rev. Māori Marsden (2003) provides the following translation of

the term "kaupapa":

Kaupapa is derived from two words kau and papa. In this context "kau" means to

appear for the first time, to come into view, to disclose. "Papa" means ground for

foundation. Hence kaupapa means ground rules, first rules, general principles. (p. 66)

This definition which refers to "rules" or "principles" suggests that, as a methodology for

academic research, kaupapa Māori aspires to ground research within principles that are

essentially "Māori." "Māori," in this context, refers to the cultural and ethnic characteristics

that are shared by Māori people and is used as a unifying term to refer to the diversity which

makes up the many kin groups (iwi, hapū and whānau) within Māori society. Royal (2012)

notes that while this cultural association is the most common use of the term, it literally

translates as "natural" and can be used with a prefix "whaka" as in "whakamāori" which

means "to make clear" (p. 31). Taken together, therefore, the aspirations behind kaupapa

Māori are essentially focused on normalising or naturalising Māori knowledge and

philosophical principles within research.

Royal (2012) adds to this idea of potential transformational effects by stating that

Kaupapa Māori research is "sequences of knowledge-creating actions, and practices of

knowledge inquiry which give expression to transformative ideals. The goal of kaupapa

Māori methodologies is the creation of knowledge, which enables the envisaged

transformation and liberation to take place" (p. 31).

In university research, Kaupapa Māori theory creates a space in which Māori

knowledge and experience is privileged in a way that can result in transformative outcomes.

The challenge posed by the positioning of this theory as "transformative" and "liberating" is

not for the eradication or disempowerment of Western knowledge but rather demonstrates

that Kaupapa Māori is of equal relevance in Aotearoa and acknowledges that privileging

Māori knowledge is necessary in light of the historical objectification of Māori culture in

research. It is important to note that although kaupapa Māori theory espouses a privileging of

Māori knowledges and principles, it does not propose to do so at the expense of Western theories. Pihama et al. (2002) state that "kaupapa Māori thus challenges, questions and critiques Pākehā hegemony" but that "it does not reject or exclude Pākehā culture. It is not a one-or-the-other choice" (p. 33). Durie (2004) argues in a similar strand that "arising from the creative potential of indigenous knowledge is the prospect that it can be applied to modern times in parallel with other knowledge systems" (p. 1139).

Intrinsic in this positioning of Kaupapa Māori theory is the ability to draw on and develop Māori knowledge as a transformative and critical framework. For Cunningham (2000), Māori knowledge is recognised through links between the past and the future; this can involve, for example, highlighting traditional notions of kinship, as well as the transfer of knowledge through oral traditions, and reifying Māori concepts to interpret social realities. Within a Kaupapa Māori theory, Māori knowledge is knowledge that is drawn from centuries of oral histories, and, while a theory to critique colonialism, it does not assume that Māori knowledge is only a reaction to colonisation but rather holds that Māori knowledge is at times hidden by colonising dominance. As Linda Tuhiwai-Smith (2011) puts it:

> …there is more to kaupapa Māori than our history under colonialism or our desires to restore rangatiratanga. We have a different epistemological tradition that frames the way we see the world, the way we organize ourselves in it, the questions we ask, and the solutions we seek. (p. 230)

Graham Smith has developed three components of Kaupapa Māori research (as cited in Eketone, 2008). The first is "conscientization" which is aimed at deconstructing colonial institutions that have displaced Māori knowledges and power. "Conscientization" focuses on "a reawakening of the Maori imagination that had been stifled and diminished by colonization processes" (Smith, 2003, p. 2). In order to achieve this, colonial institutions and the tools which promote colonial ideas need to critiqued and challenged.

The second concept is "oppositional actions" (as cited in Eketone, 2008, p. 2), which, as Eketone (2008) puts it, is the movement from critique to resistance. Having recognised the social and cultural realities that Māori experience, understanding how Māori act to challenge colonisation and power-imbalances is a central part of Kaupapa Māori theory.

The third component is praxis, which is using the knowledge gathered through conscientisation and oppositional actions, to create further action and change. Ultimately, analysing research through a kaupapa Māori theory should enable a basis for further action to both build on Māori knowledge systems as well as continue to challenge colonial structures. This thesis focuses on challenging and deconstructing colonial structures through an analysis of Māori and local government relationships. In discussing these relationships, I have sought to reify Māori concepts as the sites of analysis, thereby using research as a tool to develop conscientisation by centring the "opposite"—being, in this case, Māori political concepts.

Kaupapa Māori Theory and the Treaty of Waitangi

Cunningham (2000) notes that, in a contemporary setting, Māori knowledge is centred through recognising the social and cultural diversity amongst Māori and suggests that the ways in which Te Tiriti / the Treaty in particular is interpreted and utilised is a central point from which to consider how Māori knowledge is viewed. Tino rangatiratanga is a concept reified in Te Tiriti o Waitangi (the Māori version of the Treaty of Waitangi), and relates to Kaupapa Māori research as it is often used to frame Māori aspirations for autonomy. Tino rangatiratanga is a statement of Māori autonomy, independence, and the ability to maintain and develop Māori cultural practices. At times, the meaning of tino rangatiratanga is translated in line with secession or the rejection of non-Māori allies; however, Bishop, Berryman, Cavanagh, and Teddy (2007) point out that for Māori, tino rangatiratanga is relational, not absolute, which aligns it with the idea of a Te Tiriti / the Treaty partnership.[5]

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[5] See Chapter Three for an in-depth discussion of partnership.

Bishop et al. (2007) state in relation to tino rangatiratanga and Kaupapa Māori theory, that

"kaupapa Māori seeks to operationalize Māori people's aspirations to restructure power

relationships to the point where partners can be autonomous and interact from this position

rather than from one of subordination or dominance" (p. 8).

Within political institutions—like local government, which in this thesis I argue enjoy

a monopoly on local political decision-making—as a site to operationalise relational tino

rangatiratanga, a Kaupapa Māori framework asserts important questions such as "[c]an real

Tino Rangatiratanga be achieved in existing Pākehā dominated institutional structures?"

(Pihama et al., 2002, p. 34). Although not the direct focus of this thesis, this question posed

by Pihama et al. in their discussion of Kaupapa Māori theory evokes the importance of

understanding how Te Tiriti / the Treaty and the concepts stemming from Māori world views

that are associated with authority and self-determination are interpreted at the interface of

Māori and colonial institutions. According to Cunningham (2000), Kaupapa Māori research

can include two aspects of what he terms a "Treaty analysis." Essentially, as a tool for

interpreting data, a Treaty analysis evokes a relational understanding of research that is

specific to Aotearoa. Firstly, Cunningham argues, this requires the acknowledgement of the

relationship between Māori and the Crown, and the rights that Te Tiriti / the Treaty confirms

for Māori as the tāngata whenua. Secondly, he argues that given the history of undermining

Māori knowledge, Te Tiriti / the Treaty is positioned well within a Kaupapa Māori theory as

it provides justifications for redress (Cunningham, 2000, p. 67). Kaupapa Māori theory sits

naturally alongside an analysis of Te Tiriti / the Treaty and relationships between Māori and

governments. This type of analysis aligns with the goal of this research to examine one

space—local government—where Te Tiriti / the Treaty is expected to facilitate the

relationship with Māori. This tool requires the development of questions which interrogate

the status of Te Tiriti / the Treaty in political settings. As a basis for examining the interface

between Māori and local government, Kaupapa Māori theory can serve as an important lens for analysing data and seeking out otherwise normalised practices within local government which may disadvantage Māori.

Kaupapa Māori theory is an analysis of the colonial structures which were intended from the outset to displace and ultimately replace Māori values, knowledges, power and culture. Kaupapa Māori theory contends that colonisation is still very much in play and that research should aim to highlight the nuances of colonisation, that are often hidden to the wider society. Importantly, however, a Kaupapa Māori theory assumes that the tools to overcome colonial institutions exist within Māori society and Māori knowledges and that research should aim to create consciousness of issues directly attributed to colonisation and of the Māori values which continue to have pertinence in those same spaces. For research such as this, which is focused on the relationships between Māori and local government, Kaupapa Māori theory offers a lens from which the rights confirmed within the Māori version of Te Tiriti / the Treaty are taken as guaranteed.

Part three - Kaupapa Māori Practice and ethical guidelines

The other element of Kaupapa Māori research is the approaches that inform practice and ethical guidelines. Given the marginalisation of Māori in historical approaches to research, a significant focus of this methodology has gone into developing guidelines to avoid any further misrepresentation of Māori in research.

Insider/Outsider Researchers

Any research that is done with people requires an interrogation of the position of the researcher. This might include considering such questions as follows: What type of relationship does the researcher have to the participants? Is she a known person, or is the interview the first encounter? Are there other factors which might impact on the relationship between the researcher and the participant? For Māori and indigenous research, these

questions are central because they allude to the power imbalances that have traditionally

dominated research at the interface of Māori society and Western institutionalised research

centres like universities. Barrett (2013) argues that, as a Māori researcher, her pepeha

(genealogy) locates her within the connections to her iwi and hapū, as well as geographic and

physical places. On all of the information sheets sent to participants, I provided a brief

pepeha by way of introduction, and so that participants were aware of my iwi connections.

The questions posed above also allude to the natures of "insider" and "outsider"

research. An "insider" is someone who shares characteristics with participants who have

agreed to share their knowledge for research and is known in a substantive way to the

participants. An "outsider" is someone who may not have any prior relationships with the

participants in the research. Traditionally within academia, outsider research was expected to

produce the most accurate results as it enabled the researcher to remain removed from the

data and therefore offer a more objective analysis. Outsider researchers were expected to be

able to remain neutral in their observations and analysis as they were not affected by the

internal processes that occur within communities. This has often been problematic for

indigenous peoples, as it has resulted in positivistic claims, and observations which have

misrepresented indigenous peoples. Foley (2003), in his writing on indigenous research in

Australia, for example, overtly refutes the credibility of outsider research, noting that

"outsider theory supports the view that non-indigenous Australia cannot and possibly will not

understand the complexities of Indigenous Australia at the same level of empathy as an

Indigenous Australian researcher can achieve" (p. 46). However, despite the rejection of

outsider researchers as expressed by Foley, it is important for indigenous researchers to also

interrogate their position as an insider. Crazy Bull (1997), for example, states that indigenous

peoples and their communities "want to know if the researchers understand the history,

needs, and sensibilities of the community. Generally, the most welcome researcher is already

part of the community, focuses on solutions, and understands that research is a lifelong process" (p. 19). In essence, this description suggests that insiders may have an advantage based on the fact that they already have an understanding of how the community works. Within a Kaupapa Māori framework, this aligns closely with a number of the ethical considerations, including the principles listed above. For example, some characteristics that I possess that were relevant to this research are: I am from Aotearoa, New Zealand; I am Māori; I am from Taranaki Whānui; and I am a university student at an Australian university. On the one hand, these characteristics located me within the insider group, when it came to research with Māori or iwi participants. All of my participants were from Aotearoa, most were Māori, and many were selected based on their genealogical connections to Taranaki Whānui. However, on the other hand, Linda Tuhiwai-Smith (2012) notes that even when the researcher shares a number of important characteristics with participants, the addition of "researcher" or "university student" can change the nature of an insider. For example, when interviewing members of my extended family I was there in my capacity as a researcher, I had a digital recorder and a list of possible questions to ask them, as well as university consent forms for them to sign and information sheets for them to read. While I do not believe it limited the information I was able to collect, the formalised and organised conversation was not regular to our normal interactions.

The categories of an "insider" and "outsider" in research are not as definite as they may first appear. Even though I share ancestral and cultural characteristics with many of the participants, an understanding of how research can change a relationship is an important part of doing research. Understanding how to avoid the challenges surrounding outsider and insider research is addressed in the two ethical guidelines discussed below.

A Taxonomy for Māori Research

This section builds on the theoretical framework by discussing taxonomies for Māori research. In particular I discuss the ideas put forward by Cunningham (2000) and Forster (2003), who both provide specific tools and understandings for Kaupapa Māori research and provide guidelines that can be used to manage some of the potential concerns with outsider research. Cunningham (2000) outlines four different approaches to research and the level of engagement with Māori. The "taxonomy for Māori research," as he labels it, categorises the level of Māori involvement in research projects as an indication of the ability for those research strategies to produce benefits aligning with kaupapa Māori theory. The classifications are discussed here as an indication of some of the distinctions in applying the practice of kaupapa Māori research.

1. Research not involving Māori. This level of research refers to research done without any Māori engagement. Importantly for this discussion, Cunningham claims that all research funded (and carried out) in Aotearoa is applicable to Māori. Cunningham argues that research in Aotearoa cannot be carried out without consideration about how it might involve or impact Māori.

2. Research involving Māori. This level of research indicates that there is limited involvement by Māori in a research project. Data about Māori may be sought, and Māori researchers may even be involved in junior roles of the research project. However, despite Māori involvement, this research will use mainstream methods of analysis to produce findings that are in line with a Western approach to academia. Māori are also not expected to be the key stakeholders or lead researchers in this type of research but rather hold minor roles or consultation roles.

3. Māori-centred research. Māori-centred research will involve Māori throughout the research project. Māori may lead the research and employ Māori knowledges and

methods to undertake and analyse data. The result of this type of research is Māori research produces Māori knowledge. However, this type of research also recognises that despite projects being essentially by Māori design and analysis, they are likely to sit within non-Māori institutions, like Western-based universities, or have non-Māori collaborators or supervisors. For example, permission can be gained by university ethics committees—research is designed to be disseminated amongst Western universities and therefore must meet some Western university thresholds.

4. **Kaupapa Māori research.** Similar to that of Māori-centred research, Kaupapa Māori research is research which is led by Māori and involves Māori at all levels. This type of research posits that all people engaged in the research are Māori, and that Māori have control over the data at all levels. Kaupapa Māori research would therefore expect to be overseen by a Māori institution such as a wānanga (Māori university) as opposed to by a Western-based university.

Taken together, this taxonomy makes two arguments: firstly, Cunningham believes that all research done in Aotearoa must consider the impact it has on Māori, and secondly, that the level of substantive Māori involvement in research projects will impact the results and the ability these projects have to produce benefits for Māori. Although I align this research with the theoretical basis of kaupapa Māori theory, with these levels of Māori engagement in mind this research aligns most with a Māori-centred approach in terms of the practice. A Māori-centred approach shares many of the same sentiments as kaupapa Māori research, as it looks to centre the experiences of Māori and produce Māori knowledge. However, this research project was done in a Western-based university with non-Māori supervisors. Importantly though, neither of these factors have changed the theoretical basis of my research, and the aspiration of critiquing colonial structures in Aotearoa.

Cunningham's taxonomy lends itself to further practical guidelines that link theory to praxis. Forster (2003) provides three important concepts which illustrate the principles of doing Kaupapa Māori or Māori-centred research, and the further practical considerations which relate to kaupapa Māori theory. Forster labels these as whakapiki tangata, whakatuia, and mana Māori—all concepts grounded in Māori knowledge and purposefully expressed in te reo Māori (the Māori language) as natural to academia. These principles illuminate how a methodology based on kaupapa Māori can be implemented.

Whakapiki tangata. This principle is "enablement, enhancement or empowerment" (Forster, 2003, p. 50). This principle aims to ensure that research is beneficial to Māori communities, and that the aspiration behind the research intent is to ensure that Māori are able "to take control of their own futures" (Forster, 2003, p. 50). In terms of the practicalities of carrying out research with Māori, this principle requires that there are appropriate ethical considerations and that Māori are protected in the dissemination of research. This can be achieved by, for example, sufficient consent processes and adhering to any confidentiality preferences of participants.

Whakatuia. Whakatuia is the principle of integration. Essentially this principle refers to the importance of interconnectedness and relationships. These are relationships between people, as well as the links that exist with the physical, spiritual and environmental domains, meaning that research should take on a holistic approach that recognises the different linkages that Māori have to these domains.

Mana Māori. Mana Māori is Māori control and is closely linked to the concept of tino rangatiratanga as self-determination. This principle speaks to the aspects of research being done "by, for, and with Māori," which in practice means that in order for the whakapiki tangata and whakatuia principles to take effect, Māori must be in control of the research objectives and design.

These three guidelines to Kaupapa Māori research demonstrate how, as a theory aimed at critiquing colonial structures and highlighting Māori knowledges, the practice of doing the research also needs to align with this foundation. The propositions put forward by Graham Smith (1997) above, argue that conscientisation is one of the central goals of Kaupapa Māori research; however, to create conscientisation there needs to be broader recognition that Māori research takes on particular characteristics that makes it Kaupapa Māori." The principles expressed by Forster elaborate further on how Kaupapa Māori can be centred. Essentially these three principles assert that working within a Kaupapa Māori framework requires the protection of relationships that can enhance the position of Māori within research and navigate some of the concerns when relationships are transposed into research.

Part four - Methods

A qualitative, inductive method was used to answer the research questions and was aligned with a further layer of Kaupapa Māori guidelines which assisted with the practical elements of this research.

Qualitative research. This research has employed qualitative research methods to complement a Kaupapa Māori methodology. Qualitative research aligns with Kaupapa Māori research as it offers a basis with which to develop relationships and gain insights into participants' perspectives. For example, some ethical guidelines suggested by Linda Tuhiwai-Smith (2012) demonstrate the importance of qualitative research when working within a Kaupapa Māori framework. Linda Tuhiwai-Smith (2012, p. 124) has developed seven ethical guidelines from common Māori sayings to assist with the actioning of those practical lessons outlined above. The seven practical guidelines are:

1) Aroha ki te tangata—a respect for people.

2) He kanohi kitea—the seen face; present yourself to people face-to-face.

3) Titiro, whakarongo … kōrero—look, listen … speak.

4) Manaaki ki te tangata—share and host people, be generous.

5) Kia tūpato—be cautious.

6) Kaua e takahi te mana o te tangata—do not trample the mana (status) of people.

7) Kaua e māhaki—do not flaunt your knowledge.

Like Forster, Linda Tuhiwai-Smith (2012) draws on Māori concepts to guide academic research and she notes that these sayings are developed from Māori cultural practices and at their heart speak to the importance of respectful relationships in research. As ethical guidelines, these seven sayings imply the centrality of relationships and necessity to value those relationships during and after the research process. The second principle, "he kanohi kitea," for example, indicates the importance of qualitative research and being present to discuss the research with participants and, like the purpose of using a qualitative method, is to gain insight into the diversity of personal reflections (Neuman, 2013). The principles and guidelines above are also important because they reify the use of te reo Māori in their application. This develops a further statement of Māori equality within research.

An inductive approach to data analysis was most appropriate to a Kaupapa Māori methodology in this research. Inductive researchers allow the data to partially inform the theoretical position of research, and see the strength of inductive research stemming from an absence of a preconceived idea about the nature of participants' perspectives (Hodkinson, 2008). This type of research is developed as against deductive research, which aims to test a theory and its applicability to a social context. As a result, deductive research is far less fluid than inductive research, and will often be characterised by standardised research methods which will result in more predictable outcomes. For example, the use of multi-choice surveys or structured interviews can be tools used in deductive research. Given the aims of Kaupapa Māori research to privilege the voices of participants and to utilise ethical tools such as

"titiro, whakarongo … kōrero" (observing and listening prior to speaking), qualitative

inductive research enables a more natural progression of data collection and, subsequently,

the opportunity to develop further insights after the data has been collected and analysed.

Although Kaupapa Māori theory makes assumptions about the lasting effects of colonisation,

as well as the ability for Māori empowerment through Māori values, it does not specify how

this occurs nor which Māori values will be evident, allowing scope for a qualitative, inductive

approach following data collection.

However, despite the value placed on qualitative, inductive research, there are

limitations that arise through interpretation of data. Sikes (2006) states that when transferring

peoples' perspectives into a new context—like a thesis, for example—there will inevitably be

a new level of interpretation: "Re-presenting what people have said is always problematic,

introducing as it does at least one level of interpretation, thereby moving away from what was

originally said" (Sikes, 2006, p. 355).

The risk in creating a new interpretation is that people can be misrepresented—an

issue which proponents of kaupapa Māori research are well-acquainted with and attempt to

deal with by using the ethical framework and seven principles put forward by Linda Tuhiwai-

Smith. Although interpretation is unavoidable in research, situating research within lessons

such as "kaua e takahi te mana o te tangata" helps to avoid misrepresentations. Data

collection, and in particular the interviewing process, was based on these ideas.

Data Collection

Interviews. Through the guiding principle of "he kanohi kitea" research, interviews

were used in this research. Semi-structured interviews were used to collect insights from the

participants in this research by using open-ended questions, which allowed for a reflexive

interviewing process. Unlike structured interviews, which involve a strict adherence to

predetermined questions, a semi-structured interview may follow some set themes and

questions that have already been provided to the participant but allows for deviation if necessary (Given, 2008). In this way, during my interviews, all participants were provided in advance with a set of guiding questions, but the nature of open-ended questions meant that as interviews progressed I was able to inquire into ideas that were guided by the participant's answers. As specified in the information sheet, I had proposed to do one-on-one interviews, but on two occasions interviews were changed into group discussions upon arrival. One of these instances was on a visit to Mōkai Kāinga which is a Māori-run community garden/centre for mātaawaka in Wellington. In this case, four people wished to take part in the discussion, but only two contributed to the discussion while the other two listened and observed. The other instance was at the Wellington City Council, in which both Māori liaison officers wanted to be interviewed together. In these interviews, I made sure to ask both participants specific questions in order to get both perspectives. The importance of being reflexive is a necessary part of kaupapa Māori ethical guidelines and aligns with the principles of "aroha ki te tangata" and, indirectly, "kaua e māhaki," by both catering to changing circumstances and ensuring all participants are valued equally in the research process. Not assuming that the way I, as a researcher, had proposed to engage with these groups was the best way, was an important lesson and central to Kaupapa Māori research. Interviews took place over a period of around seven months in conjunction with other fieldwork discussed below. Eighteen interviews were conducted over this period. All interviews were recorded and transcribed with the signed permission of all participants. Ethical clearance was granted by the Australian National University.

     Participants. At the outset of my research journey, I identified three general groupings of people who possessed characteristics related to my research focus. People were selected based on either (1) their identification as Taranaki Whānui, (2) their employment in

local government, or (3) their identification as mātaawaka or taura here living in Wellington and the Hutt Valley.

Taranaki Whānui. The first group of participants were from Taranaki Whānui. Participants in this group were often heavily involved in iwi trusts (see Chapter Five and Chapter Six). This meant that participants had an in-depth understanding of both the historical and contemporary nature of Taranaki Whānui in Wellington and the Hutt Valley. As a result, these participants often carried out representative roles both internally and through representing mana whenua interests at events, meetings and consultations around the city and, importantly, with local government. As will be discussed throughout this thesis, the central relationships between Māori and local governments are most often embodied through iwi trusts. Those Taranaki Whānui iwi trusts, discussed in Chapter Five and Chapter Six, are recognised through legislation which requires a relationship with local government based on Te Tiriti / the Treaty. The participants selected in this group all regularly engage with local governments in Wellington and the Hutt Valley.

Local government. The second group of participants were selected from within local government. This included both past and present employees. Of particular interest were individuals who had long-standing relationships with Māori in both cities. Although I spoke to three elected councillors, the major focus of this group was with the individuals who were charged with facilitating the day-to-day relationships with Māori, as employees of the councils.

Mātaawaka / taura here. The final group of participants were mātaawaka, being Māori who came from iwi and hapū outside of Wellington and the Hutt Valley. In order to triangulate the data with Taranaki Whānui and local government, the main source of insights used in this research came from mātaawaka who were involved with both local government and Taranaki Whānui.

Despite my early preference to "categorise" participants into these three easily definable groups, it became clear quite early in my interviewing process that my design was flawed. Participants rarely sat within only one of the identified participant groups. There were very few cases in which interview participants were only reflective of one of the initial identified groups. Although participants were selected based on being involved with either local government, mātaawaka / taura here groups, or the iwi, the nature of Māori local political participation meant that most, if not all, had experiences which could have placed them in more than one of the categories. For example, one participant was the Chair of Waikato-Tainui Taura here (a Māori iwi group from the Waikato region, who have a large membership in Wellington), a descendant of Taranaki Whānui, and a past Māori liaison officer at the Wellington City Council. During this interview, therefore, I was able to gain insight into all three of the participant groups in significant detail.

Recruitment. Further in-line with "he kanohi kitea," I was able to attend a number of iwi hui (tribal meetings) and I was introduced to people who agreed to take part in interviews. Some were also part of my extended family and agreed to talk with me based on the whakapapa (genealogy) connections that we shared. In many interviews, while I made no claims to be representing Taranaki Whānui, the importance of having whakapapa connections was clear. This was evidenced by discussions during interviews which turned to focus on my immediate family, references to my grandparents, parents, aunts and uncles. One participant in his eighties spoke about moving to Wellington with my koro (grandfather) from Taranaki as teenagers. Some of these people did not know me well personally, but references to family—both past and present—were a feature of doing interviews that were established through family ties. Taranaki Whānui participants would often begin by explaining (in various detail) their genealogical connections to me. This was prompted by a question asking them about who they are. This establishing of a link between me and the participants, through

their answers, is central to Kaupapa Māori research. In the information sheet given prior to the interviews I outlined who I was and my own brief pepeha (genealogy); in many cases, therefore, the participants' need to explain our connection was not based on me as an individual but on what they knew about my extended whānau.

The ethical considerations outlined within kaupapa Māori research, can inform all researchers to avoid any damage caused by outsider research or research done without recognising, developing and maintaining respectful relationships. "He kanohi kitea" implies that personal relationships extend beyond the research focus and that people do not have a one-off encounter but remain accountable through the development—or in this case, recognition—of a deeper relationship.

All participants who agreed to be interviewed were offered the chance to define both the time and location in which the interview would take place, in-line with "manaaki ki te tangata"—a principle that encourages generosity and being accommodating and allowing interviews to take place on participants' own terms. Some interviews occurred at people's workplaces, while others occurred in people's homes or at cafes.

The length of interviews varied from between approximately 25 min. to an hour. The shorter interviews were mostly due to the amount of time that participants had available. In all interviews I tried to encompass the "titiro, whakarongo … kōrero" guideline by encouraging participants to speak on areas where they felt most comfortable. Semi-structured interviews allowed me do this. Particularly with the local government participants, time was an issue as many of them met with me during working hours. For the interviews with time constraints, I spoke very little and encouraged them to speak on fewer topics but in more depth. In these cases, usually the interview would focus on one or two case studies. For example, the interview with the mayor of New Plymouth only focused on the debates regarding Māori seats. As a result, he gave me a chronology of events, including future plans

around Māori representation in New Plymouth (see Chapter Four). Similarly, the interview with Councillor Chris Laidlaw almost exclusively addressed Te Upoko Taiao, which is the Iwi Environmental Management Board at the Wellington Regional Council, of which Councillor Laidlaw is co-chair (see Chapter Six).

All participants received gifts priced between $25–$30, in-line with "manaaki ki te tangata"—being generous. Although it was only a small amount for the time and expertise they shared with me, given financial limitations this was the most I was able to offer. Participants were not made aware that they would receive a gift in exchange for their time and knowledge, and gifts were given at the end of the interview as well as personalised cards for each participant. I was humbled by the generosity shown by participants in their decision to take time out of their day to share their knowledge and insights with me, proving why the ethical guidelines of Kaupapa Māori research were so important to this research.

Data Sources

The use of interviews for insights into the nature of Māori and local government relationships in this research was complemented by the use of a variety of other data sources. Data drawn from political debates at both the local and central government level provided important insight into a number of different perspectives on the nature of Māori political engagement. I draw heavily on Hansard—the official New Zealand parliamentary transcripts of debates, which were important because not only did they give insight into contemporary debates but also allowed some reflection on the impact of past decisions and political perspectives that have continued to have currency today. This thesis draws on a number of important pieces of legislation, therefore, as a data source; Hansard debates illustrate the different perspectives of various politicians across different political parties and their views on these pieces of legislation. These pieces of legislation are discussed in depth in Chapter Three and Chapter Four in particular. Hansard also allowed significant insight into how and

why changes to legislation pertaining to Māori relationships with local government take place.

In a similar strand, council minutes also provided important data for many of the same reasons, including the different perspectives held by local political leaders and insight into the actual nature of discussions about Māori representation in particular. Numerous councils now live stream council meetings, which provides direct access into these discussions without needing to physically attend the meetings. Public submissions on proposals, both oral and written, were useful in providing a further layer of data to those views expressed by politicians and councillors. Media outlets were also utilised for direct quotes and perspectives collected in relation to political decisions concerning Māori.

Iwi trust minutes, newsletters, and annual reports added another significant contribution to the data used in this thesis. Minute books from the iwi organisations, dating back to 2003, showed both the changes and enduring aspects that had occurred within governing structures in terms of projects, goals and aspirations. This also provided a basis to review what areas iwi had focused on most, and what the most important parts of iwi governance to Taranaki Whānui in Wellington and the Hutt Valley have been. Furthermore, annual reports provide lists of people who attend meetings, providing important statistical data on the nature of Māori political participation in iwi trusts today.

Archival and Historical Research

One part of the data collection came from archival and historical research. I spent time at both the Alexander Turnbull Library in Wellington, which houses a significant array of historical documents relevant to New Zealand, and the Wellington City Council Archives which houses information specifically related to the history of British-informed local government in Wellington. Council minute books proved a valuable form of the historical research component of this thesis, with minute books dating back to 1842. In addition, access

to past interviews provided further narratives on the perspectives held by individuals at different times throughout history, are were particularly used to inform Chapter Two.

I have also used a number of songs, proverbs and Māori concepts produced in te reo Māori to illustrate some points or events which are relevant to this thesis. These data sources are used to recount historical events as interpreted and relayed by Māori. The use of Māori oral traditions is an important way of both preserving stories and providing an alternative lens to important events. Māori concepts are a central part of developing the arguments supporting this thesis. Concepts that are regularly versed within a Māori world view are entering non-Māori spaces, thereby adding layers of interpretation. Relaying the roots of these Māori concepts and subsequently how they are understood within local government, forms a key site of analysis in the latter half of this thesis.

Ethics Variations

After gaining initial ethics approval, I needed to get two variations. The first variation was to request participants be identified. In my initial ethics approval I had stated that all participant identification would be kept confidential. However, following discussions with one of my supervisors, I decided to request an ethics variation that would allow participants to be identified. The reason for this change was that many of the participants have reasonably high profiles, and ensuring the confidentiality of their identity would require careful doctoring of their responses. The risk being that the data would be less robust and lack many of the insights that participants could provide. Identifying participants is also important in this research as many of the people have significant expertise and experience that can only be reflected by identifying who it is that I have spoken with. Participants still had the option to not be identified as well as four other options for identification. These four other options were: by name, by iwi/hapū, by relevant employment, or other. All participants signed the consent form, and only one participant requested that their name be omitted due to

employment. In this case, however, the participant was happy to be identified by their iwi affiliations and place of residence, allowing me to use their data as part of the taura here / mātaawaka participant group.

The second variation I requested was an extension to the location of my participants. Although my fieldwork research is based in Wellington City and Hutt Valley, I required a variation to undertake two interviews with mayors from different council regions of the North Island. The reason for this request was that the nature of Māori representation on local government is often met with significant debate. In 2014 and 2015 there was a widely publicised debate over guaranteed Māori representation through the creation of Māori wards in New Plymouth, on the west coast of the North Island. While these debates can only take place at a local level and only at the discretion of local council, the responses and the discussions that occurred are important for a national discussion about Māori representation on local government. An interview with Mayor Judd, who attempted but failed to establish a Māori seat, was important to the overall context of my research. I had previously made contact with Mayor Judd to express my support for his campaign; it was from this connection that I was able to successfully request an interview.

The second interview was with the ex-mayor of the Kāpiti Coast, a district that sits about 40 km from Wellington City. Importantly, although these two alternative regions sit within different councils, Taranaki Whānui are from both New Plymouth Taranaki and from parts of the Kāpiti Coast. Therefore both contexts are central to Taranaki Whānui and reflect the difference between the council and iwi political scope and presence. The political interests of iwi extend throughout different council regions, thus decisions made within one region have the potential to influence the insights of other regions. Furthermore, it was commonplace during early occupation of Wellington, and also in the 1950s and 60s, for Taranaki Whānui to frequently travel between New Plymouth and Wellington / Hutt Valley.

This was very much to do with maintaining mana whenua in both regions through asserting ahi kaa (original occupancy rights).

Conclusion

Kaupapa Māori theory is a tool for analysis as well as a site in which to locate tools to guide research. Kaupapa Māori theory is built on two foundations for analysis specific to Māori in Aotearoa. The first is that colonisation continues to have negative impacts on Māori, and therefore relationships between Māori and colonial institutions need to be interrogated to reveal those power imbalances. Addressing these power imbalances can be done through a reflection of Te Tiriti / the Treaty which demonstrates how a Kaupapa Māori theory can promote a relational analysis. The second foundation of a Kaupapa Māori analysis is that it is aimed at revealing and subsequently normalising Māori knowledge systems. Developing consciousness of the issues and identifying the sites of resistance through Māori action are two propositions put forward as part of Kaupapa Māori theory.

Kaupapa Māori theory is complemented by guidelines pertaining to practice and doing research which support the theoretical basis of the theory. A number of ethical considerations for how researchers should carry out research, and in particular the centrality of respectful relationships, remind the researcher that insights into people's knowledge and experiences is a privilege.

This thesis examines the two strands of Kaupapa Māori theory in relation to Māori and local government relationships, the areas where colonialism continues to guide outcomes, and the areas that Māori continue to demonstrate resistance through the active promotion and lived realities of Māori values and knowledges in diverse forms.

In the following chapter I examine the initial interactions between iwi and British-informed local government in Wellington and the Hutt Valley. This chapter discusses some of the tools used by British-informed local government to disrupt and displace Māori people

and Māori forms of local governance encompassed within the concept of mana whenua or Māori authority over land. The following chapter also illustrates some of the colonial tools utilised to control relationships between Māori and local government, which aligns closely with the purpose of Kaupapa Māori research.

Chapter Two: History: Disruption and Displacement of Mana Whenua

Introduction

This chapter discusses the early relationships that Taranaki Whānui developed in Te Upoko o Te Ika a Māui, the area which covers Wellington and the Hutt Valley today.[6] The purpose is to provide an historical background to the local government environment in Wellington and the Hutt Valley today by examining the first interactions between Māori governing rules and institutions through the concept of mana whenua (authority over land) and British-informed local government rules and institutions in the area. I argue that these interactions demonstrate how British-informed local government was intimately situated within the broader political colonial goals and contexts of the time, so that many actions associated with the establishment of local government were in fact aimed at displacing and disrupting Māori political power. This chapter focuses on a three-decade period from approximately the 1820s until the 1850s, first examining examples of how governing relationships operated between Māori, and then between Māori and Pākehā, during this period. As a site and time period of analysis, there are examples of how Māori and Pākehā alike used certain tools to establish rights over the area of land known today as Wellington and the Hutt Valley and how changes to authority occurred as a consequence. This chapter helps to answer the main thesis question which asked how relationships are characterised between Māori and local government in Wellington and the Hutt Valley, by providing insights into the foundational characteristics that shaped those relationships.

A critical discussion of the historical background of Māori mana whenua rules and institutions and British-informed local government is important for at least three reasons. Firstly, it is important to recognise that British-informed local government is not the first type of political organisation or indeed "local government" in Aotearoa, New Zealand (Arlidge,

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[6] I discuss the different names of the area in the introduction.

1980). Māori had forms of local government that had been enacted as jurisdictions long before British colonisation and which have continued to be enacted thereafter. Consequently, any discussion of the history of local government in New Zealand must be based on recognition that there was a historical disruption and displacement in local government rules and institutions, as opposed to the creation of local government happening when British settlers first arrived.

Secondly, an investigation of the nature of this change establishes the foundation on which Māori relationships and involvement in current local governments in Wellington and the Hutt Valley have been built. In doing so, this chapter forms the evidentiary basis for the argument that a rapid and substantial disruption in political power in the nineteenth century has contributed to some of the limited forms of Māori and local government relationships that are currently available. The latter chapters of the thesis focus on identifying and analysing these limitations and challenges in depth.

Thirdly, Wellington and the Hutt Valley, collectively, were one of the first and most intensely British-settled regions of New Zealand in the nineteenth century. This resulted in Wellington being the first place to establish British forms of local government, as well as eventually becoming the capital city. For Māori in the region, the predetermined plans, forms of administration, and political power of Pākehā disregarded and attempted to replace mana whenua. In line with Kaupapa Māori theory, this chapter seeks to understand how the impact of colonisation was seeded in Wellington and the Hutt Valley in relation to local government. It effectively provides the foundation for deconstructing the colonial structures that exist today.

There are three parts to the chapter. The first part provides a discussion of Taranaki Whānui social and political organisation where I introduce an important concept in the thesis: mana whenua, or Māori authority over land. This is followed by an examination of the arrival

of Pākehā in Wellington and the Hutt Valley, and the measures that were taken to change Māori mana whenua rights in part two. The third part focuses on the establishment of British-informed local government where I provide examples of the tools and tactics used to displace and disrupt the main governing institutions in the area.

Part One—Mana Whenua

Mana whenua is one of the central concepts employed and analysed in this thesis. It encompasses the foundations of Māori authority over land and is used in the thesis to elucidate the rules and institutions associated with making decisions over areas of land. This section provides an overview of how Māori exercised local governance; how they transferred, controlled, and took authority of land and responsibility for the people living on that land. In other words, the governing values and institutional system of governance which facilitated land ownership and management.

According to Barlow (1991), mana whenua is "the power associated with the possession of lands; it is also the power associated with the ability of the land to produce the bounties of nature" (p. 61). Although it has been suggested that the phrase "mana whenua" may be a modern phenomenon (Petrie, 2006), Māori understood the concepts within mana whenua as laws of society that governed the relationships and responsibilities that iwi and hapū had on their land and through the component terms that established those connections. The term mana can be translated as "power, authority or prestige" (Barlow, 1991, p. 61) and makes reference to spiritually sanctioned power, which finds its roots in Māori creation narratives when a god, Tāne, ventured to the heavens to access the highest knowledge and authority. Although he did not retrieve the knowledge, he bought back to Earth the skills to work towards the acquisition of mana (Barlow, 1991). As a result, the term mana is considered to possess significant status in Māori society and denotes substantial power and

responsibility associated with the ways that people interact with the world around them (Durie, 1996; Mead, 2016).

The term "whenua" is a word for land which also derives from Māori creation narratives and literally means placenta. Land is understood as being the placenta of the Earth Mother, Papatūānuku, once again designating the importance associated with the relationship between people and the land (Royal, 2007). This double meaning of whenua demands that the right to make decisions over the land comes with great responsibility to ensure Papatūānuku is protected.

Mana whenua is central to understanding the relationship that Māori have with the land and is intimately woven into Māori whakataukī (proverbs) that express the cultural and spiritual importance of land to the Māori people. "Toi te kupu, toi te mana, toi te whenua" is one such whakataukī, which translates as "the permanence of language, prestige and land" (Moko-Mead & Grove, 2001, p. 405); Language, prestige and land are three of the central facets of Māori society and culture. Durie (1998) elaborates on this idea in his statement:

> Māori identity is secured by land; land binds human relationships, and in turn people learn to bond with the land. Loss of land is loss of life, or at least loss of that part of life which depends on the connections between the past and present and present with the future. (p. 115)

Mana whenua, is therefore about maintaining the connections to the land as a source of authority which influences identity and relationships between people.

In a practical, social and political sense, mana whenua is a term attributed to an iwi or hapū who are recognised as the group of people who have authority over an area of land. For example, Taranaki Whānui can be called the mana whenua in Wellington and the Hutt Valley. This double meaning of mana whenua is why mana whenua is the central focus of Māori governing values in this thesis as it simultaneously refers to the people and their

authority as being directly linked to land rights. Being recognised as the mana whenua iwi comes with significant responsibility, as the values associated with authority over the land require the iwi or hapū to care for the land in a way that enables nature to flourish. As Barlow (1991) implies above, authority based on being recognised as mana whenua is drawn from associated roles and responsibilities for protecting and supporting the land, and subsequently protecting and supporting people and their interrelationships which operate on and across that land. In this thesis, the phrase will be used to refer directly to an iwi or hapū and to the values and institutional system which is evoked through the phrase.

Wiri (2013) sets out five take (criteria) regarding the different ways that mana whenua was established in precolonial times:

1) Take whenua kite hou is initial discovery. This refers to the iwi and hapū who first settled an area of land. Their mana derives from acquiring the initial responsibility over the land, without contest.

2) Take tūpuna is land passed on through ancestry—land which iwi and hapū have mana over through ancestral connections and the notion that the group's connection to that land has not been severed over time. This take is one which characterises iwi and hapū mana over land today as people are able to trace back to past generations to show their connection to the land.

3) Take raupatu is land acquired through conquest. Māori could acquire land through inter-iwi and inter-hapū warfare. Land changed hands as iwi and hapū moved throughout the country and sought land that was already occupied by other iwi or hapū.

4) Take tuku is the gifting of land. This occurred when an iwi or hapū no longer needed the land that they were living on and gifted that land to other iwi and hapū who were seen fit to care for and guard the land.

5) Ahi kā roa (ahi kaa) refers to possession of land for long periods of time through the active use by iwi and hapū and through their presence on the land. This was not necessarily a way of acquiring land but was used as a concept to illustrate how iwi maintained their mana over the land.

Together, these take constitute a set of relational concepts that guided Māori understandings and governance of land and its periodic acquisition at the local level. Mana whenua is, first and foremost, a relational concept which governs the field of relationships with other collectives. The values system engrained in mana whenua informed some of the tikanga or laws which Māori understood as being ways in which groups of people could both challenge and cooperate with one another in relation to political boundaries. For example, conflict could lead to changes in land ownership, but alliances and relationships that developed between different iwi and hapū and the land could also be facilitated through the institutional system of values and rules associated with mana whenua (Petrie, 2006). In essence, these rules which guided the transfer of land and the establishment of mana whenua are integral to understanding tenets of Māori internal political organisation. Mana whenua was a key part of a governing system which was based on spiritually sanctioned power denoting the importance of responsibility and relationships in order to gain and exercise authority.

The Māori social structure provides further insights into how mana whenua establishes governing institutions. Whakapapa[7] is the key link between the different layers of kin identity which include the whānau, hapū, and iwi. The whānau is the smallest kin group and it was at this level that Māori lived their day-to-day lives. Whānau are connected as hapū, sometimes translated as sub-tribes, and it is at this level that collective action could be developed. Unity over, for example, harvesting or food collection, might call on the hapū for

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[7] I discuss the meaning of whakapapa in more depth in Chapter Five.

efficiency. Whānau and hapū could then be connected through even more distant whakapapa connections at the iwi level. The iwi recognises the highest level of collected identity, while still being able to trace to a single ancestor, and although everyday life for Māori did not necessarily operate at the iwi level, the iwi was an important regrouping of scale which often occurred during times of pressure (Petrie, 2006). These different layers of whakapapa links provided an adaptable political network which could be used to attend to wider decision-making and indeed the development of mana whenua in new areas. These collective units recognised rangatira[8] (leaders) in order to organise effectively when necessary. These individuals possessed mana either through inheritance or acquired through achievement (Petrie, 2006). Conversely, mana could also be lost through weakness and failure. Rangatira were expected to support iwi and hapū and, as will be discussed further in Chapter Six, the mana of a rangatira is reflected through the health and wealth of the iwi, hapū, and whānau (Durie, 1996). These social structures and the leadership which oversaw Māori society formed the basis from which political actions and decision-making occurred. They also enabled a necessary flexibility for being able to adaptively navigate changing and complex situations. Flexible collective identity enabled iwi and hapū to establish mana whenua, as evidenced in the following discussions about Taranaki Whānui when we moved from one area to another.

A number of additional political strategies and governing tools are evident in the actions of Taranaki Whānui which led to our establishment and recognition as mana whenua in Wellington and the Hutt Valley. Below I discuss some of the heke (migrations) that brought Taranaki Whānui to Wellington. Within the organisation involved in facilitating these heke are examples of some of the tools used by Taranaki Whānui to establish mana through informed decision-making and tactical alliances.

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[8] I discuss the meaning of rangatira in more depth in Chapter Six.

Heke—Relationships and Alliances

The presence and recognition of Taranaki Whānui mana whenua in Wellington and the Hutt Valley was preceded by numerous heke from Taranaki. These heke collectively demonstrate important rules and institutions associated with Māori political organisation, in particular the centrality of alliances and relationships. An account of these heke and the eventual settlement in Wellington and the Hutt Valley provides insight into the forms of political organisation and local governance that were exercised by Māori through decision-making and boundary-making mechanisms. Numerous heke of people travelled the nearly 330 km journey beginning on the Whakaahurangi track in Taranaki which allowed travellers to move between the regions with relative ease. Roskruge (1999) notes that the establishment of this track allowed travelling parties to move across country with less danger, as kinship ties to the various iwi living along this track were crucial. In the 1820s and 1830s there were a series of heke from Taranaki to Wellington which included numerous iwi and hapū from throughout the wider Taranaki region (Love, 2015). Although these were not the only heke between the Wellington region and Taranaki to have taken place, they are important because they were the last heke that occurred before intensive British settlement in Wellington and the Hutt Valley. Below (Figure 1) is a map showing the two regions, Taranaki and Wellington.
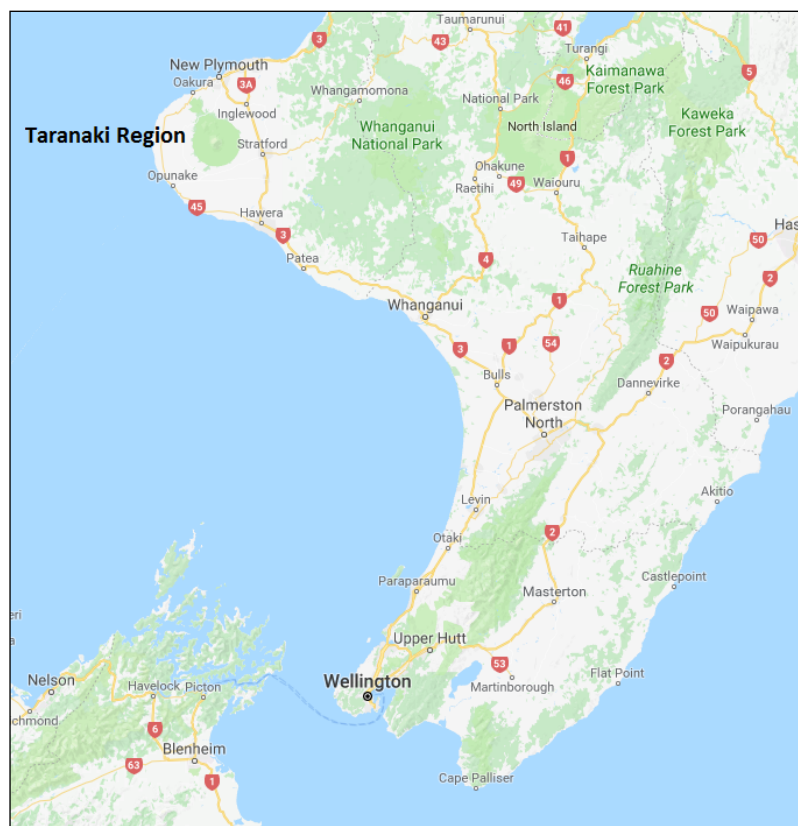
Figure 1. The Taranaki and Wellington regions (Google, 2018a).

The heke were made up of a combination of iwi and those hapū and whānau within the iwi. Many different iwi from around the Taranaki region were represented by different rangatira who took part in the heke (Roskruge, 1999). While these heke included iwi who make up the present-day conglomeration of Taranaki Whānui,[9] other iwi living in close proximity to Taranaki Whānui also took part in these heke, including Ngāti Toa Rangatira and Ngāti Raukawa.

The heke were partially encouraged by intensified warfare and the introduction of Western artillery, such as guns and cannons, in the early 1800s. The proliferation of these types of artillery was particularly prominent in parts of the far north of Aotearoa where

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[9] The nature of this conglomeration is discussed in the introduction, it includes Te Ātiawa, Ngāti Ruanui, Ngāti Tama, Taranaki iwi, and Ngāti Mutunga.

British-settler trade for artillery was common (Ballara, 1990). The introduction of these weapons had significant implications for the way warfare was carried out between Māori, with the import of these Western technologies changing the nature of warfare, and in doing so also changing the ability of Māori in Taranaki and elsewhere to maintain defence mechanisms to combat any attacks (Ballara, 1990). Another cause of Taranaki iwi migration south to Taranaki was frequent warfare with neighbouring Waikato iwi, resulting in sustained tension between the iwi. For example, one battle in 1832 that influenced the heke was at Ōtaka pā in Ngā Motu Taranaki, which was occupied mainly by people from the Te Ātiawa hapū of Ngāti Tawhirikura, Ngāti Te Whiti, and Te Matehou (Skinner, 1832). In a recorded interview, a Te Ātiawa rangatira, the late Sir Ralph Love (Love, 1989), recounted the story of the battle of his ancestors:

> The third time Waikato came down … we went up the top of hill as if we were going to defend from there (Interviewer: "and let them pass?") no, and let them come up because they were going to finish us off all together. But, John Love[10] because his son had married one of us, had bought ashore his cannons, took them up there, we all took them up. And, when they got up, when they thought they had us up there, then they got these cannons and drove them back.

Although Te Ātiawa won this particular battle, the threat of retribution was so great that many members involved in the dispute decided to leave Taranaki and migrate to the Wellington region. A brief account of four of the main heke—Tātarāmoa, Nihoputa, Tama-te-uaua, and Paukena—are briefly described below, to show some of the governing rules and institutions and in particular the importance of political alliances that were fundamental to iwi authority.

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[10] A Pākehā whaler who had been living in Taranaki.

Tātarāmoa. Tātarāmoa means bramble bush and likens the thorns of the tātarāmoa to the difficulties experienced during this heke. All of the heke are known for the difficulties experienced as a consequence of organising large groups of people to permanently migrate, on foot, with all of the supplies and resources needed for the journey and initial settlement (Love, 2005). Tātarāmoa left Taranaki in 1822 (Love, 2005) and included around 2,000 people from the iwi of Te Ātiawa, Ngāti Toa, Ngāti Mutunga, and the various hapū within these iwi. The sheer number of people who took part in this heke indicates the level of organisational governance that was necessary to successfully relocate as well as deal with the challenges of feeding and protecting such a large number of people along the route.

District alliances were important on this heke because the different iwi and hapū involved had different ties to the iwi and hapū through whose territory the heke passed (Roskruge, 1999). The heke was led by Ngāti Toa rangatira Te Rauparaha, as well as Te Ātiawa rangatira Reretawhangawhanga, Te Rangi Take, Ngātata-i-te-rangi of Ngamotu, Paremata Te Wahapiro of Ngāti Tama, and Te Hautonga of Ngāti Mutunga. It was necessary for rangatira to establish alliances with other iwi, further demonstrating how the leadership was able to strategically collaborate to form alliances in times of need. The mana of each rangatira enabled alliances to develop and, as a result, serve the interests of the different social groupings. The collective ability to negotiate with other groups and to coordinate large movements of interrelated people is but one feature of political organisation evident in this heke.

Nihoputa. The second heke, Nihoputa, left Taranaki in 1824 and consisted of around 540 people—men, women, and children mainly from Te Ātiawa but it also included people from Ngāti Mutunga and Ngāti Tama (Waitangi Tribunal, 2003, p. 22). Prior to this heke, there had been disputes between the migrants and Ngā Rauru, an iwi who lived on land the Whakaahurangi track crossed through. As Nihoputa made its way south towards Wellington,

they stopped overnight at Te Ihu Puku pā which was occupied by some Ngā Rauru. Ngā

Rauru feigned friendship and allowed the migrants to stay with them overnight. However,

during the night Ngā Rauru launched an attack on the group. It is claimed that prior to the

attack one of the Ngā Rauru said "Ka patua noatia taku nihoputa mo te rurenga" which means

"my pig with tusks has long since been killed for the guests" (Smith, 1910, p. 410). This is

said to have been the signal for Ngā Rauru to attack the visitors, many of whom were killed,

but those who escaped continued on to the Wellington region. The reference to the

"nihoputa"—the boar's tusks—gave the name Nihoputa to this heke, and enforces further the

importance of political alliances when undertaking significant changes (Smith, 1910).

Tama-te-Uaua. The third heke, Tama-te-Uaua, left Taranaki in 1832 and was said to

consist of some 1,400 people from Ngā Motu, Puketapu, Manukorihi, Pukerangiora, Ngāti

Rahiri, Kaitangata, Ngāti Tu, Ngāti Hineuru, Ngāti Mutunga, Te Whakarewa, and Ngāti-

Tama (Smith, 1910). A translated account by an informant, Rangipito, to an early British

anthropologist, Percy Smith, described the structure and organisation of this heke made up of

so many different iwi and hapū and, as a result, numerous different kin alliances:

> Each tribe marched as a body and close to each other, so that none might be left
>
> behind, nor was there any straggling allowed. The men of each tribe marched in front
>
> and behind, the women and children between them, and certain men were told off to
>
> see that the distance (*tiriwa*) between each party was maintained. (Smith, 1910, p.
>
> 488)

Iwi maintained their independence while also having the ability to converge as a

larger single unit when necessary. This is significant because it indicates how important

political alliances were, and the extent to which they could be activated through the flexible

kinship system to create alliances through aggregation on broad levels to provide security and

support in potentially dangerous situations. At the same time, kinship allowed for the

independent identities of each of the iwi to be maintained. Cross-iwi political negotiations were necessary to establish alliances but maintain iwi independence; these constitute fundamental governing functions and capabilities.

Paukena. The last of these significant Taranaki Whānui heke arrived in the Wellington region in 1834, only five years before Pākehā made serious incursions to settle the Wellington area in 1839 (Love, 2015). This heke was called Paukena and consisted of Ngāti Ruanui and Te Ātiawa (Waitangi Tribunal, 2003, p. 25). At this time—as is noted in the Waitangi Tribunal Report, *Te Whanganui a Tara me ona Takiwa*—the political context in the wider Wellington region was becoming ever more fractious as the different iwi sought to establish their mana in various parts of the region. For example, a number of Te Ātiawa people were killed by iwi in the Wairarapa on the eastern side of the Remutaka ranges (see the map in Figure 2), leading to two of the rangatira—Te Puni and Te Wharepouri— travelling with a war party to seek retribution. Upon their arrival, they found the area empty so settled there for a short period of "three planting seasons" before the Wairarapa iwi, under the leadership of Nukupewapewa, returned and drove them out (Waitangi Tribunal, 2003, p. 25). During this final heke, Paukena, Taranaki Whānui were working to establish themselves in Wellington and the Hutt Valley as the mana whenua.

Meaning of the Heke

The oral histories of these heke are not just essential for recalling the events prior to the settlement of the iwi in Wellington and the Hutt Valley; they also reveal a high level of sophisticated governing organisation and relationship building. The act of moving such large groups of people for resettlement is in itself a statement of effective governance in action. These heke could take months at a time, which involved ongoing decision-making, planning for food and safety, and ensuring that political alliances enacted through kinship and longstanding relationships were maintained (Waitangi Tribunal, 2003). The heke also

illustrate the complex layers of relationships which needed to be enacted in order to pursue such a significant undertaking. The thick field of relationships included those between rangatira, between rangatira and their people who followed in these heke, relationships between the various hapū within the iwi, as well as the many inter-iwi relationships—both enacted within the heke and also along the way. These demonstrate succinctly the basis of Māori rules and institutions as being dependent on relationships. Relationships are the central foundation of iwi governance and as is discussed in latter chapters, the continuity and development of a diverse range of relationships is still essential to the maintenance of mana. Whakapapa (genealogy) is a key example of this as people are linked by permanent kinship ties to establish and maintain governing practices (see Chapter Five for further discussion).

A second important feature highlighted by these heke was the emphasis on ahi kaa. While many Taranaki iwi decided to move south to Wellington, a significant number stayed in Taranaki to maintain ahi kaa—to "keep the fires burning"—as a way to ensure the rights over land in Taranaki were maintained. The recollections of the heke therefore serve the purpose of supporting ongoing links between the people of Wellington and the people of Taranaki which have been maintained through to today. The heke are more than just the events of migration and political change; by naming the heke and reproducing an ongoing oral history about their occurrence, a binding connection between the people and the land in both places is recognised and can continue to be activated. As I discuss further in Chapter Five, the connections between Taranaki and Wellington continue to serve as a key defining feature of iwi governance today.

Taranaki iwi were developing strong ties to Wellington during this time. This included settlement in a number of pā (recorded as villages in Figure 2) throughout the region. Pā sites were most common around the Wellington harbour and are recorded in the map below. The pā sites marked by yellow stars—Pipitea, Kumutoto, Te Aro, and Matiu

Island—are all mentioned in this chapter. The pā sites are the physical manifestations of ahi

kaa and whakapapa. Each pā was governed by different whanau and hapū who exercised their

rights over those individual areas, it was in these sites that mana whenua was actioned.
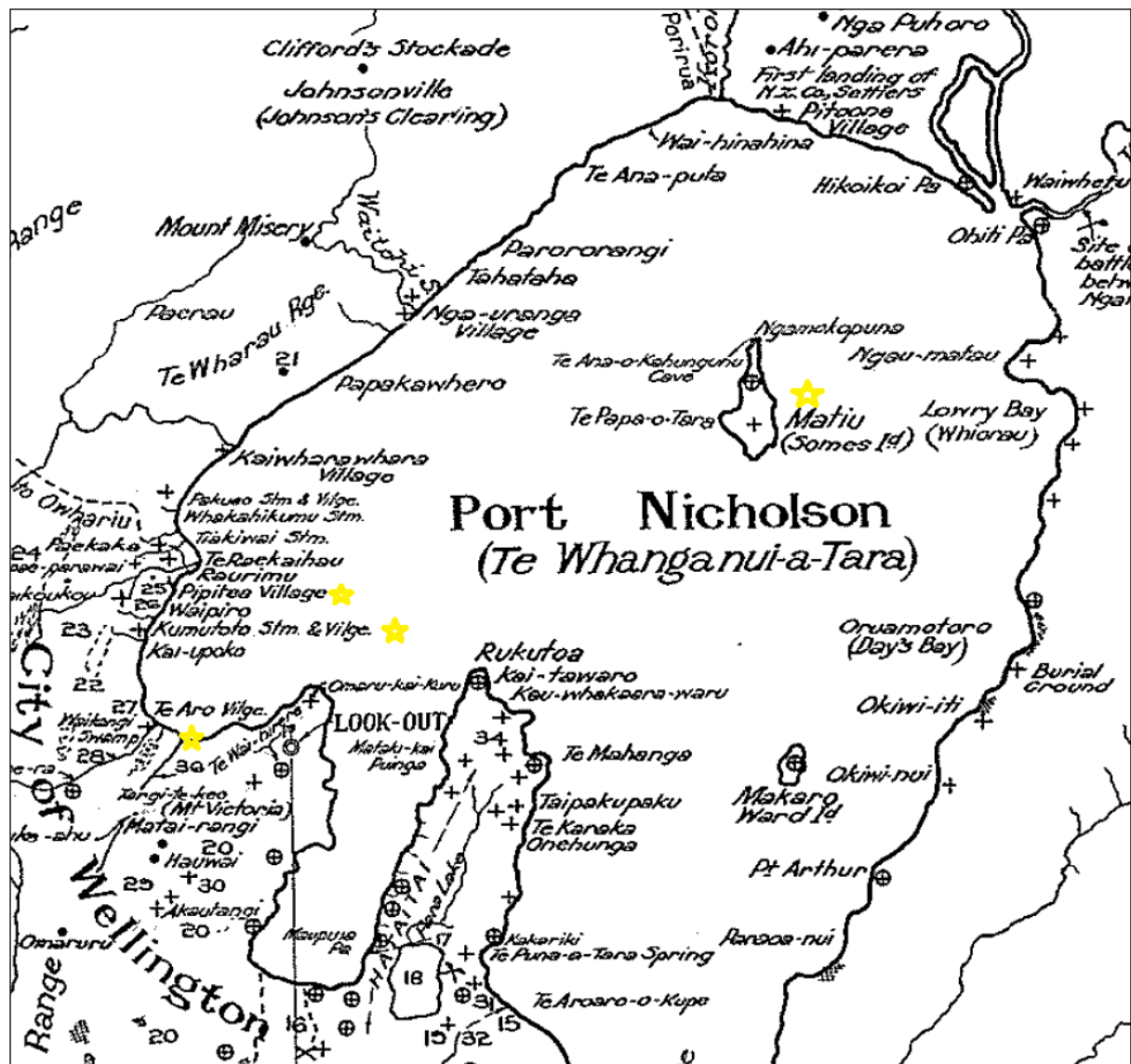

Figure 2. Map of Te Whanganui-a-Tara (Wellington Harbour), showing Taranaki Whānui pā

sites in relation to the plan of the city and the newly established suburbs. Source: Unknown,

1860. Courtesy of Wellington City Council Archives.

Mana Whenua in Wellington and the Hutt Valley

While the heke demonstrate the importance of political relationships and ties, arrival in Wellington sheds further light on how the governance of those relationships was instrumental in gaining mana whenua. After arriving in Wellington, at least two significant transactions took place which illustrate how Taranaki Whānui mana whenua was established. Take tuku—the gifting of lands—was used extensively as a means for Taranaki Whānui to develop mana whenua in the area. The most significant act of take tuku came from Ngāti Mutunga who had previously settled in the Wellington region and who held the mana in many parts of Wellington and the Hutt Valley (Boast, 1998). Although Ngāti Mutunga are a Taranaki iwi, and recognised today as being part of the Taranaki Whānui collective, at that time they had arrived and settled independently in Wellington and the Hutt Valley and gifted lands to the incoming Taranaki iwi arriving on later heke (Boast, 1995). The kinship relationships between Ngāti Mutunga and those other Taranaki iwi that were looking to settle in Wellington and the Hutt Valley were central to the establishment of today's Taranaki Whānui mana whenua.

One recollection of why take tuku was employed was in relation to the issue of retribution (Ehrhardt, 1992). In the early 1830s, as Taranaki Whānui migrants were still arriving and building lives for themselves in areas throughout Wellington, one of the Te Ātiawa leaders, Wi Tako Ngatata, led a group to attack Ngāti Kahukura-awhitia at a pā called Puniunuku in the Hutt Valley area. The attack was in retribution for the death of a Ngāti Mutunga rangatira, Te Momi. As a result of the battle, and the assistance provided by Te Ātiawa, Ngāti Mutunga gifted the area known as Waiwhetu to Te Ātiawa (Ehrhardt, 1992).

However, take tuku was used most extensively when Ngāti Mutunga made the final decision to move to Wharekauri, the Chatham Islands, in 1835; a group of islands some 770 km from Wellington, off the south-east coast of the mainland of Aotearoa (Boast, 1995). It is

stated that Ngāti Mutunga chose to leave the area due to growing political pressure in the north, as well as for further exploration. Various leaders of the iwi in the region met to discuss and decide on who would take over the kaitiakitanga (guardianship) of the land when Ngāti Mutunga left (Ehrhardt, 1992), once more demonstrating the role of rangatira in inter-iwi governance. The meeting occurred on Matiu Island in the centre of Te Whanganui a Tara (the Wellington harbour), and included the leaders from Ngāti Mutunga as well as the other Taranaki iwi and hapū. The decision that was made was to ensure that the land and resources would continue to be protected and is referred to as the "pānui" which signified that they had come to an agreement over who would be gifted the land when Ngāti Mutunga left (Ehrhardt, 1992). Although there are no accounts of what exactly was said at the meeting, the agreement was symbolised through the transfer of a pounamu (greenstone) to solidify the act of take tuku. To further ensure that the agreement would be recognised, Ngāti Mutunga burned and destroyed their whare (houses) and any infrastructure that suggested they were living on and working on the land (Ehrhardt, 1992). This act demonstrated how ahi kaa could also be extinguished through oral agreements and related symbolic actions to remove themselves from a position of authority in the area. These examples demonstrate robust and effective cultural and political rules and institutions that constituted legitimate governing mechanisms between iwi, and illustrate how relational governance worked within a framework of mana whenua.

Shortly after these events, Ngāti Mutunga commandeered an English ship, the Rodney, which had been anchored in the Wellington harbour and used it to ferry their people to the Chatham Islands (Boast, 1995). Further events occurred which demonstrate how mana whenua was confirmed between Taranaki Whānui and neighbouring iwi.

Boundary-Making

Land ownership could be transferred through agreements, as discussed above, but there were also processes for determining the boundaries between lands of different iwi as a way of recognising ahi kaa and new formations of mana whenua. One important agreement which remains in place today was made with Ngāti Kahungunu, an iwi who reside on the eastern side of the Remutaka Ranges. The Remutaka Ranges separate Wellington and the Hutt Valley from the Wairarapa, and although a natural boundary already exists in the ranges, the iwi often travelled between the areas, at times causing upset. This agreement established the boundary between where Taranaki Whānui could exercise mana whenua and where Ngāti Kahungunu could exercise mana whenua. The map below (Figure 3) indicates the location of the Remutaka Ranges.

Figure 3. Map of the Remutaka Ranges, showing the range between Wellington and the Wairarapa (Google, 2018b).

One reason behind the agreement was ongoing tension between the iwi. The death of a Ngāti Kahungunu rangatira, Te Māri-o-te-Rangi, who was shot by a Te Ātiawa rangatira, Wi Tako, during a battle in Palliser Bay caused ongoing issues between the iwi (Best, 1919). In retribution for this attack, a group of Te Ātiawa—including the wife of the paramount rangatira Te Wharepouri, whose name was Te Ua Mai Rangi, and their daughter Ripeka Te Kakapi-o-te-rangi (Ripeka)—were taken as part of a group of prisoners by Ngāti Kahungunu. Eventually the prisoners were returned, except for Ripeka who was married to Ihaka, one of the Ngāti Kahungunu men. As a result of this marriage, the pair were sent to negotiate a peace agreement with Te Wharepouri—Ripeka's father (Best, 1919). This negotiation led to the agreement made between two rangatira—Te Wharepouri, and Peehi-Tu-te-Pakihi-Rangi from Ngāti Kahungunu—over the boundaries where each iwi would be recognised as the mana whenua. A statement made by Peehi-Tu-te-Pakihi-Rangi during the negotiations was relayed to a British anthropologist, Elsdon Best, and illustrates the terms of the agreement being made:

> I cannot occupy all the land. Yonder stands the great Tararua range, let the main range be as a shoulder for us. The gulches that descend on the western side, for you to drink the waters thereof—the gullies that descend on the eastern side, I will drink of their waters. Remain here as neighbours for me henceforward. (Best, 1919, p. 84)

The agreement confirmed that Taranaki iwi would occupy the land to the west, and Ngāti Kahungunu would occupy the land to the east; the areas where each was confirmed as having ahi kaa.

Significantly in this record, Peehi-Tu-te-Pakihi-Rangi went on to refer to the uncertain times ahead:

Here am I and the chiefs of Kahungunu assembled before you. Now we are looking at this new folk, the Pākehā, and his characteristics. Who can tell whether he is kind and just to man? For his weapon is an evil weapon, and his intentions may also be evil. (Best, 1919, p. 84)

This statement illustrates that although the catalyst for this agreement was the disputes between the iwi, they were also well aware of the broader pressures of colonisation at this same time. The agreement made between the iwi was a political act to solidify Māori political boundaries and affirm areas of governance determined by recognition of distinct areas of different iwi mana whenua. Both were aware that the British were arriving in the areas, therefore recognising each other's ahi kaa was done in light of other external threats. These areas of governance are the areas which are supported by ahi kaa, demonstrating the flexibility of ahi kaa as the basis through which mana whenua can be determined and affirmed.

The prophetic statement made by Peehi-Tu-te-Pakihi-Rangi is even more poignant when considered against the arrival of the British-based New Zealand Company in Wellington on 23 September 1839, seeking land for British settlement (Waitangi Tribunal, 2003). Only four days before the New Zealand Company's arrival, the iwi solidified their agreement and mutual recognition of each other's neighbouring mana whenua rights through the placement of a marker named Te Wharepouri's Mark along the ranges at a place called Turakirae. As a boundary marker that is still in place today, it provides not only a physical representation of the agreed boundary but also a reminder of the forms of decision-making and agreement that were instigated to facilitate relationships and to govern boundaries between iwi. Māori political authority was confirmed through articulating the parts of land and resources that each iwi would hold and through coming to a consensus between the leaders present over where those boundaries would lie. This agreement also confirmed for

both Taranaki Whānui and Ngāti Kahungunu that they acknowledged each other's mana; an important acknowledgement in light of British encroachment.

Agreements such as these were not exclusively bound to those parties present but also recognised the changing political circumstances and potential pressures those changing circumstances could have over iwi boundaries and ownership rights. The importance placed on relationships, as displayed in the heke and subsequently through acts associated with Ngāti Mutunga take tuku, are evident in strategies for building agreements between once hostile neighbours. Māori governance has been consistently characterised by an emphasis on relationships, negotiation, mediation, and agreement-making as the basis of mana whenua. Importantly, these characteristics of Māori governance and entwined with efforts to support the system of ahi kaa. Furthermore, these efforts demonstrate the importance of whakapapa in that the genealogical ties between people which were asserted during these periods in which mana whenua was developed. These two systems of ahi kaa and whakapapa are developed further into contemporary times in chapter five. These political tools were, however, challenged as British settlement took hold in Wellington and the Hutt Valley.

Part Two—Pākehā Settlement

From 1839, intensive pākehā settlement occurred which begun to change the shape of political organisation in Wellington and the Hutt Valley.

Port Nicholson Deed of Purchase 1839

When the British arrived for permanent settlement in Wellington and the Hutt Valley, relationships with Māori were directed through English terms and evident in two documents: the Port Nicholson Deed of Purchase and Te Tiriti / the Treaty. The Port Nicholson Deed of Purchase (the Deed) was signed between iwi leaders in Wellington and the Hutt Valley and the New Zealand Company on 23 September 1839. The New Zealand Company was an English-owned company managed by Edward Gibbon Wakefield, and played a significant

role in the colonisation of Aotearoa. Under the leadership of Wakefield, the New Zealand

Company pursued the goal of importing British society into New Zealand, through finding

and selling land to potential settlers in Wellington (Waitangi Tribunal, 2003). The Deed was

signed by a number of Taranaki rangatira, including two of the most well-known: Honiana Te

Puni Kokopu and Te Wharepouri (Anderson & Pickens, 1996). The Deed allocated the local

iwi and hapū one tenth of the Port Nicholson area while the rest was to be sold to buyers in

Britain. Importantly, the Deed guaranteed Māori continued rights to their pā (settlements),

kāinga (homes), urupā (cemeteries), and cultivations (Waitangi Tribunal, 2003). Rangatira

believed that in signing the Deed their descendants would continue to have mana over those

areas, and essentially engaged with the Crown as government to government. However, it is

recognised today that there was a considerable lack of understanding on the part of the Māori

signatories, of the agreements being made. At later court hearings it was discovered that

Māori were unaware of the actual content of the Deed due to the inability of the translators to

provide the full details of the transaction in the Māori language (Waitangi Tribunal, 2003).

The Deed was finalised at a rapid pace, and despite there being pockets of resistance

from some of the rangatira, the reality was that, in Britain, sales had already begun and the

British settlers were enroute to Aotearoa. Māori had no way of anticipating what the

transaction actually entailed and the changes to land rights that were to come. A statement

made by Te Wharepouri depicts the shock at discovering the real implications of the Deed:

> I thought that I could get one (a Pākehā) placed at each pā, as a white man to barter
>
> with the people and keep us well supplied with arms and clothing; and that I should be
>
> able to keep these white men under my hand and regulate their trade myself … they
>
> will be too strong for us; my heart is dark. (Waitangi Tribunal, 2003, p. 67)

This statement illustrates that when Māori signed the Deed they did not believe that it

would impede their rights as the mana whenua in the area. On the contrary, it may have been

that they thought the Deed would support their own local governance by having a small number of British acting as entrepreneurial agents under their direction. A written contract, as the Deed was presented, was foreign to the processes of agreement and contract-making that Māori were accustomed to, therefore full understanding of its implication could not have been expected. Māori had robust practices in place that were utilised frequently in Taranaki Whānui settlement in the area.

It is essential to also place this agreement within the contexts of the time. Taranaki Whānui had only relatively recently established themselves as mana whenua, meaning that rights were still being solidified. One interpretation is that signing this document represented a further confirmation of mana whenua over the areas that Taranaki Whānui had settled; having another group engage with iwi over land rights could have been seen by Taranaki iwi as the British recognising that Taranaki Whānui held mana whenua. The second contract was Te Tiriti / the Treaty, signed in Wellington by a number of Taranaki Whānui on 29 April 1840. Like for all iwi and hapū who signed Te Tiriti / the Treaty, the issues that have since arisen are vast and complex in many instances (Mulholland & Tawhai, 2010). I discuss the Te Tiriti / the Treaty in depth in Chapter Three, but it is important to note in the context of these early political agreements that Te Tiriti / the Treaty was interpreted by Māori as recognition of their mana whenua rights in the area.

These two agreements, referred to only in brief here, formed the contractual basis of Māori and Pākehā relationships through an instrument sourced in Britain. These two contracts provide two important insights for this historical chapter. Firstly, they were interpreted by Māori as an act of alliance-making between two peoples, and, from the Māori perspective, added to the array of agreements and relationships already in place. On the other hand, however, these agreements also represent the subtle means by which British tools were used to displace and disrupt Māori decision-making positions, as new forms of agreement-

making were set in place to eventually shift the balance of power between Māori and the Crown.

Changing Boundaries

Very quickly after the signing of both the Deed and Te Tiriti / the Treaty, British peoples began to arrive in Wellington and the Hutt Valley, and with these new residents came the first versions of British-informed local government. The following section discusses some of the tools and tactics used by these new forms of local governments at the time that put pressure on the mana whenua governing systems that were already in place.

Part Three- British-Informed Local Government

The first municipal type British-informed local government was established on 2 March 1840 by the New Zealand Company shortly after the signing of the Deed (Carman, 1970). The New Zealand Company in fact did not hold a mandate supported by the British Crown so this first local government was short-lived, with the Crown arguing that the local government was "an illegal association under the title of a Council", leading to its disestablishment in the same year (Beaglehole, 1928). The actions undertaken by this council show important insights into early relationships with Māori.

The first ten councillors were self-elected on board one of the New Zealand Company's ships moored in Wellington Harbour and were headed by Colonel William Wakefield (Irvine-Smith, 1948). The council developed a "Provincial Constitution" which was seen as essential to providing law and order for the incoming British settlers, of whom there were almost 650 within six months of the signing of the Deed (Irvine-Smith, 1948).

Through the Provincial Constitution, the councillors sought support from Māori that would recognise their authority. It stated:

We, the Sovereign Chiefs of the district of Wanga nui atera (Whanganui-a-Tara) or

Port Nicholson … being moved thereto by the representatives of Col. Wakefield,

President of the Council of the White People who have settled in the aforesaid district, and by consideration of the interests of all the inhabitants of the said district, as well as Native as otherwise, so hereby ratify and confirm the said agreement, and do declare that the same shall have the force of law in our territories, and shall be binding upon all parties residing within the same, subject nevertheless to the modifications and stipulations hereinafter mentioned. ("The Provincial Constitution," 1840, p. 3)

In the wording, the Provincial Constitution recognised Māori as sovereign and sought, in this initial stage, agreement from Māori to recognise this new expression of local government.

The Provincial Constitution implied that Māori would cooperate with the council, insofar as equality between British and Māori was recognised. The fifth and sixth clauses of the agreement expanded on the nature of this engagement:

5th That all the native inhabitants of the district aforesaid shall possess perfect equality of rights with the Colonists, except that they shall not for the first five years vote at the election of the Council, nor serve as Assessors, except in case in which the rights or interests of a Native are concerned, and that in any such case, at least three of the Assessors shall be Natives.

6th That for the first five years, no law shall be made affecting the rights of the Native population, without our consent specially obtained thereto. ("The Provincial Constitution," 1840, p. 3)

These two clauses, for at least the first five years, looked to establish an autonomous British local government, before developing laws which might affect Māori. For iwi, the Provincial Constitution shows on one level an acknowledgement of Māori sovereignty and equality and at least some effort to engage with Māori. The desire to seek Māori agreement in the Provincial Constitution was coupled with generally friendly terms of association, at least

with some of the rangatira during the first stage of British immigration. Some British people lived on the pā sites with Māori and formed strong personal relationships, while others depended on Māori guides for travel and exploration. This often involved relaying information about the agreed iwi boundaries to avoid potential conflict (Best, 1919).

Amicability existed between both peoples in the early years, at least on the face of it, and Taranaki Whānui presence and political knowledge was sought after as a necessary basis for settlement and the incremental development of British governing power. A later local government event, in 1849, illustrates again the perceived need to build relationships with Māori, as there are records of a banquet held by the mayor of the borough council at the time—William Guyton—who invited Māori chiefs to attend as recognition of their status (Marriot, 1850). This event was an early recognition that British peoples appeared to need to maintain positive relationships with the rangatira.

The language evident in the Provincial Constitution is consistent with a trend that British settlers initially relied on having positive relationships with Māori, but those relationships would eventually be deemed unnecessary as British settlers and local governments were better able to independently navigate the lay of the land. There is also evidence of how local governance was beginning to be shaped into British-informed rules and institutions, by the introduction of a voting clause in the Provincial Constitution and a limit on the ability of Māori to take part in that system. Furthermore, the assumption that this government would have rights to assess Māori lands and subsequently make decisions over those areas, assumes a superiority of decision-making rights held by the council. The first local government council was in effect a ruse, a tactic on the part of the new British settlers to give themselves a veneer of legitimacy as imposers of new forms of law and order at the local level. Taking control over the relationship through the Provincial Constitution and taking advantage of the initially amicable relationships with Māori, was part of the process that

British-informed local governments enacted to disrupt and displace the terms of mana whenua as local governing rules and institutions.

Following the disestablishment of the first local government, it was decided under the British Consul Governor William Hobson and his superiors in New South Wales at the time, that local government was a necessity in Wellington and would be re-established in line with Britain's Municipal Corporations Act 1842 (Yska, 2006, p. 23). In May 1842, the second British-informed local government, the Municipal Council for the Borough of Wellington, was established. The Municipal Council, consisting of a mayor and 11 councillors, symbolised the beginning of independence from New South Wales and the ability for the newly arrived settlers to determine their own affairs (Carman, 1970, p. 21). Their mandate involved "administering public lands within the town boundaries, powers to make by-laws, carry out public works, raise loans and levy property taxes on all proprietors and occupiers" (Yska, 2006, p. 25). Male European residents could vote but only if they paid the required one pound, which essentially excluded many from taking part in the initial 1842 elections. At the same time, the British population was increasing at a rapid rate and was quickly overtaking the Māori population, so as well not meeting the requirement for voting, Māori were simultaneously becoming less prominent and less needed in their associations with the governments.

The Tools and Practices of British-Informed Local Government

The series of agreements that were made in quick succession between Māori and British settlers (the Deed, Te Tiriti / the Treaty, and the Provincial Constitution) preceded significant changes to how British-informed local government took control of decision-making processes and impacted upon the way that Māori and local government relationships would subsequently ensue. The British deployed several tools and practices of local

government in order to achieve the dominance and authority of their institution of local government over Māori forms of local governing.

Taxes. With British-informed local government, came the imposition of the British tax system which directly impacted upon the ability of Māori to maintain ahi kaa. One influential tax introduced by the 1842 Municipal Council for the Borough of Wellington, was a tax on raupō housing. Raupō is a type of flax which was used by Māori to build housing. In 1842, a Raupō Ordinance Tax was developed by the Crown into New Zealand, which applied fines to housing built from raupō. In other words, the Crown and British-informed local government introduced a tax on Māori housing. The tax was claimed to be in response to fire risks to housing associated with raupō housing (Harman, 2014). The tax ordinance stated:

> On a day to be named in such Proclamation, not being less than six calendar months
>
> from the date thereof, and on the same day in buildings, every succeeding year, there
>
> shall be levied in respect of every building constructed wholly or in part of raupō,
>
> nikau, toetoe, wiwi, kakaho, straw, or thatch of any description, and situate within the
>
> boundaries so defined, the sum of twenty pounds (Tax upon Raupō Houses, 1842).

Any building made from raupō or the other listed materials would result in a fine of twenty pounds, with the ordinance going on to add that if any further raupō housing was built after the ordinance was passed, that housing would attract a penalty of 100 pounds. These were considerable sums of money at the time. In response to this tax, at a council meeting on 17 November 1842, it was carried that Māori be prevented from erecting "any Raupō houses within its [the Municipal Council] boundaries, more particularly on the site of the Native Reserve Kumutoto, to save them from the imposition of a tax on Raupō houses" (as cited in Carman, 1970, p. 154). This tax system was effectively used as a tool to assert British dominance over the decisions Māori made in respect to residing on and developing their own lands.

Importantly, the tax gave the council a basis for evicting Māori from pā sites. Although it was passed on 22 February 1843 that pā sites would be excluded from the tax, the reality was that Māori pā sites were not wanted in the city; the raupō tax was used to evict Māori in pā sites particularly at Pipitea and Te Aro pā, both of which were on lands in the central city (Yska, 2006).

British pressure for the decline of raupō housing was supported by the national political framework, which saw Māori as being undesirable in major cities. Preventing more raupō housing being built, effectively marginalised Māori ways of living and positioned Māori housing as an unfavourable and inferior part of the future of Wellington and the Hutt Valley. For example, a 1912 account of a fire in Wellington in November 1842, stated that "out of the ashes of the raupō thatch there sprang substantial brick and wooden stores and taverns with slate or shingle roofs" ("Peeps into the past," 1912, p. 4). The mental picture that this phrase evokes, illustrates the goal behind moving away from Māori housing. A consequence of this tax and the banning of raupō housing, was a change to how ahi kaa was activated. Ahi kaa, which alludes to the continued occupation of land through being physically present on the land, was seriously undermined, as the way Māori used materials and established permanent residencies became subject to newly instituted local government rules. Māori could not exercise their governing rights if their physical presence on the land was being severed through the imposition of such taxes and fines. The British preference to remove Māori physically from the cities was becoming a more widely echoed sentiment which was supported by British-formed local governments.

Imposing new political boundaries. The raupō tax was combined with a preference to remove Māori visibility in the British settlements (Yska, 2006, p. 50; Hamer, 1990). Charles Heaphy—who was a long-term Wellington resident, one of the assistant surveyors in Wellington, and the Native Reserves Act commissioner in 1870—insisted it was "desirable to

get the natives out of town" (Waitangi Tribunal, 2003, p. 341). Despite the fact that Māori

numbers were dwindling, the small presence of Māori within the pā in cities were anathema

to the goals of the new settlement.

Below (Figure 4) is an early plan for Wellington Council Wards in 1881. Changes

occurred which saw the land divided into a new wards system, in which British-informed

local government boundaries were laid on the land to facilitate political boundaries. A little

over four decades since the initial purchase deed, the lands of Māori had been subjected to a

systematic dividing of land into residential and commercial plots, as well as the new political

boundaries that were being established by the British-informed local governments.
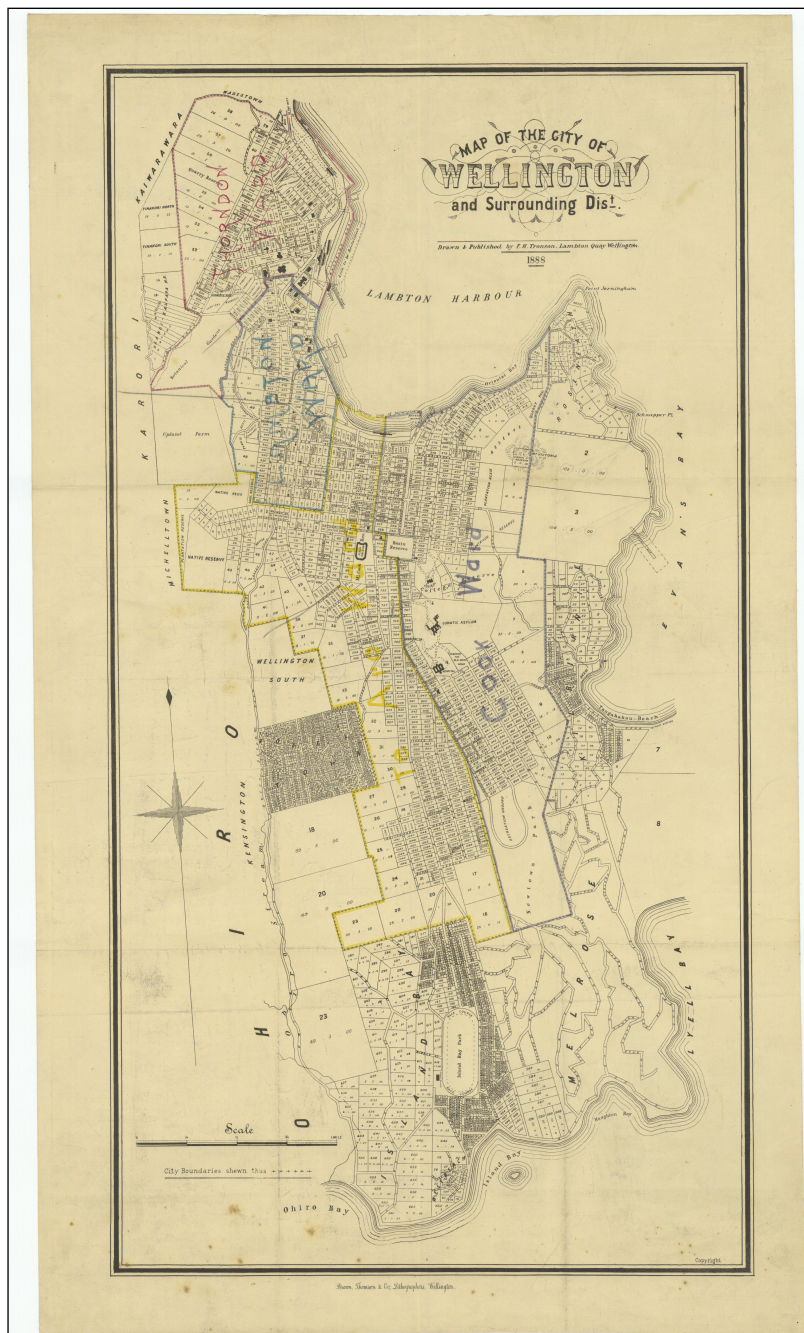
Figure 4. Wellington City Council wards drawn on the Wellington City plan 1888. Courtesy of Wellington City Council Archives.

The creation of local government wards represented a new form of political organisation which fragmented the physical space that Māori governed. It also created new kinds of relationships between the people and the land. Early minute-books refer to the

developing wards system which begun to divide the area into a Western-style grid of discrete

political units that were defined by British-informed local government, to support plans to

apply a new political system to Wellington and the Hutt Valley. The urgency of imposing a

new way of organising the physical and social environment is evident from the fact that

prisoner labour was used around the different wards in order to build the city more rapidly

(Wellington Town Board, 1836). Furthermore, it was carried in one council meeting held on

8 March 1867 that the city surveyor should be present at all council meetings, demonstrating

once more the importance of applying a new layout to the area (Wellington Town Board,

1867).

The physical imposition of a British-informed political system was made easier by a

shrinking Māori population in the area. A noticeable rise in Māori deaths, coupled with a

deterioration in living standards, was noted by Tacy Kemp in 1850 who gathered various

statistics from pā sites around Wellington and the Hutt Valley. At this time, Māori were also

being summoned back north to Taranaki to assist their families who were dealing with

increasing warfare. The population of the largest pā, Te Aro, had decreased from 186 in 1850

(Kemp, 1850) to only 28 occupants in 1881 (Wellington Tenths Trust, 2004a) and it is

recorded that Māori were no longer in possession of Te Aro pā by 1902. Similarly, at Pipitea

pā, between 1887 and 1898, the pā site had been divided into four allotments and sold off

(Love, n.d.). Māori lost rights to other pā—for example, Kumutoto was granted to the

Wellington City Council by the Crown in 1874 (Wellington Tenths Trust, 2004b),

demonstrating directly how key land and living rights were taken by local governments as

they sought to assert further claims to Māori lands and resources in the area.

Effectively, British-informed local governments in Wellington and the Hutt Valley

were able to take control due to the systematic assertion of the tools and practices of British

local government that radically and swiftly affected the ability of Taranaki Whānui to

maintain a physical presence or to exercise their own governing decisions over the same lands. The tax system, bans on Maori use of their own building materials for domestic housing urgency over building the new city, and the direct imposition of political wards to facilitate future decision-making are just some of the tools employed by local governments to displace and disrupt Māori and the political systems that had governed the land up until 1840. The circumstances that Māori found themselves in had significant and lasting consequences for their engagement in local government, including up to the present day.

Discussion

This complex history of relationship-building and claims for control over land, feed directly into the foundation of relationships between Māori and local government today and the lasting effects of colonisation. Some key differences between British-informed local government and mana whenua illustrate this foundation. Mana whenua was and continues to be based on a system developed through close inter-relations which range from genealogical connections (whakapapa) through to agreed alliances (such as the pānui). These relationships are directly related to the flexible kinship structures which determine the basic make up of Māori society – the iwi hapū and whanau. Ahi kaa too plays an integral role in this foundation, as the right to have authority over an area of land is directly connected to the peoples practice and presence in that land. Responsibility to protect the land and 'keep the fires burning' was essential to maintaining mana whenua, and therefore the rights to govern that land. Importantly, these two foundations require a development of long term relationships, both with the land and between groups of people. The system upon which mana whenua and the right to govern is dependent upon relationships. The foundation of British-informed local government in Aotearoa has significantly different roots. While still based on political authority over areas of land, the key difference stems from the mindset upon which that authority is developed and exercised. Imposing a system which assumed a superiority of

British-authority over land resulted in less time spent developing key relationships both with Māori and with the land. Imposing a foreign system and structure based on rules developed within a foreign country illustrate the how authority was assumed based on colonising ideas. The imposition of wards for example broadly demonstrates an effort to organise people based not on whakapapa or rights of ahi kaa, but where people happened to be located. A key difference in the foundations of authority therefore, stem from the emphasis placed on relationships between people, groups and authority. These two systems of local governance that operate in Aotearoa have therefore developed through different understandings on the importance of relationship building and maintenance.

Kaupapa Māori theory discussed in Chapter One encourages a deconstruction of colonial institutions in order to understand the ramifications of Māori and Crown relationships today. This chapter demonstrates how the tools implemented by British-informed local government were specifically aimed at disrupting the forms of Māori political organisation and the rules and institutions that governed the land. While there were practical steps taken and efforts made to generate disruption by, for example, establishing Pākehā councils, perhaps the most significant form of disruption came through a complete refusal to understand the rules and institutions of mana whenua, and for British peoples to be fully incorporated into a system of the land administration and governance via British local government. Cornell (2013) describes these changes of disruption as being synonymous with new boundaries imposed through colonisation. This refers to the processes enacted by colonial powers prior to the establishment of new forms of local government. In order for this to happen, indigenous forms of local government had to be disregarded, marginalised, and moulded into new lines and shapes, in accordance with the colonial epistemology and agenda. The combined effect of the tools and practices used by colonial governments, was to

create a new form of legibility for governance in Aotearoa; a hieroglyph of power that privileged incoming settlers over local occupants. From the viewpoint of colonisers, the goal was to replicate British civilisation in and *on* a new land. In order for this to happen, however, the original forms of organisation (social, economic, cultural, and political) needed to be disrupted to a point where they were no longer recognisable, no longer extant, or sufficiently amenable to external control. In terms of local government, disruption equated to both change and displacement of existing Māori local governing practices.

Displacement can be seen too through practical actions and outcomes as well as political shifts. Change was enabled through tools of British governmentality that disregarded Māori political diversity and jurisdictions, and a general refusal to understand the Māori governing values, rules, and laws already set in place. This meant that Māori were quite quickly displaced physically through efforts like the raupō tax which literally discouraged Māori presence in these cities. The rules and institutions associated with British-informed local government were aimed at ensuring that Māori associations with the land, traditionally channelled through ahi kaa, were extinguished. Displacement also occurred politically through the imposition of an electoral wards system which created new political boundaries in place of the Māori rules and institutions that were dependent on relationships within a framework of mana whenua. Wards represent the frames from which people are recognised and selected into power within an elected leadership system. Wards that are defined geographically by British-informed local government, ignore the previous political organisation defined within the pā sites, in effect displacing Māori rights to organise along whakapapa lines as the basis of political leadership by rangatira. Although the early colonial relationship was first bound by agreements made between Māori and the British, the actual plans instigated by local government depended not on Māori agreement but on Māori exclusion from a newly imposed system. In other words, British-informed local government

authority in Aotearoa not only contributed to the disruption of Māori rules and institutions and the displacement of Māori but was dependent on and reproduced it. Mana whenua could not be acknowledged or allowed to thrive within the goals and aspirations of British-informed local government in the nineteenth century.

Conclusion

In the nineteenth century the type of local government in Wellington and the Hutt Valley changed almost beyond recognition. The boundaries and terms that had previously determined how Māori agreements were made and how inter-group alliances and contractual obligations were maintained, were disregarded in favour of British-informed governing structures, and—importantly for this thesis—British-informed local governments played a critical and instrumental role in this process. Values associated with mana whenua were not extinguished but rather progressively (and in some instances rapidly) displaced as the relational values system underlying Māori local governance was shifted across to foreign rules of authority. The latter were used to take advantage of Māori and ultimately displace the people and their governing system.

The main question this thesis asks is what characterises relationships between Māori and local government in Wellington and the Hutt Valley. This chapter has argued that the foundation of the relationship is born out of the calculated disruption of Māori relationships to land, and the displacement and diminution Māori and Māori political rules and institutions in the process. These two disabling characteristics were intimately woven into the very fabric of colonisation, and reflected the broader political dynamics of colonisation throughout the country.

It is this legacy which has set in motion the relationship between Māori and local government and created precedents about how Māori authority and mana is recognised at the local level. Efforts to address Māori and local government relationships today, must be

understood within the context of this historical process of displacement and disruption in which British-informed local governments played a central role. The following chapter discusses the current relationship between Māori and local government with a particular focus on Te Tiriti / the Treaty and how it is interpreted more recently to facilitate relationships between Māori and British-informed local government.

Chapter Three: Te Tiriti o Waitangi Partnerships in Local Government

Introduction

Since 1840, since the Treaty of Waitangi, and so on, Māori have been very clearly

arguing for a partnership here rather than a stakeholder type relationship and so even

if we are going to establish a ward and provide some guaranteed Māori representation

at local council level that's only one step in a larger process of engaging with Māori

and particularly trying to move the discussion through to a more partnership level.

(Ruru, 2016)

In an interview on Radio New Zealand, Professor of Law Jacinta Ruru stated that

Māori political representation in local government is only one part of the goal for equal

partnerships between Māori and local governments. Partnership is frequently cited as the

basis of New Zealand government and Māori relationships; in this chapter I examine the

contested notion of a Te Tiriti / the Treaty partnership and how it is interpreted in local

government. My discussion will review some of the debates and the relevant legislative

responses so as to set the context for my arguments in later chapters. I argue that the

legislation does not currently support Māori expectations of a Te Tiriti / the Treaty

partnership with local government.

The partnership that Ruru alludes to has been an expectation since the signing of Te

Tiriti / the Treaty in 1840 and, as Ruru points out, Māori engagement in local government

needs to be considered through a lens which encompasses substantive partnerships in line

with Te Tiriti / the Treaty. In this chapter I ask how Te Tiriti / the Treaty partnerships are

understood in local government. In line with scholars such as Bargh (2016a, 2016b) and

Hayward (2003a, 2003b, 2011), I argue that local governments are uncertain about how to

meet Te Tiriti / the Treaty partnership expectations. I suggest that despite legislative changes,

coupled with moves by central local government bodies to refer to Te Tiriti/ the Treaty

partnerships, local governments fail to meet Māori Te Tiriti/ the Treaty expectations. The current legislation that requires local governments to take Te Tiriti/ the Treaty into account, fails to reify the principle of Te Tiriti / the Treaty partnership. In line with indigenous scholars (see, for example, Coulthard, 2014; Corntassel, 2007), I contend that if indigenous rights are too heavily determined by the Crown, then attempts to provide for partnership structures will continue to fail for indigenous peoples. I argue that Māori expectations of partnership are not currently being met because they are heavily influenced by the Crown's interpretation, an interpretation which is supported in the legislation. This chapter helps to answer the main research question which asks how relationships are characterised between Māori and local government in Wellington and the Hutt Valley, by developing a discussion of the wider picture of Māori and local government relationships.

Accordingly, Part One of this chapter describes the background to Te Tiriti / the Treaty and the texts of Te Tiriti / the Treaty and how the two versions of these agreements have had long-term impacts for partnerships between the Crown and Māori at central and at local government levels. In Part Two, I discuss the nature and development of "the principles of the Treaty of Waitangi" and in particular the way that partnership is discussed as a principle frequently utilised by the Waitangi Tribunal. In Part Three, I discuss the nature of partnership within local government by referring to central government debate over the legislation, with direct reference to local government legislation including the Resource Management Act 1991 (RMA), and the Local Government Act 2002 (LGA 2002), both of which form a legal basis for Māori and local government engagement. Although these are not the only relevant pieces of legislation for Māori and local government relationships, they are discussed here because the RMA was the first piece of legislation directly applicable to local government which referred to "the principles of the Treaty of Waitangi." The LGA 2002 also refers to "the principles of the Treaty of Waitangi" and is the most broadly applicable piece

of legislation which defines the rights, powers, and responsibilities of local governments throughout the country. This chapter provides a broad examination of the types of debate that occur in local government in relation to Māori, and helps to answer my research question by mapping out the present day characteristics of Māori and local government relationships with particular regard to legislation. The chapter helps to illustrate my argument in the previous chapter that the disruption and displacement of Māori in relation to British-informed local government continues to influence the way Māori and local government engage with each other.

Part One- Te Tiriti o Waitangi and the Treaty of Waitangi

      Two texts; two meanings. When it comes to determining how partnership might be developed through Te Tiriti / the Treaty, one of the central issues is the fact that there are two differing versions: one is written in te reo Māori (the Māori language)—Te Tiriti o Waitangi; and the other is written in English—the Treaty of Waitangi. The differences in the texts extend beyond the language used to convey the agreement, and—as has been discussed in-depth by numerous scholars (see, for example, Mulholland and Tawhai (2010), Orange (2011), Mutu (2010), and Biggs (1989))—the most important differences are between the intents of the three articles which outline the agreements that were made. The differences have been well-documented elsewhere but are summarised here in brief to foreground a discussion of the reference to "the principles of the Treaty of Waitangi" in local government legislation discussed in latter parts of this chapter.

      Te Tiriti / the Treaty was first signed by rangatira and representatives of the British Crown on 6 February 1840. Te Tiriti / the Treaty was written first in English and translated into te reo Māori under the direction of Lieutenant General William Hobson (the first British Governor of New Zealand), by an English missionary Henry Williams and his son Edward Williams. The pair, who were not first-language Māori speakers, translated the text the night

before it was presented to rangatira on 5 February 1840 at Waitangi in the far north of

Aotearoa:

> On the 4th of February, about 4 o'clock p.m., Captain Hobson came to me with the
>
> Treaty of Waitangi in English, for me to translate into Māori, saying that he would
>
> meet me in the morning at the house of the British Resident, Mr Busby, when it must
>
> be read to the chiefs assembled at 10 o'clock. (As cited in Orange, 2011, p. 30)

The process was dubious; the translation was done under pressure and by someone

whose fluency in te reo Māori was questionable. However, the complete lack of Māori

involvement in the development of the text presages some of the difficulties associated with

the outcomes and interpretations, in particular with the different terms purportedly used to

convey the same message in each of the articles. Particular concerns arise both over the

ability to translate such significant agreements between two unrelated languages and cultures,

as well as the colonial mentality which guided the Queen's representatives and their

engagement with Māori. Aotearoa had already been identified as a site for British

colonisation, bringing into question the Crown's motive behind creating an agreement with

Māori (Waitangi Tribunal, 2014). Parts of the Māori text are set out below, with literal

English translations provided by Mutu (2010). Investigating the texts in further detail in order

to build an understanding of the complexities in local government legislation today.

Te Tiriti o Waitangi—the Māori language text.

Te Tuatahi (The First). The first article of Te Tiriti outlined the extent of the

Crown's authority in Aotearoa, the key phrase stating that the Queen would gain "te

Kawanatanga katoa o to rātou wenua".[11] This is translated by Mutu (2010) as "all the

Kāwanatanga of their [the Crown's] lands" (p. 24).

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[11] See Appendix 1 for the full text.

The term kāwanatanga is a transliteration of the term "governance," and Mutu (2010) notes that this article confirmed for Māori their expectation that the Queen would have control over her British subjects who were living in Aotearoa. Māori confirmed and agreed that the Queen could have governing rights but that these were limited to her own subjects and the land that the Crown had acquired.

Te Tuarua (The Second). The second article of Te Tiriti builds on the Queen's limited right to govern, by confirming that Māori would maintain their existing authority in Aotearoa. It states: "Ko te Kuini ka wakarite ka wakaae ki ngā Rangatira—ki ngā hapu ki ngā tangata katoa o Nu Tirani te tino rangatiratanga o o rātou wenua o rātou kāinga me o rātou taonga katoa."

The literal translation of this part of the text is:

The Queen of England agrees and arranges for the heads of the tribal groupings, for the tribal groupings and all the people of New Zealand, their paramount and ultimate power and authority over their lands, their villages, and all their treasured possessions. (Mutu, 2010, p. 25)

This article guaranteed for Māori that they would continue to have full authority over their land, and that they would maintain their "tino rangatiratanga." Tino rangatiratanga is often translated as sovereignty; however, Mutu (2010) notes that its intended meaning, as understood by Māori, differs from English understandings of sovereignty because it includes spiritually sanctioned power. In line with the discussion of authority and mana whenua in Chapter Two, the same understandings of power would have been attributed to this guarantee made to Māori. Mutu (2010) posits that British sovereignty, on the other hand, refers "to ultimate power and authority, but only that which derives from human sources and manifests itself in man-made rules and laws" (p. 26). Walker (1984) considers the term rangatiratanga to be more in line with "chieftainship" and notes that, in these two articles, Māori were giving

the Queen "governance" over Pākehā affairs, while at the same time retaining Māori lasting

chieftainship, sovereignty, or tino rangatiratanga (p. 268). The Waitangi Tribunal report *Te*

Paparahi o te Raki (2014), observes that for Māori who had learnt English by this time, there

was an understanding—drawn from the Bible—that kāwanatanga (governance), used to grant

the Crown's authority in Article One, was of lesser power than tino rangatiratanga

(sovereignty), used to portray existing Māori power in Article Two. Taken together,

therefore, these first two articles in te reo Māori confirm a form of partnership, in that Māori

maintained the highest level of authority, while offering the Crown a limited platform of

governance within Aotearoa. The third article enforces a basis for partnership, as this article

is often cited as being about equality between Māori and Pākehā.

Te Tuatoru (The Third)

Hei wakaritenga mai hoki tēnei mo te wakaaetanga ki te Kawanatanga o te Kuini—

kia tiakina e te Kuini o Ingarangi ngā tāngata katoa o Nu Tirani ka tukua ki a rātou

ngā tikanga katoa rite tahi ki ana mea ki ngā tangata o Ingarangi.

Translated by Mutu (2010) as:

This is also the arrangement for the agreement to the Kāwanatanga of the Queen—the

Queen of England will care for all the Māori people of New Zealand and will allow

them all the same customs as the people of England. (p. 25)

This third and final article confirmed that the Queen would give Māori protection and

afford Māori the same rights as the Pākehā settlers would enjoy under her governance, and

subsequently through any governing structures which might be established to support the

Queen's kāwanatanga.

Taken together, therefore, these three articles confirmed for Māori when they signed

Te Tiriti that the Queen would govern her British subjects and ensure that Māori would have

full access to the rights and customs that she had bestowed upon her people but not in a way

that impeded on Māori rangatiratanga. Although there are concerns over some of the wording within Te Tiriti—in regard to the exact meaning of kāwanatanga and rangatiratanga, for example—taken as a whole, there is no indication that what Māori were signing would in any way give up their rights or their connections with the land. Rather it can be taken to have offered a basis for coexistence which was dependent on Māori maintaining their authority. The English version of Te Tiriti / the Treaty, however, provides a different take on the agreement between Māori and the Crown.

The Treaty of Waitangi—the English language text. The English version of Te Tiriti / the Treaty had a different interpretation of how the relationship between Māori and the Crown would be characterised.

Article the First. The first article of the Treaty states:

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

This article explicitly states that by signing the Treaty, Māori were giving up all of their rights and powers within Aotearoa by ceding their sovereignty to the Queen. This differs significantly from the Māori version which used the English transliteration of the term governance—"kāwanatanga"—as the basis of what was being offered to the Crown.

Article the Second. Article Two of the Treaty differs again from the second article in the Māori version, by stating:

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full

exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession.

This article states that Māori can retain possession over their lands, estates, forests, and fisheries. However, the term "possession" has significantly less meaning than what might be associated with "rangatiratanga" which is more in line with sovereignty and used in the Māori version, as discussed above. Possession does not assume the same meaning as sovereignty or authority that was stated in the Māori version.

Article the Third. Unlike the first two articles, the third article of the Treaty is generally accepted to express the same sentiments in both languages in that it "extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects." Like the Māori version, Article Three offers the same protection and rights to Māori as to Pākehā.

Taken together, the English version's articles confirmed that Māori would cede their rights of sovereignty in Aotearoa, while remaining in possession of their lands and gaining protection from the Crown.

The concept of a Te Tiriti / the Treaty partnership. When Māori rangatira from throughout the country signed Te Tiriti / the Treaty in 1840, they confirmed through this particular type of contract-making that Pākehā could settle in Aotearoa and that limited forms of Pākehā governance could also be employed in Aotearoa to govern British people. Importantly, over 500 rangatira signed the Māori version of Te Tiriti, and only 39 signed the English version. This indicates clearly that most Māori were agreeing to the terms in the Māori version. (Orange, 2011). In Chapter Two, I established that at the time of British colonisation, Māori already had a strong history of contract-making in order to facilitate relationships with a focus on maintaining the balance of mana (authority) between groups.

For Māori, Te Tiriti / the Treaty was an agreement that confirmed that Pākehā would be allowed to settle in Aotearoa without any threat to Māori independence or Māori mana and, as Mutu (2010) asserts, Māori "believe that the Treaty provides the only constitutional basis on which Pākehā continue to live in New Zealand" (p. 14). Subsequently, the development of British-informed governments across Aotearoa would be subject to this agreement of developing institutions which worked alongside and with Māori political processes. The layers of authority referred to in the Māori version, position British-informed governance as a lesser form of authority in relation to the rangatiratanga that Māori already possessed. The Waitangi Tribunal's *Te Paparahi o te Raki* report (2014), is notable as the first Waitangi Tribunal report to explicitly state that in 1840 Māori did not cede sovereignty to the Crown. This report, which was written in relation to iwi in the far north of Aotearoa, looked at the contexts leading up to the signing of the Treaty, and is in line with Mutu's arguments that from the Māori perspective Te Tiriti was about confirming Māori authority and limited Crown co-existing rights in Aotearoa. This conclusion drawn from the report has not been accepted by governments, illustrating the depth of division still evident from the versions of the text.

The act of formal agreement which formed the basis of their partnership, was done when the two parties—the Crown and Māori—agreed to live side by side in Aotearoa This partnership stems not from the Crown offering Māori rights through a treaty, but rather from Māori offering Pākehā a right to settle in Aotearoa, subsequently creating an expectation that partnership and relationship-building would ensue. The overwhelming majority of Māori who signed Te Tiriti / the Treaty, signed the Māori version of the agreement, which enforced the rules and institutions pertaining to mana whenua by asserting their tino rangatiratanga. However, the agreement set forth in the Māori version was quickly overridden, and efforts to colonise Aotearoa simultaneously promoted the English version and the belief that Māori had

ceded their sovereignty to the Crown. Both texts provide a basis for coexistence, and

therefore a potential for partnership to develop. What differs, however, is that in the Māori

version it is very clear that Māori would maintain their position as the central governing

authorities, while the English version viewed the foundation for two peoples and cultures

living side by side as being one in which the Crown would be the central authority.

How partnership can then be interpreted from these texts, given the different

expectations, has caused major difficulties which have led in part to the development of "the

principles of the Treaty of Waitangi"—a phrase used in an attempt to find a balance between

each of the versions (Treaty of Waitangi Act 1975). An example of how this phrase, "the

principles of the Treaty of Waitangi," is used can be found in the legislation pertaining to Te

Tiriti / the Treaty in local government, and makes the phrase central to any discussion about

relationships between Māori and local government.

Part two -Attempts to bridge the differences: "the principles of the Treaty of Waitangi."

References to "the principles of the Treaty of Waitangi" are an attempt to resolve differences

between the versions of the text and to guide interpretations. The first reference to "the

principles of the Treaty of Waitangi" was in the Treaty of Waitangi Act 1975, which led to

the establishment of the Waitangi Tribunal, the standing commission of inquiry into Crown

breaches of Te Tiriti / the Treaty. The Treaty of Waitangi Act 1975 was drafted by the then

Minister of Māori Affairs, the Hon. Matiu Rata, who stated in his parliamentary address on

the bill that "[t]he principal purpose of the Bill, is to give statutory acknowledgement to the

principles of the Treaty" (1975, p. 4342) and the preamble to the Act states:

> Whereas on 6 February 1840 a Treaty was entered into at Waitangi between Her late
>
> Majesty Queen Victoria and the Maori people of New Zealand:
>
> And whereas the text of the Treaty in the English language differs from the
>
> text of the Treaty in the Maori language:

And whereas it is desirable that a Tribunal be established 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.

At the time, there were no definitions provided on what exactly these principles would

entail. Rather reference to the principles was seen as a way to begin remedying the

controversy that had developed through the different meanings of each version of Te Tiriti /

the Treaty, particularly when it came to settlement claims under Te Tiriti / the Treaty.[12] As a

result, the principles of the Treaty of Waitangi require a level of interpretation which seeks to

draw on the "meaning and effect," or—in other words—that focuses on what was intended

when Te Tiriti / the Treaty was signed and how it might be applied to current contexts.

References to "principles" are designed to find some kind of balance between what the Māori

version stated and what the English version stated. On the one hand, this allows a wide

interpretation of how Te Tiriti / the Treaty might be applicable in current contexts and has

been utilised as a tool to interrogate Māori claims against the Crown. On the other hand, it

enables the Crown to avoid challenges over their sovereign right to govern or being held

entirely accountable to the Māori version (Hayward, 2016). The Waitangi Tribunal provides

some insights into bridging the differences between the texts.

The principles in practice: Waitangi Tribunal definitions of partnership.

For each case on which the Waitangi Tribunal reports, a number of principles are

developed to suit the claims being made by different iwi. The principles are designed to guide

iwi and the Crown on how to facilitate engagement that addresses Crown breaches of Te

Tiriti / the Treaty (Te Puni Kōkiri, 2001). Each of the claims reported on by the Waitangi

Tribunal involve very different cases and contexts. However, despite the fact that each

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[12] See Wheen and Hayward (2004) for a thorough examination of the Waitangi Tribunal.

tribunal is able to develop their own relevant principles, there are a number of common

principles which are frequently cited. These include reciprocity, autonomy, active protection,

options, mutual benefit, equity, equal treatment, redress, and—importantly for this thesis—

partnership (Waitangi Tribunal, 2016). Below I set out two definitions of partnership drawn

from two different Waitangi Tribunal reports. These two reports are particularly relevant to

this thesis: The first, *Te Whānau o Waipareira Report* (1998), investigates claims made by

urban Māori living in Auckland, and is discussed in further detail in Chapter Seven regarding

mātaawaka (Māori who live in areas away from their iwi or hapū) rights. The second

definition is drawn from *Te Whanganui a Tara me ona Takiwa* (2003), the Waitangi Tribunal

report most relevant to Taranaki Whānui in Wellington and the Hutt Valley, and referred to in

a number of thesis chapters.

The *Te Whānau o Waipareira Report* (1998) dealt with claims by urban Māori in

Auckland and noted:

> Partnership thus 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. In this situation neither rights of autonomy nor rights of governance are absolute
>
> but each must be conditioned by the other's needs and duties of mutual respect. If a
>
> power imbalance lies heavily in favour of the Crown, it should be offset by the weight
>
> of the Crown duty to protect Māori rangatiratanga. But most of all the concept of
>
> partnership serves to answer questions about the extent to which the Crown should
>
> provide for Māori autonomy in the management of Māori affairs, and more
>
> particularly how Māori and the Crown should relate to each other that such issues
>
> might be resolved. (p. xxvi)

In essence, this definition of the principle of partnership is developed through both Te

Tiriti / the Treaty texts and recognises that in order to overcome power-imbalances, rights of

autonomy and rights of governance should provide the basis of equality. This definition alludes to the power imbalances that sit in the Crown's favour and calls for recognition of Māori authority and rangatiratanga as a mechanism to overcome this. Through this interpretation, partnership is about Māori and the Crown working to resolve issues together and indirectly alludes to the need for the Crown to enact relationships with Māori that are premised on Māori possessing rangatiratanga and therefore being recognised as an equal governing power. The basis set forth in this definition is that Māori have rangatiratanga and for partnership to be enacted the Crown needs to recognise this.

A similar interpretation of partnership is provided in the *Te Whanganui a Tara me ona Takiwa* (2003) report. This report, produced in regard to the Taranaki Whānui claim, drew on other previous reports and stated: "The principle that the Treaty signifies a partnership and requires the Crown and Māori partners to act towards each other reasonably and with the utmost good faith is a leading Treaty principle" (p. 78).

The report goes on to quote Justice Casey who oversaw the landmark Court of Appeal decision in *New Zealand Māori Council v Attorney-General* [1987] NZLR 641 which was the first legal case to define treaty principles in some fashion. Justice Casey stated:

> there is every reason for attributing to both partners that obligation to deal with each other and with their treaty obligations in good faith. That must follow both from the nature of the compact and its continuing application in the life of New Zealand. (p. 78)

The use of this quote in *Te Whanganui a Tara me ona Takiwa* again supports partnership as a central principle of Te Tiriti / the Treaty and determines partnership to be about reciprocity and the continuation of partnership across contexts throughout Aotearoa. This definition refers to the "compact" or Te Tiriti / the Treaty itself, as having far-reaching implications across New Zealand and, although the term "rangatiratanga" is not used in this

context, the implication is that Māori and Crown as partners have reciprocal te Tiriti / the Treaty obligations to treat each other as equals.

The prominence of partnership as a principle is supported by the Waitangi Tribunal who have noted further that "partnership can be usefully regarded as an overarching tenet, from which other key principles have been derived" (Te Puni Kōkiri, 2001, p. 77). This implies that even a broad interpretation of the principles is likely to promote partnership as the cornerstone of Māori and Crown relations. In essence, in spite of challenges stemming from the different versions of the texts, partnership is fundamental to any current interpretation of Te Tiriti / the Treaty. Importantly, these definitions suggest that both Māori and the Crown should be equally involved in both the development and enactment of Te Tiriti / the Treaty partnerships. It is not the sole right or responsibility of one partner to determine. The question remains as to how this is enacted within legislation relevant to local government.

Part Three- Legislation and Partnership

The notion of partnership is encoded in legislation that has sought to provide for Te Tiriti / the Treaty relationships. The RMA and LGA 2002 are discussed here as two of the major pieces of legislation pertaining to the relationship between Māori and local government.

The Resource Management Act 1991. The phrase "the principles of the Treaty of Waitangi" is used to enact local government legal responsibility to Māori. References to the principles of the Treaty of Waitangi that are applicable to local government legislation were first introduced in the RMA. This is New Zealand's most significant act pertaining to resources and is therefore directly relevant to a wide range of local government activities (Ministry for the Environment, 2017a). The relationship and interests that Māori have with and in the environment have meant that legislation relating directly to resource management

has needed to take into account the role that Māori would play. It is beyond the scope of this thesis to discuss Māori relationships with the environment, but it is important to understand the role of Māori environmental kaitiakitanga (guardianship) as a cause for the introduction of Te Tiriti / the Treaty principles into the RMA:

> kaitiakitanga has become a major binding force between Maori and non-Maori. Legal and political requirements to develop kaitiakitanga policy have resulted in a new platform from which bicultural relationships between Maori and non-Maori can be fostered, common concerns of resource management addressed and specific rights of all parties protected. (Kawharu, 2000, p. 354)

Section 8 of the RMA provides an overarching reference to this relationship and the purpose of the act, by stating:

> In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of The Treaty of Waitangi (Te Tiriti o Waitangi).

Resource management for local government means "persons" who exercise significant power over natural and physical resources and who are bound to consider Te Tiriti / the Treaty. The introduction of this clause into the RMA caused some controversy because it asserted that Te Tiriti / the Treaty responsibilities held by the Crown were to be extended to local government when it came to resource management, a responsibility which had largely excluded local governments up until this point. However, as local government receives its powers from central government as a devolved decision-making body, it is arguable that central government rights and responsibilities to Te Tiriti / the Treaty were also to be devolved (Bargh, 2016a).

From the outset, references to Te Tiriti / the Treaty in local government legislation brought about significant concern. Hayward (2003a) notes that changes to local government legislation which were driven by local government reforms in 1988 influenced the design of the RMA, and caused concerns for both Māori and local governments over what it would mean if Te Tiriti / the Treaty was to govern the relationship at the local government level. For both Māori and local government at the time, concern over this change stemmed from the assertion that Te Tiriti / the Treaty had been signed by rangatira and the Crown (now represented through central government) and that Māori had not agreed that this partnership could be devolved to local government. Māori were concerned that local governments were not well enough resourced or educated on Te Tiriti / the Treaty to successfully meet partnership expectations. In particular, concerns focused on the fact that many iwi and hapū at the time were going through the Treaty settlement process,[13] and that negotiations with the Crown could be affected if part of that responsibility was passed on to local governments.

During its discussion phase, the scope of the Resource Management Bill 1991 was considered too broad and, consequently, there was the concern that Treaty partnership responsibilities would be ineffective. In the parliamentary debates over the Resource Management Bill in 1991, for example, former Labour Member of Parliament Whetu Tirikatene-Sullivan stated her concerns with the Bill and specifically the references to Te Tiriti / the Treaty principles:

> They [Māori] consider that the manner in which the Treaty is referred to is pure tokenism, in that it merely lumps the Treaty in with other considerations that must be taken account of under the Bill. One of the most insidious treatments is that the Minister and local authorities can with ease avoid giving effect to the treaty by declaring that the Treaty of Waitangi had been considered. The Bill does not give the

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[13] For information on the Treaty of Waitangi settlements process, see Goldstone (2006).

Treaty its due priority, nor does it suggest that there should be any active protection of

tangata whenua interests. In fact, it relegates Māori interests to the side line while the

developer and the environmentalist decide how resources are best managed.

(Tirikatene-Sullivan, 1991 p. 689)

Tirikatene-Sullivan's concern was that the significance of partnership under Te Tiriti /

the Treaty could be passed over by local government because the legislative requirement was

directed to considering the principles, as opposed to taking substantive action to redress

power imbalances.

Some local governments also challenged this devolution, arguing too that the Treaty

was an agreement between the Crown and Māori, and therefore partnership should not be a

requirement for local governments (Hayward, 2003a). One example which illustrates these

concerns from both sides was the events at Moutoa Gardens in Whanganui in 1995, where the

local Whanganui iwi occupied the gardens in protest against the Crown for illegally taking

the land in 1848. In light of the assertion that local governments have Treaty responsibilities,

concerns arose as the Whanganui District Council was then obliged to engage with the

protestors about a local issue. However, the protest was also firmly guided by aspirations

regarding Māori rights which were particularly pertinent to Article Two of the Treaty, and

therefore seen to fit within the mandate of central government (Hayward, 2003a).

In brief, the question of who was the Te Tiriti / the Treaty partner, and subsequently

who should be charged with negotiating with Māori, led to a 77-day protest while debates

took place over who had Te Tiriti / the Treaty obligations and responsibilities in light of the

new legislation. Eventually, it was ruled by the New Zealand High Court that the land

belonged to the council and that protestors would need to vacate the area, with a promise

from the Crown to engage with the protestors over the breach of Article Two (Hayward,

2003a). Although only one example regarding a lack of clarity over how Te Tiriti / the Treaty

partnerships would take place in local government, this early case provides important insights into some of the ongoing issues associated with enacting partnership at the local government level.

The RMA does, however, offer one option which might be considered as an active way to promote partnerships and potentially provide some clarity over who is able to make decisions. Section 33 of the act, titled "Transfer of Powers," enables a local government to give up some of their mandate to another party, and states that "[a] local authority may transfer any 1 or more of its functions, powers, or duties under this Act, except this power of transfer, to another public authority in accordance with this section."

A "public authority" includes an "iwi authority" (s 33(2)(b)), allowing functions, powers, and duties to be transferred directly to an iwi. To refer back to the definitions of Te Tiriti / the Treaty partnerships discussed above, this type of measure could be utilised as one way to redress power imbalances through recognition of Māori authority to have direct control over a resource. Clarke (2003) noted that the largest barrier to the use of this provision is that local governments are unwilling to hand over power. She suggested that with the passing of more Treaty settlements, coupled with the development of trust between iwi and local governments, there could eventually be a time when s 33 would be utilised. However, despite this hopeful prediction in 2003, the provision is yet to be used. Partnership based on good faith is a challenging expectation for local governments to meet.

Following changes to the RMA, reference to Te Tiriti / the Treaty principles was included in the LGA 2002, which marked a significant increase in the scope of situations in which the principles of the Te Tiriti / the Treaty needed to be applied in local government. In theory, this moved local government Te Tiriti / the Treaty responsibilities beyond resource management, to a whole of local government approach, suggesting that partnership needed to be more widely provided for across government. This move towards a whole of local

government approach supports the underlying basis of partnership as expressed by the

Waitangi Tribunal.

The Local Government Act 2002. In 2002, the Local Government Act 1974 was

amended, and the revision offered the opportunity to consider a wider application of Te Tiriti

/ the Treaty. Arguably, this was a shift closer towards the partnership ideals confirmed in

1840. The LGA 2002 states:

> In order to recognise and respect the Crown's responsibility to take appropriate
>
> account of the principles of the Treaty of Waitangi and to maintain and improve
>
> opportunities for Māori to contribute to local government decision-making processes,
>
> Parts 2 and 6 provide principles and requirements for local authorities that are
>
> intended to facilitate participation by Māori in local authority decision-making
>
> processes.
>
> Included in this provision, Part 6 of the act states:
>
> A local authority must—
>
> (a) establish and maintain processes to provide opportunities for Māori to
>
> contribute to the decision-making processes of the local authority; and
>
> (b) consider ways in which it may foster the development of Māori capacity to
>
> contribute to the decision-making processes of the local authority; and
>
> (c) provide relevant information to Māori for the purposes of paragraphs (a)
>
> and (b).

The questions used to gauge opinion on this provision still had concern over whether

or not Te Tiriti / the Treaty should form the basis for Māori and local government

relationships. The consultation document, *Reviewing the Local Government Act 1974. Have*

Your Say (Department of Internal Affairs, 2001), stated "there is one major issue on which

the Government is yet to take a position. It is the relationship between Māori, the Treaty of

Waitangi and local government" (p. 7). It was clear that at this early stage, despite the provisions in the RMA, there was still uncertainty surrounding local government and Māori partnerships. Questions posed for consultation further emphasised this concern, asking, for example: "What do you believe the relationship between Māori and local government should be?" and "Do you consider there is a relationship between local government and the Treaty of Waitangi? If so, what do you think the nature and extent of that relationship is?" (Department of Internal Affairs, 2001, p. 36).

The questions indicated that there were no assumption being made about pre-existing local governments' obligations under Te Tiriti / the Treaty and that it was still up for debate as to whether or not local governments were party to Te Tiriti / the Treaty, which was clear through the political debates at the time.

Those who opposed the reference felt strongly that the amendments would be more problematic than useful to the wider New Zealand society. For example, National Party Member of Parliament Shane Ardern, who opposed the bill, speaking in parliament in 2002, argued that incorporating references to Treaty principles would make the work of councils too time-consuming and costly:

> Members should look at what the legislation will do with regard to the Treaty of
> Waitangi and the requirement that councils consult and go through the process of
> identifying the principles of the treaty. If members do so, they will note that it will tie
> up thousands of consultants over years and years, with millions and millions of dollars
> in cost and without any possible positive outcome for Māori. (Ardern, 2002, p. 294)

ACT Member of Parliament Ken Shirley, who also opposed this section of the bill, argued that there should be "one law for all" and understood the reference to Te Tiriti / the Treaty as being potentially divisive for Aotearoa society:

This Bill is a nonsense. ACT also strongly opposes a further element, which is race-based laws. We say that under article 3 of the treaty, no individual or group should have an advantage or a disadvantage because of ethnicity. This bill creates separate laws. The principle of one law for all is out the window. (Shirley, 2002, p. 285)

On the other hand, those in support of the bill, such as Labour Member of Parliament John Tamihere, viewed the reference to Te Tiriti / the Treaty as a unifying move, not a dividing one:

To conclude on the treaty clause, this is part of the nationhood debate … Finally, we are starting to get some respect from a House that has legislated theft over the top of us, whether culturally or over our land rights. As this legislation goes through we will start to engage in the positive side of building this country, rather than just being seen in the negative. (Tamihere, 2002, p. 318)

In a similar vein, Green Member of Parliament Metiria Turei, also in support of the changes to the bill, stated in her response that the bill was "at least" a recognition of Māori as a Te Tiriti / the Treaty partner:

This bill at least recognises that Māori, as a treaty partner, have a right to be involved in decision making. It is clear that consultation alone as the primary means by which Māori have any say in local government has proven to be worse than useless. As long as councils can dismiss Māori concerns as only one of a number of factors, the treaty partner will remain at a governance disadvantage not envisaged by the treaty agreement. (Turei, 2002, p. 461)

Turei argued that Māori are a Te Tiriti / the Treaty partner, and therefore legislation needed to be informed by this as the basis of local government decision-making power which moved beyond consultation rights.

These debates which occurred in 2002 provide important insights into the difficulties of employing Te Tiriti / the Treaty principles within local government legislation and allude to how the politics of partnership in local government can be polarising. For those who opposed the bill, local government Te Tiriti / the Treaty responsibilities were seen to be beyond the scope of local government mandates and were presented as a potential financial drain and time wasting provision. Furthermore, a belief that reference to Te Tiriti / the Treaty could create division in a society which was meant to operate under "one law" was argued as a key reason to resist whole of local government responsibilities to Te Tiriti / the Treaty, as interpreted, by Ken Shirley it would supposedly give Māori greater rights than other New Zealanders. On the other hand, for supporters it offered another platform from which Māori would have further avenues beyond the RMA to be involved in local government decision-making. Importantly, and in line with partnership, the provisions were believed to move Māori engagement beyond mere consultation.

Although the legislation was eventually passed and Te Tiriti / the Treaty is now referenced in local government legislation, it is interesting to consider how the impacts of the extreme differences in political opinion might have affected the final outcome. Bargh (2016b) has noted how the lack of clarity over the meaning of the principles of Te Tiriti/ the Treaty that existed in the RMA was still an issue with the introduction of these provisions in the LGA 2002. A lack of guidance existed over how Te Tiriti/ the Treaty expectations, and indeed partnership, might be met. Bargh (2016b) argues, for example, that specificity over who the Te Tiriti/ the Treaty partner is remains unaddressed, and notes in relation to the clause which states "[i]n order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes", that "[t]he distinction made between the 'Crown' and 'local government' obfuscates the reality

that local government has been devolved powers and responsibilities by central government

and, like central government, therefore holds obligations under the Treaty" (p. 146). The

wording of the final legislation contains remnants of the opposition aired against the bill,

which demonstrates how expectations of partnership between Māori and local government

are not fully supported by central government.

The impact of the different political perspectives is also evident in central government

leadership over the application of the legislation. Local Councils New Zealand is an arm of

the Department of Internal Affairs and provides details for each of the 78 local governments

throughout the country as a central hub for information relating to local governments. Guided

by the LGA 2002, Local Councils New Zealand (Department of Internal Affairs, 2011)

states:

> Taken as a whole, they (the principles of the Treaty) are an obligation to consider
>
> what steps the council can reasonably take to encourage and assist Māori to
>
> participate in local affairs. These provisions do not confer special rights and privileges
>
> on Māori that are not accorded to other tauiwi (other members of the public). (para 3)

Evident in this statement are the concerns aired during the debates regarding the LGA

2002 and a reluctance to promote partnership as a central aspiration. The interpretation of the

principles of the Treaty is to encourage "participation" in local government, offering a

substantially diluted recommendation of how Te Tiriti / the Treaty might be interpreted.

Central government is unwilling to offer leadership for local governments to create

structural partnerships with Māori and instead the key to engagement with Māori is to

"assist" and "encourage" Māori "participation" as a way to meet any obligations inferred

through the principles of the Treaty of Waitangi. Standards that would reinforce partnership

as the cornerstone expectation are not promoted through the legislation, meaning that the

onus lies heavily with local governments to even recognise and understand, let alone actively align with Māori aspirations.

Local Government Aspirations and Realities

The disconnect between partnership expectations, as defined through the Waitangi Tribunal and the legislation, has led to the development of measures for assessing partnership expectations. In light of the lack of clarity and support from central government over both whether and how to enact Te Tiriti / the Treaty partnerships with Māori, Local Government New Zealand (LGNZ) has gone some way to identifying how the legislation could be applied. LGNZ is the national representative body for all local governments in New Zealand. It is made up of a combination of 15 mayors and councillors from throughout the country, who advise on and support local governments' implementation of "best practice" (LGNZ, 2017). LGNZ define engagement with Māori as:

> the range of activities that local government may undertake in order to interact and communicate with Māori. Engagement is about working in a relationship to achieve mutually valued aims. It involves direct interaction and is more than simply passing and receiving information. (LGNZ, 2007, p. 5)

LGNZ has identified a number of important priorities which they believe are essential to the success of local governments and their communities. The 2017–2019 policy statement, for example, draws together five central priorities for local governments to pursue: infrastructure; risk and resilience; environmental; social; and economic. These five priorities are served by three overarching strategies, including one focused specifically on leadership, which cites relationships with iwi as a crucial part of local government leadership. In effect, the basic premise of engagement with Māori, according to this national representative body, is through mutually beneficial arrangements, which enable a long-term relationship to be developed and maintained. In 2011, LGNZ produced a qualitative account of Māori and local

government relationships, titled *Local Authorities and Māori: Case Studies of Local Arrangements*. The very fact that such a body saw the need for such a report indicates the complexity of the issues involved and the perceived need to address them. The report focused on eight case studies throughout the country and provided an analysis of co-management and co-governance. The findings from the report noted that there were four important elements which formed recommendations for best practice. These were: (1) acknowledgement of iwi history and circumstances; (2) common goals and objectives; (3) strong leadership; and (4) the importance of planning (LGNZ, 2011, p. 35).

Furthermore, while the report noted that these four objectives were not always present within local government arrangements, they presented one way to overcome the confusion that had surrounded the implementation of Te Tiriti/ the Treaty obligations by adapting a number of standards designed to measure the level of community involvement as an indication of how Te Tiriti/ the Treaty principles are being met. The engagement levels go from the bottom level that describes a very basic, non-involved community (for example, with Māori only being informed about decisions that have already been made), up to the highest level of engagement which is partnership or community control, supporting equal and joint decision-making as well as efforts towards institutionalised change (see Table 1).

Table 1

Local Government New Zealand Measurements

Partnership / community control	Partnership of equals; joint decision-making institutionalised; power delegated to community where feasible.
Management boards	Community is given opportunities to participate in developing and implementing management plans.
Advisory committees	Partnership in decision-making starts; joint action or common objectives.

| Communication	Start of two-way information exchange; local concerns begin to enter management plans.
Co-operation	Community starts to have an input into management, e.g. use of local knowledge, research assistants.
Consultation	Start of face-to-face contact; community input heard but not necessarily heeded.
Informing	Community is informed about decisions already made.

Note. Adapted from LGNZ (2011, p. 33).

For LGNZ, partnership is the pinnacle of Māori and local government relationships and involves institutional change, and—in line with the principle of partnership discussed above—it would materialise through equality and joint decision-making. Taken together, the four recommendations coupled with the measurements suggest that partnership, as defined by the Waitangi Tribunal, is also relevant to local government. Each element suggests that "best practice" for local governments is to pursue partnerships that result in substantive recognition of authority or control, or, in other words, recognising sites of rangatiratanga.

However, in spite of the recognition by the major national local government body that consultation-type mechanisms cannot be considered as adequate for partnership, in practice this expectation of partnership is yet to be widely realised, making LGNZ's measurements aspirations at best. In 2015, Te Puni Kōkiri (the Ministry of Māori Development) and the Ministry for the Environment compiled a stocktake of council-iwi participation arrangements (here after "the stocktake"). The stocktake consisted of publicly available data relating to all 78 local governments throughout Aotearoa, in an attempt to build a picture of the nature and diversity of relationships with iwi across local governments. This stocktake provides important information for reflecting on the practice of partnership and can be viewed against the measurements for engagement suggested by LGNZ. The data itself does not present any analysis other than through quantifying statistics and recording the nature of relationships

according to local government plans, statements, and policies. Categories addressed in the stocktake included a record of whether iwi were engaged with local government, and what the nature of that engagement was.[14]

A number of general pictures emerged on the nature of Māori and local government relationships; as a result there is an opportunity to reflect on how legislation has produced differing interpretations of "the principles of the Treaty of Waitangi." The two figures below (Figure 5 and Figure 6), taken directly from the stocktake, illustrate some of the national findings:
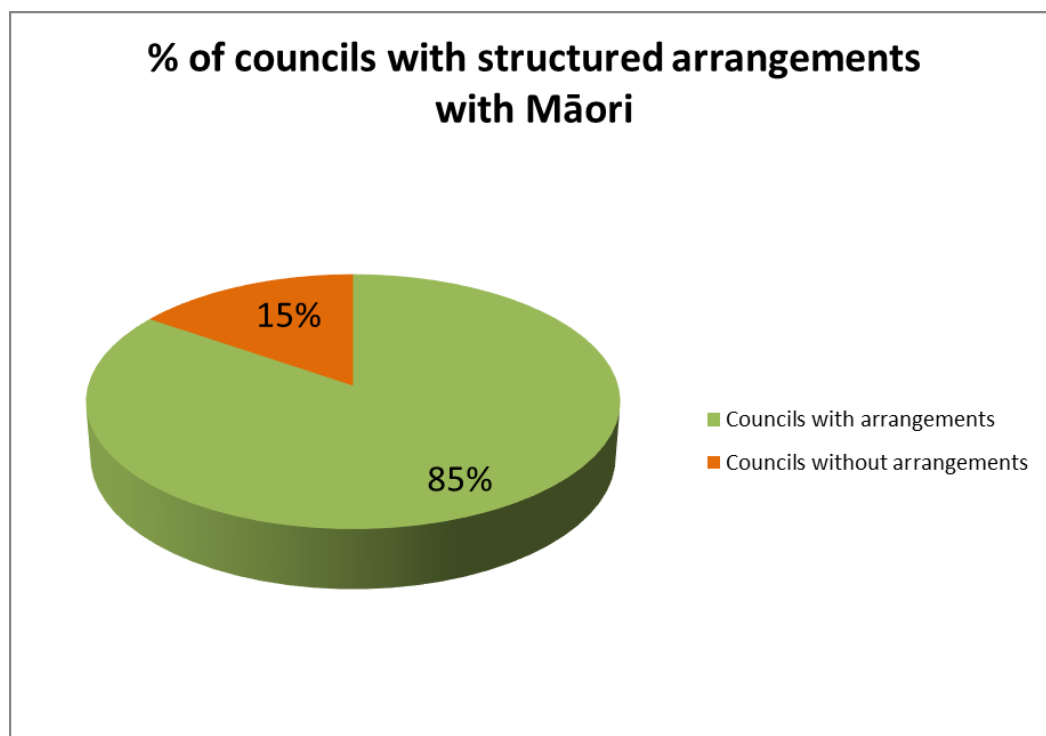
[14] Other questions included: (1) Who is the local government? (2) Who are the iwi involved? (3) What are the names of structures/arrangements with iwi? (4) How are iwi engaged? (How was this established? Who is involved/represented? Who makes the decisions? How are the decisions made?) (5) What geographic area is covered by relationships? (6) What is the nature of arrangements (special legislation, Te Tiriti / the Treaty settlements, voluntary, RMA)? (7) Is there an iwi management plan?

Figure 5. Councils with structured arrangements for Māori (Te Puni Kōkiri & Ministry for the Environment, 2015).
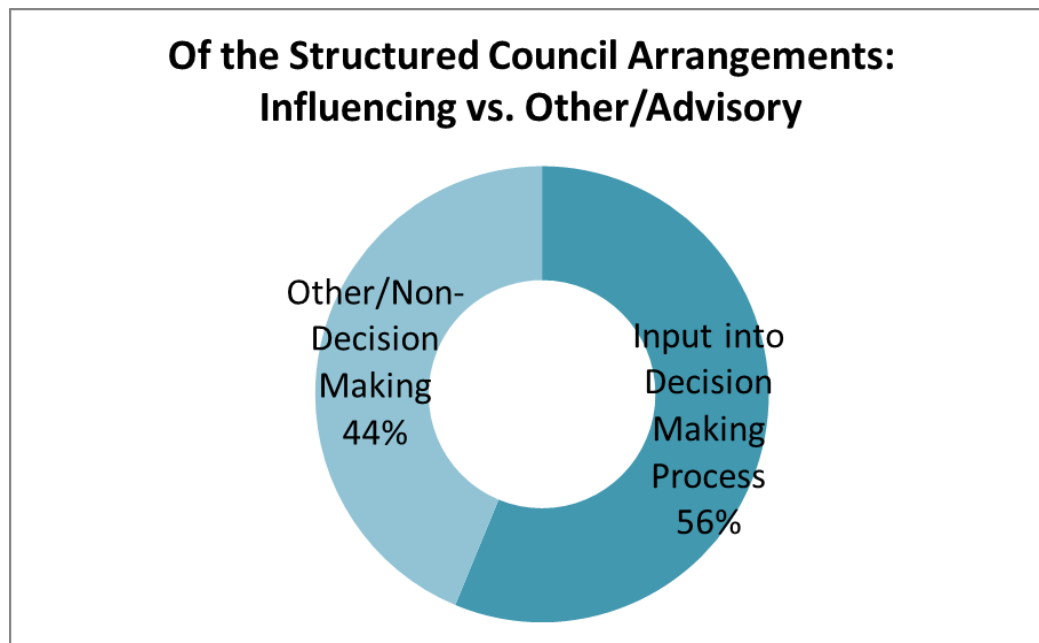
Figure 6. Influencing versus Other/Advisory arrangements (Te Puni Kōkiri & Ministry for the Environment, 2015).

Figure 5 identifies the percentage of local governments who have "structured" arrangements in place and those who do not. Of the 78 local governments in Aotearoa, 85 per cent, or 66 local governments, have structured arrangements. Figure 6 breaks down "structured arrangements" into two subcategories: (1) structured arrangements that enable iwi to have "influence"—which is understood as "input into decision-making processes" and which only existed in 56 per cent of cases—and (2) structured arrangements that were "non-decision-making" roles, which accounts for the other 44 per cent.

Further data collected in the stocktake gives insight into how structured and non-structured arrangements differ. These differences illustrate how the legislation does not impose standards on what "taking the principles of the Treaty of Waitangi into account"

should entail. For example, in the stocktake it was recorded that the Hawke's Bay Regional Council had relationships with nine different iwi groups and organisations and five different marae who represented the interests of tangata whenua in the region. It was noted in the stocktake that participation of these tangata whenua groups was enabled through a regional planning committee made up of 50/50 tangata whenua and councillor representation that had recommendation powers to council. A Māori committee made up of 12 tangata whenua representatives offered advice and consults on regional plans, policies, and statements as well as resource consents. Representatives of the Māori committee are also appointed to a number of other council committees, where a number of them have full voting rights. In addition to these arrangements, the Hawke's Bay Regional Council stocktake notes there is a Memorandum of Understanding between the five marae, the Hawke's Bay Regional Council, and the Wairoa District Council, and a deed of commitment by both tangata whenua and the Hawke's Bay Regional Council to act in good faith with one another. These arrangements are established under both the RMA and the LGA 2002, as well as in "voluntary" arrangements. As an example of a "structured" "influencing" arrangement, this interpretation of the legislation is through a multi-layered approach that is facilitated by a combination of consultation mechanisms as well as voting rights. Relationships are formalised but also guided by voluntary actions. By way of contrast, the Mackenzie District Council stocktake provides an example of a "non-influencing" approach. It notes that the council has relationships with Te Runaka o Arowhenua (part of the wider Ngāi Tahu iwi) who are provided with council plans, policies, and statements to make submissions, as well as twice yearly meetings to discuss mutual matters.

The differences between each approach are not only in the number of avenues for engagement but also in the quality of those arrangements: Some relationships are developed through a number of diverse avenues ranging from voluntary advice-giving through to voting

rights and formalised relationships, while other relationships with Māori are far less diverse, without any formal agreement nor any representation within the council or committee structure. When it comes to assessing these arrangements in relation to partnership expectations, it becomes evident that the legislation enables diversity not only in the approaches taken by local government but also diversity in the weight and authority given to partnership.

Using diverse approaches to building relationships with iwi is not in itself negative and is arguably necessary to suit local variations. However, flexibility which is not supported by practice guidelines can be counterproductive, so that what passes as meeting Te Tiriti / the Treaty principles is concerning. The legislation is not designed to support collaboration; rather, that collaboration is dependent upon what Boast (2003) has described as the "good will" of local governments and their willingness to engage substantively with Māori.

Discussion

The question I posed at the start of this chapter asked how the concept of a Te Tiriti/ the Treaty partnership is understood in local government. The evidence presented above leads to three interrelated conclusions.

Firstly, I purposefully began this chapter by outlining the basis of Te Tiriti and the Treaty and presented a case for Te Tiriti / the Treaty being fundamentally about partnership. Definitions of a Te Tiriti / the Treaty partnership, which have developed out of an analysis of Crown breaches through the Waitangi Tribunal, contend that partnership can be understood as equality, reciprocity, and addressing Crown power-imbalances through the equal recognition of the Crown's right to govern and Māori rangatiratanga. This confirms that partnership is still a fundamental principle of Te Tiriti / the Treaty and the basis for the Crown and Māori to work together and recognise each partner as holding equal weight in decision-making institutions.

In line with Te Tiriti (the Māori version), as supported by Mutu's argument (2010), this chapter concludes that the basis for British-informed government was through Māori granting the Crown permission to establish limited governing structures that did not impede on Māori rangatiratanga. However, this vision was not put into practice, as British colonialism disregarded and actively diminished Māori rangatiratanga as an equal governing platform.

Secondly, the application of this principle of partnership in local government is surrounded by both uncertainty and limited guidance over what Treaty expectations and practice are. Changes to introduce Te Tiriti / the Treaty into local government took place amongst significant challenges and political debate that resulted in legislation which offers an uncertain platform for partnership to be enforced by local governments.

And thirdly, in spite of propositions provided by LGNZ, data shows that there is a significant variation in the types of approaches taken to engage with Māori and significant variation to interpretation of how Te Tiriti / the Treaty should facilitate the relationship. Te Tiriti / the Treaty is seen as requiring engagement with Māori, but not necessarily as for partnership that can reverse Crown power-imbalances within local government. In one sense, the legislation simply requires local governments to engage with Māori, as opposed to requiring them to create any structural response to incorporate Te Tiriti / the Treaty.

Incorporating Te Tiriti / the Treaty into legislation alone, is insufficient when measured against Māori expectations since 1840. This suggests that tools steeped in Western political superiority, or grown in Aotearoa through colonial roots, will find it challenging to provide an equitable framework for enacting Te Tiriti/ the Treaty partnerships. Arguably, the miscommunication of rights presented in Te Tiriti o Waitangi illustrates this point—that British-informed governance, from the Crown's perspective, was not designed to promote power-sharing. Within local government, the historical disruption and displacement of Māori

political power (see Chapter Two) has normalised a local political environment in which Te Tiriti / the Treaty is not positioned as the foundation of the relationship between Māori and the Crown. This means that political debate that occurs within a Crown-directed environment (for example, the New Zealand parliament) can and does influence the shape of relationships between Māori and local government. It further means that an unwillingness by local governments to promote extensive reframing of their structural arrangements can still pass as being legally sound and as "taking the principles of the Treaty of Waitangi into account." The relatively late and hesitant introduction of Te Tiriti / the Treaty into local government has meant that only superficial responses are possible and those early British disruptions to the local Māori political environment continue to be disregarded.

Furthermore, the discussion above illustrates some of the key tools of British-informed local government. These tools can be considered as part of the array of governance mechanisms that are utilised to manage this particular form of governance in Aotearoa. For example, a reliance on central government legislation or nation-wide approaches to relationships with Māori is central to the way in which local government runs. Efforts to engage with Māori involve relationship building that comes with predetermined ideas of relationships as opposed to those ideas that are formed through significant efforts to develop relationships between Māori and local government. As I discussed in Chapter Two, one of the central differences between these two forms of governance in Aotearoa is the emphasis placed on developing and maintaining relationships. The lack of engagement and development of relationships with Māori continues to be evident through a discussion of Te Tiriti / the Treaty and an expectation of partnership.

Indigenous scholars such as Coulthard (2014), describe these types of issues as being situated within a "politics of recognition"; Coulthard challenges the idea that states and governments will recognise indigenous peoples if the decisions involving "recognition" are

decided upon and limited by the state. He (2013) argues that "recognition based proposals …

rest on the assumption that the flourishing of indigenous peoples as distinct and self-

determining agents is dependent on their being granted recognition and institutional

accommodation by and within the settler-state apparatus" (para. 19). This suggests that

solutions for indigenous and Crown reconciliation will not serve the interests of indigenous

peoples if entirely decided upon by and through the state.

Similarly, Corntassel (2007) questions the prominence of rights that are extended

from the state through what he calls an "illusion of inclusion" (p. 140). He discusses this idea

in relation to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);

he contends that, despite being designed by indigenous peoples from throughout the world,

the UNDRIP was still designed within a state-managed institution and was therefore subject

to colonial state limitations. Māori did not sign Te Tiriti / the Treaty to be offered rights by

the Crown, but the current interpretation presupposes an offering of engagement to Māori,

fundamentally misinterpreting the initial Māori purpose—to allow limited Crown authority

into Aotearoa. I do not argue that the Crown's power should be made subordinate to Māori

authority, but rather that the support for Te Tiriti / the Treaty partnerships suggests that the

relationship needs to be much more than a "recognition" of Te Tiriti / the Treaty, or the

"inclusion" of Te Tiriti / the Treaty in legislation, which is currently how it is characterised.

Legislation "recognises" Te Tiriti / the Treaty by including it in phrasing in both the RMA

and the LGA 2002, yet these efforts continue to be limited by some of the polarising opinions

and debates on Te Tiriti / the Treaty.

These two positions held by Coulthard and Corntassel, regarding "recognition" and

"inclusion" respectively, suggest in this context that partnership cannot be enabled through a

single avenue determined by the Crown. These two interpretations contend that the Crown on

its own cannot provide for indigenous self-determination (or rangatiratanga in the Māori

context) but also that indigenous peoples cannot rely solely on state avenues to support their rights—even if they are involved. While both of these scholars discuss these concerns in relation to establishing indigenous independence from the state, these same concerns are just as central when trying to resolve the relationship between indigenous people and the state at the local level. In other words, the promotion and application of partnership, as the cornerstone principle of Te Tiriti / the Treaty, needs to be determined and designed by *both* partners operating with equal bases of power and authority. If not, the risk as evidenced by the discussion above is that the benchmark for Māori rights to political engagement will remain severely limited by lasting colonial disruptions and interpretations of Māori as minor partners. These disruptions continue to have precedence in the way legislation is worded and managed.

In a kaupapa Māori framework, transformational praxis for Māori empowerment and governance authority needs to be influenced by Māori (Royal, 2012). The basis of kaupapa Māori theory is that by identifying and deconstructing colonial practice, solutions need to be found within Māori frameworks. This discussion of Te Tiriti/ the Treaty partnerships demonstrates that addressing colonial intent by including reference to Te Tiriti / the Treaty in legislation is not in itself a solution. Attempts to reverse colonial precedents regarding relationships between Māori and local government continue to be shaped and limited by the Crown. This means that even if national bodies like LGNZ make recommendations for partnerships, those recommendations will continue to exist as aspirations, as opposed to enforceable requirements. The central concern that stems from this discussion is that despite Te Tiriti / the Treaty partnerships being a well-versed principle, or in fact the basis of Te Tiriti / the Treaty, local governments do not have to abide by this foundation. The implication being that Te Tiriti/ the Treaty partnership is a principle which can be broadly and loosely interpreted, and so limited by the Crown's willingness (or unwillingness) to be held

accountable to Māori expectations since 1840. In effect, the roots of colonisation and its related requirement to disrupt and displace Māori political rules and institutions continue to infiltrate how local governments engage with Māori. A system built on exclusion does not possess the tools to provide for partnership which will recognise and re-centre rangatiratanga at its heart.

Kaupapa Māori theorists offer a clear solution to this concern by arguing that the source of change should stem from Māori principles and understandings, which are currently lacking from the legal requirements addressed in this chapter. Kahnawake scholar Taiaiake Alfred (2005) argues in the context of his First Nations peoples in Canada that the best option for indigenous peoples is to seek out ideas and concepts that are formulated within indigenous peoples' knowledges as a way to build a framework for political self-determination. As I argued in Chapter Two, local governments in Wellington and the Hutt Valley depended on the exclusion of Māori from local governing structures in order to assert full authority; given the political debates surrounding local government and Māori, it is reasonable to assume that this same context and limitation characterises local government authority throughout Aotearoa. To then solely rely on British-informed government to remedy this exclusion through Crown legislation, is to continue to engage in a conversation in which one partner assumes a more authoritative position and provides the solutions. Understanding that Te Tiriti / the Treaty partnerships are synonymous with rangatiratanga would be a starting point for broadening the standards of Māori and local government relationships.

Conclusion

The lack of support by central government to support Te Tiriti/ the Treaty partnership is reflected in the legislation and demonstrates how barriers to reconciling colonially-informed relationships between Māori and the Crown still exist. There is an assumption that

the government is the greater more legitimate governing partner, with Māori holding the subordinate role in decision-making. This assumption is reflected in the government's position on "the principles of the Treaty of Waitangi" in local government legislation. Despite the fact that there are significant differences between the two Te Tiriti / the Treaty texts, the legislation is positioned to continue a legacy of Māori as a minor stakeholder if partnership is not fully promoted as an expectation of the principles of the Treaty of Waitangi. In Ruru's quote at the start of this chapter, she argued that local governments are accountable to partnership as a Te Tiriti/ the Treaty expectation opposed to being only treated as stakeholders. Te Tiriti o Waitangi is not a contract which Māori signed to be identified as potential stakeholders, but a contract to support coexistence and partnership in governance.

In Chapter Four, I extend this argument by examining Māori representation in local government and how more specific legislation that is meant to direct and guarantee Māori input into decision-making, continues to be hampered by the same issues of Te Tiriti / the Treaty partnerships.

Chapter Four: Māori Wards in Local Government

Introduction

In 2010, the New Zealand Human Rights Commission identified the under-representation of Māori as councillors in local government as being amongst the most important issues of race relations in Aotearoa. In a report titled *Māori Representation in Local Government*, the Human Rights Commission argued that Māori civil and political rights were not being fully recognised at a local government level which in large part was due to the consistently low levels of Māori who are elected as councillors. It is estimated that the number of Māori councillors fails to reach above an average of six per cent across the country (Hayward, 2011) despite the fact that Māori make up 14.9 per cent of the entire population (Statistics New Zealand, 2013a). Building on the discussion of partnership in the previous chapter, this chapter focuses specifically on the Local Electoral Act 2001 which includes a provision for local governments to establish Māori wards or constituencies as one option to remedy the low level of Māori representation. The act also offers an option for local governments to partially fulfil Te Tiriti / the Treaty expectations of partnership.

Despite the existence of this piece of legislation for 17 years, only three of the 78 local governments throughout the country have so far successfully established Māori wards or constituencies.[15] This chapter examines some of the debates and challenges associated with Māori wards and constituencies in local government and asks whether Te Tiriti / the Treaty partnerships are supported by the current legislation specifically pertaining to Māori wards in local government. In Part One I discuss a recent and highly controversial case study on Māori wards in the New Plymouth District Council (NPDC) which highlights many of the challenges around implementing the legislation nationally. Following this case study, in Part

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[15] These are the Environment Bay of Plenty (2001), Waikato Regional Council (2010), and Wairoa District Council (2016).

Two I examine more broadly the debates across the country and the positions developed

within central government, in order to show the distinct concerns in this debate. In Part Three

I refer to three proposed changes to the legislation, which although not passed, they clearly

reveal challenges which dominate the debate and influence the current legislative provisions.

In this chapter I argue that the legislative option to establish Māori wards in local government

is unable to support widespread Te Tiriti / the Treaty partnership expectations and in fact has

the opposite effect and enables local governments to abdicate their role as a Te Tiriti / the

Treaty partner. I suggest that amendments need to be made to these provisions if they are to

serve their intended purpose of supporting balanced representation and current applications of

Te Tiriti / the Treaty. These issues are demonstrated through the following case study.

Part One-New Plymouth / Ngā Motu; a Case Study of Māori Wards

Te Piukara

E Piki mai Pungarehu ka tangi mai te piukara

He tohu riro ngā ngonga, e rere te mau nawa

He taiepa tiketike, te taiepa i ngā tūpuhi

He taiepa pikonga nō Kāwana te mau nawa

Tui atu, tui mai ō tāua nei ringaringa

i te roa rori ki Kuini tiriti kei mau nawa

Piko mai e Kāwana ko ahau tō ariki

ko koe taku pononga e te Kuini kei mau nawa

Ascending the hill at Pungarehu the call of the bugle is sounded. It is the sign of the military

forces. Trouble is all around.

The barricades erected by the downtrodden are a major obstacle, they cause the Governor's

back to stoop, he is the cause of the oppression.

Our hands are tied together on this long road to Queen Street, source of our oppression.

Come forth bow before us Governor I am your lord, you are my servant. O Queen, source of

our oppression. Such trouble.

(Recorded by Hohaia, 2001, p. 46)

This ngeri (chant), named "Te Piukara" or "The Bugle," is about the history of

colonisation in Taranaki, a region located on the West Coast of the North Island. It is the area

where my iwi of Taranaki Whānui in Wellington and the Hutt Valley are from (see Chapter

Two). This ngeri recalls a particular attack on a peaceful Māori settlement, Parihaka, in 1881;

under the leadership of two Te Ātiawa prophets—Te Whiti o Rongomai and Tohu Kakahi—

Parihaka had been established as a site for passive resistance against violent Crown attacks.

The settlement became home to Māori from throughout the country, all of whom followed

the peaceful teachings of the prophets and sought reprieve from violent action and land

confiscations (Buchanan, 2009; Hohaia, 2001). Despite the insistence on passive resistance—

which materialised through acts such as the removal of Crown fence posts on Māori land to

protest against land confiscations—the Crown saw Parihaka as a symbol of Māori resistance

and sought to halt the movement. On 5 November 1881, Crown troops ransacked the village,

attacking men, women, and children. The soldiers eventually imprisoned people from

Parihaka and forced them to work as slaves in the South Island (Buchanan, 2009).

The "Queen Street" referred to in the ngeri is located in Ngā Motu, New Plymouth,

and was the location of the courts in Taranaki. Both symbolically and metaphorically, this

reference captures Taranaki iwi continued resistance to the Crown, and a determination to

hold fast to a belief in passive resistance in the face of violent actions. The Parihaka story is

only one of many grievances caused by Crown actions. The ngeri acknowledges the

relationship between Māori and the Crown in Taranaki but also highlights how this is put into

effect in reality. Claims put forward by Taranaki iwi to the Waitangi Tribunal, highlighted

Crown breaches of Te Tiriti / the Treaty, and suggested that the greatest impact of land

confiscation and Crown violence was on the relationship between the Crown and iwi. The opening statement in the 1996 Waitangi Tribunal Report, *The Taranaki Report, Kaupapa Tuatahi*, contended:

> There may be no others where as many Treaty breaches had the equivalent force and effect over a comparable time … There has been continuing expropriation by various means from purchase assertions to confiscations after the war. In this context, the war itself is not the main grievance. The pain of war can soften over time. Nor is land the sole concern. The real issue is the relationship between Māori and the Government. It is today, as it has been for 155 years, the central problem. (Waitangi Tribunal, 1996, p. 1)

A thorough examination of the history of colonisation in Taranaki is beyond the scope of this thesis. However, the implications of this relationship between Māori and governments foregrounds ongoing contention over Māori representation in New Plymouth, the largest town in Taranaki today.

Current context. Many Taranaki Whānui still live in the Taranaki region, along with other Māori who have moved to settle in the area. According to the 2013 Census (Statistics New Zealand, 2013b), the NPDC services a resident population of 74,187 people, 11,082 or 14.9 per cent of whom identified as being of Māori descent. Of those Māori residing in the area, 60.7 per cent (6,729) affiliate to one or more of the local iwi and hapū, while the other 40.3 per cent have iwi and hapū affiliations to other parts of the country (Statistics New Zealand, 2013b). The maps below (Figures 7 and 8) illustrate some of the overlapping boundaries between councils in the area and the local iwi.
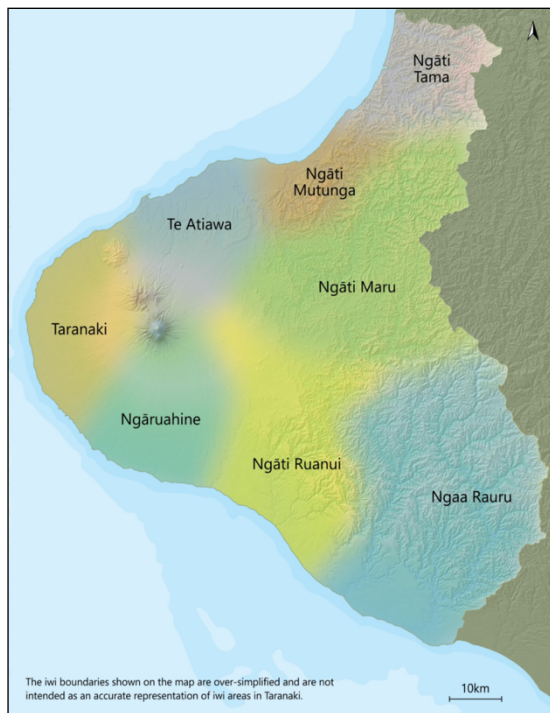
Figure 7. Taranaki iwi boundaries (Taranaki Regional Council, 2018).

Figure 8. Local government boundaries Taranaki (Department of Internal Affairs, 2018b).[16]

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[16] Figures 7 and 8 are not intended as exact boundary lines for iwi or local government but are used to demonstrate the basic overlap.

These maps are used here to illustrate why relationships are essential between iwi and local government due to overlapping land interests. The maps are important in the context of Māori political representation given the history of the contentious relationship between iwi and the Crown. The high presence of Taranaki iwi who still live in the area meant that debates over a Māori ward in New Plymouth were immediately encompassed by the history of Crown and iwi relationships.

A Māori ward for the New Plymouth District Council. In September 2014, the NPDC resolved, by seven votes to six, to establish a single Māori ward. In accordance with the provisions in the Local Electoral Act 2001, if a council votes to establish a Māori ward, there must be an opportunity for the community to contest the decision. This decision was publicly challenged in a petition signed by five percent of New Plymouth voters. The process for using a petition is set out below:

The legislation. Section 19Z of the Local Electoral (Amendment) Act 2001 states:

1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.

2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes.

The number of Māori representatives is drawn from the same Māori roll as used in central government elections (discussed below). Similar also to that process of election, both Māori and non-Māori can stand as representatives for either roll, but only people of Māori descent can be on enrolled on the Māori electoral roll to vote.

Under the act, Māori wards can be established in three ways:

1) Through council resolution in which the council votes to establish a ward.

2) Through a council decision to hold a public poll in which the public are asked to decide whether or not a Māori ward should be established.

3) Through a public poll which is initiated by five per cent of eligible voters who support the establishment of a Māori ward.

If a council decides to establish a Māori ward, they are required to then advertise the decision and advise the public that they have an option to force a referendum. Importantly, decisions made by council on Māori wards or constituencies are the only type of ward or constituency change that can be repealed by the public in this way. The only other change which can be impacted by a five per cent electors' poll is a change of electoral system.[17] Other changes to representation arrangements are made by the Local Government Commission under required six-yearly representation reviews (Local Government Commission, 2015). These representation reviews often deal with ward boundary changes in order to better represent constituencies, and although local governments are also required to consider Māori wards every six years, this only needs to be done through independent council discussions, as opposed to through any external accountability measure.

The legislation in action. In 2015, the petition was received by the NPDC and a citizens initiated referendum was held. This meant that voters in New Plymouth could decide whether or not they agreed with the NPDC decision to establish a Māori ward. The petition was championed by a member of the public, Hugh Johnson, who felt that the Māori ward in New Plymouth was antithetical to his understandings of democracy in local government. In a statement made to the Taranaki Daily News, he declared that his motivation to initiate a citizens referendum came from his perception that Māori wards would cause division:

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[17] Local governments have the option to change from First Past the Post (FPP) to Single Transferable Vote (STV). See Hayward (2011) for a discussion of Māori and STV and see Bush (2002) for general discussion of STV.

"Personally I feel if you want to stand for council you should stand, there shouldn't be any shortcuts. It's the same with Parliament. There shouldn't be any Maori seats in Parliament. It's dividing the country" (as cited in Harvey, 2015a).

Johnson and other community members who opposed the wards, collected 4,248 signatures, exceeding the 2,700 that were required to initiate the referendum. As a result, on 15 May 2015, the referendum was held and the NPDC's resolution was overturned. Of the 45 per cent of voters who turned out to vote, 83 per cent voted against the establishment of the single Māori ward (NPDC, 2015).

In June 2015, after the referendum, I met with the then mayor of New Plymouth, Andrew Judd. I had previously written to him to express my support for the action he had taken to increase Māori representation on the NPDC; he agreed to meet with me to discuss his experience. In many ways, Judd could be seen as the stereotypical councillor in New Zealand: a professional, 50-year-old, Pākehā male. He had trained as an optician and had previously served two terms as a councillor before entering his mayoralty. His stance in favour of Māori representation and Te Tiriti / the Treaty partnerships were, however, far from typical, and in fact he had recently proclaimed himself as a "recovering racist" following his experiences with Māori as the mayor and being made aware of the brutality of colonisation in the area (as cited in Harvey, 2015b). This 50-year-old Pākehā male, who readily accepted that he had previously sat comfortably within what he argued was a Pākehā-dominated local government culture, greeted me in his mayoral office with "kia ora" and a hongi.[18]

During the early stages of Judd's mayoralty he was required to meet with the local Māori community to establish how the NPDC would meet their legal obligations to Māori

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[18] Hongi is a form of Māori greeting, where two people press noses. In doing so, the ancestors of both people also greet one another.

(LGA 2002).[19] Judd was invited by the local iwi to meet with them, and it was during this and

following meetings that Judd's support for increased Māori representation began to seed. He

stated in our interview:

> I got welcomed with love and I was nervous; I don't know why, I don't know what I
>
> was expecting, because I wanted to do everything right. There were a few things that
>
> dawned on me and I don't know why it did—I'm just being honest; "Gosh I'm the
>
> only Pākehā in this room, never had that in my life." I don't know why I thought that.
>
> I didn't feel threatened or fearful; just a strange thing to think eh? Along that there
>
> was "you're our Mayor, don't muck it up, we love and respect and welcome [you] and
>
> we're here to help." Don't know what I was thinking but it wasn't an embracement of
>
> love and care actually. (A. Judd, personal communication, June 2, 2015)

His experience with the Māori community and, in particular, being placed in an

unexpected environment, led to further revelations regarding the history of colonisation in the

area:

> that land was part of the settlement process with Te Ātiawa and the Crown to gift
>
> back in its forming leases. So I was invited or asked to go to this protest; TV was
>
> there. That started some reading for me because when I came back to the Office I was
>
> just reading some of the settlement documentation and in it was about the local
>
> history … So that got me thinking, "Gosh, eh, I never knew this, that's horrible." (A.
>
> Judd, personal communication, June 2, 2015)

Learning about the experiences at Parihaka in particular was a turning point for Judd,

who noted that "Parihaka was raped and pillaged. Families were devastated. Men were carted

away. When we reflect on our history, we should reflect on our whole history" (A. Judd

personal communication, June 2, 2015).

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[19] I have discussed the LGA 2002 in Chapter Three.

His desire to reflect on the "whole history" culminated in his eventual position on Māori representation, in particular in a need to address under-representation in local government through a Te Tiriti / the Treaty interpretation, and one which would reify the original intent of Te Tiriti / the Treaty:

> councils are by extension officers of the government and the government has a duty to the Treaty … If you think of true partnership it's half-half, fifty/fifty; this is one, and it's an insult, so it's hardly a takeover. You would have thought we were in 1840 with the reaction … we have to root this out—Pākehā does, it's actually a Pākehā problem. (A. Judd, personal communication, June 2, 2015)

This statement made by Judd is central to the wider debates regarding Te Tiriti / the Treaty partnerships, as an equal fifty-fifty arrangement was viewed by Judd as the best way that a government could uphold its Te Tiriti / the Treaty responsibilities. Importantly, Judd argued that the problem of low Māori representation was actually a problem which had grown from within Pākehā society, a position which is contrary to some of the wider perspectives, as I discuss later in this chapter.

When Judd was elected, relationships with Māori were facilitated through a kōmiti Māori (Māori committee), a subcommittee within the council structure. The kōmiti Māori was made up of 10 representatives, five of whom were Māori, and five who were elected councillors. The committee was designed to provide advice to council and inform council of Māori perspectives; however, it was noted by kōmiti Māori members that the position of the kōmiti Māori was undermined by council who only engaged the committee after decisions were made, as opposed to engaging in ongoing consultation. Chris Manukonga, a past member of the kōmiti Māori, stated, "If Maori are going to be included, talk to them about their concerns from the start, don't just ask them to say OK to the things you've already done" (cited in "Maori seat too hot," 2015).

Furthermore, when Judd met with the kōmiti Māori to discuss whether it would continue during his term, the kōmiti Māori members reinforced that they were unhappy with the arrangement and its ability to reify Te Tiriti / the Treaty expectations. Recalling what was stated to him by the kōmiti Māori members, Judd reflected:

Kōmiti Māori has had its time, "it was actually a bit of an insult because the fact is non-Māori tell us what we talk about and we have a view and then non-Māori decide on it, so it's not real." (A. Judd, personal communication, June 2, 2015)

Other Māori members of the kōmiti further confirmed the problems with low levels of Māori input into decision-making, and how this was a continuation of the issues that developed during the earlier years of conflict in Taranaki. A statement to the Taranaki Daily News during the debates on a Māori ward asserted: "We're not going to go away. We're sick of this. We've had 150 years of living in this country where our views are not taken into account" (as cited in Coster, 2015).

Following talks with the kōmiti Māori, Judd had proposed to the NPDC that Māori should be appointed to other council committees where they would have full voting rights alongside councillors. Judd argued that this was one way that Māori input into decision-making could be encompassed throughout council decision-making. However, he was met with significant resistance: "The argument around the table was you can't have unelected people to the Council for the vote. I thought, 'No you can, you can by law, because you are appointing experts where you haven't got them'" (A. Judd, personal communication, June 2, 2015).

Despite Judd's insistence that Māori would offer expertise given the significant overlap of council and iwi boundaries and interests, this option was not accepted by the council, a position which prompted Judd to propose that a Māori ward should be established as an alternative option.

The option to establish Māori wards had been explored by the kōmiti Māori in years prior to the 2015 decision. In 2011, the council received a request from the kōmiti Māori to establish two Māori wards in time for the 2013 election. In line with the legislative provisions, the council proposed that instead of voting on the issue themselves, they would put the question to the public to decide at that time. In response to this decision, the kōmiti Māori wrote to the council stating they were adamant that the decision should not be made by the public:

> One of the greatest concerns for Māori is that in every case around the country where a poll on Māori wards has been held, they have been totally rejected … The outcome we seek from Council is that the decision to hold a poll on establishing Māori wards is rescinded. (NPDC, 2013, p. 6)

As a result, the council decided to forgo the public poll or any consultation regarding the Māori ward altogether. No vote was held at this time by councillors and the issue was side-lined until Judd revisited Māori wards in 2014.

A council hearing was held on 23 September 2014 to listen to presentations and subsequently vote on whether or not the NPDC would establish a Māori ward. Although the ward was voted through by one vote (seven to six), the perspectives that were aired in the council meeting starkly revealed the nature of the challenges and the agitation that was caused by a discussion on Māori representation. Deep-seated opposition reiterated many of the same concerns that are heard in regards to the national seats and across the country in various other debates about Māori representation (Sullivan, 2010). For example, at the hearing, one councillor argued that there was already sufficient Māori consultation to meet legislative requirements and that the relationship with Māori was well provided for in the Memorandum of Understanding with Taranaki iwi, requirements under the RMA, and within the council's district plan, as well as—according to him—"in every single report … a

paragraph in reference to Māori". He emphasised his point by adding that no other

community group is given these same considerations and that essentially Māori wards are "an

issue of separatism based on race" (J.McLeod, personal communication, September 23,

2014).

Other councillors opposed to the Māori ward argued that there had not been enough

consultation with local Māori, so that it was difficult to know whether or not this was the

option that Māori wanted: "I just don't want to set a precedent, we are the first council to do

this, should we just hold back a little while and figure it out" (Councillor(unknown), personal

communication, September 23, 2014).

Councillors in favour of the ward—including the deputy mayor, Heather Dodunski—

argued that the ward was a first step in guaranteeing representation for Māori and that claims

that the decision had not been thought through properly were unfounded; "after 200 years

where have we been accused of rushing?" she asked the council (H. Dodunski, personal

communication, September 23, 2014).

In turn, Judd responded by questioning how much the current elected councillors

could represent the Māori population:

Where's the problem? We need to be positive for our district, here's some small step

that we can take forward, that will make such a difference to people that we sit around

this table and say we represent, well do we? Not if we don't pass this today we don't.

(A. Judd, personal communication, September 23, 2014)

Despite the eventual decision to establish the ward, division was already apparent

within the council and remained fraught with Councillor McLeod resigning in protest

immediately following the decision. His resignation was due to his belief that "[t]he majority

of this council has voted for a stance that is against my own personal principles in life … I

cannot work in any environment that has a belief in separatist values, based on race, creed or religion" (as cited in "New Plymouth councillor resigns," 2014).

His decision to resign in protest was an indication of the strength of opposition and the perceptions that circulated throughout the public in the weeks to come.

Public debate. The debate and discussion that occurred in the public arena proved detrimental to the council resolution and eventually reversed the council's previous decision, ultimately confirming the concerns the kōmiti Māori had over allowing the decision to move into the public arena.

A public forum organised by the council was held on 8 December 2014, some three months after the council had passed the resolution. The forum was attended by over 500 people and live-streamed throughout the country. The aim of the forum was to air the different perspectives on Māori wards given the polarising views that were becoming more apparent. It was clear from those who took part in the debate, that the decision in New Plymouth had far reaching implications throughout New Zealand as those who spoke in favour of the wards were: Māori political commentator and former chief executive of the Manukau Urban Māori Authority Willie Jackson; former co-leader of the Green Party, Metiria Turei; and co-leader of the Māori Party, Marama Fox. Those presenting the arguments against the wards were Winston Peters, the leader of the New Zealand First Party; Susan Guthrie, an economist for the Morgan Foundation; and Hugh Johnson.

In Johnson's address, he stated his reasons behind leading the opposition to the Māori ward: "We have one city council, we have an election system which everybody can attend to, we do not need a Māori ward. So that's my view on that. All men are equal. And that includes the women" (Johnson, 2014, audio 5).

The paternalistic implication of his emphasis on the status quo as being sufficient was made clear as he went on to add:

I've heard some people say on the Māori side of it that the Māoris have tried to get

onto council and they haven't been able to get very far because nobody would vote

for them and this sort of thing. But I believe if they do their homework, and study it

carefully and they decide to go on council and go and talk to a councillor, go to all the

council meetings the committee meetings and get to know the feel of it. (Johnson,

2014, audio 5)

Another member of the opposing team, Susan Guthrie, argued that Māori wards

would encourage division amongst councillors and decision-makers: "It drives the leadership

to find ways to disagree and encourages their people to not see themselves as having anything

in common." She continued by suggesting that Māori aspirations and tino rangatiratanga

(self-determination) could not happen within council, but should occur within "communities"

where Māori could "be autonomous to have say over what happens to them" and not to "do it

at the council level" (Guthrie, 2014, audio 3).

These statements illustrate succinctly the nature of the divisive discourse around

Māori inclusion in local government. They also reveal the institutional and structural

constraints in which such discourses are enmeshed and given credibility. The assumptions

that Māori leadership would be incongruent with the current public leadership style and

practice, and that tino rangatiratanga—the term used in Te Tiriti to encompass Māori

authority[20]—should somehow be quarantined within Māori governance contexts and does not

have a place within local government, are engrained in much of the opposition. The

implication is that Māori self-determination and Te Tiriti / the Treaty rights are well and good

in their place—which is not in "mainstream" Western government structures and institutions.

Those supporting the establishment of the Māori ward, focused on the connections iwi

had to the area; they disputed that Māori wards challenge democracy, stating instead that they

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[20] See Chapter Three for a discussion of Te Tiriti o Waitangi texts.

actually add to the fairness of local elections. Jackson (2014) stated: "This claim is not racist, it's not separatist … it is about justice for our people and in this case my people, the Ngāti Tama, Ngāti Mutunga and Te Ātiawa of Taranaki" (audio 2)

Jackson's argument drew on the historical injustices driven by colonisation, which had led to ongoing distrust between the local iwi and governments. For Jackson, Māori wards were part of remedying some of the grievances specific to the iwi in the area.

Turei built on the issue of justice, by arguing that a Māori ward would be a better reflection of a fair decision-making structure:

If the system of democracy is not delivering fair representation, then we have an obligation to change it. That is what fairness demands of us as a community, this is what progress is in a democracy … fairness is the principle, fairness is the value that we all collectively hold and work for in this country (2014, audio 4)

This debate provided an important broadcast of the issues and perspectives surrounding Māori wards. On the one hand, opposition to Māori wards focused on a fear of separatism as a reason to resist Māori wards. This was supported by arguments that Māori tino rangatiratanga was not suited to a local government environment and the leadership that was already being practiced. On the other hand, debates in favour of the wards centred on remedying the effects of colonisation that had contributed to unequal input into decision-making within local government, and confirming that Māori wards were democratic if aimed at creating balanced representation.

Following this high-profile and public debate, the petition was received and this eventually led to the citizens initiated referendum which reversed the decision to establish a Māori ward. Efforts to place the debate within a context of colonisation that could be remedied through appropriately applying Te Tiriti / the Treaty, were fruitless.

However, an issue which was highlighted by Judd during our interview was the nature of the legal provisions to establish a Māori ward and in particular the ability for decisions to be referred to the public:

The government; I'm just really cross because it's their system. Everything we do as council is enshrined by the Crown. We can make some small peripheral by-laws but you can't do anything else other than [use] the tools they give you. When Paula Bennett[21] was in the Office here and I said that to her about that she said, "Local communities decide." No they don't; the majority decides so it will never get there. (A. Judd, personal communication, June 2, 2015)

Given the controversy generated by this debate, Judd chose not to stand in the following election, noting that there was too much negativity surrounding his mayoralty given people's strong perspectives on Māori wards: "As much as I want to, I just know it will be used as a fight" (A. Judd, personal communication, June 2, 2015).

The outcome for Māori meant that immediately following the referendum, there was no structure in place to facilitate Māori engagement in decision-making. From Judd's perspective, the major barrier was the legislative provision which allowed for a public poll. Despite the fact that Māori are under-represented across local governments, and that the kōmiti Māori was recognised as insufficient, the legislation enabled long-standing divisions to be maintained without a proper interrogation of the history of the region or the expectations of Te Tiriti / the Treaty: "We haven't had proper conversations about what happened in our past. We haven't truly apologised. Why haven't we truly apologised? Because we've got racist things on the books, mate" (A. Judd, personal communication, June 2, 2015).

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[21] The Hon. Paula Bennett was at this time the Minister for Local Government.

Tellingly, in 2016 when the next election was held, two Māori candidates stood for the mayoralty and five Māori stood as councillor candidates, none of whom were elected in the final outcome (Lee, 2016).

Summary. The case for a Māori ward in New Plymouth is reflective of the challenges—political, legislative, and institutional—experienced by Māori throughout the country in seeking an option for better representation. Māori wards are considered to be both a tool for local governments to partially address their Te Tiriti / the Treaty responsibilities (see Chapter Three) and a way to support better Māori representation by using democratic tools. There has been a failure to interrogate the historical exclusion that has led to mistrust between iwi and government, with the result that attempts to highlight these concerns are overwhelmed by discourse which focuses on race and division. The concern that the kōmiti Māori had around the results of the public poll, coupled with Judd's decision not to stand again so as to avoid any reiteration of the conflict, clearly illustrates the depth of public resistance to Māori representative mechanisms. The institutional racism that has stemmed from a historical ignorance of the privileged position of British-informed local governments throughout the country, served as the catalyst for Judd in making his stand on Māori representation, but it also led to his decision to end his career in local government. New Plymouth illustrates how the depth of colonial intent and institutional racism finds footing in measures that, on the surface, are designed to promote equality and diversity. Although this case study was specific to New Plymouth, there are many aspects that resonate throughout the country, particularly as Māori wards are the only type of ward change to be subject to this type of public interrogation. Central government's inclusion in the public debate indicates the breadth of this issue for communities throughout Aotearoa and it is this point I elaborate on in the next part.

Part Two-Wider Debates

The NPDC case study illustrates many of the challenges surrounding Māori representation. These challenges are now discussed further with reference to nationwide debates which serve to illustrate some of the wider concerns surrounding Māori representation in local government.

There are two central arguments to support the establishment of Māori wards, which I discuss here. The first is that it supports Te Tiriti / the Treaty expectations, and the second is that it is in line with the democratic tools to create proportional representation. Local Government legislation pertaining to Māori wards, is similar to that of the Māori seats in central government established in 1867. While they are now a distinct feature of New Zealand's democracy (De Bres, 2015), they are yet to be entrenched, with the result that there is frequently debate over their position in central government (Sullivan, 2010). However, the first four seats in 1867 have increased to seven in response to a growing Māori population and the introduction of a Māori electoral roll by the Labour Government in 1975 which changed how Māori were considered in relation to voting (Parliamentary Library, 2003). The Māori electoral roll was designed to ensure that the seats were proportional to the Māori population; the basis of determining the number of seats is dependent on the number of Māori who choose to enrol on the Māori electoral roll, instead of the General electoral roll. Currently, 55 per cent of enrolled Māori voters choose to be on the Māori roll, and 45 per cent on the General roll (Electoral Commission, 2014). This is seen as an indication of Māori support for Māori seats (Sullivan, 2010). In 1986, a review of the Māori seats was undertaken by the Royal Commission on the Electoral System. In the summary of their report, the Royal Commission highlighted how the Māori seats were supportive of Te Tiriti / the Treaty expectations:

Although they were not set up for this purpose, the Māori seats have nevertheless come to be regarded by Māori as an important concession to, and the principal expression of, their constitutional position under the Treaty of Waitangi. To many Māori, the seats are also a base for the continuing search for more appropriate constitutional and political forms through which Māori rights (mana Māori in particular) might be given effect. (Royal Commission on the Electoral System, 1986, p. 86)

Seats, as a tool for proportional representation as well as a form of recognising Te Tiriti / the Treaty expectations and an expression of mana (autonomy, authority), have sat at the forefront of Māori political representation for over 170 years by allowing Māori to elect representatives who can voice Māori interests. Despite this significant and long-standing precedent, Māori seats in local governments—that would simultaneously provide proportional representation while also working towards Te Tiriti / the Treaty expectations— are yet to be fully realised. Nevertheless, incremental attempts to support Māori political representation within local government are slowly being made.

The first legislative provision developed to remedy Māori under-representation in local government through establishing Māori seats, was the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001—legislation specific to the Environment Bay of Plenty Regional Council. This act led to the creation of three Māori constituencies for the 2004 election. Judge Trapski, who oversaw the act stated that, recommended that the three seats in the Bay of Plenty were consistent with the electoral processes in place for local government. In his concluding statements, he remarked:

1) For whatever reason, the fact is that in some places 16% of the population in the Bay of Plenty, and in others, up to 58% of that population, clearly perceive that they are unrepresented at the Council table

2) Adoption of the Proposal would deliver Māori the same voting rights as others. Their electoral rights would be no greater than those afforded to any other voter in the Region and I can see no way in which the Proposal would enable Māori to "outvote" the other members of the Regional Council as a block. The proposal in my view would not disadvantage anyone.

3) The Proposal is in conformity with the delivery of the democratic process in New Zealand, and in conformity with New Zealand's constitutional principles.

(Trapski, 1998, pp. 8–9)

Taken together, justifications for Māori seats in central government and in the Bay of Plenty indicate the ability to justify Māori representation through both a Te Tiriti / the Treaty based argument and through a democratic position: designated Māori seats in central government were argued to be a constitutional Te Tiriti / the Treaty right which could reify mana,[22] and Judge Trapski argued that Māori seats in local government simply offered an adjusted democratic arrangement which supports the ideals of a democratic society to represent communities.

In 2009—when the proposal was made to amalgamate local governments in Auckland into a single unitary authority, known as the Auckland "Supercity" Council—Māori wards were recommended by the Royal Commission on Auckland Governance (AG Royal Commission) as an appropriate measure to guarantee Māori representation on the new council. The AG Royal Commission argued that three Māori wards should be established as part of the new council arrangement: one seat designated for mana whenua, and two seats for mātaawaka (AG Commission, 2009, p. 489).[23] The justifications provided were: first, mana whenua have an ancestral right to the territory and obligations of manaakitanga (care) and

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[22] See Chapter Two for a discussion of some of the values associated with mana.

[23] Here, mātaawaka refers to Māori who are from iwi outside of Auckland.

kaitiakitanga (guardianship); and, second, that Māori—both mana whenua and mātaawaka—

have a Te Tiriti / the Treaty right to equal representation (AG Royal Commission, 2009, p.

487). The basis of both claims was that Māori, whether mana whenua or mātaawaka, have a

right to partnership.[24] The proposal provided further justification for Māori representation, by

shifting the importance placed on population measures as a determinant for representation;

the AG Royal Commission argued that even if the Māori population was to decrease in

Auckland and, as a result, the number of seats appear disproportionate to the Māori

population, that the seats would be even more important in order to continue to protect the

rights and interests of Māori. Despite these arguments which sought to find a balanced option

to represent Māori, this recommendation failed to gain traction, and Māori wards were not

included in the final Auckland Council structure.

A further issue is the lack of consultation required with Māori over Māori seats. The

2010 Human Rights Commission report *Māori Representation in Local Government* included

a survey of local governments' consideration of the legal provisions in the Local Electoral

Act 2002. The report noted that 84 per cent of district councils and 90 per cent of regional

councils had considered the establishment of Māori wards or constituencies. Most councils

considered Māori wards alongside their required six-yearly representation review (35 district

and five regional); however, only 13 district councils stated that they included specific

consultation with iwi or Māori organisations and only one regional council actually engaged

Māori in the discussion (Human Rights Commission, 2010, pp. 26–27). At the time, of those

councils who had taken Māori wards into consideration, only the Far North District Council

had indicated that it intended to establish a ward as a result of the considerations. Māori

wards are not only the only type of ward change subject to public polling, but they also do

not require any independent assessment—Māori or otherwise. As noted in the NPDC case

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[24] I discuss the nuances of mātaawaka rights in local government, in Chapter Seven.

study, the Local Government Commission decides on other representative changes during the six-yearly reviews, but not on Māori wards. This culminates in a lack of accountability around seriously pursuing the option and is reified in statements like those made by the mayor of the Marlborough District Council, Alistair Sowman, who—when questioned about whether a Māori ward would be established, for the upcoming 2013 election—stated that it was a "debate for a later day" (Macintosh, 2011, para 4).

Since the amendments to the Local Electoral Act 2001, only two local governments—the Waikato Regional Council and the Wairoa District Council—have successfully established Māori constituencies. In 2011, two Māori constituencies were established through council resolution in Waikato. In this case, the decision was made by council, and no petition to hold a public poll was received by the Waikato Regional Council challenging the council's decision. The council chairman at the time, Councillor Peter Buckley, stated: "This council has long recognised the special status of the Treaty of Waitangi in New Zealand society and the potential for improving Māori representation in regional governance" (Preston, 2011, para 4). This confirmed that the Waikato Regional Council saw this measure as one way through which they could partially meet their Te Tiriti / the Treaty responsibilities.

By way of example, the maps below (Figure 9 and Figure 10) show how the Māori constituencies "Ngā Hau e Wha" and "Ngā Tai ki Uta" fit in relation to the general constituencies:
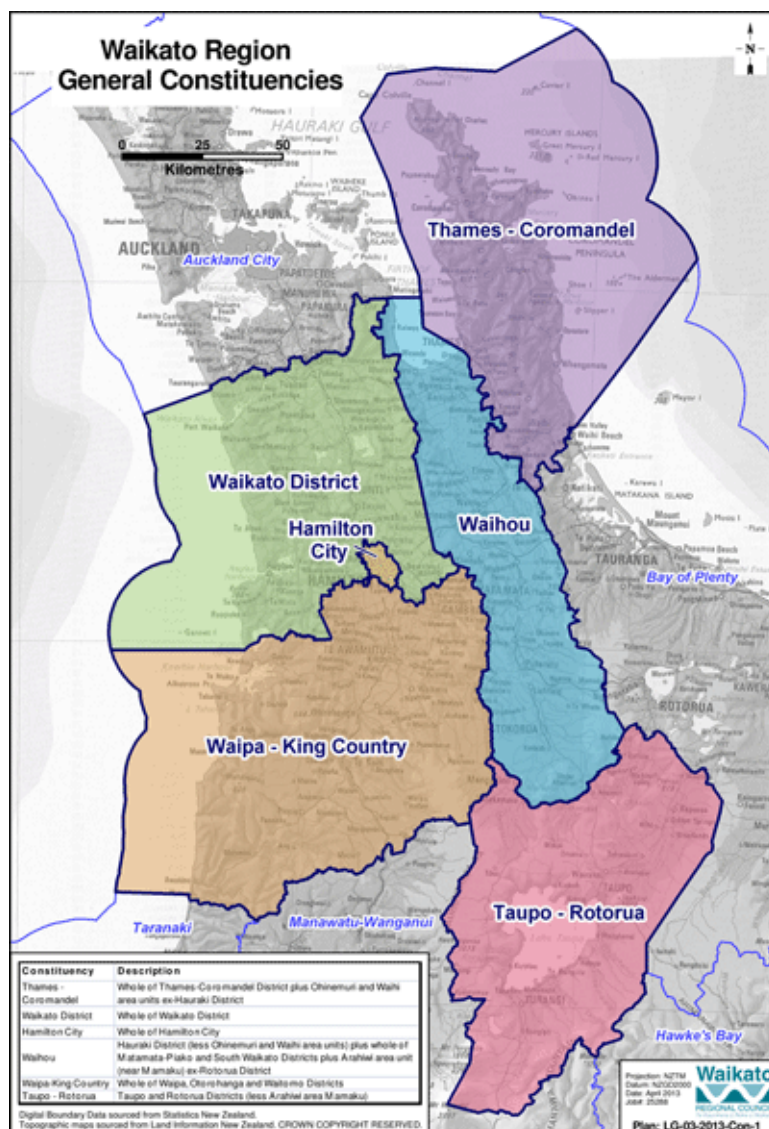
Figure 9. Waikato Region General Constituencies (Waikato Regional Council, 2017).
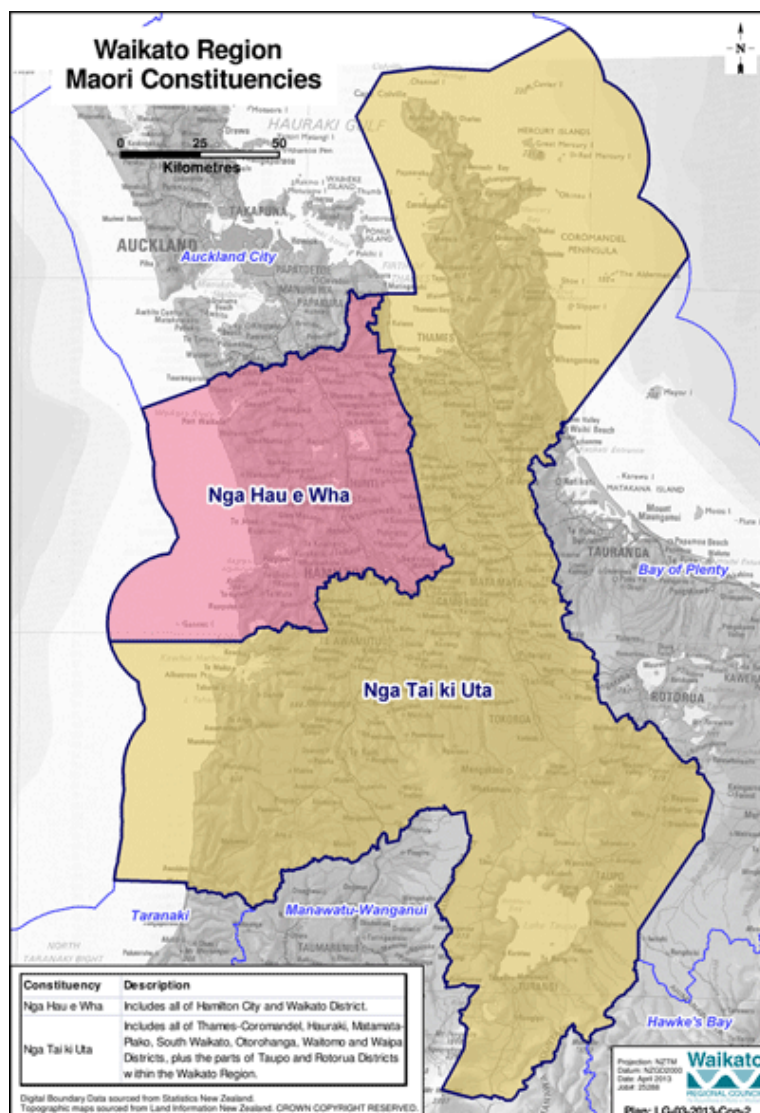
Figure 10. Waikato Region Māori Constituencies (Waikato Regional Council, 2017).

In 2016, the Wairoa District Council established a Māori ward following a public referendum. The Wairoa case is especially notable because this was the first district council to successfully establish a ward—with the previous two being regional councils—and it was also the second time the Wairoa District Council had held a public poll. The Wairoa District Council will hold their first election with the Māori ward in 2019 (Wairoa District Council, 2016). Results from other public polls are displayed in Table 2 below, showing some of the significant margins between those who are in favour of wards and those who are opposed.

Table 2

Voting outcomes from public polls on Māori seats

Council and Year of Poll	% For	% Against
New Plymouth District (2015)	16.9% (4,295)	83.1% (21,053)
Far North District (2015)	31.6% (4,309)	68.4% (9,315)
Hauraki District (2013)	19.3% (1,015)	80.7% (4,249)
Waikato District (2012)	19.9% (2,520)	80.1% (10,113)
Nelson District (2012)	20.3% (3,131)	79.7% (12,298)
Wairoa District (2012)	48.1% (1,210)	51.9% (1,306)
Whakatane District (2007)	30.0% (2,894)	70.0% (6,762)
Taranaki Regional (2004)	11.8% (4,456)	88.2% (33,154)
Papakura District (2004)[25]	16.7% (1,772)	83.3% (8,870)
Opotiki District (2003)	34.4% (678)	65.6% (1,294)

The most notable feature from this data[26] is that only in Wairoa (in the second attempt) was a Māori ward established. The first public poll in Wairoa was the second

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[25] Papakura District Council was disestablished in 2010 due the amalgamation of local governments in Auckland.

closest, with only 96 votes separating those for and against the ward. When reflecting on the process entailed in the legislation, two important issues are evident from the discussion above. First, the accountability measures for the legislation are at odds with other local government ward changes. The lack of requirement for any external assessment is questionable, particularly when consultation with Māori over a Māori ward is not deemed a necessary part of council discussions. Although Māori wards are "considered" there are no requirements around what "consideration" consists of, nor are there any enforced tools to make sure local governments remain accountable to Māori living in the area when it comes to making decisions over wards. Second, the fact that in 10 out of 11 cases where the decision to create a Māori ward has been decided upon by the public it has not resulted in a Māori ward. In the New Plymouth case study, Judd referred to the challenges with the legislation—the "racist things on the books"—as being the key challenge to Māori wards. Processes enable local governments to abdicate their role and responsibility as a Te Tiriti / the Treaty partner, through both a lack of consultation and accountability, as well as through relying on the public to determine the outcome of the decision. The failure of the legislation to address these critical matters brings about the question of the usefulness of the current legislation—an issue which has been addressed through three central government amendment bills, which I now discuss. They are: the Local Electoral (Repeal of Race-Based Representation) Amendment Bill 2006; the Local Electoral (Māori Representation) Amendment Bill 2010; and the Equitable Process for Establishing Māori Wards and Māori Constituencies Bill 2017.

Part Three- Proposed Amendments to the Local Electoral Act 2001

An analysis of proposed changes to the Local Electoral Act 2001, provides further insight into the political challenges that occur at the central government level.

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[26] In 2018 there were a series of referendums held across the country, which are not included in this table. However, no Māori wards were established following those referendums.

The Local Electoral (Repeal of Race-Based Representation) Amendment Bill

2006. In 2006, the Local Electoral (Repeal of Race-Based Representation) Amendment Bill was proposed by the Bay of Plenty National Party member, the Hon. Tony Ryall. Ryall's bill was aimed at repealing both the provision for Māori wards set out in the Local Electoral Act 2001 and the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001. Ryall argued that the bill ensured that there would be "no racially based electoral representation in local government" (Ryall, 2006, p. 6773). Although the bill was eventually voted down, with 56 members of parliament in favour and 62 against, the statement that the bill made suggested that legislative options to support Māori representation were beyond the scope of local government Te Tiriti / the Treaty obligations.

> In his opening statements in support of the Bill, Ryall contended the following:
> We think, from our side, that having separate Māori seats not only is divisive but also it limits the representation of Māori voters, for this reason. Surely the issues that concern Māori should be relevant to all people who are elected on to local authorities, just as the concerns of other groups in the community should be relevant to them. (Ryall, 2006, p. 6773)

On top of his proposition that Māori have no specific political perspectives that cannot already be addressed through the current system, Ryall pointed to the lack of use of the provisions in the Local Electoral Act 2001 to establish Māori wards, coupled with the public polling option which had failed to result in the establishment of a ward (Wairoa yet to be voted on) as an indication that Māori wards were not wanted:

> The provisions are unused, and they are already antiquated. They are not necessary, and they are divisive. Those communities that even considered having separate Māori representation soon found complete lack of support in their communities for it, from all groups in the community. (Ryall, 2006, p. 6773)

Ryall considered the lack of Māori wards being established an indication that there

was no support for their establishment. In response to Ryall's bill and his emphasis on

concerns about division as a key motive behind his desire to repeal both acts, the former

Māori Party co-leader, the Hon. Pita Sharples, stated:

> We come here tonight to debate another attack against Treaty justice and the
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> representation of tangata whenua … But the fatal flaw in Mr Ryall's logic is that he
>
> has mistaken representation of tangata whenua as representation based on race rather
>
> than as a Treaty right and a representation on the basis of sovereign nations. No doubt
>
> the people of Tūhoe, Ngāti Awa, and Te Whānau-a-Apanui would see themselves as
>
> such. This is an ongoing mistake that falls into the context recently described by
>
> District Court and Waitangi Tribunal Judge Richard Kearney, who said; New
>
> Zealanders generally had a staggering, almost criminal lack of understanding of
>
> Treaty issues"

The perspective put forward by Sharples illustrates succinctly the limitations of a race

or difference based argument as is frequently mentioned in response to calls for Māori wards.

Sharples' statement sought to shift the focus from an understanding of Māori wards as being

a racially divisive mechanism, to one which focuses on the rights of tangata whenua and the

expectations of Te Tiriti / the Treaty. This is an important distinction to make in light of the

stated justifications for the bill, which assumed that local government represents all Māori

views, even in instances where both Te Tiriti / the Treaty partners are not present in decision-

making.

There is an important differentiation put forward in this dialogue which illustrates the

political underpinnings of perspectives on Māori representation. On the one hand, simply by

naming the bill "Repeal of Race-Based Representation" it is clear that Ryall believed that

Māori are served equally by the current local government structure as any other citizen. The

focus on "race" indicates that, for Ryall, Māori seats are unwarranted as they are based solely on biological determinants. Ryall suggests that the problem of local representation is actually a problem associated with Māori ability to effectively utilise the current system, rather than one associated with any institutional challenges.

However, on the other hand, the notion put forward by Sharples indicates that rights to Māori representation stem from the political rights that are sourced in iwi nationhood established well before Pākehā arrival, and that Māori seats in local government are one way to embody the agreement made when rangatira and the Crown signed Te Tiriti / the Treaty in 1840. Sharples also suggests that the establishment of seats has wider reaching implications than Māori involvement in decision-making. His reference to a number of the different sovereign nations or iwi, illustrates how Māori seats could partially embody Te Tiriti / the Treaty through recognition of iwi autonomy at the local level.

Despite the majority preference to keep both pieces of legislation, in 2007—under the leadership of the National Government—Te Puni Kōkiri (the Ministry of Māori Development) and the Ministry of Internal Affairs released an information sheet on "Māori participation in local elections," titled *Whaiwāhi ki ngā Pōti ā-rohe* ("Participate in Local Elections"). The information sheet provides suggestions about how Māori can increase their chances of being elected to local government, acknowledging that Māori "have been under-represented on councils following the last three local government elections" and that statistical data indicates "that the number of Māori elected to councils has declined slightly over the past 10 years". The solution put forward in the information sheet states:

> The message to Māori is clear: if you are concerned about local decisions being made that affect the life and well-being of your whānau, hapū and iwi, and your wider community, and you would like a greater say, then you should consider standing as a

candidate and voting in the upcoming local government elections. (Te Puni Kōkiri, 2007, p. 1)

In accord with the underlying message from the earlier position held by Ryall, the message here is consistent with addressing under-representation as an issue for Māori to remedy, as opposed to being one based on local government Te Tiriti / the Treaty responsibilities. This type of message has been further emphasised by the former minister of Local Government, the Hon. Paula Bennett. When questioned about how the National-led Government might support Māori involvement in local government, she stated:

I will not be supporting resourcing councils, so we will not be giving them any other funding so that they can go out there and increase Māori participation, but what I will say is that we actively support and encourage Māori participation on councils. I would like to see more standing, but I would like them to get there on their merit. I think that there is a power machine behind our iwi, particularly our iwi leaders as we see them now, and if they were putting a strong campaign together behind that right candidate, then they could get there. (Bennett, 2014, p. 5)

This statement is reminiscent of the position put forward by Johnson during the campaign against a Māori ward in New Plymouth, with a focus on Māori needing to better utilise the systems currently in place, as opposed to having a focus on altering those systems to reflect the proportion of a community who are Māori and recognising Te Tiriti / the Treaty.

This type of statement is supported further at a national level, where there has continued to be a resistance to providing support or initiatives that might better improve widely accepted statistics of Māori under-representation. Overall, these positions taken by successive governments are contradictory to the fundamental purpose of the legislative option to establish Māori wards to increase Māori representation.

Local Electoral (Māori Representation) Amendment Bill 2010. More recently,
proposed bills illustrate alternative perspectives of the legislation for Māori wards. The Māori
Party and the Green Party have looked into ways to amend the current legislation so as to
avoid public debate that generates discussion about divisiveness and race, as opposed to
enabling Te Tiriti / the Treaty partnerships to develop. In 2010 the Māori Party proposed the
Local Electoral (Māori Representation) Amendment Bill (the LE(MR) Bill). The proposed
amendment was led by the former minister for Māori Affairs and co-leader of the Māori
Party, Te Ururoa Flavell. The Bill proposed that wards be made mandatory throughout all
local governments. Furthermore, the Bill took issue with the current formula used to decide
the number of seats as there would be twelve district councils and two regional councils
which would not reach the threshold to establish a single seat.[27] The LE(MR) Bill therefore
proposed that a new formula be used to calculate the number of seats, and to make all
councils accountable to the LE(MR) Bill if passed. As stated by the AG Royal Commission,
Māori representation is equally necessary for a Māori population who do not meet the
threshold, in order to recognise the status of Te Tiriti / the Treaty and the rights Māori have to
partnership. The new formula would recognise that, as a whole, Māori are a youthful
population, with a significant number of Māori aged below 18, and therefore it was proposed
in the LE(MR) Bill that under 18-year-olds should also be included in the calculations. By
using the newly proposed formula, the total number of Māori seats throughout the country
would increase from 101 to 172 out of a total of 789 council seats[28] (based on data collected
from Statistics New Zealand in 2009). Hayward (2011) has argued that the Crown has failed

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[27] These councils were Carterton District, Grey District, Hurunui District, Waimakariri District, Selwyn District,
Timaru District, Mackenzie District, Waimate District, Waitaki District, Central Otago District, Queenstown-
Lakes District, Gore District, West Coast Regional, and Otago Regional.

[28] This data was collected prior to the amalgamation of councils in Auckland.

to protect Māori Treaty rights at the local government level, and that entrenching Māori seats in all local governments would be one way of partially addressing this failure. This position held by Hayward, and advocated within the Māori Party's bill, challenges the appropriateness of public polls or referendums in making decisions that stem from Te Tiriti / the Treaty. However, the LE(MR) Bill was reviewed by the Attorney General and it was considered that if passed the proposed formula would be discriminatory to non-Māori, as a disproportionate number of Māori would be elected.

Equitable Process for Establishing Māori Wards and Māori Constituencies Bill 2017. More recently, in 2017, the Green Party proposed another bill to amend the legislation and address in particular the option of going to a public poll to determine the outcome of a decision to create a Māori ward. The Equitable Process for Establishing Māori Wards and Māori Constituencies Bill 2017 came in direct response to the events in New Plymouth. The Green Party's bill proposed that the current double standard of allowing Māori wards to be susceptible to public polling while general wards are not, needed to be removed to ensure local governments are upholding their position as a Te Tiriti / the Treaty partner and acting in good faith. Joris De Bres, the former Race Relations Commissioner, has argued that holding polls on guaranteeing Māori representation is an "abdication of leadership" (De Bres, 2011, para. 10), that essentially removes the responsibility of a group of elected council members and passes it on to the public. De Bres claimed that this action is contrary to the responsibility of a group of representatives who are required to support the rights of tangata whenua. Not only are councillors required to ensure that all minorities have the same rights to representation as other citizens, but, by shifting responsibility to the public, councils are effectively failing to uphold their responsibility as Treaty partners and therefore to support the rights of the tangata whenua. This Bill, however, failed to move past its first reading and was voted down 71 votes to 48.

The three bills that attempted to amend the legislation were all unsuccessful, but they clearly illustrate the two distinct strands of the debates over Māori wards: one strand prefers to view Māori wards as a potentially divisive mechanism that is about race and, in essence, Māori inability to effectively navigate the local government democratic system, and the other strand which views Māori wards as an opportunity for local government to partially fulfil their role as a Te Tiriti / the Treaty partner.

Discussion

This chapter, and the debates and cases discussed, add further to the argument applied in the previous chapter, that efforts to address Te Tiriti / the Treaty partnerships are limited by underlying Crown treatment of "recognition" (Coulthard, 2013) and the "illusion of inclusion" (Corntassel, 2007). On the surface, this legislation and its offshoots offers one way to partially address the historical displacement and disruption of Māori practice and influence in local governance (see Chapter Two), by offering an option for Māori involvement in decision-making. However, in practice, the legislation maintains a Crown-directed and controlled response to Te Tiriti/ the Treaty partnerships. The option for a public poll has resulted in local governments being able to shift their Te Tiriti/ the Treaty responsibilities to the public and has provided a misappropriated platform to focus on race and division as opposed to on expectations of Te Tiriti / the Treaty. Furthermore, the depth of the Crown's control over how partnership should be determined and understood continues to pervade within the application of the Local Electoral Act 2002. There is neither space nor support for representation to be informed by Māori perspectives on Māori wards, once again relegating Māori to the position of minor partners.

While legislation that provides for insubstantial "recognition" or "inclusion" is one issue, a broader concern which is evident in this chapter is the view that Māori under-representation is a "Māori issue." In effect, this glosses over the Crown's role in the

disruption and displacement of Māori local governance, by creating the illusion that the challenge is within Māori society rather than an issue which has its roots in the relationship between Māori and the Crown. As a result Māori from throughout the country are wary of utilising the legislation given the negative perspectives surrounding the debates. Anecdotal evidence from Councillor Tipa Mahuta, a councillor elected to a Māori seat in Waikato, provides insight into why low Māori representation being approached as a "Māori issue" is concerning. Waikato has the second highest Māori population of all 16 regional councils throughout the country, at 20.7 per cent of the total population in that area (Statistics New Zealand, 2013c). Yet despite the relatively high Māori population, Councillor Tipa Mahuta stood twice in general elections and failed to be elected. It was not until the Māori constituencies were established that she managed to be elected—she was also appointed the position of deputy chair in her first term as a Waikato regional councillor. She stated at a hearing on Māori wards for the NPDC, that her previous attempts to get elected were not as straightforward as opponents to Māori wards suggest:

> I went to all of the meetings as a candidate and spoke to mainly groups of people that I didn't know and that didn't know me. So while meritocracy is one thing, relationship[s] is a huge one. If you don't know the people that are in front of you that are trying to earn your confidence then you probably won't vote for them (Mahuta, 2015, audio 1)

In her address, she noted that the challenge for Māori was that local governments had "perfected a politics of exclusion". Despite having followed the "message" that Māori need to stand for election and do "their homework" (Johnson, 2014, audio 5) in order to remedy the problem of under-representation, the reality for Councillor Mahuta was that Māori exclusion was such that she was simply unable to get the support required to win a general seat if purporting to represent Māori interests.

Te Kaunihera Māori ("the Māori Council") on the Ruapehu District Council resolved in 2014 that they wished to refrain from establishing a ward at that time, not because they thought a ward would impede on their mandate but rather because Te Kaunihere Māori was still in a process of navigating and solidifying the relationship with the Ruapehu District Council so introducing a seat could complicate the development of the relationship between Māori and the council, given the debates taking place surrounding Māori wards (Ruapehu District Council, 2014).

Similarly, in Dunedin a representative from a Ngāi Tahu iwi marae, Otakou, stated that given the intense opposition to the seats in recent years, the timing to establish a Māori seat in Dunedin was wrong, and that if it was to be realised it would require years of consultation and education throughout the entire community (Munro, 2011). Furthermore, in light of the public polling results and the consistent negative outcome, the Tasman District Council stated that the reaction to the debates over Māori wards for the neighbouring Nelson District Council ward had deterred them from utilising the provisions in the Local Electoral Act 2001 (The Nelson Mail, 2011)

The impact of this "politics of exclusion" as Tipa Mahuta described (2015, audio 1) is widely felt amongst Māori, and has contributed to Māori being wary of engaging—or not wanting to engage—with the legislation to establish Māori wards. The debates too easily become focused on race or on Māori failure to navigate the local government representative arrangements. The legislation therefore not only lacks support for Te Tiriti / the Treaty partnerships between Māori and local government but also enables those historical precedents of Māori exclusion from local government decision-making to be maintained.

As Judd put it, the issues with Māori representation are not a "Māori issue" but a "Pākehā problem" or one grounded in—using Mahuta's phrase—a "politics of exclusion." The roots of the relationship that depended on the disruption and displacement of Māori

political authority, continue to dominate the relationship. In its current form, the legislation has failed to widely improve Māori representation, but the force of colonisation is such that this failure is more widely accepted as a Māori failure than as an institutionalised colonial sentiment that continues to position Māori on the outskirts of local governance.

Conclusion

Over the past 17 years, since the amendment to the Local Electoral Act 2001, there has only been one successful public poll that has resulted in the establishment of a Māori ward, in Wairoa, and one successful use of the provisions by a council decision, in Waikato.

Changes such as those proposed by the Māori Party and the Green Party need to be revisited if the legislation is going to serve its intended purpose: proportional representation and Te Tiriti / the Treaty recognition. If conversations are to move beyond a focus on division and race, then the legislation needs to reflect faith in wider legislative requirements for local governments to work towards enacting "the principles of the Treaty of Waitangi" (LGA 2002). The Local Electoral Act 2001 is another example of how measures to promote Te Tiriti / the Treaty in local government are consistently clouded by lasting colonial ideas which disregard Māori input into local decision-making. As with the LGA 2002 discussed in the previous chapter, evidence of the resistance to Te Tiriti / the Treaty in local government is embedded in the Local Electoral Act provisions. When deconstructed, these tools purporting to facilitate relationships with Māori are revealed as continuing to support the power imbalances born out of colonialism. In effect, this discussion demonstrates succinctly one of the key arguments made in this thesis that local governments and the surrounding colonial ideologies of political exclusion continue to hamper how Māori can effectively contribute to local decision-making.

The following chapter shifts the conversation away from local government to examine some of the governing rules and institutions used by Taranaki Whānui iwi trusts in

Wellington and in the Hutt Valley. This shift in focus works to provide a fuller picture of the

local government rules and institutions as understood by Māori, so as to shift the analytical

lens to measures and values associated directly with Māori political organisation.

Chapter Five: Taranaki Whānui Mana Whenua, Whakapapa, and Ahi Kaa

Introduction

This chapter focuses on Taranaki Whānui mana whenua (authority over land) in Wellington and the Hutt Valley today. Discussions so far in this thesis have concentrated on British-informed local government, and in large part, how the laws and tools available to local governments have failed to produce positive outcomes for Māori seeking Te Tiriti / the Treaty partnerships. In Chapter Two, Chapter Three, and Chapter Four, I focused on some of the limitations that were developed historically but continue to hamper the relationships between Māori and local government. I argued in these chapters, that part of the failures for meeting Māori Te Tiriti / the Treaty expectations, stemmed from the lack of Māori input into the nature of Te Tiriti / the Treaty partnerships. In an effort to move the conversation away from a focus on British-informed tools, this chapter focuses on rules and institutions associated with mana whenua in Wellington and the Hutt Valley. The purpose of this is to demonstrate how iwi continue to utilise Māori rules and institutions to establish local governing authority. Guided by Kaupapa Māori theory, I contend that within the context of local politics in Aotearoa a recentering on Māori rules and institutions independent of the Crown is paramount to any examination of the local political environment in Aotearoa.

The purpose of this chapter is threefold. Firstly, it forms a foundation for how iwi position themselves as mana whenua today in relation to the historical analysis presented in Chapter Two. I argue that despite British-informed local government efforts to disrupt and displace Māori as local authorities, mana whenua is still a fundamental basis from which local authority is drawn.

Secondly, this chapter seeks to shift the focus of the thesis away from a focus on local government to a focus on Māori governance Māori rules and institutions. Kaupapa Māori theorists consistently challenge researchers and practitioners to identify and enact Māori

cultural values as the sources of Māori rights and self-determination, and an examination of rules and institutions associated with mana whenua contributes to this (Royal, 2012; Smith, 1997; Tuhiwai-Smith, 2012). Other indigenous scholars such as Corntassel and Bryce (2012), in their discussion of indigenous self-determining acts, warn against seeking solutions to indigenous disruption and displacement through tools that are dictated by the Crown. This warning aligns with Kaupapa Māori theorists by asserting that political rights are not only formed through offerings from colonially-informed institutions and laws, but rather through the acts that indigenous peoples make themselves.

Thirdly, a focus on iwi trust political practices that work to confirm and produce mana whenua, forms a foundation for the latter chapters, which examine more closely how relationships between Māori and local government in Wellington and the Hutt Valley are characterised. In this case, I argue that insights into mana whenua demonstrate how Māori rules and institutions offer clear examples of normalised, distinct and politically charged actions and challenges. It is from this political position, held by Taranaki Whānui, that relationships with local governments are being sought. This chapter helps to answer my central research question by highlighting characteristics of Māori local politics which form the basis from which Taranaki Whānui understand themselves in relation to other local authorities, such as local governments.

Part one of this chapter begins by briefly explaining the types of trusts that Taranaki Whānui have in Wellington and the Hutt Valley namely; The Wellington Tenths Trust, Palmerston North Māori Reserve Trust and the Port Nicholson Block Settlement Trust. Following from these explanations, I shape this chapter around two Māori concepts which arose out of the data I collected. These two concepts are whakapapa (genealogy) and ahi kaa (continued occupation), which are both central tenets of Māori political organisation (see Barlow, 2001; Mead, 2016). As I discussed in Chapter Two, both of these concepts are

embedded in mana whenua and ways of confirming authority over land, and continue to inform the way iwi trusts operate. In Part Two I examine whakapapa with direct reference to internal political practices, and investigate the means through which individuals can be included and participate in iwi politics. In particular, efforts to support connections between people forms a central basis for political participation. In Part Three I discuss ahi kaa in relation to physical expressions of mana whenua that are aimed at reclaiming control and authority over areas of land, including re-establishing pā (Māori settlements), and maara kai (food gardens). In Part Four I provide a analysis of these two concepts arguing that the very existance of these rules and institutions demonstrates the political framework from which iwi continue to position themselves in the local political environment.

This chapter is not intended to provide a full analysis of Taranaki Whānui iwi trusts, but rather provide an analysis and overview and insights into two particular concepts that shed light on the continued use and development of mana whenua rules and institutions.

Part One- Taranaki Whānui iwi Trusts in Wellington and the Hutt Valley

As explained in the Introduction to this thesis, Taranaki Whānui ki te Upoko o te Ika a Māui (Taranaki Whānui) are a collective of iwi affiliating to the region of Taranaki. The iwi included within this conglomerate are Te Ātiawa, Ngāti Tama, Ngāti Mutunga, Taranaki iwi, Ngāti Ruanui and other Taranaki iwi. "Te Upoko o te Ika a Maui" translates as the "head of the fish of Maui" and, as I discussed in the Introduction, also refers to the geographical location of Wellington and the Hutt Valley on the body of the fish, which since colonisation is more commonly known as the North Island of New Zealand. These and other iwi migrated to the Wellington region in the early 1800s on a number of heke (migrations), as discussed in Chapter Two, which preceded the development of Taranaki Whānui mana whenua in Wellington and the Hutt Valley. A thorough examination of mana whenua is detailed in Chapter Two but can be understood as a relational concept which refers to the authority that

an iwi (tribe) or hapū (sub-tribe) have over an area. This authority is recognised by surrounding iwi and hapū and therefore forms the basis for Māori political boundaries. Today, political representation can be channelled through iwi trusts, which are formed on the premise of iwi mana whenua rights. Although mana whenua traditionally had rules and institutions to allow other iwi to recognise each other's authority over their land, for example the verbal contracts discussed in Chapter Two, there are now also Western laws which provide the Crown's recognition of iwi trusts (Te Puni Kōkiri, 2005). A brief discussion of these laws is presented here to provide some context for the exercise of mana whenua today.

Types of iwi trusts. Te Ture Whenua Māori Act 1993 is the most significant piece of legislation pertaining to the Western legal tenets of Māori land ownership and management. Te Ture Whenua Māori literally translates as the "Māori Land Law." Part 12 of the Act outlines five different types of Māori land trusts including Ahu Whenua trusts, which the Wellington Tenths Trust and Palmerston North Māori Reserve Trust sit under. Ahu Whenua trusts are one of the most common types of Māori land trusts as they allow for the most flexible use of land management by Māori (Ministry of Justice, 2010). Te Ture Whenua Act 1993 states the following regarding the purpose of Ahu Whenua trusts:

> An ahu whenua trust may be constituted where the court is satisfied that the
> constitution of the trust would promote and facilitate the use and administration of the
> land in the interests of the persons beneficially entitled to the land. (Part 12, s 215)

Ahu Whenua trusts manage whole blocks of land through elected trustees who are charged with facilitating appropriate use of the land. Ahu whenua trusts are appealing to Māori as they allow access into commercial markets, while also allowing iwi to "provide for the cultural needs of the owners" (Ministry of Justice, 2010, p. 8). Ahu whenua trusts can include either Māori or general land. Defining Māori land can be complex, however. According to legal definitions Māori land is defined as land that is established by:

- Firstly, the Crown having set aside land for Māori from the Māori customary land that it purchased for the settlement of New Zealand. Specific Māori individuals were granted Crown Grants for joint ownership of such land;

- Secondly, the Māori Land Court having investigated ownership of Māori customary land that had not been alienated and appointed (up to) ten Māori individuals in joint ownership. Ownership of the land was confirmed by the Māori Land Court and title was granted by the Crown.

(Land Information New Zealand, 2017)

Defining land in this way was an effort made by the Crown during the early periods of Pākehā arrival as a process of individualising land titles, because Māori collective ownership of land made it difficult to sell land to prospective Pākehā settlers (Boast, 2008). Māori land is therefore land that has remained continuously in the hands of Māori, with land shares that are passed down through families, while General land is land that is neither Māori land nor land owned by the Crown but can be owned by an individual Māori person or Māori people (Ministry of Justice, 2010, p. 9). The challenges associated with redefining and channelling Māori land into Western legal frameworks is beyond the scope of this thesis. However, each of the trusts are situated within a context and history of contentious laws pertaining to Māori land ownership. I now turn to provide a brief examination of the context of land ownership for the two Ahu Whenua trusts, the Wellington Tenths Trust and the Palmerston North Māori Reserve Trust.

Wellington Tenths Trust. The Wellington Tenths Trust (WTT) is an Ahu Whenua Trust and one of the Taranaki Whānui iwi trusts. The land under ownership by the WTT is the land associated with the "Tenths Scheme," which was developed in 1839. The "Tenths Scheme" was designed by the British owned New Zealand Company, who had devised a land sale proposal which divided land in Wellington into ten blocks, effectively establishing

"tenths." Taranaki Whānui were allocated one tenth of this land following the signing of the Port Nicholson Deed of Purchase in 1839, which had been facilitated by Governor William Wakefield on behalf of the New Zealand Company (Waitangi Tribunal, 2003). The remaining tenths were sold to individuals in Britain looking to resettle in Wellington. However, following this deal, it has been argued that the legal differences and understandings of land ownership, coupled with the language barriers between Māori and Pākehā, prevented Māori from fully comprehending what the Port Nicholson Deed of Purchase meant (Waitangi Tribunal, 2003). The New Zealand Company also failed to uphold their guarantee to Māori that important places would remain in Māori ownership (Waitangi Tribunal, 2003). The Waitangi Tribunal found in its final report, Te Whanganui a Tara me ona Takiwa (2003) that it was "inconceivable that Maori would have agreed to vacate their kāinga (homes), their urupā (cemeteries), their cultivations, and their forests and fisheries and to attempt to live on the scattered one-acre and 100-acre lots" (p. 65) as was set out in the sale. The land that was left in Māori ownership makes up the basis for the land that the WTT owns today. In the first recording of beneficial owners in 1888, it was determined that there were 301 Taranaki Whānui who were settled around the area within the tenths. Since that time, the number of descendants has grown significantly, and it was recorded that the number of owners has increased to 5955 in 2018 (WTT, 2018).

There are 81 hectares of Māori land which are owned by the WTT mainly in the urban areas of Wellington, other than a single farm block, the Kaitoke farm in the Hutt Valley. As of 2017, the total asset base owned by the WTT was $71.6 million (WTT, 2018). As an urban-based iwi, much of the land was previously developed by the Crown and private buyers, which means that a significant proportion of the land owned is leased to external bodies who have their own infrastructure in place.

Palmerston North Māori Reserve Trust. The Palmerston North Māori Reserve Trust (PNMRT) is also an Ahu Whenua Trust that manages the land and interests of the original 22 Māori owners, now numbering 957, who had land in Wainuiomata, in the Hutt Valley (PNMRT, 2018a). In 1862, the land in Wainuiomata was exhanged by Governor George Grey for land in Palmerston North, approximately 150kms away from the original site. Unlike the other trusts, therefore, the main site of PNMRT land and commercial interests is not in Wellington and the Hutt Valley, but on 13 hectares in Palmerston North where Rangitane are the mana whenua iwi (PNMRT, 2018a). Taranaki Whānui do not claim mana whenua rights in Palmerston North, but rather focus mainly on commercial projects, such as student accommodation and retail facilities, with a total net worth of $90 million (PNMRT, 2018a). However, given that the nature of this ownership stems from colonial displacement, PNMRT still have a significant role as mana whenua in Wellington and the Hutt Valley, and is regarded as a "sister" trust to WTT. Historical land displacement removes some of the physical presence on the land in the Hutt Valley. However, within a context of mana whenua, those rights as determined through Māori rules, and institutions continue to remain as is discussed in the latter parts of this chapter.

The other type of iwi trust discussed in this chapter is the post-settlement governance entity.

Post-settlement governance entities. Post-settlement governance entities are iwi trusts that are formed to manage and administer Treaty of Waitangi Settlement Packages. Treaty of Waitangi Settlements are the agreements made between Māori claimant groups and the Crown, which seek to provide redress for Crown breaches of Te Tiriti / the Treaty. Following a period of negotiation between the Crown and Māori, a Deed of Settlement is passed which details the avenues of redress for the Māori claimant group (Office of Treaty Settlements, 2018). Redress for iwi comes in economic, cultural and social terms, which can

include, for example, redress from an apology, monetary compensation, land packages, and resource use-rights (Office of Treaty Settlements, 2018). A post-settlement entity consists of elected trustees who are charged with representing the ongoing interests of members through the management of the settlement package.

Port Nicholson Block Settlement Trust. The Port Nicholson Block Settlement Trust (PNBST) is the post-settlement governance entity for Taranaki Whānui in Wellington and the Hutt Valley and has approximately 14,500 registered members (Te Puni Kōkiri, 2018). PNBST deals with the administration and management of the settlement package and was first recognised by the Crown in January 2004 as the Treaty of Waitangi claims team for Taranaki Whānui. The first claims were taken by the iwi to the Waitangi Tribunal in 1987 under the claim Wai 54 lodged on behalf of the WTT, PNMRT, the Taranaki Māori Trust Board, and Ngā iwi o Taranaki (Waitangi Tribunal, 2003). By 1995, the Waitangi Tribunal directed that the original claim, which dealt with only a small area of Taranaki Whānui iwi land loss, be broadened to consider a number of other claims within the Port Nicholson Block area and was relabelled Wai 145 (see Figure 11). Wai 145, therefore, represents a combination of Waitangi Tribunal claims that were put forward by and on behalf of Taranaki Whānui in Wellington and the Hutt Valley. The final Deed of Settlement between Taranaki Whānui and the Crown provided for some cultural and financial redress for the iwi and stated:

> the cumulative effect of the Crown's breaches of the Treaty of Waitangi and its
>
> principles significantly undermined the tino rangatiratanga[29] of Taranaki Whānui ki te
>
> Upoko o Te Ika, their economic and social development capacity and their physical,
>
> cultural and spiritual well being and the suffering and hardship caused to Taranaki

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[29] Tino rangatiratanga is a term which loosely translates as "sovereignty" or "self-determination." It is a term used in Te Tiriti o Waitangi and discussed in Chapter Three.

Whānui ki Te Upoko o Te Ika over the generations has continued to the present day.

(Taranaki Whānui ki te Upoko o te Ika and The Port Nicholson Block Settlement

Trust and The Sovereign In right of New Zealand Deed of Settlement of Historical

Claims 2008, p. 16)

To compensate for the breaches identified by the Waitangi Tribunal, the Crown

included $25,025,000 in the settlement package, a portion of which was used to buy land in

Wellington and the Hutt Valley. Other land and buildings were also returned, including joint

environmental management rights over different areas across the Port Nicholson area (Deed

of Settlement, 2008, p. 28).

The mandate for PNBST covers the Port Nicholson Block area which is illustrated
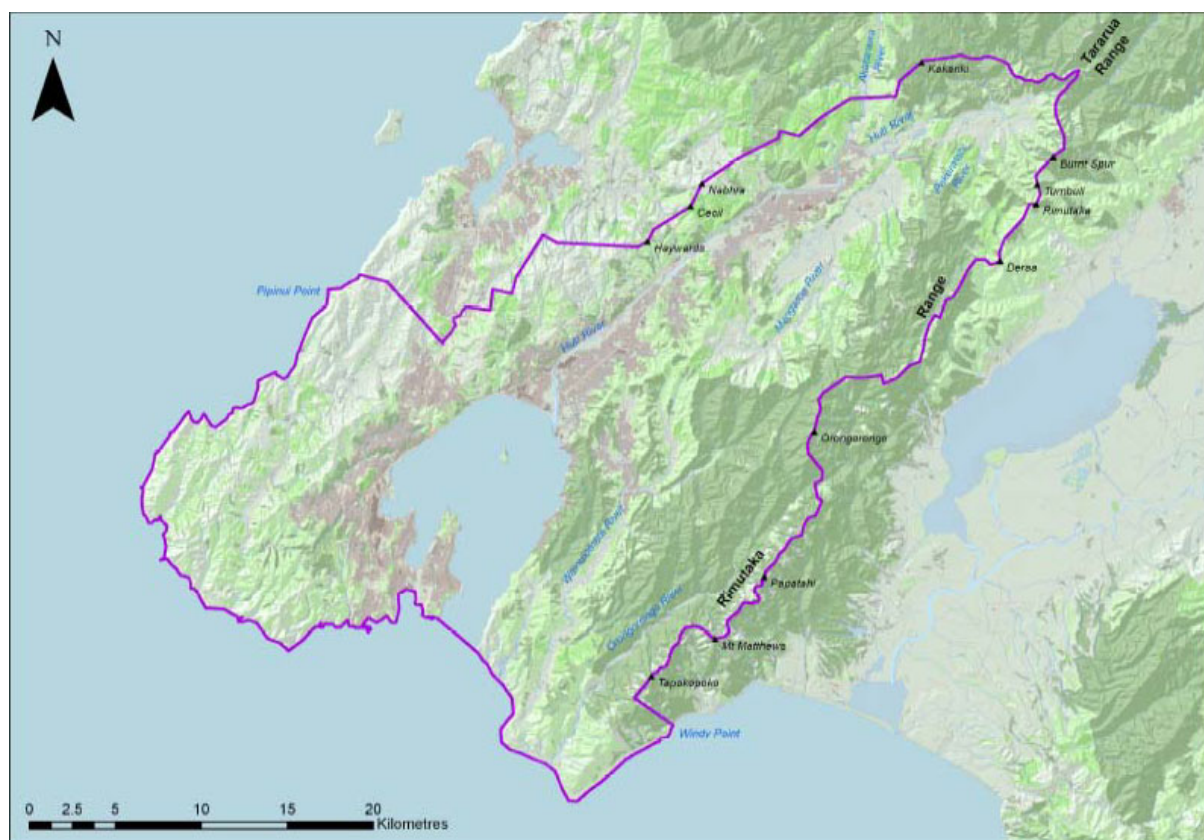
below in Figure 11:

Figure 11. The Port Nicholson area (Te Puni Kōkiri, 2018).

Given the significant changes to the actual land owned by Taranaki Whānui and the rules that determine that ownership, there are some critiques of iwi trusts in general and their ability to serve the interests of Māori.

Critiques of iwi trusts. Taranaki Whānui iwi trusts have some assets, which although not comparable to the land that was lost through colonisation, provide a basis from which the iwi can build capacities. As governing structures that have been severely impacted by Crown actions and now legal definitions, iwi trusts have given rise to concerns about their ability to continue to exercise Māori cultural rule and institutions. Some of this concern stems from a risk that legislation can reshape the organisation of iwi trusts into "generic" governing agencies (Carter, 2003, p. ii). The legal boundaries pertaining to land ownership are set by the Crown through Te Ture Whenua Act 1993, and the settlement packages are also determined by the Crown. The Crown makes no secret of the fact that settlements are compensation as opposed to full return (Office of Treaty Settlements, 2018). These rules and boundaries set by the Crown influences the mandate of iwi trusts, as they are confined by the legal land tenets, which determines what land is owned. With these limitations set on iwi trusts, the original mandate of iwi now has to work within a context of Crown influences and limitations.

There are also issues stemming from the Crown's preference to negotiate with iwi as "large natural groupings" (Office of Treaty Settlements, 2018, p. 27) instead of hapū who may have needs and interest's independent to the larger iwi grouping (Waitangi Tribunal, 2017). From the Crown's perspective, negotiation with a large group is easier and more efficient than negotiations with numerous smaller groups, resulting in iwi being the preferred negotiation group. However, some hapū have argued that their concerns have been superseded by broader iwi concerns due to the government's desire to engage with iwi only (Birdling, 2004). While individuals can affiliate to hapū, the basis of the collective for

Taranaki Whānui is numerous iwi, connecting at an even wider form of identification that stems back to the region of Taranaki itself. As a result, iwi trusts must take into account a broad range of perspectives, which may not have always been socially or politically aligned.

Others, have shifted the critique away from the relationship with government and prefer to focus on iwi structures as the area of concern. Rata (2011), for example, argues that iwi trusts are an example of "re-tribalisation" which imposes a false community in order to serve the interests of a few "elite" Māori. Rata contends that iwi trusts can be a form of embedding class structures within Māori groupings as iwi leaders are regarded as gaining unequal shares of settlement allocations. In a similar vein, Sautet (2008) contends that iwi are unable to form the basis for "contemporary Māori economic, social, and political development" (p. 10), arguing that changes to iwi trust structures have removed the relevancy of iwi as a political structure with distinct rules and institutions and that iwi trusts simply mirror standard business units. Bargh (2011) offers a critique of this view, arguing that they "rest on the assumptions that Indigenous cultures and practices and institutions are stagnant" (p. 81). These critiques suggest that due to various changes and influences, iwi trusts are at risk of being elitist, or are no longer recognisable as culturally "Māori." Essentially, these critiques of iwi trusts suggest that "iwi" as a political unit is heavily shaped and influenced by Crown institutions, which ultimately poses questions regarding whether or not governance is still underpinned by Māori rules and institutions. The purpose of this chapter is to demonstrate that even in amidst change and critique there are still active Māori rules and institutions that underpin the way iwi trusts are run. These rules and institutions are an important part of understanding how iwi understand themselves as local authorities in relation to local government.

These rules and institutions can be partially understood through the following discussion of whakapapa and ahi kaa, which are used to illustrate some of the practicalities of iwi governance.

Part Two- Whakapapa

Whakapapa is "genealogy," but more literally means to "make layers." Ngata (1972) explains it as s the process of laying one thing upon another. "If you visualise the foundation ancestors as the first generation, the next and succeeding ancestors are placed on them in ordered layers" (p. 6) implying that from a Māori perspective genealogy is grown from the ground (papa) upwards. In Māori genealogy, the current generation is "layered" on those who have passed, insinuating that the knowledge and experience that those people held can influence present and future generations. Indeed, whakapapa is heralded by Barlow (1991) as "one of the most prized forms of knowledge and great efforts are made to preserve it" (p. 174). Barlow continues to add that the centrality of whakapapa as a knowledge source means that great emphasis is placed on ensuring that all members of a community "are expected to know who their immediate ancestors are, and to pass this information on to their children so that they too may develop pride and a sense of belonging through understanding the roots of their heritage" (p. 174). Whakapapa was therefore also an educational tool, as it held important histories and knowledge about the people and their relationship to the land (Calman, 2012). Importantly, this extended to one of the land transferal laws, "take tupuna" (land passed on through ancestory), which I discussed in Chapter Two, as it was one of the central take (concepts) outlined by Wiri (2013). Not only was whakapapa necessary to recall ancestors and the actions and events that those ancestors were associated with, but whakapapa was also central to alliances between groups and contributed to the confirmation of mana whenua. As I discussed in Chapter Two, the heke (migrations) from Taranaki between 1819 and 1834 illustrated how whakapapa links were enacted to promote safety and

alliances during migration and for resettlement in Wellington and the Hutt Valley. The iwi, Ngāti Mutunga, who had mana whenua in the area during this period, gifted the land to the incoming Taranaki migrants, partially in recognition of the whakapapa links that they had. The importance of whakapapa continues to have central relevance today to iwi practices and as Bishop Manu Bennett states, whakapapa as a knowledge source is "to funnel the relation between past, present and future and tie it together" (as cited in Metge, 1995, p. 90).

Iwi trusts are established through whakapapa as all those members included in the three trusts are related, to varying degrees, through kinship links. Although this ranges from connections between 922 individuals (PNMRT) to much larger groups of individuals of approximately 14,500 (PNBST), iwi trusts illustrate how even distant kinship links can form the basis for political organisation. These connections legitimise each member's right to be included in iwi practices, and are the basis from which people are bound together to make decisions. Mead (2016) illustrates the concept succinctly by stating that whakapapa is the basis from which an individual can claim group identity and,

> can say with certainty "I am Ngāti Awa" or "I am Te Tāwera," or "I am Tūhoe, Te Whānau-a-Apanui, Whakatōhea, Patuheuheu, Ngāti Manawa or Ngāi Te Rangi."[30] In short, whakapapa is belonging. Without it an individual is outside looking in. (p. 43)

Whakapapa is therefore understood as the defining feature of iwi organisation, as without it, rights to make decisions pertaining to mana whenua have no system to link people to the land. It is as much an individual, internal explanation of identity, as it is a collective one, and as I explained in the introduction with my pepeha, the whakapapa links that it incites confirm my identity and my connection to land and people. Even within a context of iwi trusts that are now influenced by colonisation, whakapapa remains a central tenet through its continued applicability as a cultural and political tool. Whakapapa is the basis for political

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[30] These are names of different iwi, used here as examples by Mead.

participation in iwi trusts, and continues to influence communication between trusts and individuals and between the trusts themselves.

Whakapapa as the basis for political participation. Whakapapa forms the basis for membership in the iwi trusts as well as engagement in political practices today. The right to vote in iwi trust elections or stand as a candidate stem solely from the whakapapa connections that a person has to the iwi. Each of the three trusts hold regular elections for representatives who are then charged with making decisions related to the land and commercial portfolios that each trust holds. Whakapapa confirms an individual's right to take part in these elections and gives them an opportunity to register as a participating member in decisions. Historically, the majority of iwi, hapū and whanau lived on the land that they held mana over, and therefore whakapapa connections were evident through a person's residency and recognition by the larger group (Metge, 1995). As Barlow (1991) has asserted, individual knowledge of whakapapa was held in the highest regard, and although there were designated people within a society—the tohunga—who were charged with recollecting generations of whakapapa knowledge, an individual's claim to political participation could be partially ascertained through their physical presence on the land (Mead, 2016). Today, although whakapapa is still the key determinant to an individual's claim to kinship, residency on the land is not. Registered members can and do live all over the world with no requirement to ever have even been to Wellington or the Hutt Valley, but still have rights to contribute to decision-making based on their whakapapa. The process for becoming a registered member still focuses on relaying an individual's connection to the land and the wider iwi, specifically through connections to the first Taranaki Whānui inhabitants in the areas. PNBST, for example, notes that application for membership can be made if individuals show a direct whakapapa connection to:

(1) The original beneficiaries of the 27 September 1839 Port Nicholson Block

Purchase Deed; or

(2) The persons listed in the Schedule to the Declaration of the Native Land Court in

Wellington dated 11 April 1888; or

(3) Other persons who whakapapa to Taranaki Whānui not named in (1) or (2) above

but who lived within the Port Nicholson Block, Wellington District as at 6 February

1840.

(4) Adopted persons, and their descendants (blood or whangai[31]) where the adoptive

parent(s) can whakapapa to a blood descendant of any of the original beneficiaries set

out in (1) to (3) above.

(PNBST, 2018a, p. 1)

Both WTT and PNMRT follow a similar basis for membership by requiring proof of a direct line of descent (or adopted line of descent) from the original owners in 1839 and 1840, the years when the Deed of Purchase and Te Tiriti / the Treaty were signed respectively.[32] Importantly, there is no requirement specifying that members must be resident in Wellington or the Hutt Valley. As a result, this means that voting extends to non-residents, suggesting that interests in land for iwi is not necessarily based on physical presence, but rather unbroken genealogical connections. Knowledge of whakapapa is therefore the basis for political participation and practices of governance, demonstrating that the value placed on whakapapa, is still central to the conditions of group viability and access today.

However, in lieu of residency as a determinant for membership, significant efforts are required to ensure that communication is maintained with dispersed iwi members. While

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[31] "Whangai" is a Māori term with a similar meaning to "adoption," and was traditionally practiced by giving children to members of a wider family to be raised.

[32] See Chapter One and Chapter Three for in-depth discussion of these agreements.

whakapapa may be the central determinant for membership, active participation by non-residents can be challenging. Communication tools utilised by the trusts recognise long distance whakapapa links and interests which extend beyond residency, but also demonstrate how whakapapa as a central value can cause challenges to participation today.

      Connecting individuals to the trusts. Actions which occurred during the Te Tiriti / the Treaty claims process for Taranaki Whānui illustrate one way in which whakapapa informed aspects of how participation is encouraged, and individuals are connected to the trusts. The process involves iwi developing a claim that provides evidence to the courts of their prior possession of areas as well as Crown breaches of the Te Tiriti / the Treaty (Office of Treaty Settlements, 2018). The process for developing claims is complex and time consuming, often taking decades to complete. WAI 145 took 18 years to complete, which does not include the formation of the claim years prior to that. However, given the paramount significance of Te Tiriti / the Treaty claims, extensive travel occurred during this period to engage with iwi members who were living throughout the world. In an interview with Liz Mellish noted how during the years leading up to the signing of the Waitangi Settlement in 2008, there were numerous hui (meeting) throughout the country, where iwi trust representatives travelled around to discuss the claim and negotiations:

> We held formal hui and we went out to Waiwhetu, Te Tatau o Te Po, Pipitea: that's the three marae. But we also went to Taranaki, we went to Auckland, we went to Christchurch. We travelled the country extensively—Rotorua, Wairarapa to Masterton, and all over the country talking about where the opportunities were. We also did a lot of work on the website, we had a fairly strong following internationally and that all came through the website and the consistent newsletters that went out. (L. Mellish, personal communication, April 3, 2016)

Needing to travel throughout the country to meet with iwi members and provide avenues for individuals overseas to engage in the decisions relating to the claim, demonstrates how whakapapa now extends beyond the physical areas where decisions are being made. Despite the claim being geographically contained, resident location was by no means the central determinant for iwi political interest nor access to make contributions. Communication with iwi members who do not live in Wellington and the Hutt Valley is an important differentiation to make from British-informed local politics, where the key constituencies are in one defined region, and determined through an electoral constituency, for example. All three trusts use online and postal information to inform descendants of upcoming elections and openings as well as regular newsletters and annual reports detailing the events, decisions and opportunities to be involved in different aspects of iwi trust work. Communication now extends to social media platforms, where Facebook is utilised as a medium for iwi to stay informed on trust activities. The PNBST Facebook page is followed by 1390 people and is used as a site "to help our whanau communicate and share news" (PNBST, 2018b). The combined WTT and PNMRT Facebook page is followed by 545 people (2018). While not all users follow these pages, they provide a useful platform for communication and sharing information. While a relatively new addition to both trusts, social media as a platform to advise of hui could, in the future, be used to measure iwi participation and engagement with iwi trusts, becoming a potentially valuable mode of electronic governance.

Local government referendums, such as those used for making decisions over the Māori wards in locations such as New Plymouth (see Chapter Four), define the political community based on residency as opposed to rights and interest derived from ancestral connection and identities that may have been disrupted over time. It is important to note that the non-residency aspect managed by iwi through an emphasis on whakapapa as a political

tool, is not in any way transferred into decisions that are being made in relation to local government. The basis for connecting individuals to the decisions being made are entirely through the rights of whakapapa. This means that the status of whakapapa is still significant as the driver for interests in decisions being made about Wellington and the Hutt Valley.

However, whakapapa as the central determinant for political engagement means that hui attendance can appear proportionally low compared to the number of registered members. Below are three graphs (Figure 12, Figure 13, and Figure 14) tracing approximate attendance at annual general meetings:
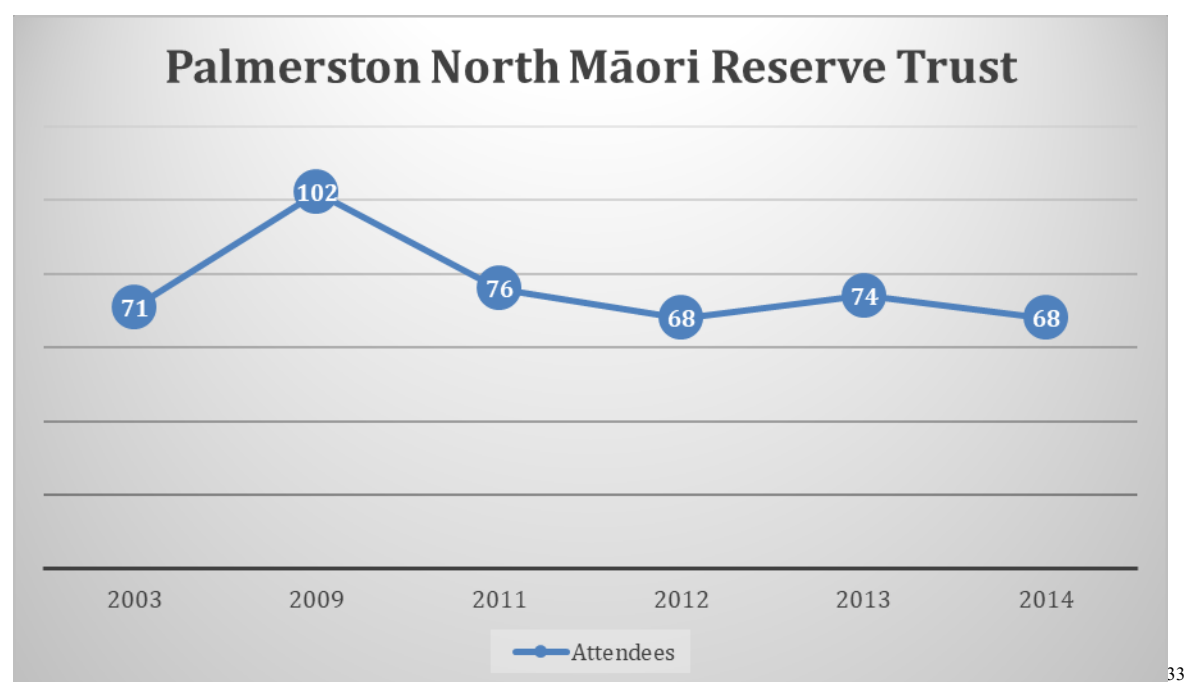
Figure 12. Recorded attendance at hui, PNMRT.

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[33] Some attendee lists were unavailable as they were not recorded in the following year's annual general reports.

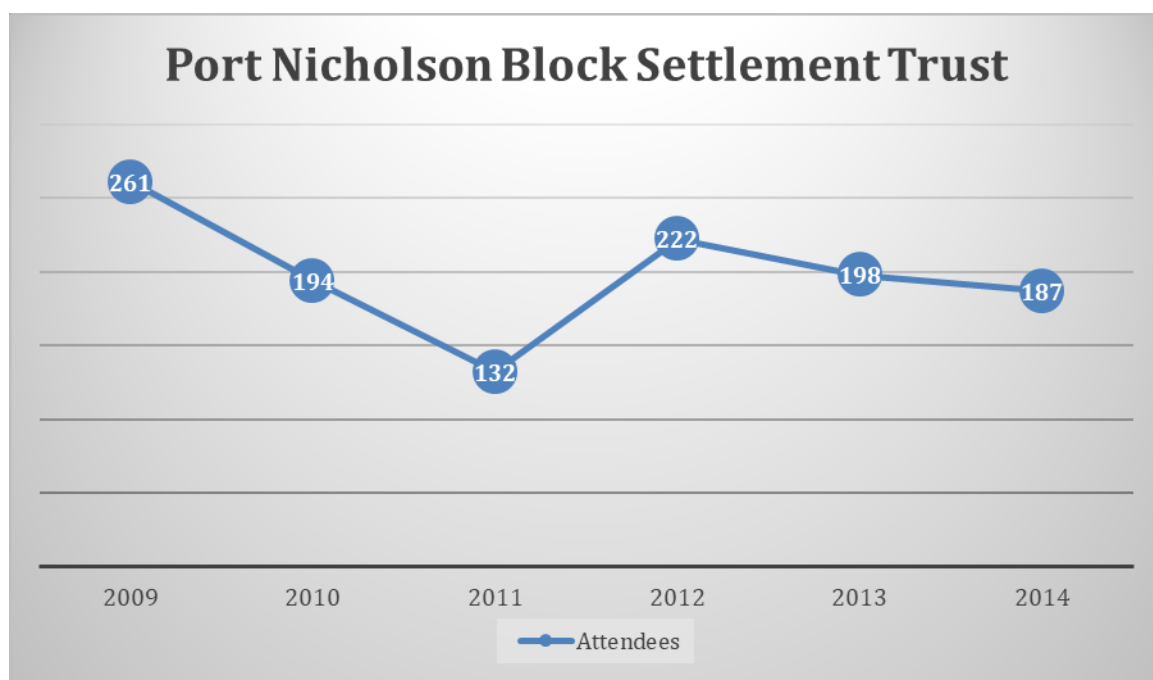*Figure 13.* Recorded attendance at hui, WTT.

Figure 14. Recorded attendance at hui, PNBST .

As illustrated in the graphs, attendance is, relatively speaking, low when compared to the current membership numbers of 6448 (WTT), 999 (PNMRT), and 14,500 (PNBST).

However, steady attendance over these periods demonstrates ongoing interest in iwi decision-making. Furthermore, the highest attendance for all three iwi trust meetings was during the 2008–2009 period, the years when the Waitangi Tribunal Settlement took place, suggesting that efforts made to communicate the negotiations throughout the country and the significance of the decision were widely supported.

One important aspect of this hui attendance, which is not evident from the table, is how whakapapa connections between Taranaki and Wellington are supported through annual hui. Every iwi hui organised by the trusts uses buses between Wellington and Taranaki to ensure that members living in Taranaki can attend. Although this is perhaps a very basic engagement tool, the conscious promotion of these ties between the two areas is a continuation of the past relationship that groups of Taranaki Whānui have traversed for years. This supports the notion that whakapapa as a political tool continues to find roots in traditional precedents with some adaptation to suit modern day changes.

Whakapapa to connect iwi trusts. Although all of the trusts have different portfolios and areas of land management, all maintain the connections between Wellington, the Hutt Valley, and Taranaki.

Figure 15. Logos of the three iwi trusts, PNBST, WTT and PNMRT (WTT & PNMR, 2018; PNBST, 2018c).

Geographical separation has not extinguished the collective identity of Taranaki Whānui in the Wellington region and those in Taranaki, and the logos of each trust depicting Taranaki Mountain are a simple illustration of the connections between Wellington and Taranaki. In both the WTT and PNMRT, the mountain is depicted as the focal point and the PNBST design is shaped like a mountain. The blue design in the PNBST logo links Wellington to the mountain and the base is representative of Te Whanganui a Tara, the Great Harbour of Tara, which is the Māori name for the Wellington Harbour. The depiction of both of these geographical spaces is representative of the connection between Wellington and Taranaki (PNBST, 2018). Iwi and hapū can explain part of their whakapapa through pepeha, which includes reference to geographical places. For example, in the introduction I referenced part of my pepeha, which included "ko Taranaki te Māunga" ("Taranaki is the mountain") as an explanation of how I fit into this research space. Taranaki is the ancestral mountain of many of the iwi from Taranaki, and forms one of the central embodiments of Taranaki Whānui as a collective identity.

These linkages, which rely on wider iwi connections, are perhaps even more strongly recognised between WTT and PNMRT. The history of PNMRT has meant that status as mana whenua was severely challenged by the land exchanges by Governor George Grey. Land ownership does not come with mana whenua status but the relationship between WTT and PNMRT is one described through whakapapa terms as "sister" trusts beneath the "parent" of Te Whanganui a Tara (the Wellington Harbour). A joint statement from both trusts notes that "it is important to have an understanding of the 'whakapapa' of the Trusts in order to understand the closeness of the relationship they share" (WTT & PNMRT, 2018). This relationship materialises through joint projects, including joint ownership, but also a combined desire to continue to assert mana whenua. Connections between trusts is one further expression of how whakapapa informs the basis of collective identity. Whakapapa connections between the trusts suggest that there are layers of whakapapa, both to tie individuals to the trusts, but also to tie those collective organisations themselves together. Just as flexible relationships were described as a central tenant of developing mana whenua in Wellington and the Hutt Valley, as discussed in Chapter Two, the same flexibility directed through relationships between individual and collective identities remains central to the functional aspects of mana whenua within the trusts.

Whakapapa is the central determinant for Māori political participation in iwi trusts. The basis for iwi membership, and efforts made to communicate with iwi members, signifies how whakapapa is the core platform for political participation, serving as the catalyst to mobilise iwi members. This suggests that political interest in iwi trusts is still based on the knowledge of ancestry, which has been adapted into trust frameworks in light of significant changes to how and where individuals live. Whakapapa is also central as a basis for evoking a wider layering of connections and for connecting the trusts together based on a statement of

"Ko Taranaki te Māunga" as a framework that can be transferred to governance relationships to support the individual connections and interests that iwi have.

Further insight into rules and institutions associated with mana whenua can be understood through a discussion of Ahi kaa.

Part Three- Ahi Kaa

As discussed in Chapter Two, Ahi kaa literally translates as "burning fires" and is a metaphor for continued occupation by referencing burning fires as evidence that people are occupying the land. Mead (2016) confirms the connection between whakapapa and ahi kaa by stating that "whakapapa is also affected by the ahi kaa principle: one has to be located in the right place and seen in order to enjoy the full benefits of whakapapa" (p. 43). In this sense, ahi kaa is the physical element or embodiment of whakapapa, reinforcing that there are known connections between individuals and the area which are confirmed and acted upon in diverse ways. Mead (2016) adds that ahi kaa has a strong relational element to it, that ahi kaa is maintained by "keeping one's claim warm by being seen" (p. 41) and that in order to exercise mana over an area, there needs to be a physical presence on the land that represents the whakapapa connections which dictate rights to that land. Ahi kaa is also one of the central take or concepts associated with mana whenua and makes up one of the legal tenets that Māori used to determine land ownership (Wiri, 2013).[34] As I discussed in Chapter Two, rights to land were traditionally recognised through active use and presence on that land and iwi and hapū could place physical objects on the land to signal their continued occupation and ahi kaa (Mead, 2016, p. 93). When Ngāti Mutunga chose to move out of Wellington, they extinguished their ahi kaa by burning down their houses, which physically removed their presence on the land and allowed the other incoming Taranaki iwi to build on it, thereby establishing their physical presence and their own ahi kaa. Although ahi kaa is interwoven

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[34] See Chapter Two for further discussion of the take associated with mana whenua.

with whakapapa, political rights are extended by evoking whakapapa links which are based

on ahi kaa.

Like the concept of whakapapa, evidence of how ahi kaa is incorporated into iwi

political practices today demonstrates how Māori values associated with mana whenua

continue to persevere. Ahi kaa was once one of the central determinants of iwi and hapū land

rights. Although land rights were contested and changed hands through different means, ahi

kaa as the visible presence on land was evident throughout an iwi's tribal area. Today,

evidence of ahi kaa can be much less obvious, particularly in urban areas like Wellington and

the Hutt Valley. However, small-scale action to reclaim ahi kaa is increasingly evident

throughout Wellington and the Hutt Valley and is driven by iwi trusts. These practices

illustrate once more vital aspects of the basis upon which iwi local authority persists.

Hikoikoi: Ahi kaa through infrastructure. The reclamation Hikoikoi on the Petone

foreshore in the Hutt Valley provides detail of how ahi kaa is maintained. Hikoikoi operated

as a pā when Pākehā first begun settling in Wellington and the Hutt Valley around 1840.

However, the land was taken into possession by Pākehā, and was used for various businesses,

most recently as an amusement park (WTT, 2006). Since regaining ownership, Taranaki

Whānui has reinstated the area as Hikoikoi which now serves as offices for WTT and

PNMRT. Pā were the centre of life for Māori. They were the areas where people lived, grew

food, built housing and usually revolved around the marae or traditional meeting houses

(Mead, 2016; Metge, 1995). Pā were usually also closely located to urupā (cemeteries) and

positioned in areas with easy access to food and water and other resources. The destruction of

pā had a significant effect on Māori ability to have an ongoing position as mana whenua in

Wellington and Hutt Valley as I discussed in Chapter Two. Liz Mellish noted how pā were

often the targets for European settlement: "We were driven out of particularly the capital city

because the land was prime, and where the pā sites (iwi settlements) were, were the best sites to be had so we were driven out" (L. Mellish, personal communication, April 3, 2016).

Hikoikoi has close links to Waiwhetu pā, which is still a pā where many Māori from Taranaki Whānui live, and one of the last places in the Hutt Valley that Māori were allowed to retain (Waitangi Tribunal, 2003). Regaining ownership of Hikoikoi has therefore been a significant success for Taranaki Whānui, both practically in terms of every day work operations, as well as in terms of ahi kaa. As ahi kaa is the physical and geographical expression of authority, any returned or reclaimed land is significant within a Māori political framework.

Hikoikoi is utilised by Taranaki Whānui as a hub for community engagement, as well as a site for the wider community to use. Hikoikoi itself is not a marae. Although it is positioned on a past pā site and undertakes some of the duties of a marae, in that people can meet, sleep, eat and work within the communal setting, it does not have the same tikanga or rules that are regularly associated with marae. For example, it is not a site which is designed to cater for tangi (funerals), which are a central part of marae activity (Higgins & Moorefield, 2003).

There are three main buildings that make up the Hikoikoi facilities and illustrate how ahi kaa and whakapapa are tied together. These are Manaia, Raumati and Moutere. When WTT and PNMRT regained the land, they agreed to use the land to promote the cultural connections between people, the land and the sea. All three buildings were named to recognise these connections, with dual meanings behind each one (Hikoikoi Staff, personal communication, August 5, 2015). Each building is named for its location and also for people from Taranaki Whānui who were leaders within the iwi trusts and have since passed away.

Names as an assertion of ahi kaa. The building Raumati literally translates as "summer," and was named after a former trustee of WTT, Hamiora Raumati. The second

building, Manaia was named after a former PNMRT trustee, Roger Manaia, who was integral

to the management of the Trust. Manaia also has other important significance, as Manaia was

the name of a rangatira who captained the waka (canoe) Tokomaru, on which many Taranaki

Whānui ancestors travelled from the ancestral homeland, Hawaiiki, to Aotearoa.

Furthermore, around the same time that Manaia was named, Taranaki Whānui gained rights

to the Dominion Building in central Wellington which sits on iwi land. At this time, Taranaki

Whānui renamed the hall of this building, Tokomaru, after the waka which Manaia captained.

Taken together therefore, these two naming's demonstrate reclamation of ahi kaa through

inter-related actions that draw on Māori histories, whakapapa and connections to the land.

The third building on the site is named Moutere which translates as "island." The

name reflects the connection between Hikoikoi and Matiu Island, an island in Wellington

Harbour that is visible from Hikoikoi. Matiu has significant meaning for Taranaki Whānui, as

a place frequented by the iwi and the site where agreements over land rights were made as

discussed in Chapter Two. The name Moutere, is also significant as it ties the buildings at

Hikoikoi to another previous trust member, Moutere Island Love, once again enacting the ties

between ahi kaa and whakapapa (Hikoikoi Staff, personal communication, August 5, 2015).

Reclamation of the land by names that evoke distant whakapapa connections to the

arrival of Māori ancestors in Aotearoa, and through more recent ties, creates explicit links

between people and ownership. Naming areas through whakapapa and histories related to the

iwi, demonstrates lasting examples of ahi kaa and, as a result, reinforce the Māori basis

through which local authority is understood.

As well as drawing links between the buildings, events and people, other actions in

the area have included reclaiming maara kai (food gardens) on the site.

Maara Kai as an expression of ahi kaa. Maara kai are developed by Taranaki

Whānui iwi trusts to support their mandate as mana whenua. They involve planting food and

native plants, and in particular harakeke, or flax for weaving. Maara kai were initiated by
WTT and PNMRT and are at locations throughout Wellington and the Hutt Valley, including
particular efforts at Hikoikoi. The maara kai were built and maintained by iwi members
(WTT, 2014). There are also native planting days along the foreshore by Hikoikoi, which
involve both iwi and community members. Practically, these gardens produce food for people
using the facilities and promote sustainable practices through utilising the land as a food
source. However, the gardens also reflect a direct reclamation of land and use rights which
were significantly impacted through colonisation in Wellington and the Hutt Valley. In an
interview, Teri Puketapu recounted a story told to him by his father about the naming of the
Port Nicholson or the Pōneke area in central Wellington. This story demonstrates the
significance of iwi establishing gardens today:

> A lot of people presume that the name Pōneke is a transliteration of Port Nicholson
> but it's actually not. What happened was Pipitea when the first settlers came in there
> brought their horses, cattle, pigs and everything else. The gardens of Pipitea ran back
> across to where Parliament is now. What happened is more and more settlers came in
> very quickly after 1840; probably by about 1842–43 there would be about 4000
> settlers in Wellington. So, what was happening was that the fencing and that around
> the gardens of our people at Pipitea were getting broken down and the stock were
> getting in there and destroying the gardens. Our people were quite annoyed at that and
> it went on for quite a while and in the end quite a number of them moved from there
> to Kaiwharawhara and then Ngauranga and then to Petone and finally out here to
> Waiwhetu. They moved at night, so the Pōneke comes from that; Pōnekeneke—to
> move at night. (T. Puketapu, personal communication, July 4, 2015)

Colonisation in Wellington came through Pākehā building on Māori land, and
establishing practices, like stock farming, that encroached on Māori livelihoods and ahi kaa.

This story illustrates how the destruction of garden food sources, was directly related to Māori being pressured to move out of prime real estate in Wellington to areas that were less desired by Pākehā. Communal gardens, therefore, represent one way in which Taranaki Whānui have sought to reclaim significant aspects of communal life from a time before their displacement from what are now the city areas. More than just a food source and a community project, gardens represented the central link to the land, which when destroyed, simultaneously forced Māori to move out of the area. According to Teri Puketapu's account, the Māori name of the area, Pōneke, is recognition of this time, and therefore, maara kai today represent a form of resistance to acts which removed iwi ahi kaa. Bargh (2013), has argued that native planting by Ngāti Whatua iwi in Auckland provides examples of how iwi can work from the "margins inwards" as actions that "create openings and fissures in the dominant political structures" (p. 454). Reclaiming Māori practice and at the same time ahi kaa enables Māori to reclaim ownership by reinstating traditional practice, which can also work as a political challenge to local authority. Taking ownership over areas and activities that were once removed from Māori control, and subsequently using those areas to promote actions associated with ahi kaa, confirms connections that Taranaki Whānui have to the past, present and future. This connection is in effect, the basis for local authority.

Ahi kaa as it is exercised today, reveals aspects of the rules and institutions that underpin iwi trust governance and activity. Hikoikoi and maara kai are two examples that show both a reclamation of land and the values system that underpins those actions. Whakapapa and ahi kaa demonstrate how the political authority of iwi trusts is based upon the key tenets of mana whenua. Mana whenua is a form of local authority that is dependent upon genealogical connections to provide for participation, as well as connections to land, which must be present in order to exercise authority.

Discussion

Whakapapa and ahi kaa are concepts central to mana whenua and the local governance of iwi trusts. One of the central aims of a Kaupapa Māori theoretical framework is to highlight aspects of Māori values that continue to be central to any political context in Aotearoa (Cunningham, 2000). The underlying basis of Kaupapa Māori theory is that Māori concepts are still active in Māori society and should be highlighted and discussed in research (Pihama et al., 2002; Royal, 2012; Tuhiwai-Smith, 2012). As discussed in Chapter One, Kaupapa Māori Theory expects that critique of colonial institutions comes hand in hand with recognising sites of operating Māori values and practice, including iwi trusts. These include iwi trusts which have become important sites for the reclamation and exercise of Māori governance at the local level.

The evidence discussed above leads to four conclusions regarding the importance of an analysis of whakapapa and ahi kaa as containing rules and institutions evident in mana whenua.

Firstly, whakapapa and ahi kaa are deeply embedded, normalised practices within Māori society today. Whakapapa and ahi kaa are heralded as being two of the central aspects of Māori culture and, as described by Māori scholars such as Barlow (2012) and Mead (2016), are markers not only of Māori values, but Māori identity as well. As a result, the ways in which whakapapa and ahi kaa are enacted and centred within iwi trusts, are so much engrained in Māori culture that they represent normal, almost unremarkable practice. Political participation dependent on whakapapa, for example, is simply an extension of political rights that have always dictated collective engagement. It is in the very mundane aspects of daily life that the continued vibrancy and resilience of these core political values and governing insitutions reside.

Ahi kaa, too, in simple terms is associating authority over land, with presence on that land. Corntassel and Bryce (2012) describe this type of activity as the "every day practices of resurgence" (p. 153) to illustrate how regular processes that are part of every day operations are, in fact, the key markers of indigenous self-determination. The strength of Māori rules and institutions associated with mana whenua is not through any exceptional use, but rather through the complete normalisation of their influence of every day activities. Whakapapa and ahi kaa are two commonplace, standard or "everyday" concepts which embody and reproduce mana whenua and Māori political authority over land. Both concepts operate to reproduce mana whenua by adapting standard cultural practice into contexts that have been impacted adversely by colonisation. The continued reliance on whakapapa and ahi kaa to form the basis of iwi trust political organisation, illustrates the flexibility and resilience of Māori rules and institutions, which can continue to serve the purposes of the iwi organisation that iwi trusts are based upon. "Every day" or unremarkable activities such as gardening, or organising buses between Wellington and Taranaki serve as the markers of "mana whenua" and a continuing basis for political organisation. Whakapapa and ahi kaa hold within them the rules and institutions for governing these everyday activities.

Secondly, while whakapapa and ahi kaa represent sites of Māori political organisation that reflect the continued use of traditional paradigms, the normalisation of these values also represents significant challenges to British-informed local government. As Bryce and Corntassel (2012) allude to, these acts hold a resurgence element, suggesting that every day activities can be significant agentive responses to challenges. Furthermore, Bargh (2013) in her discussion of native planting, argues that these "micro-oriented" (p. 454) activities accumulate to create "fissures in the dominant structures" (p. 454). In other words, simply by actioning what it means to be mana whenua is a politically charged challenge. Cornell (2013) has asked in the context of self-governance amongst First Nation American peoples, "What

happens to the boundary legacies of colonialism when indigenous nations begin to assert self-governing powers?" (p. 35) and argues that "indigenous nations that are currently reconstituting themselves as political actors and as bases of collective identity are challenging, to varying degrees, the assumptions and preferred organisational templates of central governments" (p. 36).

Cornell's question suggests that while "every day" acts might be first nation or iwi focused, inevitably the existance of these normal indigenous political frameworks pose a significant challenge to British-informed governments.. While mana whenua might have been subject to displacement and disruption, as explained in Chapter Two, the rules and institutions embedded in mana whenua were never extinguished. Rather they were made less visible in the local governing environment. The fact that whakapapa and ahi kaa continue to form parts of the basis for the "organisational template" for iwi trusts indicates how Māori are political actors who have maintained control over their own political engagement. In this way, whakapapa and ahi kaa demonstrate the continuity of of political practices and how actions associated with mana whenua as discussed in Chapter Two, continue to be present today through the forms of political organisation utilised through iwi trusts. This continuity of governing practices manifests through a continued dependence on the basis of Māori authority, namely the importance of relationship building. Indeed, these practices have shifted to include other forms of political participation (such as voting through ballot), however the emphasis on connecting people through a recognition of whakapapa and ahi kaa remains essential to the systems of governance that have developed.

Thirdly, with land at the centre of iwi trust mandates, whakapapa and ahi kaa are central to physical presence. Whakapapa and ahi kaa is based on Māori knowledge that links a place to the past, present and future. These links acknowledge the importance of tūpuna and historical events that occurred in the area, as described in relation to Hikoikoi or the maara

kai. Potter (2012) argues in relation to Australian indigenous peoples that "acts of place-making are inevitably politically charged, and become key strategic devices in the assertion or resistance of power and domination" (p. 132). Whakapapa and ahi kaa similarly are political acts because they challenge colonial associations with the land by drawing on Māori knowledge systems that are passed on through whakapapa and that also encourage a continued reproduction of a collective voice based on those same whakapapa connections. Physical markers of space such as buildings and maara kai put forth a challenge by iwi, as they are foundational parts of built environments that express ahi kaa (Stuart & Thompson-Fawcett, 2010).

Fourthly, mana whenua as a political framework is essentially about relationships. Although whakapapa can be a statement made about the identity of an individual, that identity is only confirmed through the links and relationships that person has to the wider group. In a similar vein, ahi kaa relies on relationships between people and the land. The very basis of ahi kaa is determined by the visibility of this relationship, and therefore requires the wider iwi to maintain it. Although there are challenges surrounding people migrating away from Wellington and the Hutt Valley, ahi kaa is continually reinforced through measures that link people together across space and time. Without whakapapa or ahi kaa as binding features of iwi governance, the right to be mana whenua would not exist. This means the wider lesson that can be drawn from iwi actively exercising mana whenua is that the same emphasis on relationships would then transfer to external relationships (with British-informed local governments, for example). In other words, through a Māori framework, relationships matter when it comes to governance and authority. This emphasis on relationships as the source of mana is not unique to Māori, and as Alfred and Corntassel (2005) state, "it is the need to maintain respectful relationships that guides all interactions and experiences with community, clans, families, individuals, homelands, plants, animals etc. in the indigenous cultural ideal"

(p. 609). Whakapapa and ahi kaa can therefore provide key lessons for a framework for external political relationships, simply through recognising how political organisation can be produced through varying cultural and political rules and institutions. In other words, local government rules and institutions exist in parallel to mana whenua rules and institutions. Therefore, by implication the struggles towards Te Tiriti/ the Treaty partnerships could benefit from drawing on the rules and institutions of each authority.

Finally, whakapapa and ahi kaa, illustrates how iwi continue to assert rangatiratanga or self-determination in spite of Crown dictated terms. Alfred and Corntassel (2005) call to indigenous peoples to challenge colonialism and its lasting impacts through centring indigenous people's own ways of being, even within environments that at first glance might be heavily influenced by colonial structures. In essence, the pair argue that indigenous self-determination comes through the "use of our laws and institutions to govern ourselves" (p. 614). This suggests that indigenous survival and the continued operation of Māori or indigenous rules and institutions—in this case the maintenance of whakapapa and ahi kaa—are the means by which colonially-derived governing institutions, like local government, are challenged in respect to holding the absolute monopoly on local political decision-making. The "culture of colonisation" (Jackson, 1991), as explained in the introduction to this thesis, did not offer a template to share political rules and institutions, hence the neccesity to relocate any discussion of Māori and Crown relationships to a Māori context that does.

Conclusion

Practically, this chapter forms the basis for shifting the lens of the thesis analysis pertaining to Māori and local government relationships away from the challenges associated with te Te Tiriti / the Treaty partnerships that are determined by the Crown. This is in line with Kaupapa Māori theory which suggests that a deconstruction of colonisation should be offset by discussions of Māori values. Whakapapa and ahi kaa are examples of normalised,

distinct, and political charged Māori rules and institutions associated with mana whenua. This chapter has aimed to demonstrate the continued existance of Māori rules and institutions which form part of the basis for Māori authority and governance. While local governments are largely informed through guiding legislation, as discussed in Chapter Three and Chapter Four, iwi trusts are guided through the rules and institutions associated with mana whenua.. This chapter has aimed at recentering aspects of mana whenua to show how the historical aspects of displacement and disruption were unsuccessful. The resilience of rules and institutions associated with mana whenua, is to form the basis from which further and more specific analysis of relationships between Māori and local government in Wellington and the Hutt Valley can be discussed in relation to Māori rules and institutions. Whakapapa forms the basis for political participation and engagement in decision-making. Ahi kaa embodies the permanency of mana whenua and the importance of physical reclamation within the urban environment. Both concepts together challenge the presumed mono-political environment that local governments tend to draw upon to inform how Te Tiriti/ the Treaty partnerships will operate.

 The following chapter builds on this discussion and the efforts to reify Kaupapa Māori. Chapter Six examines relationships between iwi and local governments in Wellington and the Hutt Valley through a framework of Māori leadership founded in mana whenua— rangatira ki te rangatira (leader to leader) engagements.

Chapter Six: Rangatira ki te Rangatira

Introduction

Partnership, as a central principle of Te Tiriti/ the Treaty has proven to be a

contentious issue between Māori and local government as discussed in Chapter Three and

Chapter Four. This chapter discusses further the idea of partnership, but does so in relation to

a Māori framework of relationships, rangatira ki te rangatira (leader to leader). This

framework is referenced in local government plans and policies in Wellington and the Hutt

Valley to describe relationships between iwi and local government. Explicit and implicit

reference to rangatira ki te rangatira can provide an alternative basis to partnership, which is

sourced in contexts outside of current local government legislation. By applying a Kaupapa

Māori theoretical framework, this thesis argues that a significant component of the challenges

pertaining to Te Tiriti / the Treaty partnerships has stemmed from the absence of Māori rules

and institutions to inform how relationships could or should be managed. I suggest in this

chapter, that rangatira ki te rangatira, if properly understood, could provide a foundation to

reconceptualise iwi and local government relationships. In a 2016 interview, Wendy

Walker,[35] who has been intimately involved with developing relationships between iwi and

local government, summarised the standpoint of a rangatira ki te rangatira relationship as

described to her by Taranaki Whānui over the years:

> There are two organisations that will be here through time; one is the iwi and one is
>
> the council in whatever form either of those take. They'll change over time but they'll

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[35] Walker is the current chief executive of the Porirua City Council. She is the first Māori woman chief

executive on any local government in Aotearoa, and prior to her appointment had served 18 years on the

Wellington City Council in various policy and leadership roles, including a substantial amount of work with

Māori. Walker is also from Ngāti Mutunga which is one of the Taranaki iwi. Due to her iwi connections to

Taranaki Whānui and an extensive and successful career in local government, she has been intimately involved

in establishing and maintaining relationships between the Wellington City Council and Māori.

be there forever … It's on that basis that the relationship was built. (W. Walker,

personal communication, April 25, 2016)

Walker's statement contends that Taranaki Whānui engage with local government

based on the premise that each polity has equal rights to local decision-making. That is,

despite operating through different sets of governing rules and institutions (mana whenua and

legislative), the relationship is one that will endure. As encouraged by a Kaupapa Māori

framework, I have chosen to reflect on the relationship between iwi and local government

through a Māori concept in order to develop a wider picture of how relationships are

understood beyond the legislative challenges discussed in Chapter Three and Chapter Four.

In this chapter, I argue that "rangatira ki te rangatira" offers a framework to

reconceptualise the basis for how relationships are understood. A relationship described as

rangatira ki te rangatira provides a basis to relationships, whereby each party is recognised

for holding equal authority as rangatira (leaders). I suggest that conceptually the relationship

is entered into on the basis of equality, as opposed to the imbalance of power that has come to

dominate relationships between Māori and the Crown or iwi and local government. However,

this chapter also demonstrates that rangatira ki te rangatira is currently only conceptual in

nature and that relationships between iwi and local government in Wellington and Hutt

Valley continue to offer iwi limited options for their input into decision-making. Rangatira ki

te rangatira might be referenced in local government policy, but it still needs to be suitably

implemented.

In Chapter Two I focused on the historical interactions between mana whenua and

British-informed local government in Wellington and the Hutt Valley and argued that British-

informed local government was directly involved in the disruption and displacement of mana

whenua rules and institutions. I argued that this set a precedent for Māori exclusion from

partnerships with local government, as evidenced across Aotearoa and discussed in Chapter

Three and Chapter Four. In Chapter Five, I argued that despite the contentious local political environment, mana whenua rules and institutions are resilient and continue to dictate the grounds for iwi local governance, supporting a continued claim for mana whenua as a form of local authority. Examining more specific Māori political concepts in relation to iwi and local government in Wellington and the Hutt Valley now adds more depth to the content of this thesis so far.

Part one of this chapter begins with a discussion of a rangatira ki te rangatira framework. It examines the underlying meanings of the phrase and its inception as a descriptor for relationships between Māori and the Crown. In Part two I provide examples from how three local governments, the Greater Wellington Regional Council (GWRC), the Wellington City Council (WCC), and the Hutt City Council (HCC) engage with iwi. In Part three I examine the challenges that remain, and also consider what lessons might be drawn from a relationship based on rangatira ki te rangatira in Wellington and the Hutt Valley.

Part One—Rangatira Ki Te Rangatira: The Foundations

Rangatira ki te rangatira is a framework referring to relationships between leaders based on an acknowledgement of mana or authority. Rangatira ki te rangatira is discussed in this part to clarify its to its application in local government.

Relationships between Māori. The rangatira ki te rangatira framework is drawn from Māori conceptions of leadership and relationships. Within the social hierarchy of Māori society, rangatira are amongst the highest-ranking individuals alongside other social positions, such as the ariki and the tohunga (people of high rank in Māori society) (Te Rangihiroa, 1949). The word rangatira can be translated to mean leader, of high rank, noble, esteemed or chief (Te Aka Māori Dictionary, 2018). The high-ranking position that rangatira held in society was often founded in reference to the atua (gods) as rangatira and ariki were considered to be the closest human connection to the atua (Katene, 2010, p. 4). This

connection to the atua sits in line with understandings of mana (power/prestige/authority), as discussed in Chapter Two in particular, which also drew on associations with atua as an indication of status. A more literal definition of rangatira, however, speaks to the relational position of these individuals within society. The term "ranga" or "raranga" means to weave, and "tira" is a term for a group, referring to the central role of rangatira to weave unity amongst people. Mikaere (2010) describes this literal translation of the position of rangatira in Māori society as "[t]he understanding that survival is dependent upon the preservation of social cohesion through the maintenance of relationships [which] is implicit in the term 'rangatira'" (para. 7). In this sense, the position of rangatira was one defined by relationship-building in order to support the tira (to support the group) (para. 7). The mana of a rangatira was therefore not about the personal status of an individual rangatira, but through the roots of the word, concerned the mana of the people. The rangatira had a role to ensure that relationships were maintained between people, and this was a reflection of their authority. Whakapapa (genealogy) was central to this authority, as rangatira were often identified as leaders through their connections to past leaders as well as a wide range of people. Broad reaching whakapapa demonstrated links to many people, thus supporting the relational importance of rangatira as weaving people together. In Chapter Five, I discussed the importance of whakapapa as the basis for political organisation, which, too, can be seen through rangatira. However, this whakapapa aspect was also expected to complement desirable traits expressed by the individual. Durie (1996) describes the position of rangatira as coming "not from the personal aggregation of power and wealth, but the delivery of power and wealth to the people. Thought to have a divine authority, their mana in fact came from the exhibition of divine traits, courage, generosity, pride, humility and so on" (p. 455). Rangatira, therefore, were expected to provide and protect their people, and their mana was reflected in the health and wealth of the iwi or hapū, reifying the importance of rangatira as

giving to the people and needing to develop fruitful, positive and lasting relationships. This inescapable link between rangatira and relationship-building was evident in analysis presented in Chapter Two, in which the political context in Wellington and the Hutt Valley pre-1840 was defined by the relationships that were developed and developing between iwi and hapū. The examples which I referred to described the role of rangatira in establishing verbal and physical contracts with other rangatira in order to ensure the mana and political boundaries of each iwi or hapū were articulated and respected. These examples showed how rangatira from different iwi respected the status and position of other rangatira, even if disputes and disagreements occurred. Even then, the basis for engagement was dependent on the recognition of rangatira and the iwi or hapū they represented. Respect for rangatira ki te rangatira, or leader to leader engagement was, in other words, respect for the mana or authority of each group.

A recollection recorded by a Ngāti Raukawa rangatira Whatarangi Winiata in 2003, recalled an encounter Winiata had with the since passed Rt Reverend Manuhuia Bennett, who relayed to Winiata the attributes of rangatira:

Te kai a te rangatira he kōrero—the food of rangatira is talk

Te tohu a te rangatira, he manaaki—the sign of a rangatira is being able to look after others, generosity

Te mahi a te rangatira he whakatira i te iwi—the work of the rangatira is binding the iwi.

(p. 67)

These three attributes were, according to these two rangatira, the basis from which authority could be understood. Mikaere (2010) elaborates on these attributes and explains the wider meanings insinuated in the extract. The reference to "talk is not only an indication of strong oratory skills, but also the importance of integrity and accountability, and that

commitments made by rangatira are expected to be upheld. The reference to generosity is an expectation that rangatira maintain their own mana by supporting the mana of others, whether that be other rangatira or the group they are representing. Finally, the reference to binding the iwi is about the importance of relationship-building and an acceptance that rangatira and iwi hapū operate in deeply interconnected ways. These three attributes can be summarised more broadly as respect for the mana of each rangatira and respect for the mana of each group. It is on this basis that rangatira have a role to lead and develop relationships with other iwi or hapū (or even local government). The basis for recognising rangatira is that the collective group are the source of authority. For iwi, the basis of authority for the rangatira comes from being able to represent the interests of people who are joined by whakapapa and ahi kaa, for example, as discussed in Chapter Five. The rights to engage in a rangatira ki te rangatira relationship stem from recognition of the mana of a group, and not from, for instance, legal rights imposed by the state.

Rangatira ki te rangatira—relationships with the Crown. A further element to understanding the meaning of rangatira, is its use in describing relationships with the British Crown. Two documents central to Māori and Crown authority in Aotearoa, are He Whakaputanga o te Rangatiratanga o Niu Tireni[36] or He Whakaputanga (The Declaration of Independence of New Zealand) and Te Tiriti / the Treaty, both of which make reference to the role of rangatira in relationship building.

He Whakaputanga was signed by 52 rangatira in the far north of Aotearoa in 1835. The declaration confirms the sovereignty and independence of iwi and hapū in Aotearoa and was acknowledged by King William IV, creating an international declaration between rangatira in Aotearoa and the British Crown. The first article of He Whakaputanga sheds some light on the position of rangatira in relation to the Crown as interpreted at that time:

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[36] See Appendix 2 for a full copy of He Whakaputanga.

Ko matou ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti

nei te huihui i Waitangi i Tokerau 28 o Oketopa 1835. Ka wakaputa i te

Rangatiratanga o to matou wenua a ka meatia ka wakaputaia e matou he Wenua

Rangatira. Kia huaina 'Ko te Wakaminenga o nga Hapu o Nu Tireni'.

Translated by Mutu (2014) this reads:

We, the paramount chiefs of the tribes of New Zealand north of Hauraki met at

Waitangi in the North on 28 October 1835 and declared the paramount authority over

our land and it is said we declare a state of peacefulness/the land is uncontested/the

land is at peace/some land dedicated for this occasion which is to be called The

Gathering/ Confederation of the Tribal Groups of New Zealand. (As cited in Waitangi

Tribunal, 2014, p. 175)

Mutu (2014) posits that rangatira can be understood as "paramount," that the mana of

those paramount chiefs is uncontested and the first Article presupposes that rangatira are

acting as representatives to support the sovereignty of iwi within international relations. A

further explanation of the text noted in the Te Paparahi o te Raki Waitangi Tribunal Report

(2014) drew on statements by Wiremu Heihei who noted that "[h]is understanding was that

he as the Rangatira nui o Ngāpuhi was addressing Rangatira nui o Ingarangi. Rangatira to

Rangatira, Paramount to Paramount" (p. 193), which, fully translated, means: "His

understanding was that he as the paramount Rangatira of Ngāpuhi was addressing the

paramount Rangatira of England. Rangatira to Rangatira, Paramount to Paramount."[37]

In this interpretation, He Whakaputanga and the rangatira ki te rangatira relationship

was an assertion of equivalent power between rangatira and the King; each operating in the

persona of nation-to-nation Each held paramount power in their respective nations, and

therefore recognition of each other's mana would form the basis of an international alliance

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[37] Ngāpuhi are an iwi in the Far North. This is my own translation.

(Waitangi Tribunal, 2014, p. 193). From the perspective of the rangatira who signed this document, a rangatira relationship confirmed their own mana as the leaders of iwi and hapū in Aotearoa, as well as acknowledging the King for his mana to lead the British people. From this pre-1840 agreement, it is clear that "rangatira" is a term used as an expression of equality with the Crown and, importantly, that the relationship could form a basis for co-operation or partnership.

Te Tiriti o Waitangi[38] signed five years later by many of the same rangatira can be seen as building on this precedent. The first part of the second article states:

Ko te Kuini o Ingarangi ka wakarite ka wakaae ki nga Rangatira—ki ngā hapu ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa.

Translated by Mutu (2010) this reads:

The Queen of England agrees and arranged for the heads of the tribal groupings, for the tribal groupings and all the people of New Zealand, their paramount and ultimate power and authority over their lands, their villages and all their treasured possessions. (p. 23)

Te Tiriti o Waitangi therefore confirmed once more that rangatira would maintain their absolute authority over their lands and people and that once again the Queen was accepting the relationship with rangatira as the basis of this. Mutu (2010) extends on the use of the term "rangatiratanga," a derivative of rangatira in Te Tiriti o Waitangi, as being in reference to the mana of leaders to unite their people, and describes rangatiratanga as "[t]he exercise of such leadership in order to maintain and enhance the mana of the people" (p. 25). Again, even when used beyond relationships between iwi and hapū, rangatira ki te rangatira is about the mana of the group.

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[38] See Chapter Three for an in-depth discussion of Te Tiriti o Waitangi.

Although rangatira is very much a term that is associated with Māori social organisation, it is also a term that has been used to characterise the relationships between Māori and the Crown. From early expressions of the role of rangatira, the term itself is used to evoke mana stemming from iwi and hapū, demonstrating how the mana of an individual rangatira only exists in relation to the mana of the collective. Rangatira ki te rangatira is also an early framework for Māori and Crown relationships, and was used to describe a relationship that could engage on an equal platform, even when operating in completely different political contexts. In effect, it was assumed that a relationship based on rangatira ki te rangatira could transcend different understandings of political power through recognising the mana of the leaders as representatives of their people. Although originally used to frame relationships between Māori and the Crown as living in separate territories, colonisation has shifted the boundaries of a rangatira ki te rangatira relationship to one in which boundaries now overlap, presenting new challenges to understanding mana and political authority. However, through the roots of the phrase, a relationship between Māori and the Crown that is based on rangatira ki te rangatira could be expected to encompass the values recalled by the Rt Reverend Manuhuia Bennett to respect the mana of each rangatira and respect the mana of each group, even when operating across alternative forms of political organisation.

My interest in rangatira ki te rangatira as a framework for understanding relationships between groups, is not in examining whether Māori or local government individual leaders meet these attributes, but rather whether Māori and local government relationships demonstrate respect for the authority of each other. I would expect that a framework built on rangatira ki te rangatira would uphold commitments to one another, would support and respect the mana of each polity—or the shared and enduring role that each held—and that relationships and interconnectedness would be fundamental to promoting partnership. In other words, if a relationship is characterised by an evocation of the meaning of rangatira,

then a rangatira ki te rangatira framework should uphold the practice of equality in decision-making and recognition of a shared stake in governance over areas for which both parties now have rights and responsibilities for. With this context in mind, I now move to consider each of the local governments directly and how rangatira ki te rangatira is understood within local government.

Part Two—Rangatira Ki Te Rangatira and Local Government

The following sections outline the commitments and structures in place to facilitate current relationships between iwi and three local governments in Wellington and the Hutt Valley, the GWRC, the WCC and the HCC.

Greater Wellington Regional Council. The GWRC makes explicit reference to a "rangatira ki te rangatira" framework in their commitments to iwi through their current structural arrangements, Ara Tahi and Te Upoko Taiao. GWRC services an area of 8,049 km2, which crosses over eight city and district councils, including WCC and the HCC (Department of Internal Affairs, 2018d) (Figure 16). Like other regional councils, GWRC, is charged with management and decision-making over resources and activities that affect the wider region. A significant proportion of GWRC activity is therefore focused on resource management and environmental sustainability projects, public transport and regional economic development (GWRC, 2016). The total population from the 2013 census was 471,315, of which 58,338 or 13.9 percent identified as being of Māori descent (Statistics New Zealand, 2013d). There are also a significant number of mātaawaka (see Chapter Seven), as well as a number of different iwi and hapū who are recognised as the mana whenua in different parts of the region. A number of these iwi were party to the migrations from Taranaki in the early 1800s which I discussed in Chapter Two and who are now settled throughout parts of the Wellington Region.
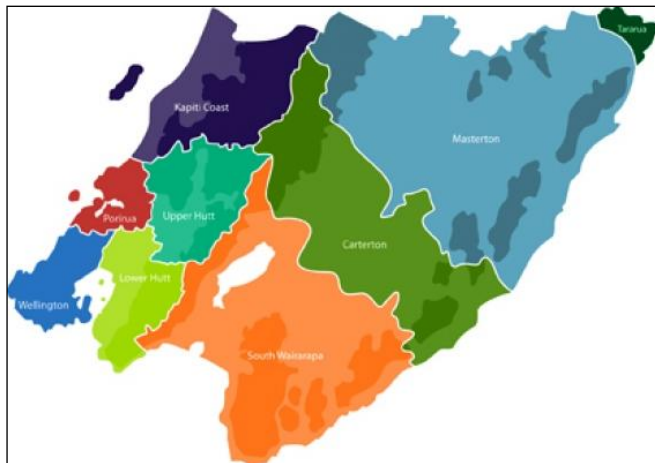
Figure 16. Map of Greater Wellington Regional Council. The Wellington and Lower Hutt areas are also serviced by the Wellington City Council and the Hutt City Council respectively (GWRC, 2013).

GWRC makes specific reference to iwi throughout the region and commit to developing relationships with them through the current Long Term Plan which states (2015–2025):

> GWRC's relationship with mana whenua is guided by the Local Government Act and the Resource Management Act 1991. These Acts require GWRC to recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu,[39] and other taonga[40] (RMA S.6) and provide opportunities and resources that enable Māori to participate in decision making. (GWRC, 2015a, p. 10)

Recognition of these Māori and local government relationships and subsequently the relationships that Māori have to natural resources is developed through formal relationships

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[39] Sacred sites.

[40] Treasures, or things of value.

with six mana whenua iwi across the Wellington region. These are facilitated through the various iwi trusts, including the PNBST, which I discussed Chapter Five. The iwi include:

- Ngāti Kahungunu ki Wairarapa represented by Ngāti Kahungunu ki Wairarapa Trust

- Taranaki Whānui ki te Upoko o te Ika, represented by PNBST

- Ngāti Toa Rangatira, represented by Te Rūnanga o Toa Rangatira Incorporation

- Te Ati Awa ki Whakarongotai, represented by Ati Awa ki Whakarongotai Charitable Trust

- Ngāti Raukawa ki te Tonga represented by Ngā Hapū ō Otaki

- Rangitāne o Wairarapa represented by Rangitāne ō Wairarapa

(GWRC, 2018)

Each of the iwi listed above have projects and initiatives with GWRC relating to their own land. However, these individual relationships also feed into collective structures, which include representatives from all of the six iwi as well as council. The two structures are Ara Tahi, which is a Māori and local government leadership forum and Te Upoko Taiao, the Māori Natural Resources advisory committee. These are both important structures for understanding rangatira ki te rangatira and give insights into its application in local government.

Ara Tahi translates as "the group proceeding down one road" (GWRC, 1993, p. 1). Established in 1993 under a "Charter of Understanding between Te Tangata Whenua o te Upoko o te Ika a Maui[41] and the Greater Wellington Regional Council" (hereafter 'the Charter') the intention behind Ara Tahi was to bring together iwi leaders and councillors to discuss issues of importance to iwi in the region and provide a platform from which iwi could

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[41] This means the people of the land at the head of the fish. The head of the fish is the Māori geographical location of the Wellington Region and is used to refer to the mana whenua iwi in this area.

engage with each other and the GWRC. The 1993 Charter designed to formalise the relationship between iwi and council had an almost exclusive focus on environmental management in response to the requirements under the RMA: "in the framework of the Resource Management Act 1991, tangata whenua have a status as Treaty partner, beyond that of interest groups and the general public" (p. 8).

However, despite the limited remit, the charter referenced a "rangatira ki te rangatira" relationship under the "Essential Bargain" principle, which claimed that Te Tiriti / the Treaty was an "exchange of interests," in that Māori ceded sovereignty to the Crown in exchange for protection of their rangatiratanga (p. 5). In the Charter it stated that the "Essential Bargain" would manifest through the interaction between iwi leaders and the Council, which was considered as "rangatira ki te rangatira." However, the Charter went on to note that the iwi role in rangatira ki te rangatira was as "consultants to advise council" (p. 5). Effectively, rangatira ki te rangatira was inserted into local government structures through the Crown's already limited view of Te Tiriti / the Treaty partnerships (discussed in Chapter Three), shifting its meaning away from a framework stemming from equal positions of authority.

In 2000, the Charter was updated and the role of Ara Tahi was broadened beyond resource management (Ara Tahi, 2000).[42] The 2000 version of the Charter noted:

> Since the establishment of the Charter, the relationships between iwi and the Council has been based on obligations outlined in the Resource Management Act 1991. However, in practice the relationship has covered a much wider range of Council activities. This is now formally recognized by expanding the Charter to include other areas of Council business. (Ara Tahi, 2000, p. 2)

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[42] It is interesting to note that this change preceded amendments to the LGA 2002, which sought to provide for a whole-of-local-government approach (see Chapter Three).

While the intentions behind this change were to support what was already considered a reality—Māori having interests beyond resource management—iwi members of Ara Tahi remained sceptical about how much influence these changes actually had in terms of extending the reach of Māori influence over decisions. For example, the Charter noted:

Iwi and Council now use Treaty principles in their dialogue. However, tangata whenua maintain the primacy of the Māori version of the Treaty of Waitangi and will continue to state that the Treaty terms are valid and important and guide the relationship between the Council and themselves. Tangata whenua maintain that tino rangatiratanga must be given priority and opportunities for its exercise. (2000, p. 5)

While the Treaty of Waitangi was accepted by both parties, the primacy of the Māori version was only explicitly accepted by iwi demonstrating hesitancy by local government about giving the Māori version precedence. The way rangatira ki te rangatira was framed in this version continued to support a Crown interpretation of "rangatira" through the "Essential Bargain" which remained within the Charter (Ara Tahi, 2000, pp. 6–7). The interpretation of rangatira ki te rangatira maintained an existence within a contested space where iwi sought to evoke the root meaning of rangatira, while the council positioned the rangatira element as simply being a formalised avenue for engagement.

In 2005, the GWRC undertook a review of the Regional Policy Statement through a report titled *Measuring Up* (GWRC, 2005). Engagement with iwi formed part of the report within a section titled "The Iwi Environmental Management System," which examined projects underway at the time between iwi and council and focused on iwi satisfaction with those arrangements. Through interviews, a number of concerns were expressed by iwi, with particular reference to the potential for the growth of Ara Tahi as an active and enduring arrangement. The concern expressed by Ara Tahi respondents was that there was a risk that the relationship would cease to develop beyond an advisory board, as it was identified that

there continued to be a significant lack of understanding and appreciation of the principles of Te Tiriti / the Treaty and Māori tikanga (customs) throughout council. This concern was exacerbated by a lack in communication channels used by council to inform iwi of how their advice was used in council decision-making. One iwi member interviewed as part of the review noted that "taking the [Te Tiriti / the Treaty] principles and adding them to local government protocols was fine for regional councils, but it doesn't do anything for Māori" (GWRC, 2005, p. 14). Although changes were made to the Charter that made specific reference to the Māori version of the Treaty and rangatira ki te rangatira, these statements and changes did not supersede the fact that Ara Tahi was still essentially a board from which iwi provided advice to local government as opposed to being a joint decision-making arrangement. At this time, it was recognised by iwi that there was a risk that meeting the legislative requirements still did not equate to the expectation of rangatira ki te rangatira.

In 2013, the Charter was re-evaluated once more and changes were made to remedy some of the concerns highlighted in the *Measuring Up* (2005) report. The wording was changed in an attempt to reflect iwi expectations, and the title was changed to "Memorandum of Partnership between Tangata Whenua ki Te Upoko o te Ika a Maui and Wellington Regional Council—Te Pane Matua Taiao" (Memorandum of Partnership). In 2010, the council was gifted the name "Te Pane Matua Taiao" by mana whenua iwi, which refers to treasures placed on the head of a rangatira (Ellison, 2010). This name was both a recognition of the status held by GWRC, but also a challenge to engage appropriately with commitments to rangatira ki te rangatira.

The GWRC Long Term Plan (2015–2025) records that "[t]he move from understanding to partnership marks an increasingly strategic relationship driven by Treaty settlements and the aspiration for a collaborative approach to regional development" (p. 45).

This "strategic" change to the arrangement resulted in iwi members being given full speaking and voting rights. However, this allowance was only reserved for recommendations being made to council, who ultimately make the final decisions. Once again, rangatira ki te rangatira was moulded in line with what local governments were willing to offer, as opposed to entering into a relationships based on equal, if different, foundations of authority.

A further embodiment of rangatira ki te rangatira in GWRC is the resource Management Board, Te Upoko Taiao, which consists of a similar make up to Ara Tahi, with the six iwi represented as well as a further six councillors. This arrangement is designed to embody rangatira ki te rangatira by positioning iwi leaders in a direct relationship with council leaders. At the time of Te Upoko Taiao's establishment, the committee was labelled as a "trail blazing" model for enacting the principles of the Treaty of Waitangi, and Fran Wilde, the Mayor at the time, noted in her opening speech that Te Upoko Taiao would "bring together both the obligations and restraints in the Resource Management Act 1991 and the Local Government Act 2002, with Māori tikanga associated with the mana whenua iwi" (Wilde, 2009). In effect, this group was positioned to fuse local government responsibilities with Māori values relating to the environment through a rangatira ki te rangatira model. However, the same caveats existed for how rangatira ki te rangatira would be operationalised with iwi input being positioned as recommendations as opposed to decision-making.

These two formal structures make important statements about partnership, and the application of the Te Tiriti / the Treaty, in theory, provides Māori with a basis to be recognised as equals alongside the GWRC in making decisions over shared lands and resources. However, these statements and structures are eclipsed by the fact that iwi are designated to recommendation, advice and consultation roles. To refer back to the definition provided by the Rt reverend Manuhuia Bennet, the "talk" or discussion element must come hand in hand with recognition of the mana of each tira (group). The use of assertive language

around partnership and rangatira ki te rangatira is an important statement, but is limited by the status given to those interactions. Māori are given less status as rangatira, reflecting a failure to recognise iwi authority as a legitimate local governing polity.

Wellington City Council. The WCC services an area of 290 km[2] which overlaps with the southern area of the Wellington Region with a total population of 190,959. As of the 2013 census, there were a total of 14,433 people who stated they were of Māori descent (Department of Internal Affairs, 2018c). In 1989, the relationship between Māori and local government was managed through a Māori Board which was made up of mana whenua and mātaawaka representatives. The Māori Board went through a series of changes, and was ultimately disbanded due to its perceived inefficiency within the local government structure[43] (N. Karu, personal communication, April 11, 2016). WCC currently has formal relationships with Taranaki Whānui and Ngāti Toa Rangatira, which are supported by Memorandums of Understanding (MOU) with the PNBST for Taranaki Whānui and Te Rūnanga o Toa Rangatira Incorporated. These relationships are part of the mayor's portfolio and signify an effort towards a rangatira ki te rangatira arrangement. In the MOU with Taranaki Whānui, it states in relation to rangatira ki te rangatira:

> To ensure the joint strategic direction of Council and Taranaki Whānui is pursued, Rangatira to Rangatira meetings will be held between the Chair and Chief Executive of Taranaki Whānui and the Mayor of Wellington and Chief Executive of the Council at least twice per year. (MOU, 2017, p. 4)

The MOU with Taranaki Whānui sets out the terms of engagement between the two governing authorities and with regards to Taranaki Whānui, notes that the basis of the MOU is the fact that "Taranaki Whānui are mana whenua of the Port Nicholson area … and have maintained ahi kaa" (p. 1). In theory this recognises the enduring governing structures of

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[43] Reasons behind the disestablishment of the board are discussed in Chapter Seven.

Taranaki Whānui through ahi kaa, as discussed in Chapter Five. The MOU makes further commitments to Te Tiriti / the Treaty in the RMA and the LGA 2002 as well as the UNDRIP, as the "standard of achievement to be pursued in a spirit of partnership" (p. 2). Taken together, through this commitment the WCC not only recognises Taranaki Whānui ahi kaa, and the exercise of its mana, but also that the rights to ahi kaa are supported by Te Tiriti / the Treaty and the UNDRIP. The platform for rangatira ki te rangatira theoretically rests on relatively strong grounds within the MOU.

The MOU is further supported by other statements pertaining to the position of the relationship. "He Waka Eke Noa—Effectiveness for Māori Framework (2015)" was launched during the 175th Waitangi anniversary. The goal behind He Waka Eke Noa is to implement legal requirements and support current structures. The document states: "Wellington City Council is committed to the principles of Te Tiriti—partnership, participation and protection—and as such, we work with our iwi partners and the wider Māori community to meet their needs and aspirations for the city" (p. 3).

Reference to Te Tiriti o Waitangi, the Māori version of the Treaty of Waitangi, is used, theoretically, to support iwi having the same level of authority as local governments.

However, in practice these commitments allow each of the iwi to appoint a representative onto key council committees,[44] where they have speaking rights but not voting rights on recommendations being made to council (MOU, 2017, p. 6). The rangatira ki te rangatira framework finding consistency with GWRC in its application, in that partnership, Te Tiriti (the Māori version) and efforts to promote equality in leadership are formalised. However, the practicalities around input into decision-making remain limited by rights to

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[44] These committees are: City Strategy Committee, Long-Term and Annual Plan Committee, Regulatory Processes Committee, Environment Committee, and Transport and Urban Development Committee (WCC, 2016–2019 Terms of Reference and Delegations).

actually make decisions. On a structural level, therefore, rangatira ki te rangatira is still limited by the associations of iwi as supposedly being less legitimate decision-makers.

Insights into further challenges to employing rangatira ki te rangatira were voiced by the Treaty Relations Unit in WCC. In 2015, I spoke with the then two members of the Treaty Relations Unit on the WCC as well as two past Treaty Relations employees. As a team, they are charged with establishing and maintaining the communication lines between the wider Māori community and the WCC. Billie Tait-Jones, one of the members at the time, commented how her role was to "engage with Māori communities; not necessarily the iwi mana whenua but mainly Māori communities" (personal communication, April 16, 2016). Nicky Karu, a present member, noted how the role could be vast and include "kapa haka[45] and guitar and do a whaikōrero[46] and write a policy and go out to the community and host a hui[47] and a whole range of skills" (personal communication, April 11, 2016). Importantly, however, the unit held a central role in developing relationships with iwi in order to support the council leadership, with one member noting, "In this organisation I would say that our leaders probably do rely a lot on the Treaty Relations Unit to supply them the support and information that they need" (N. Karu, personal communication, April 11, 2016). This reliance was due to the fact that the Treaty Relations Unit held a role in developing relationships with mana whenua that were based on personal relationships as opposed to those formalised in the MOU.

Tait-Jones particularly noted how the relationships that existed with her team and iwi were achieved through her own personal endeavours:

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[45] Maori performing arts.

[46] Formal Māori oratory.

[47] A meeting.

When you are talking about iwi mana whenua what was in my favour was the fact that

I had known most of them for years … personally and individually—and that was the

length and breadth of the extent of the relationship and friendship. It didn't get into

any of the political stuff. (Personal communication, 2016, April 11)

According to Tait-Jones, the strength in her position was that it existed outside of the

political contexts and her ability to engage positively with iwi was due to her long-standing

relationships with iwi members. This was considered paramount by Tait-Jones, who was able

to maintain relationships with iwi for years, even when relationships at the political level

could be subject to political change and challenges. A reliance on personal relationships in

order to engage with iwi is telling of the challenges around rangatira ki te rangatira in

practice. The Treaty Relations Unit noted how changes in staff and leadership meant that iwi

were not always considered in decision-making: "You have got to remember too, in local

government we lose people all the time; there's a lot of churn so you're always going to lose

a little bit of our ability to respond because people leave" (W. Walker, personal

communication, April 25, 2016).

This meant that the Treaty Relations Unit were often tasked with supporting these

new staff so that the commitments to partnership and rangatira ki te rangatira could be

maintained: "People leave and you get new ones in and you have got to nurture them in and

start again and that's not an easy process because they come with different personalities and

different appreciations of the dynamics" (B. Tait-Jones, personal communication, April 11,

2016).

In effect, while relationships, in theory, were situated beneath strong statements

pertaining to rangatira ki te rangatira, there remained a significant reliance on individuals to

uphold those responsibilities:

You can't make people stay in jobs. I think if the relationship with the CE and the mayor is good, that a lot of tolerance is allowed for the changeover beneath it as long as it's respectful and working. So, it is that sort of rangatira sort of thing, that if that's working everything else seems to flow relatively well … you want the relationship to be able to transfer through various people over time. But at different times it matters who the CE is, it matters who the mayor is. (W. Walker, personal communication, April 25, 2016)

Walker went on to add:

there's people who don't want to do anything. It's quite hard, I think, for people who have really had no exposure to any Māori kind of thing. How do I deal with this in a fair and reasonable way? Some people have a personality that's quite upfront and open and it actually works. They can develop those relationships notwithstanding the fact that they don't know very much about Māori or the culture or tikanga or how anything works. They still manage to do that.

In effect, WCC staff demonstrated how even with strong commitments to rangatira ki te rangatira, those commitments only worked if there were individuals in place to support the relationships with iwi. Rangatira ki te rangatira in local government, therefore, can move away from the emphasis on the mana of each group to the perspectives of individuals.

The WCC demonstrate relatively strong commitments to engage with iwi. However, these commitments are eclipsed by the lack of decision-making powers that the iwi hold. Further to this, that rangatira ki te rangatira also relied on individuals within local government to uphold and recognise the relationship in order for rangatira engagement to occur. Like GWRC, therefore, while the rangatira ki te rangatira framework is utilised, limitations exist in practice which detract from recognising the mana of the iwi.

Hutt City Council. The final local government discussed in this chapter is the HCC. HCC sits to the North of WCC (Figure 11), and covers a land area of 376km2. The usual resident population is 98,238, of whom 15,879 identify as being of Māori descent (Department of Internal Affairs, 2018a). Unlike the other two councils discussed in this section, Taranaki Whānui are the only iwi specifically identified as formal iwi partners with the council (HCC, 2017) through the PNBST, Te Rūnanganui o Taranaki Whānui ki te Upoko o te Ika a Māui[48] and the WTT. The Hutt City Council Governance Statement (2016–2019) notes: "Hutt City Council seeks to establish close working relationships with various sectors within the community and a partnership approach will be encouraged when working towards community outcomes … with mana whenua Marae" (HCC, 2016b, p. 11).

Like the other two local governments discussed above, a commitment to partnership is explicit in their description of the relationship with iwi mana whenua. There is a MOU between HCC and the PNBST, which similarly, cites partnership as the basis of their Treaty relationship. Although there is no specific reference to the rangatira ki te rangatira framework, the relationship is still positioned to promote Te Tiriti o Waitangi and partnership which: "… needs to be maintained throughout all the functions and activities of the Council. The tangata whenua are not merely an interest group in this instance, but are the Council's partner" (HCC, 2017, p. 2).

The HCC Standing Orders (2016a) provide some insight into how the MOU can be enacted in council decision-making. Iwi may request to have representatives at any council committee where they wish to submit on a pre-existing agenda issue, as well as an option to propose agenda items to the relevant committees. The Standing Orders note:

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[48] Te Runanganui o te Upoko o Te Ika a Māui is another Taranaki iwi authority. Discussion of this iwi authority was not provided in Chapter Five due to data access.

Where representatives of the Tangata Whenua identify any item appearing on the

agenda of any Council committee or subcommittee, or any matter or issue arising

from any such item which Tangata Whenua wish to discuss, the Tangata Whenua are

entitled to representation. (HCC, 2016a, p. 74)

The number of iwi representatives is also allowed to equal that of the committee

members who are present at the meeting. Furthermore, those iwi representatives are all given

the same voting and speaking rights as permanent committee members. For iwi, this means

15 minutes in addition to the 3 minutes allowed for any member of the public addressing a

committee. However, consistent with the voting and speaking trends from GWRC and WCC,

if a resolution is passed at a meeting where iwi representatives have been present, then the

decision is only recognised as a recommendation to council as opposed to a binding decision,

unless the majority of permanent members (councillors) are in favour. This again illustrates a

lack of trust in iwi as local decision makers.

When I asked Teri Puketapu, a past councillor at HCC and a past trustee on different

Taranaki Whānui iwi trusts, how frequently this order was enacted, he commented:

We didn't push it on a regular basis but it happened in the last 12 months on a couple

of occasions where I voted; but knowing that you had limited influence. I think the

council prefer it not to happen if they can avoid it because it doesn't look good for

them and the officers tend to work more closely with us if there is something that we

are concerned about rather than that happen—to have a vote. (T. Puketapu, personal

communication, July 4, 2015)

Puketapu's statement pointed out that although the measures were in place, the ability

for iwi to engage with HCC in this way was limited. A vote could demonstrate a position, but

was not considered as the preferred platform for partnership to materialise.

The elements of the relationship with HCC are characterised again by relatively strong statements about the position of iwi in relation to the council. The Standing Orders and the opportunity to both propose agenda items as well as vote on resolutions provides an opportunity for iwi to contribute to decision-making. However, like the GWRC and WCC, voting rights have limitations placed on them. Iwi voting rights hold less power than council votes, despite there being statements in place that express a commitment to partnership with iwi.

Each of the three local governments commit themselves to either rangatira ki te rangatira or Te Tiriti / the Treaty partnerships. While all three make strong statements about recognising iwi authority, caveats exist which demonstrate a lack of understanding given to the intentions behind rangatira ki rangatira. Indeed, the lack of influencing voting rights across all three local governments positions Māori as the less influential party in making decisions, irrespective of reference to rangatira ki te rangatira. Nevertheless, I suggest below that there are some useful lessons that can be learned from the challenges if rangatira ki te rangatira is used to reconceptualise the basis of the relationships.

Part Three—Challenges and Lessons

Analysing relationships through a rangatira ki te rangatira framework draws out mixed results. On the one hand, there are still significant challenges to Te Tiriti / the Treaty partnerships. On the other hand, this framework offers an opportunity to reconceptualise how local political relationships could be reframed and exercised.

Challenges. At the start of this chapter I stated that the purpose was to shift the lens of analysis away from local government legislation as the measure of partnership towards rangatira ki te rangatira. My purpose was an attempt to align the thesis with Māori concepts, and as rangatira ki te rangatira is already evident within local government policy, I framed the chapter around addressing these concepts. Each of the local governments discussed above

assert either explicitly (GWRC and WCC) or implicitly (HCC) that iwi and local government relationships sit within a framework of partnership based on rangatira ki te rangatira. As discussed at the start of this chapter, this framework, when understood through the roots of the term "rangatira" comes with important attributes surrounding the nature of leadership, in particular, recognition of the mana of the group. I argued through my discussion of the term "rangatira" that the meanings imbued in it make statements pertaining to the mana of the tira or the group just as much as they do the individual leader. My purpose, however, has not been to discuss individual leadership styles, but to assess whether the relationship between iwi and local government operates on the basis that each polity can engage on an equal platform even when operating through different rules and institutions.

While discussion of each of the three local governments was brief, a clear trend is evident in how they presently engage with iwi. Strong commitments are made to iwi, and indeed "rangatira" is cited as the basis for the relationship, yet, in every case, rights to fully contribute to decisions are limited. In no case are iwi operating as final decision-makers, nor given an equal opportunity to voice opinion. This trend diverges from understandings of rangatira ki te rangatira, because respect for the mana of each group is not upheld, and local governments can and do place limitations on the status of Māori rights to decision-making. If considered in relation to my argument in Chapter Four on Māori seats in local government, Māori rights to have input into decision-making are shrouded by a lack of trust in Māori as decision-makers. I argued that the statement by councillor Tipa Mahuta that local government is a space that can be succinctly summarised as one of a "politics of exclusion" is relevant to this discussion also (NPDC, 2015). Even when framed in relation to rangatira ki te rangatira, the traits of exclusion, or the impact of disruption and displacement (see Chapter Two), continue to shape the nature of iwi rights to make decisions. Voting rights on recommendations, as opposed to final decisions is a central example of this as well as the

dependence on personal relationships to develop rangatira ki te rangatira. Within the wider context of engagement with Māori, the space for "rangatira" relationships is bound by the political precedents set by local government, historically and today. This suggests that even when Māori frameworks for political engagement are used to characterise a relationship, changes to that framework can occur so as to fit in with the precedents of authority set in place by the Crown. Rangatira ki te rangatira is at risk of being normalised as a framework for an unequal relationship, as opposed to a statement of equal authority. In this sense, the use of a Māori framework in local government is still subject to the legacies of iwi and local government relationships. The relevant questions therefore are, "Can framing a relationship as rangatira ki te rangatira actually make a difference to the imbalance that exists? Are there lessons which can be learnt from reconceptualising the relationships between iwi and local government as rangatira ki te rangatira?"

I now suggest what opportunities and lessons can be drawn from conceptualising Māori and local government relationships as rangatira ki te rangatira.

Discussion

Although there are still significant challenges to relationships between Māori and local governments in Wellington and the Hutt Valley, the rangatira ki te rangatira framework provides a basis for reconceptualising relationships. In my arguments in Chapter Five, I noted that the "every day" operation of iwi trusts based on Māori rules and institutions exposed examples of the "fissures" (Bargh, 2013, p. 454) and acts of "resurgence" (Bryce & Corntassel, 2012, p. 153) in which iwi take part. These were evident in episodes where people simply continued to act through Māori rules and institutions; a process which challenged understandings of where and how local politics occurs. This same argument can be applied to the way local political relationships take place, with lessons that can be learnt from a rangatira ki te rangatira relationship. Rangatira ki te rangatira is a relationship

framework, sourced in Māori understandings of mana, which has found (albeit limited) entry into local government environments. However, it provides a clear basis for why iwi seek relationships with local government. Put simply, iwi engage with local governments because they understand their mana as being equally relevant to the local political environment and so deserving of respect and recognition in that environment. Framing the relationship as rangatira ki te rangatira would make this clear, as it would remove the imbalance that can be evoked with reference to relationships between Māori and Crown or iwi and local government. The explicit mention of rangatira ki te rangatira by GWRC and WCC therefore demonstrates fissures or potential openings in local governments' preferred relationship frameworks that have a long history of imbalanced notions of authority. Conceptually, this framework offers the opportunity to reimagine relationships between iwi and local government, in a way where the basis for the relationship is not hampered by the Crown's colonial legacy.

This argument can be extended further. In Chapter Three I argued in line with Bargh (2016b) that the LGA 2002 "obfuscates" (p. 146) what responsibilities they have to Māori due to the wording. The politicking which occurs at the central government level has hampered iwi claims to local government partnership, as the concept of "partnership" itself has been subjected to political preference and debate (see chapter Three and chapter Four). Indeed, the wording of the legislation confuses obligations between central government and local government, meaning that local governments can all too easily renege on their Te Tiriti / the Treaty responsibilities. Rangatira ki te rangatira provides a framework for resetting relationships in which "partnership" is not subject to the erratic pressures of wider political opinion and debate, as the legislative standards often are. A focus on rangatira ki te rangatira bypasses some of the confusion surrounding local government legislative requirements, as it clear that responsibility for iwi and local governments lies with both parties. Both sets of

rangatira have responsibilities to engage with each other, irrespective of any legal debate. In one sense, therefore, the statement of rangatira ki te rangatira by local governments, demonstrates how iwi continue to place pressure on how relationships are understood. Rangatira ki te rangatira has roots in the structures of Māori society, so reference to it can be viewed as evidence of iwi successfully infiltrating the standards by which local governments have characteristically viewed iwi participation and engagement. While in practice there is still significant work to be done, rangatira ki te rangatira provides a reference point for reconceptualising and challenging the assumed monopoly on political authority that local governments assert they hold.

Current challenges to enacting this reconceptualisation might be remedied through the following lessons drawn from the attributes of a rangatira outlined in Part one:

Te kai a te rangatira he kōrero—the food of rangatira is talk.

Te tohu a te rangatira, he manaaki—the sign of a rangatira is being able to look after others, generosity.

Te mahi a te rangatira he whakatira i te iwi—the work of the rangatira is binding the iwi.

For local governments in Wellington and the Hutt Valley who have made commitments to this relationship framework, it could operationalised more effectively and equitably through these three lessons:

1) Te Kai (the food)—the emphasis in te kai is about communication. Kai is about the ability for rangatira to air concerns and engage in debate. Both iwi and local government have a role in articulating what the relationship will consist of. This could include permanent structural changes such as Māori representatives or partnership boards. Either way both parties need to feed into articulating and

negotiating responsibilities that are evoked through rangatira ki te rangatira in order to construct a framework for relationships.

2) Te Tohu (the sign)—te tohu is about manaaki, which is about looking after others in an effort to uphold their mana. Developing positive relationships with rangatira is an important step in this process. Importantly, this needs to go hand-in-hand with acknowledgement of collective mana. Local governments need to better understand and substantively acknowledge iwi rules and institutions such as whakapapa and ahi kaa, which provide context and legitimacy for iwi authority. Framing the relationship through rangatira ki te rangatira provides a platform for educating local governments about different forms of local politics that have and do operate every day in conjunction with one another. The tohu, therefore are actions to support mutual understanding of how the basis for authority can be sourced through different values.

3) Te Mahi (the work)—Iwi and local government have little choice but to engage directly and fairly with one another now. Work needs to be done across local government to ensure that there is not a reliance on individuals to support rangatira ki te rangatira, but rather recognise and put into effect the understanding that all members of each group are knowledgeable in what rangatira ki te rangatira means.

In combination, these three lessons could ultimately ensure that reference to rangatira ki te rangatira is not, in theory, alone and disconnected from contemporary modes of local government,, but could be a framework to shape relationships between iwi and local government. First and foremost this would be enabled by accepting that the relationship is founded on equality between rangatira, shifting the relationship to one in which mutual respect is the reason to engage as opposed to the debilitating debates currently surrounding

legislation. This discussion of an alternative framework, or lens to analyse iwi and local government relationships, further supports some of the earlier arguments in demonstrating a clear continuance of Māori governing practices. The same emphasis on kinship relationships and connections between people is evident in a discussion of 'rangatira'. The unwavering focus on the development and maintenance of relationships remains central to forms of iwi governance. A continuation of these practices is dependent on both the positioning utilised by iwi trusts as discussed in the previous chapter, as well as a continued pressure to apply these practices to different forms of authority such as local government.

Conclusion

Relationships between iwi and local government in Wellington and the Hutt Valley still have significant challenges in meeting partnership expectations. Rangatira ki te rangatira is a relational framework, which, through its roots, refers to relationships which are dependent upon and reproduced by a respect for the mana or authority of each group. Commitment to rangatira ki te rangatira is made explicitly by GWRC and WCC, and implicitly by HCC, yet significant limitations are imposed on this framework, largely through the lack of substantive decision-making rights given to iwi. In one sense rangatira ki te rangatira is being normalised in a local government environment as a continuing imbalance between the mana of iwi and the authority of local government. However, the evidence examined in this chapter suggests rangatira ki te rangatira in local government has the potential to provide for the expectations that iwi have if the concept itself is more fully understood and implemented effectively. As specified within a Kaupapa Māori theory proposed in the initial chapters of this thesis, understanding how Māori values are evidenced and utilised in opposition to colonial structures is essential to developing transformative practice (Smith, 1997). The existence of rangatira ki te rangatira in local government policy, coupled with the unwavering position of iwi as mana whenua, demonstrate the ongoing

challenge that iwi hold and pose in regard to local government. In the local political environment, the rangatira ki te rangatira framework arguably could provide a strong platform to build partnerships in the future if properly understood. The tools are already available, they just need to be wielded for their intended purpose.

The following chapter examines how the same three local governments develop relationships with mātaawaka and I discuss further how Māori relationship frameworks might be implemented to inform the wider field of relationships between Māori and local government.

Chapter Seven: Mātaawaka and Local Government

Introduction

Mātaawaka[49] is a term used to refer to Māori who live away from their iwi or hapū lands. The term mātaawaka refers to the different waka or canoes that Māori travelled to Aotearoa on and is reference to the different whakapapa that Māori have from throughout the country. Wellington and the Hutt Valley are home to many mātaawaka, with the Wellington region being home to the fourth largest Māori community of the 16 regions throughout the country (Statistics New Zealand, 2013d).

This chapter discusses the relationship between mātaawaka and local governments in Wellington and the Hutt Valley. The focus of the thesis has largely centred on the relationships between iwi and local government. While this angle was intentional and valid given the focus on my iwi Taranaki Whānui, and the nature of the partnership relationships envisaged under te Te Tiriti / the Treaty broadly speaking there is far less research into understanding and developing relationships between mātaawaka and local government. This chapter, therefore, focuses on mātaawaka and I argue that local governments in Wellington and the Hutt Valley are uncertain about what responsibilities they have to mātaawaka, resulting in limited options for engagement. This uncertainty adds to the challenging issues concerning interpretations of the legislative requirement "to take appropriate account of the principles of the Treaty of Waitangi" (LGA, 2002) as discussed in Chapter Three.

In this chapter I examine relationships with mātaawaka with reference to the three local governments examined in Chapter Six: the GWRC, the WCC and the HCC. In Part one

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[49] In this chapter I will use the term "mātaawaka" when referring to Māori who live in Wellington and the Hutt Valley and are not from the mana whenua iwi. In some of the interviews, and some documents used to inform this chapter, the term "taura here" or the different spelling of mātāwaka is used to refer to Māori who are not mana whenua. For the purposes of this chapter all terms can be understood in the same way.

of this chapter I discuss some of the important contexts and debates pertaining to mātaawaka rights and how these relate to local government, with a particular focus on Auckland where there have been the most significant discussions to date regarding mātaawaka rights under Te Tiriti / the Treaty. In Part two I discuss a case study of a Wellington based mātaawaka group, Mōkai Kāinga. This study highlights the perspectives held by Mōkai Kāinga as a mātaawaka organisation, and how they understand their rights in relation to local government as well as in relation to mana whenua. In Part three I discuss three influential factors in shaping these relationships that are evident from the Mōkai Kāinga case study, before drawing out some lessons for local government engagement with mātaawaka. I argue that there is uncertainty over local government Te Tiriti / the Treaty responsibilities to mātaawaka and that local government needs to make serious structural changes to begin meeting their Te Tiriti / the Treaty responsibilities to all Māori.

Part One- Context and Debates

As I discussed in Chapter Three, partnerships between Māori and local government, have, except for a small number of areas, been focused on a partnership drawn from the overlapping rights and interests that iwi have with local governments. Unsurprisingly, given the urgency of Te Tiriti / the Treaty claims to reinstate iwi rights to land and resources, Māori political involvement in local government is most often tightly bound to overlapping land interests. Debates over Māori seats as an option to have councillors who represent Māori interests have also placed significant emphasis on iwi. As the case study in Chapter Four on the NPDC showed, the debate focused on the historical injustices experienced by Taranaki iwi as a justification to establish a Māori seat. This focus is understandable as iwi continue to position themselves as equivalent governing authorities through mana whenua, as discussed in Chapter Five. Although local governments' interpretation and application of Te Tiriti / the Treaty partnerships is yet to be suitably implemented, many iwi have developed important

relationships with local government that have the potential to grow and improve. Although I have argued that the justification for iwi Te Tiriti/ the Treaty partnerships is clear (albeit still facing significant challenges), different justifications are needed for mātaawaka Te Tiriti/ the Treaty partnerships. These different conditions are highlighted in the Te Whānau o Waipareira claim.

Te Whānau o Waipareira claim. In 1840, when Te Tiriti / the Treaty was signed, it was done so by representatives of the Crown and rangatira from different iwi and hapū throughout the country. Since that time, Māori have been subject to a number of pressures that have changed the direct relationship many Māori have to their iwi and hapū. During and after World War Two a significant number of Māori moved from their iwi and hapū regions into some of the growing urban areas like Auckland, Wellington and Christchurch (Hill, 2012). Although Metge (1964) equated these movements partially to Māori agency, seeking a city life that could offer the "Big Three, work money and pleasure" (p. 128), others moved into cities through government initiated programmes, which saw Māori "pepper potted" (Hill, 2012, p. 263) throughout Pākehā communities in attempts at Māori "integration" (Hill, 2012, p. 258) into Pākehā society.[50] These changes to living circumstances resulted in many Māori losing close connections to iwi and hapū who were outside of the cities (Barcham, 1998). In response to these changes, Māori began establishing pan-Māori or urban Māori groups, including that of Te Whānau o Waipareira. Te Whānau o Waipareira is central to any discussion of mātaawaka Te Tiriti / the Treaty partnership rights due to the release of the Waitangi Tribunal's Te Whānau o Waipareira Report (Wai 414) in 1998. As a result, this claim provides significant insight into how mātaawaka and local government relationships might be understood.

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[50] Integration was a policy supported by the Secretary of Māori Affairs, Jack Hunn. It was released in 1961 and was closely associated with urban Māori migrations.

Te Whānau o Waipareira, a non-tribal urban Māori organisation based in Auckland, sought recognition as a Te Tiriti/ the Treaty partner. Wai 414 diverges from other Te Tiriti / the Treaty claims as it was proposed that Te Whānau o Waipareira has the right to a Te Tiriti / the Treaty partnership despite not necessarily having either mana whenua rights in Auckland, nor kinship ties to one another. Te Whānau o Waipareira represented another form of collective Māori identity in Auckland that had formed out of Māori migrations to Auckland. Wai 414 claimed that the Crown had failed to uphold its responsibilities to protect Māori rangatiratanga under Te Tiriti / the Treaty and, as a result, the social welfare role and cultural support network that Te Whānau o Waipareira had developed was unable to function in a way that protected the rights and interests of urban Māori and their position as tangata whenua (people of the land) (Levine, 2001). In the summary of the report, John Tamihere the past Chief Executive of Te Whānau o Waipareira stated:

> The claim is essentially about fairness, due process and equality of opportunity. It is about our right as a pan-tribal whanau in the urban area to be acknowledged as a Treaty partner and our right as urban Māori to organise ourselves in accordance with our own tikanga (customs) to address our own problems our way. (p. xxiii)

Effectively this claim pursued two possible avenues, one in which urban Māori authorities like Te Whānau o Waipareira could be recognised in a similar fashion as an iwi, or that whakapapa and ahi kaa should not be the central determinants for developing Te Tiriti / the Treaty partnerships. Te Whānau o Waipareira argued that despite the fact that the Te Tiriti / the Treaty was signed by rangatira representing the interests of different iwi and hapū in 1840 that the intention behind those signatories was to support future generations in whatever identity or form they held, including, according to the basis of this report, urban mātaawaka groups (Waitangi Tribunal, 1998).

Within the report, there were three central principles that underpinned the claim. These were rangatiratanga, protection and partnership. Rangatiratanga in this context referred to autonomy and the ability for Māori to use and develop Māori cultural concepts and tikanga:

> The principle of rangatiratanga appears to be simply that Māori should control their own tikanga and taonga,[51] including their social and political organisation, and, to the extent practicable and reasonable, fix their own policy and manage their own programmes. (Waitangi Tribunal, 1998, p. xxv)

The second principle of protection noted that when Te Tiriti / the Treaty was signed there was an obligation to protect Māori rights as the indigenous peoples in whatever identities they held. The report noted in regards to this principle that protection to all Māori is an obvious interpretation, in that the intent of Te Tiriti / the Treaty took place as an act to account for the future: "An approach that limits Māori rights by reference to the tribal arrangements of 1840 is no more justifiable in our view than one that would limit the Crown's right of governance to governance according to 1840 standards" (Waitangi Tribunal, 1998, p. xxv).

The third principle that was used to justify the centrality of Te Tiriti / the Treaty to Te Whānau o Waipareira was the principle of partnership. Partnership is central to ensuring that one partner does not hold more power than the other, with the report stating:

> If a power imbalance lies heavily in favour of the Crown, it should be offset by the weight of the Crown's duty to protect Māori rangatiratanga. But most of all, the concept of partnership serves to answer questions about the extent to which the Crown should provide for Māori autonomy in the management of Māori affairs, and

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[51] Tikanga are Māori rules, laws and institutions. Tāonga is a term for sacred things

more particularly how Māori and the Crown should relate to each other that such

issues might be resolved. (Waitangi Tribunal, 1998, p. xxvi)

In essence, the claim put forward the case that the Crown has obligations to protect

the rangatiratanga of all Māori, and that this should be encompassed through efforts to

develop partnerships with Māori based on their position as tangata whenua. The principles

that informed this claim provide an interesting basis from which to discuss the nature of

mātaawaka engagement in local government as it claimed that mātaawaka need to be treated

as Te Tiriti / the Treaty partners. This claim if accepted as the basis of mātaawaka partnership

would set a precedent for Crown agencies to offer appropriate forms of engagement, which

would ultimately be based on equality of each partner's authority or mana.

The report was not accepted by the Crown, who maintained that iwi are the only

natural Te Tiriti / the Treaty partners and that partnership would not be extended to other pan-

Māori groups through the Treaty settlements process (Levine, 2001). However, this case and

the realities it speaks to has persisted as a cause for mātaawaka in Auckland. While the claim

clearly sets out the basis for broadening the understanding of partnership beyond iwi, traces

of this challenge have found initial footing in some local government legislative changes,

ensuring that the question of mātaawaka Te Tiriti / the Treaty rights continue to be asked of

the local government.

Mātaawaka Te Tiriti / the Treaty rights in local government. In 2002,

amendments were made to the Local Government Act 1974, a piece of legislation that guides

the most significant aspects of local government duties and powers in Aotearoa and which is

discussed in depth in Chapter Three. The 1974 Act had no reference to Māori nor Te Tiriti /

the Treaty, which led to the 2002 amendments and the reference to the principles of the

Treaty of Waitangi: "In order to recognise and respect the Crown's responsibility to take

appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes" (s 4).

Prior to this amendment being passed, the Local Government and Environment Committee (2002) produced a report on the proposed amendments and made note of the use of the term "Māori" as a way to include the different Māori identities within local government communities. The report noted that the use of more specific terms like "mana whenua," "tāngata whenua," "taura here," or "iwi and hapū," could potentially be exclusive and limit relationships between local governments and the wider Māori community. The risk being that different Māori individuals and groups could be left out if legislation was too specific. Under the section of the report titled "Who should be consulted under the Treaty?" the Committee noted that: "We decided that the term 'Māori' would allow each authority to determine which were the appropriate groups in each district and that this was consistent with the principle of local decision-making" (2002, p. 19).

The wording of the legislation, therefore, requires local governments to develop relationships with Māori individuals and groups based on local government's obligations to make decisions on behalf of the entire community. On the one hand, the use of the term "Māori" gives local government the flexibility to develop wide-ranging relationships with the Māori community. On the other hand, this reference also places the responsibility on local government to appropriately interpret Te Tiriti / the Treaty in a way which is relevant to both iwi and mātaawaka. This means that local governments have the responsibility to develop mechanisms for all Māori to be engaged in community decision-making, and in a way that is in line with the expectations set out through the principles of Te Tiriti / the Treaty. As discussed in Chapter Three, this responsibility has proven challenging for local governments, leading to a significant range in interpretation of what Te Tiriti / the Treaty means in local government.

Auckland, as the region with the highest Māori population at 23.9 per cent of the total

Māori population resident in Aotearoa (Statistics New Zealand, 2013e), provides some

further insights into urban Māori Te Tiriti / the Treaty rights and local government

interpretation of "Māori." The 2009 AG Royal Commission confirmed that local government

Te Tiriti / the Treaty responsibilities extended to the wider community through their

recommendations for future representation arrangements at the point of the amalgamation of

Auckland local governments into a single unitary authority. Firstly, the AG Royal

Commission argued that designated Māori seats would be an appropriate measure to

recognise that Te Tiriti / the Treaty extends to all Māori whether they are living in their iwi

areas or not. It was proposed that there should be three seats; one held for mana whenua, and

the other two for any person who might represent the interests of Māori, which could include

either iwi or mātaawaka representatives. Although this particular recommendation was not

accepted, the current structure for Māori representation on the Auckland Council—the

Independent Māori Statutory Board (IMSB)—includes two mātaawaka representatives

alongside seven iwi representatives from across the wider Auckland region. Furthermore, the

legislation pertaining to the restructure of the Auckland City Council led to a legal definition

of mātaawaka, confirming the relevance of mātaawaka to the Auckland Council.

The Local Government (Auckland Council) Act 2009, s 4(1), defines mātaawaka as

Māori who—

- (a) live in Auckland; and

- (b) are not in a mana whenua group

This definition is an important symbol of the legal responsibility that local

governments have to mātaawaka by acknowledging mātaawaka as a defined group in

Auckland. The need to define mātaawaka due to the representation on the IMSB has led to

the identification of mātaawaka interests in order to develop a framework for both mātaawaka and iwi interests and values in relation to local government.

"The Māori Plan for Tāmaki Makaurau[52] 2011–2012" (The Māori Plan), developed soon after the amalgamation occurred, discusses the nature of Māori in Auckland and how to best facilitate the relationship with the Auckland Council. A number of important values were identified by the IMSB for mana whenua and mātaawaka. Direct decision-making and Te Tiriti / the Treaty were central components of the values for mana whenua and were summarised by the IMSB as being associated with "Treaty partnerships", "tino rangatiratanga" (self-determination) and "mana whenua decision-making representation" On the other hand, the issues summarised for mātaawaka included the recognition of "mātaawaka Treaty rights" and "strong relationships with mana whenua" (p. 60). These two values point to the fact that mātaawaka rights within local government, from the perspective of the IMSB report, need to be considered within the context of Te Tiriti / the Treaty, as well as the relationships between mātaawaka and mana whenua. These efforts to distinguish between mana whenua and mātaawaka interests and values is a step towards identifying how local governments can fulfil their Te Tiriti / the Treaty responsibilities to all Māori. Reference to Te Tiriti / the Treaty in mātaawaka interests indicates that those principles of rangatiratanga, partnership and protection from within the Te Whānau o Waipareira report could act as a measure for local government engagement with mātaawaka.

When considering measures for engagement, it is useful to look at the statements and policies that WCC, HCC, and GWRC make towards mātaawaka.

The WCC confirms their commitment to mātaawaka under Te Tiriti / the Treaty through their governance statement, noting: "The Council has established a range of governance and participation mechanisms that enable the Council to meet its obligations and

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[52] Tamaki Makaurau is the Māori name for Auckland.

responsibilities under the Treaty of Waitangi to local iwi and the wider Māori community"
(WCC, 2017, p. 23).

The HCC also makes commitments to mātaawaka, stating in their governance
statement that their relationships with iwi also extend to mātaawaka (here referred to as
"Taura Here") and "includes the acknowledgement of Te Taura Here o Te Awakairangi
(representing twenty-three tribal groups)"[53] (HCC, 2016b, p. 13).

Similarly, the GWRC makes explicit commitment to mātaawaka, by stating in their
website policy titled "Responsibilities to Māori" that "enabling taura here/mātaawaka active
participation will help build connected Māori within the community" (GWRC, 2015).

Each of the policy and governance statements acknowledge that mātaawaka need to
be engaged in some way. However, an indication of the reality of these statements can be
seen in is the type of language used to describe the relationship. Whether referred to as
"participation measures" (WCC), an "acknowledgement" (HCC) or "participation" (GWRC),
there is a lack of explicit and substantive commitment to Te Tiriti / the Treaty partnerships.
Indeed, if measured against the principles of Te Tiriti / the Treaty reified in the Te Whānau o
Waipareira Report—rangatiratanga, protection and partnership—the council commitments
fall short.

This lack of commitment to mātaawaka is further evident through the Wellington
Reorganisation Proposal in 2014, which included the amalgamation of all Wellington
regional local governments, including WCC, HCC and GWRC. The Proposal stated, in
relation to mātaawaka relationships with local government:

For those Māori who might be described as mātāwaka, taura here, or urban Māori

organisations there are no clear treaty-based responsibilities on matters such as

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[53] Te Taura Here o Te Awakairangi are the non- mana whenua iwi groups (23 identified by HCC) living in
Awakairangi (the Hutt Valley).

environmental, resource management or planning. That said, there are matters which

the mana whenua iwi organisations may not be directly involved in including social

housing, education, social welfare, non-tangata whenua marae and similar, where

communities of Māori may wish to engage with council. (Local Government

Commission, 2014, p. 167)

Unlike the identification of Te Tiriti / the Treaty principles by Te Whānau o

Waipareira and the IMSB, the Wellington proposal saw no clear Te Tiriti / the Treaty

responsibilities to mātaawaka, in a statement which obfuscates what responsibilities local

government have to mātaawaka. The proposal stated that mātaawaka representation through a

model similar to the IMSB was not possible under the current legislation. It further stated that

Māori wards to support the election of Māori representatives to local government could only

be established if they were in place prior to the reorganisation, which is not the case for any

of the local governments in the Wellington Region (Wellington Reorganisation Proposal,

2014, p. 166). The proposal noted additionally that while the most substantive opportunities

for engagement with local government would continue to be with mana whenua, the

proposition for local community boards to form the second tier of the proposed local

governance structure could offer a site for engagement with mātaawaka alongside other

community groups (Local Government Commission, 2014, p. 246). In effect, mātaawaka

would be less engaged with council decision-makers, and more aligned with the other

community interest groups. The lack of commitment and certainty over what responsibilities

local governments in the Wellington region have to mātaawaka remains an issue for any

future reorganisation. Although the IMSB is particular to the Auckland context, the

identification of iwi and mātaawaka interests and values marks significant movement towards

overcoming the uncertainty around relationships between mātaawaka and local government.

One option to remedy the uncertainty and lack of clear commitment surrounding relationships with mātaawaka in Wellington, is to understand how mātaawaka understand and position themselves in relation to local government. The following part, presents such an investigation based on a case study of a Wellington based mātaawaka group, Mōkai Kāinga, offering insight into the ways that mātaawaka navigate the local political environment.

Part Two- Mātaawaka Case Study—Mōkai Kāinga Māori Centre

Discussions with local government participants led to my eventual meeting with Mōkai Kāinga who were identified as the most steady collective mātaawaka organisation that WCC, in particular, had dealt with over the years. The 1989 and 1999 Māori standing committees (discussed further below), included representation from Mōkai Kāinga who have continued to engage with WCC. In 2015 I met with four members of Mōkai Kāinga, two of whom had been involved since its establishment in 1982. Mōkai Kāinga had been established originally, under the name Te Roopu Matariki, as a cultural support group for Māori from all different iwi living in Wellington. In 1985 the group changed its name to Mōkai Kāinga and began developing different social services for Māori living in the area, including Māori rehabilitation and advocacy for Māori going through the justice system (Mōkai Kāinga, 2017). Engagement with local government has continued to be central for Mōkai Kāinga services, who now lease a local garden from WCC in Brooklyn, Wellington, which supplies food and employment for Māori and the wider community. Robert Te Whare, the Chief Executive, was also the member who represented Mōkai Kāinga on the 1989 and 1999 Māori committees on WCC. For Mōkai Kāinga, a position on this committee formed an important base for them to continue to pursue their various initiatives. Their community garden website, for example, states that Robert Te Whare's position on the standing committees was important because:

The focus of this committee was finding ways and means of dealing with issues that affected Māori and how best we could encourage Māori to participate in council matters and services. For Taurahere Māori it was the beginnings of a partnership that gave us mana [authority] and ihi [power] to negotiate with Council on what we required to provide the beginnings of a quality service to Māori by Māori. (R. Te Whare, personal communication, September 15, 2015)

For Mōkai Kāinga a position on council signified that there was potential to establish a form of partnership which supported their aspirations to provide services by Māori and for Māori. Importantly, they saw the relationship with council as an opportunity to encourage other Māori to get involved and participate in council affairs. Mōkai Kāinga members elaborated on their expectations of relationships with local government in our group interview: "Because we were a Treaty to the Crown and to local body that's the main reason that we thought here is an opportunity for us to say that because we're a Treaty partner" (Mōkai Kāinga, personal communication, September 15, 2015).

In the same way that Te Whānau o Waipareira sought protection from the Crown over their autonomy as a social welfare service, Mōkai Kāinga, while on a smaller scale, believed that the council also has an obligation to recognise their Te Tiriti / the Treaty rights and that this was the basis from which Mōkai Kāinga viewed the relationship with local government. Mōkai Kāinga noted that Te Tiriti / the Treaty recognition from the council was dependent on them being able to hold council accountable to their promises and obligations:

We think that they had to come to the party and see us as a Treaty partner because they had it in their annual plan; that's what we used in the annual plan that if we are your Treaty partner then show us that you help us as a partner. (Mōkai Kāinga, personal communication, September 15, 2015)

As discussed above, all three local governments have made some commitment to mātaawaka, and the fact that Robert Te Whare had experience and knowledge in local government meant that the group was able to point to policy and insist that it related to them because of their status as Māori under Te Tiriti / the Treaty. This ability to navigate council policies enabled Mōkai Kāinga to with engage local government by taking issues directly to known people within the council when the previous Māori committees had been disestablished. Robert Te Whare noted that without representation on the Māori committees his approach was to go directly to the leadership:

What I do is I just go directly to the council, to the mayor, myself now to talk something over, like we're wanting things for the garden like a portacom; that is one thing that I have fought for with her and we have got. You see that's coming soon. Even though it's a portacom she wants to have an opening! An opening for it! (R. Te Whare, personal communication, September 15, 2015)

The relationships that members of Mōkai Kāinga have with individual staff and councillors was part of how they were able to engage with council. This personal relationship was the avenue from which Mōkai Kāinga are made visible to council. According to Mōkai Kāinga, directly approaching the Mayor was necessary to ensure mātaawaka interests were taken into account, as from their perspective, there was a particular lack of Māori representation on council, which meant they could not be counted upon to voice Māori concerns and perspectives:

We just want to see a Māori who is in council representing Māori. We know there are two Māori in council, but they are not representing Māori; they're representing wards. There's a difference straight away; you can't go to them for a Māori issue. (Mōkai Kāinga, personal communication, September 15, 2015)

Despite Mōkai Kāinga having the ability to take issues to council through the network of personal relationships they had developed, it was recognised that council still had no leadership position dedicated to Māori issues when it came to decision-making, positioning local government as representing a non-Māori source of authority. Mōkai Kāinga realised that in order to have Māori issues voiced and present at the table, they needed to approach the leadership directly. It was recognised that despite there being Māori on council, those individuals were not elected to represent Māori interests, but rather the interests of the ward constituents. This type of concern is common amongst wider discussions over Māori seats, in effect recognising that there is a difference between being a Māori politician and a politician who happens to be Māori (Summersby, 2009). Mōkai Kāinga recognised that there was a difference between someone elected because they were representing Māori interests, rather than a Māori person who was elected to a general seat.

While Mōkai Kāinga positioned themselves as a Te Tiriti / the Treaty partner and were able to contact council directly to engage on parts of this relationship, the mātaawaka group also recognised their position in Wellington in relation to mana whenua and that relationships with local government were only one part of the partnerships necessary for mātaawaka:

> We set up as a group that was made up of different iwi; we weren't of one iwi, we were of all different iwi. We wanted to see ourselves as a roopu Māori (Māori group), but more in the sense of taura here Māori, because we knew we were not mana whenua. At the same time, we had a good affiliation with mana whenua; anything we wanted to do in the way of setting up a social service we went to mana whenua. (Mōkai Kāinga, personal communication, September 15, 2015)

As a mātaawaka group, they operated on the basis that relationships with mana whenua were essential to developing a service for Māori. Even if mana whenua were not

involved directly in that service or development, the fact that they were operating within another iwi's lands meant that from their perspective, as a Māori group, relationships with iwi were necessary. This emphasis on relationships with mana whenua was central to Mōkai Kāinga, particularly when they were trying to acquire the land to develop for their garden:

> This land that we are leasing off council; I was saying we need to go to mana whenua and say to mana whenua to give us that land and we will look after that land for mana whenua. We can never own it because we're not mana whenua but we can look after it. (Mōkai Kāinga, personal communication, September 15, 2015)

Despite needing to receive local government permission to lease the land, for a Māori group operating under Māori rules and institutions, local government permission was only one part of gaining use rights over the land and in some ways not necessarily the most primary component. Gaining permission from mana whenua iwi and acknowledging that the land had once been owned by the iwi demonstrates a form of decision-making that occurs outside of local government and a fundamental internal recognition of Māori relationship rules and institutions. Mōkai Kāinga added: "We met with the mayor and councillors … the whanau [family] of Mōkai Kāinga and our kaumatua [elders] to mana whenua" (Mōkai Kāinga, personal communication, September 15, 2015).

The permission sought was to look after the land, acknowledging mana whenua authority over land. In Chapter Two I discussed some of the rules and institutions associated with gaining mana whenua, and as none of those options had occurred for Mōkai Kāinga to gain mana whenua, they recognised the need to seek permission for a Māori-based organisation. Although there was no legal incentive to request permission from mana whenua, the recognition of Māori rules and institutions was deemed necessary.

Mōkai Kāinga demonstrate how, through their very existence, they pose a political challenge to local government through organising and purporting to be a Te Tiriti / the Treaty

partner. As I argued in Chapter Five in relation to Taranaki iwi trusts, iwi political organisation poses a challenge to local governments' monopoly on power and "create fissures in the dominant power structures" (Bargh, 2016b, p. 454). Mōkai Kāinga, through their assertion of being Te Tiriti / the Treaty partners disrupts the preferred relationships with Māori that government agencies have sought to impose. The case study and the discussions have shown that the uncertainty surrounding relationships with mātaawaka is a disposition developed by local governments as opposed to how mātaawaka understand themselves in relation to Te Tiriti / the Treaty. Although Mōkai Kāinga are only one mātaawaka group, their understanding of how they fit within the local political environment is contrary to the hesitancy and uncertainty evident in each local government's commitment to mātaawaka. The development of personal relationships with council leadership and making direct reference to local government policy and legislative commitments are used as tools by Mōkai Kāinga to pressure local government into engaging with them.

Mōkai Kāinga also valuably demonstrate how parallel sites of rules and institutions can work to inform a single decision. Local government were still expected to meet their legislative responsibilities and engage with Mōkai Kāinga as Te Tiriti / the Treaty partners, but at the same time relationships with mana whenua, and seeking permission to use and look after the land was equally as important to the development of the land. The report on Te Whānau o Waipareira pointed to the fact that rangatira signed Te Tiriti / the Treaty with the future of all Māori in mind. Therefore, in this instance, while Mōkai Kāinga acknowledged that they were neither mana whenua, nor related through kinship, they were entitled to be treated in way which protected their autonomy as Māori. This is particularly important in relation to local governments' reference to mana whenua, as it shows how different sources of local authority can work in parallel. As encouraged by a Kaupapa Māori theoretical lens, identifying sites of, not only failures to meet Te Tiriti / the Treaty expectations, but also sites

where Māori values still exist, Mōkai Kāinga provides an example of how local government legislative requirements were, for this Māori organisation, only one part of seeking rights to pursue land developments. It was mana whenua whom they sought permission from to settle on the land, and local government who were recognised as a Te Tiriti / the Treaty partner with the responsibility to help resource their initiatives to support the Māori community. This variation in understandings of local authorities simultaneously confirms mana whenua as a basis for local decision-making, as well as demonstrating how Mōkai Kāinga as a Māori organisation are able to challenge the monopoly of power assumed by local government. Mōkai Kāinga, through their insistence on gaining use rights from mana whenua, poses ongoing resistance to British-informed political structures and their assumed dominance over decision-making. Those "fissures" (Bargh, 2013, p. 454) and "every day acts of resurgence" (Corntassel & Bryce 2012, p. 153) which Taranaki Whānui iwi authorities continue to develop through their active use of Māori rules and institutions, are just as relevant to Mōkai Kāinga. Mōkai Kāinga navigate two parallel sites of authority in efforts to situate themselves as a mātaawaka organisation with Te Tiriti / the Treaty rights as well as a Māori group engaging with Māori. In the same vein as rangatira ki te rangatira, discussed in Chapter Six, Mōkai Kāinga provides an opportunity to challenge the platforms for relationships between Māori and local government. As a mātaawaka group who represent a non-traditional collective Māori identity, the presence and actions taken by Mōkai Kāinga disrupts the political climate which has sought to displace Māori values and relationships as being irrelevant to local political authority.

As a case study, Mōkai Kāinga provides important insights into how relationships between mātaawaka, local government, and also mana whenua take place. While Mōkai Kāinga have been able to navigate engagements with local government, it is in large part due to their own positioning and persistence in pressuring local government for recognition.

Importantly, this positioning did not occur in isolation. As a significant part of developing partnerships with local government was also dependent on developing relationships with mana whenua and acknowledging Māori rules and institutions in order to position themselves as a mātaawaka group. Mōkai Kāinga provide insights into both the challenges and opportunities associated with relationships with local government and mātaawaka. Three of these factors are now discussed in Part Three.

Part Three- Discussion—Mātaawaka, Mana Whenua and Local Government

There are at least three important factors that are evident from the Mōkai Kāinga case study. The first is the reliance on personal relationships or arising issues in order to engage with local government. The second are the challenges associated with the wide range of identities held by mātaawaka and the third is the role of mana whenua within this context of mātaawaka and local government relationships.

Responding to issues and personal relationships. Mōkai Kāinga indicated that their ability to engage with local government was dependent on taking particular issues (such as the portacom or land lease) directly to local government on their own accord. This reliance on particular issues as the source of relationship between mātaawaka and local government was a common trend for mātaawaka engagement. In my group interview with the Treaty relations unit at WCC, for example, they commented that often interactions with mātaawaka were:

> based on kaupapa (issues). We have got quite an active group of individuals that
> belong to a lot of groups, so often those individuals will bang on our door quite a bit
> … We don't have a group who wants to get involved in local politics in the same
> sense that a council is involved in all of this stuff that a council does. They're issues
> based and they're location based … We don't hear from many people who have at
> heart and their only concern is the wellbeing of the city and want to be political

opponents to our elected members; it's always about an issue. (N. Karu, personal

communication, April 11, 2016)

This reliance on ad hoc engagements, which elicited the belief that mātaawaka did not

want engagement with councillors, meant that it also rested upon personal relationships with

the Treaty Relations Unit to ensure any sustained engagement. One of the Treaty Relations

Officers commented: "I think it's the same thing with Māori in general whether they are iwi

or taura here living here; my relationship is the same as well. It's mainly on a friendly day-to-

day or email basis" (B. Tait-Jones, personal communication, April 11, 2016).

These "friendly day-to-day" relationships were considered central to working with

mātaawaka and the Treaty Relations Unit were charged with identifying mātaawaka groups,

which, as noted above, could be challenging:

A lot more work can be done because you have got lots and lots of vibrant groups like

Toi Māori[54] … There's a lot of new trendy, very switched on Māori groups out there

at the moment that have been untouched. (B. Tait-Jones, personal communication,

April 11, 2016)

As a result, the Treaty Relations Unit needed to develop personal relationships in

order to build a relationship with mātaawaka. This could be challenging for the Treaty

Relations Unit, who noted that mātaawaka could be "quite a transient Māori community—

they come and then they go" (N. Karu, personal communication, April 11, 2016). The

transient nature of the mātaawaka community was considered a reason for a reliance on

issues based on personal relationships. However, this same process was also applied to

groups like Mōkai Kāinga, who clearly positioned themselves as Te Tiriti / the Treaty

partners.

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[54] Toi Māori is a Māori arts group.

Perhaps most concerning is that ad hoc personal relationships depend to some extent on mātaawaka knowledge of local government. A report written by Cheyne and Tawhai (2007) on Māori engagement in local government noted that Māori found local government processes difficult and frustrating to navigate. It was noted in the study that although Māori generally wanted to engage with local government on different issues, they found it "frustrating" when the "onus" was on Māori to engage local government and not the other way around (Cheyne and Tawhai, 2007, p. ix). One past Treaty Relations Officer confirmed this concern and stated in our interview that:

> Unless tauiwi[55] themselves make that conscious effort and get tipped over and actually know to come and consult us, and know how to consult us, and know when to consult us, we're going to keep revisiting that table and saying, "Hang on a sec, I don't see any Māori voice in this, why isn't there a Māori person here, or why isn't there representation or consultation?" (M. Ormsby, personal communication, April 18, 2016)

As a result, the pressure on the Treaty Relations Unit to seek out mātaawaka and build relationships with them was also dependent on knowledge of how to utilise local government services in the first place. A concern which has been identified as a barrier to Māori engagement in local government.

Mōkai Kāinga had a strong knowledge of local government responsibilities to Māori, and used this knowledge to drive engagement with local government. However, if Māori do not have this knowledge, or have not had the chance to develop personal relationships, then a reliance on ad hoc issues-based engagement is problematic. The sole identified submission by a mātaawaka group received by the Local Government Commission on the Wellington Reorganisation Proposal, for example, opted against the proposal purely based on the risk

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[55] Here used to refer to mātaawaka.

reorganisation could have to personal relationships and the potential for changes to compromise relationships already in place. The submission stated:

> I don't think the other councils could deal with each other's problems. I want the Hutt City Council to remain as is … I have worked in Lower Hutt for a few years and had close contact with the mayors and mayoresses—good relationships. (Anonymous Mātaawaka submission, 2015)

In this instance, the submission was concerned that changes to personal relationships would negatively impact access to local government, as personal relationships stood in place of any structural arrangement. The risk is that if individuals within council are not known by Māori communities, relationships with mātaawaka could quickly diminish. Reliance on issues is not necessarily stable nor reliable if Te Tiriti / the Treaty partnerships are the framework that is meant to guide the relationship between all Māori and local government. Indeed, if the Te Whanau o Waipareira report is used as a measurement for mātaawaka engagement, then the principles of rangatiratanga, protection and partnership are not present within a reliance on ad hoc personal relationships. Certainly, one of the key elements of mātaawaka pressure in Auckland was an expectation that arrangements would become structural in nature, whether through pressure for Māori seats or through the current establishment of the IMSB. The options are designed to work towards understanding how mātaawaka partnerships would be enabled within local government.

Diverse identities. Closely aligned with the challenges surrounding personal relationships and issues-based engagement, are the challenges regarding the diverse identities held by mātaawaka. By definition, mātaawaka represent the numerous waka from throughout the country, therefore interests, values and identities can and do vary significantly. The Kaitakawaenga Māori from the HCC, for example, noted how wide this range was in the Hutt Valley alone:

Not everybody is tied with their marae and not everybody is tied up with their iwi …

As whānau we might whakapapa (have genealogical ties) to Te Ātiawa[56] but the

majority of the Māori population in the rohe [area] are the [other] tribes. We do have

the largest population in the whole of Wellington region who live in this city here …

so you have different blocks of people. Te Kakano o te Aroha Marae, for example, is

Tūhoe[57] … then you have got Waiwhetu, te hau kainga[58] … another group of people

over at Wainuiomata … so you've got a catholic church at Koraunui, and a different

people again. You have got a mix of people that are at Te Mungungu; a different mix

of people and different mix of tribes. (E. Andrews, personal communication, May 5,

2016)

This diversity imposes challenges that are not present with mana whenua iwi who can

point to whakapapa and ahi kaa as the basis for partnership with local government, as

discussed in Chapter Five and Chapter Six. This issue was significant to WCC as well, who

historically had two standing committees that included mātaawaka representation in both

1989 and 1999. These two committees included mana whenua representatives and mātaawaka

representatives, but following internal reviews were disbanded in favour of the

Memorandums of Understanding with iwi as discussed in Chapter Six. Wendy Walker, a

participant in this research who worked at the WCC during that period, recalled the concerns

with the structure at that time:

We did a review of the relationship with Māori. There had been a Māori committee at

Wellington City which was this interesting mixture of all sorts of Māori that could be

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[56] One of the Taranaki Whānui iwi

[57] Tuhoe are an iwi based in the eastern part of the North Island.

[58] This is a Taranaki Whānui marae.

gathered together. It was iwi, but it was also some Taurahere[59] groups and people who
were known to the council; it was a bit of a mixture. As well it had councillors. They
didn't work very well so they reviewed it. I was involved in the review process and
what was put in place after that which is kind of more or less in place till this day
really. It's changed a little bit but the basic structure has remained the same. (Personal
communication, April 25, 2016)

The "mix" of people who were involved proved too complex for the structural
arrangements that had been proposed, resulting in the disestablishment of the committees in
favour of direct relationships with iwi. The issue surrounding the diversity of identities within
the mātaawaka community meant that understanding how to create an appropriate
arrangement had proven challenging to WCC. In my interview with the current co-chair of
the GWRC and iwi leadership board, Ara Tahi,[60] Councillor Chris Laidlaw noted that from
his experience working with Māori:

I think there needs to be a distinction between what arrangements mana whenua want
and would expect and whatever arrangements can be made for all others … There
have been discussions about how that should be done but no agreement. Would they
achieve anything? Is there a particular action that a regional council could take that
would contribute to those people who don't have any other opportunity to play a role
in this? To be honest, we haven't found an answer to that. (Personal communication,
May 2, 2016)

Laidlaw's comments illustrate once more the uncertainty around relationships with
mātaawaka due to a lack of a single identifiable community with identifiable interests. WCC
summarised the general challenge explicitly in their governance statement in relation to

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[59] Here used to refer to mātaawaka.

[60] See Chapter Six for an outline.

Māori by stating: "Perhaps more complex engagement is with the 90 percent of Māori who live, work and play in Wellington who do not whakapapa (have genealogical ties) to our iwi partners and are therefore not represented by these mandated organisations"[61] (WCC, 2017, p. 23).

As has been discussed in Chapter Five, one of the critiques of iwi trusts is that they are forced to engage with the Crown as iwi, as opposed to hapū, which has resulted in some hapū feeling disadvantaged by the Treaty settlements process in particular (Birdling, 2004). The Crown has preferred to engage with the "largest natural grouping" which has, at times, superseded the concerns of smaller and more diverse hapū groups (Office of Treaty Settlements, 2018). This same challenge is evident again when it comes to mātaawaka, who represent a significant range of individual identities through whom cultural connection exists as "Māori" generally. The high population and the significant diversity which culminates in a lack of a central identifiable community gives context to the hesitant language used by local governments in their commitments to mātaawaka as well as in the Wellington Reorganisation proposal. It illustrates the Crown's preference to engage with Māori based on blanket identities as opposed to multiple, distinct identities. Indeed, the unwillingness of the crown to accept claims put forward by Te Whānau o Waipareira, speaks towards the Crown's desire to control the form of political and cultural organisation held by Māori, and as a result, the types of relationships that governments engage in. Without a clear understanding of what values and interests mātaawaka hold, local governments will continue to see diversity as a barrier to the preferred relationship template that is applied to Māori.

Relationships with mana whenua. The third factor that was evident in the Mōkai Kāinga case study, was the importance of the relationship with mana whenua. The relationship with mana whenua as identified by Mōkai Kāinga was considered just as central

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[61] This is in reference to the iwi trusts.

as the relationship with local government, albeit dictated by different rules and institutions. Some further elaboration of this relationship sheds light on the rules and institutions involved in relationships between mana whenua and mātaawaka.

Pre-colonisation, there was no precedent for Māori living permanently in other iwi or hapū lands. Sir Hugh Kawharu (1968) noted how the residency of Māori who were not mana whenua in other iwi lands was not a usual practice:

> Tradition offers no precedent for this, no system by which such "foreigners' can be incorporated permanently into social activities. Yet, out of self-interest the tangata whenua must appear not to exclude them, for fear of being thought inhospitable and morally irresponsible. (p. 175)

Kawharu alludes to the fact that mana whenua caring for "foreigners", as he puts it, or in this context, mātaawaka, are guided by Māori rules and institutions associated with mana whenua, and the responsibility to care for guests. This responsibility extends from the authority that iwi have over their lands as a necessary part of maintaining mana. As I discussed in Chapter Six, the mana of a rangatira was determined by the wealth of the community, in the same way that the mana of an iwi or hapū was determined by the outcomes of engagement with other iwi and hapū. An iwi could gain mana by either triumphing over another iwi or hapū in warfare for example, or by catering for and supporting another iwi or hapū (Mead, 2016).

In an interview with Liz Mellish, the Chairwoman of the PNMRT, she gave an example of how this worked for Taranaki Whānui in Wellington, the seat of government, and subsequently the site of numerous pan-Māori protests against the Crown:

I'll give you a classic example—the foreshore and seabed hikoi [protest].[62] Whether

we liked it or not we had all the iwi coming in to our rohe [region]. There was a

cultural responsibility we had in supporting manuhiri [guests] when they're coming in

on a take [cause] to the Crown. So, we had to feed them. That's the first thing. The

second thing is we had to take care of the manuhiri coming through onto our land,

which is the land—the Atea [front area] at Parliament. (Personal communication,

April 3, 2016)

This insight provides an example of how Taranaki Whānui's responsibilities as mana

whenua to care for visitors is important for Māori "visiting" the area. Unlike the relationships

between local government and mātaawaka, relationships between mana whenua and

mātaawaka are formalised through known rules and institutions engrained in Māori society.

Although there have been changes in the precedents that Kawharu (1968) described, the

framework for Māori collective interaction remains, in that mana whenua have a

responsibility to care for mātaawaka.

Mellish went on to add in regards to the meaning of mana whenua and the

responsibilities attributed that entailed for Māori moving permanently to Wellington and the

Hutt Valley:

we have to get very clear about who we are and what our role is. It goes back to

kaitiakitanga;[63] we have to take care of them (mātaawaka) and enable them to look

after their own people. (Personal communication, April 3, 2016)

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[62] This is one of the most significant Māori protests in recent times (2004), which saw thousands of Māori from

throughout the country march on parliament in protest against the government's decision to vest the ownership

rights of the seabed and foreshore in the Crown as opposed to with Māori.

[63] Kaitiakitanga is guardianship.

While the first instance refers to temporary Māori visitors, the impetus for showing support for mātaawaka who live permanently in the area is understood through the same lens. Mana whenua have a responsibility to support Māori who have moved into their tribal areas to maintain their own authority, but also to respect the rights of other Māori. Mōkai Kāinga, too, recognised these rules and institutions and, as a result, engaged mana whenua in use rights over the land. This recognition of mana whenua as an active and living form of governing authority furthers the arguments set out in the earlier chapters regarding the continuity of Māori political practices. Mana whenua remains an essential consideration for land use and development as evidence through the case study in this chapter. This continuity demonstrates how ahi kaa remains an important tenet of Māori governance despite the significant changes to land use and ownership since colonisation. Mōkai Kāinga understood themselves as needing to engage in rules pertaining to mana whenua, but also recognised their position as Te Tiriti / the Treaty partners in relation to local government. As is being recognised in Auckland through the IMSB, one of the values associated with mātaawaka engagement with local government was relationships with mana whenua (IMSB, 2012). This same value, which seeks to draw on Māori rules and institutions also has some reference in Wellington, albeit lacking resource and understanding.

To some extent, local governments recognised this relationship between mana whenua and mātaawaka, which resulted in policies ascribing mana whenua a role in assisting to mediate relationships with mātaawaka. For example, the Wellington Reorganisation Proposal offered this solution for possible future arrangements with Māori by stating:

> the non-mana whenua Māori community could seek the support of mana whenua groups on issues they may wish to raise at council … at least twice a year, council should formally meet with mātāwaka groups with agenda matters raised by both Māori and council. (Local Government Commission, 2014, p. 167)

This proposal suggested that mana whenua would act as the mediator between mātaawaka and local government and that the formal relationships between mātaawaka and local government would be dependent on those relationships presumably facilitated through mana whenua responsibilities. This same responsibility is formalised in Ara Tahi, the partnership arrangement on the GWRC, which I discussed in Chapter Six. The Ara Tahi Memorandum of Partnership (The Memorandum) underwent a series of changes in 2013, which resulted in the inclusion of reference to mātaawaka living in the region and stated:

> Both tangata whenua[64] and the Council have responsibilities to the wider Māori population (Māori from iwi outside of the region). Tangata whenua responsibilities derive from their status as mana whenua (authority over the land). The Council is required to give effect to Treaty responsibilities defined in the Resource Management Act and the Local Government Act. Ara Tahi will advise how the Council can meet its responsibilities to the wider Māori population of the region. (p. 3)

This clause, which is set amongst the other terms of Ara Tahi, addresses the question of mātaawaka involvement in decision-making by placing that responsibility jointly with both the mana whenua and the GWRC. The Memorandum goes on to state:

> All parties remain open to the possibility of new parties joining Ara Tahi. If a new party communicates to the Council their desire to join Ara Tahi, their request will be brought to Ara Tahi. Ara Tahi will then decide on a process to determine whether such a group will be invited to be part of Ara Tahi and a signatory to this Memorandum of Partnership. (p. 2)

Theoretically, this clause could open up an opportunity for mātaawaka to be involved in Ara Tahi, which runs on the basis of rangatira ki te rangatira or leader to leader arrangements (see Chapter Six for discussion). Although this amendment has been made to

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[64] Here used to refer to mana whenua iwi.

the terms of The Memorandum, it is yet to be enacted, with no further groups yet being added to Ara Tahi. At present, GWRC engage with mātaawaka through a process that recommends mana whenua facilitate twice yearly meetings between mātaawaka and council to discuss any concerns or issues held by either Māori or council in line with the reorganisation proposal.

Although there is suggestion that relationships between mātaawaka and mana whenua could help in forming relationships with local government, these references as they currently stand obfuscate the responsibilities held by mana whenua and the responsibilities held by local government. For example, during the processes for the Wellington Reorganisation, The WCC, HCC, Upper Hutt City Council and the GWRC requested advice from Taranaki Whānui iwi trusts for relationships with mātaawaka and how local government could manage that. The three Taranaki Whānui iwi Trusts[65] responded by stating:

> We understand advice is being sought from us in relation to Taurahere and local government engagement in terms of the proposed reform. We are primarily concerned with our duties as Tangata Whenua of our rohe (region) and therefore do not have a view of how local government may engage with Taurahere. Our own relationship with Taurahere has been established through Whakapapa and observance of our Tikanga (customs) and Kawa (protocols) by Taurahere. We suggest decision makers engage directly with Taurahere on this matter, recognising their status. (Mellish, 2013, p. 6)

This statement makes it clear that while mana whenua engage with mātaawaka based on Māori customs and protocols, these relationships between Māori cannot be seen as the substitute for local governments developing appropriate arrangements with mātaawaka. While mana whenua have responsibilities to support mātaawaka, these are not the same as the responsibilities that local governments have under Te Tiriti / the Treaty. Wendy Walker noted

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[65] See Chapter Five for discussion of these three iwi trusts.

further that: "If mana whenua can kind of awhi [help] the other Māori in the area, that works quite well, but they're not particularly well resourced to do that" (personal communication, April 25, 2016).

She went on to add that reliance on mana whenua by local governments is not uncommon, but figuring out what role each party plays is still unclear:

It is a challenge for iwi to work out how they do that connection and it's a challenge for the iwi in the big urban areas to work out how they want to support those other Māori who live there. Local authorities are kind of stuck in the middle and not knowing, probably don't want to take a leadership role in it, don't want to be seen telling Māori how they should be. (Personal communication, April 25, 2016)

If the relationship is relegated to mana whenua, local governments need to be clear about what responsibilities and interests all parties have, and that appropriate resourcing needs to be provided if this is the structure that will manage the relationship between local government mātaawaka.

Taken together, these three challenges regarding an over-reliance on personal relationships and issues, the diversity of identities and the role of mana whenua all illustrate some of the realities and complexities associated with negotiating and building the relationships between mātaawaka and local government. Essentially, local governments are unclear about how to develop relationships with mātaawaka.

Lessons for engagement with mātaawaka. From the three challenges discussed above, three lessons can be drawn. Firstly, personal relationships and an issues-based approach is not suitable as a solitary framework for engagement with mātaawaka. Although Mōkai Kāinga were able to navigate this option through their own persistence and relationships, not all Māori have this same understanding of local government responsibilities. Indeed, the commitments made by each local government is not explicit

about how Te Tiriti / the Treaty is the foundation of the relationship between all Māori and local government. As such, this represents further how local government practices continue to be insufficient in developing and maintaining relationships with Māori, as discussed in Chapter Two.

Secondly, while local governments have identified the diversity of mātaawaka identities as a challenge, this should not be a reason to cease developing relationships. Just as is happening in Auckland, efforts need to be made to understand what interests and values might encapsulate mātaawaka. Those principles of rangatiratanga, protection and partnership as reified in Wai 414 could be a suitable starting point.

Thirdly, local governments need to have a better understanding of the rules and institutions pertaining to relationships between Māori. There needs to be a clear distinction between what responsibilities mana whenua have and what responsibilities local government have to mātaawaka. If there is going to be a reliance on mana whenua, then mana whenua need to be fully recognised as local authorities by local government. As argued in Chapter Six, local governments still have a long way to go to fully develop "rangatira ki te rangatira" relationships, and reallocating mātaawaka responsibilities to mana whenua should not occur in isolation to reallocating other rights and responsibilities. Further to this, recognition of the distinct roles and rights of mana whenua and mātaawaka needs to be further developed by local government, whether through a structure like the IMSB or a newly imagined arrangement for the Wellington region.

These three lessons provide a starting point from which local governments in Wellington and the Hutt Valley could begin developing approaches to engagement with mātaawaka.

Conclusion

In this chapter I have argued that local governments are uncertain about their responsibilities to Māori, which results in relationships that rest upon a reliance on either personal relationships and issues or on mana whenua. In line with Kaupapa Māori theory, this chapter has focused on the areas in which Māori rules and institutions influence the way relationships are carried out. The central aspect of kaupapa Māori theory, is that through critique of colonial structures, Māori sites of empowerment that are maintained should be centred. The uncertainty can be equated to the lack of effort put into addressing what interests and values might encapsulate the diversity of mātaawaka identities. Wai 414 and the examples which are continuing to arise in Auckland, point to the fact that there are important underlying principles which support mātaawaka claims as Te Tiriti / the Treaty partners. Mōkai Kāinga as a mātaawaka organisation revealed how the basis of their aspirations, stems from their assertion of being a Māori organisation who recognise themselves as Te Tiriti / the Treaty partners to local government. Significantly, however, Mōkai Kāinga also relayed how this relationship is only one part of their position as mātaawaka and that their relationships with mana whenua are equally as important in ensuring their rights to develop and look after the land which form their community gardens. Local governments could benefit by looking into how Māori rules and institutions could form the basis of these relationships, particularly if local governments are going to continue to cite mana whenua in their policies towards mātaawaka. Recognition of the terms on which relationships between mana whenua and mātaawaka are maintained suggests that there is significant scope to develop a framework based on Māori values and how this might assist local government to build Te Tiriti/ the Treaty partnerships and begin fulfilling their obligations to all "Māori" as defined in the LGA 2002.

Conclusion

This thesis is a study of political relationships and the rules and institutions which dictate the nature of those. The relationships that are discussed are, broadly speaking, those between Māori and local governments in Aotearoa, and more specifically between Māori and local government in Wellington and the Hutt Valley.

The central question posed at the start of this thesis asks: How are relationships characterised between Māori and local governments in Wellington and the Hutt Valley?

This question seeks to locate the research within the land of my own iwi and hapū, Taranaki Whānui. This is the first extensive piece of academic research on the relationship between Māori and local government in Wellington and the Hutt Valley. While the main focus has been on Taranaki Whānui, I have also sought to understand the broader debates and discussions occurring throughout Aotearoa. Broader trends are essential for framing the nature of relationships between Māori and local governments, and illustrate why more specific analysis of Māori and local government research is necessary. Although each local area has unique processes for relationships between Māori and local government, wider political debate influences how those local relationships are shaped.

When I began this thesis, some informed assumptions were made about how these "relationships" would be characterised. While the term relationship itself is not inherently controversial, relationships between Māori and local governments immediately moves that relationship to being one framed by colonisation. As a result, relationships between Māori and local governments take place within what has been a fraught and contentious history. Local governments in Aotearoa, are the direct product of colonisation, which means that the authority assumed by local governments, is based on ideologies in which shared forms of local authority are undesired. Underpinning those ideologies, is not just a refusal to imagine sharing authority, but also a refusal to recognise Māori as having their own robust and

legitimate governing rules and institutions. This means that local governments in Aotearoa were developed on a premise that they would be the central and only source of decision-making and authority at the local level. Such a premise has contributed in turn to on-going tension regarding the nature of relationships.

The other assumption made when undertaking this research, was that this premise held by local governments is flawed. That is, Māori had and continue to have robust governing rules and institutions which form the basis for local authority. As a result, from a Māori perspective, relationships with local government are based minimally on a right to have equal authority to be decision-makers. I argue therefore that any discussion of Māori and local government relationships must assess the relationship within this context.

The thesis examines the different foundations of authority, and how those form the characteristic bases for relationships today. Te Tiriti / the Treaty is the agreement made between Māori and the Crown in 1840 and was from the perspective of rangatira (Māori leaders) the basis upon which relationships, characterised as partnerships, would ensue. The implications of partnership, further develop the assumptions made in this thesis, that is, that Te Tiriti / the Treaty partnerships are essentially about how different sources of authority can coexist and cooperate at the local level. However, this proposition of partnership has caused debate for 178 years making marking the relationship between Māori and local government as one frequented by challenge and debate.

Te Uku Me Te Rino (the Clay and the Iron)

In the introduction I outlined the guiding framework for this thesis, which was a whakataukī (proverb) attributed to a Taranaki prophet, Tohu Kakahi. During his life time, Māori from throughout the country were experiencing the direct and violent imposition of colonisation which sought to eradicate their ways of being. Tohu Kakahi based his resistance upon the ability of Māori to endure in the face of colonisation and prophesised:

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

Clay will not stick to iron, when the sun shines upon it, it will break away.

This statement made by Tohu Kakahi, likened the impacts of colonisation to clay which could only cause cosmetic changes to things Māori, as eventually the sun would reveal the enduring iron that exists within. As a metaphor for this research, local government rules and institutions have sought and continue to seek, to dictate the forms and functions of local politics at the expense of or exclusion of Māori governing rules and institutions. My central argument in this thesis has been influenced by this statement and I conclude that relationships between Māori and local government will continue to produce marginal outcomes for Māori if only understood through Crown rules and institutions. I further argue that there are Māori rules and institutions, which currently inform a significant site of local politics and have the capacity to influence relationship frameworks between Māori and local government. Although this influence does not ameliorate the wider challenges associated with Māori and local government relationships, Māori rules and institutions are already a significant aspect of the local political environment. Essentially, although this thesis has focused on some of the significant challenges that Māori have faced in developing relationships with local government, one dominant narrative throughout this thesis has been the continuity of Māori governance in spite of these challenges. This continuity demonstrates how systems of mana whenua continue to be enacted and developed by both iwi, but although sites recognised by mātaawaka. Furthermore, while still in relatively infant stages, the introduction of relationship frameworks like 'rangatira ki te rangatira' further emphasises this continuity.

My focus on explicating different Māori rules and institutions has in effect been to reveal the areas in which the "iron" endures. This framework coupled with a Kaupapa Māori methodology has afforded a distinct approach to studying relationships between Māori and local government. As I described in Chapter Two, the underlying purpose of Kaupapa Māori

research is to "make clear" (Royal, 2012, p. 31), or naturalise and recentre Māori principles or philosophies within research. The Māori principles or philosophies that I have highlighted in different parts of this thesis, have been rules and institutions associated with Māori governance. These have included mana whenua (authority over land), whakapapa (genealogy), ahi kaa (continued occupation), rangatira ki te rangatira (leader to leader relationships based on understandings of mana), and manaakitanga (responsibilities for iwi to "care for" other Māori). Throughout the thesis these governing rules and institutions have been described in detail, as a way to view Māori and local government relationships through the different nuances which continue to effect the local political environment.

Perhaps one of the most challenging aspects of using Kaupapa Māori theory to analyse relationships between Māori and local government, is that Māori rules and institutions become subject to local government control. For example, in Chapter Six, I shaped the chapter around rangatira ki te rangatira (leader to leader) relationships and explained the relationship expectations associated with the term "rangatira" as a way to ground the relationship within a Māori concept. However, as I discussed in that chapter, although the phrase rangatira ki te rangatira was explicit in local government policies, there were imposed limitations on the relationship which detracted from the rules and institutions associated with rangatira. While I could not claim that the reference to rangatira relationships in local government resulted in substantial practical outcomes, I argued that it offered an alternative foundation to build relationships, and therefore provided examples of how Māori create "fissures" (Bargh, 2013, p. 454), in local governments preferred frameworks for relationship building. In effect it illustrates my overall argument, that legislation as a Western tool for developing relationships, is only one platform or set of rules for engaging in relationships with Māori.

Importantly however, Kaupapa Māori theory ensures that while the focus is on reifying Māori rules and institutions, it should not come at the expense of Western rules and institutions (Pihama, Cram, & Walker, 2002). Although I have argued that there are certain legal constraints in particular relating to the Local Government Act 2002 (Chapter Three) and the Local Electoral Act 2001 (Chapter Four) which would do well to be changed or removed, my overall findings in those chapters was that the failures around partnership were due to the exclusive power of the Crown to define what partnership consists of. Partnership by definition involves multiple parties and therefore must be informed by the rules and institutions of each partner in order for it to function effectively and be seen as credible by both. A focus on Māori rules and institutions provides a position from which to illustrate how iwi and mātaawaka continue to challenge local governments' monopoly on power. Māori challenge local governments through operating on the basis of a different set of relationship values. Although these values are not directly developed to challenge local governments, they do so through their very existence, which challenges the ideologies that underpin colonisation. In effect they are the "every day" challenges" (Corntassel & Bryce, 2012, p. 153) or the "fissures" (Bargh, 2013, p. 454) in the foundations of the preferred political templates (Cornell, 2013) which local governments seek to maintain.

Chapter Conclusions

Each of the body chapters are positioned within the Kaupapa Māori theoretical lens and provide evidence which leads to my final conclusion.

In Chapter Two I focused on the initial interactions between Māori and local government in Wellington and the Hutt Valley during the nineteenth century. In this chapter I discussed particular Māori rules and institutions, relating to mana whenua (Māori authority over land). I highlighted how mana whenua formed the basis for both acquiring rights to land, as well as the rules and institutions for developing relationships with other iwi or hapū. I

provided examples of how agreements were made between iwi to ensure that there were clear political boundaries and respect for each iwi to operate as local governing authorities. Following this discussion I shifted to the arrival of British settlers, and the subsequent establishment of British-informed local governments. I discussed how, with the imposition of such local government, new local government rules and institutions were introduced in Wellington and the Hutt Valley such as the imposition of taxes on Māori, as well as the development of local wards as a new system of political organisation. The chapter illustrated how these new rules and institutions worked to disrupt and displace mana whenua as a source of local authority. Understanding local government in this way is not to argue for its disestablishment, but rather to consider how the authority that local governments wield today is sourced and defined by specific measures used to limit Māori input into local government. Importantly, this chapter also provided a foundation from which to measure the continuity of mana whenua, and therefore a reference point to maintain a line of argument that mana whenua has continued to be a prominent site for local governance to occur.

In Chapter Three I discussed partnership in relation to Te Tiriti / the Treaty. I argued that there is a lack of clarity around how local governments should enact the relevant legislation which refers to the "principles of the Treaty of Waitangi." In particular I focused on the references to Te Tiriti / the Treaty in the RMA and the LGA 2002. I argued that partnership is one of the cornerstone principles of Te Tiriti / the Treaty, and should be treated as such by local governments. However, while most local governments have some form of relationship with Māori, the status of partnership as shared, equal decision-making continues to be a difficult expectation for local governments to meet. I argued in this chapter, that given the lack of clarity surrounding local government responsibilities to Māori, partnership expectations will not be met if only informed and enforced through Crown rules and institutions—the current pieces of legislation. Historical precedents of exclusion cannot be

remedied if the New Zealand nation-state is the only source for determining how the relationship between Māori and local government is characterised today.

In Chapter Four, I focused on Māori representation in local government with a specific focus on designated Māori seats. The Local Electoral Act 2001 enables local governments to establish Māori seats, however this option has been met with significant debate, and only two of the 78 local governments throughout the country have successfully established Māori seats through the legislation. This is particularly concerning given that councillors who are Māori rarely rises above six per cent (Hayward, 2011), despite Māori comprising 14.9 per cent of the population (Statistics New Zealand, 2013a). The New Plymouth District Council was examined as a case study given the controversy which surrounded the council's decision to establish a Māori seat in 2014; a decision which was reversed by a public referendum in 2015. This case study highlighted how the legislative provisions take effect in practice, and the polarising debates around Māori representation. I argued that provisions pertaining to Māori wards in the legislation are severely limited in their capacity to support Te Tiriti/ the Treaty partnerships due to the fact that decisions can be reversed by the public. The nature of the legislation allows decisions to be shaped through public debate and opinion which is often exempt from critical interrogation of both the history of disruption and displacement, as well as an informed opinion of Te Tiriti/ the Treaty partnerships. As a consequence, the issue of low Māori representation is continually framed as a "Māori issue" as opposed to one based on institutionalised precedents. The application of the Local Electoral Act 2001 further demonstrates how legal requirements on their own do not support Te Tiriti/ the Treaty partnerships and indeed may undermine them. These debates highlight some of the nuanced ways in which local governments refuse to recognise Māori as partners to local government by continuing to maintain legal structures which suggest Māori involvement is negotiable. These 'politics of exclusion' (Mahuta, 2015, audio 1), exacerbated

by the current legislation continue to hamper Māori influence in local government. However, like many of the arguments in this thesis, this exclusion is not met passively by Māori, as despite the severe limitations of the legislation, Māori and supporters continue to challenge the legislative measures. Although a discussion of Māori wards only represents one site from which to analyse the relationship between Māori and local government, given the widespread and ongoing debate, this case study is illustrative of many of the other wider challenges.

In Chapter Five I shifted the focus of the thesis back to Māori governing rules and institutions and examined Taranaki Whānui iwi trusts in Wellington and the Hutt Valley. I discussed three iwi trusts, the Wellington Tenths Trust, the Palmerston North Māori Reserve Trust, and the Port Nicholson Block Settlement Trust. I argued that a focus on the "every day" (Corntassel & Bryce, 2012, p. 153) rules and institutions associated with iwi trusts provides the basis for understanding how iwi challenge the presumed monopoly on power that local governments hold. I analysed two concepts, whakapapa (genealogy) and ahi kaa (permanent occupancy), and how the fact that these two concepts underpin iwi trust operations provides insight into the ways iwi position themselves against local government. Whakapapa and ahi kaa illustrate two avenues through which mana whenua can be understood today and despite historical disruption and displacement, how the rules and institutions created and enacted by iwi trusts continue to revolve around traditional connections to land and people. In other words, iwi continue to understand themselves as local governing authorities through the ongoing operation of mana whenua. This chapter provides context for how iwi understand their authority today and position themselves when engaging with local government in Wellington and the Hutt Valley.

In Chapter Six I discussed iwi and local government relationships in Wellington and the Hutt Valley. Three local governments were discussed in this section, the GWRC, the WCC, and the HCC. In this chapter, I shifted the discussion of relationships away from an

analytic perspective oriented to local government legislation, to one shaped around a Māori relational framework—rangatira ki te rangatira (leader to leader) relationships. Both GWRC and WCC cite this framework specifically in their policies towards iwi, opening the relationship up to be measured by Māori rules and institutions. Through an interrogation of the term "rangatira" coupled with a reflection on how rangatira ki te rangatira initially framed relationships between Māori and the Crown pre-1840, I deduced that a basic understanding of the framework, is one in with the mana of each group can be respected despite operating on different rules and institutions. I highlighted the key commitments made by local governments in regards to rangatira ki te rangatira and found that in practice, all three local governments continue to place limitations on iwi engagement which perpetuates a position of Māori as minor partners. However, an analysis of iwi and local government relationships through rangatira ki rangatira, shifts the focus of understanding relationships away from a dependence on local government responsibilities, towards a relationship which is built on equal responsibilities between iwi and local government. This shift offers an opportunity to broaden our understanding of the relationships between iwi and local government, acknowledging the fact that its basis is not only to do with the legal requirements. This shift is an essential part of understanding Māori and local government relationships through a Kaupapa Māori lens. While practical challenges still exist, conceptualising relationships through a Māori framework offers a more robust and valid foundation upon which to reimagine how iwi and local government could cooperate in the future.

Chapter Seven focused on relationships between mātaawaka and local governments in Wellington and the Hutt Valley. The legislation pertaining to local government obligations to Māori is technically inclusive of all Māori, meaning that local governments have Te Tiriti / the Treaty responsibilities to all Māori, both iwi and mātaawaka. There are developing precedents in Auckland in particular which are challenging local governments to engage with

mātaawaka under Te Tiriti / the Treaty. However by and large, mātaawaka receive much less attention from local governments than do iwi. This chapter drew on a case study relating to the Mōkai Kāinga, a mātaawaka group located in Wellington. This case study revealed how one mātaawaka organisation positions itself in relation to local government, and exerts pressure on local government to recognise them as a Te Tiriti / the Treaty partner. I argued that this pressure showed how Mōkai Kāinga also challenge the preferred political relationships of local government through their knowledge of local government policies and legislation, and demonstrated their ability to strategically engage with local government. This case study also provided insights into how relationships between mātaawaka, local government and mana whenua all coexist in practice. Mōkai Kāinga had strong relationships with mana whenua which were based on traditional notions of mana whenua rights to support visitors. As a result, the Mōkai Kāinga case study illustrated how parallel sites of different kinds of authority can occur in a local environment, once more challenging local governments' assumption as holding the monopoly on local authority.

Characteristics of the Local Governing Relationship

Taken together, these chapters enable me to identify some of the defining characteristics which inform relationships between Māori and local government in Wellington and the Hutt Valley, these are:

Firstly, of paramount importance has been the historical efforts to disrupt and displace, Māori forms of authority that were understood through mana whenua. This historical disruption and displacement was essential to the development of British-informed local government, and set precedents for iwi and local government relationships today. Precedents which inevitably characterised Māori modes of local governance as being inferior to those imposed by the British.

Second, legislation has been a central tool of the New Zealand nation-state in enforcing the primacy of its own modes of local government. Legislation is also the key incentive for local governments to engage with Māori, and despite reference to the principles Te Tiriti / the Treaty which should impose partnership rights, partnership fails to be produced. I have argued that this is because the legislation on its own constitutes Crown derived foundations of partnership and so will not serve the interests of the Māori Te Tiriti/ the Treaty partner.

Third, the Crown's control over the content and form that partnership takes also characterises wider debates surrounding Māori representation, resulting in ongoing contention regarding the role and authority of Māori in making decisions at the local government level.

Fourth, local governments are challenged to recognise mātaawaka rights, and as a result mātaawaka gain traction with local governments through their own strategic influences, and positioning as Te Tiriti / the Treaty partners.

Fifth, relationships *between* Māori (iwi and mātaawaka) are still paramount to local governing authority amongst Māori, and are based on the rights and responsibilities of Māori relating to manaakitanga. These relationships take place alongside relationships with local government.

Finally, Rangatira ki te rangatira offers an alternative lens on relationships between iwi and local government in which alternative sites of local authority, through mana whenua, and through legislation could operate in unison.

These six characteristics contribute to the overall argument of the thesis that relationships between Māori and local government need to be fully and equally informed by *both* Māori and local government rules and institutions in order to meet Te Tiriti / the Treaty partnerships. With substantial work and research still to be done by local government around developing suitable strategies to engage with mātaawaka, this thesis suggests that any

strategies employed in the future must do more than simply note the legal obligations of local governments, but also must fully recognise Māori rules and institutions which operate in the same spaces between mātaawaka, local government and iwi.

Relationships between Māori and local government in Wellington and the Hutt Valley are characterised by a combination of historical legacies, legislative requirements, coupled with ongoing pressure from Māori to recognise how their values and institutions associated with mana whenua continue to be utilised. The thesis concludes that mana whenua is a relational framework which can inform not only how relationships with iwi take place, but also provide a starting point for negotiating relationships with mātaawaka. While legislation provides the incentive for local governments to engage with Māori, values associated with mana whenua actually facilitate some of the ways that the relationships are shaped in practice.

This suggests, that there is an opportunity to continue to build on local government legislative obligations by investing research into governing values, rules and responsibilities associated with mana whenua. Ongoing debates regarding the 'principles of Treaty of Waitangi' and Māori wards, present one way in which local and national governments must continue to consider Māori rights and how improvements can be made at the local level. Even in cases where these debates have been unsuccessful and surrounded by negative opinion (as in New Plymouth), there continues to be questioning of how local governments can improve on their responsibilities as a Te Tiriti / the Treaty partner. Changes to legislation, particularly the Local Electoral Act 2001, are desperately needed if Māori wards are going to be seriously considered as an option to support Te Tiriti / the Treaty partnerships. However, despite the strong resistance that has remained a feature of Māori inclusion in local government, ongoing initiatives within iwi governing structures (such as the trusts) as well as the building of stronger relationships with individuals within local governments have all contributed to

enabling a slow but steady recentering of Maori modes of local governance within the wider local government arena.

There is still research to be done in this space to not only map out what types of Māori governing values, institutions and responsibilities are evident, but also to investigate how those might be incorporated further to promote partnerships. Legislation on its own is not enough to facilitate the relationships and in a space that is meant to equally incorporate two values systems, Māori and British-informed, there needs to be greater emphasis placed on how Māori rules regarding authority and decision-making can be implemented.

Further Research Suggestions

Significantly the thesis concludes that more research needs to be undertaken into how relationships with mātaawaka might be developed. This would include more widespread qualitative data from Māori to illuminate the diversity of interests involved in their governance aspoirations as a starting point. The IMSB has begun defining these interests in Auckland, however they are currently the only Māori board resourced and legislated to undertake this research. The collection of mātaawaka perspectives on local government in Wellington and the Hutt Valley could add to the Mōkai Kāinga case study presented in this thesis.

Further research is also needed into other local government areas with a focus on whether Māori rules and institutions are utilised to conceptualise the relationship, and how this operates in practice. A broader collection of this type of data across Aotearoa, could add to building a well-informed framework for Māori and local government relationships that is constructed channelled through Māori concepts. Building such a framework, could create a more robust point of reference when developing partnerships that are informed by both legislation and Māori governing rules and institutions.

This thesis also highlights the need for further investigation into different ways to support Māori representation in local government. With such significant and ongoing opposition to Māori wards that has been identified in this thesis, other options need to be investigated which would still reinforced Te Tiriti / the Treaty partnerships and equal decision-making authority. Looking at international constitutional arrangements might be useful for local governments. This could include; veto rights, quota arrangements, and separate indigenous local governments designed to feed directly into local decision-making.

Documentation of the experiences of Māori councillors could add considerably to the ongoing debates surrounding Māori seats in local government. This collection would be particularly useful to provide substantive evidence around whether or not Māori councillors are able to represent Māori interests when representing general wards. Particular questions could focus on:

    a) To what extent iwi and hapū links play a role in election

    b) Whether the proportion of Māori in the area impacts election

    c) Whether there is any difference between rural or urban areas

    d) Whether or not prior involvement in Māori communities makes a difference

    e) Whether or not having a Māori councillor results in improvements for relationships with iwi and/or mātaawaka

In a similar vein, a broader collection of perspectives from Māori support staff would also contribute to better understandings of relationships between Māori and local government. Those staff who support the day to day operations of local governments often have substantial pressure to be both the Māori "face" of councils as well as the mediators between councillors and iwi.

The impact of te reo Maori (the Māori language) on Te Tiriti/ The Treaty partnerships is another gap in our understanding of this field of relationships. For example, some local governments, such as the Wellington City Council are currently undertaking measures to create bilingual cities and towns, in which te reo is a visible language in cities. Whether or not this has an impact on decision-making is yet to be seen.

Although all of these research suggestions could provide support for working towards Māori and local government Te Tiriti / The Treaty partnerships, the greatest challenge stems from the extent of local governments' own willingness to engage with Māori; whether that be with iwi or mātaawaka. While this is a challenge which lies with individual councils and councillors, this thesis overwhelmingly suggests that greater understandings of Māori governing rules and institutions would be an important starting point for changing personal perspectives, political perspectives and the very nature of local political environments throughout Aotearoa.

To conclude this thesis I will finish where I started. The challenge is immense, willingness to recognise Māori rights and interests to contribute substantially to local governing decision making cannot be solved in a thesis, but is an issue which will continue to occupy generations to come. However, as Tohu Kakahi prophesised in the face of overt and violent actions:

> E kore e piri te uku ki te rino, ka whitingia e te rā ka ngahoro.

> Clay will not stick to iron, when the sun shines upon it, it will break away.

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Appendix 1

The Treaty of Waitangi

English text

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant-Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the first [Article 1]

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole sovereigns thereof.

Article the second [Article 2]

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and

undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the third [Article 3]

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

(signed) William Hobson, Lieutenant-Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified. Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

Te Tiriti o Waitangi

Māori Text

KO WIKITORIA te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga Tangata maori o Nu Tirani – kia wakaaetia e nga Rangatira Maori te Kawanatanga o te Kuini ki nga wahikatoa o te wenua nei

me nga motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei amua atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te tuatahi

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o o ratou wenua.

Ko te tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangitira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini – Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

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

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Appendix 2

He Whakaputanga o te Rangatiratanga o Nu Tireni

1. Ko matou ko nga Tino Rangatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau 28 o Oketopa 1835. ka wakaputa i te Rangatiratanga o to matou wenua a ka meatia ka wakaputaia e matou he Wenua Rangatira. kia huaina 'Ko te Wakaminenga o nga Hapu o Nu Tireni'.

2. Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga. a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni. ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei e matou i to matou huihuinga.

3. Ko matou ko nga Tino Rangatira ke mea nei kia huihui ki te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga kia mau pu te rongo kia mutu te he kia tika te hokohoko. a ka mea hoki ki nga Tauiwi o runga kia wakarerea te wawai. kia mahara ai ki te wakaoranga o to matou wenua. a kia uru ratou ki te wakaminenga o Nu Tireni.

4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawe atu i to matou aroha. nana hoki i wakaae ki te Kara mo matou. a no te mea ka atawai matou, ka tiaki i nga pakeha e noho nei i uta e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.

Kua wakaetia katoatia e matou i tenei ra i te 28 o opketopa 1835 ki te aroaro o te Reireneti o te Kingi o Ingarani.

The Codicil

Ko matou ko nga Rangatira ahakoa kihai i tae ki te huihuinga nei no te nuinga o te Waipuke no te aha ranei – ka wakaae katoa ki te waka putanga Rangatiratanga o Nu Tirene a ka uru ki roto ki te Wakaminenga.

Declaration of Independence of New Zealand

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

2. All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4. They also agree to send a copy of this Declaration to His Majesty, the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28 day of October, 1835, in the presence of His Britannic Majesty's Resident.

(Here follows the signatures or marks of thirty-five Hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.)

English witnesses:

(Signed) Henry Williams, Missionary, C.M.S.

George Clarke, C.M.S.

James R. Clendon, Merchant.

Gilbert Mair, Merchant.

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the chiefs.

(Signed) JAMES BUSBY, British Resident at New Zealand.