

**BEFORE THE WAITANGI TRIBUNAL
TE RŌPŪ WHAKAMANA I TE TIRITI O WAITANGI**

IN THE MATTER of the Treaty of Waitangi Act 1975

AND

IN THE MATTER of a claim called the Te Wānanga o Raukawa Whakatapu Mātauranga Claim by **WHATARANGI WINIATA**, Purutanga Mauri, Te Wānanga o Raukawa, **ROBIN HAPI**, Amokapua, Te Wānanga o Raukawa, **MEREANA SELBY**, Tumuaki, Te Wānanga o Raukawa, **ANI MIKAERE**, Kaihautū, Te Wānanga o Raukawa on behalf of the individual members, hapū and iwi of Te Āti Awa, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira as the founding iwi of Te Wānanga o Raukawa, and on behalf of Māori in general

SECOND AFFIDAVIT OF WHATARANGI WINIATA

SWORN 14 DECEMBER 2017

RECEIVED

Waitangi Tribunal

22 Dec 2017

Ministry of Justice
WELLINGTON

KAHUI
LEGAL

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WELLINGTON

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I, WHATARANGI WINIATA, Purutanga Mauri, of Ōtaki swear:

1. My name is Whatarangi Winiata. My iwi is Ngāti Raukawa.
2. I am a Purutanga Mauri and former Tumuaki of Te Wānanga o Raukawa. I am a representative of my hapū, Ngāti Pareraukawa, on the Raukawa Marae Trustees.
3. The Raukawa Marae Trustees is the body that established Te Wānanga o Raukawa on behalf of the Confederation of Te Āti Awa, Ngāti Raukawa and Ngāti Toa Rangatira. It is also the body that the Wānanga seeks advice from on major issues.
4. I am a former Professor of Accounting at Victoria University of Wellington. I have an undergraduate qualification from Victoria University of Wellington and graduate qualifications from the University of Michigan, USA.

Te Tiriti o Waitangi and the Survival of Māori as a People

5. Te Tiriti o Waitangi, signed in 1840, granted kāwanatanga to the Crown and affirmed the tino rangatiratanga of iwi. Articles 1 and 2 were, in effect, affirmations that these two distinct spheres of authority would coexist in an arrangement of interdependence.
6. Exercising tino rangatiratanga over taonga tuku iho is an inherited responsibility. This obligation is discharged by each generation of Māori behaving according to kaupapa and tikanga tuku iho, inherited values and practices, thereby ensuring their survival as a people.
7. Articles 1 and 2 contemplated that kāwanatanga and tino rangatiratanga would coexist, each affirming the other. Not long after signing Te Tiriti, however, the Crown began to exercise kāwanatanga to undermine tino rangatiratanga. Every time kāwanatanga has denied tino rangatiratanga, the prospect of Māori survival has been diminished.
8. Despite the passage of almost 200 years, appropriate mechanisms have not been applied to reconcile kāwanatanga with tino rangatiratanga. It is unacceptable that the Crown continues to exceed the limits of kāwanatanga. Because of this, Māori are aware that our survival as a people is not guaranteed.
9. This awareness is not about toto Māori. That was the concern when the number of Māori dropped sharply to 42,000 in 1892. At this time there are more people of Māori ancestry than ever before, irrespective of how small the toto Māori may be. Currently

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the Māori population living in New Zealand is 723,500. In just under 10 years, by 2025, these numbers are predicted to increase upwards of 910,000; and by 2038 our population is predicted to continue to grow upwards of 1,160,00.¹

10. Instead, survival of Māori as a people is about a substantial number of people of Māori ancestry living according to kaupapa and tikanga tuku iho that are distinctive in the global cultural mosaic. Survival is assured by the exercise of tino rangatiratanga over taonga tuku iho.

The Denial of Tino Rangatiratanga by Kāwanatanga

11. Crown action to deny tino rangatiratanga and diminish the prospects of Māori survival, was justified by an extinction theory that contended that Māori would not survive colonisation.
12. Dr Isaac Featherston expressed this theory when he asserted, in 1856, that it was the duty of Pākehā to “smooth . . . [the] dying pillow of Māori”². Similarly, in 1881, the scientist Alfred Newman claimed that extinction would naturally occur as Māori became “supplanted by a superior race.”³
13. This theory was expanded into Crown education policy and first implemented by the Education Ordinance 1847 and the Native Schools Acts 1858 and 1867. Its purpose was the extinction of te reo me ōna tikanga, me ōna mātauranga. School curricula for Māori were strictly monolingual and monocultural.
14. In 1862, a school inspector, Hugh Carleton, described education policy as “aiming at a double object, the civilisation of the race and the quietening of the country.”⁴ He asserted that “things had now come to pass that it was necessary either to exterminate the Natives or to civilise them.”
15. School curricula for Māori were also restricted to manual labour subjects. In the 1880s, the headmaster of Te Aute College, John Thornton, subverted this curriculum by tutoring his students for matriculation. This produced the first wave of Māori university graduates in the 1890s, including Apirana Ngata, Te Rangihīroa Peter Buck, Māui Pōmare and others.

1 Statistics NZ (2017). National ethnic population projections: 2013(base)–2038.

2 Quoted in Te Rangihīroa Peter Buck, ‘The passing of the Māori.’ *Transactions and Proceedings of the Royal Society of New Zealand*, 55 (1924), p. 362.

3 Alfred K. Newman, ‘A study of the causes leading to the extinction of the Māori.’ *Transactions and Proceedings of the Royal Society of New Zealand*, 14 (1881), p. 477.

4 Waitangi Tribunal (1999). *The Wānanga Capital Establishment Report: Wai 718*, p. 6.



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16. In response, the Crown curtailed its financial scholarships to the College and set up a Commission of Inquiry. Thornton's successor eventually capitulated to the Commission's demands for Te Aute College to abandon its academic curriculum.⁵ In his 1906 report, the Inspector General of Education, George Hobden, reaffirmed that a school curriculum based on manual labour and domestic training was necessary to make Māori recognise "the dignity of manual labour".⁶
17. In the 1930s, the monocultural nature of school curricula for Māori was questioned by Apirana Ngata. As a result, the Department of Education permitted the following token elements of Māori culture to be included: "myths and legends", arts, crafts and music. However, education policy continued to be strictly monolingual and advance assimilation into the 1950s, and then 'integration' in the 1960s influenced by the Hunn report.⁷
18. In 1840, the tino rangatiratanga of iwi was intact. An inherited responsibility, it is discharged by each generation living according to kaupapa and tikanga tuku iho. By 1975, however, tino rangatiratanga had been eroded by kāwanatanga to the point where the survival of Māori as a people could not be assured.

Whakatupu Mātauranga Activity

19. By 1975, the Confederation of Te Āti Awa, Ngāti Raukawa and Ngāti Toa Rangitira—known as the ART Confederation—found itself separated from the sources of its survival as a people: the taonga tuku iho of te reo me ōna tikanga, me ōna mātauranga. Refusing to become completely severed from them, it launched a 25-year iwi development plan called Whakatupuranga Rua Mano—Generation 2000.
20. The activity prescribed by Whakatupuranga Rua Mano sought to reverse a recent history that had brought the ART Confederation to the verge of extinction as a people. This recovery activity was, and still is, no easy task.
21. The Confederation's connection to its sources of survival was severed to the point where the remnants of our taonga tuku iho were almost lost from this world. They were disappearing with the passing of each generation.
22. At the time, no one under the age of 30 years old was able to speak te reo; all but one of our marae were in disrepair and in decline; our people were doing about half

5 Waitangi Tribunal (1999), p. 7.

6 Waitangi Tribunal (1999), p. 7.

7 Waitangi Tribunal (1999), p. 8.

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as well as the rest of the population in education; and the Confederation, as a group, exercised little influence over its affairs and future.

23. The Waitangi Tribunal described the events that led to this state of affairs in the following way:

[M]ātauranga was systematically dismissed and erased by the English-derived education system as being worthless. This was seen by Pākehā as being a natural process of 'civilising' Māori, a clear example of ethnocentric thinking which concerned the assimilation of Māori into the European way of life. . . .

Past legislative actions of the Crown have effectively resulted in a raupatu over [te reo me ōna] mātauranga. It cannot be denied that this process has resulted in tragic damage to Māori society⁸

24. Whakatupuranga Rua Mano adopted the following guiding principles to move the ART Confederation away from extinction, towards survival as a people:

- (a) The people are our wealth: develop and retain.
- (b) Te reo is a taonga: revive.
- (c) The marae is our principal home: maintain and respect.
- (d) Self-determination.

25. The Confederation established Te Wānanga o Raukawa in 1981, to exercise tino rangatiratanga over its taonga tuku iho; and restore te reo and mātauranga, directly to whānau, hapū and iwi. The Waitangi Tribunal described this taonga tuku iho tertiary model in the following way:

As a verb, 'to wānanga' is to make use of mātauranga in all its forms in order to teach and learn. It is clear that te reo and mātauranga are taonga. Wānanga is given life by these taonga, and in the reciprocal nature of the Māori world, wānanga also serves to give life to te reo and mātauranga. Each is dependent on the others to nurture, sustain and develop. . . .

⁸ Waitangi Tribunal (1999), pp. 47–48.

*Wānanga as a system of learning and a repository of mātauranga, is a taonga in its own right, but does not exist in isolation from te reo and mātauranga.*⁹

26. The aspiration for Te Wānanga o Raukawa is to maximise our contribution to the mātauranga continuum for the survival of the Confederation, and Māori, as a people. This is expressed by the survival statement:

E kore au e ngaro
He kākano i ruia mai i Rangiatea

I will never be lost
I am a descendant of Rangiatea

27. The activity of Te Wānanga o Raukawa falls within the three broad areas of: akoranga, whakatupu mātauranga and whakahaere. Collectively we describe this activity as whakatupu mātauranga activity undertaken as an expression of kaupapa tuku iho, in order to maximise our contribution to the mātauranga continuum.
28. Successful completion of the curriculum, whatever the Wānanga qualification, means that every graduate is more able to live according to kaupapa tuku iho than at the time of their admission.
29. Te Reo studies and Iwi and Hapū studies are compulsory. They comprise 50 percent of the content of all undergraduate and graduate degree programmes. Kaupapa and tikanga tuku iho determine the curriculum of elective studies; and the management of Te Wānanga o Raukawa is kaupapa and tikanga-driven.
30. The Waitangi Tribunal described the vital role of whakatupu mātauranga activity in the tertiary landscape in this way:

*Wānanga is essentially a process of education [that] places primary significance on te reo and mātauranga. Despite Māori initiatives to halt the decline of te reo, the language is still in a perilous state. . . . Other [tertiary institutes may] have Māori Studies Departments, but te reo and mātauranga are not central tenets of universities and polytechnics in the way they are to wānanga. . . . In this regard, wānanga are unique.*¹⁰

9 Waitangi Tribunal (1999), p. 48.

10 Waitangi Tribunal (1999), p. 49.

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31. The Crown has recognised in legislation the distinctiveness of the activity of whakatupu mātauranga in section 162(4)(b)(iv) of the Education Amendment Act 1990, which says:

A wānanga is characterised by teaching and research that maintains, advances and disseminates knowledge, develops intellectual independence, and assists the application of knowledge regarding āhuatanga Māori (Māori tradition) according to tikanga Māori (Māori custom).

32. Te Wānanga o Raukawa does not regard the maintenance, advancement and dissemination of āhuatanga Māori according to tikanga Māori, as ends in themselves. They are opportunities for the expression of kaupapa tuku iho, with the end in mind being the survival of the ART Confederation, and Māori, as a people.

Kaupapa and Tikanga Tuku Iho

33. Since its inception, Te Wānanga o Raukawa has continued to develop and refine our whakatupu mātauranga activity. In 2003, we turned our attention to applying kaupapa and tikanga tuku iho to describe this activity. The Wānanga had always been a kaupapa and tikanga tuku iho organisation, as expressed by our name, pepeha and purpose.
34. Ngā Kaihautū, our senior management, met at a special hui to identify and describe how kaupapa and tikanga tuku iho are expressed by the whakatupu mātauranga activity of each whare or department. This thinking was developed into the kaupapa-tikanga framework. The framework places the expression of kaupapa and tikanga tuku iho as the core purpose in the pursuit of excellence in our whakatupu mātauranga activity.
35. The kaupapa-tikanga framework has two elements: one is a set of kaupapa tuku iho, or ancestral values, that are core elements of the Māori view of the world. The other is a collection of tikanga tuku iho that are correct or right ways to give expression to kaupapa tuku iho. Implicit in kaupapa and tikanga tuku iho is the role of practitioners with the requisite expertise to apply them.
36. The following kaupapa tuku iho were adopted in the kaupapa-tikanga framework to guide the whakatupu mātauranga activity of the Wānanga:

- Te Reo;

- Whakapapa;
- Ūkaipōtanga;
- Whanaungatanga;
- Kaitiakitanga;
- Manaakitanga;
- Wairuatanga;
- Pūkengatanga;
- Kotahitanga; and
- Rangatiratanga.

37. An initial kaupapa-tikanga framework was included in our *2003 Charter* as our organisational performance and progress criteria.¹¹ It was then developed into a *Statement of Service Performance* for our *Interim Profile 2004–2006*,¹² our *Profile 2006–2008*¹³ and our *Profile 2008–2010*.¹⁴

38. It was further refined into the *Kaupapa and Tikanga Performance of Te Wānanga o Raukawa* (formerly known as the *Statement of Service Performance*) and included in our *Profile 2009–2011 (Investment Plan)*,¹⁵ our *Profile 2011–2013*,¹⁶ *Hei Whakamaunga Atu 2015–2016*¹⁷ and *Hei Whakamaunga Atu 2017–2018*.¹⁸ For 14 years, we have applied the kaupapa-tikanga framework to describe and assess our core purpose, performance and progress.

39. The kaupapa-tikanga framework is applied in the assessment of our activity by the Tertiary Education Commission, Audit NZ and the NZ Qualifications Authority (**Qualifications Authority**). A separate space has also been created by the Qualifications Authority on its new framework to recognise the kaupapa and tikanga

11 Main Document Bank at Tab 1 (*Charter 2003* (Te Wānanga o Raukawa, 29 September 2003)).

12 Main Document Bank at Tab 2 (*Interim Profile 2004–2006* (Te Wānanga o Raukawa)).

13 Main Document Bank at Tab 3 (*Profile 2006–2008* (Te Wānanga o Raukawa)).

14 Main Document Bank at Tab 4 (*Profile 2008–2010 (Investment Plan)* (Te Wānanga o Raukawa, 8 November 2007)).

15 Main Document Bank at Tab 5 (*Profile 2009–2011 (Investment Plan)* (Te Wānanga o Raukawa, 30 September 2008)).

16 Main Document Bank at Tab 6 (*Profile 2011–2013 Investment Plan* (Te Wānanga o Raukawa)).

17 Main Document Bank at Tab 7 (*Hei Whakamaunga Atu 2015–2016* (Te Wānanga o Raukawa)).

18 Main Document Bank at Tab 8 (*Hei Whakamaunga Atu 2017–2018* (Te Wānanga o Raukawa)).

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tuku iho expressed by Te Wānanga o Raukawa and other mātauranga qualifications.¹⁹

40. In each of the four cases above, the adoption of kaupapa and tikanga tuku iho was agreed to after lengthy and protracted discussions. In each case, Te Wānanga o Raukawa rejected the external models of assessment that were being proposed. By excluding kaupapa and tikanga tuku iho, they could not assess our whakatupu mātauranga activity in terms of its contribution to the survival of Māori as a people. More suitable mechanisms and procedures had to be applied.
41. For example, in 2004, the Qualifications Authority approached Te Wānanga o Raukawa about undertaking a quality audit. The Wānanga's response was welcoming on the understanding that it would be consistent with Article 2 of Te Tiriti o Waitangi and conducted within kaupapa and tikanga tuku iho.
42. Documentation, including a two-part statement entitled *The Iwi Presence and Governance and Management at Te Wānanga o Raukawa* that included discussion on kaupapa and tikanga tuku iho, was presented as the starting point for the Qualifications Authority's panel to work with.²⁰ We deemed their audit manuals to be unsuitable given that they excluded kaupapa tuku iho.
43. The initial panel rejected our advice that Article 2 required that their audit of our quality systems be done against kaupapa and tikanga tuku iho. After eighteen months of prolonged discussions, the Qualifications Authority agreed to bring in three people of Māori ancestry, with the appropriate level of knowledge in te reo and mātauranga, to spend four days on site to undertake the audit. Those three people were Ranginui Walker, Patu Hōhepa and Poia Rewi.
44. The same documentation was presented to the new panel; and contributions were received from students and staff. The panel found that kaupapa and tikanga tuku iho are clearly enunciated in the Wānanga's documentation, and deeply embodied in the experience of students, staff, management and governance.
45. The panel complimented the Wānanga on our kaupapa-tikanga framework, finding it to be a source of innovation based on the Māori view of the world. The panel also acknowledged it as an aspirational, strategic and operational framework.

19 Main Document Bank at Tab 9 (*Te Hono o Te Kahurangi: Mātauranga Māori Evaluative Quality Assurance (Programmes of Study (NZQA))*).

20 Main Document Bank at Tab 10 (*The Iwi Presence and Governance and Management at Te Wānanga o Raukawa* (Te Wānanga o Raukawa, September 2003, Part One & Part Two)).

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46. Two years later the process was repeated and a second report was prepared and released on 5 July 2008. Although the first audit was a bit tentative, the second was completed with relative ease.

Reconciling Kāwanatanga with Tino Rangatiratanga

47. In October 2003, Te Wānanga o Raukawa wrote to the Tertiary Education Commission declining to participate in the Performance Based Research Fund. This paper is **attached** and marked "WW2-1".
48. The reason, simply put, was that the Wānanga could not find any assurances in the purpose and procedures of the Performance Based Research Fund (designed to increase the scholarly output of the Nation's tertiary education academic staff), that linked this imported model to the survival of Māori as a people.
49. The Wānanga could not see how participation in the Fund would assist with the fulfilment of the pepeha: E kore au e ngaro, he kākano i ruia mai i Rangiātea, a promise inherited from tūpuna Māori. As explained earlier in my affidavit, survival of Māori as a people will be happening when an increasing number are living according to kaupapa tuku iho.
50. If the application of the Performance Based Research Fund had been expected to be neutral with respect to the survival of Māori as a people, the Wānanga might have been accepting of it. Close examination of the model revealed that, instead, its design is damaging to the prospects of our survival as Māori.
51. Kaupapa tuku iho are denied by the Performance Based Research Fund, the most important being the denial of rangatiratanga. By promoting individualism, the Fund denies, amongst others, the kaupapa tuku iho of whakapapa, kaitiakitanga and manaakitanga. The prospect of this is wholly unacceptable.
52. The Tertiary Education Commission replied to the concerns raised by Te Wānanga o Raukawa two years later, in 2005, by acknowledging that the Performance Based Research Fund excludes whakatupu mātauranga activity. This letter is **attached** and marked "WW2-2".
53. In 2005, the Commission wrote to the Wānanga again, this time proposing to align our whakatupu mātauranga activity with the Performance Based Research Fund. This letter is **attached** and marked "WW2-3". Te Wānanga o Raukawa replied that this proposal was unacceptable.

SWORN at *Otaki* this)
14th day of *December* 2017)
before me:)

E. Jacob.

E.J.A. Jacob, JP
#12024
LEVIN
Justice of the Peace for New Zealand

Whatarangi Winiata

Whatarangi Winiata

~~_____
A Solicitor of the High Court of New Zealand~~

54. Te Wānanga o Raukawa wrote to the Ministry of Education in 2013 proposing an alternative to the Performance Based Research Fund, given the significantly prejudicial impacts of the Fund to our whakatupu mātauranga activity. This paper is **attached** and marked “WW2-4”. The Ministry of Education responded that it wanted to continue discussions to bring our whakatupu mātauranga activity within the Performance Based Research Fund.
55. Close examination of other tertiary reforms since 2003, and Crown science and innovation policy, reveals that they are also aligned to the extinction, rather than survival of the Confederation and Māori as a people. These policies also exclude kaupapa and tikanga tuku iho, and in doing so, deny tino rangatiratanga and our future survival as Māori.
56. The development of kaupapa and tikanga tuku iho policies to support whakatupu mātauranga activity, and the establishment by Māori of a body to oversee their implementation, could bring about a profound reconciliation of kāwanatanga with tino rangatiratanga.
57. Kaupapa and tikanga tuku iho are already applied in some of our arrangements with the Crown. They are suitable mechanisms to facilitate equity in the allocation of funding to support whakatupu mātauranga activity; that is, activity that is identifiably Māori, with identifiably Māori goals, undertaken to assure the survival of Māori as a people.
58. The ART Confederation and Te Wānanga o Raukawa have consistently promoted constitutional change as essential to the survival of Māori as a people. Applying kaupapa tuku iho in order for the Crown to properly support tino rangatiratanga and whakatupu mātauranga activity, will also move us closer towards this wider, fundamental objective.

SECOND AFFIDAVIT OF WHATARANGI WINIATA

INDEX TO EXHIBITS

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WW2-1	<i>Te Wānanga o Raukawa: The Prejudicial Effects of the Performance Based research Fund</i> (Whatarangi Winiata, Te Wānanga o Raukawa, 6 October 2003)	1-6
WW2-2	Letter from Janice Shiner (Chief Executive, Tertiary Education Commission) to Whatarangi Winiata (Tumuaki, Te Wānanga o Raukawa) dated 14 September 2005	7
WW2-3	Letter from Craig Workman (Principal Advisor Māori, Tertiary Education Commission) to Whatarangi Winiata (Tumuaki, Te Wānanga o Raukawa) dated 2 November 2005	8-10
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TE WĀNANGA O RAUKAWA

The Prejudicial Effects of the Performance Based Research Fund

1.0 Introduction

The Tertiary Education Commission has designed arrangements to encourage research through a mechanism entitled the Performance Based Research Fund (PBRF). The strategic intent of the Commission is laudable; its choice of evidence of research on which research funding is made available is problematic.

This note sets out concerns about the unfairness on Te Wānanga o Raukawa of the PBRF. While the Wānanga agrees with the intentions of the Commission, it is the view of the Wānanga that its participation in the PBRF would be prejudicial to the interests of Te Wānanga o Raukawa and of its community.

Te Wānanga o Raukawa holds that

- a) research is essential to informing what happens in the classroom;
- b) teaching and research are opportunities to pursue taonga, kaupapa and tikanga tuku iho that characterise us as Māori; and,
- c) the effective pursuit of these taonga, kaupapa and tikanga is essential to the long term survival of Māori as a people, Te kākano i ruia mai i Rangiatea.

A concern of Te Wānanga o Raukawa is that the Tertiary Education Commission has instituted arrangements that diminish the importance of the contribution to Māori society of the research activity of Te Wānanga o Raukawa and are incompatible with taonga, kaupapa and tikanga tuku iho that are central to the effectiveness of Te Wānanga o Raukawa.

2.0 The principal purpose of Te Wānanga o Raukawa

There is no greater purpose of Te Wānanga o Raukawa than to maximise its contribution to the survival of Māori as a people or, as some would say, the survival of people as Māori, through pūkengatanga in a wide range of disciplines. The youthfulness of the Wānanga in this respect is quite apparent.

Our survival as a people will be a reality when a substantial number of people of Māori ancestry are living according to taonga, kaupapa and tikanga that are identifiably Māori. These are constantly in a state of enhancement, refinement and enrichment driven by experience, reflection and new understanding. Te Wānanga o Raukawa takes a comprehensive view of these processes and looks to its academic disciplines, administrative procedures and other aspects of life at the Wānanga to endorse our commitment to this notion of survival.

Principal taonga tuku iho are te reo and whakapapa. They are essential elements of the knowledge continuum that has traversed the centuries since the arrival of Te kākano on these shores. Kaupapa that have emerged as central to the Māori world view and to the continuum of mātauranga include manaakitanga, rangatiratanga, wairuatanga, whanaungatanga, kotahitanga, ūkaipōtanga, pūkengatanga and kaitiakitanga. A paper on these kaupapa and associated tikanga is available.¹

¹ An unpublished paper Wānanga o Raukawa,

EXHIBIT NOTE

ikawa', Te

This is the exhibit marked "WW2-1" referred to in the second affidavit of WHATARANGI WINIATA and sworn at this day of 2017 before me:



3.0 Te Wānanga o Raukawa as an experiment in iwi and hapū development

With two students and many people willing to be their voluntary tutors, Te Wānanga o Raukawa commenced its operations in 1981. The Raukawa Marae Trustees,² after six years of intensive activity including the design and delivery of tertiary level seminars, decided to establish their own centre of higher learning. They resolved that the initial qualification would be the Bachelor of Māori and Administration with a structure and content that would be a response to the perceived needs of the hapū and iwi represented on the Raukawa Marae Trustees.

Twenty-two years on with two thousand students and fifty-seven qualifications on offer in 2003, Te Wānanga o Raukawa has established a structure for its qualifications that appeals to students from every iwi and many hapū across the Country. The required elements for undergraduate qualifications of one year's duration or longer are Reo Studies (30%), Iwi and Hapū Studies (30%) and a specialisation (40%). An introductory course on Rorohiko Studies has been introduced as a further requirement recently. At the Masters level, five of our six offerings require Reo Studies, Iwi and Hapū Studies in approximately the same proportions as the undergraduate qualifications.

All of these qualifications have been researched, designed, offered and otherwise progressed (including reviewing and monitoring) by staff of the Wānanga. The staff who are involved are emerging as mātauranga managers.³ They have become contributors to the mātauranga continuum.⁴

While the Wānanga has been busy designing and offering qualifications, the staff who have been charged with these activities have been developing themselves. Many of the academic, administrative and other staff, can be described as 'home grown'. They have helped to shape the institution while, concurrently, undertaking study and training chosen and pursued to enhance their own abilities to contribute to the prosperity of the Wānanga.

We have a staff whose research experience has focused on the supervision of research being undertaken by their students. These include students doing one year diplomas, three year degrees and Masters qualifications at the Wānanga. Staff have also given their time and energy to research into projects of interest personal to themselves most obviously associated with their own studies.

More than a dozen staff have completed Masters qualifications, primarily at Te Wānanga o Raukawa; some staff members are currently engaged in doctoral studies elsewhere and others are planning to do the same.

This experimental activity has no place in the arrangements designed by the Tertiary Education Commission to quantify and otherwise assess the research output of Te Wānanga o Raukawa.

² The Raukawa Marae Trustees is a body of 69 members representative of Te Ātiawa, Ngāti Raukawa and Ngāti Toarangatira and their respective hapū. They were established by the Māori Purposes Act 1936 to be kaitiaki of Raukawa Marae in Ōtaki.

³ Hirini Moko Mead describes the work of knowledge managers in his paper 'Te Toi Mātauranga Māori mō Ngā Rā Kei Mua: Māori Studies Tomorrow', published in *The Journal of the Polynesian Society*, September 1983, pp.333-351.

⁴ This continuum is defined to comprise knowledge that is traceable from the initial and succeeding generations of Te Kāhano i ruia mai i Rangiatea. Reo and whakapapa are obvious elements. With the passage of time accepted elements of a Māori world view have entered the developmental work at Te Wānanga o Raukawa as part of this continuum.

Te. David
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4.0 Research output of Te Wānanga o Raukawa

A major focus of research in undergraduate studies and work at the Masters level is Iwi and Hapū Studies. In the course of three years for an undergraduate degree, students are required to undertake field research into various aspects of the affairs of their whānau, hapū or iwi. Each student produces a minimum of 26,000 words which may be described as contemporary commentary on their rōpū tuku iho. As we have noted, five of the six Masters programmes prescribe similar research and the word count for them is in the neighbourhood of 39,000 words for each student.

One of the six Masters degrees requires a thesis, written in Māori, of approximately 50,000 words. A popular orientation of this work is within the domain of Iwi and Hapū Studies.

On the staff at Te Wānanga o Raukawa, are a dozen graduates from our Masters programmes; six from the Masters of Mātauranga Māori which requires a thesis and six from the other Masters programmes, principally the Masters of Māori and Management.


The contribution to Māori society of the research output on Iwi and Hapū Studies is substantial. It adds to the repositories of whānau, hapū and iwi. Some of the work represents the first time something has been put on record about a rōpū tuku iho that has been in existence for centuries. These repositories will be the basis of a long term development in the process of teaching and research located on marae. They are the fruits of collaboration between Te Wānanga o Raukawa and rōpū tuku iho.

Research at Te Wānanga o Raukawa is at an early stage in its development. It is concerned with:

- a) the nature and content of the constantly expanding and deepening knowledge continuum originating with the travellers of Te Moananui a Kiwa that populated this land, and from which no discipline is excluded;
- b) the epistemology that underpins this knowledge continuum, of which there is no beginning and for which there is no ending;
- c) the nature and characteristics of knowledge maintenance and expansion of a community that:
 - relied heavily on its powers of observation and analysis for survival and prosperity under changing circumstances⁵
 - offered explanations for what they observed and in the celebrated case of Kupe tested them⁶
 - used literary and artistic expression to capture and convey their understanding of phenomena that comprised their world
 - named every item of flora and fauna and every stream (and river), puke (and maunga) and other distinguishing features of the landscape to record their world.

⁵ Consider Kupe's travel to these islands and home again and the subsequent successful settlement of Te Ika a Māui, Te Waka a Māui and associated islands.

⁶ It is believed that Kupe formed the proposition that the annual migrations of the kuaka/godwit that he had observed flying over his place of residence must have meant that there was land in the South to be explored. As we know he did just that.


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Māori epistemology, the theory of mātauranga, is a focus of our activity. Te Wānanga o Raukawa is committed to making its contribution to this domain of enquiry and the institution itself is a laboratory in which the theory of mātauranga is being tested. All of our qualifications are being revised to ensure that they reflect, appropriately, the mātauranga continuum. Much has been done; much more is to be done.

5.0 Measuring research output and the value of it

Te Wānanga o Raukawa as a research institution has encouraged and been the base of a great deal of research into marae and rōpū tuku iho. The output of this work has been significant in the restoration of marae and associated rōpū tuku iho. Not only has the output contributed to achieving higher levels of relevance and excellence in the classroom, it has contributed to the many whānau, hapū and iwi. The experience of the founding iwi and hapū of Te Wānanga o Raukawa reflects this.

For the Tertiary Education Commission:

- a) No undergraduate research output is considered relevant for the PBRF;
- b) Masters research output, for the Masters by papers as well as the Masters by thesis, is not considered relevant;
- c) Kaiāwhina who are engaged in research are not relevant because they are engaged at Te Wānanga o Raukawa for less than 0.2 time.

In Iwi and Hapū Studies alone there has been the following output over the years 1997–2002 (the period used by the Tertiary Education Commission to build its 'evidence portfolio'):

- a) 186 degrees completed with each requiring field research into Iwi and Hapū Studies comprising 13 papers or 26,000 words: 2,418 papers
- b) 25 Masters completed with each requiring field research into Iwi and Hapū Studies comprising 13 papers of 39,000 words: 325 papers
- c) 15 Masters by thesis completed on Mātauranga Māori of 50,000 words: 15 theses

The 186 undergraduate degrees and the 25 Masters degrees include a research paper on the state of the Māori language in the hapū or iwi of the author. Accordingly, there are 211 papers on the maintenance of te reo. One of the Masters theses is about the intergenerational transfer of te reo. This material is relevant to the re-invigoration of te reo and as many as 211 different whānau, hapū and iwi will have been touched by it. Its contribution to the maintenance and enhancement of te reo is aligned with the Wānanga's commitment to advancing the interests of Te kākano i ruia mai i Rangiatea.

The research output that is described above does not feature in the PBRF proposal of the Tertiary Education Commission.



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6.0 Intellectual property

Our concerns in this area are well illustrated, again, by Iwi and Hapū Studies, a field of research that engages the researcher in the collection and recording of intellectual property. Information is assembled:

- from kaumātua and others
- about marae and individuals thereon
- about rūpū tuku iho and their members.

The information (facts) and knowledge (theories) gathered this way are taonga of the community. The community exercises trusteeship. It is to be used in ways that are beneficial to the rūpū tuku iho. It is not for the personal advantage and advancement of the 'author' of papers, tapes or books on the information and knowledge in question.

Te Wānanga o Raukawa does not presume ownership of the research output of its students. Except for Masters theses we do not keep any student research output without the express permission of the student and of the people about whom the paper is written. Typically, the Iwi and Hapū Studies papers contain intellectual property, the ownership of which is communal and does not belong to Te Wānanga o Raukawa nor to the 'author' of papers on it, of course.

The approach of the PBRF requires that the research be identified with particular authors. This is inconsistent and incompatible with the notion of communal trusteeship of much of the research product of Te Wānanga o Raukawa.

7.0 Personal elevation

An expression well known to Māori is:

Kāhore te kūmara e kī ake: 'he māngaro ahau'

The kūmara never says it is sweet.

Self elevation is encouraged by the PBRF. This behaviour is inconsistent with tikanga Māori and is unacceptable.

The PBRF will encourage researchers to claim ownership, or even to compete for ownership, in areas where to do so is inappropriate and inconsistent with tikanga Māori.

8.0 Kaiāwhina

Te Wānanga o Raukawa has in excess of 200 people who contribute to our teaching programmes on a voluntary basis. These people are well regarded in their fields of specialisation; many are consultants, some hold senior positions, and others are authoritative kaumātua. We do not ask for credentials nor do we ask for evidence of research and writing. We are expected to know these things and, certainly, it is not anticipated that the individuals involved will talk about them. Many are engaged in creative activity that would be classified as research under the definition published by the New Zealand Qualifications Authority. Many kaumātua, of course, are involved in advancing issues by the application of their accumulated knowledge that, generally, is conveyed orally.

The creative work of these people is not eligible for consideration under the PBRF arrangements because they do not meet the minimum threshold of 0.2 time employment for inclusion in the 'evidence portfolio'. They give their time voluntarily.

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Many who are employed, particularly for Marae Based Studies, are less than 0.2 time.

9.0 Recommendation

That:

- a) The Tertiary Education Commission be asked to note that the research activity at Te Wānanga o Raukawa needs to be assessed in terms of its contribution to the fulfilment of the expression:

E kore au e ngaro, he kākano i ruia mai i Rangiātea.

- b) The Tertiary Education Commission be asked to consider an alternative approach to assessing the research performance of Te Wānanga o Raukawa as follows:
- i. Te Wānanga o Raukawa be invited to present, in ways that are consistent with its purpose, the annual research plan of the Wānanga including outputs for the five years 2005-2009 to the Tertiary Education Commission;
 - ii. The Tertiary Education Commission assess the annual research performance of Te Wānanga o Raukawa for the purpose of determining the extent to which Te Wānanga o Raukawa might be eligible to participate in the PBRF in 2006 to 2010; and,
 - iii. The Tertiary Education Commission be asked to agree that there be no financial disadvantage to Te Wānanga o Raukawa in the interim for its non participation in the PBRF as currently proposed by the Tertiary Education Commission; and,
- c) Should an alternative arrangement to the PBRF that is more consistent with the taonga, kaupapa and tikanga tuku iho of Te Wānanga o Raukawa than is currently proposed not be agreed so that Te Wānanga o Raukawa faces financial disadvantage from its non participation in the PBRF scheme, advice be sought on action that might be taken by Te Wānanga o Raukawa against the prejudicial proposal of the Tertiary Education Commission.

Whatarangi Winiata

6 October 2003


19/12/17
6

14 September 2005

Whatarangi Winiata
Tumuaki
Te Wānanga o Raukawa
144 Te Ara o Tahimana
Pouwaka Poutāpeta 119
Otaki

Tēnā koe Whatarangi

I am writing in regards to the Performance-Based Research Fund (PBRF), and the issues raised by Raukawa. You first wrote to us formally on this matter in November 2003, and since that time the issues have been the focus of a number of discussions, involving Kaye Turner, Shelley Robertson, and other Tertiary Education Commission (TEC) staff.

With regard to the PBRF, we have considered submissions from a wide range of stakeholders, and have sought an implementation approach that best fits with stakeholder needs, whilst remaining within the PBRF implementation framework established by Cabinet. We do recognise, however, that the elected implementation approach does not take up the suggestions made by Raukawa in regards to community and experimental research, primarily because this falls outside of the Cabinet mandate.

While community research is outside of the scope of the PBRF, we understand the importance of this work to Raukawa. To that end, Craig Workman would be happy to continue discussions with you on this topic, particularly as it relates to the advancement of the settlement discussions with Ministry of Education. Craig and Shelley Robertson would also be happy to continue discussions with you on the implementation of the PBRF within the current policy settings, if appropriate.

Yours sincerely

Janice Shiner
Chief Executive

EXHIBIT NOTE

This is the exhibit marked "WW2-2" referred to in the second affidavit of
WHATARANGI WINIATA and sworn at Otaki this
14th day of December 2017 before me:

A Solicitor of the High Court of New Zealand



[Handwritten signature]
14/12/17

EXHIBIT NOTE

This is the exhibit marked "WW2-3" referred to in the second affidavit of
WHATARANGI WINIATA and sworn at this
day of 2017 before me:

2 November 2005

Whatarangi Winiata
Tumuaki
Te Wānanga o Raukawa
144 Te Ara o Tahimana
Pouwaka Poutāpeta 119
Ōtaki

A Solicitor of the High Court of New Zealand

PBRF – Follow up letter from meeting 27th October 05

E ngā iwi, e ngā reo, tēnā koutou i ngā tini āhuatanga o te wā. Tēnei ka tangi ki a rātou kua wehe atu ki tua o te ārai. Nō reira, e ngā mate haere, haere, haere atu rā. Waiho rātou kia tīraha mai, ko tātou o te ao ora. Tēnā anō tātou katoa.

Tēnā koutou Whatarangi mā

This letter is to follow-up on our conversation last Thursday, on the PBRF and Māori research methodology. The purpose of this letter is to document my understanding of the conversation, and to progress shared options for resolving this situation.

To begin, it seems to me the discussion last week had two quite distinct strands – broader kaupapa Māori research concepts, and then the PBRF and how it operates.

First, it appears that the PBRF, with its roots in traditional understandings of 'academia' is not broad enough to encompass Te Wānanga o Raukawa's definition of research. In particular, you described how research should not be without purpose, and in all programmes students, undergraduate or otherwise, undertake activities centring on preparing them not just with research skills, but also with a sense of research purpose. That is, students learn that research is more than 'objective study', but also necessarily involves returning information to communities and hapū, in order to empower and enrich communities. You (correctly) pointed out that this process of enrichment can occur, even when there are some weaknesses in the research methodology of students. The example you gave in relation to Te Reo Māori, and the return to over 200 communities from the efforts of Raukawa students is a powerful illustration of this.

I acknowledge then, that in order to uphold the principles on which Te Wānanga o Raukawa was founded upon, this broader approach – with an emphasis on community empowerment – will continue to be a core and necessary dimension of Raukawa's provision. I accept that the PBRF, given its significantly narrower focus on the outputs of particular staff, will always be a smaller adjunct within this broader understanding of research and its contribution within a wānanga environment.

It is at this point in which I suspect previous conversations between our respective organisations may have reached an impasse. That is, we may need to find a way to acknowledge this broader understanding of research within the Wānanga more formally, if you are to have some comfort that it will not be set aside, should the Wānanga elect to participate in the PBRF. In this regard, I think there were a few useful ideas floated in our conversation.

One was the development of a set of shared principles, another was more formal acknowledgement of this approach in the Profile acceptance letter from the Commission, a third was a separate acknowledgement from Russell Marshall, our Chair, confirming an understanding of your approach, and a fourth consideration was some explicit commentary within the settlement process. I would be happy to discuss further any of these ideas with you,


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and will seek to progress the ideas within the TEC, if they prove to be effective mechanisms to reduce this issue of organisationally 'talking past each other' in regards to what is important within research discussions.

It is important to note that during the meeting I stated that while I thought I was beginning to understand the difference in paradigm, I also queried whether it is necessary and useful for Government agencies to formally recognise Raukawa in this regard – as this appeared somewhat at odds with self-determination also so central to this conversation. On reflection, however, if we are to significantly progress the idea of wānanga 'advancing knowledge by developing high quality Māori research and research capability' (STEP 2004:8) then perhaps we do need to find a means to formally describe Te Wānanga o Raukawa's broader approach, so that it can be included in any future policy work in this area (for example any future policy work on funding broader research beyond the PBRF). I also think describing the approach could provide scope to outline the contextual situation of research within the Wānanga, that is, picking up the points Turoa made around the relative newness of the organisation compared to other TEIs, and the fact that the capital establishment grant has still not been settled. These matters are, of course, more than periphery issues in terms of the capability development in this area, as Turoa rightly pointed out. I welcome a further conversation with you to determine which of the above four options (or any others) we should look to progress further.

Turning now to the discussion on the PBRF itself, you raised key issues centring on the ownership of intellectual property (ownership of knowledge), and the individualisation of research outputs required within the PBRF assessment. You pointed out that the individualisation and ascribing ownership are concepts that are 'against the grain' in terms of Māori thinking (as articulated in detail within the submission Te Wānanga o Raukawa had prepared on the PBRF).

In these areas it is not that I contested your viewpoint, my only query was whether these are insurmountable barriers for participation. I also noted that there have been a number of improvements to the PBRF, which I believe will ensure it better suits Māori. These include the emerging researcher category (which should reduce the number of 'R' graded Māori researchers), Mason's involvement at the higher moderation level, the broad nature of what is considered research (can include whaikōrero, etc), and the supporting, contextualising text of 10,000 words.

In particular I think it is the supporting text which can be used to address the issue of individualism. The text will allow for the contextualisation of research outputs within a group setting. It provides an appropriate place for the acknowledgement of learnings from others, and for the acknowledgement of collective ownership of knowledge too. It is my belief through the PBRF the task of the panels is broadly to assess the value-added by the researcher – not to ascribe ownership of knowledge to an individual. It seems entirely possible for a researcher to be described more as a kaitiaki, more than as an individual owner; and for an acknowledgement of the contributions of others as well. I note, whilst this is the norm for Maori, there will of course be some non-Maori researchers needing to use this mechanism as well, given the collective nature of some research within other TEIs. Overall, although there are risks of individualism, and ownership ascription, it is my view these can be managed; and conversely I'm also wondering whether in some ways the PBRF could in fact be a tool to reinforce the collectivity you describe, by requiring this to be formally documented. My suggestion for progressing this aspect of the conversation is for us to meet with Brenden Mischewski, in our PBRF implementation team, who can talk us through the practical mechanics of the PBRF to ensure a common understanding of the details in this regard.

To close, I trust this letter provides the type of follow-up you were seeking from me in regards to our conversation. Please note I have placed some effort in coming up to speed with this


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issue for Raukawa, and am willing to continue to place more effort on this topic, if that is useful to progress the matter. This is because I sincerely believe participation will be beneficial for the Wānanga (and not just financially), for eligible staff, and for emerging academics. I agree the matter has lingered for too long, and I am also conscious that it is now close to decision-making time in this area. I trust this letter will take us a few steps further down a pathway which upholds the integrity and mana of Te Wānanga o Raukawa, whilst allowing participation within the current PBRF policy parameters.

I look forward to your reply, either via letter or hui.

Nō reira, noho ora mai rā i roto i ngā manaakitanga katoa.

Nāku noa, nā

Craig Workman
Principal Advisor Māori
Tertiary Education Commission



Te Jacobs
14/12/17

TE WĀNANGA O RAUKAWA
TE WHARE WHAKATUPU MĀTAURANGA

The Natural Tension

Introduction

There is a stand-off between Te Wānanga o Raukawa and the Crown. This is a reflection of the natural tension between the two partners to Te Tiriti o Waitangi and the absence of effective mechanisms to resolve differences between the two Tiriti partners. The Crown expresses its determination to pursue kāwanatanga as provided for in Article 1 of Te Tiriti o Waitangi. The Māori partner is equally firm in their resolve to express their tino rangatiratanga as guaranteed in Article 2 of Te Tiriti.

For the Crown, kāwanatanga includes having the final word where there is a dispute with the Wānanga; however, for the Wānanga, the maintenance of its tino rangatiratanga precludes the Crown from pursuing this pathway. The guarantee of tino rangatiratanga in Article 2 is absolute for the Māori partner.

This note explores the possibility of the Crown and the Wānanga finding resolution through negotiation without going through the claim process in front of the Waitangi Tribunal.

A description of Māori behaviour

As a community of Māori, Te Wānanga o Raukawa's principal mission is to maximise its contribution to the survival of Māori as a people through the expression of kaupapa tuku iho in all that the Wānanga does including akoranga, whakahaere and whakatupu mātauranga. We can draw on the following statement about Māori to predict the behaviour of Te Wānanga o Raukawa as it goes about fulfilling its mission:

Whereas Māori are determined to survive as a people;

Whereas survival as a people will be happening when communities of Māori find the expression of kaupapa tuku iho uplifting, rewarding and preferred;

Whereas it is possible to actively pursue the expression of kaupapa tuku iho through tikanga selected by the Māori community; and

Whereas the pursuit of tikanga can be planned and measured;

Then,

the wellness of Māori communities can be measured by identifying the preferred tikanga of the community and measuring the levels at which these tikanga are displayed.

The Wānanga's Annual Report for the year ended 31 December 2012 devotes 55 pages, a third of the Report to describing the Wānanga's pursuit of this mission in the manner described.

In 1981 the Raukawa Marae Trustees, a body representative of the Confederation of Te Āti Awa, Ngāti Raukawa and Ngāti Toa Rangatira, resolved to establish a Māori tertiary educational institution for these three iwi. This would extend their peaceful collaboration in a wide range of mutually beneficial activities that had grown since the mid 1800s and included the building of Rangiātea in 1850 and the donation in 1856 of land by the Confederation for the establishment of a school.

It was understood that the proposed tertiary institution would be a key element of the experiment in

EXHIBIT NOTE

This is the exhibit marked "WW2-4" referred to in the second affidavit of
WHATARANGI WINIATA and sworn at this
day of 2017 before me:

*Te. Jacobs
14/12/17*

iwi development launched by the Raukawa Marae Trustees in 1975 and named Whakatupuranga Rua Mano. Fundamental was cultural restoration amongst whānau, hapū and iwi.

With the passage of time enrolment at the tertiary institution, Te Wānanga o Raukawa, would appeal to Māori from beyond the boundaries of the Confederation. Its curriculum, its kaupapa and its tikanga would be undeniably Māori. This would include the processes for the evaluation of its performance in all areas of activity including the making of contributions to the mātauranga Māori continuum through whakatupu mātauranga.

The Tension between the Crown and the Wānanga

In 2002, the Wānanga considered that the Performance Based Research Fund (PBRF) programme would be consistent with our principal task if the programme were based on the above understanding of the behaviour of Māori. In that year we wrote to the Crown to advise that we would participate in the PBRF programme if there was the understanding that our research output would be assessed against the pēpeha "*E kore au e ngaro; he kākano i ruia mai i Rangiātea*". The material on the PBRF did not allow for assessment based on this pēpeha. Accordingly we declined to participate.

Āneta Rāwiri, is planning the preparation of a claim to the Waitangi Tribunal for the funding denied by the PBRF programme between 2003 and the present time as a consequence of the Wānanga's unwillingness to compromise its principal mission. A group to plan, prepare and present the claim (to the Waitangi Tribunal) is being shaped and currently includes staff of the Wānanga and kaiāwhina (including Taihākurei Durie). Discussion on the choice of legal counsel is proceeding.

An alternative to a Waitangi Tribunal hearing

There has emerged the idea that the Wānanga should consider entering into direct negotiations with the Crown to address

- (a) the denial of past and prospective benefits to the Wānanga from the PBRF programme (or its successor programme) because of the Wānanga's insistence on the expression of tino rangatiratanga in our research and its evaluation;
- (b) the application of tino rangatiratanga by the Wānanga in their choice of research activity and of the criteria to be used in the evaluation of that activity;

Te Wānanga o Raukawa would declare its willingness to not progress a claim against the Crown for the past and any future loss of benefits from the PBRF programme (or its successor programme) if the Crown is willing to negotiate with the following conditions in mind:

That the Crown

- (a) agrees to negotiate in good faith and settle the funding that the Wānanga has been denied under the PBRF programme since 2003;
- (b) accept without qualification that the principal task of Te Wānanga o Raukawa is to maximise its contribution to the survival of Māori as a people;
- (c) accept that the guarantee of tino rangatiratanga in Article 2 of Te Tiriti o Waitangi anticipates that Te Wānanga o Raukawa will pursue its research according to their own prescriptions;
- (d) accept that each of the three iwi of the Confederation, that is Ngāti Raukawa, Te Āti Awa and Ngāti Toa Rangatira are distinctive and unique and that the differences will be reflected in the Wānanga's activities; note that the Wānanga student body is 97-98% Māori in its make-up and for them observance of Te Tiriti o Waitangi is unqualified;

Handwritten signature and date: 14/12/17

- (e) accept that there can be no change in this agreement without the explicit approval of each partner, the Crown and Te Mana Whakahaere o Te Wānanga o Raukawa
- (f) accepts unreservedly the negative impact of Crown policy on the mātauranga continuum and on our capacity as mātauranga theorists and practitioners.

Resolving the Natural Tension

As a nation we have not found efficient and fair ways to resolve the natural tension that emerges from the pursuit of kāwanatanga and tino rangatiratanga embodied in Te Tiriti o Waitangi. The Māori partner has been greatly disadvantaged by this. The Crown has held the power of decision, increasingly since the signing of Te Tiriti o Waitangi in 1840. The Crown has controlled the military forces to impose the Crown's will; the Crown has dominated the legislative processes to produce decisions that are favourable to its thinking; the Crown has managed the financial resources with which to buy its support. For the Māori partner these forces have neutralised the effectiveness of Māori to achieve the promises of the "Covenant".

The Māori experience in the Anglican Church has been somewhat similar. Between the arrival of the Gospel in 1814 and 1856 Māori converts ran the Church. No Māori was present at the constitutional conference of the Church of England in 1856. In 1992, steps were taken to revise the 1856 Constitution. The most powerful revisions included provision for Māori to run their own affairs through Te Pihopatanga o Aotearoa and the introduction of measures to ensure that Māori could not be outvoted in the General Synod/Hinota Whānui, the most senior parliamentary body of the Anglican Church.

The Natural Tension that this note discusses could be addressed by constitutional change or statutory action to provide for arrangements somewhat similar to those in which the Anglican Church engaged. Alternatively, each Māori partner engaging in agreements with the Crown might press for understanding between the two partners along the lines described in this note.

Te Whare Whakatupu Mātauranga
3 October 2013

As
Te Jacobs
14/10/13