

In the Waitangi Tribunal  
Te Paparahi o Te Raki Inquiry District

Wai 1040  
Wai 246

**In the Matter** of the Treaty of Waitangi Act 1975

**And**

**In the Matter** of Te Paparahi o Te Raki District Inquiry  
(Wai 1040)

**And**

**In the Matter** of a claim by Te Raa Nehua and others for  
and on behalf of the Ngati Hau Trust  
Board and Ngati Hau Hapu o Ngapuhi  
(Wai 246)

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**Joint Brief of Evidence of Dr Te Kawehau Hoskins and Deborah  
(Tepora) Anne Kauwhata**

**Dated 1 November 2016**

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Ministry of Justice

WELLINGTON

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## **May it please the Tribunal**

### *Introduction*

1. This is a joint brief of evidence prepared by myself, Dr Te Kawehau Hoskins and Deborah (Tepora) Anne Kauwhata. I am a senior lecturer at the University of Auckland and have conducted research concerning the Treaty of Waitangi in education governance, policy and practice that includes a focus on issues connected to School – Maori Community relationships and Maori community participation. Tepora is a teacher of Te Reo Maori and also a student working towards a degree in Toi Maori – Raranga. This evidence supplements the brief which Tepora presented before the Tribunal at the Te Paparahi o Te Raki Hearing Week 12 in February 2015 (Wai 1040, #P4).

### *The impacts of assimilation on Maori and education*

2. Everything about the way that Maori acted prior to and following colonisation demonstrates that we are a people who are interested in productive relationships. In pre-Treaty times, our tupuna wanted to know how they could engage in the best types of relationships that would result in the best outcomes. Our basic orientation was, and still is, to engage with Pakeha, we understood the importance of our relationships with them. Without relationships what is there? There is nothing. Nothing can come from Maori and Pakeha parties being on separate sides of the room with our backs turned to each other. We are only able to move forward when we face each other and we engage with one another.
3. To make the initial connection with Pakeha was risky, however, Maori were up to taking those kinds of risks. We believed that Europeans (and the Crown) would see us as equals. We certainly did not believe that they would see us as an inferior people.
4. Some of our people travelled to Australia and saw the way that the Aboriginal people were treated. They began to worry that we would suffer the same fate. They worried that those discourses about racial inferiority that dominated during the 18<sup>th</sup> and 19<sup>th</sup> centuries were going to be turned against Maori. This did occur. These discourses were used to rationalise that Maori were only fit to be “the hewers of wood and the drawers of

water”<sup>1</sup> for the New Zealand nation, because we were racially “better calculated by nature to get their living from manual rather than mental labour”.<sup>2</sup> All of these ideas contributed to basing the provision of schooling for on manual skills. Boys would become farm hands and the girls would become wives and domestic servants. Despite Maori calls for academic schooling for their children, the Crown penalised any schools that provided an intellectual curriculum for Maori students, e.g. Te Aute College in the early 20<sup>th</sup> century.

5. Maori suffered through generations of being pigeonholed as a race not capable of anything beyond labouring. When you have generations of that kind of mentality being imposed and constantly reinforced, what happens is that it is reflected in society. There was no expectation for Maori to achieve within any academic or professional sphere in the Pakeha world.
6. The provision of schooling for Maori started in 1847 with the Mission schools. The Native school system followed in 1867. Native schools were English only with a limited curriculum. The overarching intent of these schools was to assimilate Maori, to mould Maori into their role in this new nation state that Pakeha were developing. Maori were to be the workers and the labourers and they were initially to stay in the rural areas. Maori were encouraged to move to the cities as the nation industrialised and our labouring work was needed in the cities. We were encouraged to go there and we also went there willingly. Through a range of mechanisms, Maori had been reduced to subsistence living on small marginal landholdings. Loss of land and resources meant loss of the Maori economic base – as a result we flocked to the cities by the mid-20<sup>th</sup> century.
7. It seems to me that poor education, the economic system, class, race and cultural loss are all tied in together. Operating together, these factors contribute to the position which Maori as a people are currently at.

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<sup>1</sup> Quoted in the House of Representatives, 1861. Source unknown.

<sup>2</sup> Henry Taylor, School Inspector, 1862.

8. A lot of people do not know this, but it was Ruatara who first invited Samuel Marsden to establish the first schooling in New Zealand. People are not aware that Western style school in New Zealand was actually a Maori initiative. They just think that Maori were hapless victims and that the missionaries piled in and imposed a system which Maori had to follow. That is not true as we were active in seeking the knowledge and skills available through schooling and we actively sought relationships with the outside world. We were interested in literacy, technology and other opportunities that the missionaries brought with them. But just because we did this, did not mean that we wanted to become European.
9. I think that our orientation to engage with the outside world probably contributed to our current position - this is not to blame ourselves but it is to say that in any engagement there is risk. Māori engagement with the British empire, which included their views of their own superiority and Maori inferiority was particularly risky. Yet I believe the Maori view is akin to: “nothing ventured nothing gained”. That was the Maori way of thinking about things.

*Attempts by Nellie Nathan to revitalise culture*

10. Rehutai Maihi, whose pen name was Nellie Nathan, was born into Whakapara to Te Paea Nehua (the daughter of Eru Nehua) and Te Tawaka Hohaia Nehua. Nellie Nathan was a compositor for the newspaper printer trade, editor and journalist for various Northland papers and a politician. She was also the editor of the “*Aotearoa*” Maori language news paper, the first Maori language paper not overseen by a church. Nellie Nathan was also a member of the Maori Women’s Institute and a staunch supporter of the Maori Women’s Welfare League. She was fluent in Te Reo and English and had very distinctive views on the education and Welfare of Maori.
11. In the 1900s Nellie Nathan began to realise that our culture was becoming lost. In June 1932, with permission from Whangarei Elders, Nellie Nathan launched a Maori language paper as a necessity to engage using Te Reo Maori me ona tikanga for the Maori population. She would always encourage ngaa matua (parents) to read *Aotearoa*, fearing that the language was in danger of being lost.

12. It was not until the Benton report on the condition of the Maori language 1973 – 1979, that there was evidence confirming that the language was in peril and that only 5% of the population were capable of fluently speaking Maori. Nellie Nathan was an advocate for Te Reo, she was a contemporary of Eru Nehua, his mokopuna, and she was one of the first people to notice that our culture would eventually fade into a distant memory if we did not take action.
13. It is interesting to note that after Nellie Nathan raised the issue that the language and the culture was fading, it took nearly another 70 years for people to click and realise what was going on. They knew way back in the 1800s but it did not come out until the late 1900s in technical evidence that our language was endangered.

*Te Reo Maori and the English language*

14. Maori wanted to learn English. It was a useful language and tool for engaging with the outside world.
15. Eru Nehua was one of our Tupuna who was excellent at English during the early times. He was the Chief around Puhipuhi and the surrounding areas so he had to be able to speak publicly and to speak with both Maori and Pakeha alike. One of the major reasons why people were looking for English was that they were constantly dealing with the demands of the State, its officials and land ownership system and engaging with a growing colonial infrastructure. They needed English to be able to deal with that.
16. Initially, Maori probably sought English to augment their own tino rangatiratanga, their sovereignty. But as our population declined, as Europeans became more and more dominant, Maori then sought English as a means to survive in the white world. They were forced into it out of necessity. Most did not understand that privileging English as a means to survival would inevitably be to the detriment of their own language and culture.
17. Tepora, in her previous brief of evidence, discussed her son as a case study of exactly this situation – the supplanting of the Maori language and

culture by dominant European ideals and the English language. Tepora has brought her son up, homeschooled, with a major focus on Te Reo and Te Ao Maori. However, it is a struggle for him to carry on speaking Maori because all those around him besides his parents speak and do everything in English. We will discuss our efforts in relation to our children's Maori identities later on in our evidence.

18. We had to learn Maori as adults. Following that, we then had to kill ourselves after work every day to speak Maori to and impart our culture to our children, as a second language in the hope that it could become as strong as their first language and identities with the support of kohanga reo. Unfortunately, once they reach a certain age they often lose their desire to carry on speaking Te Reo. This is because Te Reo is limited. There might be only a few people, your child's mother and father and maybe a couple of others, who speak Te Reo and are engaged with the Maori culture. The rest of the world they grow up in is patently English, so of course your child is going to want to engage with that and English will come to dominate even more. It is not because our children do not like Maori, but because their Maori is suffocated.
  
19. If your Maori-speaking community is tiny, then your skill in English is going to far exceed your skill in Maori. You may then lose the impetus to speak in Maori and revert to speaking in English. These consequences are circular and self-reinforcing. It is very hard to give children the ability to converse deeply to give them that extensive vocabulary and deep enough knowledge to be able to want to continue with Te Reo Maori. As a result of this, most of our tamariki will miss out on experiencing the culture of their tupuna, and will therefore sever their connection with those tupuna. If we do not change this cycle, then our culture will be lost forever.

*Suggestions for the revitalisation of Te Reo*

20. We need for there to be measures and strategies in place which foster the learning of Te Reo. For example, carvings and depictions are very important in our learning. They serve as representations of our tupuna and Atua and are the beings which we need to become familiar with, and if we had then at our disposal they would be used to supplement the

learning of Te Reo. Our marae would be a world in itself for the tamariki. They would be allowed to learn, on their own land and surrounded by their tupuna and Atua, by engaging with the important korero of their marae. Their identities as young Maori and their connection to their tangata would be nurtured in an environment coloured by Maoridom where the European world is subordinate.

21. You need language speaking context all around you – it is insufficient to engage once or twice a week. You need, several times a day, to be able to enter a language speaking context where everybody there is speaking Te Reo. It is very difficult to achieve because we are so highly integrated, and because we have intergenerational language breaks where Maori sometimes has not been spoken at all for two generations.
22. People often say to us well why don't you speak your language at home? That would be great if you had parents who spoke Te Reo with you. But unfortunately, in some cases, our parents might have been the ones who were hit hardest by anti-Maori sentiments and they may have no proficiency in Te Reo all together. It is said that once you break your language it takes seven generations to reclaim it to the level of that which is the dominant language. Seven generations is hundreds of years and people are tired. We are probably the first generation which has had a sustained effort at language revitalisation, and more and more people can speak Maori and things are improving. However, we are by no means out of the woods.
23. An example of how deeply set the negative views we have in relation to ourselves is what happens at our marae. At Whakapara, the people sometimes say to us "don't speak that language here" or "there they go again speaking that language so we don't understand them" and those of us who have some language are made to think that we are better. People who cannot speak have shame. There is a phrase "*colonisation of the mind*". It is the idea of the internalisation of negative views about yourself that have come through the dominant discourses around you. To an extent it is based on insecurity. Perhaps this is what has happened at our marae.

24. However, these days people are changing and this view is also. More Maori are identifying as Maori and want to be elders on their Marae, fulfil the roles and obligations required of them in their community and engage with their culture. Unfortunately, they might still be conflicted in the way that they lack the knowledge of their culture and Te Reo. Therefore, they might only be scratching the surface of Maoridom for a minute portion of their day or week. Practising Maoridom and knowledge of the culture and Reo need to occur hand-in-hand, otherwise they cannot flourish.
25. In 1975, 5% of the population could speak Maori fluently in Aotearoa. In the late 2000s this had increased to about 9%. However, when they say “fluently” I am not sure what that measure is exactly. In any case, that 4% increase has been because of lifetimes of effort – whole lifetimes dedicated for a couple of steps forward which could far more easily be reversed.
26. I remember one of the Aunties at the Marae the other week saying in response when members got up and recited a karakia in Maori, “what are you speaking that language for?” She said, something along the lines of, “You all speak that Maori language so we don’t understand”. I believe the only thing that can change these people are their grandchildren. If the opportunities are not there for these children then a change is not going to happen.
27. It is a very high stakes issue. Most people worry about who their children are going to marry, but to us it is a little bit different. I am constantly saying to my daughters that if you marry a non-Maori person or a person who does not speak te reo, then my entire life’s work and yours will be for nothing. This is because if they have children and do not have a Maori speaking partner or at the very least someone who is supportive, those children are going to struggle very hard in their family to speak Maori. It is one thing to be benignly supportive and it is another to be actively supportive and put that energy in.
28. The problem here is if we abide by those lines, then my children have a very small pool of potential partners and people that they can live their lives with in order to make sure that our culture survives. Of course the overall consideration is for your children to be happy, but there is also the

thought that you have spent your whole life working to preserve the Maori culture and pass that onto your children and they have been positive and committed also throughout their upbringing. It is such hard work that if you do not have a support system and network then it easily falls to the wayside and becomes all for nothing. I am sure that that is happening with lots of families across Aotearoa.

29. We have to keep reminding our children how tenuous the existence of the language is, because for them it was much more a normal part of their upbringing than it was with us. They value the language and they think that they have it and that will be fine, but that is not the case. The reality is that they will have to be part of the solution for the next generation and it is family by family, person by person. That is how it is going at the moment.

*Teaching Te Reo in schools*

30. We live in neoliberal times where the State does not want to tell people what to do. Take education for example. Schools are self-governing and the New Zealand curriculum is relatively vague. The State does not want to tell schools what to do and does not want to compel them to do certain things that are in the interests of social cohesion or social justice in our country. In a few cases, back when we were teenagers, a number of schools attempted to make Maori compulsory, however this was met by horrendous community uproar. The State currently says that Maori should be taught in primary schools to all New Zealanders - but how that teaching is delivered and the quality of that teaching varies amongst schools. It is at each school's discretion to determine how much of a priority Te Reo Maori is to them and how much resources they are going to devote to it. If a school has a very small Maori population or no Maori population, then they are not going to want to devote resources to Te Reo Maori.
31. Although the State requires schools to teach some Maori language and culture we still have schools that try to use the excuse that they do not have any Maori students, therefore there is no point in teaching Maori. The requirements are in accordance with the national education goals of our country. The Education Review Office ("ERO") is charged with

enforcing those goals and determining whether schools are meeting education goals. If schools are not, they will be told off for it. They might then do the minimum to meet ERO requirements but continue to undervalue the importance of te reo because it is not valued by their non-Maori school community. This represents the tension between self-governing schools and national educational goals for all.

32. Tepora has been running holiday programmes at the marae for 8 years now because she and her husband homeschooled their son to ensure that his dominant upbringing is in Maori. As her son was homeschooled, Tepora and her husband had to bring other children to him. However, their problem is that they want their son to associate with other Maori speaking children so that his willingness and ability to converse in Te Reo does not wane. Unfortunately, of all the kids from around the area who enrolled in the programme, only two spoke Te Reo Maori, one of which was a relative. Throughout the 8 years that we have done the programme there have been only a few children in total who spoke Te Reo Maori.
33. Tepora's struggle is a key issue that this faced by this generation's Maori parents who wish for their children to have a dominant Maori identity. On one hand she has homeschooled her son to give him a marae-based life and nurture his ability in Te Reo Maori, but actually she probably wants to drag him away from the children who attend the programme because they are undoing her hard work. Tepora wants to find people for her son to associate with who are of a similar age and able in Te Reo Maori, but she does not know where to find them because children like that are just so rare.
34. What we can determine from Tepora's story is that we need to be working with the schools that our children go to. It is a huge job to target schools and get people on the board to change policies, get those people on the board to make a commitment to fund more Maori language in the schools or to start a Maori language unit in the school if there is not one. I have done that at schools myself and it is a lifetime's worth of work. However, this should not be my obligation or Tepora's obligation. It is the State's. How can you have those objectives and goals for the revitalisation of Maori language and not actually understand the issue,

the problem and the difficulties? What needs to be done is to shift the racist New Zealand culture to a better appreciation of the Maori language. Why does this need to be done? Because governments are not going to support Maori initiatives or the Maori language if it is going to cost them an election.

*Perception of Maori from growing up in Whangarei*

35. When I was growing up in Whangarei in the 1970s and 1980s, to be Maori was to be on the margins - to be dirty, smelly, dumb and above all to be naughty.
36. I went to school in Whangarei. Being fair like I am, I could have identified as a Pakeha but I made a conscious decision early on that Maori was going to be my primary identity. Because I was not living in what would be regarded as a standard Maori home, I was an insider, who was also an outsider - able to observe from quite an early age what it looked like to be in this particular group.
37. When I got to High School the culture among the majority of Maori girls was pretty rough. There were 'gangs', violence and glue sniffing. School was like a prison, a compulsory holding pen where you had to stay until you were 15. 90% of Maori girls in that school left at the age of 15 or after School C or whenever they could.
38. When I was at primary school at Horahora, every year somebody would come to our class and ask us to stand up if we considered ourselves to be Maori. Some of the kids that would stay sitting down were the darkest Maori kids in the class. That kind of self denial is horrendous, awful and you can tell the kind of psychological conflict that these children were plagued with. I would stand up, though I was one of the most fair Maori at school, because I wanted that identity. Here are these patently Maori kids who can never escape that identity but want desperately to escape it because all it represents to them is something negative. It is the saddest thing. Year after year that was how it was.
39. Tepora has korero about her and her husband's experiences as teachers. She has explained that, at Kamo High School, the lack of Maori pupils in

the latest stages of schooling is alarming. They noticed by the time that students were Year 12 there were only 6 Maori out of 1,400 odd students. Amongst these students there are also a number of part-Maori kids but they do not identify as being Maori and would not even admit to it.

*The current status of Maori identity in New Zealand*

40. I remember going to visit my great Aunty and showing her photos that I had of her. In the photos she was holding her mouth in a very thin tight line. I understand that as colonisation affecting her right down to the way that she held her body. She said to me, look at me holding my mouth like that trying to look like a Pakeha. She wanted so much to be a Pakeha and she hated being Maori because everything about being Maori in her time was negative. Every message, every response, every societal reaction to that identity was negative. If that were the case, who would want to be Maori?
41. The renaissance from the 1970s onwards has created many more positive ways in which Maori can identify. My Aunties are aghast that it is now a positive thing or that it could be a positive thing to be Maori considering that they spent their whole lives trying to get away from it and expunge it from their lives. My family is like the “black sheep” family as we have taken on and embraced our Maoridom,. Yet now we have nieces who are blonde-haired and blue-eyed and coming to us, those who are in touch with our culture, because they want to know who they are as Maori.
42. These days there are so many more messages that young Maori people are getting that to be Maori is positive, there can be pride in it and that perspective has transformed so much within our lifetime. To think how things have changed since I was in Primary School in the late 1970s – things were very different back then.
43. However, the fact remains that even though Maori kids can experience many more positive feelings about their identities, they are still on the receiving end of racism and still experience stereotyping and racism on a daily basis.

*Damage and loss to our culture*

44. If we consider that it takes seven generations to restore a language then it is plain to see that the damage has already been done and that damage is substantial. It does not suffice to have ability in Te Reo, to be comfortable with one's Maori identity and to be proud of your moko when every other aspect of your life is westernised. If that is the case, then one's Maoridom is reduced to narrow scrapping together of parts of culture. It is hard thing to explain.
45. What we really need is to become a societal culture. That is to be more than just a group of people who have marae and speak a little bit of Maori on the side and do things culturally like a minority in their own little spaces. We need to go from that to being a societal culture which is a group or groups of people who can determine with a high degree of self-determination what their education systems will look like, what their economic activities will look like, what their social practices will be. While today we have more cultural influence in our lives and we do all of these things associated with being Maori they are done on the side after which we return to our 'normal' Pakeha-dominated lives.

*The concept of "relational autonomy"*

46. Relational autonomy is a concept that we are not currently talking about. We recognise that we have to be in some sort of relationship with government agencies, but what we want to do is have the capacity to look at things like education or any part of society and ask "what are the best mechanisms for Maori in relation to the operation of these sorts of activities". Sometimes we might want completely stand-alone systems and agencies. Other times they will be overlapping and interlocking with State agencies. However, we as Maori want the authority to be able to determine which type of system best suits the aspirations that we have and the avenues within which we want to grow.
47. Therefore, it is not a "them and us" thing, rather it is answering the question what is the best system to meet our needs and what are the ways in which we can achieve significant increases in Maori language speaking in our communities? What are we going to need to do to

achieve that? Of course it is going to have to eventually come to compulsory Maori speaking in our schools and our country because it is about shifting that paradigm, shifting racist attitudes and getting non-Maori on board with the value of the Maori language. In addition to that, we will still need to have significant resourcing in Maori communities, schools and other settings in order to grow that.

48. We understand that relationships are important and this is the way that we operated in the past. It is actually linked to our concept of whanaungatanga. For example, if an inland tribe wanted to gather kai moana (seafood) they could not just storm across to the coast and gather that food, they had to manage their relationships with the coastal tribes or hapu. There has always been that societal reliance and relationship model and that is held in our language. We demonstrate this all the time when people come onto the marae through powhiri.
49. People are always looking for that whakapapa that joins us all together. That is the importance of our reo to our people, but some people do not understand that as it has been taken from them. It is only once they get back into that reo-based community and understanding that their autonomy can grow and successful engagement with other groups happen.

*Carving and Ta Moko as symbols of cultural revitalisation*

50. At present we believe that the Maori culture is being revitalised. The current generation is the first to come out with degrees in carving from Te Wananga o Aotearoa. Our aim is to dress all the whare in the North with carvings in line with our korero that Maori culture is best learned through a fully immersive and experienced based system. Dressing our marae with carvings is currently taking a long time and we think that it will be a long while before we achieve our goals, but we hope that it will carry on through the next generation and the generation after that. It is a key step towards providing the correct setting in which our people can return to learn their identities.
51. Previously I spoke about my Aunty and how she pursed her lips to look like a Pakeha. Tepora remembers that her father's sisters were the same

in the sense that they would do everything they could to be less Maori and more Pakeha. They refused to eat hangi. They would eat chicken if it was cooked in the oven, but they would not eat it if it was cooked in the hangi pit. They would say things like, no I do not eat that Maori food. However, these days, people are becoming more and more comfortable with being Maori and wearing their culture. Many Maori, like Tepora, are starting to get ta moko as part of their search for their identities. They they want to make it normal to have that kind of look and have that representation of their culture the way that their tupuna proudly wore in their days.

52. More and more professional people are beginning to wear ta moko. When Tepora went to get hers done, she told her boss about it. All he asked was “what’s that?” Tepora explained to her boss that she would be coming into work next Monday with a ta moko on her face and he said something like, “oh cool” and let her carry on. Tepora told her boss because she felt that she needed to in case this was something she would do and come back only to find out that it was deemed inappropriate and get the sack.
53. The fact that Tepora thought that way is a problem in itself and it shows how much our cultural norms struggle to fit in with society. After Tepora arrived at school with her ta moko, the next week, many of the men came in wearing short sleeves showing the moko on their arms with depictions of their whanau and their marae. These men already had their moko but shared the same concerns that Tepora had and it took her coming in with her ta moko to prove that representations of our culture on our bodies were OK.
54. There is a distinction between our markings of cultural significance and a tattoo, yet for the longest time they have been lumped together, frowned upon and not allowed to be shown when working in some professions. My husband got his full face moko after I got mine and I asked him why he waited till after I did mine to do his. He said that he did not want to be associated with any gang. That was the kind of thing our full face moko was associated with back in the day. However, gradually this is changing and I think it is becoming more and more acceptable to have ta moko in our society.

*Police dogs on the marae*

55. Tikanga practices that are practised daily at the marae have been passed down from generation to generation. These are positive engagement processes that are used to forge relationships. One such kaupapa was used earlier today when the Te Taitokerau Police and their new dog handling team visited the marae and engaged in a tikanga and pōwhiri process so that they could enter into Te Taitokerau. During the pōwhiri the taumata spoke of Paddy Whiu, an advocate for Maori engagement, and how he dreamed of such relationships yet never lived to see it come to fruition. The taumata also spoke of whakapapa and of the Ngati Hau Tupuna, Kahukuri – ancestor that wore a dog skin cloak, and how Māori treasure their kuri (dog) as a kaitiaki (guardian). All present felt how it was very appropriate for this kaupapa to be held at Whakapara Marae. This brought that relationship much closer to home for both parties.

*Evaluation of Waitangi Tribunal Hearings*

56. I have recently released a paper on the topic of the Waitangi Tribunal hearings. In that paper, I discussed the idea that Maori through all of the practices available to them, try to bring every energy that they know, every emotion and any force to bear on their engaging with the Crown. This is all done to enable or attempt to achieve a shift. It is not just logic, it is not just making arguments, but it is using the opportunity of being face-to-face with a Crown representative in a Maori space - having them come to the marae, often in a rural area. What is dominating in that space are Maori ways of thinking and doing. In that situation, Maori throw everything they have into engaging with the Crown. The swearing, the crying, the karanga, the mihi, the waiata, the haka, everything especially whakapapa (relationship) - If there is a relationship through the wood used to build the whare the taumata would use that history.
57. The hearing is a critical opportunity to talk across the table to the people who are representing the Crown. I do not think that Waitangi Tribunal reports would be anywhere near as good as they are if there weren't these moments of face-to-face engagement. But we kind of overlook the transformative potential of those engagements. Instances like these as well as the one we previously discussed with the Police at the marae

can't necessarily be directly connected to some big outcome but it is still shaping and forming and shifting outcomes nonetheless.

*The problems with Treaty settlements*

58. Imagine if Treaty settlements were not about each individual getting a thousand dollars for the price of their rangatiratanga, because if you divided up the settlement money and apportioned it amongst the individuals of Ngapuhi, that is what it would amount to. Imagine if instead, settlements were about providing Maori with the capacity to build local and regional economies where our people could actually have real jobs and real livelihoods in their own environments, if they chose them. If we are talking about the restoration of what we had before (and I am not saying we need to live in the past) that is a high level of autonomy over our own social and economic realities through the development of systems, structures and organisations, then that is what we want out of settlements.
59. Obviously, achieving that goal is easier said than done and will take a lot of time. However, at present the parameters of settlement are ridiculous. Who cares about a few million dollars? That is not what we want. What we want is a commitment from the State to keep engaging with us, to keep listening to us and to keep working with us to build those realities into the future and those are going to be the realities which are going to be sustainable into a future of horrendous climate change and global warming. If you do not have local communities who are developing economically sustainable practices, economies and so on, then we will not survive. The fact of the matter is the State does not care about any of this, they just want to pay us off, keep an eye on us and make sure that we are doing all of these capitalist activities which are in line with their paradigm .
60. In any case, I do not know how the Crown can justify the paltry sums being offered in respect of settlements. We know that there is not a huge amount of money, but there is certainly more money than what is being offered in these settlements. How can the government justify a \$500 million bail out for AMI insurers and offer us comparatively nothing in our settlements? How does it make sense to bail them out, yet leave a whole

tribal nation of people collectively half that amount and complain about it while doing so?

61. In the 1990s we were protesting against the very thing that we are engaging with now - the full and final settlements issue. These settlements are going to be "full and final" as if to say the Crown is going to be done with Maori and their issues in a way. We do not want to be wards of the State. What we want and are talking about is partnership. We are talking about power sharing and a relational form of autonomy, as no one exists in isolation. Whanau, marae and hapu cannot exist in isolation from non-Maori or the Crown or any of the agencies that are part of our world.

*What would good partnership look like?*

62. We need to see a commitment to an ongoing and holistic and sustainable development of whanau, communities and hapu. We do not want for there to be full and final settlements, we want for there to be a relationship between us and the Crown ongoing in order to build the capacity of the Maori partner in the relationship. Maori need to be resourced on an ongoing basis as they certainly do not have the resources themselves and will not gain the resources from the paltry settlements the Crown is offering.
63. Within this kind of partnership, we want the Crown to let us determine the kinds of systems, infrastructure and social activities that we need to build our autonomy and to grow a healthy tribe. It is all good and well to think about this in theory but currently if I wanted to implement a programme, for example, then I would have to find the government agency with interest in funding that initiative, then I would have to define my idea within a pre-existing policy direction of that agency and I would have to deliver on what that agency wanted in order to fulfill its criteria and tick its boxes. That does not help us. We need an open-ended support and partnership approach with the state so we can be responsive across our domains
64. We need to work together with the Crown to facilitate a partnership model that carefully takes into account the issues in Maori communities and is

based on a holistic approach. Take the problem of unemployed Maori in remote areas, for example. It is a huge social problem, and to address that, the Crown might uplift those individuals from their home and place them somewhere where they are “available” for employment. This is not a holistic approach. The named claimant for the Wai 246 claim, Te Raa Nehua is a living example of just this. He has very little paid employment. However, if he were uplifted from his area and planted somewhere else to make him “available” for work, then that would remove a huge community benefit to Te Raa’s marae and his people as for the last 20 years, Te Raa has dedicated his life to managing and running the marae.

65. A further example of a responsible partnership might be the facilitation of Maori participation in the economy through supporting local endeavors. Perhaps the state could work to provide more incentive for providers of goods and services to buy and stock local items. Another may be for the state to determine how fishing activity as part of the local iwi fishing quota might be supported to keep the product local. These are examples of the value of potentially untapped local economies that would hugely benefit Maori.
66. This system of redress should not simply be seen as Maori with their hands out, it should be representing ongoing positive opportunities for Maori. As I have mentioned, we need to substantiate, as much as possible, the idea of partnership otherwise it is nothing but rhetoric.
67. Self governance is an important idea, but hapu cannot be fully self determining. What is more realistic is to provide Maori with a high level of authority with other key agencies, whether it be with Local Government, Councils, or other Crown agencies. In addition, Maori need to be provided with the ability to make their own decisions over hapu affairs, where appropriate. If this can happen anywhere, it can happen with Ngapuhi.

*Redress should be flexible*

68. The state has to have a fresh approach when dealing with hapu and iwi. It cannot continue to channel everyone through a one-size-fits-all approach. There is one set of laws for everyone and that is the way it is.

However, this approach is flawed as the truth is that it does not work well for everyone. Maori are a blatant example of that. If it does not work for everyone then you can change it. Just because you do things differently for different groups, it does not make things unfair. It may not be equal but it is equitable and people struggle to understand the difference between these two concepts.

69. Along these lines, where there is policy or legislation implemented which does not work for Maori, the government needs to seriously consider alternate solutions. Eddie Durie said that sometimes one set of laws works and all that may be needed is tinkering or a liberal interpretation, however, sometimes you might need separate policies. I believe that we are integrated with wider society to the extent that we do not need wholly separate policies. However, I think the better approach is for the government to make a commitment to identifying any law or policy which may be a barrier to Maori as a societal culture and reviewing them. A responsible partner would be looking at open processes of review rather than imposing a rigid one-size-fits-all system and waiting for decisions to be taken to the courts or Tribunal.
70. Given the Waitangi Tribunal's finding that Ngapuhi did not cede sovereignty, surely they are open to a different type of relationship with us Maori, where we can have high level, full conversations together. We do not want something where they just give us x, y and z and then tell us to go and sort ourselves out. We do not want them telling us that they have paid us a "full and final" settlement and now we come under the state. We should be having conversations in the North, given the Waitangi Tribunal findings, about what we can now do in terms of relationships with the district, city and regional councils. We should be thinking about what relationships we can have and what will, if possible, co-governance look like. What are the mechanisms, systems and structures by which our sovereignty is going to be expressed in Ngapuhi, given the recommendations of the Tribunal.

*Retaining our culture is critical*

71. Above all, the overarching goal is to retain our culture. I believe that there are two key foundational aspects to addressing this issue. First, there is

a huge amount of anti-Maori racism in this country which is deep set within the citizenry. Before Maori even have a chance, you have got to turn that tide. That means anti-Maori racism needs to be challenged at every level and we need to build a citizenry who believes that the Maori language is important, meaningful and unique not just for Maori but for everybody. At present, most Pakeha believe that Maori is a dumb language with no use in the world. You have to attack that view and change it and only then, once that view has been obliterated, might the state be able to successfully intervene and say that Maori language is compulsory for all New Zealanders from a certain age. This second aspect is the involvement of a willing state. Together, we have an informed nation with a positive view towards Maori, and a state, backed by a citizenry, willing to implement policies for the promotion and preservation of the Maori culture.

72. Once that foundation has been set, only then would you get Maori language communities. You might have Pakeha who are interested in joining these Maori language communities. It is only then that you can truly move towards bilingualism. If you are able to achieve these initiatives, then the Maori language will survive and thrive. If not we will struggle and the only people who will have the Maori language will be the most privileged among us, such as those of us who have had education and have been able to see the value of Te Reo and go out and get it.
73. In addition, we need every agency which we deal with to engage with Maori. The Ministry of Education, the Education Review Office, Creative Northland, whoever. Any agency that is operating here. We should be working towards co-government models or some models that reserves this idea of relational autonomy. That is our ultimate goal.



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