Tikanga Rangahau Mātauranga Tuku Iho

Traditional Knowledge and Research Ethics

Conference Proceedings 2004

Ngā Pae o te Māramatanga

CONTENTS

FOREWORD

As Joint Directors of Ngā Pae o te Māramatanga we are delighted to introduce the Proceedings of our inaugural conference held in June 2004 on Traditional Knowledge and Research Ethics. The term *traditional knowledge* is an internationally recognised term, used alongside, or instead of, *indigenous knowledge* to signal a body of knowledge that exists within indigenous communities worldwide. The Convention for Biological Diversity, for example, has a work programme (Section 8(j)) dedicated to investigating ways of dealing with traditional knowledge. The World Trade Organisation is also interested in developing strategies for dealing with traditional knowledge and assisting to prepare it for commercialisation. Researchers are one group of specialists who work in the spaces between indigenous communities and their knowledge systems and global organisations and institutions. Research has long played a critical role in working with indigenous communities, their ways of knowing, languages, values and practices. This role has been contentious for the communities being researched. While other marginalised communities, for example, women, have developed academic critiques of research that have radically transformed research practices, indigenous communities still struggle to have their critical voices 'heard' and 'respected' by academic and research communities and organisations. The idea of 'ethical practices' is one of the meeting grounds for institutions, researchers and communities and, this conference created such a meeting ground.

An external evaluation of the Conference confirmed our own views that the Conference was successful on a number of levels. We are especially pleased with the quality of engagement in the Conference by our seven selected communities. They hosted our international guests, conducted workshops around each of them, and then accompanied them to Wellington for the last part of the Conference. The conference identified a range of issues that have particular relevance for Māori and indigenous communities in the twenty first century, including issues related to indigenous systems of knowledge, contemporary forms of art and representation, biotechnology, international agreements, and issues of protection and conservation. We take the opportunity to thank the Conference co-sponsors, participants and the keynote speakers. We congratulate the authors of the papers presented in the Proceedings. They provide an excellent documentary base for

the multiple conversations that occurred on the meeting grounds of the Conference.

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Te Arataki Manu Kōrero ō Tainui:

Collaborating with Kaumātua in Cultural

Recovery

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Māku anō e hanga i tōku nei whare. Ko ngā poupou he māhoe, he patatē. Ko te tāhuhu he hīnau. Me whakatupu ki te hua o te rengarenga. Me whakapakari ki te hua o te kawariki.	And I will build my house and the pillars shall be made of māhoe and patatē. The roof of hīnau. It shall grow and blossom like that of the rengarenga and be strong and flourish like the kawariki.

This proverbial saying is one among many of the tongi left behind by the second Māori King, Tāwhiao. Here he relates the building of a house to the building of a strong and healthy Tainui people. Much of Tāwhiao's vision for Tainui was captured in deed and tongi, yet we have been concerned in recent times that these words of insight are not so widely known and recited as they once were. Such cultural knowledge is critical to Tainui's identity and sense of people hood and we can ill-afford to lose them to memory.

In 2003 Te Wānanga o Aotearoa shared this concern and instigated its programme Te Arataki Manu Kōrero ō Tainui. The impetus for the programme was about ensuring the cultural continuity of Tainui traditions and identity. It is perhaps the only educational programme dedicated to such an area. With a specific focus on the kaumātua or elders of Tainui, it forms part of a wider

agenda to recover, share and weave into a coherent whole those aspects of knowledge that are distinctive and unique to Tainui. The following brief paper provides some insight into the Te Arataki Manu Kōrero ō Tainui programme and reflects on some of the issues that have emerged from such an undertaking.

Tainui: A Quick Sketch

This programme is iwi specific, that is, it is expressly concerned with the Tainui people. The traditional boundaries of Tainui are described by the following pepeha or tribal motto:

Tāmaki ki raro	Tāmaki in the north
Mōkau ki runga	Mōkau in the south
Mangatoatoa ki waenganui	Mangatoatoa in the middle
Pare Waikato	Waikato
Pare Hauraki	Hauraki
Ko te Kaokaoroa o Pātetere	And the eastern border with Te Arawa

The tribes of Tainui include Hauraki, Waikato, Ngāti Maniapoto and Ngāti Raukawa. The genealogies of these peoples are thoroughly intertwined with a common thread of descent from the occupants of the Tainui canoe. Many years ago these ancestors sailed the Pacific Ocean from the homeland of Hawaiki and arrived and settled the Kāwhia district. The Tainui canoe is buried at Kāwhia.

Tōia, tōia Tainui,	Haul, haul Tainui,
Tapotū ki te moana.	Down to the sea,
Mā wai e tō?	Who shall haul her?
Mā te whakarongo ake,	Listening here,
He tarawainuku,	Trouble below.
He tarawairangi.	Trouble above.
Tinia manoa!	Tinia manoa!
Nau mai, nau mai rā e Tāne	Come hither Tāne
Ka kau tāua,	We shall take [to the sea]
Kia mātakitakina koe	That you may be seen
E te tini o te tangata…[3]	By the many, the multitude…

Ko Tainui te Waka	Tainui is the Canoe
Ko Hoturoa te Tangata	Hoturoa is the Commander

From the Kāwhia district the Tainui people spread out over most of the northern half of the central North Island and became a widespread confederation of tribes and sub-tribes establishing several Wānanga or 'principal schools of learning' to preserve their traditional knowledge.[4] Together these tribes and sub-tribes constitute a fascinating tapestry of historical narratives and traditions, captured in part by such publications as Pei Te Hurinui's *Ngā Iwi o Tainui* and Findlay Phillips' two volumes of *Landmarks of Tainui*. We are indebted to such works for creating a greater awareness and appreciation of our traditional stories and any student of Tainui history should consult these as authoritative works. Both authors, however, recognised that their contributions were not a complete history. They encouraged others to take up the challenge of the further study of Tainui traditions, expressed in oral and recorded history, customary practices, and contemporary institutions.

Kotahi te kōhao o te ngira e kuhuna ai te miro mā, te miro pango, te miro whero. I muri, kia mau ki te aroha, ki te ture, me te whakapono.	There is but one eye of the needle through which the white, black and red threads must pass. After I am gone, hold fast to love, to the law and to the religion of Christ

King Pōtatau

One such institution which is a feature of Tainui of course is the Kīngitanga—the Māori King Movement. (Jones 1959; Jones 1968: 132-173; Kirkwood 1999; Kirkwood c2000). Tainui have assumed the role as the kaitiaki or custodians of this unique institution from the time the Waikato chief Pōtatau Te Wherowhero was elected the first Māori King in 1858. The Kīngitanga has become a continuing force in Māori and New Zealand society and we of Tainui, as the kaitiaki, have a particular responsibility to maintain a degree of knowledge of whakapapa and historical events that allows us to unite all Māori people under its umbrella. This we do under the auspices of the present Māori Queen, Te Arikinui Dame Te Atairangikaahu, who, from her base around Ngāruawāhia and the sacred mountain of Taupiri, continues to give leadership to the many tribes and sub-tribes of Tainui, particularly through the institution of the *poukai* or annual visitations.[5]

Pōtatau Te Wherowhero
Tāwhiao

Mahuta

Rata

Korokī

Te Atairangikaahu

Tainui Kaumātua: The Guardians of Tainui Tikanga

With the focus on Tainui, this programme is also 'age' specific, that is to say, it is solely targeted at our kaumātua. Traditionally kaumātua have been the repositories of knowledge and exhibited this in occupying the paepae or the platform for recalling such knowledge. In Tainui, as in Māori society generally, kaumātua by tradition are held in high esteem. They are recognised for their life experiences and the knowledge that they have accumulated. Their guidance is often sought on all manner of topics in daily life as well as the more esoteric matters. The role of the kaumātua has aptly been described by Professor Hirini Mead wherein he states:

> "Older individuals generally have a greater familiarity with and knowledge about tikanga because they have participated in tikanga, have observed interpretations of the tikanga at home and other tribal areas. The kaumātua and kuia, the elders, are often the guardians of tikanga [our emphasis]."
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> Mead 2003:14

But as Mead himself notes, while they are expected to know and while tikanga should not be new to them, "…for many reasons this is not necessarily the case." (Mead 2003: 14) It is fair to say that too many of the current and upcoming generations of kaumātua within Tainui have suffered from the damaging effects of an assimilationist mindset where things Māori were to be discouraged. Many have also endured cultural dislocation as a result of the urbanisation of Māori in the latter half of last century Almost invariably kaumātua who could have been expected to be familiar with much tribal history have admitted that when they were young they had no time for, or were removed from, many of the stories of our old people.

What we have been presented with in recent times then is an ever diminishing pool of knowledgeable kaumātua and the real danger that they may take that store of knowledge to the grave. This aspect alone has given this programme its sense of urgency. We also have kaumātua who have reliable knowledge but

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which in many cases is only related to cultural activities and experiences associated with their own local area and sites of significance. They themselves have admitted to gaps in 'knowing' when it has come to the more general cultural rudiments that are distinctive to Tainui such as the Kīngitanga.

Within Tainui there has been a long-felt need to stem the loss of cultural knowledge and indeed recover and preserve it for future generations. Numerous projects have appeared among the younger generations (e.g. the kohanga reo and kura movements) but few if any have been specifically targeted at our kaumātua. Our focus on kaumātua then has been a deliberate attempt to restore Tainui kaumātua to their natural position as the kaitiaki of Tainui tikanga and the repositories of 'mātauranga Tainui', the knowledge systems of Waikato, Maniapoto, Hauraki and Raukawa.

Te Arataki Manu Kōrero ō Tainui: A Wānanga within Te Wānanga

This concern with the knowledge base amongst our old people was shared by Te Wānanga o Aotearoa, an institution which integrates community service with the academic and training mission of a tertiary body. Te Arataki Manu Kōrero o Tainui as a proposal presented the unique opportunity of establishing a Wānanga within Te Wānanga o Aotearoa. It sat firmly within the institution's vision and mission to extend its kaupapa and educational practice as an interactive, dialogic, people-centred learning forum within an indigenous framework.

Part of that framework is the recognition of the common cause that we have shared with other indigenous peoples, namely: "the survival of peoples, cultures and languages; the struggle to become self-determining, the need to take back and retain control of our destinies." (Smith 1999 : 142) Like indigenous groups elsewhere, these imperatives have engaged us as Māori in the struggle of reclaiming, reconstituting and revitalising our tikanga and its vehicle of transmission – Te Reo, our language. Te Arataki Manu Kōrero ō Tainui constitutes part of Tainui's struggle as an indigenous community.

Such an undertaking could not be taken lightly. It required the backing of the Tainui people. Initially our team[6] gauged support and participation amongst the

Tainui kaumātua community using our various marae and hui networks throughout the tribal domain. We also sought the advice of a group of senior kaumātua in the design and development of the programme.[7] In seeking to engage such a group within our community it may be that we have had an advantage given that these people are our peers, in fact in many cases, our kith and kin. We have not had to contend with crossing ethnic or generational lines. Instead over the years we have built up relationships and a familiarity with them which we have been able to call on. Indeed the initial intake on the pilot programme, gathering together over 50 kaumātua identified as the foremost exponents and repositories of customary knowledge within Tainui, was primarily achieved through a round of shoulder-tapping and personal invitation.

The late Tainui kaumātua and scholar Pei Te Hurinui provided a sketch of the curriculum and study levels offered by the ancient Tainui school of learning, Te Papa ō Rotu.[8] As collaborative partners, this initial group of kaumātua brought their knowledge and experiences to bear on the broad course outline of Te Papa ō Rotu, fine-tuning it in terms of sub-categories and specific topics to be included in the curriculum. Such topics included among other areas the whakapapa of the Tainui waka, narratives of its voyage, founding crew, circumnavigational history and landfalls; classical Tainui occupational/settlement history; a repertoire of karakia, waiata, kawa, tikanga and whakataukī as they relate to, reflect and support Tainui traditions; the rise of the Kīngitanga and King Tāwhiao, his mandates captured in sayings and the institutions he established; the Waikato Wars and Raupatu (confiscation); the 20th century and the Tainui Māori Trust Board, its historical role and functions; and the reaching of a settlement of Raupatu in 1995.[9]

In its brief existence the programme has proved popular with the roll now climbing to 180 Tainui kaumātua participants. It affords a training course for some kaumātua, who for want of knowing or lack of confidence, have been unable to perform as advisors, as kai whaikōrero (orators) or kai karanga (callers), critical roles in our cultural existence. For others, it provides an opportunity to enhance and extend their knowledge base and deepening their understanding of Tainui tikanga.

Sharing and Building a Repository of Knowledge

From the outset it was always envisaged that Te Arataki Manu Kōrero ō Tainui would be more then a course for kaumātua to come and learn about Tainui tikanga. The assemblage of all these koroua and kuia presented a unique opportunity to utilise kaumātua collective experience and prior learning as partners in the process of exchange, growth and the development of a repository of knowledge unique to the iwi of Tainui. We recognise that participants have their own truths and teachings that their own ancestors have passed down to them. For example a karakia may have varied interpretations among the participants. The programme offers a forum where Tainui kaumātua can come together to critically think, share, discuss, debate and acknowledge such traditional material along with the more contemporary. The task for the tutors then, in part, is to act as facilitators within a cultural learning environment where the participants contribute and exchange knowledge, where the students can be the teachers.

This exchange in knowledge, nevertheless, shares the common aim of preventing the further loss of the language, culture, customs and traditions of the Tainui people. To that end, and with the consent of kaumātua, all proceedings have been video recorded and will be transcribed by the Wānanga's Research and Development Unit. It is a time-consuming and expensive process but it has to be done. Admittedly, making sure our kaumātua are comfortable with the technology has at times been a challenge. Fortunately however, we have enjoyed the full trust of our 'collaborators' and their subscription to our 'cultural recovery' agenda.

This rich material complements another project, the collation of Tainui customary and traditional knowledge both oral and written, which has been sourced from such storehouses as sound archives, the Native Land Court, the Alexander Turnbull Library, the Māori newspapers, and Television New Zealand Archives, to name a few. Both projects have consulted, fed off and enhanced each other in building up a repository of knowledge of Tainui tikanga.

We hope that the programme and an ever-growing respository will promote and encourage the study of the intellectual traditions of Tainui and the development of resource materials for future generations that utilise the full array of

technology and media available to us today. That work has already begun with the production of four half-hour digital video recordings by Tui on the Kīngitanga. Other exciting projects are in the pipeline including more digital recordings, publications and website developments.

Promoting and Protecting this Repository of Knowledge

We acknowledge that in reclaiming, reconstituting and revitalising our intellectual and cultural traditions, we have to balance the need to identify effective means of promoting their broader exploration by our people whilst protecting them from unauthorised appropriation and commercialisation. Many other indigenous communities around the world are faced with the same problem, realising that modern intellectual property regimes do not adequately protect their cultural heritage from exploitation.

The task before us now then is formulating policies and practices around the protection of the contributions of kaumātua along with other material collected and produced. This we need to do in association with Te Wānanga o Aotearoa as the institutional repository, and of course our Tainui kaumātua community as a whole, our collaborative partners. We propose the establishment of an appropriate body to act as the custodians of this knowledge which will draw in the main from this latter group. If we are to continue to enjoy the trust of our collaborating kaumātua it is essential that they be in control of the process. We have already begun dialogue with them on many of these issues.

Clearly, a major task for any custodians is to consider the accessibility of such material —and by whom. The impetus for this programme was about ensuring the cultural continuity of Tainui tikanga, reflecting a fundamental tenet—the great value our tūpuna placed on knowledge and its pursuit. The opening stanza from the karakia of the ancient Tainui school of learning, 'Hui Te Rangiora', reflects that depth of value:

Ko te pū, ko te kāuru *Kei te hiahia, kei te koronga*	This is the origin, this is the core Let there be desire,[and] let there be longing [for knowledge held]

Ko Rongo-mā-Tāne! *Tūramarama ā Nuku* *Tūramarama ā Rangi* *Te Rangi i tū nei*	[By] Rongo the god of peace, [and] Tane, the Deity of forests and humanity [However] vague the light over the land [And] however faint in the Heavens The Sky above
Te Papa ā takoto *Ngā tauira ō ngā Wānanga!* *Whakamau! Whakamau!* *Ki te ingoa ō Io* *Ō Io o te Wānanga*	The Earth below All seekers of the sacred knowledge Take heed, take heed The name of Io Io of all knowledge

Jones 1959: 243

Protection provides greater recognition of the value of traditional knowledge, and respect for those who have preserved it. The danger of course is that in seeking to protect our traditional knowledge through such mechanisms as restricted access (not so much with external users, but amongst our own community), we risk impeding the dissemination and use of valuable knowledge and encourage the antithesis of what this programme is trying to achieve. Whilst we have a responsibility to recognise and maintain the 'tapu' of our traditional knowledge we should not be excessively over-sensitive so that too much of it becomes elusive to future generations. The survival of traditional teachings is best achieved through their use.

An in-depth knowledge and experience of 'mātauranga Tainui' is essential for our kaumātua to take their natural place as inter-generational educators, advisors and cultural exponents within our communities. The importance of the retention and maintenance of our tikanga for our identity as Tainui cannot be overstated.

Kia hora te marino, kia whakapapa pounamu te moana, kia tere ai te kārohirohi i mua tonu i ō koutou huarahi.	May the calm be widespread, may the sea be as the smooth surface of the greenstone, and may the rays of sunshine forever dance along your pathway.

Rangawhenua

NOTES

[1] Tui Adams is the principal 'pūkōrero' (speaker) nationally for Waikato-Maniapoto. This was recognised by the University of Waikato in 2003 with the conferment of an Honorary Doctorate.

[2] Ngāpare Hopa is the Director of the Aotearoa Business School and holds a D.Phil from Oxford University. She was formerly Professor of Māori Studies at the University of Auckland.

[3] This karakia or ritual chant was used to drag the Tainui canoe into the sea. This version appears in the Māori newspaper, *Te Waka ā te Iwi*, Vol. 1, No. 2, November 1857, p. 2. It was sent in by the famed Ngāti Maniapoto chief, Rewi Maniapoto.

[4] They included the *Tāmaki* Wānanga which became the centre of cultural life of the district surrounding Waitematā, Mānuka and lower reaches of the Waikato; the *Ahurei* established at Kāwhia with Hoturoa himself as high priest and Tohunga o te Tuahuroa; *Te Papa ō Rotu*, originally established at Waikarakia but later relocated inland to the western bank of the Waipā river at Whatawhata, and *Kahuwera*, set up on the south bank of the Mōkau river near Piopio. Later years saw Rangiātea established on the Mangarorongo stream, on the western side of Rangitoto mountain; Hurakia, on the eastern watershed, near the iwi boundary with Taupō or Ngāti Tūwharetoa; *Miringa te Kakara*, at the headwaters of the Waipā river near the foot of Pureora mountain and *Whenuatupu*, at the junction of the Ōngarue and Waimihia rivers; and *Hui te Rangiora* on the northern reaches of the Puniu River.

[5] Twenty-eight of these are held each year. The first Poukai was held at Whatiwhatihoe in 1885. It was a day for the poor and the underprivileged to be fed and cared for. The Poukai developed into an occasion for direct consultation between the people and the King/Queen.

[6] The team comprised of ourselves, Mana Forbes, Harold Maniapoto and Rovina Maniapoto-Anderson.

[7] This included Dr Koro Wētere, Rev Buddy Te Whare, John Haunui, Iwi Nicholson, Haki Thompson, Motu Katipa, Rewi Graham, Tame Te Maro, Archie Taiaroa, and Tuti Aranui

[8] The first was devoted to studying the whakapapa and history of the iwi: the hero narratives of the ancestors, their inter-group wars and alliances and inter-iwi relationships illustrated by the union of Tūrongo and Māhinārangi. The next level involved the voyaging to Aotearoa of the founding waka itself and the landfalls made before the waka finally came to rest at Kāwhia on the west coast. This was followed by topics on the origin and evolution of man, on the cosmos and on mythical ancestors whose whakapapa were eventually linked to ancestral lines of descent. The accent was clearly on the meaning, all-pervasiveness and generative power of whakapapa. See Jones, Pei Te Hurinui1959: 34-35

[9] See **Appendix A** for a more detailed list of course content.

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Course Content

Part A: Ngā Whakapapa Mai i te Tīmatanga

- Te Kore – the cosmology reflecting the search for meaning, profound truths that have engaged all humanity:
- Io Matua kore
- Te ira tangata (male) te ira wahine (female) personified in Hani and Puna, their search for a place to propagate; the discovery of
- Rangi-nui-e-tū-iho nei and of Papatuānuku as nurturers
- Atua – ngā tamariki, their portfolios and ventures
- Karakia – incantations to atua
- Te Mana o te kupu – the power of the word – karakia
- Ngā Tohunga – specialists
- He Tauira – examples of karakia used in life crises, birth, death, illness, war and protection of resources
- Whakamau karakia

Part B. Mai Rā Anō

- Tainui Waka – te hoe nuku roa; whakapapa and actions of voyaging heros; navigational karakia, 'sacred treasures', colonising ventures, landfalls
- Ngā nohonga – history of settlement and expansion in Aotearoa
- Ngā Rohe Whakatepe – territorial boundaries and defence of them
- Ngā Toa Rangatira – narratives of outstanding leaders, qualities and foibles of leaders
- Ngā hapū – growth and expansion, the importance of whakapapa to membership, occupation and residence
- Ahi-kā – meaning and outcomes
- Muru (feuding) as an equalising method or means of settling disputes
- Pakanga (war) the politics of mana, tapu and te tatau pounamu (peace-making)
- Mana-atua, Mana-whenua, Mana-tangata

Part C: Ngā Herenga Tangata

- Whakapapa, meaning, purpose, function and outcomes
- Tā te Kāwai hue – a model for understanding the extent of whakapapa and whanaungatanga
- Tuakana/teina – significance of, application and issues arising from the tensions between senior and junior whakaheke
- Te Wāwahi me te hononga tangata – conflict and consensus between hapū and their leadership
- Ngā Kura Wānanga – schools of learning
- Kawa – meaning, depth and practice in Tainui
- Wairua – te herenga atua, herenga tangata – links to atua and among people
- Waiata/karakia, composers, events immortalised, imagery of waiata tangi, waiata aroha, oriori, pao, pātere, tauparapara
- Whaikōrero, Karanga, skills and performance
- Te kawa o te marae

Part D: Ko te Mahinga Kai

- Ngā kai ō mua
- Ngā atua mahinga kai
- Ngā wāhi mahinga kai i roto i a Tainui
- Ngā karakia mahinga kai
- Ngā taupatupatu mahinga kai
- Ngā whakataukī mahinga kai
- Ngā toa mahinga kai
- Ngā Mauri mahinga kai

Part E: Ko te Kawa ō Tainui

- Tikanga – covering the wide range of customary belief and practises, including mana, tapu and noa, their subtlties and nuances
- Kupu whakaari, pepeha, tongi, ohaoha
- Wairua – spirit of the songs

- Waiata, composers-events immortalised, imagery in waiata aroha, waiata tangi, waiata whakatepe, oriori, pātere
- Whaikōrero and karanga, skills and performance
- Whakamau rākau, waiata ā-ringa

Part F: Ko te Kīngitanga

- Pūtake – the reasons for the rise of the Kingitanga
- Te Rapunga – search for a candidate
- Te Wherowhero
- Te Whakawahinga – the Kingship bestowed on Te Wherowhero at Ngāruawāhia
- Tāwhiao – successor and visionary
- Ngā tongi – the sayings of Tāwhiao
- Tāwhiao and Te Ua Haumene, the promotion of paimārire
- Poukai – meaning and promotion
- Pupuri whenua – the struggle to protect the land
- Te Kooti Whānako Whenua – the purpose and aims of the Native Land Court
- Ngā pakanga – the Land wars
- Ngā toa pakanga, ngā parekura, Rangiāwhiao, Ōrākau
- Te Rau o te Patu (raupatu)
- Ngā Mamae – the grievance surrounding confiscation
- Te Haerenga o Tāwhiao ki tāwāhi,
- Te Puea – the story of her influence and leadership of the Kīngitanga
- Koroneihana – annual celebrations
- Ngā kaitiaki – Waikato as custodians of the Kīngitanga
- Te Rohe Pōtae
- Kīngitanga – The Future?

Part G: Ngā Mahi Toi – the arts

- Ngā marae – location, naming, history
- Ngā wharepuni teitei
- Ngā tohunga whakairo – the architects
- Ngā waka – builders, processes in construction

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- Hoe waka – the regatta, revival of interest, waka ama
- Kapa haka – the evolution of performing arts, composition

Mō Tātou, Ā, Mō Ngā Uri Ā Muri Ake Nei:

For Us and Our Children After Us

Annabel Ahuriri-Driscoll

Ngāti Porou, Ngāti Kauwhata, Rangitāne, Ngāti Kahungunu

Project Manager, Ngāi Tahu Development

ABSTRACT

The conclusion of the first 'Mō Tātou' survey represents the realisation of a long-term goal for Ngāi Tahu. That goal was to gather information on the needs, ambitions and aspirations of Ngāi Tahu whenua, information that would enhance tribal communication and participation; and enable strategic planning and organisational responsiveness. This survey is the first component of a larger iwi research and development strategy. The project will entail continued surveying over time, and potentially the development and implementation of additional research methods. 'Mō Tātou' signifies a beginning in the development of Ngāi Tahu research capacity and a 'Kaupapa Ngāi Tahu' research framework. These developments are significant: a crucial aspect of being able to grow and assert tino rangatiratanga as an iwi is to possess self-knowledge.

Ngāi Tahu is in the unique position of being able to engage and communicate effectively with its people and respond to their needs. The establishment of a comprehensive tribal whakapapa database and the passing of the Ngāi Tahu Claim Settlement Act have provided Ngāi Tahu with the resources required to firstly reach out to Ngāi Tahu members, and secondly develop a mutual relationship based on information-gathering and the distribution of social and economic benefits. The development of a centralised structure to receive and administer settlement has introduced new challenges to the notion of community-based research. The Ngāi Tahu community that has driven the development of Ngāi Tahu-generated research differs from the hapū-based community that constituted nineteenth century Ngāi Tahu. So, is this type of iwi research still consistent with principles of community-based research, typically based upon 'grass-roots' communities?

New ethical considerations have arisen from the implementation of Ngāi Tahu research. These include whether an iwi that is governed by democratically elected representatives of its people should have to apply to a non-Māori institutional body for ethical approval of planned research, and also whether iwi membership implies a degree of reciprocity whereby iwi members are more obligated to participate in research for the greater good of the iwi. Research relationships have been forged with key figures in the research community including the Christchurch School of Medicine, and with Ngāi Tahu rūnanga and whānau in order to meet the knowledge and development requirements of the iwi. Mō Tātou has been implemented successfully, and has yielded a significant response rate and data. A number of ethical issues have arisen in the process, which will be outlined and discussed further.

Background

Ngāi Tahu are an indigenous people of New Zealand, with tribal authority over a substantial proportion of the South Island. Ngāi Tahu as it is recognised today migrated from the North to the South Island in three migrations over a number of centuries. The Rapuwai and Waitaha people settled in Te Waipounamu first, followed by Ngāti Māmoe, and eventually Ngāi Tahu.[1] Modern-day Ngāi Tahu is thus comprised of Ngāi Tahu, Ngāti Māmoe, Rapuwai and Waitaha descendents.

Ngāi Tahu has a unique history, marked significantly by geographical isolation. Contact with European sealers, whalers and traders, followed by the visit of Cook in 1769, was substantial and 'mutually rewarding'.[2] The establishment of whaling stations and arrival of European settlers in the 1830s prompted considerable intermarriage between the newcomers and the Ngāi Tahu community. After the signing of the Treaty of Waitangi in 1840, the Crown made a series of purchases of Ngāi Tahu land, totalling 34.5 million acres. Payment for the land was minimal however, and the Crown also failed to meet its obligations on the terms of purchase.[3] Thus began the 150 year-long struggle for Ngāi Tahu to achieve redress. Te Kerēme (*the claim*), the grievance based on the breach of contract served to bind Ngāi Tahu together, fostering Ngāi Tahu's capacity for organisation, mobilisation and the ability to work collectively and systematically.

Settlement in 1998 brought with it pūtea (*money*: $170 million), a legal identity and a system by which to distribute benefit to iwi (*tribe*) members. Pūtea has the clear

advantage of enabling Ngāi Tahu to participate meaningfully in the local economy and environment, and to develop itself economically and socially. The legal identity and corporate structure established a transparent system through which Ngāi Tahu could be once again accountable first and foremost to Ngāi Tahu.[4]

Ngāi Tahu Today

In the 2001 Census, 39,981 individuals noted their affiliation to Ngāi Tahu.[5] A slightly smaller group (33,766)[6] are registered with Ngāi Tahu, a process that requires statement and verification of Ngāi Tahu whakapapa (*genealogy*). Individuals registered with Ngāi Tahu are descendents of kaumātua (*elders*) featured in 'the Blue book', a list of Ngāi Tahu and Ngāti Māmoe tīpuna (*ancestors*) alive in 1848. A census conducted by the Crown in 1848, combined with findings of the 1929 Ngāi Tahu and Ngāti Māmoe Census Committee form the basis of modern day Ngāi Tahu whakapapa records.[7]

Implicit in the registration process is the indication of desire to be part of the development of Ngāi Tahu and to be acknowledged as Ngāi Tahu. Although tribal policy is clear that all registered individuals are equally entitled to access collective tribal benefits, it is recognised by the Ngāi Tahu community that belonging to the collective is about more than merely benefiting.[8] A reciprocal relationship, including notions of contribution and commitment to things Ngāi Tahu, is the basis of belonging.

The corporate arm of Ngāi Tahu was established in 1998 as a result of settlement with the Crown. As part of the terms of engagement with the Crown, a Crown-determined centralised structure was to be established to receive settlement. Te Rūnanga o Ngāi Tahu (TRONT), a board of representatives of the 18 papatipu rūnanga (*marae-based councils*) was set up to govern the organisation. These representatives are elected by rūnanga members to serve both their rūnanga and the iwi. Ngāi Tahu Holdings Corporation (NTHC) is charged with the responsibility of investing and growing 'te pūtea', and Ngāi Tahu Development's (NTD) main role is developing and distributing social, cultural and natural environment benefits for Ngāi Tahu whānau whenua (*wider family*). Both NTHC and NTD receive direction from TRONT, which in turn receives its direction from those Ngāi Tahu active at rūnanga level. Ngāi Tahu whānau whenua are the major stakeholders of

all three organisations. Thus the centralised structure established operates on a transparent, democratic basis, driven by Ngāi Tahu whānau whenua at all levels.

Ngāi Tahu Development

Developments in the social, cultural and natural environment areas by NTD are comprehensive, ranging from providing information, access to tribal resources and educational opportunities to whānau, influencing government and external organisations towards supporting the needs and ambitions of Ngāi Tahu whānau, through to ensuring rūnanga development to enable responsiveness to whānau membership needs.[9] NTD, in conjunction with NTHC and TRONT, is also primarily responsible for implementing the Ngāi Tahu 2025 vision developed in 2001. 'The vision' was developed in consultation with kaumātua (*tribal elders*), Ngāi Tahu whānau (*family/ies*), papatipu rūnanga, TRONT and staff. It is primarily about Ngāi Tahu's ability to exercise tino rangatiratanga (*tribal authority*) and to create and control the destiny of the iwi.[10]

Ngāi Tahu 2025, the vision for Ngāi Tahu development to the year 2025, was developed based on the contributions of Ngāi Tahu whānau. Nine strategic objectives were identified, six of which NTD has responsibility for implementing. The strategic objectives form the basis of Mō Tātou (*'for us'*), providing whānau with an opportunity to provide feedback directly to NTD, NTHC and TRONT.

The three key objectives of Mō Tātou are:

- To gain information on the needs and aspirations of Ngāi Tahu whānau,

- To monitor progress on the meeting of Ngāi Tahu 2025 outputs and outcomes over time, and

- To inform Ngāi Tahu policy/ strategy development in a range of areas including whānau, education, cultural identity and participation and rūnanga development.

From the example of the 1848 census, it can be seen that Ngāi Tahu's pursuit of self-knowledge is not a new development. Mō Tātou is a similar information-gathering exercise, conducted within a contemporary context. Designed as a long-term project, the information gathered in the course of its implementation will be utilised by NTD to meet the evolving needs and ambitions of Ngāi Tahu whānau

and hapū (*sub-tribe*). It will form part of the ever-growing Ngāi Tahu knowledge base, from which strategies for iwi development will be pursued and goals of Ngāi Tahu self-determination realised.

Methodology

Iwi-generated research & Kaupapa Ngāi Tahu

*Iwi are tangata whenua (*people of the land*), indigenous to Aotearoa. Defined by whakapapa and geographical boundaries, an iwi could be described as a collection of hapū, descended from a common ancestor.[11] Despite concerns about the historical authenticity of iwi as the collective unit representing tangata whenua interests (it is widely argued that hapū were more likely the economic and social unit of society prior to European colonisation[12]), the Crown has determined that in the interests of feasibility it wishes to deal with iwi in the settlement of Tiriti o Waitangi (*Treaty of Waitangi*) claims. Thus iwi have become increasingly responsible for the provision of social and economic support to tribal members.*

Providing support to tribal members requires a good understanding of the needs and wants of the people, and how these are to be best addressed. Such information is needed to plan effectively for a sustainable future. Hence the need for good quality information, gathered in the course of rigorous research. Thus as iwi research capacity increases, iwi development is enhanced. Iwi including Ngāi Tahu are initiating and funding their own research, which has a basis in indigeneity and Te Tiriti o Waitangi Article 2 rights (tino rangatiratanga), in addition to ethnic marginalisation and Article 3 rights (equality with other New Zealand citizens). Non-reliance on government research funding enables iwi self-determination in terms of defining research issues and questions, methodology and methods. As with a Kaupapa Māori (*Māori theme/ agenda*) conceptual framework,[13] iwi research is "by iwi, for iwi, with iwi". However, where Kaupapa Māori is the generic research framework, iwi research involves the adoption, adaptation and application of its methods according to iwi specifications. As Māori and iwi are diverse, a Kaupapa Māori framework needs to be able to be applied in a suitably diverse fashion. Thus the efficacy of Kaupapa Māori methodology is that it is not a 'one size fits all' recipe for research practice and success.

In the case of Mō Tātou, the underlying conceptual framework and kaupapa is 'by Ngāi Tahu, for Ngāi Tahu, with Ngāi Tahu'. This kaupapa is based on the exercise and achievement of tino rangatiratanga, specifically in the process and outcomes of research. Under tino rangatiratanga a Kaupapa Ngāi Tahu methodology reserves the right to be innovative in the application of research methods, blending and utilising both traditional and contemporary whakaaro (*thinking*) where necessary to serve the overall purpose of benefiting Ngāi Tahu.

Methods

Hui-ā-tau

The impetus for Mō Tātou came from the Ngāi Tahu community. Over successive hui-ā-tau (1998 onwards), Ngāi Tahu whānau made the call for Ngāi Tahu-specific information. It was recognised by Ngāi Tahu that there was a requirement for current and credible information about the needs and ambitions of its tribal members in order to support the best decision-making possible at individual, whānau, hapū, local community and iwi levels. Thus developed the kaupapa of the Whānau Needs and Ambitions survey (the project which was to become Mō Tātou in the implementation phase). Hui-ā-tau participants indicated their receptiveness and willingness for participation in Ngāi Tahu research with the main aim of benefiting themselves and the generations to come.

Ngāti Wheke Pilot Study

Hui-ā-tau hopes moved a step closer to being realised with the 2002 Ngāti Wheke pilot study, conducted by a team of researchers at the Christchurch School of Medicine and Health Sciences. Conducted with Te Hapū o Ngāti Wheke rūnanga (one of the 18 Papatipu Rūnanga that comprise Ngāi Tahu), the study resembled a community participatory research model. The research team worked closely with the rūnanga to develop and apply the methodology, design the survey and complete phone surveys. Due to resource constraints it was not possible to implement this pilot framework with the 17 remaining rūnanga in the course of Mō Tātou. Even so, the pilot initiated the development of a survey tool and enabled the pilot-testing of data collection methods.

The Ngāti Wheke pilot study found that individual postal surveys resulted in the highest (albeit marginally) response rate above phone and face-to-face interviews. Postal surveys elicited a 33 percent response rate, followed by 32 percent for phone surveys, and 25 percent for face-to-face interviews. In addition, there was movement between phone and mail methods, with more than half of those selected for phone interviews opting to complete and post back their surveys. Anecdotal reports were that for these individuals it was more convenient and less time-intensive to complete the surveys in their own time, on their own. These individuals (notably younger individuals with young families) did not desire kanohi ki te kanohi (*face to face*) contact with researchers, although some older participants living locally specifically requested this survey method.[14]

Following on from these findings and considering firstly the intention to conduct research with a significantly larger sample in Mō Tātou and secondly the difficulties in applying Kaupapa Māori methods to larger sample sizes, the decision was made to proceed with self-administered individual postal surveys. In accordance with one of the pilot study recommendations, rūnanga affiliation was excluded and a random selection of potential participants was made directly from the Ngāi Tahu Whakapapa database. An advantage of direct selection from the Whakapapa database was that all registered Ngāi Tahu had the chance of being selected, regardless of their place of residence. The method of selection and information collection enabled Ngāi Tahu to cast its net wider than those active in their rūnanga takiwā (*area*) (less than 10 percent of Ngāi Tahu).[15] This is particularly relevant, given the recent statistic that 52.3 percent of Ngāi Tahu live outside the rohe, including 9.3 percent living overseas.[16] The postal survey method enabled the most cost-effective inclusion of Ngāi Tahu living outside the rohe. An 0800 Mō Tātou number was established however, to enable those who wished to, to complete their survey with a researcher over the phone.

Statistical advice supported the implementation of a simple random sample survey design, complemented by collection of volunteer group data. Four thousand individuals aged 16 years and over were randomly selected from the Ngāi Tahu register to participate in the survey. Participants were selected on a random basis in order to achieve a sample representative of the wider Ngāi Tahu population. The original sample size was 3000, with a further 1000 sampled to accommodate expected rates of non-eligibility (e.g. individuals that remain "Gone No Address" (GNA) after searching) and therefore exclusion from the sample. The

sample size was determined on the basis of feasibility to conduct adequate follow-up, designed to produce a response rate of 50-60 percent or more.

Another of the pilot study recommendations was that an update of the Whakapapa database contact details needed to be undertaken to ensure an optimal response rate for future surveys. This was partly implemented, with phase one completed prior to the advent of Mō Tātou. Phase one involved a marketing strategy to increase the awareness of the Ngāi Tahu community with regard to maintaining up to date contact details with the Whakapapa Unit. An '0800 Kāi Tahu update' free-phone number was established, and Ngāi Tahu were encouraged to call in with current contact details for themselves or their whānau. This was successful, with 4,428 changes made to the Whakapapa database contact details. Phase Two consisted of efforts to search for current addresses for those registered as Gone No Address. Addresses for approximately a quarter of the known GNA individuals were located in electoral rolls.

The Postal Survey

A key aspect of Mō Tātou in the early stages was the re-development of the survey tool. Following on from the Ngāti Wheke pilot study where hapū members assisted in survey development, the individual survey tool was examined against the pilot findings and the outputs and outcomes of the Ngāi Tahu 2025 document. The objective of this exercise was to determine how questions could be re-worded or re-worked, and what types of additional questions would possibly need to be included in order to provide desired information. Concurrently, research was conducted into existing surveys that already yield high-quality information about Ngāi Tahu in specific areas (New Zealand Census, Māori Language Survey, Department of Labour Surveys).

In addition to including questions on the six focus areas from Ngāi Tahu 2025 that are the responsibility of NTD (Te Ao Tūroa (*the natural environment*), Whānau (*social development*), Mātauranga (*education*), Tō Tātou Ngāi Tahutanga (*cultural identity and participation*), Ko Ngā Whakapāpātanga (*communications*) and Papatipu Rūnanga (*rūnanga development*), it was recommended that the survey include questions on Te Pūtea (*investment planning*), Te Kaitiakitanga me te Tāhuhu (*tribal governance and organisational development*), and Te Whakaariki (*influence*). The survey document was finalised in accordance with Christchurch

School of Medicine Advisory Committee feedback, following 'user testing' with Ngāi Tahu staff members. The final survey utilised a combination of well-established and validated Census, Health Survey, Employment Survey and Māori Language Survey questions, with new questions based on aspirations or ambitions rather than need. There were also a number of qualitative or open-ended questions, interspersed with quantitative 'tick-box' and multiple answer questions. The intention was for these questions to provide participants with the opportunity to respond in their own words, and provide feedback that perhaps did not fit within the fields allowed in quantitative questions.

Ethics / tika

Consideration of ethical issues is central to the maintenance of research integrity and in this sense iwi-generated research is no different from 'mainstream' research. Despite the alleviation of some concerns inherent in research conducted by 'outsiders' or 'others' (for instance non-Māori academics researching Māori communities), research with iwi, hapū and whānau is based in relationships and trust established in gathering and valuing peoples' information. It is the responsibility of Māori and iwi researchers to not only adhere to established ethical principles and guidelines, but also notions of 'tika', what is right for iwi Māori.[17] In this case NTD, with the mandate of Ngāi Tahu whānau whānui through TRONT decided to undertake Mō Tātou. Ngāi Tahu tikanga (*customs*) and values (whanaungatanga (*kinship*), manaakitanga (*hospitality*), tohungatanga (*expertise*), kaikōkiri/ manutioriori (*warriorship*), and kaitiakitanga (*stewardship*)) guided the development and implementation of the research process. These values and practices in themselves constitute a Ngāi Tahu code of ethics. The practice of these values guarantees a respect for Ngāi Tahu members, minimisation of harm, justice, and also cultural and social responsibility, all considerations of ethical review.

Ngāi Tahu Values

Te Rūnanga o Ngāi Tahu has adopted a number of values that the organisation is to aspire to and operate by. These values are reflective of basic tikanga Māori and aim to have the tribal corporate more accurately reflect the tribe at large and the traditional values and principles that are a part of tribal life.[18] Although the aforementioned values are imbued within the structure to an extent that they have

become normalised and hence more difficult to identify, two examples of the application of these within Mō Tātou are illustrated below.

Whanaungatanga is the core principle in tikanga Ngāi Tahu. Based in whakapapa and kinship, this is expressed daily in supportive, sustaining relationships and kotahitanga (*unity*) within whānau, hapū and iwi. Individuals were employed as part of the Mō Tātou research team based on their connections to Ngāi Tahu (personal and/or professional), personal qualities and integrity that enabled them to interact with others in a respectful manner, their commitment to the project aims and their intention to act in the best interests of Mō Tātou participants. Each of the survey assistants recruited had previous experience in working for Ngāi Tahu, was orientated towards a Ngāi Tahu kaupapa and recognised whānau, hapū and rūnanga mana whenua.

In dealings with participants either kanohi ki te kanohi, via phone or written correspondence, Mō Tātou kaimahi (*workers*) were expected to act with warmth, politeness and respect and were monitored to this effect. A phone and email log was maintained for the purpose of efficiently and effectively dealing with participants' needs as they were iterated to the research team. Documentation developed for potential participants aimed to be friendly and encouraging, stating the importance of their participation whilst informing them of their ability to withdraw from the survey at any time.

Kaitiakitanga is another Ngāi Tahu value that played an important part in the development and administration of Mō Tātou. The intended incorporation of survey data directly into Ngāi Tahu strategic planning and decision-making processes ensures that Ngāi Tahu whānau will 'reap the rewards' of their participation. Decisions that are made and actions that are subsequently taken on behalf of Ngāi Tahu to benefit Ngāi Tahu will be informed by the needs and ambitions of Mō Tātou respondents. The intention to continue to administer Mō Tātou at set intervals over time will also ensure that the responsibility to ensure the sustenance of future generations is upheld.

With regards to research validity (the first component of ethical review), Mō Tātou has been developed in accordance with research principles. A survey team was established with a view to integrating research knowledge and experience,

whakapapa, Māori community connections and 'cultural capability'. The survey team comprised:

- A Māori researcher as Project Manager, and

- Ngāi Tahu and Māori survey assistants,

- Overseen by a Project Advisor with an extensive background in Māori and community-based research,

- Guided by a Ngāi Tahu Steering Group and an Advisory Committee including Christchurch School of Medicine Department of Public Health and General Practice staff,

- With additional expertise from an independent statistician.

The Ngāti Wheke pilot study, conducted by researchers at the Christchurch School of Medicine and peer-reviewed by external experts provided recommendations for iwi-wide implementation. These were applied in Mō Tātou. Thus, the implementation of Mō Tātou was based on evidence and 'best practice' in research.

Ethical Approval

Early on in the project, application for ethical approval from the Canterbury Regional Ethics Committee was considered. Consensus was not reached in the Christchurch School of Medicine Advisory Committee meeting regarding this matter. However, the Mō Tātou project team made a philosophical decision not to seek ethical approval from the Regional Ethics Committee based on the following considerations:

- The fact that the survey project did not involve 'patients', was not conducted on health provider premises and did not include health information or databases meant that it fell outside the criteria for examination by a Regional Ethics Committee, and

- Where other research proposals seek ethics approval from their institutional (e.g. university) ethics committee, submission to an institutional committee usually requires some affiliation with that institution by the researcher(s), which the Mō Tātou project did not have.

In addition, it was considered that developing a Ngāi Tahu ethical review process would serve to contribute towards the development of Ngāi Tahu research capacity and a Ngāi Tahu research ethic based on tikanga. Such a process would firmly ground these processes in tino rangatiratanga, not only for this survey project, but also future research. This proposal was not developed or applied in any comprehensive way prior to survey administration. Three external research experts (two of whom are Ngāi Tahu) were approached however, to provide feedback on ethical issues relating to the survey methodology and documentation, based on ethical principles and Ngāi Tahu values. An outline of the survey design was prepared and sent to the individuals to provide ethical review of the project. Feedback was received from one, with concerns raised about storage of completed surveys.

The process of seeking ethical approval from a Regional Ethics Committee is a key issue for iwi research. Does an iwi acting in its own interests need to gain permission from a non-Māori, non-iwi entity to conduct research with and for its people? How would an external body be better equipped to make decisions for Ngāi Tahu with regard to how it conducts its own research? In the interests of maintaining rangatiratanga, Ngāi Tahu going through such a process would be inappropriate. In terms of things Ngāi Tahu, it is preferable for there to be a degree of 'insider' knowledge and involvement. Despite the concern of some worldviews with objectivity, in te Ao Ngāi Tahu whakapapa and connections to people are paramount. Whakapapa and such connections equate with accountability, increasing the likelihood that research will be conducted ethically and with the community's interests at heart. In the case of Mō Tātou, it is intended that as Ngāi Tahu's research capacity develops, a Ngāi Tahu ethical approval process will be developed, with both whānau and expert representation at its centre.

Mō Tātou Ethics

As part of the discussion about ethical approval, details pertaining to the ethics of the survey mail-out were also discussed. An information sheet was designed and approved by the Advisory Committee for inclusion in the survey package to be mailed out to participants. An informed consent form was omitted on the basis of advice that a completed and returned survey constituted implicit consent.[19] Thus

information was supplied to potential participants with a view to enabling informed participation, although written consent was not required of participants.

Contact continued with participants after the initial survey mail-out in order to ensure the survey's credibility. Follow-up mail and phone contact is a common methodological practice recommended to increase the number of survey responses and to ensure that the respondent group is representative of the wider population.[20] Follow-up consisted of the posting of a further two surveys, interspersed with three reminder postcards, completed with a phone call to the remaining non-respondents. GNAs were also pursued, with comprehensive electoral roll searches conducted at various points in time. Those who were not able to be located after searching electoral rolls and/or phone records were excluded from the sample.

Follow-up in itself presents an interesting ethical 'dilemma'. Tolich (2001) asks whether the established 'good science' of sending reminder letters constitutes 'good ethics'. He argues that the invitation by a researcher of a potential participant to be part of a survey conflicts with continued requests for response from non-respondents.[21] This raises an interesting point, in which the ability to balance methodological rigour with the conduct of ethically sound research is questioned. For Mō Tātou there is no conclusive answer to this question, although it is a thought to be heeded for future research.

Contact records were developed to track participants' responses to the survey and provide a basis for non-respondent follow-up. As a result, the potential to link individual participants with their survey identification number was enabled. Stringent, comprehensive confidentiality protocols were then designed to restrict access to this identifying information, both in electronic and 'hard copy' formats. The survey team working directly with this information was bound by the confidentiality protocols to maintain privacy and anonymity of participants at all points in the data collection process.

Mō Tātou Results[22]

At the conclusion of the data collection process 1769 surveys had been completed, from the 4000 individuals selected for participation. The overall response rate was thus 44.2%. However, 803 individuals were excluded from the

survey as they were not resident at their registered address and were not able to be located in electoral rolls or telephone directories. They were thus ineligible for participation in the survey. After excluding these ineligible individuals the response rate was 55.3 percent.

The response rate is an important guide to how representative the sample respondents are of the wider population. The greater the response rate, the more likely it is that the respondents resemble the wider population, and the less likely it is that response has been biased in a systematic way. In addition, the ability to report statistically significant findings is increased because the sample size is larger. The response rate is also an indication of the acceptability of the survey and the survey process to participants. Taking into consideration the estimated contact detail database inaccuracy of 20 percent, with a response of over 55 percent it would appear that Mō Tātou has a kaupapa and kawa (*protocol*) that many Ngāi Tahu are content with.

Conclusion

Iwi research is an area in which there has been and will continue to be significant growth. Iwi development requires high quality, accurate, reliable information; information that will establish an accurate 'base-line' of the iwi position and that will document aspirations for achievement, as well as information collected on an ongoing basis to monitor progress and evaluate impact. Such information needs to be gathered in a way that is acceptable to iwi members, upholds mana tangata (*individual rights*) and maintains rangatiratanga in accordance with the particular kaupapa of iwi development. The first Mō Tātou survey has aimed to do this by utilising the strengths of Ngāi Tahu; a transparent, centralised, democratic structure, financial and human capital, and existing information e.g. well-documented whakapapa, in combination with well-validated research methods. A number of ethical and methodological issues have been considered and addressed in the process. In keeping with the spirit and nature of iwi development, those issues yet to be comprehensively resolved will be the subjects of hui to come, within te Ao Ngāi Tahu.

NOTES

[1] Hana O'Regan, *Ko Tahu, Ko Au* (Christchurch: Horomaka Publishing, 2001).

[2] Harry C. Evison, *Te Wai Pounamu: the Greenstone Island* (Wellington, Christchurch: Aoraki Press, 1993).

[3] Harry C. Evison, *The Long Dispute: Māori Land Rights and European Colonisation in Southern New Zealand* (Christchurch: Canterbury University Press, 1997).

[4] Hana O'Regan, (2001).

[5] Statistics New Zealand, *Ngāi Tahu Profile* (Wellington: Statistics New Zealand, 2003).

[6] As at March 3 2004.

[7] Te Rūnanga o Ngāi Tahu, *Whakapapa Ngāi Tahu* (http://www.ngaitahu.iwi.nz/whakapapa-registration.html, 2004).

[8] Hana O'Regan, (2001).

[9] Ngāi Tahu Development Corporation, *Ngāi Tahu Development Strategic Plan 2003/04- 2007/08* (Christchurch: Ngāi Tahu Development Corporation, 2003).

[10] Te Rūnanga o Ngāi Tahu, *Ngāi Tahu 2025* (Christchurch: Te Rūnanga o Ngāi Tahu, 2001).

[11] Harry C. Evison, (1993).

[12] Keith Sinclair, *A History of New Zealand*. (Wellington: Penguin Books, 1993).

[13] Linda T. Smith, *Decolonising Methodologies- Research and Indigenous Peoples* (New York: Zed Books, & Dunedin: University of Otago Press, 1999).

[14] Suzanne Pitama et al. (2002).

[15] Approximately 7 percent of registered Ngāi Tahu are registered with rūnanga. Ngāi Tahu Development Corporation, (2003).

[16] As at March 3 2004.

[17] Fiona Cram, "Rangahau Māori: Tona Tika, Tona Pono- the Validity and Integrity of Māori Research," in *Research Ethics in Aotearoa New Zealand,* ed. Martin Tolich (Auckland: Pearson Education New Zealand Limited, 2001).

[18] Te Rūnanga o Ngāi Tahu, *Annual Report 2003* (Christchurch: Te Rūnanga o Ngāi Tahu, 2003).

[19] Christchurch School of Medicine Advisory Committee, meeting minutes, 20 October, 2003.

[20] Martin Tolich, "Self-administered Questionnaires: the ethics of Snail-mail vs. E-mail," in *Research Ethics in Aotearoa New Zealand,* ed. Martin Tolich (Auckland: Pearson Education New Zealand Limited, 2001).

[21] Martin Tolich, (2001).

[22] Further results are not available for public distribution until after the annual Ngāi Tahu hui in November, where the results will be first disseminated. Following the release of a general report of survey findings, all registered Ngāi Tahu individuals including 'Mō Tātou' participants will receive a community report or summary of these findings in their quarterly Te Karaka magazine.

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Bioethics, Benefit-Sharing and Indigenous Populations

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ABSTRACT

In achieving justice in global research ethics, consultative commissions and policy-making bodies in developed countries have tended to assume that the way forward is to strengthen the rights of vulnerable individuals and populations by improving informed consent procedures. While this approach does have its merits—not least its recognition of the power imbalance between researchers and research subjects and its attempt to provide international rules for research in the global context—it represents an individualistic model alien to many indigenous peoples. From the Karioca Declaration at the Rio de Janeiro Environment and Development Summit onwards, indigenous peoples have widely rejected the notion that they can give any such thing as informed consent to what they view as a deeply wrong enterprise, the objectification and commodification of human life. Benefit-sharing might appear to be a compromise between complete commodification, with no protection for indigenous peoples, and absolute refusal to allow outside researchers to conduct drug trials and genomic research in indigenous communities. However, benefit-sharing also raises questions about how much, to whom, and for how long. Nor does benefit-sharing eliminate the deeper cultural antipathy to commodification of the genome felt by many indigenous peoples: rather, it accepts commodification as inevitable or even advantageous to their communities, provided it occurs under strictly negotiated conditions.

Introduction

The biotechnology 'Gold Rush', in which the territory is the human genome or the human body, is flooding into unexplored and 'wide open' territory. Many of the most egregious examples come from the Third World: for instance, the case of the Hagahai, hunter-gatherers of Papua New Guinea, who were told by a researcher, Carol Jenkins, that she wanted to take blood samples in order to test for the presence of an "insect" (binitang). In actual fact Hagahai blood samples contained an unusually high incidence of antibodies to the HTLV-I leukaemia virus, enabling the development of an immortal cell line and a patent application covering the cell line, the infecting virus, and a set of ancillary diagnostic kits.[1] Isolated, small populations such as these are not the only targets: India and China are both considered rich seams for genetic and pharmaceutical research.[2] In another instance, Harvard researchers offered villagers in China the incentive of a free medical examination if they would consent to donate DNA samples for an asthma study. In fact the medical examination never materialised, nor did the promised free aftercare. What did materialise was a $54 million initial share offering on Wall Street by the sponsoring firm, Millennium Pharmaceuticals, incorporating the results of the Chinese research.[3]

Consultative commissions and policy-making bodies in developed countries have tended to assume that the way forward, in terms of global research ethics, is to strengthen the rights of vulnerable individuals and populations by improving consent procedures.[4] While there is much to commend in this approach, not least its recognition of the power imbalance between researchers and research subjects and its attempt to provide international rules for research in the global context, there is a deeper difficulty. From the Karioca Declaration at the Rio de Janeiro Environment and Development Summit onwards, indigenous peoples have widely rejected the notion that they can give any such thing as informed consent to what they view as a deeply wrong enterprise, the objectification and commodification of human life.[5] Not only in the Third World but also in the First have such objections been raised: for example, by the Icelandic population in respect of the very favourable treatment given to a single US firm, DeCode, in access to the population genetic database.[6] Rectifying the *procedural* injustice, lack of informed consent, does not lessen these objections to the *substantive* injustice of commodification.[7]

Consent and the individualistic model

The emphasis on consent does also embody a particular view of substantive justice, an individualistic and libertarian one. Provided that consent to the extraction of tissue or DNA could be made informed and voluntary, on this model, no injustice is done to research trial participants, including those from indigenous populations, even if they derive no profit from their own material. So long as indigenous people are free to choose whether or not to take part in research trials or procedures, there is no harm done to their autonomy. Indeed, indigenous research participants may be seen as altruistically advancing the cause of medical research, from which they themselves may benefit from in the long term, and the notion of 'gift' is seen as a value to be enhanced in public policy.[8] On this argument, the principle of respect for persons not only sanctions indigenous populations' participation in research; it requires the law to respect their free choice.

However, such altruism has too often tended to be one-way—from research populations to researchers—and one-way altruism is better called exploitation.[9] That point, however, is not my main concern here. Informed consent looks at first like the key to eliminating injustice—at least for a libertarian—particularly if it can generalised to communities as well as individuals: in the Icelandic database, for example, there was much criticism of the policy of presumed consent of the entire community, requiring individuals to opt *out* if they did not wish their genetic data recorded.[10] Recent policy is beginning to demand more stringent regulation: the Estonian databank—another instance of a comparatively isolated, genetically homogeneous population within the First World context—will require individuals actively to opt *in.* Prior informed consent of indigenous communities is required for the validity of patents and processes from traditional medicine, according to a declaration of the Andean community. A recent report for the UK Department for International Development Commission on Intellectual Property commends procedures for obtaining group consent *as well as* individual consent, but also remarks that group consent is not a *substitute for* individual consent.[11] It also recommends that such individual consent 'is incomplete without information about possible commercialisation'.[12]

However, there are also serious limitations to the libertarian consent model: it should not be the be-all and end-all, but rather the 'least common denominator' for

participation in research.[13] Some of the reasons why this is true are primarily legal: for example, consent is more obviously required in the course of clinical procedures than in patenting information or 'discoveries' derived from human material or personal genetic data.[14] It may be possible to enforce informed consent through patent laws, for example by requiring proof that fully informed consent has been obtained before a patent can be granted; the Convention on Biological Diversity is a step in this direction. Yet once the patent has been granted, there is no further mechanism allowing research populations to benefit from later uses of their material; in other words, there is still potential for exploitation.

The values of indigenous peoples: a common heritage

There is also a more substantive problem about conflict of values. Many indigenous peoples and some states distrust the entire idea of patenting or giving informed consent to the use of human materials in commercial applications. Some of the reasons for this attitude are historical: an entirely understandable reaction to the excesses of colonialism, to the exploitation of colonial countries' resources and even the plundering of natives' corpses for Western museum collections[15]. Some derive from commercial concerns in the wealthier developing world countries, which want to protect human genetic sequences and other forms of human material as pre-competitive information. This is a perfectly reasonable reaction to the erection of tariff barriers by the First World[16] but should be distinguished from the more fundamental moral reaction of some indigenous peoples and countries who may oppose patenting of human material as commodification of the sacred element in life.

The Human Genome Diversity Project, which might be seen as a force *against* ethnocentrism by focusing on the 80 per cent of the world's population not of European descent, has actually been a particular focus for condemnation. The Declaration of Indigenous Peoples of the Western Hemisphere Regarding the Human Genome Diversity Project, signed in 1995, reads: 'We denounce and identify...the apparatus of informed consent as tools of legalised western deception and theft.'

Yet under the Trade-Related Intellectual Property System (TRIPS), and even more so under the emerging World Intellectual Property Organisation patent law

Treaty of 2000, developing countries may well be forced to grant patents in human biological material. Informed consent as a compliance requirement for patenting will probably not be perceived by these countries and peoples as protection against exploitation, but rather as an additional proof of dominance by First World firms, governments and values. There is also likely to be a 'two-tier' system within the Third World: patent agreements may well include benefits to local research projects or health infrastructures, but that will only help the more developed of the developing countries, such as India or Brazil. The others can expect to remain 'experimental havens', on an analogy with 'tax havens'.[17]

In the UK, recent reports by the Human Genetics Commission and the Committee on Intellectual Property Rights (both 2002) do transcend the libertarian model, recognising that human genetic and biological material is something more than any one individual's. The terminology of solidarity and common heritage is becoming somewhat more common in the Anglophone countries, for example in the argument that gametes belong not just to the individual providing them, but also to that person's ancestors and descendants.[18] In the rest of Europe, it was always more common, along with the language of human dignity.[19] However, the language of common interest has been largely symbolic everywhere, and indeed the Universal Declaration on the Human Genome and Human Rights, adopted by UNESCO in 1997, explicitly recognises this limitation.

Thus, for example, the Human Genetics Commission report *Insider Information* gives considerable emphasis to a concept called 'genetic solidarity', summarised in these terms:

> We all share the same basic human genome, although there are individual variations which distinguish us from other people. Most of our genetic characteristics will be present in others. This sharing of our genetic constitution not only gives rise to opportunities to help others but also highlights our common interest in the fruits of medically-based genetic research.[20]

The trouble is that this wording is far from exploitation-proof—rather, somewhat exploitation-prone. "Opportunities to help others" sounds suspiciously like that one-way altruism mentioned before, as does the "common interest in the fruits of medically-based genetic research". Rich and poor may share a common interest—but with the important proviso that medical research, even in Third World countries, tends increasingly to focus on the diseases of the rich. Despite the

strictures of the Declaration of Helsinki, CIOMS (the Council for International Organizations of Medical Sciences) and UNAIDS—to the effect that research should be relevant to the health needs of the community in which it is carried out—it is well known that the HIV strains most commonly studied are those prevalent in the West rather than in Africa, and that drugs developed in Third World countries are marketed with the First World backpacker in mind.[21] But even if rich and poor did share a common interest, only the rich can pay: "the fruits of medically-based genetic research" do not grow on trees.

Benefit-sharing: justice or bribe?

Benefit-sharing might appear to be a compromise between complete commodification, with no protection for indigenous peoples, and absolute refusal to allow outside researchers to conduct drug trials and genomic research in indigenous communities. In light of opposition to patenting and commodification of human 'materials' in many indigenous cultures and developing countries, the compromise notion of benefit-sharing may look more like bribe than justice. If people are not commodities, or should not be treated as commodities, the wrongness of doing so is not lessened even if profits flow both to the exploiter and the exploited.[22] Benefit-sharing is then merely bribing people to become commodities. Yet while intellectually it may be more attractive to take a strict anti-commodification line, there is a possibility in that view of what Bernard Williams might call 'moral self-indulgence'[23]. Since most developed countries embrace commodification, albeit some more passionately than others, there is also a risk of consigning developing countries to even greater disparities of income if we reject benefit-sharing altogether. Putting developing countries on a moral pedestal, even one of their own devising, would then be merely a way of making them even more deprived.

Many in this audience will be familiar with the case of Tonga, with the sort of small, stable and genetically similar population beloved of genetics researchers, which contracted with the Australian biotechnology company Autogen to provide identification of families with a high incidence of early onset diabetes and obesity. In return, not only did the firm state in its ethical policy that Tongan 'welfare, rights, beliefs, perceptions, customs and cultural heritage' will be respected; it also gave the Tongan people as a whole—not just members of identified families—an agreed level of benefits from royalties or profits arising from drugs developed to

treat these conditions.[24] Autogen was also to build a new research laboratory adjoining the main hospital in Tonga, and to provide equipment for the hospital, together with research funding for projects selected by the health ministry. A shame, then, that the offer collapsed – not least because the proviso by which the entire Tongan nation was to benefit, rather than only the affected families, was important in terms of equity.

One argument frequently used against profit rights for research subjects is that it is only by chance that they possess a particular, valuable genetic characteristic. Why should some subjects benefit from such vagaries of chance, while others do not? Of course, in one sense it is just as much a matter of genetic luck whether one belongs to the Tongan nation as a whole as to one of the affected families, but the nation does at least have some claim to be acting on behalf of all its members. In the absence of a world state which can contract with biotechnology companies on behalf of all global citizens, something may be better than nothing. Alternatively, at sub-national level, as here in New Zealand, local Māori communities might rightfully claim to contract on behalf of their members.

But does benefit-sharing actually benefit indigenous peoples? The English bioethicist Ruth Chadwick has pointed out that the HUGO (Human Genome Organisation) Statement on Benefit-Sharing presupposes that there *will* be benefits to be shared, while recognising that any particular research study may be speculative rather than profit-making.[25] Particularly in genetic research, large claims are being made for the transformation of health care through tailoring treatments to suit each individual's genome. This is widely touted as the way of the future, promising more effective treatments, less wastage of medications, and ensuring that each patient receives the therapy best matched to her own genetic endowment. Chadwick notes that these purported benefits are being marketed in the language of individualism, as 'the geneticisation of health delivery'. But as I have noted before, the language of individualism is alien to many indigenous peoples.

Yet, I would warn, indigenous peoples are likely to be particularly attractive to genetic researchers, who wish to study homogenous populations so as to test the effects of particular drugs on research subjects who are likely to respond in similar ways to those treatments, because they possess a high degree of genetic similarity. In this way research samples can be smaller and research studies more

economical to run, because both the experimental and control arms of the study can be recruited from populations with a higher degree of genetic compatibility than the norm. In these days of evidence-based medicine[26] researchers are under peer and funder pressure to employ the gold standard, the double-blind randomised clinical trial. Such trials of genetically tailored therapies are cheaper to organise when experimental and control populations are genetically similar. The implications of being attractive to researchers are substantial for Māori communities, although not exclusively for Māori communities: some European populations also meet the homogeneity criteria—Icelanders, Estonians, perhaps Basques—and so do many Third World groups.

This is not just a story of vulnerability, however. The attractiveness of indigenous peoples to biomedical researchers also has positive aspects: it helps to ensure that particular alleles or genome variants found in indigenous or ethnic minority populations are recognised in research therapies. For example, in the stem cell therapies that currently enjoy such extensive media coverage, bioethicists have insisted that national stem cell banks should represent the different haplotypes of ethnic minority groups, not just those of majority populations.[27] In the United States the association called Genomic Research into the African Diaspora, based at Howard University, is attempting to ensure that African-American genomes are fully researched, benefiting African-Americans primarily but also entailing potential for a global resource.[28]

Conclusion: some practical questions

In pragmatic terms, benefit-sharing raises questions about how much, to whom, and for how long. What level of benefit-sharing should indigenous peoples demand—if any? The HUGO benefit-sharing statement suggested that 'Profit-making entities [should] dedicate a percentage (e.g. 1-3 per cent) of their annual net profit to healthcare infrastructure and/or to humanitarian efforts.' Although this figure has been widely quoted, Chadwick has revealed that it was plucked out of thin air by the ethics committee, on which she served, when the HUGO council refused to accept the committee's recommendation without quantification. There is ample scope for indigenous peoples to propose alternatives, but although the HUGO figure has been criticized as either too much or too little, it none the less has had practical and symbolic impact.

A pricklier question is this: who should share the benefits—individual sample donors and trial participants, or community organisations acting on behalf of their members? The HUGO statement opts for communities for several reasons: individuals, if limited to sample donors or trial participants, would presumably be chosen by chance, and it seems unjust that they should profit by good luck when others in the community are not selected. On the other hand, it might be argued that individual trial participants run a certain level of risk, and should be compensated for it.

The waters are further muddied by the question 'what counts as a community?' So far I have mainly been talking about ethnic or geographical communities, but much of the literature on benefit-sharing concerns what Chadwick calls 'communities of circumstance', members of a disease group: patients affected by the genetic condition PXE (pseudo-xanthoma elasticum, a genetic disorder affecting skin and eyesight, eventually leading to blindness). The 'PXE' benefit-sharing model has been widely adopted by a network of some 300 groups organised around rare genetic disorders. Its origins lie in a joint application to patent the gene coding for PXE by the parents of affected children and researchers at the University of Hawaii. The parents had already developed international links, via the Internet, before the gene was discovered—suggesting possibilities for indigenous peoples, as well as for other patient advocacy groups dealing with genetic conditions.[29]

Finally, how long should the benefits continue? A joint patent, as in the PXE model, yields benefits for the lifetime of the patent; a community hospital, as in the Tonga proposal, for the length of the hospital's functioning. Other types of benefits, such as payments or enhanced health care, are presumably time-limited.

Even if we can agree on answers to the questions above, we still have not answered the more contentious problems of whether benefit-sharing is merely a bribe, and whether it can be enforced. A low percentage benefit can readily be seen as buying indigenous peoples off cheaply; harder terms and higher benefits are obviously harder to negotiate. The collapse of the generous Tonga agreement is not a good omen for enforcement of benefit-sharing. Nor does benefit-sharing eliminate the deeper cultural antipathy to commodification of the genome felt by many indigenous peoples: rather, it accepts commodification as inevitable or even advantageous to their communities, provided it occurs under strictly negotiated

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conditions. It remains for indigenous peoples themselves to decide whether benefit-sharing is the way forward, and if so, how to ensure that global justice is done.

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NOTES

[1] US patent application 05397696, granted 14th March 1995, cited in: S. Thambisetty. Human Genome Patents and Developing Countries. Study Paper 10, prepared for the Department for International Development Commission on Intellectual Property Rights, 2001, pp. 17-18. An anonymous referee for *Developing World Bioethics* points out that Jenkins actually urged the Hagahai to seek a patent so that a pharmaceutical company would have some incentive to develop a vaccine for the virus.

[2] S. Brahmachari. Human Genome Studies and the People of India. Paper presented at the International Bar Association Human Genome Treaty Symposium, 21st October 1996, Berlin, cited in Thambisetty, Human Genome Patents, p. 17. See also the final report: Commission on Intellectual Property Rights. 2002. *Integrating Intellectual Property Rights and Development Policy.* London: DfID Commission on Intellectual Property Rights.

[3] L.S. Cahill. Genetics, Commodification and Social Justice in the Globalization Era. *Kennedy Institute of Ethics Journal* 2001; 11: 221-238, at 225-226..

[4] National Bioethics Advisory Commission. 2000. *Research Involving Human Biological Materials: Ethical Issues and Policy Guidance.* Bethesda, Maryland: US National Bioethics Advisory Commission. Medical Research Council. 1999. *Human Tissue and Biological Samples for Use in Research: Report of the Medical Research Council Working Group to Develop Operational and Ethical Guidelines.* London: UK Medical Research Council. Human Genetics Commission. 2002. *Inside Information: Balancing Interests in the Use of Personal Genetic Data.* London: UK Department of Health.

[5] See Table 2 in Thambisetty. Human Genome Patents and Developing Countries' (p. 21) for a full list of these statements, which include representations from Latin America, North America, Asia, and New Zealand.

[6] Other First World databases include the UK Biobank, a national database funded by the Medical Research Council and the Wellcome Trust, and the North Cumbria Community Genetics project, as well as proposed genetic databases in Estonia and Sweden. See: R. Chadwick. 2002. Genetic Databases. In *Ethics and Genetics: A Workbook for Practitioners and Students.* G. de Wert, R. ter Meulen, M. Tallachini and R. Mordacci. Oxford: Berghahn Books.

[7] Here my usage differs from that of the National Bioethics Advisory Commission consultation document *Ethical and Policy Issues in International Research* (September 2000), which calls informed consent one of the three substantive requirements for ethically sounds research (along with a favourable risk-benefit ratio and a fair distribution of the benefits and burdens of the research).

[8] Medical Research Council guidelines; Human Genetics Commission, *Inside Information*, introduction, section 9, p. 9.

[9] D. Dickenson. Commodification of Human Tissue: Implications for Feminist and Development Ethics. *Developing World Bioethics* 2002; 2: 55-63.

[10] Chadwick, *op. cit.*; G. J. Annas. Rules for Research on Human Genetic Variation—Lessons from Iceland. *New England Journal of Medicine* 2000; 68; 353-682.

[11] Thambisetty, *op. cit.*, p. 5.

[12] Ibid.

[13] Thambisetty, *op. cit.*, p. 23.

[14] For example, Article 3 of the European Charter concerns informed consent, but not in the context of patenting. See: Thambisetty, *op. cit.*, p. 5.

[15] S. C. Lawrence. 1998. Beyond the Grave—the Use and Meaning of Human Body Parts, a Historical Introduction. In *Stored Tissue Samples: Human Legal and Public Policy Implications.* R.F. Weir, ed.. Iowa City, Iowa: Iowa University Press:

111-142. See also the story of the last pure-blooded Tasmanian aboriginal in Matthew Kneale's novel, *English Passengers* (London: Penguin, 2000).

[16] J. Stiglitz,. 2002. *Globalization and its Discontents.* New York: W. W. Norton Co.

[17] Thambisetty, *op. cit.*, p. 6.

[18] D. Dickenson. Procuring Gametes for Research and Therapy: the Argument for Unisex Altruism. *Journal of Medical Ethics* 1997; 23: 93-95. D. Dickenson. 1997. *Property, Women and Politics: Subjects or Objects?* Cambridge: Polity Press, 153-154.

[19] Roberto Andorno. The Paradoxical Notion of Human Dignity. *Rivista internazionale di filosofia del diritto*; 2001; 2: 151-168. Juergen Boomgaarden. 2002. The Language of Dignity in Medical Research. In *Issues in Medical Research Ethics.* J. Boomgaarden, P. Louhiala and U. Wiesing, Oxford: Berghahn Books**.**

[20] Human Genetics Commission, *op. cit.*, section 2.11.

[21] CIOMS. 1993. *International Guidelines for Biomedical Research*, guideline 8: 'Before undertaking research involving subjects in underdeveloped communities, whether in developed or developing countries, the investigator must ensure that the research is responsive to the health needs and the priorities of the community in which it is carried out.' This is similar to the requirement that 'HIV vaccine development should ensure that the vaccines are appropriate for use among such populations, among which it will be necessary to conduct trials' (p. 6 of: UNAIDS. 2000. *UNAIDS Guidance Document: Ethical Considerations in HIV-preventive Vaccine Research.* Geneva: UNAIDS.)

[22] I rely implicitly on a Marxist notion of exploitation as seizure of surplus value, and on the assumption that such value may be attributed to human material. See D. Dickenson, *Property, Women and Politics*, chapter 5. See also, for critical discussions of the notion of exploitation: S. Lukes. *Marxism and Morality.* Oxford: Clarendon Press, 1985. J. Harris. *Wonderwoman and Superman: The Ethics of Human Biotechnology* Oxford: Oxford University Press, 1992.

[23] B. Williams. 1981. Utilitarianism and Moral Self-Indulgence. In *Moral Luck.* B. Williams. Cambridge: Cambridge University Press: 40-53.

[24] L. Skene. 'Sale' of DNA of People of Tonga. *Genetics Law Monitor* 2001; March-April, 7-9.

[25] Ruth Chadwick, 'Benefit-sharing: what are the benefits?', paper delivered at the first PropEur conference (Property Regulation in European Science, Ethics and Law, EC Framework Programme VI), 1st April, 2004, University of Birmingham.

[26] Ruud ter Meulen and Donna Dickenson, 'Into the hidden world behind evidence-based medicine,' *Health Care Analysis,* autumn 2002; Donna Dickenson and Paolo Vineis, ''Quality of care in evidence-based medicine,' *Health Care Analysis*, autumn 2002.

[27] Ruth Faden et al. (2003)) 'Public stem cell banks: considerations of justice in stem cell research and therapy,' *Hastings Center Report*, vol. 23, no. 6, pp. 13-27.

[28] Chadwick, op. cit.

[29] De Wert et al., *op. cit.*

Māori Research, Ethics and Law

Justice Eddie Taihākurei Durie

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The foundation for ethics

Some guide to research ethics may be had from legal practice. Legal ethics are founded on the trust that clients must place in their lawyer. Members of communities who are canvassed for their opinions or experiences by researchers, are in a similar position. This conference is concerned with researchers involved with Māori communities but the principles must hold for communities of all kinds. In soliciting advice from members of communities, rural or urban, traditional or modern, a sound basis for insisting upon an ethical approach, in my view, is the element of trust which those members vest in the researcher to treat fairly with the information provided and to use it in an honest way.

What compels this trust, or what creates this fiduciary relationship, is the power that a researcher has, leaving conscience aside, to use given information for personal advantage or the advantage of third parties with whom the researcher has an association. The information may be used for direct financial gain for the researchers, for the enhancement of their careers or reputations, for third party litigation, for political gains, or to give the researcher an ascendancy over the community in question so that the researcher becomes the community's advocate ahead of local leaders. That which has to be guarded against is opportunistic behaviour that involves the use of information for a purpose other than that for which the information was solicited or given.

To avoid any claims of misuse, researchers must make a full and frank disclosure of the purpose of their enquiries and use the information for no other purpose. The circumstances may even be such as to call for a legally enforceable contract to use the information for the declared purpose, for breach of which the researcher agrees to be liable for damages.

In addition to the disclosure on intended use, informants may need to be warned that while the researcher may not misuse the information, if it to be published, then someone else could do so. Anyone might in fact use it for the purposes mentioned – for litigation, political ends, or to gain an ascendancy over the particular community, the copywriting of material notwithstanding.

The ethical codes of traditional communities

It has then to be born in mind that the community in question, traditional or modern, may have its own ethical standards on the use to be made of particular types of information. The researcher must take those on board as well. Consider for example, the giving of whakapapa, or genealogy tables, by Māori informants. Amongst Māori there are long standing values or expectations on how that information may and may not be used. It may not be used to display one's knowledge. Whakapapa was usually entrusted to the cautious and the humble. Nor was it used, at least in times of peace, as a tool to put down others. Whakapapa was used to establish the relationships that bind people together. It was not used to divide. As well as being used to build family connections both within the hapu and in connecting to other hapu, whakapapa was used to conciliate disputes, end tribal war, secure peace, resolve differences and create economic or political alliances.

Whakapapa also belongs first and foremost to the affected families. To avoid giving offence, Māori speakers were careful when reciting the whakapapa of others. It was also common for speakers who were seeking to establish a connection with another group, to leave the whakapapa at a point where the other family could pick up on it and proclaim the connection themselves.

Most of all whakapapa had to be respected for it gave to Māori a spiritual comprehension of eternity. Through whakapapa one is conscious of a long line of antecedents and of how that line is likely to continue, tragedy apart, through the descendants of family members. In the context of one's whakapapa, one is forever a living part of an ever-flowing stream that makes the past and future an intimate part of the present reality.

These values live on notwithstanding occasional breaches. A comparison may be made with Christian values. Christians know how often they fail to live up to their declared values, but that does not invalidate the values themselves.

Nowadays, a great deal of whakapapa has been published. As I recall it, the drive to publish whakapapa was once quite strong when it appeared that the information might be lost for all time and I can say that much of what I know of my own hapu is a result of what was published. But I do not think that that affects my responsibility to treat that information with care having regard to the associated values. I should think that modern researchers must do the same, whether the whakapapa was conveyed to them orally or whether they gained it from written sources. The question one must ask is whether one's use of whakapapa is for an honest purpose that furthers understanding for the benefit of the affected descent group.

On judging community issues

Most of you will know already the rules relating to whakapapa. The next principle I mention is that in some circumstances, researchers must also be careful about passing judgement on the information they have received. For example, if one is investigating the issues affecting a particular community, be it traditional, modern, Māori or otherwise, the effect of coming to a finite conclusion on issues of moment to the community may be to rob the community of its right to advocate its position itself. It may cause the public to adopt a stance based upon the researcher's conclusion and to ignore or devalue the opinions of the community leaders. The better course may be to establish the relevant facts, explain any cultural background and examine the strengths and weaknesses in logical terms of the different points of view. That approach leaves readers to form their own conclusions and leaves scope for the community to advocate the final position itself.

Sometimes a conclusion is called for, but if so, the informants may need to be forewarned of that prospect.

Researchers for Government, Local Authorities and Public Corporation

There appear to have been instances where researchers or employees have entered into discussions with individuals of a community as though they were involved in a formal consultation with a view to conciliation, when in fact the purpose was to assess the community objections with a view to overcoming them. They may have been researchers or employees for government, local authorities, public corporations or private companies. The evidence so gathered may later be used in Court.

In law, the police must caution a person when seeking information if they have the prospect of their arrest in mind, by stating that anything they say may be used in evidence against them. There are times when researchers for Government and the like ought properly to give some caution along the same line that indicates to informants that what they say might be used in a particular way. Some directions on the matter might well form part of an ethical code.

Community representation

The same information may be used to advise Ministers, councillors or Boards of the persons in the community who they might best treat with, as sympathetic to their cause, and those who are likely to be troublesome. The tendency is to promote the former as outstanding community leaders and to diminish the standing of the latter. In the case of indigenous communities such an approach may violate inherent rights of aboriginal self-government. It will be remembered that the New Zealand Wars began in Taranaki when the Governor chose to deal with one Māori who wished to sell land, and declined to recognise the more legitimate status of another, who was opposed. The problem is that this lesson from history was never really learnt and in various though less graphic ways, the practice continues of determining the community leadership from outside.

The proper course is that researchers should give impartial advice on community leadership to those who have commissioned them, no matter how inconvenient that advice may be. Whether or not the community is a Māori community the task is to identify those who are seen to have a mandate and any structures or customs that may exist whereby leadership is determined. In Māori cases the

Treaty of Waitangi may be called in aid, as an ethical code, to oblige the Crown to treat with the community only through its chosen representatives. That need not constrain third parties from talking with whoever they like but obviously they would need to give particular weight to the community's chosen representatives.

On ethical codes or guidelines

You have in your conference material a valuable booklet on practical protocols for working with indigenous communities. It refers to a Western Sydney community but plainly has general application. There is strong support for the view that protocols are all that are needed but some professions, including the legal profession, have gone beyond protocols to develop more specific guidelines or even a precise code. A prescriptive code may overly constrain the primary object of research, to develop knowledge of understanding and so to inform. Worse, strict compliance with the letter of the code may be used as a means of avoiding a more expansive view of moral obligations. However, if a code is seen to be desirable then it may be best to develop one only over time. An internal complaints authority may be used to develop an understanding of appropriate conduct through case-by-case determinations.

An internalised code

Alternatively, one may look to internalising a code for researchers by developing professional standards. As researchers you may see yourself as having three kinds of duties:

· the duty that you owe to yourself;

· the duty you owe to your colleagues; and

· the duty that you have to your informants.

The duty to yourself

Most important is the duty you owe to yourself. That duty is to read and to train widely, to develop to the fullest possible extent, technical and academic competence as a researcher. If a fiduciary relationship exists between a researcher and the members of a target community, that duty is only discharged if it is fortified by competence. Researchers must be worthy recipients of the

information entrusted to them. Professional competence is needed to analyse the information, teasing it out to examine its component parts, and then packaging it in comprehensible form. The eventual report must be capable of being appreciated even by a sceptical or disbelieving readership. The objective is to pass a benefit back to informants who have trusted you with information. The researcher is not a mere conduit passing on that which has been seen and heard, but is one who gives added value to information through the skills which the researcher has acquired.

Not least amongst the skills to be acquired is the art of rational thinking and the constant consideration of why it is that people say and do as they do. Textbooks are obviously useful but it is helpful to use your leisure hours as well in reading widely in histories, biographies, travel books and even selected novels. For example, I recently re-read George Elliott's romantic novel, Mill on the Floss. The author's passion for logic gives her insights into understanding why people say what they say and most importantly, gives her an understanding of the hidden messages when people are driven by undisclosed agendas.

Equally the researcher must consider the informant's reliability and credibility by reference to demeanour, character, background or personal circumstance. By credibility I mean honesty and sincerity. By reliability I mean both that and the ability to accurately recall. I am sure that each of us at times, even when thinking to ourselves, will recall events not as they truly were, but as we would rather have liked them to have been. This tendency is well known to the courts.

The duty to your colleagues

The second duty is the duty to your colleagues, to pay to them the utmost courtesy and respect. This is especially called for when they are absent and you are talking to third persons. Unless researchers as a whole can develop a custom of respect for one another, it is unlikely that the associated research profession will aspire to being held in high regard. When you demean your colleagues you demean those in your occupational class and ultimately you suffer as a member of it. Respecting your colleagues is about building up a professional standing for your group. When the group is seen to have standing, it assists each member of the group in gaining the confidence of his or her clientele.

It is important then that in critiquing the work of others the criticism is balanced and is not directed to the person. One may criticise the methodology. One may argue whether the conclusion is justified by reference to reliable facts, or whether there are errors of omission, but one does not criticise the person even although a criticism of the person may be implied.

In the legal sphere I am reminded that court lawyers are destined to be always arguing for it is their duty to present the case for one side as compellingly as can be. But to offset that they maintain a particular language marked by courtesy. Court lawyers refer to their opponents as their learned friends even when trying to convince the judge that their friend's learning in less than adequate on this particular occasion. This may be seen to involve an antique use of language but it still serves to keep the debate at an analytical level.

The duty to your clientele

The third duty is to your clientele, but it you have managed the first two duties well, the third duty is likely to be automatically fulfilled.

Impartiality

Going back to the brochure, there is obvious good sense in the first advice that it gives, that to deal with an indigenous community you must first get to know it. In the Māori context that is likely to require an awareness of the delicate balance of power that exists between hapu and between the extended families within each of them. To upset that balance of power could do extensive damage and hinder future community development. To respect that balance, one must avoid developing favourites within the community. To maintain impartiality one must be open to all comers and take such steps as may be necessary to hear all sides of any case. One must especially avoid capture by cliques. One must equally avoid capture by the community generally in order to present an account of the community that will be seen as impartial by others.

Cross cultural understanding

Especially needed, in dealing with indigenous communities, is an in depth understanding of its cultural system, seen in its own terms, both as it was and as it

exists today. For those who grew up in the 1940 s that cannot be stressed too highly. In the history books of that time, Māori were wooden figures, un-fleshed by personality. It seemed then that the only historical role of Māori people was to present as an obstacle to national development.

The academic treatment of Māori has now changed but even so, there is a need to be informed of the advances made in a number of disciplines, for example in linguistics, anthropology and comparative law, in order to deal adequately with issues of ethnic relations. I do not wish to be critical. For everyone, an ongoing process of learning is involved. But we must constantly guard against an assumption that a little knowledge of Māori is all that is need to deal with Māori communities or in developing social and economic policies that affect Māori people. The cultures of all people have their own nuances and complications that must be appreciated when issues of culture contact are under consideration.

For example, in the late 1980 s the Waitangi Tribunal was confronted with a question on the point at which Māori came to an understanding of the western comprehension of a sale of land. It was claimed that sales from an early period could be seen as truly reflecting a consensual meeting of minds. Researchers argued that it could be projected from the large number of so-called sales before 1840, that Māori would have had understanding of what a sale of land involved from soon after that date. I was surprised that this was assumed in several texts and had never been seriously questioned. The trouble was that having sat in the Māori Land Court from 1974, it was apparent to me that some Māori did not fully appreciate the full import of a sale of Māori land even in the 1970 s.

It then appeared that the historical literature on the validity of sales was in fact based on a series of assumptions. For brevity I will list the main ones.

1. That Māori concepts of land rights were concepts that could readily be displaced.
2. That Māori were willing to jettison their own cultural concepts and values in favour of those of a foreign power.
3. That the fact that Europeans were living on the land, following the claimed sales, was evidence enough that Māori would have understood that their interests in the land had been extinguished.

4. That if some Māori in one place appeared to understand the English concept of a land sale, other Māori in places more remote, might be deemed to know the same.

None of these assumptions appeared defensible when considered in the light of domestic and international advances in the disciplines I have mentioned.   At very least one had to be much more intimately informed than was the case on such basic matters as the British cultural concept of land rights, the Māori cultural conception of land rights, the dynamics of cross-cultural interaction and the politics of competing sovereignty claims. Taking the first for example, the British conception. It seemed to be inadequately appreciated, when dealing with the issue in question, that the British conception of land rights is not in fact part of the natural law and universal in that sense but is a cultural construct, developed in law in response to economic change in Britain in the 17th to 19th centuries, with the enclosure of commons still occurring after 1840. For the greater part of the preceding 2,000 years, concepts of communal entitlements had a significant place, or may even have predominated in English tenure systems.

With regard to the third, the dynamics of cultural interaction, the resilience of cultural practice, even by people under siege, appeared to be barely comprehended, notwithstanding an extensive literature in this field. With regard to the fourth, only some regard was had to the political reality that for so long as Māori predominated in the particular district, those Māori might have no need to even contemplate that their own laws, including their land laws, might be at risk when there was but the presence of some meagre "tenants" on their lands.

It was the second that caused the greatest anxiety. It was not that researchers knew nothing of Māori land concepts. By the 1980 s it was sufficiently obvious to all that some some knowledge of that was necessary. The real problem was that it was thought that a little knowledge was all that was needed to deal with the matter. It was enough to pay homage to some Māori values and concepts and then to get onto the business of reinterpreting them, in a Western way. In fact the Māori comprehension of land rights is extraordinarily complex and one so complex that it is unlikely that it was readily displaced.

For present purposes, whether the Tribunal's conclusion was right or wrong is neither here nor there. The present concern is with the adequacy of the research

inquiry. After 20 years in the Waitangi Tribunal the most profound impression that is left is that cross-cultural misunderstanding, not blatant imperialism, has most hampered the historical development of sound, ethnic relations in our history. In many serious respects the misunderstandings still occur. When one has regard to our history, and the current state of ethnic relations, I think researchers amongst Māori communities have a compelling duty to be informed by the research work that has already been done in a wide range of disciplines. In some cases a failure to be informed may seen as no more than shoddy work, but where issues of cross cultural conflict are involved then failure to be adequately informed may also be considered as unethical.

A Māori Perspective on Ethical Review in (Health) Research

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Ko te manu i kai i te miro, nōna te ngahere,
Ko te manu i kai i te mātauranga, nōna te ao.

Tuatahi rā, ka mihi ki ngā āhuatanga o te wā e herehere nei i a tātau i raro i te korowai aroha o te Matua-nui-i-te-rangi. Tuarua, ki a rātau mā kua takahia te ara whānui ā Tāne. Nā rātau i arataki ngā kaupapa e kawea tonu nei e tātau. Tuatoru, ki a koutou e kōkiri nei i ngā take whakahirahira ā tāua te Māori. Tēnā koutou, tēnā koutou, tēnā tātau katoa.

Kaupapa Māori research is at the forefront of an indigenous challenge to the research community and the traditional research methodologies that have systematically objectivised and problematised Māori and Māori issues. The proponents of kaupapa Māori research recognised that some aspects of Western research methodologies were inherently unethical when considered from a Māori point of view. Despite the progress that Māori researchers have made in developing not only culturally appropriate research but research approaches located within a distinctly Māori paradigm, the process of ethical review continues to be dominated by Western-based philosophies. The ethical dimensions of research for Māori have broader parameters and encompass research ethics, the researcher's ethics and Māori ethics. Māori ethics are based on tikanga but have not yet been well articulated in the context of ethical review. There exists a need for a specific Māori ethical framework to be developed. Ideally, a Māori ethical framework will be conceptualised from within Mātauranga Māori and will have utility for both Kaupapa Māori and other research methodologies.

Ethicality of Research

Māori frustration with the on-going erosion of Māori language, knowledge and culture and the inability of dominant Western research paradigms to provide answers to Māori problems led to questioning of existing research paradigms and the development of new approaches to research. This was set in the context of a Māori development movement that was reclaiming and legitimising Māori cultural aspirations, values and practices. Māori began to challenge the universal applicability of Western research methods and practice in a cross cultural context and argued that constructive rather than destructive methodologies were needed to promote Māori development (Stokes, 1985), (Durie, 1998), (Smith, 1997), (Te Awekotuku, 1991). Research processes were seen to be ethical in themselves, and Durie (Durie, 1998) introduced the notion of ethicality as 'the ethical dimensions of research'. Over several decades research approaches emerged that were culturally congruent with Māori values and beliefs and to ensure that Māori interests were protected in the research process.

There exists no single form of Kaupapa Māori theorising (Tākino, 1998) and there is currently no one agreed position as to whether it is a worldview, an inquiry paradigm, a research methodology, a method of research or all of the above (Henry, 1999). Despite this, the term 'Kaupapa Māori' has been adopted to cover a broad range of innovative research approaches, characteristics, requirements and issues that relate to Māori research. Kaupapa Māori research is based on a growing consensus that research involving Māori and Māori knowledge needs to be conducted in culturally appropriate ways that legitimise Māori knowledge and values (Bishop, 1998; Walsh-Tapiata, 1998). It has been defined as 'Research by Māori, for Māori and with Māori' (Smith, 1995) and challenges a universal approach to research that did not address Māori needs or give full recognition of Māori culture and value systems (Reid, 1998). Māori researchers developed kaupapa Māori research to address these concerns and have advocated approaches to research that are:

- controlled by Māori,
- consistent with Māori beliefs and values,
- focused on areas of importance and concern to Māori,
- going to result in positive outcomes for Māori,
- accountable to the Māori community, and

- cognisant of Māori culture and preferences (Bevan-Brown, 1998)

Despite the growing body of knowledge around kaupapa Māori research and its application across a range of disciplines, the ethical review process to which it is subjected is based on western philosophy. This has been a source of frustration for many kaupapa Māori researchers who are asked to evaluate research projects designed to protect and enhance Māori values against principles derived from Western frameworks (Walsh-Tapiata, 1998). While historically Māori have a research tradition, with research evidence increasingly necessary to justify resource allocation, Māori have been impelled to become active participants in contemporary research activity. The requirement for research to gain ethical approval before proceeding means that, by default, ethics committees have a gate-keeping role in terms of the process of knowledge validation. This has become more evident in recent times with the strong emphasis on evidence based practice.

The process of Ethical Review (in New Zealand)

Ethical principles are set out as guides to the practice and behaviour of researchers to ensure that research is undertaken in ways that protect and enhance the interests of the participants (O'Brien, 2001). This approach is premised on the position that research is a morally important activity because of the benefits that may arise from it (Evans & Evans, 1996) and this provides a moral framework for health research. The Health and Disability Ethics Committees have primary responsibility for every health and disability research proposal in New Zealand. The *Operational Standard for Ethics Committees* (Ministry of Health, 2002) provides guidelines for the constitution and operation of the regional ethics committees reviewing health and disability research in New Zealand. It indicates what research investigations must be submitted for ethical approval, outlines the guiding principles that govern the ethical review of proposals and gives explanations and relevant legislation that inform each of the principles. Ethics committees are acknowledged as one of the key players in ensuring that new and emerging areas of research and innovative practice occur in a safe and ethical manner (Ministry of Health, 2002). Committees should have a balance of experience, knowledge and perspectives and reflect the skills and expertise of the type of research that they cover and the community whose interests they protect. There should be at least 10 members with at least half of those being lay

members of which one will become the chairperson. It is stipulated that a committee shall have

> "one member who is a lawyer and one member with expertise in ethics (for example, a teacher of ethics, philosopher, theologian, or community recognised person such as a Māori elder)….the committee should also have at least two Māori members." (Ministry of Health, 2002)

To provide best quality ethical review the committee should have appropriate medical, scientific, clinical and research expertise and include individuals with an understanding of consumer and community issues and perspectives. The Operational Standard (2002) also states that Māori members "*should have an awareness of te reo Māori and an understanding of tikanga Māori"* and all members, "*are expected to have knowledge of the Treaty of Waitangi and its application to ethical review"*. The Operational Standard (2002) also lists the guiding principles governing the ethical review of proposals as:

- Respect for persons
- Informed consent
- Privacy and confidentiality
- Validity of research proposal
- Minimisation of harm
- Justice
- Cultural and social responsibility
- Compensation for research participants

These principles are substantially derived from the Western-oriented universal ethical principles of autonomy, justice, beneficence and non-maleficence. The concepts of informed consent, privacy and confidentiality are bound by cultural notions of autonomy that first and foremost reside within the individual.(Oguz, 2003) However for culture's that promote collective autonomy over individual autonomy the concepts of individualised informed consent, privacy and confidentiality within the research process may be a cultural non-sense. Autonomy can also provide the basis for "respect for persons". Non-maleficence is concerned with harm minimisation, while "cultural and social responsibility" is concerned with beneficence and the way in which the benefits of research are distributed amongst society.

Making (ethical) decisions

The inherent flexibility of a principle based ethical review process is one of the strengths of the current New Zealand system of ethical review. However, to make the process as transparent as possible committee members need to be aware of the way in which different sets of values inform and influence their decision-making. Decision-making is generally influenced by a number of overlapping value sets:

- personal values,
- professional values,
- cultural values, and
- ethical values.

There is a constant filtering of information through these value sets, any of which can trigger alternative modes of decision-making. decision-making has a range of modes and while it is usually tacit and automatic, at other times it becomes either explicit and aware or explicit, aware and deliberate (Williams, 2004). Each member of an ethics committee will have their own set of values and they bring that perspective/bias to the ethical evaluation and decision-making process. This will include personal values, professional bodies of knowledge and the corresponding values, and cultural understandings. These value sets will influence the process of ethical review and the way in which 'ethical principles' are applied. Examples of the types of Western cultural biases present are that:

- knowledge in itself is a good thing despite what it might be used for, and research is a means to get knowledge;
- the individual's right to choose is paramount; and,
- to be valid, research must follow the rules of research (Brew, 2001).

Research Ethics

The ethical review of research is strongly influenced by the principles of informed consent, confidentiality and minimisation of harm which along with the evaluation of the 'validity of research proposal' represent the main focus of the evaluation. As individually mediated processes these concepts are easier to assess than the

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notions of justice and cultural and social responsibility which must be considered from a community perspective. For ease of application it is therefore no surprise that principles oriented towards individual values have tended to become the primary focus of ethical review, while community oriented values like justice and cultural responsibility, important motivators for any Kaupapa Māori researcher, are sidelined. While it is widely recognised that ethical principles can be contradictory in certain contexts, the hierarchical nature of their application in ethical review has not been acknowledged. That is, that individually oriented principles are applied in preference to community oriented principles. While this hierarchical approach may not be explicit or acknowledged, it is real and presents a dilemma for many Māori researchers and Māori members of ethics committees in particular. For example, the application form for gaining ethical approval from a Regional Health and Disability Ethics Committee has specific sections and questions for informed consent, confidentiality, research methods and compensation, however there is no question regarding justice. Also, while there are questions pertaining to Māori consultation, Māori issues are not specifically addressed in the questions that relate to the benefits or risks of the study.

The principles underpinning ethical review can be separated into two categories: principles that address issues of ethics and safety of the study for the participants (internal ethicality of the study); and those that relate to the ethics and safety of the study for the community (external ethicality of the study). Internal ethicality can be demonstrated at an individual level by respecting the autonomy (freedom of choice) of each of the participants and giving due consideration their safety. Issues related to internal ethicality are dealt with extremely well within the current system of ethical review. Issues of external ethicality are less clearly applied in the ethical review process. External ethicality principles relate to deeper societal values such as fairness and address areas of central significance to health such as inequalities.

Internal ethicality	*External ethicality*
Informed Consent	Justice
Confidentiality	Cultural responsibility
Research validity	Social responsibility
Respect for participants	Respect for communities
Minimise harm (to participants)	Minimise harm (to communities)

Compensation for participants	

Research is an instrument of power and in the current climate research findings provide the foundation for evidence based practice, service planning and resource allocation. The Treaty of Waitangi and the continuing disparities in health provide compelling arguments for directing substantial research resources specifically at areas or questions relevant to Māori health. The external ethicality of any study would then be assessed against its ability to address inequalities. Research that failed to consider Māori issues or was likely to increase inequalities would then be considered unethical. Consideration of how a research study fits within a broader social agenda is not considered to fall within the realm of deliberation for ethics committees.

Researcher's Ethics

It has been suggested that ethics in research has two main components—research ethics and the researcher's ethics (i.e. the scientist's personal honesty). (Aagaard-Hansen, Vang Johansen, & Povl, 2004) Issues relating to the researcher's ethics are not discussed within the current system of ethical review. However, it is often demonstrated by the way in which the researcher 'consults' with Māori. Māori researchers have given anecdotal accounts of situations where their names have been included under Māori consultation on the ethics applications for research studies which gained ethical approval, without their knowledge or consent. Kaupapa Māori research has developed guidelines for Māori Research Ethics that specifically address the researcher's ethics and behaviour in cultural terms:

Guidelines for Māori Research Ethics (Smith, 1997)

- Aroha ki te tangata (a respect for people)
- Kanohi kitea (the seen face, that is present yourself to people face to face)
- Titiro, whakarongo…kōrero (look, listen…speak)
- Manaaki ki te tangata (share and host people, be generous)
- Kia tupato (be cautious)
- Kaua e takahia te mana o te tangata (do not trample over the mana of people)

- Kaua e māhaki (don't flaunt your knowledge)

For Māori, the researcher's ethics are an integral part of the ethics of research, especially as they prefer collaborative approaches that include the community. Consultation with Māori is a requirement of ethical review (Ministry of Health, 2002). However, Māori expect a greater level of engagement and involvement in the research process. A high degree of personal integrity and commitment is required to meet the cultural and ethical expectations of Māori, and the researcher's ethics are enhanced by addressing these expectations as the process is:

- personally mediated - there is no external requirement to submit to it,
- under continual assessment—ethical approval is not a one off event but a process of continual scrutiny, and
- extends beyond the scope of the project—the worthiness of the study is not determined by the published results but by the benefits that are realised within the community. Until these eventuate, approval for the researcher and the study is only conditional.

Māori Ethics

> *Operating in a Kaupapa Māori framework necessitates a research process that affirmed Kaupapa Māori ethics. These ethics are informed by tikanga Māori and demand that negotiation with participants be undertaken.* (Cram, Pihama, & Barbara, 2000)

Māori ethics are derived from tikanga and are based on acknowledging bias and not imposing that bias on others (Walker, 1992). Tikanga permeates every part of Māori society. Tikanga reflects Māori values and is embedded in Mātauranga Māori. Mātauranga Māori is the intellectual property and knowledge accumulated by generations of Māori and includes both Māori philosophy and Māori knowledge. Tikanga Māori was given effect by maintaining fundamental principles and beliefs that Māori considered appropriate to govern relationships between people and the environment (Ministry of Justice, 2001). The use of tikanga affirms Māori values and validates Mātauranga Māori. Tikanga has always been practical and dynamic in nature:

Ethics as a concept and as a science of a body of knowledge is constantly being tested and changed. Similarly, ethical values are changing and we live in a dynamic world in which our past guides the present and the future.(Te Puni Kōkiri, 1994)

Issues of ethicality for Māori have always been closely linked with Māori development and the advancement of Māori aspirations. Māori have a history of continual use of their own ethical principles within their own culture. The challenge for Māori is to apply tikanga within the structures of mainstream society and the area of research and ethics in particular. While it has not yet been clearly articulated, the ability of 'Tikanga' to inform decision-making processes in contemporary situations has been recognised.

There are clear indicators available to Māori within tikanga that may support decision-making processes and which also provide guidelines for ethical frameworks for research generally and genetic engineering research in particular. (Cram et al., 2000)

The Health Research Council of New Zealand has recognised the importance of Māori ethical views and issues. As part of its Health Research Strategy to Improve Māori Health and Well-being it has included a goal that specifically aims to ensure Māori health research ethical issues are considered alongside other health research ethical issues.(Health Research Council of New Zealand, 2004)

The Ethical Dimensions of Research for Māori

The combination of research ethics, researcher's ethics and distinctly Māori ethics form what could be termed 'The Ethical Dimensions of Research for Māori'. Each dimension has its own parameters and while there are areas of overlap, there will also be significant differences. Ethical review should consider each of these areas. Kaupapa Māori researchers expect to be evaluated against each of these ethical dimensions. While this creates additional ethical and cultural obligations it is designed to:

- Recognise cultural difference and meet the cultural expectations of the Māori community,
- Acknowledge researcher bias and encourage discussion between the researcher and the community,
- Ensure that the research has relevance to community needs,

- Produce research that addresses societal inequalities and is safe for both the participants and the community.

The Ethical Dimensions of Research for Maori
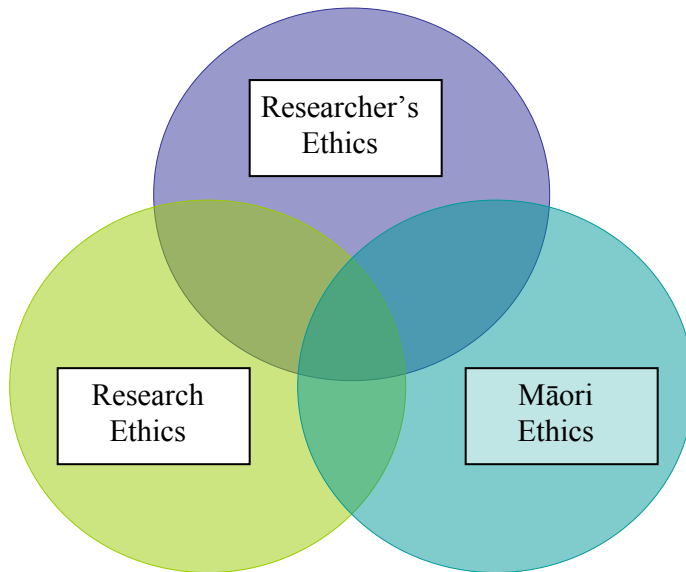
This model acknowledges that aspects of these dimensions will be interrelated, while also recognising that there will be features distinct to each dimension. Traditional ethical review that only evaluates research ethics and not the researcher's ethics or Māori ethics will always be considered insufficient from a Māori perspective. Each of these areas is important for Māori and their inclusion in the ethical review of any research proposal can only result in a more robust evaluation.

Māori Ethical Frameworks

There are a multitude of conceptual frameworks within Mātauranga Māori, however few have been adapted to inform a Māori position within ethical debate. There have been consistent calls from Māori researchers and Māori members of ethics committees for a number of years for the need to develop a Māori ethical framework to guide more culturally appropriate ethical review in research (Cram, 2003; Durie, 1998; Te Awekotuku, 1991; Te Puni Kōkiri, 1994).

Hirini Moko Mead (2003) described the ways in which 'Tikanga Māori' was used traditionally and also in contemporary contexts to address contentious issues. He makes the point that there have always been and will always be issues that will challenge Māori views. Tikanga Māori, based as it is in Mātauranga Māori, can provide a 'Māori' position in these debates. He proposed a tikanga Māori framework based on the application of five tests to any particular issue.(Mead, 2003)

Test 1: the *tapu* aspect
Test 2: the *mauri* aspect
Test 3: the *take-utu-ea* aspect
Test 4: the **precedent** aspect
Test 5: the **principles** aspect

The *tapu* (state of being) aspect: this refers to the spiritual attributes that a person inherits from their parents through their genes and also provides their connection to the gods. Tapu is closely linked with an individuals well being and is also reflected in their mana (prestige). Protecting one's personal tapu is akin to looking after their physical, social, psychological and spiritual well-being. As part of an ethical evaluation it is concerned with ensuring that no harm arises from the process or assessing whether any breach of tapu is outweighed by the benefits likely to accrue to the people (not the developer).

The *mauri* (spark of life) aspect: Mauri is the spark of life that indicates that a person is alive. Like tapu it is a measure of the wellbeing of the individual and refers to the active component of life. This aspect is a test of the risks to the life of the subjects or participants in the process.

The *take-utu-ea* aspect: This aspect refers to an analytical template for resolving conflicts or breaches of tikanga. *Take* is concerned with identifying and mutual recognition of the issue that requires resolution. *Utu* is the mutually agreed upon action that will restore balance to the relationship and allow each party to state '*kua ea'*, the matter is resolved.

The precedent aspect: Tikanga Māori is largely informed by examples from the past and these are used to guide future decision-making. Māori will often look for precedents to assist the decision-making process when confronted with new

challenges. *Whakapapa* is an important link in terms of how relationships develop when looking for precedents.

The principles aspect: The principles aspect refers to additional Māori concepts that may inform an ethical debate. The principles of ***whanaungatanga*** (relationships)*, **manaakitanga** (hospitality)*, **mana** (prestige)*, **noa** (neutrality) and **tika*** (appropriate behaviour) are considered important foundations of Māori culture.

The importance of Māori values as predominant beliefs from which spring predominant ethics (aspects of tikanga) has been developed by Mānuka Henare into a model called the *"koru of Māori ethics"* (Henry, 1999)*.* At the centre of the model lie the following beliefs:

- Io—The supreme being or origin of all life, from which came Papatuanuku, the earth mother, and Ranginui, the sky father. Their offspring, or atua, are guardians of every aspect of like, the sea, forests, winds, and other aspects of the human environment.
- Tapu—Tapu is that which is sacred and sacrosanct in all things, the intrinsic power imbued at the moment of a thing or person's creation.
- Mana—Tapu is closely linked to mana, the spiritual power and authority that can be applied to people, their words, and acts.
- Mauri—The spiritual essence, or life force, the intrinsic essence of a person or object.
- Hau—The spirit power and vital essence embodied in a person and transmitted to their gifts or anything they consider valuable.

These beliefs inform the following ethics:

- Whanaungatanga—The foundation of Māori society is the whānau, or extended family; whanaungatanga is the ethic of belonging.
- Wairuatanga—Wairua is glossed as the spirit, and wairuatanga is the spirituality that connects one with Io, Rangi, Papa and all the atua.
- Kotahitanga—Implies solidarity, recognition of and connection to the tapu and mauri of all things and people.
- Kaitiakitanga—Guardianship of creation and all the resources available to humans.

The fundamental ethics which are encompassed in this model emphasise connection with the spiritual realm, the sacredness and vitality of all things and the significance of reciprocity in human relations. It also demonstrates how Māori cosmologies and philosophies underpin the ethics (aspects of tikanga) that are still evident today. As Henare (Henry, 1999) writes,

> *…traces of the traditional culture resonate in contemporary Māori beliefs and practices. The resilience that this culture manifests is evidence of its on-going relevance and importance for Māori.*

Powick (Powick, 2002) conducted an extensive literature review on the ethical issues and implications of Kaupapa Māori research and research involving Māori. She makes specific reference to the Waikato Institute of Technology's (WINTEC) 'Protocols and Principles for Conducting Research in a Māori Context' as one of the only examples of an institute developing a totally separate protocol and ethical guideline for conducting research involving Māori participants and/or Māori issues. Its protocols entail consideration of the following areas:

- Ethics
- Accountability
- Participatory approach
- Intellectual property rights of the research
- Research outcomes

These protocols address many of the issues identified by other Māori writers and advocate for proper consultation and research processes that ensure regard is given to Māori values, Māori participants and Māori communities. The Māori values identified by WINTEC are:

- Tapu and noa
- Mana Māori
- Whanaungatanga
- Tikanga/Kawa Māori
- Te Kawa o te marae

The following table brings together the principles used in the Māori ethical frameworks described.

Overview of Māori ethical frameworks

Hirini Moko Mead	Manuka Henare	Wintec
Tapu	Tapu	Tapu (and noa)
Mana	Mana	Mana Māori
	Hau	
Take-utu-ea	Io	
Mauri	Mauri	
Whanaungatanga	Whanaungatanga	Whanaungatanga
Manaakitanga	Kaitiakitanga	Te Kawa o te Marae
Tika	Wairuatanga	Tikanga/kawa Māori
Noa	Kotahitanga	(Tapu) and noa

There is a degree of consistency amongst each of the Māori ethical frameworks around concepts that are relevant to Māori ethics. Each framework considers tapu, mana and whanaungatanga to be an important part of a Māori ethics. This indicates that tikanga Māori and Mātauranga Māori should provide the basis for Māori ethics and support the development of Māori positions on contemporary issues.

The utility of Māori ethical frameworks

The utility of any Māori ethical framework will be determined to some extent by the ability of both Māori and Pākehā to understand the concepts that it uses and to apply them to the range of research methodologies, not just Kaupapa Māori research.

Māori concepts are often not given meaning in the context of ethical review. That is, little has been written about these concepts and their relationship to ethical review of research. To apply Māori concepts to new situations requires a certain level of understanding as to the Māori philosophy and Māori values that underpin

the concept as well as an appreciation of the context of research. There have been limited opportunities for Māori to engage in this discussion within contemporary research structures. Understanding of the application of Western ethical principles would be similarly meaningless if not for the amount of debate, discussion and writing about them that has informed particular positions about their application in ethical review.

There is some overlap between Māori ethics and western ethics. For example, while 'mauri' does not mean minimisation of harm, when minimising harm it can be argued that there is a concern for protecting the 'mauri' of the participant or group. Likewise, while 'tapu' does not mean the same thing as respect, when acknowledging the 'tapu' of a person you are demonstrating respect for them. Therefore, it could be said that there is a relationship between the two value sets.

The relative importance of each value or principle is one area of difference. The importance of internal ethicality factors and external ethicality factors has been discussed. Māori tend to place more importance on external ethicality factors as Māori continue to be marginalised and live with inequalities in health in this country. Another difference is the way in which a particular principle might be applied. For example, minimisation of harm is usually discussed in terms of the participant within the context of the research protocol. It rarely considers how the results may perpetuate inequality within communities. This is a real consideration for Māori involved in ethical review. Likewise, the true benefits of research often remain with the researcher (with the completion of the study) and the proposed community benefits fail to eventuate.

For Māori the 'ethical dimensions of research' incorporate research ethics, the researcher's ethics and Māori ethics. Limiting the extent of any ethical evaluation to only what happens within the boundaries of a research project, without consideration of the wider consequences of the possible results (albeit good or bad), is not consistent with a holistic Māori worldview. A Māori ethical framework is likely to evaluate all of these dimensions. However, this type of ethical evaluation provides a philosophical challenge to the intellectual independence of researchers by locating the setting of the research agenda within the community.

The Challenges ahead

Developing a Māori ethical framework that considers Māori ethics in the context of ethical review would be a significant advance. A Māori ethical framework would provide a clear direction for the inclusion of Māori values in the ethical review process. Although a Māori ethical framework will be substantively derived from tikanga Māori, elements of research ethics and researcher's ethics will influence its shape and focus. There are a number of challenges in developing a Māori ethical framework that might be used by both Māori and Pākehā alike in the ethical review of research.

First, contemporary Māori realities will have a significant impact on the acceptance of 'Māori' ethical positions. There is considerable heterogeneity amongst Māori who are now more culturally and socially diverse than at any point in the past (C.W.Cunningham, 2000). The impact of this is acknowledged in the saying "*ka ako pākehā atu, ka puta pākehā mai*" which roughly translates to 'your understanding reflects what you have learnt'. Within Mātauranga Māori there is a rich source of knowledge related to ethics and knowledge generation (Health Research Council of New Zealand, 2004). Mead (2003) states that for Māori any ethical decision has to be "*culturally processed and philosophically reconciled with tikanga Māori"* and that to accommodate new technologies it may be necessary to "*change the belief and philosophical system, Mātauranga Māori and tikanga Māori"*. This implies that in order to arrive at a 'Māori' position the debate should be "*confined to those who know something about Mātauranga Māori and tikanga Māori"*(Mead, 2003).

Second, politics will continue to affect research activities and the system of ethical review in New Zealand. Whether it be the setting of research funding priorities or the reorganisation of the system of ethical review (a process currently under way), the development of policy guidelines for ethical review or the allocation of resources, political structures will continue to wield considerable influence over Māori involvement in research and ethical review. Māori members of ethics committees agreed at the Pū Tai Ora Wananga in 2002 to develop a Māori ethical framework and petitioned the Minister of Health for resources to assist in this process. The response of the Minister was to make this the responsibility of the National Ethics Advisory Committee (National Ethics Advisory Committee, 2004).

Third, there is also the risk that Māori ethics in ethical review will become secondary to the research ethic or viewed as the Māori perspective on research ethics. Jackson noted that the use of the phrase 'a Māori perspective on' often leads to the belief that Māori views are secondary or marginal to mainstream or dominant views:

> *The word perspective to me is interesting. It assumes that there is something that is given upon which Māori are expected to have a valid view. The moment you do that you situate the Pākehā model as the truth; and you ask Māori to give a view on it. I think there are Māori truths and they exist independently of what ever Pākehā view as reality or truth and to seek a Māori perspective is to legitimate the Pākehā perspective on the issue. So to ask for a Māori perspective on say the use of land is to validate the Pākehā concepts of property and to seek to fit a Māori view of that within it. Whereas what we should begin with is: What is the Māori truth on land and how does that sit alongside, rather than fit within, the Pākehā view?* (Moana Jackson, cited in Cram, 2003)

Finally, a process of ethical review that includes an assessment of the ability of a research study to address inequalities in society is likely to have a significant impact on the development of research questions and the subsequent allocation of research resources. This would present a direct challenge to the intellectual independence of researchers and the academy to develop research in areas that could not demonstrate relevance to identified needs.

Conclusion

For Māori, ethical review is considered an integral part of the whole process of research. Kaupapa Māori research has developed approaches that are participatory in nature and inclusive of Māori at all stages of the research process, from conception to analysis, reporting, use and ownership. In doing so, Kaupapa Māori Research has begun to address ethical inconsistencies that have concerned Māori in the area of research.

Ethical review of research should incorporate Māori ethics. Ethical review is concerned with evaluating what is right for the context of any given research project. Recognition of this contextual nature and the often contradictory position

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of the principles used in ethical review suggest that the process could also include the values of Māori ethics. Māori research ethics emphasise the development of reciprocal relationships to produce research that is relevant to the community, is culturally safe and culturally affirming. These ethics have applicability not just for Kaupapa Māori research but other research methodologies.

The current system of ethical review in New Zealand marginalises Māori by only assessing the research ethics and not the researcher's ethics or Māori ethics. These ethical dimensions should be included to provide a more inclusive and robust system of ethical review which evaluates research by its ability to address problems and inequalities within society.

The need for a more explicit understanding of Māori ethics has been highlighted. The development of a Māori ethical framework that can provide guidance in the context of ethical review would be an important advance. The key characteristics of a Māori ethical framework to inform ethical review in research are:

1. It is important to ensure that Mātauranga Māori underpins a Māori ethical framework as the Māori values reflect what is important to Māori and demonstrate cultural relevance in ethical review. It is reasonable to expect that there will be similarities with the existing principles of ethical review.

2. A Māori ethical framework is likely to correlate to values already identified by Kaupapa Māori research, and be:

   a. consistent with Māori beliefs and values,
   b. focused on areas of Māori importance and concern,
   c. going to result in some positive outcome for Māori,
   d. controlled by Māori,
   e. accountable to the community, and
   f. cognisant of Māori culture and preferences

3. The utility of any Māori framework will be determined to some extent by the ability of both Māori and Pākehā to understand the concepts that it uses and to apply them to the range of research methodologies, not just Kaupapa Māori research.

4. It will be important that opportunities are promoted for Māori participation in ethical debates and the publication of Māori positions will facilitate that debate. This will enhance the development and understanding of Māori 'ethical' concepts, values and positions.

The articulation of a clear framework for Māori ethical review of research will be critical if New Zealand is to achieve an ethical review process that is equitable and meets the ethical requirements of both Māori and non-Māori. Much progress has been made in the area of Māori research and that progress should be built on to articulate a distinctly Māori ethical framework.

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Relationships in Research:

Human reality, Ethical Challenge

Nancy M. P. King

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Introduction

I'm a lawyer who teaches bioethics in a medical school. This suggests that I should be strongly oriented toward logic, science, and following rules. But I teach in a department of social medicine within my medical school, and this means that I am also deeply interested in ideas that do not fit within a single discipline, ideas that break the rules, ideas that engage us in ways that go beyond reason, ideas that empower us to challenge assumptions and critically examine the status quo. When my colleagues and I first began thinking about research ethics, we started with the idea that there was a meaningful difference between human subjects research in the United States and international research. We soon discovered that we were mistaken; we learned that there are significant differences between the culture of researchers and the culture of communities and subjects, and we decided that the real challenge of research ethics is in understanding and improving the relationship between researchers and subjects—a cross-cultural relationship characterized by important differences in values, viewpoints, power, and sometimes goals (King, Henderson, and Stein 1999).

Because I was trained as a lawyer, I have always been accustomed to thinking about bioethics in terms of relationships. Laws, after all, establish, define, and delimit individuals' rights; but one person's right means nothing unless someone else has a duty to protect the exercise of that right or punish those who interfere with it. Similarly, the core principles and concepts of traditional bioethics— autonomy, beneficence, nonmaleficence, justice—depend upon relationships for their definition and scope. In an article published 30 years ago, when bioethics was just beginning, the philosopher and theologian Richard McCormick addressed questions about preserving the lives of severely disabled infants by proposing that "life is a value to be preserved only insofar as it contains some potentiality for

human relationships", and that relationships should "function as the heart and meaning of the individual's life" (McCormick 1974).

Simply recognizing that there is a relational dimension to law and to ethics is not the same as making McCormick's claim that relationships themselves are or should be foundational. The ethics of research with human subjects—an area of bioethics that is growing in significance in the modern world—has always been focused on the relationship between researcher and subject. Yet today, over 30 years since the first discussions of research ethics, we need to go beyond just taking notice of research relationships. Instead, relationships themselves—not the individuals or groups who may be in them—should be the heart of research ethics (King, Henderson, and Stein 1999). Taking this next step has two parts: first, it is necessary to recognize that ethics has meaning only in context; and second, it is necessary to recognize that the context of research with human subjects is found in research relationships. As I have learned, Māori recognized both these things long ago (Mead 2003), and Māori research puts them into practice (Smith forthcoming).

Part 1: Ethics Outside the Box

Ethics is inherently and necessarily intertwined with the social, cultural, and political context in which moral issues arise (Churchill, King, and Schenk 2005; Pihama, this volume). It is simply not meaningful—or even possible—to understand ethics outside the framework of society and culture. Each of us develops and uses a practical competence in ethics on a daily basis, as we each attempt to do what is right, to be good people, to live good lives. How we each define what is right and good, and what it means to us to act on those definitions, depends on the nature and circumstances of our lives.

This does not mean that ethics is equivalent to moral relativism, in which nothing is 'true' and everything 'depends'. It means only that ethics is not a blunt instrument for winning moral arguments, but a means of talking together, to identify and share moral goals and to make moral progress. To talk together, we each must be able to critically reflect on our own views—we must be able to recognize and respect the differences between our views and the views of others, and we must be able to examine and, if need be, change our own.

The principlist model of moral theory has formed the basis for much of traditional bioethics and shaped the rules governing human subjects research (Beauchamp and Childress 2001). This model comes from the 18th-century European Enlightenment's attempts to develop and sustain a universalizable, acontextual, nonreligious morality. By the end of the 20th century it had become clear that this attempt was a failure, for the simple reason that there is no such thing as a "truly rational" morality abstracted either from emotions or from circumstances. Much of what Enlightenment scholars believed to be universal was instead particular to their time and place, their social status, their ethnicity, gender, and political power. Yet it is far easier to recognize how context-dependent were the views of these long-dead philosophers than it can sometimes be for each of us to recognize in ourselves how deeply our moral views are affected by cultural, social, even professional norms.

What makes people ethical, and how they understand what it means to be ethical, depends on their characteristics, their experiences, and their hearts as well as on their minds. Social and political circumstances matter too—especially how power is viewed and wielded. Advances in science necessarily raise ethical issues. And, of course, so does the study of scientific advances through human subjects research. If the social context in which scientific progress and research take place is not addressed, it will not be possible to address those increasingly important ethical issues.

To address bioethical issues in research with human subjects, and apply bioethical analysis to human research, we need to combine theory and practice. Research ethics is more than the rote application of research codes and regulations to particular circumstances—more than just checking all the boxes, submitting all the right paperwork, following all the rules. And research ethics is also more than an abstract academic exercise, more than invoking principles, making pronouncements, and reaching judgments. Doing good work in research ethics is rich and multifaceted, just as challenging as being a good researcher. Like research itself, research ethics can be difficult, and when done well it can make a difference in the world. But it is noteworthy that research ethics questions may matter in very different ways to the different parties to research relationships. Recognizing that such differences may exist, and undertaking to understand and address them, are essential if research ethics is going to do any good.

Of course, as you all know, research ethics is filled with rules and prescriptions, from US federal regulations (Department of Health and Human Services 2003, Food and Drug Administration 2003) to international professional codes of ethics in research like the Declaration of Helsinki (World Medical Association 2002) and the CIOMS guidelines for epidemiological and biomedical research (CIOMS 1991, 2002). So it is tempting just to analyze and argue about the rules. Yet most of the really interesting arguments fall between the cracks in those rules—and when you start trying to repair the cracks, you can easily end up falling through them into another level of moral understanding.

Academic professionals who engage in research with human subjects can—and do—argue at length about questions like the following examples:

- Should social science research follow the same rules as biomedical research?
- Should genetic epidemiological studies be done with or without individual consent and community approval?
- Can community-based participatory research produce scientifically sound and useful knowledge?
- What obligations should international researchers have to the countries and communities from which their subjects are drawn?

Each of the four critical questions I have just mentioned (along with many others I have not mentioned) is, right now, controversial, complicated, highly contested, and not well addressed by the rules and principles usually applied to research ethics questions. Why should a relationships perspective do any better?

Part 2: Why Relationships?

Each of those four questions is also a question about one or more of the four key relationships in research with human subjects, which are:

- the researcher-subject relationship;
- the relationships between researchers and their sponsors and institutions;
- the relationships between the researcher and the communities from which potential subjects will be drawn; and
- the relationship between individual subjects and their communities.

Each of these relationships has a particular nature, duration, and balance of power, and each party to a relationship has a particular view of what is shared and exchanged between them.

Traditional Western bioethical analysis of research ethics issues is usually adequate in addressing many common questions. But it is often of little help in addressing the most interesting, important, and intractable questions, which involve power, culture, and the context of research. While traditional principle-based reasoning is likely to parallel the hierarchies of science, relationships-based analysis is inherently less linear and more complex. It emphasizes narrative rather than syllogism, and moral virtues rather than moral rules. Relationships-based analysis incorporates dimension and duration into the reasoning process, thus adding both continuity and the capacity for change. Traditional reasoning might consider the moral duties of researchers in a study, but only relationships-based reasoning can effectively address the question of mutual trust between researchers and subjects (Corbie-Smith et al., 2002, 2004).

Some Examples

A couple of examples may help to make clear what difference it makes to consider relationships as the centerpiece of research with human subjects.

After Hurricane Floyd, which struck North Carolina in the fall of 1999, there was very severe flooding in the eastern parts of the state. Poor rural communities were especially hard-hit; many people lost everything. Some University of North Carolina researchers went to affected communities to do community-based participatory research (CBPR). A colleague of mine, whose expertise is in health promotion and disease prevention for mothers and children, reported that when his research team asked what help the community members wanted from research, the answer was, "Domestic violence always increases when communities are under stress. We're concerned that a disaster like this will increase domestic violence, and would like you to study how best to respond." The researchers found an increase in domestic abuse, helped direct additional services to the affected communities, and made recommendations to improve social services that could help communities affected by natural disasters cope with stress.

In a separate effort not involving CBPR, another colleague of mine, whose area of research interest is child abuse, reviewed medical records and determined that the incidence of shaken baby syndrome increased greatly after the floods. She reported her data and made recommendations for improving post-disaster social services—recommendations that were similar to those made by the group doing CBPR (Keenan et al. 2004). An editorial in a prominent North Carolina newspaper praised the study and called for the state to increase services to communities affected by natural disasters.

These two studies used different research methods and produced data with different degrees of epidemiological sophistication. But what is important about this example is how the study results were described and promulgated by the researchers. Both groups of researchers felt a strong sense of relationship to the communities from which the subjects of their research were drawn. Because of those relationships, they were careful to report and describe their study results in ways designed to help meet the needs they had helped to identify. They might have simply published their data without thinking about more than the publications they could add to their CVs. Then their results could easily have been reported and described in a stigmatizing manner, by associating child abuse and domestic abuse with poor, disadvantaged, and marginalized communities. Instead, these researchers were able to identify stress as an important factor in their findings, and to describe increasing social supports and services to stressed communities as an important need.

Another example also comes from researchers at the University of North Carolina. Some social science and medical researchers there have been engaged for many years in a rich and complex longitudinal study that has generated very large data sets. Large data sets are often collected in epidemiological and social science research. These data sets may combine demographic information, medical information, and survey data describing social networks, beliefs, and behaviors. Big projects may involve many different researchers analyzing the same data to answer many different questions, and it is increasingly common to make these large data sets available to other researchers as well, often for a fee.

This particular long-established large data set was started in the 1990s. Researchers are following a nationally representative sample of adolescents into adulthood, using structured interviews, survey instruments, demographic data,

and some biological measurements. The general purposes of the research are to examine social, economic, psychological, behavioral, and biological determinants of health and illness in this sample. Researchers collected race and ethnicity data using self-report as a measure, and "oversampled" African-American, Asian, and Latino populations. The study also collected urine to test for sexually transmitted diseases.

Recently, some University of North Carolina researchers who have worked with this data set published a paper in the Journal of the American Medical Association, entitled "Prevalence of Chlamydial and Gonococcal Infections Among Young Adults in the United States." (Miller et al. 2004) The study's results were reported in two ways: First, that the prevalence of chlamydia infection—which can have serious reproductive health consequences in women—was high enough in both men and women to make the need for increased education, testing, and treatment clear. Second, that blacks in the study had an infection prevalence six times higher than whites.

The published paper was described by the researchers in a press conference as only a report about disease prevalence. It does not attempt to examine the possible causes of the association it identifies between race and sexually transmitted disease. Its use of race as a variable does not capture the complex, nuanced social meanings of self-categorizations of race and ethnicity. And it does not explore the relationships between race and socioeconomic disadvantage, financial and non-financial barriers in access to health care, perceived or experienced discrimination in health care, differences in social networks, or any of the many other possible causes for which race often serves as an imperfect stand-in in research reports. Therefore, it would be distressingly easy for an article like this to perpetuate an inaccurate characterization of race, and to promulgate a stigmatizing association between people of color and STDs.

But when a colleague of mine asked one of the researchers why race was presented in the article without controlling for those other factors, such as socioeconomic status, and therefore leaving the possible impression that being black is somehow the cause of the higher prevalence of chlamydia, the researcher responded, "The paper doesn't talk about causes at all. We are not explaining anything; we're just describing it. And even if some people might leap to the wrong conclusions, we have to make it very clear that this disparity is real, and

needs to be addressed, whatever the cause. If we control for other factors, people will leap to a different wrong conclusion—they will think the disparity is less. And that would be worse!" He went on to say that the next paper would analyze the data in more depth, to look at possible causes.

So my colleague and the researcher had very different views about what kind of description of study results was more or less harmful, and more or less helpful, to the study subjects and the communities they represent. The researcher clearly recognized the complex socioeconomic influences and social networks that affect the prevalence of STDs, but identified the need to highlight the racial disparity in STDs as more pressing than the potentially misleading and stigmatizing interpretation of race in the study.

And Some Implications

For a researcher, knowing that you are in a relationship with your subjects—even when you do not meet them, but only meet their data—should help you appreciate the complexity of apparently simple matters. Analyzing data by race is one of those apparently simple matters that conceals great complexity. The practical result of seeing this complexity is that you may be better able to describe and teach about your findings, and therefore also better able help make progress in addressing the problems you describe. My colleague's concern, which I share, was that the researchers may have already made it difficult to address and correct the health disparity they have identified, by postponing complex analysis of their misleadingly simple association of race and health.

Indeed, recent research has shown that news media reports about research findings are very similar in content and tone to publications of the same findings in medical and scientific literature. Newspapers thus are no more misleading than scientific journal articles—indeed, the journal articles themselves may exaggerate the importance of scientific findings and downplay risks of harm and negative results from research. (Bubela and Caulfield 2004) Researchers who recognize an obligation to make respectful use of what their subjects have enabled them to learn should recognize an obligation to think carefully about how to promulgate their new knowledge, in both scholarly and popular media.

Which Relationships? The Special Problem of Genetic Research

My final example looks at genetics research. Large data sets are increasingly important in this area as well. Researchers may collect hundreds or thousands of genetic specimens from which to extract DNA, and use microarray technology to search for many genes at once. Sometimes the genetic specimens are drawn from "artificial communities" of individuals and families affected by a particular disease diagnosis. But sometimes the genetic specimens are drawn from communities identified by race, kinship, ethnicity, religion, geography, or nationality. Almost always, researchers interact primarily or only with specimens or the data extracted from them, not with the subjects from whom the data came, thus making it especially challenging to perpetuate a sense of relationship.

When researchers seek to collect genetic specimens on a large scale, or to conduct genetic research on already-existing large collections of genetic specimens, a very large number of important ethical questions must be addressed. A truly enormous body of literature has developed to address the ethical, social, legal, and policy issues raised by genetic research, and this essay is by no means an attempt to summarize it. Instead, I will organize some of the major questions in terms of research relationships.

With Whom, and Why?

With which subjects or communities of subjects do genetic researchers seek to enter into a relationship in a given project—and why? Are the researchers looking for a disease gene in DNA from individuals who have the disease and their families? Or are they looking for genetic information associated with 'at-risk behavior' from members of a geographically isolated indigenous population chosen because their DNA is easy to search for certain types of markers? These are not the only two possibilities, of course; but generally speaking, the answer to the question "With whom are you seeking a research relationship and why?" helps researchers and potential subjects frame the information exchange that precedes a mutual decision whether to go forward with a research project—or not.

It matters whether researchers are looking for genes linked directly to treatable diseases, or for genes associated with diseases that have no effective treatments.

Identifying disease genes may lead to treatments in the future, but the path to effective new treatments can be very long—and in the meantime, how should what is learned be disseminated and used? What if researchers seek information about genetic predispositions to, or risks for, particular health problems or disease conditions; non-disease conditions like physical or personality characteristics or behavior; or genes associated with behavior that may have adverse outcomes, such as so-called novelty-seeking, which can be identified with traits ranging from achievements to addictions? Important social, ethical, political, and public health implications arise from being identified as having a treatable genetic disease; being identified as carrying the "genetic possibility" of having or developing a complex condition, disorder, or trait; and everything in between. How should such information about genes be understood and used? What should the results of this kind of large-scale genetic research mean for individual subjects, or for the communities of subjects to which they belong?

What, and How?

When genetic research is contemplated, how can the relationship between individual subjects and the communities from which they are drawn help to address what can be learned? This relationship—for example, between a disease advocacy organization and the affected families that belong to it; between the members of a socially disadvantaged minority and community representatives on a project advisory board; or between an iwi and those who identify themselves as belonging to it—can be a primary means by which the meaning of the proposed research is negotiated. Is genetic information a commodity that has commercial value for industry and can be sold by a community in an attempt to meet the needs of its members? Is it a legacy that must be communally protected and tightly controlled? Or is it both, or something in between — of use to the community of subjects to address their own questions about their health and their environment, but in need of special protection from exploitation by others? (Dickenson, this volume). Again, these are not the only examples or possibilities; but generally speaking, the answer to the question "What will be learned, and how might we benefit?" helps communities and potential subjects frame the information exchange that can enable them to work with researchers to design and structure projects that take proper account of the complex and highly contested ethical, legal, and political questions of ownership and use of genetic information.

The relationships between researchers and subjects, and researchers and communities, in this kind of genetic research must be characterized by respectful exchange between investigators and subjects. Both the researcher and the community of subjects must see the other as more than just a way to achieve a desired result. All parties must be recognized as persons who are not only worthy of respect but also able to engage in respectful relationships with others. The challenge here is to foster respect when research relationships are characterized, as is common, by imbalances of power between researchers and subjects, and researchers and communities. Researchers must remember that the information provided by a subject is a gift. What gives that information moral meaning is not that it is needed by the researcher, but that it is freely given.

Conclusion: The Future of Research Relationships

As large-scale research with human subjects becomes more important to scientific progress, communities are increasingly recognizing their role in helping to design and conduct research that addresses their needs, and in helping to redesign and redirect research efforts that they consider not to be in their interests. Researchers likewise are coming to acknowledge and understand the importance of their relationships with subjects and communities: to educate, collaborate, and promulgate research results in beneficial ways (Participants in the 2001 Conference on Ethical Aspects of Research in Developing Countries). As I have learned, a Māori research perspective, with its well-developed tradition of communication between researcher and iwi, could easily provide a global model of CBPR. Moreover, what New Zealanders have learned, and are still learning, from continual, iterative bicultural discussions between Māori and Pākehā about the interpretation and enforcement of the Treaty of Waitangi and the challenges of addressing health disparities and overcoming discrimination and social disadvantage may reflect more than a particular New Zealand postcolonial political process. Perhaps I overinterpret what I learned from a brief visit; but it is possible that a Māori research perspective also models a unique capacity for and commitment to critical public reflection, based on the community discussion tradition of the marae. Certainly it appears that tikanga Māori recognizes not only the centrality of relationships, but the need for culture to encompass change in order to be meaningfully preserved (Mead 2003). And of course, in order to identify and preserve what is valued, and pursue communal benefit through research, a cultural community has to be able to identify for itself what is of value

and why, and to explain those values and priorities to others (Durie 1998; Argumedo, this volume). Thus, in every respect, research relationships require us all to talk together and ask lots of questions, to critically examine and reflect on our own views, to recognize and respect the differences between our views and the views of others and, sometimes, to change.

When they work together to produce new knowledge, researchers, human subjects, and communities must talk together and trust each other. Research with human subjects is a morally unique endeavor, in which the primary goals are to treat subjects with respect and, as much as possible, to keep them from harm. The benefits of research most often flow not to individual subjects, but to the community and to the future. This makes research with humans a shared public enterprise, which must be carefully monitored to ensure that it remains a public good. Researchers, subjects, communities, and institutions all take part in this monitoring process, which is conducted through many different conversations, in different types of relationships, in every study. Talking together is how we learn from each other, in research relationships as in all moral life. And, after all, learning to talk together across very great differences is not only necessary for human subjects research; it is essential for all humanity.

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Indigenous Research Ethics and Agro-ecological Development: Raising the Ire in Biotechnology Transfer

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ABSTRACT

Although biotechnology has been an integral component of human history, contemporary research now operates with a precision and level of expertise that marks a significant break from previous understanding. By enabling the manipulation of the basic 'building blocks' of life, biotechnology sciences have had profound impacts in the humanities, including challenges to property rights, economic strategy, research and development policy, and—not least—ethics. In this context, previously isolated eco-social groups have experienced increasing contact and exchange as both purposeful and accidental transfers of biotic components occurs, and the potential for 'recombination' (of DNA, agricultural landscapes, political economies and ecosystems) has dramatically increased.

These new technologies and methods have provoked wide concern as well as hope and excitement. This last point is driven by the coincidence of two developments—advanced biotechnologies, and the completion of a 'sociotechnosphere' in which novelty is a commodity. These developments infer two fundamental resources upon indigenous peoples, revolving around biotic and cultural concepts of capital. This paper examines the interplay of agro-ecological and cultural development as it affects the participation of Māori in local and global genetic information networks, and seeks to extend our ethical participation. It does this by locating significant sites in the utilisation of genetic information, thereby identifying the relevant 'ecosocial' institutions to which Māori belong and with

whom we should engage.

Key words: biotechnology, ethics, agri-business, Māori development, Plant Genetic Resources.

Introduction

While the reliance of humankind on biotic resources is axiomatic, their actual utilisation is the focus of disputes within and between societies. In this regard, New Zealand shares a common history with a small group of countries characterised by extensive 19th century white-settler small farm agro-ecology (Fairweather, 1985). This beginning has seen an ongoing commitment to a generic assemblage of crops and an associated array of cultivation methods, supplied to increasingly environmentally conscious markets. The phylogenic basis of New Zealand's land-based industries is around 50 species, with just 28 accounting for 99% of cultivated land by area (Halloy, 1994).

Māori participation in this 'biopolitical-economy' of New Zealand has been problematic from the outset of post-contact experiences. By occupying a multiplicity of niches within European thought and capitalist production, Māori have struggled to regain the initiative in self-determination. The Māori economic base is heavily dependent on biotic resources, predominantly agricultural commodities (see Table 1). Much of this is committed to export, resulting in many iwi and hapū ventures being overly exposed to market volatility and environmental change (Te Puni Kōkiri, 2002; NZIER, 2003).

Table 1 : Māori Commercial Asset Base (c. 2000–2002) :

Sector	Value (1)	%	% Māori prod. (2)
Agriculture	$3,074m	59%	36% ($700m)
Fisheries	$671m	13%	16%($299m)
Forestry	$501m	10%	2% ($43m)
Business	$945m	18%	
	$5,191m	**100%**	

1. Although returns were improved for the financial year 2000, much of this is attributable to favourable climatic conditions and the depreciation of the New Zealand currency (Te Puni Kōkiri, 2002: 18).
2. NZIER (2003: 9). NB: this table is based on two separate sources and is indicative only.

State-induced research (via Government and industry-backed institutes such as the recently established Centres for Research Excellence) explicitly acknowledges two things. The first is that a vibrant future for New Zealand's economy requires adopting and innovating new technologies. Much of this still focuses on the country's biotic resources, although with the now ubiquitous proviso that it be 'sustainable'. The second is that Māori have a role in processes by which this is to be achieved, explicitly in calls for research and development to be responsive to Māori.

Implicit in this is that Māori be responsive to research. This paper argues that if a robust ethical framework is desired, then the potential(s) of modern biotechnology and their fundamental elements must be identified. To summarise, New Zealand's economy—and Māori disproportionately so—is increasingly dependent on sustainable agricultural and horticultural production and the novel marketing of the resulting produce in a global market. Māori must be able to recognise the implications of research that utilises the genetic information implicit in biotic resources. While some attention has been given to *indigenous* flora (culminating in the Wai 262 Claim: see Harris and Kapoor, 1990; McLean and Smith, 2001; Williams, 2001), the reliance on *introduced* species is rarely noted (see however Roskruge, 2001; and Halloy, 1994). The ethical implications of the reliance of agri-biotechnology research and development processes on Plant Genetic Resources have now reached the fullest global reach that was first 'promised' in 1492 by the great Colombian exchange (Crosby, 1986).

Biotechnology, Ecosociality, and Aotearoa/New Zealand

Technology is a broad term, the defining characteristic of which is that it is never really complete. Ferré (1988: 1) refers to the 'technosphere'—the space touched or reached by human artifacts that stretches from several miles below the earth's surface or sea-level to many hundreds of thousands of kilometers above the

atmosphere. This technosphere is comprised of many interrelated sociotechnical systems that enable "the linkage of techniques and material culture to the socio-coordination of labour" (Pfaffenberger, 1992: 497). This is best understood as an activity system that involves a wide range of decision-making processes and various communities, both professional and lay.

Looking into Pfaffenberger's 'sociotechnosphere' we observe a mass of biotic and components whose interaction can be said to form a 'genosphere'. This phenomenon has a history that increasingly revolves around manipulation by a highly advanced genotype—*Homo sapiens*. In this world, as David Harvey reminds us, any ecological debate is always a commentary on political-economic organisation (Harvey, 1996). Kloppenburg (1988) and Lyson (2002), among others, have argued that the advanced techniques now available to agricultural researchers are analogous to the reductionist nature of neoclassical economics and provide the framework for turning the traits of plants and livestock into property. As perhaps the most rapidly advancing technology, biology is drawn into the political arena as biodiversity fractures into variously valued resources while remaining a fundamental component of sustainability.

Criticism of modern biotechnology has two main planks. The first stems from the inherent reductionism alluded to above that sees researchers accused of ignoring or seriously underestimating the actual complexities of its subject matter. This criticism extends the analogy of frontier science—a complex research area that is subject to rapid changes in understanding—to 'cowboy' scientists that dismiss or ignore the possibilities of negative environmental impacts (Ho, 1998). The second criticism concerns its relevance, with accusations that this technology seeks to provide answers 'to a false set of questions' (Campbell, 2000: 32). In many respects this echoes the first criticism by drawing attention to the obscurity of processes by which genetic engineering (GE) or modification (GM) is to deliver on (the originally hyperbolic) promises. These concerns have coalesced into an array of political movements that are vociferously opposed to such techniques, particularly in the food chain and in the area of human reproduction where advances now challenge what it means to be human (Mauron, 2001; McKibben, 2003). The domain of 'ecosociality' (that is those institutions that explicitly exist to coordinate the manipulation of living organisms) is facing unique challenges that call for creative debate. In this context, genetic reductionism can be subverted, exposing moral and ethical choices within a political-economic framework: who

gets what?

These observations highlight the unique position of Māori in the literature on indigenous peoples and technology which is dominated by case studies that examine the often extreme disparities of knowledge and power evident in technology transfer in developing countries where indigenous groups maintain (not necessarily through choice) a much more separate existence. The research arena has thrown up a number of subdisciplines that include access to Appropriate Technology (AT), the role of Indigenous Knowledge (TK) and Traditional Ecological Knowledge (TEK) and the political alliances between indigenous communities and environmentalists (see Willoughby, 1990; Berkes *et al.*, 1995; Gillespie, 1998).

Briefly then, technology can be defined as a process (incorporating political economic and socio-cultural elements as well as scientific institutions) that crystallizes into things, but only with effort. The point of this paper is that the most valuable of these 'things'—the material outcomes of large-scale, interdisciplinary research and development projects—are increasingly biotic in character, challenging assumptions within those networks that New Zealand's economy (and with it Māori) operates. The survival of eco-social institutions in this context is perhaps more remarkable than their initial establishment. In what ways could advancing biotechnologies force change on the ecosocial institutional context within which hapu and iwi ventures exist? Although the potential of modern biotechnologies has yet to be clearly characterised, it is increasingly clear that the 'public' or lay communities hold a nuanced position (Marris *et al*. 2001). In order to identify where such challenges might originate for Māori, two models are presented as attempts to describe the arena in which conflicting interests interact.

Model I: Tracking Genetic Information

The first model presents the utilisation of genetic information as a number of stages involving various specialties, not all of which necessarily use or require the presence of genetic material. These stages provide a useful analytical tool as shown in Figure 1. Such a framework needs also to be situated within the macro agro-ecological context of Aotearoa/New Zealand: what ecosocial groupings to Māori belong to and engage with? From this we can identify relevant biotic resources and their threats, and (because biodiversity *is* genetic diversity) begin

understanding the extended networks of genetic information to which we belong and utilise.

Although space precludes in-depth analysis, the following attempts to reflect the current situation in New Zealand, a situation that is primarily a consequence of the white-settler farming history alluded to earlier. For example, the pastoral history initiated by colonisation means that forage plants are the single most important Plant Genetic Resource (PGR) for the New Zealand economy. Although some native species do contribute to pastures in areas of low fertility, preferred species are exotic (Warmington *et al*., 1996). Their value lies with their fundamental contribution to the livestock industry, again a range of exotic species (primarily Eurasian in origin, see Diamond, 1997) that have been bred for various qualities revolving around meat and fibre.

Fig. 1. The utilisation of genetic material

Stage	Disciplines	Examples
Identification and Collection	fieldwork, taxonomy, GIS, bioinformatics, ethnobotany, medical research	Te Kete ā Tini Rauhanga (1) gastric cancer research (2)
Storage and Maintenance	*ex situ* conservation, engineering, public sector management, *in situ* preservation	Lake Waikaremoana Hapū Restoration Trust (3) Rene Orchiston collection (4)
Trade and Transfer	corporate affairs, trade negotiations, biosecurity	Te Hīkoi mai o te kūmara (5)
Research and Development	genomics, proteomics, traditional breeding, software design, marketing	ornamental development (6) e.g. *Hebe* & *Phormium* spp.

1. A research project in collaboration with Crop and Food, funded by FRST ($960,000) to investigate rongoā Māori (native medicinal plants), headed by Dr Meto Leach and Hohepa Kereopa (Ngai Tūhoe).
2. Research led by Dr. Parry Guilford into the relevant genes for a type of gastric

cancer was conducted using a Māori family (see Guilford, *et al*., 1998).

3. A 10-year project investigating the decline of kiwi at Waikaremoana, a collaboration between Manaaki Whenua, DoC and tangata whenua.

4. Held by Manaaki Whenua and originating with 50 cultivars of harakeke/*Phormium*. Now known as the National New Zealand Flax Collection.

5. A hīkoi by kaumātua to Japan in 1988, led by Del Wihongi, to seek the return of 9 varieties of kūmara 'delivered' to Japanese researchers in 1969 following concerns of maintaining the collection in New Zealand.

6. Extensive collections are in private ownership, both overseas and domestically.
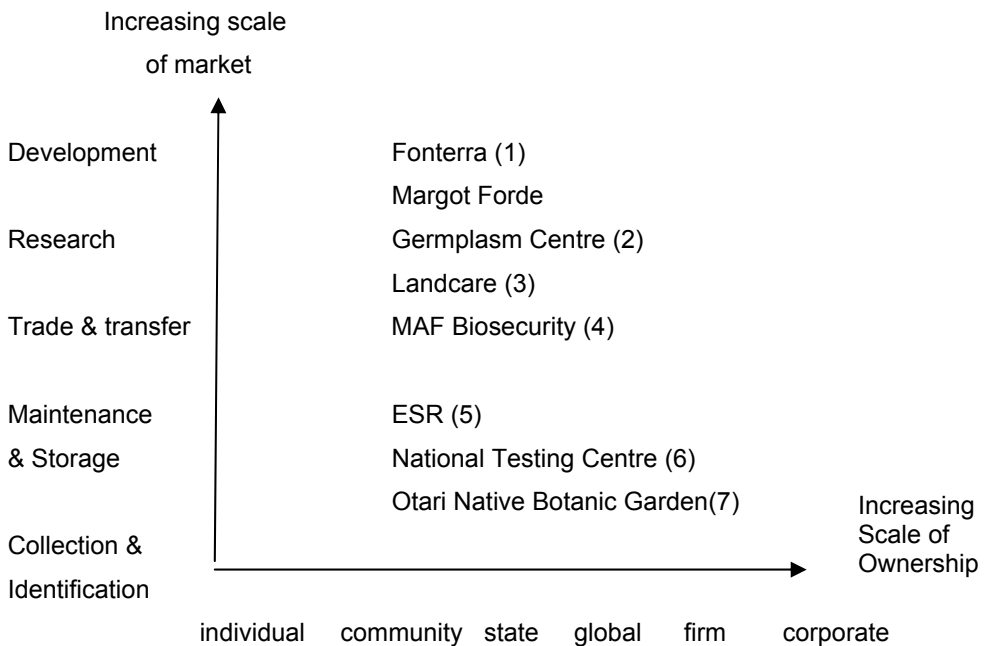
Securing these industries, let alone actually advancing them, will require ongoing experimentation with genetic recombination, driven by both the need for market novelty and sustainability in an increasingly changeable environment. Although valuable collections of globally important PGR exist in New Zealand (particularly of apple and kiwifruit germplasm), international collaboration must continue in what has been described as the Red Queen race, after that character in *Alice in Wonderland* who must run to stand still (Swanson, 1998). Māori are members of the very same ecosocial interactions as non-Māori, both in Aotearoa/New Zealand and overseas, that engage in the utilisation of similar genetic parcels of flora and fauna.

Model II: Mapping Genetic Resources

The following diagram attempts to broadly reflect the theorised markets of relevance to iwi and hapū ventures, by which I mean not so much the place (although physical locations certainly exist) but the *scale* of management: the nature and extent of networks within which genetic information could be expected to travel (Fig. 2). Such 'business' does not necessarily rely on the actual presence of genetic material but may revolve around the legal *right* to claim royalties from use of historical germlines or patented techniques. No deeper analysis is attempted here although there is an ever-expanding range of complex interests acting to secure or utilise genetic information. Some institutions may act to support private biotic interests in order to secure indirect economic benefits, e.g. the provision of publicly funded biosecurity for industry or sectoral interests by government agencies. Further, there could be great emotional security provided to the individual by the provision of relatively simple DNA identification.

This second model highlights the difficulty that any disempowered community would face in engaging on an equal footing those institutions that control aspects of development needed for self-determination. First there are the usual disparities, in knowledge, power and support. Secondly, there is now global extent of control and influence over an increasingly strategic resource, variously declared a global commons or the property of nation-states, corporations or indigenous peoples. Access to PGR have been blocked before (to 'the usual suspects', enemies of the 'West': see Querol, 1993; Frankel, 1988: 29), local communities continue to experience biopiracy and the illicit trade in rare organisms continues (Gower, 2004). This model describes a genosphere where access to and benefits from genetic information is dominated by nation-states over sub-national communities, multinational corporations over local businesses, or supranational organisations over democratically elected legislative bodies.

Fig 2. Market scales

Increasing scale
of market

Development	Fonterra (1)
	Margot Forde
Research	Germplasm Centre (2)
	Landcare (3)
Trade & transfer	MAF Biosecurity (4)
Maintenance	ESR (5)
& Storage	National Testing Centre (6)
	Otari Native Botanic Garden(7)
Collection & Identification	

Increasing
Scale of
Ownership

individual   community   state   global   firm   corporate

1. Fonterra is engaged in a number of projects that involve genetic information although thus far they have disavowed genetic modification in their research (Dann, 2004).
2. Est. 1930s, based in Palmerston North and maintained by AgResearch. Holds approx. 60,000 seed samples (mainly grasses and legumes). 1,500 spp/58 plant families including 18,000 varieties of white clover. An important genebank

for New Zealand land-based industries.

3. Landcare maintains the largest herbarium in New Zealand, containing over 500,000 specimens, representing NZ and the South Pacific.

4. The Ministry of Agriculture and Forests administers the Hazardous Substance and New Organisms Act (1996) and is the lead government agency in the implementation of Biosecurity strategy.

5. Environmental Science Research hold approx. 40,000 human DNA samples for criminal profiling (Source: Courtney, 2004: A15)

6. Stores the majority of human DNA samples collected in NZ (from newborns), numbering around two million samples. Owned and managed by the Auckland District Health Board (Source: Courtney, 2004: A15).

7. A significant reserve dedicated to NZ native plants. Established in 1906, it covers 75 hectares and is implicated in two (now amalgamated) Waitangi Tribunal claims, no.'s 145 and 474.

Discussion

Like other agri-business participants, Māori are committed to a global network whose purpose is to effect the development and implementation of a range of strategies involving the utilisation of genetic information. This immediately locates us with other beneficiaries of global trade in PGR, a trade that has been criticised as theft by many indigenous groups. While Māori can effectively avoid blame, this paper presents a case for acknowledging where we have benefit from inherited genetic information, and including those dissenting ecosocial institutions within our network of participants.

The sources of vulnerability and the means to attain resilience are multi-scalar, involving linkages to new locations (and therefore previously unknown ecosocial institutions) as well as altering the relationship with historically connected locations (via advancing technologies) and challenging existing ecosocial institutions. Conceptually, significant locations could be mapped by tracing the relevant genetic information, its origins, threats to access or even the survival of viable germplasm, and contradictory interests in its actual or perceived properties, and so on. The ethical and moral issues attendant on the identification, collection, storage, maintenance, trade, transfer, research and (all going well!) socially just development must also be acknowledged. Model I presents a template for tracking where such obligations might exist, which can be only the first step in

truly successful development; Model II describes nothing more than the obvious, that as a resource (in this case genetic information) increases in value, its control will be sought and amalgamated by more powerful players.

Conclusion

Marx claimed that "the tradition of the dead generations weighs like a nightmare on the minds of the living". By this he meant the constraints of previously solid institutions that were neither willing nor able to aid the "revolutionary transformation" of people and their environments in "the creation of something which does not yet exist". (cited in Harvey, 1996: 94) Challenges to existing ecosocial institutions, whether Māori or non-Māori, local, national or global, result from and contribute to change and that is evident in the utilisation of genetic information. The 'best practice' (i.e. ethical) ecosocial arrangements *cannot yet exist* and their development will require broader sources of input than has been apparent so far.

Notwithstanding the cultural heritage and emotional connections to indigenous flora and fauna (an aspect of Aotearoa/New Zealand that is also claimed by Pākehā) the resilient development of Māori agri-business is increasingly dependent on advanced technology and improved marketing that is global in extent. Like Pākehā, Māori are entwined within the neoliberal-ordered exchange of commodities and must be cognisant of supranational regulations concerning, among other things, production methods, marketing labels and intellectual property that explicitly uses 'culture-tags'. International traders must also be aware of their target market's idiosyncrasies that will include moral and ethical judgements. By engaging in modern agri-food business, Māori are complicit in the appropriation and manipulation of genetic information that is generally held (*ex situ* or *in situ*), maintained and disseminated according to rational, capitalist demands. Let Māori be proactive in defining the debate. Our complicity needs to be acknowledged, if for no other reason than to raise the IRE in future agri-biotechnology research.

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BEING THE CHANGE WE WISH TO SEE:

NEGOTIATING THE ACADEMIC JOURNEY AS AN INDIGENOUS

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ABSTRACT

Gathered up and carried on the winds of change, Indigenous Australian voices seek to be heard through research projects which espouse respect and understanding of Indigenous knowledge systems, beliefs and cultural practices. With growing numbers of Aboriginal and Torres Strait Islander researchers in the field we are now, more than ever, developing the capacity to explore a research discourse on our terms. While there is arguably a long way to go before Indigenist perspectives and methodologies are widely accepted by the academy, the progress Indigenous researchers have made in recent years has been significant. On the flipside of this progress is the despair experienced by many Indigenous students along their journey towards the completion of a higher research degree. Indigenous researchers characterised as reflecting an 'insider's' perspective, face numerous ethical issues pertinent to their methodology and research findings including advocacy of an Indigenous position and perspective; collaborative and action research methods; empathy with research participants and reciprocity. My paper discusses some of the complexities inherent in insider research, the implications for the Indigenous researcher in this context, and support mechanisms needed to assist Indigenous researchers in their academic journey.

Introduction

Research of Aboriginal and Torres Strait Islander peoples was traditionally underscored by colonial interests that tended to exploit and appropriate Aboriginal and Torres Strait Islander peoples and cultures. Acknowledgement of Aboriginal

and Torres Strait Islander Australians as having a critical role in today's research environment has seen an insurgence of protocols fundamental to ethical research in, and with, Aboriginal and Torres Strait Islander communities. This re-orientation in the research discourse has made way for the rise of Aboriginal and Torres Strait Islander academics and writers who seek to reclaim and redefine the research agenda for their communities (Bourke, 1998; Dodson, 1995; Huggins, 2000; Martin, 2002; Rigney, 2002; Nakata, 1998; and Williams, 1992). Aboriginal and Torres Strait Islander researchers, characterised as reflecting an 'insider's' perspective, face numerous ethical issues pertinent to their methodology and research findings including advocacy of an Indigenous position and perspective; collaborative and action research methods; empathy with research participants; and reciprocity.

Implicit in the insider discourse is the identification and affiliation of an individual with the group being researched. The nature of relationships is therefore fundamental to insider research, allowing the researcher easier access to participants and, as Bell (1999, 42) suggests, "an intimate knowledge of the context of the research and the micropolitics of the situation". As a Torres Strait Islander researching 'my own mob', I do acknowledge that the insider/outsider phenomenon exists whether one is Aboriginal and Torres Strait Islander or non-Aboriginal and Torres Strait Islander, and there are many circumstances where non-Aboriginal and Torres Strait Islander people assume insider status because of their relationships and connections with the researched group. For the Aboriginal and Torres Strait Islander researcher however the complexities of conducting insider research are arguably far greater and carry added responsibilities.

A personal journey of insider research

In my personal journey as an inside researcher, I am critically analysing methodological processes from my epistemological standpoint as a mainland Torres Strait Islander woman. This does not make my cultural experiences representative of all mainland Torres Strait Islanders, although I understand there exist expectations both within and outside the academy for me to 'speak for my people'. Hall (1992, 277) has termed the latter the "black person's burden" and like him, I would like to absolve myself of it. This means, paradoxically, speaking autobiographically (Hall, 1992, 277). Individual identity, Bourke (1998, 184)

suggests, is spiritually interdependent within our history, our world view and the intergenerational relationship with our families. I therefore offer my own personal narrative of being a Torres Strait Islander on the mainland in my critique of the insider discourse.

The period immediately following World War Two marked the beginning of mass internal migration of Torres Strait Islanders to mainland Australia, due in large part to the decline in the local pearling industry. The move to mainland Australia represented an opportunity for Torres Strait Islanders to participate in the country's post-war economic boom. With limited opportunities for paid employment in the Torres Strait, Islanders chose to migrate to the mainland, many never to return again.

The large proportion of Torres Strait Islanders on the mainland has created two different social and economic environments for the population (Arthur and Taylor, 1994). In 1996, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs was required to report on one of its objectives:

> What implications would greater autonomy have for Torres Strait
> Islanders resident outside the Torres Strait region including whether the
> Aboriginal and Torres Strait Islander Commission or the Torres Strait
> Regional Authority should represent the interests of such residents.
> (HRSCATSIA, 1996,1)

The issues involving appropriate political representation for mainland Torres Strait Islanders, whilst acknowledged, remain unresolved. Although the report produced by HRSCTIA focused on issues relating to greater autonomy, it highlighted the ongoing connectedness and affinity of mainland Islanders to the Torres Strait.

The affiliation with the Torres Strait Islander diaspora underscores the sense of collective identity Islanders share regardless of their physical location. Fuary (2000, 2) found there is much overlap in the social and cultural interaction between Torres Strait Islanders based on the homeland and those on the mainland. She further notes that, conceptualising membership in one group or the other as being essentially dichotomous misrepresents the fundamental dynamic of identity construction and negotiation, particularly at the level of close, social interactions **(**Fuary, 2000, 2). In this regard, diasporic communities may or may not be immigrant communities, however, as highlighted by Tsolidis (2001, 116)

there exist clear commonalities because of real or imagined connections to a common culture or homeland.

Growing up in an extended family in Cairns, it's hard to remember a time when I did not know who we were and where we came from. From a very early age, our grandmother would say to us, "You must remember what road you come from." In keeping with this notion, I wish to acknowledge my ancestors and their home islands of Mabuaig, Badu, Erub and Mer. Like many other Torres Strait Islanders, my cultural identity was constructed along pluralist lines that acknowledged our richly diverse cultural heritage including Filipino, Malaysian, European and West Indian ancestry. Although my family's background is diverse in nature, all of these threads have been interwoven into the unique cultural tapestry of the Torres Strait. My grandmothers were from Erub and Mabuaig Islands respectively, and my grandfather was born and raised on Thursday Island. Through participation in family and cultural activities, my individual identity was inextricably linked to its relationship to a collective community identity and the shared values, history, experiences and beliefs within the wider group. The representations of our collective identity affirmed the positive aspects of our difference and defined the boundaries and our relationship to 'others' (non-Torres Strait Islanders). At a basic level as a child, it helped to explain why my classmates did not learn *Taba Naba* as a nursery rhyme or eat turtle and dugong on special occasions.

My cultural identity and the processes involved with its construction motivated me to research the subject with a view to understanding the extent to which the identification of the Torres Strait Islander diaspora is chosen, negotiated, imposed and challenged. Underpinned by the principles of feminist research (Neuman 2000, 49), my background influences and contextualises my research methodology, recognizing that any theoretical approach to my research cannot be separated from my lived experiences as a mainland Torres Strait Islander woman. From the outset of my research journey, I positioned myself as a member of the researched group. In negotiating texts which have been written about Torres Strait Islanders, I am negotiating with representations of myself, my ancestors and their experiences (Nakata, 1998, 3). Nakata's (1998, 3) approach to these matters is not just to force reflection onto the practices of those who produce knowledge about Torres Strait Islanders but for Torres Strait Islanders to more fully understand their position in relation to knowledge and its production. My cultural identity and background therefore not only influences my adoption of relevant

subject matter and methodology but also positions me within the discourse of an inside researcher.

The process of exploring my chosen topic within an academic discourse has highlighted the intricacies of conducting insider research. Recent attention has been drawn to the role of the insider researcher and the associated ethical considerations (Bell, 1999; McGinty, 1992; Ma Rhea and Rigney, 2002; and Smith, 1999). Smith's (1999, 137) focus on Indigenous research methodologies underlines the problematic nature of being both an insider and an outsider in Indigenous contexts, emphasizing the critical need for reflexivity in the researcher's processes, relationships, data gathering and analysis. Hertz (1997, viii) maintains that through personal accounting, researchers must become more aware of how their own positions and interests are imposed at all stages of the research process—from the questions they ask to those they ignore, from who they will study to who they ignore, from problem formation to analysis, representation and writing. By examining the full process of the interaction between myself and the research participants, I am endeavouring to understand not simply 'what I know' but 'how I know it' (Hertz, 1997, viii).

As an insider, my connections with the participants will extend beyond the life of the research project. Insider research has to be as ethical and respectful, as reflexive and critical as outsider research (Smith, 1999, 139). It also needs to be humble to avoid setting oneself up as the 'expert'—a stance that would be frowned upon by the community, who are essentially the collective custodians of Indigenous knowledge (Smith, 1999, 139). When researching your own group, Walsh-Tapiata (2003, 62) believes there is a particularly stringent requirement on insiders as researchers to treat the oral interviews, the written documentation and the observations that constitute research data with dignity and integrity. This means maintaining the prestige of the people who are being talked about, and being aware of the ongoing social, cultural and emotional obligations that attach to insider status (Walsh-Tapiata, 2003, 62). My membership of the researched group emphasises the need to fulfil my cultural responsibilities and obligations as a community member through the duration of the research project and beyond.

As a Torres Strait Islander adopting an insider's perspective, I have the benefit of knowing and understanding *Ailan Kustom*—my research group's customs and traditions, communication and cultural protocols and kinship relations. Insiders are

more likely to be cognisant and accepting of complexity and internal variation, are better able to understand the nuances of language use, will avoid being duped by informants who create cultural performances for their own purposes, and are less apt to be distrusted by those they study (Zavella, 1996, 139). There are similarly circumstances where insider researchers are constrained by having to be always accountable to the community being studied. Wolf (1996, 16) suggests there is fluidity between insider and outsider research and sharing a common racial/ethnic background will be binding in some circumstances and irrelevant in others.

Defining oneself as being either insider or outsider within an Aboriginal and Torres Strait Islander context misrepresents the fundamental dynamics of group affiliation, community acceptance and cultural identity. The dichotomy of insider/outsider is over-simplistic in these circumstances as it assumes a static and pre-determined role for the researcher and their relationship to, and with their research participants. Some feminist researchers reject purist notions of insider/outsider, arguing they are neither exclusively an insider nor an outsider, but both simultaneously, due to their complicated position of having a dual identity (Wolf 1996, 16). The discussion on the complexities inherent in the identification processes for Aboriginal and Torres Strait Islander people necessitates some recognition of the multiplicity of roles they assume in their daily lives. In Marsh's (2001, 141) critique of cultural identity and self, she concludes that, "all of us have multiple identities that under most circumstances lie layer upon layer". The acknowledgement of multiple identities, and the processes involved in negotiating the same, is for me, an essential element of the discussion regarding insider research.

On the inside

Although my journey as a researcher has been personally rewarding and illuminating, it has been fraught with its share of conundrums associated with my insider status. During my Masters research, I examined the construction of identity for Torres Strait Islander women working in the public service. I was particularly interested in this area because I wanted to explore how the cultural experiences of Torres Strait Islander women impacted upon their employment choices and career development. I was an insider as a Torres Strait Islander woman, mainlander, senior bureaucrat, and supporter of Aboriginal and Torres Strait Islander women's career advancement. I had known my research participants for

many years in both a professional and personal capacity. I was related to at least half of the sample group.

Positioning myself as a Torres Strait Islander feminist was problematic. I was drawing on, yet contesting, the constructs of Torres Strait Islander patriarchy and white feminism, assuming insider and outsider status within both movements and ideologies (Zavella, 1996, 141). I needed to deconstruct my own sense of Torres Strait Islander feminism so I could 'see' the nuances of cultural identity among my research participants. The perceptions of gender relations in Torres Strait Islander culture are inherently multi-dimensional and (at the time) reflected the need for the research participants to be mindful of cultural expectations and protocols. To ignore these protocols in favour of western feminist ideology would somehow compromise their sense of cultural identity and be in direct conflict with the family principles instilled in them throughout their upbringing. As a feminist, I wanted to advocate change for women's benefit. As a Torres Strait Islander woman however, I found myself defending the customs of our cultural patriarchy so central to our notion and sense of cultural identity.

In writing up my research findings, I realised I had little in common with my interview participants specifically when it came to their experiences of disadvantage, discrimination, and in some cases, sexual harassment. My findings prompted me to be reflexive in questioning the underlying assumptions regarding my research group, ensuring that their voices and not just mine were speaking in the text. As a beginning researcher at the time, I thought these matters would be resolved once the participants read the relevant drafts of my thesis. They returned signed statements I provided to them indicating their approval of the draft. Only one participant made a minor change to the text.

A few years later, I asked one of the participants how she found the process and what she made of my research findings. She replied, "I didn't really understand what it all meant but I knew what you wrote would be ok". The participant's response demonstrates the nature and role of reciprocity in insider research within an Indigenous context. Clearly on this occasion, I had access to privileged information placing me in an equally responsible position to the participants, as to the research project itself.

'Acceptance' in a community context is difficult to define and thereafter measure, with so many variables influencing the way you perceive yourself and how others perceive you. As highlighted by Walsh-Tapiata (2003, 66), membership of a group does not automatically mean that one will have free access to information. Information may be hard to obtain and the researcher may be required to walk a tightrope before they gain access and to continue to walk this narrow path as the research unfolds (Walsh-Tapiata, 2003, 66). In my case, determining variables relating to participant access include most notably my gender, age, family background, educational history, current employment, marital status, parental status and community contribution. As I am now older, married and a mother, I have noticed a distinct difference in the way research participants within my community interact and respond to me in this capacity. Rapport building for example, has become seemingly easier and the extent of information disclosure has been far greater at this stage of my research journey.

Commencing my journey as a PhD student, I am increasingly cognisant of the nature and role of the inside researcher and its implications for my fieldwork. In this case, I had made an appointment to interview an older family member. We had previously had a *casa yarn* about his family life and experiences growing up away from the Torres Strait. There was a high level of informality when talking with him in the comfort of his home. When I re-visited him to conduct the actual interview, I immediately noticed he was dressed in good 'going out' clothes and wearing shoes. In my culture we call dressing up and acting formal, *styling up*. I noticed a distinct degree of formality and *styling up* in his responses that were very different to our previous dialogue. Similar to Smith's (1999, 138) experiences of insider research, I was being subjected to behaviour that firmly positioned me in the role of an outside researcher.

My shift from insider to outsider was seemingly based on perceptions of positional power and how this related to my role as a researcher. The situation presents an interesting paradox because in a cultural context, the research participant has far greater positional power than me because of his elder status in the community. McGinty (1992, 7) suggests that if the researcher adopts a stance of genuine learner, the power differential between researcher and researched should be reversed. The partition of roles between community member and researcher is not always an easy task. As an inside researcher I must be continuously aware of my position within the discourse and how this may impact on my data collection,

analysis and interpretation. I also need to be sensitive to the relationships I develop with research participants and how perceptions of positional power may impact on the scope and nature of relationships I have not only with the research participants but the community in which I identify as 'my own.' Implicit in my methodology is the respect for, and practice of, good *Ailan Pasin*—a 'cultural tenet' underpinning my interactions with family members and the community both during and beyond the life of the research project.

Support for Aboriginal and Torres Strait Islander Researchers

Preparation is crucial in ensuring successful and effective support measures are in place to assist Aboriginal and Torres Strait Islander researchers. Prior to commencing a project, careful consideration should be given to ethical issues pertinent to an insider research approach and how these issues will be addressed by the researcher. These issues should be articulated in the researcher's ethics submission, which in turn should be assessed by a suitably qualified, experienced and representative academic governing body which includes Aboriginal and Torres Strait Islander representatives. The progress of the research project should also be carefully monitored to ensure ethical standards are maintained.

Preparing the researcher before they enter the field is essential. It is erroneous to assume that an Aboriginal and Torres Strait Islander person is intrinsically equipped to undertake research with their own or another Aboriginal and Torres Strait Islander community. Postgraduate coursework should reflect the student's need to understand, and have practical application and skills in, research ethics in Aboriginal and Torres Strait Islander contexts, collaborative research approaches, cultural protocols and communication, community capacity building, identity theory and field procedures in Indigenous research. Supervisors of Aboriginal and Torres Strait Islander students undertaking higher research degrees should also be well versed and experienced in these discourses.

The role of the supervisor is often crucial to a student's success in navigating the academic journey. Ma Rhea and Rigney (2002, 1) emphasise the role of the non-Aboriginal and Torres Strait Islander supervisor in providing appropriate support and guidance for Aboriginal and Torres Strait Islander researchers (since most Aboriginal and Torres Strait Islander students are supervised by non-Aboriginal

and Torres Strait Islander academics). The supervision of an Aboriginal and Torres Strait Islander student necessitates a deeper level of knowledge and understanding of the insider research approach so that supervisors in conjunction with the student are able to develop effective support mechanisms tailored to individual needs. Engaging in a mentoring relationship with community elders, family members, and peers (outside of the research project) can also assist the researcher in dealing with ethical considerations in a cultural context.

Rapport building between the inside researcher and their research participants can take considerable time, energy and resources. The rules of engagement for the Aboriginal and Torres Strait Islander researcher can be uncertain and ambiguous, causing a shift in the insider/outsider position at various points in time (Thaker, 2002, 3). With pressure to complete higher research degrees within shorter timeframes and with minimal resources, Aboriginal and Torres Strait Islander students are being increasingly challenged to function effectively in a research environment. The oscillation between progress and despair and everything in between remains ever present in an Aboriginal and Torres Strait Islander student's academic journey. The opportunities for the success of Aboriginal and Torres Strait Islander researchers must be facilitated through a holistic support system provided by Aboriginal and Torres Strait Islander communities, supervisors, universities and other centres of learning.

Conclusion

The journey encountered by Indigenous research students is fraught with its share of challenges and conundrums, particularly within the insider discourse. For this paper, I have described the journey as a process of negotiation – between oneself; research participants; and the tertiary institution hosting the research project. A university colleague recently suggested to me that if the challenges encountered by Aboriginal and Torres Strait Islander research students were as I described, then perhaps they should be discouraged from pursuing Indigenous-specific research projects, particularly those involving their own communities. Such a suggestion wrongly implies however the issues confronting Indigenous research students are insurmountable and unable to be resolved. Appropriate training and preparation, combined with a network of community and institutional support, are essential factors in ensuring the success of Aboriginal and Torres Strait Islander research students in their journey towards the attainment of

postgraduate qualifications. Smith (1999, 140) sees the Indigenous insider researcher's role as being politically significant to the cause of self-determination by "bringing to the centre and privileging Indigenous values, attitudes and practices". If we, as Aboriginal and Torres Strait Islander people, seek to reclaim and redefine the research agenda for our communities, then we must create our own spaces within the research discourse so that our voices are heard and our place recognized within the academe.

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PUBLIC POLICY, ETHICS & MATAURANGA MAORI

Aroha Te Pareake Mead

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1. Introduction

This is an exploration of a particular period of time [Jan.-June 2004] in the contemporary relationship between Maori and the Crown, focussing on a specific set of issues – the role of ethics in public policy, and the role of public policy about Matauranga Maori. I write this from the perspective of a former public servant of more than 20 years experience in the public service in policy and senior management roles. Maori who work in government policy are directly exposed to the fundamentality of ethics in many discussions and negotiations between Maori and the Crown.

There is a chasm between Maori and the Crown with regard to the role and importance of ethics in the development and implementation of public policy. One expects it and uses it as the basis for discussion about the merits or otherwise of policy. The other assumes it and quickly moves forward to the finer details of policy. In discussions relating to Matauranga Maori, the ethics chasm between Maori and the Crown is glaringly obvious. My hope in this paper is to raise issues for consideration and reflection by those working in the public sector, as well as those who are interested in policy development on traditional knowledge.

This paper covers three main themes: (1) the political context of the time, [2] the public service and ethics, and [3] the role of the Crown in Matauranga Maori. My research is supplemented with the results of a nationwide survey on Maori perceptions of the public service and ethics.

2. The Context: A Growing Push for Assimilation

In March 2004, the New Zealand government announced its plan to conduct a 2-3 year Ministerial review of all government policies relating to Maori with a view to "provide assurance that policies and programmes are targeted on the basis of need not on the basis of race." [1]

The terms of reference for the review included the examination of *policy* – what was intended and the reasons for it, as well as *programmes* – how the policy was being delivered and its impact. Consideration was also to be given to reviewing how the ranges of provisions for participation of Maori in statutory processes were working in practice.

Government also announced that at some later date, it would conduct a review of statutory references to the Treaty of Waitangi.[2]
The impetus for the review was created in a political and media environment somewhat akin to blood sports. Media coverage of Maori issues has lacked integrity and balance for many years, but the climate for intolerance of Maori cultural issues seems to have intensified over the past four years.

The assault on the integrity of 'being Maori' was overwhelming. Without going into any great detail in this paper, the following list encapsulates some of the major issues of this time period.[3]

- The 'Orewa' speech delivered by Don Brash, Leader of the National Party to the Orewa Branch of the Rotary Club. " National believes there can be no basis for special privileges for any race, no basis for government funding based on race, no basis for introducing Maori wards in local authority elections, and no obligation for local governments to consult Maori in preference to other New Zealanders". [4]

- The Foreshore & Seabed issue which opened up nationwide venting of largely uninformed public reaction to a highly complex issue.[5]

- Public servants were asked not to participate in a 'Hikoi' [protest] about the Foreshore & Seabed policy

- "The Hikoi is a public statement of opposition to a Government policy, now incorporated in draft legislation before the House of Representatives. It differs, therefore, from the Hikoi of 1975 which was a somewhat more generalised protest about the alienation of Maori land, or protests about the Springbok tour which were directed primarily at the Rugby Union (although by inference at Government policy) but also raised issues concerned with the limits of public protest and civil disobedience… The "numbers effect". The participation of two or three public servants (provided they were not covered by the criteria listed on page 14 of the Code of Conduct) would be unlikely to have any impact on the political neutrality of the Public Service. The participation of large numbers of public servants could call into question the professionalism and political neutrality of a department or of the Public Service as a whole (or be used by other political parties to call these into question); [6]

- Criticism of a Senior Maori employee of a state sector organisation saying in a submission to a Parliamentary Select Committee that the Foreshore & Seabed Bill could result in civil war. [7]

- A pakeha Crown Minister claiming to be 'indigenous'

New Zealand also has to get its British imperial past behind it. Maori and Pakeha are both indigenous people to New Zealand now. I regard myself as an indigenous New Zealander - I come from Wainuiomata… Indigeneity is about the diversity of ways in which we belong and identify with our country. There are Chinese and Indian New Zealanders who have become deeply indigenous too, just like other kiwis whose forbears come from a huge range of other countries. [8]

- The ACT political party's platform to "return to the proven path of assimilation and away from the racist temptations of biculturalism"

The Treaty did not assume only collective rights, or government by or for Maori generally. Nor does it create or recognise any collective government mechanisms or privileges. It gave security of property to identifiable iwi and to Maori individuals. And on the other side the Crown party has all but lost the nature needed to be in a domestic political partnership. To New Zealanders there is now no "Crown" in the sense of an embodied Treaty counter-party. In a democracy we are all

participants in "sovereignty". It is hard to see how some of us are in partnership with all of us including themselves – who collectively determine what the Crown can or must do. "We are now one people" cannot be twisted into any notion of constitutional partnership.

Partnership rhetoric can help us focus on the positive side of the expectations that motivated signing the Treaty, more than the fears that also propelled it. But the metaphor becomes sinister when the partnership analogy is used to extract so called "principles" that justify racism. That is – privileges and special powers conferred by historical brownness, rather than by ordinary principles of property succession.[9]

This was a period of time when being overtly Maori was unsafe. New Zealanders were and still are being subjected to a daily dose of negative news about Maori people, initiatives, and aspirations. Media provided space for a vast array of critics [both Maori and non-Maori] eager to focus on any and all aspects of public policy that might be construed as meaning that Maori have 'special rights' – rights different from all other New Zealanders and therefore rights that discriminate against other New Zealanders.

Inherent in the media coverage and policy impetus being developed, was the notion that 'any right for Maori that might be different from the rights of any other New Zealander was inherently 'wrong'.

For a country that seemed to be developing a consistently expanding social and political consciousness about the role of the Treaty of Waitangi, and the contribution and potential of Maori to New Zealand, the profile given to critics of Maori-specific policies and initiatives came as a rude shock. New Zealand has prided itself for many years on taking a leadership role in the United Nations system on the issue of the development and promotion of international human rights standards for indigenous peoples.

How did such disrespect for the hard-fought gains in consciousness and policy about the Treaty of Waitangi and indigenous/Maori rights find 'space'? This 'space' was given profile because of an ethical vacuum.

3. Maori in the New Zealand Public Service

The NZ Public Service comprises 41 government departments and Ministries and employs a total of 34,445 staff [by headcount not by FTE].[10] Of the total 34,445 NZ public service staff, 18% or 5993 of all public servants identify as being Maori.

> *5993 Maori in one workforce is equivalent to the combined Iwi populations of Rongowhakataa, Te Uri o Hau and Ngai Takoto. Maori employment in the public sector is sizeable and often marginalised by Maori and by the public sector itself.*

Maori participation in the public service is twice the rate of Maori participation in the general workforce [9%] highlighting that the public sector is important for Maori not only because of its function to develop and implement policy and legislation relevant to Maori, but also because the public service is a major employer of Maori professionals and therefore has significant influence over Maori career and economic development as well as whanau wellbeing.

Criticism around Maori-specific policy referred to earlier, wasn't confined to the rationale and philosophies around the actual polices. It also included an insinuation that Maori public servants were suspect at best, incapable at worst, of designing sound Maori-policy. The capacity of Maori public servants to act ethically was being questioned by people both outside government as well as inside.

4. Ethics

According to the Oxford Dictionary, ethics is "the rules of conduct recognised in certain limited departments of human life". Hawtin suggests that in its widest extent, ethics is 'the science of morals and human duty'.[11] Ethics as such, are not culturally neutral or totally objective, rather they are based on a prescribed value system embedded in a culture or communal experience.[12]

Government ethics provides the preconditions for the making of good public policy. In this sense, it is more important than any single policy, because all policies depend on it.[13]

To create an ethical work environment requires an organisation to make explicit its ethical framework and expectations of ethical behaviour. It is doubtful, that one could assume an organisational culture of 'ethics' without these tools being present.

5. The Profile of Ethics in the Public Sector

Throughout more than 20 years tenure as a public servant, I could not recall any in-depth discussion, consideration, guideline, or policy, about ethics or ethical standards that I must either meet in my personal performance, or use in my professional conduct.

I wondered therefore whether I had simply been remiss in not being aware of such an important standard. Accordingly I decided to undertake some research into the profile of 'ethics, ethical standards and ethical conduct within the public service.

I focussed on all of the major policies governing the appointment of officials to public positions, the conduct of public servants, and the rules of procedure of Parliament.

The following presents my research findings.

My initial point of focus was a 2002 paper entitled 'Ethics Framework for the State Sector'. The paper places New Zealand's approach to ethics management within an OECD context, and identifies government's approach as being 'integrity based' rather than compliance based. The paper suggests that as a consequence 'the absence of ethics is often more noticeable than their presence."[14]

It is arguable whether government's approach to ethics is indeed integrity-based and similarly whether the absence of articulated ethics warrants acknowledgement that any relevant documents and policies can and should be regarded as ethics standards. Furthermore, the 2002 paper is not widely known, profiled or advocated within the public service. It is a framework of low status.

5.1 Cabinet Manual[15]

The Cabinet Manual is the definitive 134-page record of the constitutional conventions, procedures and rules of Cabinet and central executive New Zealand government. The Manual provides the basis on which government conducts itself.

The Contents of the Cabinet Manual includes:

1. An introduction to the foundations of the current forms of government;
2. The appointment, role and responsibilities of;

       a. Governor General
       b. Executive Council
       c. Ministers of the Crown
       d. Cabinet decision-making
       e. Elections, Legislation and Official Information

> *A routine word search of the current 2001 edition of the NZ Cabinet Manual reveals that there is no mention of the concept of 'ethics' or the principle of 'ethical conduct' in the entire 134 page contents.*

5.2 New Zealand Public Service Code of Conduct

Under the State Sector Act 1988, the State Services Commissioner (SSC) has a responsibility to set minimum standards of conduct for all public servants. The SSC administers the New Zealand Public Service Code of Conduct. The Code describes the standards of conduct required of public servants in line with the core values [of the public service]. According to the NZ State Services Commission "Values are essentially the link between the daily work of pubic servants and the broad aims of democratic government."[16]

The Code of Conduct is founded on three principles:

1. First Principle

Public servants should fulfil their lawful obligations to the Government with professionalism and integrity.

2. Second Principle

Public servants should perform their official duties honestly, faithfully and efficiently,

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respecting the rights of the public and their colleagues.

3. Third Principle

Public servants should not bring the Public Service into disrepute through their private activities.

A routine word search of the current NZ Public Service Code of Conduct reveals that there is no mention of the concept of 'ethics' or the principle of 'ethical conduct' in its 36-page contents.

5.3 Political Neutrality

The State Services Commission [SSC] has developed comprehensive policies on a range of significant issues including; Political Neutrality, Framework for New Zealand Government-Held Information and Conflict of Interest.

One of the key tenants of public service is the requirement to remain politically neutral in order to fulfil the responsibility to provide free and frank [and reliable] advice to the administration of the day irrespective of a public servant's own political views.

The SSC developed four fact sheets about political neutrality:

- What is political neutrality & what does it mean in practice?
- Political views & participating in political activities
- The relationship between the public service & ministers
- The relationship between the public service and MPs

> Can public servants have their own political views?
> What are the constraints on public servants' freedom of expression?
> Can public servants participate in political demonstrations or protests?
> What should public servants do if compliance with their Minister's instructions may involve breach of the law?

A routine word search of the four Fact Sheets on Political Neutrality reveals that there is no mention of the concept of 'ethics' or the principle of 'ethical conduct' in any of the fact sheets, a total of 32-page contents.

5.4 Conflict of Interest

In the State Service's Commission Statement of Intent, there is a stated requirement to ensure that public servants carry out the business of government with shared values, *high ethical standards* and in a spirit of service to the community.

A conflict of interest is defined in the *New Zealand Public Service Code of Conduct* as "any financial or other interest or undertaking that could directly or indirectly compromise the performance of a public servant's duties, or the standing of their department in its relationships with the public, clients or Ministers. This would include any situation where the actions taken in an official capacity could be seen to influence or be influenced by an individual's private interests (e.g. company directorships, shareholdings, offers of employment)".

While there is no specific mention of 'ethics' or ethical conduct in the SSC definition of 'Conflict of Interest', there are three references to ethics and being ethical in the explanatory 59-page guide 'Walking the Line: Managing Conflict of Interest

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5.5 NZ Oaths & Affirmations

Oaths are public promises made by people assuming important roles in society. There has not been a thorough review of oaths for nearly 50 years. There are nine specific categories of Oaths that are used for a diverse sector of society carrying out 'official statutory functions'. Those required to take an Oath include, teachers, members of the Armed Forces, motor vehicle assessors, local government officials and juries.

The nine categories of Oaths & Affirmations are: Oath of Allegiance; Governor-General's Oath; Government Minister's Oath, Parliamentary Oath, Judicial Oath, Citizenship Oath, Police Oath, Armed Forces Oath. Within the nine categories of Oaths, are a variety of versions making a total of 38 actual Oaths.

At the time of writing this paper, government was conducting a review. Hon Phil Goff, Minister of Justice noted, "It is time to consider whether existing oaths express the current values and beliefs of New Zealanders".   As such, Goff

conducted a review of the 38 oaths and developed a public discussion seeking views on the values and beliefs that New Zealanders would like to see reflected in Oaths & Affirmations.

Of the 38 Oaths, and the 58-page discussion document, there is no mention of 'ethics' or 'ethcial'.

5.6 Summary Table of Ethics as an Explicit Standard

NZ PUBLIC SERVICE & ETHICS

ISSUING BODY	POLICY	Explicit Mention of Ethics as a Principle	Explicit requirement to meet Ethical Standards
State Services Commission	Cabinet Manual	NONE	NONE
State Services Commission [SSC]	Public Service Code of Conduct	NONE	NONE
SSC	Political Neutrality 1. What is Political Neutrality & what does it mean in practice?	NONE	NONE
SSC	Political Neutrality 2. Political Views & Participating in Political Activities	NONE	NONE
SSC	Political Neutrality 3. The Relationship between the Public Service & Ministers	NONE	NONE
SSC	Political Neutrality 4. The relationship between the public service and MPs	NONE	NONE
SSC	Conflict of Interest Policy	NONE in the policy THREE references in the explanatory workbook	NONE
Ministry of Justice	NZ Oaths & Affirmations		
	Oath of Allegiance	NONE	NONE
	Governor-General's Oath	NONE	NONE

	Government Ministers' Oath	NONE	NONE
	Parliamentary Oath	NONE	NONE
	Judicial Oath	NONE	NONE
	Citizenship Oath	NONE	NONE
	Armed Forces Oath	NONE	NONE
	Police Oath	NONE	NONE
Ministry of Justice	Crown Copyright	NONE	NONE

5.7 Ethics as a core value of the public service

The conclusion reached is that 'ethics' as a core value, and conducting oneself in an 'ethical' manner as a key performance requirement, are not imbued in the policy instruments governing the public service. While ethical values might be implied they are not explicit, and this absence has caused some muddy interpretations of issues around Maori policy and the ability of Maori public servants to develop sound policy. "Ethics makes democracy safe for debate on the substance of policy. That is why it is so important. That is the sense in which it is more important than any other single issue."[17]

Interestingly, the 1951 Constitution of the Maori Women's Welfare League includes the following principles:

- Provide an organisation to enable effective participation by members in cultural, social and economic development in their communities;
- Preserve, revive and maintain Maori language, arts and culture and **to perpetuate Maori ethics;**
- Promote understanding between women of all races through improved mutual understanding…

5.8 Maori Are More Than an 'Ethnic Group'

It needs to be reaffirmed that the place of Maori in Aotearoa New Zealand is not solely based on race or ethnicity. Maori are indigenous peoples and their status as such is recognised in international law. The prevailing definition of Indigenous peoples [contrary to Trevor Mallard's contention] was established in 1986 in the historical Martinez-Cobo 'Study of the Problem of Discrimination against Indigenous Populations.

> *Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed in their territories, consider themselves distinct from other sectors of societies now prevailing in those territories. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and, their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems. Jose Martinez-Cobo[18]*

According to this definition, and to international common law, to be 'indigenous' is a condition of colonisation – it is not a race or ethnicity in itself. Hence, migrants to New Zealand might be considered ethnic minorities, but they are not 'indigenous' to this country. They may well however, be indigenous in their countries of origin.

The Crown is required to develop and maintain Maori-specific policies under its international obligations to the recognition of the rights of indigenous peoples. Hence, New Zealand is an active participant in the negotiations for the UN draft Declaration on the Rights of Indigenous Peoples. Maori do have special rights that are different from those of other New Zealanders because they are indigenous peoples of this land. These rights exist in customary law, national and international law.

5.9 Maori & Ethics

There exists a great level of discomfort amongst Maori about the intentions and ability of government to enact policy and programmes about Maori cultural heritage. Few Maori would agree that government has any role whatsoever in Matauranga Maori other than to implement the aspirations of whanau, hapu, Iwi.

In 1993, the member Iwi of Maori Congress signed the Mataatua Declaration on the Cultural & Intellectual Property Rights of Indigenous Peoples.[19] The Mataatua Declaration enunciates a range of general principles in relation to the status, use and benefit sharing of traditional knowledge, including:

- Affirm that the knowledge of indigenous peoples of the world is of benefit to all humanity;

- Recognise that Indigenous peoples are capable of managing their traditional knowledge themselves, but are willing to offer it to all humanity provided their fundamental rights to define and control this knowledge are protected..;
- Insist that the first beneficiaries of indigenous knowledge, culture and intellectual property rights, must be the direct indigenous descendants of such knowledge

The Mataatua Declaration also recommends to Indigenous peoples to:

- Develop a code of ethics for external users to observe when recording in any form, their traditional and customary knowledge and cultural forms.
- Prioritise the establishment of indigenous education, research and training centres to promote their knowledge of customary environmental and cultural practices; and to
- Develop and maintain their traditional practices and sanctions for the protection, preservation and revitalisation of their traditions

One could say, that Maori already have a 'master plan' in relation to Matauranga Maori. A plan that places Maori as the main initiators while the role asked of the Crown is to support and facilitate rather than to develop policy.

In a nation-wide survey conducted amongst Maori community workers, researchers and academics, a range of questions was asked to ascertain their perspectives about ethics, the public policy process and Matauranga Maori. The survey results are revealing. On the questions around Maori perceptions of the Crown's adherence to ethics, the responses are as follows:

In your experience, is the Crown 'ethical' in its dealings with Maori?

Always	0%
Mostly	9%
Rarely	63%
Never	28%

Mead: May 2004

In your experience, have Crown officials conducted themselves in an ethical manner in their dealings with you?

Always	0%
Mostly	26%
Rarely	56%
Never	18%

<div align="right">Mead:May 2004</div>

A distinction is made between 'government' and 'public servants' in that Maori respondents overwhelmingly [91%] regarded the Crown's ethical conduct in its dealings with Maori as rarely or never being ethical. Maori respondents had a more positive experience of Crown officials. While they still considered the ethical standards to be lacking [74% rarely and never], 26% indicated a positive experience of Crown officials acting ethically.

6. Matauranga Maori, Public Policy and Ethics

Maori researchers and communities were also asked the question,

"Do you feel confident that the Crown has sufficient capacity [knowledge and ethical protocols] to develop policies and programmes about Matauranga Maori?"

The response was overwhelmingly No [95%], only 5% said yes.

Survey Responses

"They (the Crown) have had opportunities to demonstrate their ability over the last 30 years and have failed miserably, despite the amount of Maori skill, talent and energy to help them."

Not only do they clearly not have the capacity, it is also inappropriate for them to assume leadership or to take anything other than a support role.

Even if the case could be argued that the Crown did have some capacity, that capacity would not confer on them some form of right to develop policies/programmes or to lead their development."

Matauranga Maori is Maori knowledge. It can't be Maori knowledge if it is controlled by the Crown.

How can one culture develop policies and programmes for another culture when their worldviews are poles apart?

The Crown is trying to define Maori terms to suit its own purposes and remains unwilling to accept the truth of Maori concepts in their own right.

Maori know what they need and only require assistance to make things a reality.

6.1 The Crown's Interest in Matauranga Maori

What is the extent of the Crown's involvement in Matauranga Maori?
A preliminary search located at least twelve Ministries and Departments that had explicit policies and/or programmes relating to 'Matauranga Maori'. The interest each department has varies considerably covering policy, programme delivery, funding, statutory functions and reporting agencies. There are many other Crown agencies that have work programmes relevant to Matauranga Maori, but not necessarily described in that way.

The following list is not exhaustive, rather it is an attempt based on searching core department documents, to profile the broad range of Crown activity in Matauranga Maori. Including the Crown's evidence in response to the Treaty of Waitangi WAI262 Indigenous Flora & Fauna Claim could significantly expand this list.

CROWN LAW OFFICE	Crown's legal advisor on WAI262 Claim on Indigenous Flora & Fauna, and all other Treaty Claims
DEPARTMENT OF CONSERVATION	Nga Whenua Rahui Fund Matauranga Maori Fund Can determine effects on Maori historical or significant sites using a scientific or Matauranga Maori approach
FOUNDATION OF RESEARCH, SCIENCE & TECHNOLOGY	Initiatives to assist in RS&T including outcomes for Maori. Reviews input of Matauranga Maori based approaches alongside other frameworks. Many projects appearing to use legal methods for protection of Matauranga/cultural IP
HEALTH RESEARCH COUNCIL	Maori Health Research incorporating Matauranga Maori
MINISTRY OF AGRICULTURE & FORESTRY	Forestry Act, Biosecurity Act, Food & Safety Act,
MINISTRY OF CULTURE & HERITAGE	Antiquities Act
Creative New Zealand	
Te Waka Toi	Toi Iho: Maori Made Mark
Te Papa Tongarewa	Repatriation policies of taonga Maori, Maori collections, new knowledge associated with Taonga Maori
Historic Places Trust	Holds evidence given as support for registration of sites of significance to Maori
MINISTRY OF ECONOMIC DEVELOPMENT	Traditional Knowledge & Intellectual Property policy stream

MINISTRY OF EDUCATION	School Curriculum, Matauranga Maori standards, Whare Wananga
MINISTRY FOR THE ENVIRONMENT	Kaitiakitanga Sustainable Mgmt Fund Environmental Indicators including Marine indicators
Bioethics Council	
Environmental Risk Management Authority - ERMA	Developing a Matauranga Maori value framework
MINISTRY OF FISHERIES	Customary Fisheries, Surveillance & Regulations
MINISTRY OF FOREIGN AFFAIRS & TRADE	Represents NZ's position on all Matauranga Maori related issues, in international negotiations and reporting
MINSITRY OF JUSTICE/also POLICE	Office of the Coroner, duty of care over human remains used in evidence in Court Proceedings
MINISTRY OF HEALTH	Maori Health, Rongoa Maori and Matauranga Maori programmes
MINISTRY OF RESEARCH SCIENCE &TECHNOLOGY	Maori knowledge & development class [5.475 mil 2003/04] Vote for RS&T includes Matauranga Maori Class for FRST, Marsden Fund and HRC Matauranga Maori programme
MINISTRY OF TOURISM	Branding of NZ's image
NZ QUALIFICATIONS AUTHORITY	More than a dozen Maori qualifications and 600 unit standards registered on the NZQA national framework and 'housed' in field Maori. Field Maori in one of 17 fields - it caters specifically for Maori pedagogy, knowledge and skills and covers a diverse range of areas that reflects the growing demand by industry, Maori communities and educators for formal recognition of Maori skills and knowledge
NATIONAL LIBRARY	Matauranga Maori collections
NZ ARCHIVES	Repository for records including Maori Land Court records
OFFICE OF TREATY SETTLEMENTS	All Matauranga Maori evidence for Claims negotiation and settlement
ROYAL SOCIETY OF NZ **NAMMSAT**	Matauranga Maori research
TE PUNI KOKIRI	Capacity Building Grants, Policy to determine response to economic, social and cultural inputs to Maori need includes consideration of Matauranga Maori, Traditional Knowledge & Intellectual property stream, WAI262
TRADE & ENTERPRISE	Maori business & trade
TREATY OF WAITANGI TRIBUNAL	All Treaty Claims Research

It would be extremely difficult to get an accurate account of the full extent of activity or targeting funding for Matauranga Maori because the Crown's framework does not, and cannot encompass something as holistic as 'nga taonga tuku iho".

 The Crown's interest and activity in Matauranga Maori is clearly significant and comprehensive policy development, legal instruments, funding, research and operational programmes. But is this what Maori actually want? Is the Crown's activity assisting or hindering cultural transmission? In accordance with the principles of the Mataatua Declaration, are Maori being supported and fully recognised as the first and primary beneficiaries of Maori knowledge and culture?

A more fundamental question is how much of the Crown's activity in Matauranga Maori has been developed through a transparent ethical framework? Principles such as; informed consent, the duty not to exploit, Maori involvement as full partners, Maori cultural and intellectual property rights respected and preserved, Maori to benefit from, and not be disadvantaged by the policy/activity, agreements negotiated in good faith. Based on my experience, I would say that an ethical framework for public policy on Matauranga Maori does not exist. Furthermore, adherence to ethical principles in relation to the current Crown policies and programmes on Matauranga Maori would be ad hoc, largely accidental rather than deliberate, and vary considerably from department to department and within sections of departments. In other words, a very messy high-risk policy environment.

6.2 The Maori Contribution to Public Policy

Public policy about Maori and Matauranga Maori is not one-way. Maori have also made a significant contribution to the public policy process through submissions on legislation, policy and Crown practices, including Select Committee submissions as well as submissions to Commissions of Inquiry. For the most part, the wealth of information containing Matauranga Maori conveyed by Maori submitters is reduced to raw data, e.g. 45 Maori submissions were received, the submissions are summarised in a paragraph or two, reported on, filed away and forgotten.

All documentation involved in the Treaty of Waitangi Claims and settlement processes is considerable. The onus of proof of wrongdoing in a Claim is placed

on Iwi claimants. The Crown's role has largely been to 'receive and critique Maori evidence'. Within the Claims process, Crown Law Office, Office of Treaty Settlements and the Waitangi Tribunal access highly sensitive cultural information about histories, sites of significance, cultural histories, the many tiers of understandings contained in waiata and tikanga Maori. Few Maori have access to such a richness of Matauranga knowledge.

6.3 Tikanga and Ethics

I have heard many use the terms ethics and tikanga interchangeably. Hirini Moko Mead takes the view that 'tikanga is the set of beliefs associated with practices and procedures to be followed in conducting the affairs of a group or an individual. These procedures are established by precedents through time, are held to be ritually correct, validated by usually more than one generation and are always subject to what a group or an individual is able to do."[20]

According to Hirini Mead, tikanga comes out of the accumulated knowledge of generations of Maori and is part of the intellectual property of Maori. The knowledge base of tikanga is a segment of Matauranga Maori.[21]

With this explanation of 'tikanga', could one draw the conclusion that tikanga is indeed the same as 'ethics'? The final question in the survey referred to throughout this paper, asked the following,

In your opinion is 'tikanga' the same as 'ethics'?"

Always	8%
Mostly	34%
Sometimes	24%
Never	28%

Mead: May 2004

One person commented that what is ethical in the Maori world according to tikanga is not always ethical in the Pakeha world, e.g. whanaungatanga versus nepotism. Another person explained that the origin histories of tikanga and ethics are markedly different and therefore these two concepts/practices are **not** the same.

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6.4 Conclusion

The conclusion of this paper is that public policy and the conduct of the public sector is bereft of a sound ethical framework. Ethics as a core value is assumed rather than required and there is little evidence of a transparent commitment to observe ethical principles in Crown policy development and practice. The invisibility of ethical principles as essential components of policy is heightened in relation to Crown policy and practice concerning Matauranga Maori. The Crown's interest and activity in Matauranga Maori is substantial, but is not widely supported by Maori, and for the most part has not been developed in accordance with ethical standards such as informed consent, agreements negotiated in good faith, respect and preservation of Maori cultural and intellectual property rights.

The Mataatua Declaration Article 2.1 recommends to states, national and international agencies that they must *recognise that indigenous peoples are the guardians of their customary knowledge and have the right to protect and control dissemination of that knowledge and also have the right to create new knowledge based on cultural traditions and adaptations.* It is timely for Maori to renegotiate the terms and conditions for access to, utilisation of, and sharing of benefits of Matauranga Maori. The Crown in the meantime would be wise to devote more attention to developing an ethical framework for its policies and practices relating to Matauranga Maori. This should be done with the full participation of Maori.

NOTES

[1] Cabinet Minute of Decision, CAB Min (04) 10/3 confirming POL Min (04) 6/6, Review of Targeted Policy and Programmes: Terms of Reference, 29 March 2004.

[2] As at May 2004 there were more than 35 statutory references to the Treaty of Waitangi, including the Local Government and Health & Disability Acts, which are Acts initiated and passed by this same administration. The NZ First Party has since pre-empted a review of Treaty references in statutes by introducing a Private Member's "Principles of the Treaty of Waitangi Deletion Bill'.   For a full list of the sections of statutes NZ First is seeking to have repealed, refer Appendix II.

[3] The list provides only captions of the issues but includes references or web-links for those interested in uncovering the details of each of the issues listed.

[4] Full text of speech can be located at www.national.org.nz

[5] http://www.tumai.co.nz/foreshore.htm

[6] Excerpts from the State Services Commission Foreshore & Seabed Policy, http://www.ssc.govt.nz/display/document.asp?NavID=82&DocID=3826

[7] http://www.scoop.co.nz/stories/HL0408/S00028.htm

[8] Full copy of Trevor Mallard's speech available at: http://www.labour.org.nz/labour_team/mps/members_of_cabinet/trevor_mallard/speeches

[9] ACT Party website: http://www.act.org.nz/item.jsp?id=21537

[10] The **Public Service** is different from the **Public Sector**. "State or Public Service" is the term for a broad range of organisations that serve as instruments of the Crown in respect of the Government of New Zealand. It consists of: all Public Service departments; other departments that are not part of the Public Service; all Crown entities (except tertiary education institutions); a variety of organisations included in the Crown's annual financial statements by virtue of being listed on the Fourth Schedule to the Public Finance Act; and the Reserve Bank of New Zealand.
The "**Public or State sector**" is broader than the "State Services". It is the common term for the organisations whose financial situation and performance is reported in the Crown's financial statements. The State sector includes: all the State Services; some departments that are not part of the State Services; tertiary education institutions; Offices of Parliament; and State-owned Enterprises.
In January 2005, Amendment 4 of the State Sector Act, as well as amendments to the Crown Entities and Public Finance Acts came into force, thus broadening the mandate and scope of the State Services Commissioner to all public entities. Now only State Owned Enterprises, Crown Research Institutes and Tertiary Education Institutions remain outside the SSC.

[11] Geoffrey Hawin, IPGRI, Rome *Ethics & Equity in Conservation and use of Genetic Resources for Sustainable Food Security*, CIGAR & IPGRI, Rome 1997

[12] Ibid, viii

[13] DF.F. Thomson, "Paradoxes of government ethics" Public Administration Review, Vol. 52, 1992, p.255

[14] An Ethics Framework for the State Sector, 5/7/2002 available at www.ssc.govt.nz/op15

[15] 2001 Edition [which is the current edition as at March 2004], 134 pages

[16] The core vales of the public service are described in the NZ Public Service Code of Conduct which is issued by the State Services Commission under Section 57 of the State Sector Act 1988.

[17] Ibid, p.256

[18] UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, "Study of the Problem of Discrimination against Indigenous

Populations," Special Rapporteur Jose Martinez-Cobo, UN DOC
E/CN.4/Sub.2/1986/Add.4, para 379 (1986)
[19] Full text of the Mataatua Declaration can be located at: www.ngatiawa.iwi.nz
[20]Tikanga Maori, Living By Maori Values, Hirini Moko Mead, Huia Publishers,
Wellington, 2003, page.12
[21] Ibid, p.13

END NOTE

New Zealand First has subsequently tabled a Bill to repeal 'Treaty of Waitangi Principles[1] . According to the Bill, the following sections or subsections in the following Statutes would be repealed.

    a. Section 4 of the Conservation Act 1987.
    b. Section 4 of the Crown Minerals Act 1991.
    c. Section 84(b) of the Crown Pastoral Land Act 1998.
    d. Section 10 of the Crown Research Institutes Act 1992.
    e. Section 181(b) of the Education Act 1989.
    f. Section 6(d) of the Energy Efficiency and Conservation Act 2000.
    g. Section 3 of the Foreshore and Seabed Endowment Revesting Act 1991.
    h. Section 3 of the Harbour Boards Dry Land Endowment Revesting Act 1991.
    i. Section 6 of the Hauraki Gulf Marine Park Act 2002.
    j. Section 8 of the Hazardous Substances and New Organisms Act 1996.
    k. Section 115(2) of the Historic Places Act 1993.
    l. Section 4 of the Land Transport Management Act 2003.
    m. Section 4 of the Local Government Act 2002.
    n. Section 6(e)(ii)(B) of the Maori Fisheries Act 1989.
    o. Section 4 of the New Zealand Public Health and Disability Act 2000.
    p. Section 6(1), 6(2)(e), 6(4)(c) and section 7 of the Ngati Tama Claims Settlement Act 2003.
    q. Section 5.1. of the Ngati Turangitukua Claims Settlement Act 1999.
    r. Section 8 of the Resource Management Act 1991.
    s. Section 10(o) of the Royal New Zealand Foundation of the Blind Act 2002.
    t. Section 24(2)(a) of the Royal Society of New Zealand Act 1997.
    u. Section 9 of the State Owned Enterprises Act 1986.
    v. Section 8(e) of the Te Urio Hau Claims Settlement Act 2002.
    w. Section 10(a) and (b) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.
    x. Section 40.8HB of the Crown Forest Assets Act 1989.
    y. Section 4 of the Land Management Act 2003.
    z. Section 4 of the Te Runanga o Ngai Tahu Act 1996.
    aa) Section 8(e) of the Te Uri o Hau Claims Settlement Act 2002.
    bb) Section 6(1)(d) and section 8(1) of the Treaty of Waitangi Act 1975.
    cc) Section 6(2) and section 10 1(a)(i) of the Ngai Tahu Claims Settlement Act 1998.
    dd) Section 7(3) of the Pouakani Claims Settlement Act 2000.

RESEARCH ETHICS ASSOCIATED WITH TREATY OF WAITANGI CLAIMS AND THE FORESHORE AND SEABED LEGISLATION

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ABSTRACT

Treaty of Waitangi claims taken by Māori against the Crown in New Zealand are inherently fraught with difficulty. Researchers find themselves working within a context in which successive English settler governments right down to the present day have always remained resolute that they will not relinquish the exclusive ownership and control they have asserted over the extensive resources they wrongly and illegally removed from Māori.[1] As such, researchers come under considerable pressure to conform to settler defined approaches and methodologies in preparing research reports and presenting evidence to the Waitangi Tribunal.[2] While this approach can on occasion be used to support the Crown's preferred approach of denying claims, it is inimical to any accurate description of the Crown's conduct since 1840 as experienced by Māori communities throughout the country. In this paper I will give a brief background to the Treaty of Waitangi claims process that currently exists in New Zealand before considering two specific examples of how ethical standards set by claimant leaders impact upon claims. The first example is taken from the Muriwhenua land claims, the second from the current battle between Māori and the Crown over the foreshore and seabed of New Zealand.

Introduction

Since 1840 and the signing of the Treaty of Waitangi, Māori in Aotearoa/New Zealand have struggled against the affects English settlement. Contrary to Treaty guarantees, English settlers aimed not only to remove all power, authority, control

and resources from Māori, but also to reduce Māori to marginalised, second-class citizens and maintain them in a subservient position subject to the whim and control of the settler.[3] Successive New Zealand governments have either ignored or attempted to deny or downplay the existence and extent of the discrimination against Māori and the severity of its impact, despite the poverty, social dislocation and marginalisation of Māori clearly reflected in national statistics.[4] Yet confirmation and proof of government ongoing discrimination against Māori has been provided with a level of audacity and arrogance which stunned even the most conservative of Māori leaders. On June 2003 the NZ government announced its intention to confiscate the country's entire foreshore and seabed from Māori, while protecting any non-Māori property rights that may exist there. Then, in a backlash reaction to the subsequent outrage expressed by Māori, the government along with many opposition politicians unashamedly launched racist attacks on Māori in a vain attempt to beat them into submission.[5]

Māori reaction to English settlement over the past 164 years has included consistent refusal to cede their mana[6], including their sovereignty, and battling to retain their resources, or regain them after they have been illegally removed. However, they have had only varying success in changing the behaviour of the settlers' governments, each of whom have held themselves out as acting as the representatives of the English Crown in New Zealand.[7]

In the past 20 years, mechanisms for hearing the many grievances of Māori against the Crown have been established by the settler governments. However they were not established to ensure that the Treaty of Waitangi was upheld but rather to contain growing Māori protest and unrest at the Crown's ongoing violations of the Treaty and its refusal to acknowledge and remedy the wrongs perpetrated.[8] This has involved the setting up of a commission of inquiry, the Waitangi Tribunal, and the establishment of the Office of Treaty Settlements. While the Tribunal has repeatedly upheld claims and made thousands of recommendations for the removal of the prejudice caused, resolving and settling the more than 1170 claims now registered with the Tribunal through the Office of Treaty Settlements has proved highly problematic. In 20 years only 15 have been settled, and no Treaty settlement has been considered to be full, fair or just. [9] Hearings conducted by the Waitangi Tribunal have highlighted ongoing and clearly demonstrable ethical violations by the Crown in recalling their actions over the past 164 years. This has put extra pressure on claimants to maintain very high

ethical standards in conducting Māori based research aimed at identifying and describing violations against Māori, retaining remaining Māori resources in Māori hands, facilitating the restoration to Māori of properties and resources wrongfully taken and empowering Māori to fully participate in both the Māori and non-Māori aspects of Aotearoa/New Zealand society.

The Declaration of Independence and Te Tiriti o Waitangi

There are two documents which set out the key principles which underlie Treaty of Waitangi claims that Māori have made against the Crown ever since the first breaches took place in the 1840s. They are He Whakaputanga i te Rangatiratanga o ngā hapū o Nu Tireni (more commonly known by the name of the English version, the Declaration of Independence) drawn up in 1835 and Te Tiriti o Waitangi[10] drawn up in 1840. The Declaration of Independence declares that the rangatira of the hapū hold mana over all their lands on behalf of those hapū and would never give law-making powers over their own lands to any other persons. Te Tiriti o Waitangi:

- acknowledged the Declaration of Independence;
- guaranteed to Māori the unqualified exercise of their paramount authority—te tino rangatiratanga—of all their lands;
- guaranteed to the Crown, the right to govern—kāwanatanga—that is, the right to make laws and keep the peace;
- guaranteed that if Māori wished to make land available for the use of the Crown they could do so for a consideration as agreed between the owner and the Crown;
- guaranteed to protect Māori from lawless behaviour of English immigrants and afford them all the rights and privileges of British citizens.

The Waitangi Tribunal

The 1975 *Treaty of Waitangi Act* set up the Waitangi Tribunal as a Crown appointed Commission of Inquiry which is headed by judges. It was set up to inquire into claims brought by Māori that the Crown has breached the Treaty of Waitangi and to make recommendations on how to remove the prejudice caused

to Māori. It was not expected to hear many claims or to meet often or to cost much.[11] It has therefore been of considerable embarrassment to the Crown that more than 1170 claims have been registered with the Tribunal to date and that the Tribunal has upheld an overwhelming majority of the 145 claims it has heard and reported on.[12] Yet, while the Tribunal's process has been held up as a model for addressing indigenous grievances, its effectiveness has been minimalised as governments repeatedly ignore its findings and recommendations.

Ethical standards for claimant researchers

The Tribunal relies on extensive research carried out by the claimants, its own researchers and the Crown, to inform its decisions and recommendations. Within this process, claimant researchers are often severely disadvantaged, not only by a lack of both the human and financial resources needed to conduct the research adequately, but also by the Crown's unwillingness to consider anything other than their version of events and the Crown's (and many western-trained historians') refusal to recognise non-western and specifically Māori research methodologies and evidence.[13] Then in addition to that, claimant kaumātua set ethical standards which can be difficult to meet. In the case of the Muriwhenua claims which have been registered with the Tribunal since 1986, the kaumātua who were the head claimants set out requirements which included that the researcher must have:

- whakapapa (genealogical) links to claimants[14]
- knowledge of the Māori language[15]
- the availability to work directly with whānau and hapū
- the ability to hear and understand what is being told and understand when kaumātua are warning or correcting[16]
- the ability to report research findings in a manner which is accessible to and relevant to the claimants
- the clearly expressed support of the whānau and hapū for the research
- an understanding that kaumātua will allow flexibility for the researcher to follow their own chosen path, in the knowledge that to learn first hand from errors can be an effective long term strategy.

While the researchers in the Muriwhenua claims found themselves caught on more than one occasion by the last of these requirements, it provided sound training for future research, and particularly that carried out for the foreshore and

seabed claim. In the two examples that follow I consider first the price that claimants paid for using researchers with no genealogical links, and then the research methodologies adopted in the battle for the foreshore and seabed.

Example 1: Research for Waitangi Tribunal Claims 17

The research for the Muriwhenua land claims set out to demonstrate that despite what the Crown and Pākehā may have to say on the matter, Māori of Te Hiku o te Ika (the Far North) did not sell their lands and hence alienate their rights to it in the nineteenth century to either the early missionaries and settlers or to the Crown. Neither did they willingly part with their lands in the twentieth century.

Claimant kaumātua were very clear about what was supposed to have happened with the land transactions which took place before the Native Land Court came into being in 1865. The land was given to each of the missionaries and settlers and then later to the Crown for a specific purpose. Invariably it was to do with incorporating the settlers and their literacy, trade, technology and other skills into the particular hapū for the benefit of the community as a whole. When the land was no longer required for that purpose it was to be returned. The land was not given for the Pākehā to do what he liked with it and they certainly had no right to sell it.

The kaumātua gave extensive oral evidence to the Tribunal on the matter, which included the teachings of whare wānanga. The question for the researchers became, if our old people were so clear about what they were doing, how did Pākehā, including the Crown, come to have such a different interpretation and claim that they were land sales when in fact they were not?

The framework imposed on this research was distinctly Pākehā and statutorily defined. Essentially the whanau, hapū and iwi bringing the Muriwhenua claims wanted their lands and economic base which had been wrongly taken from them returned. *The Treaty of Waitangi Act* 1975 set out how they might ask for that to be done through the Tribunal.

Since the early 1980s and the appointment of Chief Judge Eddie Taihākurei Durie, the Tribunal has been prepared to interpret "concepts of justice, fairness and ownership from Māori perspectives"[18]. However that does not alter the fact

that the Tribunal is a judicial body. While oral evidence could be given along lines which were, by and large, consistent with tikanga Māori, more technical written evidence was subjected to close scrutiny and extensive questioning along Pākehā legal and academic lines.

This proved a very serious barrier. The claimants wanted to keep their claims well within their control and the researchers to be their own. For the initial hearings when scoping evidence was being given orally this was not a problem. The research team was made up mainly of university students and graduates with university staff overseeing their work. Extensive interviews were carried out and recorded by members of the team in order to identify the issues and these were clearly outlined in the scoping hearings. However, as the research progressed to the next phase of synthesising and analysing the evidence in order to prove that the Crown had breached the Treaty of Waitangi, different skills were needed which involved not only working with kaumātua but also archival materials and academic publications. The original research team, who were working voluntarily, dwindled to just one member who was prepared to produce the type of report required to meet the Tribunal's needs. The kuia and kaumātua continued to play a very important role throughout the whole research phase, in particular in ensuring that the Māori aspects of it were carefully and rigorously argued in order to be able to withstand the scrutiny of the Tribunal's Māori experts. Yet there was a need for an additional and different type of expertise to complement theirs for the next phase of the research and they recognised that need.

It was not without considerable criticism from some other claimants, that the remaining researcher sought help from senior academic colleagues who were Pākehā anthropologists. They were very willing to help and, with training in Māori studies, were able to produce excellent reports for the claimants. They were also able to provide constructive criticism on drafts of reports for the Tribunal and in seminars held to discuss progress on the research. Linguists were similarly prepared to provide critical comment. A paper outlining the linguistic evidence for the case was presented at a Linguistic Society of New Zealand Conference[19] and prompted much discussion which resulted in some very helpful input. However, despite the fact that these researchers were trained and experienced in the Māori world and were helpful in terms of the claim, their work compromised the nature and basis of the evidence by remoulding it into Pākehā frameworks

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Historians were also asked for assistance. Locating historians with a strong Māori background who were available to do the work proved very difficult. In the end, recent graduates who had written theses on Māori related matters were engaged. But neither had any formal training in Māori studies and, more importantly, no knowledge of Māori language. Supervising these researchers was a much more onerous task and started to lend credence to claimants' criticisms about using outsiders. For although the historians attended several hui of claimants to report on and discuss progress with the research, some of the most important information provided in the hui was given in Māori and they struggled to cope. Their ability to grasp Māori concepts was also naturally hampered and they were unable to read documents in Māori relevant to their research. Despite these drawbacks, they still managed to produce good supporting evidence for the claimants.

But in the long run, the ignorance of historians proved disastrous for the Muriwhenua claims. Late in the hearings a very senior historian was contracted to review the evidence of the less senior historians. He and another historian produced yet another report.[20] It was helpful in drawing the other claimant reports together. But then, without consulting the one claimant researcher who had prepared reports and taken a monitoring role of the other reports written for the claimants, he advised one of the five head claimants that the Crown had presented very serious criticisms of the evidence presented by all researchers assisting the claimants and that the Tribunal would give very serious consideration to these. As a result, he advised, there was a need to completely refocus the arguments and concentrate on aspects of the iwi's history other than those highlighted by the kuia and kaumātua. From this perceived weakness in the claimants' case it was concluded that the Tribunal would not uphold the claim. Rather than consulting with his own, the head claimant panicked and on the closing day of the hearings told the Tribunal not to report. He then went off and attempted to start negotiating with the government to settle all of the Muriwhenua land claims, publicly vilifying the researchers for having wasted five years of the claimants' time.

This was the beginning of the bitter disputes and divisions between the Muriwhenua claimants which remain to this day, 10 years later. Those who had appeared before the Tribunal had complete confidence that it would uphold their claim and did not want to proceed without a report. As such the other head

claimants had to overturn the direction to the Tribunal. They also had to stop the fifth head claimant trying to settle their claims in defiance of their wishes. The Tribunal subsequently reported, upholding the claims. But it was not until several months after the publication of the report that the claimants learnt the truth about the historian's advice when he published an article in the *New Zealand Herald.*[21] That was more than three years after the original advice was given and by then, the fifth head claimant had passed away. The damage that had been caused amongst the claimants was now irreversible. I believe that the historian involved remains in blissful ignorance and would be totally devastated if he knew the amount of damage and pain his well meaning but totally wrong advice had caused to the people of Te Hiku o te Ika. He does not know because he does not have to live with the results and affects of his advice.

It is an ongoing problem for Māori research that so many historians who deal with Māori matters as part of their research are still unable to apply anything other than a strictly western historical perspective and analysis to the evidence they uncover. Given that the overwhelming majority of historians formally employed in the claims industry have received a strictly western academic training and have neither a Māori background nor any formal Māori studies training, this has been highly problematic. Provided they can acknowledge that their work is subject to this major constraint and therefore only one of several possible perspectives and interpretations, the problem would be minimised. However, with only a few notable exceptions, my discussions with a number of senior historians about this matter have not been promising.

Example 2: The battle against the foreshore and seabed legislation

In June 2003 the Court of Appeal of New Zealand issued a unanimous decision[22] indicating that the Crown's assertion of its ownership of the country's foreshore and seabed was not correct and that the Māori Land Court has the jurisdiction to investigate the status of that land and determine whether it is customary Māori land. Four days later, in a move that showed flagrant disregard for all constitutional conventions and due process, the New Zealand government announced that it would legislate to stop all New Zealand Courts considering cases already before them on the matter of whom title to the country's foreshore and seabed should be vested in. The legislation would overrule the decision of the

Court of Appeal and vest complete and absolute ownership in the Crown, confiscating it from the whānau and hapū throughout the country who hold mana whenua and hence ownership of them. The government was effectively declaring war on Māori. The Māori response was immediate and unanimous. There was complete opposition and abhorrence to what the government was suggesting.

However, the powerlessness and marginalization of Māori within the New Zealand parliament was clearly on display as their increasingly angry protests went completely unheeded and the government proceeded to publish first their proposal,[23] then their policy[24] and finally the *Foreshore and Seabed Bill*. And although all ten government MPs who have declared their Māori background strenuously opposed the proposed confiscation when it was first announced,[25] within months all but two of them had been persuaded to support it, and in doing so, ignore the very clear instructions of Māori throughout the country. Then, the sinister, anti-Māori under-belly of the Pākehā population was also displayed as reports of a poll indicated that most were happy to support the legislation.[26] After all, the high standard of living enjoyed by the great majority of Pākehā New Zealanders has always depended on them being able gain access to Māori land and resources at little or no cost, regardless of how unfair and unjust that may be for the Māori owners and the fact that most of those acquisitions were illegal. Just when Māori were hoping that the Treaty claims processes was finally signalling an end to such discrimination, it was being re-embarked upon with even greater vigour and determination. For Pākehā it simply meant that, once again, they would become the beneficiaries of the stolen Māori property. And furthermore, the possible threat of Māori deriving economic gain from their own lands through the new and burgeoning aquaculture industry would be averted. All benefits would instead accrue to local and central government, who have always put the interests of Pākehā well ahead of those of Māori. There is also increasing pressure from wealthy overseas investors for the government to sell off the New Zealand coastline. It was therefore convenient for large sections of the Pākehā population to apparently believe the government propaganda that it was Māori who would block off the country's beaches and sell them all off to the highest bidder should their ownership ever be recognised.[27] For Māori it was simply history repeating itself. In the 1860s the government had legislated to confiscate Māori land in order satisfy settler greed for Māori land and resources. Predictably it led to the New Zealand land wars. This was no different. And the ease with which the government could flout fundamental constitutional norms, domestic, common or

international law took legal scholars by surprise and brought into question the sanctity of the rule of law.[28]

The *Foreshore and Seabed Bill* before parliament at the time of writing this article:

- vests complete and absolute ownership of the foreshore and seabed in the Crown (requiring no proof of ownership)
- removes all legal rights of Māori to gain legal recognition of their ownership of the foreshore and seabed as recognised in domestic law, common law and international law
- prevents Māori, but not non-Māori, from gaining access to the courts to protect their property rights in the foreshore and seabed
- allows Māori to register their 'ancestral connection' to their particular part of the foreshore and seabed for the sole purpose of providing local government with a mailing list for notification of development proposals[29]
- allows Māori to apply for 'customary rights orders' to protect certain non-fishing, non-wildlife, non-marine mammal associated activities under conditions that are so unrealistically restrictive that it is doubtful that anyone will be able to gain such an order—and they can be overridden by the local authority
- allows non-Māori to apply for the similar 'customary rights orders' (despite the fact that they are not the indigenous people of New Zealand and hence hold no customary rights in this country)
- does not allow for any legal aid to be provided for those wishing to apply to the courts pursuant to the legislation.

This legislation is a blatantly racist attack on Māori property rights, customs and traditions. In introducing the legislation the government has suspended all ethical, legal and human rights considerations relevant to Māori. It has also run an extensive misinformation campaign against Māori and their relationship with their foreshore and seabed.[30] But in fighting the government, Māori recourse to our own tikanga, including ethical requirements, became crucially important. Getting accurate, reliable, timely information and analyses on what the government was doing to whānau and hapū to empower them to combat government propaganda became urgent and vital. National, regional, iwi and hapū hui were convened all over the country at which information relating to both Māori traditional and customary knowledge of the foreshore and seabed and New Zealand and English legal and common law rights was disseminated, debated and discussed.[31] Where

in the past, Māori anger had been easily diverted by fostering old inter-tribal animosities, in this case whānau, hapū and iwi groups throughout the country put aside their differences to pool their expertise and resources to fight the government. Extensive use was made of Māori radio and television, email, Internet and teleconferencing facilities to keep people informed, to strategise and to seek support of non-Māori. All information disseminated was very carefully monitored by traditional and legal experts to ensure its accuracy and integrity.

At the same time, a deliberate mainstream media strategy was also adopted to try to keep both Māori and non-Māori fully informed. This however was less effective as government capture of the mainstream media ensured that their press releases were given higher profile.[32] The government successfully used this mechanism to transform a straightforward and simple matter of its violation of Māori rights into a complicated and confusing argument which many people could neither understand nor follow.[33]

As the government's disregard for Māori and its obligations under the Treaty of Waitangi became more obvious, 149 claimants from throughout the country combined their claims to the foreshore and seabed to be heard under urgency by the Waitangi Tribunal. For although the government indicated as soon as the claims were lodged that it would ignore any findings and recommendations critical of the government and favourable to Māori, it was the last legal mechanism available to Māori to demonstrate how seriously wrong the government's actions were. Claimants took the unusual step of allowing a handful of traditionally trained experts and academics from only a few tribal groupings throughout the country to give evidence in support of all claimants.

The Tribunal upheld the claims[34] noting that the government's policy breaches the Treaty of Waitangi, and that it contains numerous breaches including:

- Understating then removing Māori rights including the right to go to court (a constitutional right of every citizen)
- Removing property rights of Māori (but not non-Māori) with no guarantee of compensation
- Expropriating the foreshore and seabed from Māori
- Enacting a regime that recognises fewer and lesser rights than Māori currently have

- Violating the "rule of law" by depriving only Māori of their rights without consent or compensation
- Being unfair to Māori on several specific counts
- Creating extreme uncertainty as to:
  - what the legal effects of recognition to be given to Māori rights under the policy will be
  - the process for recognition of customary rights in the courts
- Purported enhanced participation in coastal marine area by Māori will probably fail
- Māori will probably get very little and possibly nothing in return for their lost property rights
- No benefits will accrue to Māori but significant benefits will be delivered to others

The Tribunal noted that "the Government's unilateral decision to do away with these Māori property rights … could only be justified if chaos or disorder would result if there was no intervention, or if we were at war or facing some other crisis".[35] It also noted that it is well aware it can only make recommendations but strongly urged the Government to act in fairness. It also strongly recommended that the government go back to the drawing board and engage Māori in proper negotiations. There is no need for the Government to implement any policy, the law should be allowed to take its course.

Yet on the day the Tribunal released its *Foreshore and Seabed Report* the Government announced that it had already rejected the report.[36] Matters covered in the accompanying press release bore little resemblance to the content of the Report and there was speculation that the government had not even bothered to read it. Its ongoing refusal to listen to any Māori advice or to consider the Waitangi Tribunal's recommendations led to the biggest and most successfully organised protest march ever witnessed in New Zealand. It was called the Hīkoi. As whānau, hapū and iwi from throughout the country joined it on its way from Te Rerenga Wairua in the very Far North, to the capital, Wellington, empowerment of the people was clearly demonstrated. The numbers of people who mobilized in the regions throughout the country were unprecedented. The Hīkoi itself was highly disciplined, yet good-natured, and a dignified stance was maintained throughout.[37] While many New Zealanders had become confused on the issue, the clear message of the Hīkoi was that the foreshore and seabed legislation is

badly wrong and must be withdrawn from parliament. On the final day of the Hīkoi through Wellington to parliament on 5 May 2004 the police estimated that there were 50,000 participants including the many thousands of kaumātua who awaited its arrival at parliament. The government tried desperately to play down both its size and impact, claiming that there were only 15,000 participants and that it was a reaction to the leader of the opposition's attack on Māori. However media reports were hugely varied on the size, ranging between 10,000 and 30,000,[38] but were very clear on the message. All media reports described the march as a protest against the government's foreshore and seabed legislation. The media coverage was extensive, both locally and nationally. It also attracted significant international media attention.

The reaction of the Prime Minister to the Hīkoi demonstrated a personal attitude not previously witnessed by the country. She attacked the participants as "haters and wreckers"[39] and then confirmed her unashamedly racist and anti-Māori attitude by preferring the company of a sheep to that of Hīkoi representatives.[40] Yet even she was unable to ignore the Hīkoi. Television cameras caught her watching it from the window of her office as it completely filled parliament grounds. Many participants could not get into the grounds and remained outside on the surrounding roads and pathways to listen to the speeches of Māori leaders which were broadcast from inside the grounds.

Conclusion

Although neither the land claims process nor the attempts to prevent the confiscation of the foreshore and seabed have yielded the desired outcome for Māori yet, the level of empowerment of Māori communities on these issues is perhaps the highest it has ever been. Information and knowledge, wisely and properly gathered and disseminated, have ensured that Māori can maintain the same confidence and determination our ancestors held that their rights would be upheld and respected, and that if we and future generations have to fight to achieve that, we will do so in the clearly proven assurance that tika (right) is on our side.

NOTES

[1] See the Crown's current policy on the settlement of Treaty of Waitangi claims: Office of Treaty Settlements, 2002, and particularly pages 107-125 which provides a listing of those resources for which the Crown refuses to acknowledge Māori ownership and control. This includes the foreshore and seabed, water in rivers, lakes and sea, customary fisheries, geothermal resources, nationalised minerals (petroleum, gold, silver, uranium), native flora and fauna. Lands administered by the Department of Conservation, which make up almost one third of the New Zealand land mass, are also not generally available for settlement under this policy.

[2] Head 1993, Mutu 1993.

[3] See, for example, the reports of the Waitangi Tribunal at www.waitangi-tribunal.govt.nz/reports/ .

[4] "The History of Race Relations Legislation in New Zealand" located on the website of the (New Zealand) Human Rights Commission www.hrc.co.nz; Te Puni Kōkiri, 2000.

[5] New Zealand Herald 27 September 2003 (J.Tamihere, Labour and government minister); New Zealand Herald 18 December 2003 (S.Franks, ACT party); New Zealand Herald 27 January 2004 (Leader of opposition, D. Brash); New Zealand Herald 12 February 04 (G.Brownlee, National party).

[6] Mana can be described (albeit somewhat over-simplistically) as power, authority, control (including key aspects of the English notion of ownership), dominion, status, influence, dignity, respect, and all of these are derived from the gods.

[7] In Māori terms, the Crown is the person who is the English sovereign.

[8] Oliver 1991:9-10.

[9] Mutu In press; Tuuta 2003.

[10] Te Tiriti o Waitangi is the original and authoritative version of the treaty between Māori and the English first signed on 6 February 1840. The English version, the Treaty of Waitangi, contains some serious mistranslations of the original, and is therefore not an equivalent document. Likewise there are mistranslations in the English version of the original (Māori language) of the Declaration of Independence. See Biggs 1989 and Mutu 2004.

[11] Oliver 1991:10.

[12] See the Waitangi Tribunal's website www.waitangi-tribunal.govt.nz.

[13] Head 1993; Mutu 1993; G.Byrnes quoted in the New Zealand Herald 10 July 2004.

[14] Having genealogical links means that the researcher is tied to the claimants for their lifetime and must therefore live with the results and affects of their research on those it is supposed to benefit.

[15] It is the kuia and kaumātua who have the greatest depth of understanding and recall of the history of the Crown's treatment of claimant whānau and hapū. While they lived through and had first hand experience of many of the violations, at least part of the histories they recall were handed down to them and they are best able to recall them in their own first language.

[16] It is not uncommon for researchers to completely misinterpret oral evidence. Tape recorders are therefore an essential field tool and recordings need to be listened to very carefully.

[17] This example was previously reported in Mutu 1998.

[18] Durie 1998:186.

[19] Later published as Mutu 1992.

[20] Koning and Oliver 1994.

[21] Oliver 1997.

[22] NGĀTI APA, NGĀTI KOATA, NGĀTI KUIA, NGĀTI RARUA, NGĀTI TAMA, NGĀTI TOA AND RANGITĀNE And Anor V THE ATTORNEY-GENERAL And Ors CA CA173/01 [19 June 2003]

[23] Department of the Prime Minister and Cabinet. 2003.

[24] Office of the Deputy Prime Minister, 2003.

[25] New Zealand Herald 25 June 2003.

[26] New Zealand Herald 18 August 2003.

[27] This received extensive coverage and commentary in a wide range of media including New Zealand Herald 11 August 2003, 18 August 2003, 6 September 2003, 9 December 2003; MG Business 4 August 2003, New Zealand Listener 9 August 2003; ZBNews Interview with Prime Minister 11 August 2003; Radio New Zealand interview with leader of the opposition 11 August 2003; Nelson Mail 15 August 2003; Horowhenua-Kapiti Chronicle 14 August 2003; The Dominion Post 16 August 2003.

[28] Tomas and Kerensa 2003; Brookfield 2003, Ruru 2004, Waitangi Tribunal 2004.

[29] The Bill provides for amendments to the Resource Management Act to provide for local and central government to consult with those holding ancestral connection orders. However current provisions in the Act requiring these bodies to "recognise and provide for" Māori interests have in practice simply meant that Māori are occasionally notified of applications for resource consents in areas they hold mana whenua. See, for example, Mutu 2002. The provisions in this Bill are weaker which means that while ancestral connection orders may entitle the holder to be on the local authority mailing list, they will not necessarily receive any information.

[30] See footnote 27.

[31] See the website of Te Ope Mana ā Tai www.teope.co.nz.

[32] See, for example, the New Zealand Herald's coverage on 8 March 2004 of the report of the Waitangi Tribunal on the Crown's Foreshore and Seabed Policy. The Herald provided an accurate summary of the report. However, next to this article was coverage of the government's rejection of the report and claims that it was "flawed" and based on "dubious or incorrect assumptions", none of which was substantiated in the article (or subsequently).

[33] The Dominion Post 23 October 2003; New Zealand Herald 8 March 2004.

[34] Waitangi Tribunal 2004.

[35] Ibid p.108.

[36] The New Zealand Herald 8 March 2004.

[37] Hīkoi organisers worked closely with the New Zealand Police over the two weeks of the march. Police reported experiencing no trouble and there were no arrests. New Zealand Herald 6 May 2004.

[38] The New Zealand Herald 6 May 2004

[39] New Zealand Herald 4 May 2004.

[40] Ibid.

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RESEARCHING OUR RELATIONS:

REFLECTIONS ON ETHICS AND MARGINALISATION

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> Research in a Māori sense seeks to expand
> knowledge outwards (te whānuitanga), in depth (te
> hōhonutanga) and towards light (te māramatanga)
> *(Mead, 2003:318)*

ABSTRACT

Marginalisation occurs when a group of people are pushed to the periphery of a society. Many Māori reside at the margins of 'mainstream' society, while others are at the margins of Māori society. The present paper explores how 'by Māori, for Māori' research and evaluation can create spaces for voices from the margins to be heard. The paper arose out of a series of hui in which papers on the notion of marginalisation and Māori were presented and discussed, along with the broader topic of research ethics and protocols. Three themes that emerged from these hui are considered in this paper: relationships between researchers and participants/communities, researchers knowing themselves, and the safety aspects inherent within tikanga. The discussion of these themes draws upon the papers that were written for this project, the feedback from hui participants (researchers, students, health professionals, government workers, community

providers), and local and international literature on research 'by and with' indigenous peoples. In making the 'knowing' we hold about these issues more explicit, this paper aims to both generate more discussion as well as providing some small guidance for those who may be new to this thing called 'research'.

Key words: *marginalisation, indigenous, Kaupapa Māori, research ethics*

Introduction

> 'A people's heritage really lives or dies in their hearts.
> Centuries of foreign occupation and oppression cannot
> destroy a people's heritage, if they continue to cherish
> and believe in it.' (Daes, 2000)

When newcomers arrived on the shores of Aotearoa[1], our ancestors looked positively on the opportunities created by the sharing of this land with them (Mead, 1999). In those times Māori were 'ordinary', and the newcomers were 'different'. Even though we entered into a Treaty in 1840 that set the scene for a partnering relationship between Māori and Tauiwi (non-Māori) in this land, this agreement was not honoured and within a few short decades Māori were the ones who were 'different' (Orange, 1987; Walker, 1990). We were de-centred and pushed to the margins (cf. McIntosh, 2004).

The loss of our land, the disruption of our family structures and tribal relationships, and the suppression of our languages are some of the key elements often quoted as underpinning our marginalised status (Durie, 1994; Walker, 1990). What is often overlooked is the role that research has played as a tool of colonisation (Cram, 1997; Smith, 1999).

We have been measured, observed and/or interviewed by non-Māori who have then interpreted our reality within their own worldview and have found us to be wanting. As a result of this deficit-based research, we have been labelled as: bad or absent parents, juvenile delinquents, lazy and dumb, a drain on the state and in need of constant supervision (Cram, 1997). This experience has not been unique to Māori; the experiences of other indigenous peoples have been similar (Harry, 2001). For example, Aboriginal and Torres Strait Islanders have also been subjected to research that has sought 'solutions' to Aboriginal 'problems', with

these being defined by non-Aboriginals (Janke, 1988).

Such research has justified the theft of our land and the marginalisation of us as a people. In addition, it has often resulted in the undermining of our own, Māori worldviews, beliefs and values (Cram, 2004).

Some of us have come to believe our own bad press. This can make us turn on one another as we blame others for what we think we recognise as personal deficits, rather than structural conditions (cf., Smith, C., 2004). In this way, we can be both marginalised from 'mainstream' society and further marginalised by our own people through what Tracey McIntosh calls 'horizontal marginalisation' (Wellington hui, 31 May 2004).

For those who are in power in this country, deficit-based research findings have become an accepted commonsense about us—the 'truth' (Apple, 1982). Even when we refuse to resign ourselves to this 'truth', it still intrudes upon our realities. Resisting such 'commonsense' requires courage and more often than not sees us labelled as radical (Reid & Cram, in press). Furthermore, resistance is often exhausting; sapping energy that should rightly be invested in whānau, hapū, iwi and Māori community development.

This 'truth' has therefore marginalised us in multiple and complex ways (McIntosh, 2004). We have found ourselves in what Laguerre (1999) describes as 'minoritised spaces', dislocated from 'white', 'normalised', 'majoritised space'.

The difficulty for researchers in the majoritised space has been one of 'translation' or 'interpretation' of the 'cultural differences' they associate with those in minoritised spaces (Myers, 2004). Guidebooks have been written for these researchers recommending that they, for example, be culturally sensitive and develop research partnerships with participant groups (e.g., HRC, 1998). While these guidebooks may have raised awareness among non-indigenous researchers, these researchers are often still 'operating in (and ironically maintaining) that majority space' (Myers, 2004:8).

Perhaps the questions that these researchers ask about 'translation' and 'interpretation' are the wrong ones. These questions do not undermine a status

quo that ensures the continued marginalisation of the least powerful groups in society. Rather, research with those in 'minoritised spaces' should foreground issues of inequality and social justice (Smith, L.T., 2004). In addition, the researchers' gaze should also be turned to those in 'majoritised spaces' who are privileged by the status quo (Fine, 1997; McCreanor & Nairn, 2002). After all at the heart of the Nuremberg Code is a concern that research ethics, and therefore research, should be an instrument of social justice (Smith, L.T., 2004).

A dissatisfaction and impatience with 'mainstream' researchers seeking out and often misinterpreting our knowledge has also led to a growth in both the desire and the capacity for 'by Māori, for Māori, with Māori' research (Cram, 2001). We seek to use research as one tool for re-centring ourselves as 'ordinary', with a worldview that is as valid as that of our Treaty partner's (cf. hooks, 1984). Research, in Māori hands, therefore has the potential to be a tool that can 'facilitate the expression of marginalised voices and…attempt to represent the experience of marginalisation in genuine and authentic ways' (Smith, L.T., 2004:9).

We stand on our right, embodied in the Treaty of Waitangi, to develop our own research tools, processes and ethics (Jackson, 1994). Our own research has already shown our margins to be spaces of 'radical possibility' (Boler, 1999:5). In exploring such possibility we should also be mindful of the following questions (Smith, L.T., 2004):

- How can we decolonise research so that it serves us better?

- How do we create research spaces that allow our stories to be told and heard?

- How do we use research to destabilise existing power structures that hold us in the margins?

These questions, and others like them, allow us to critically reflect on our own research practice so that the resulting research is well-placed to be transformative for participants, for ourselves as researchers, and for our society as a whole.

The critical reflection process that gave fruition to the remainder of the present paper often resembled a loud and enthusiastic conversation about 'by Māori, for Māori' research and the research protocols that guide us. Before reporting back

on this, however, we briefly discuss the project that initiated this conversation.

Protocols for research with vulnerable and marginalised Māori

This project, sponsored by Ngā Pae o te Māramatanga, University of Auckland, explores possibilities for social transformation through:

- the examination of the processes and conditions by which some individuals and groups are excluded from 'mainstream' and/or Māori society, and
- the exploration of protocols for research with these groups.

The development of protocols builds upon the 'knowing' that the authors and those we consulted with hold about how to do research that is 'tika' or right. Mead (2003:318) writes that 'a researcher should always be guided by the principle of tika which is the very basis of the word tĩkanga'.

In the first stage of the project, seven authors wrote papers about various aspects of marginalisation and/or research ethics (Carter, 2004; Clarke, 2004; Cram, 2004; McIntosh, 2004; Ormond, 2004; Smith, C., 2004; Smith, L.T., 2004). In the second stage of the project, three consultative hui (Auckland, Wellington, Christchurch) were held in April-June 2004, with a range of interested parties (researchers, students, health professionals, government workers, community providers), being invited to read the papers and then spend a day with the authors discussing ideas around marginalisation and research protocols.

Feedback on these hui was the topic of a presentation at the Mātauranga Tuku Iho Tikanga Rangahau, Traditional Knowledge & Research Ethics Conference, in June 2004. The audience at this presentation also gave valuable feedback on research ethics.

In the remainder of this paper we discuss three 'by Māori, for Māori' ethics themes that emerged out of this project, namely:

- relationships between researchers and research participants/ communities,
- researchers knowing themselves, and

- the safety aspects inherent within tikanga.

The discussion of these themes draws upon the papers that were written for the project, the feedback from hui participants and the conference audience, and the local and international literature on researching with indigenous peoples.

By Māori, for Māori' research: emerging protocols

> '[Research] processes, procedures and consultation need to be correct so that in the end everyone who is connected with the research project is enriched, empowered, enlightened and glad to have been part of it.' (Mead, 2003:318)

Relationships: building, maintaining, furthering

In research protocols, often developed to guide non-indigenous researchers wanting to undertake research with indigenous peoples, the term 'partnership ethic' has been coined. For example, 'the new partnership ethic…emphasizes the need to create meaningful relationships with the people and communities affected by research' (ACUNS Council, 1997). The call for a 'partnership ethic' is in response to the experiences of indigenous peoples of having research conducted on us, with the findings interpreted within others' worldviews (Cram, 1997).[2] Linda Smith described this mis-interpretation as partially resulting from a clash of cultural worldviews about what 'respect' means (see 'Hui Tuatahi. Respect' box below).

More so than a 'partnership ethic', a 'relationship ethic' can speak to those who are doing 'by Māori, for Māori, with Māori' research (cf. Hongoeka Declaration, 1996). Whereas "partnerships…must be founded on mutual understanding and trust" (ACUNS Council, 1997); the essence of a relationship ethic is whakapapa (Smith, G., 1995). The question 'No hea koe?' connects us together at multiple levels—where we are from, who our people are—while acknowledging both similarities and differences. Russell Bishop (1996:152) describes this as '…identifying, through culturally appropriate means, your bodily linkage, your engagement, your connectedness, and therefore unspoken but implicit connectedness to other people'.

Hui Tuatahi: Respect

"Internationally the indigenous critique or response to ethics is really starting to develop and it's occurring at lots of different sites, and [people are] coming at it from different perspectives. For example in Australia there are a number of studies where they're starting to critique institutional practices and the way they are impacting on Aboriginal communities. By far, in a way, the discomfort that indigenous communities are feeling is really around what counts as ethical principles. So when you read the indigenous literature there are two words that keep coming up: one is 'respect' and one is 'relationships'… You go and read any ethical code and embedded in there is this principle of respect. So then the question I asked [in my paper] is, "How come, if respect is a principle, we've never been respected?" or maybe what we understand as respect is different from someone else's understanding.

But when you read the history on this, 'respect' is a new American practice. The concept of what counts as respect is a respect for the individual, the autonomy of an individual to make decisions. It's not respect in terms of how you might greet someone, how you might dress, how you might spend a few months establishing a relationship. That respect has kind of got a specific term and because it's embedded in moral philosophy and various other things, it's able to be raised up here as a principle that's somehow distant from the reality of how people really interact. Because in real life there are multiple principles at work and what any group of people do together socially is a way of balancing principles and values and developing pragmatic relationships. In the literature about respect and ethics there's the assumption that it's not being interpreted on the ground. I would say that researchers do a lot of the decision-making about what counts as a respectful relationship and govern the concept of respect in the practices, and those are international practices. They are trained through your disciplines and through your institutional experiences."

(Linda Smith, Auckland Hui, 30 April 2004).

These connections have a fluidity that is responsive to time, place, peoples and kaupapa. This fluidity makes for a diversity of possibilities within this connectivity,

some of which people may have a choice over and others that they may not. Lyn Carter has stressed the importance of recognising the complexity of whakapapa relationships that this can impart. (see **Hui Tuatahi: diversity of whakapapa** box below.)

Hui Tuatahi: diversity of whakapapa

"There needs to be recognition of the complexity of whakapapa relationships so that all the needs can be met, but there needs to be recognition too of the different levels of participation that are now open; [alongside awareness] …that some people aren't going to choose to fully participate. So iwi membership will continue to be diverse and complex because of the changes that have occurred and continue to occur in Māori society. I think researchers need to be aware of this dynamic nature of whakapapa, because it's not just about going to a little bounded group and they're all going to be the same, and all going to have the same ideas. So people need to be aware of the way whakapapa is dynamic and the way that it challenges traditional notions of what makes up a Māori group, in particular what makes up an iwi, hapū or whānau group and that, of course, is made up now of very complex and diverse relationships."
 (Lyn Carter, Auckland Hui, 30 April 2004)

At the start of any hui, the sharing of whakapapa can establish a safe and comfortable environment in which to speak, even if the sharing is debate or argumentation. Māori research (i.e., 'by Māori, for Māori' research) embodies these processes when people come together for the purpose of research. Behind every person there is a whānau, and there is a whakapapa that places the research specifics, such as the research method (e.g., qualitative, quantitative), within a much broader, relationship context. As Kathy Irwin so succinctly put it: the Māori world leads and the research world follows. (Irwin, 1994)

A relationship ethic also encompasses notions of: researchers and participants journeying together with reciprocity; participant control over decisions and processes affecting them; and researcher accountability. In addition, relationships extend beyond humans. As Linda Smith explained at our Christchurch hui (3 June 2004): "When you talk about ethics, you talk about relationships and I think there

are culturally different views of how far relationships extend. Relationships are with your relations and we have relations who are insects, birds. Animals are our relations and I think that a lot of indigenous communities share that".

So while we have begun a conversation about Māori research that is 'by Māori, for Māori, with Māori' research, we also need to keep in mind that our relations extend beyond a human border. For this reason, Te Wānanga o Awanuiārangi has not formulated separate research ethics codes for human and for animals. Rather, it has taken seriously the challenge of building a relationship ethic with all of our relations (Linda Smith, Christchurch Hui).

Knowing your research self

Whakapapa is about knowing where your roots are. Similarly a relationship ethic requires a researcher to be aware of the social, cultural and political context in which their research kaupapa is located. The hui participants described this as being about:

- Knowing and being clear about your expectations and assumptions;

- Having a thirst for knowledge and the courage to pursue it; and

- Seeking support for research endeavours.

Each of these aspects is discussed below.

Expectations and assumptions

An awareness of one's own expectations and assumptions, and the ability to communicate these to research participants, is an essential characteristic of knowing one's research self. This encompasses an understanding of what a researcher role entails, the boundaries of that role, and developing the skills to negotiate the relationship ethics involved. As one participant stated: 'Know who you are; know your audience' (Conference audience, June 2004).

Part of this is being realistic about research as a tool for knowledge production. Indigenous knowledge has become very attractive. However it can only become

part of the knowledge economy if we are prepared for it to be commoditised and traded (Smith, L.T., 2004). Harry (2001:1), for example, writes that "indigenous peoples worldwide are now at the forefront of a new wave of scientific investigation: the quest for monopoly control of genetic resources". Once again we need to resist a tide of a new form of colonialism while at the same time trying to put voice to our own concerns, within our own research models.

Linda Smith suggests that we embrace the tensions that this creates; that we "make an active choice that that's where you are going to work and that takes away all of the guilt from trying to be something else". (Wellington Hui, 31 May 2004) Linda also suggests that we "return to some of the foundation of principles of Kaupapa Māori research, which do address those tensions, which do argue that our role as Māori researchers is to deal with structural relations of power; is to attempt to address those. It is about trying to seek transformation and it is about being Māori as a given, and not having to apologise for that and being a Māori researcher". (ibid) (Also see Hui Tuarua. Structural change below.)

Hui Tuarua: structural change

"Desires for social change usually have repercussions within a wider society and are often fought because they have resource implications. And so often it's around multiple levels of why we do research, being very clear about what research can achieve and being honest about why we may be committed to social change. Sometimes it's very difficult for research to achieve social change because when research challenges a power structure, it's invariably looked at really, really closely and unpicked by those who want to dispute the findings and the [resulting] request for social change. We've seen that time and time again… So I think that it's a tricky thing that we do sometimes. I got over a long time ago ever promising anyone that research would result in change."
(Fiona Cram, Wellington Hui, 31 May 2004)

Hui participants also talked about the need for researchers to be comfortable with not knowing. This entails being able to ask for and/or accept guidance. As one participant stated, "Be prepared to change the channel". (Conference audience, June 2004) In this way, the boundaries of a researcher's role are negotiated within a relationship ethic. A clear communication of these perceived boundaries then places

the decision-making power with the participant community as to whether the researcher is the right person for this kaupapa, these questions, and/or this research project. Once negotiated, the maintenance of this role becomes the researcher's ethical and professional responsibility (also see Bevan-Brown, 1998).

The term 'insider research' is therefore something of a misnomer in these circumstances as even if the researcher belongs to the community they are researching, they are obliged, within a relationship ethic, to establish and maintain a role as a researcher (Smith, 2004). As Cram, Keefe, Ormsby, Ormsby and NKII (1997) noted, whakapapa links may make a research project plausible but it is the professional conduct of the researchers that will make it possible.

An issue discussed at length at one hui was the role of the researcher as an analyst of peoples' 'talk' or 'voices' (also see Cram, 2004; Smith, 2004). For readers or listeners to be able to 'hear' what participants are saying a researcher needs to give them a framework that guides their interpretation of participants' kōrero. The failure to do so may mean that an important voice goes unheard or misinterpreted. After so much experience of having our words misinterpreted by researchers who are not our relations, why should we now tolerate a missed opportunity for our researcher relations to surround and protect participants' words with an interpretive framework that holds tight to the normality of who we are as Māori?

Such an interpretive framework can also ensure that a diversity of voices are heard, rather than just the most articulate whose words can be left to stand on their own without analysis. At one hui, Tracey McIntosh described a situation that might arise whereby some research participants "are very articulate but they are somewhat removed from the actual thing that you are looking at. But it's just that they have been able to articulate some of the concerns or they are able to present a particular view that you find useful in regards to the way that you are going to present. And perhaps those who have got a real lived experience of that particular thing, they are living it, but they are not articulating it in a way that you find useful to get your point across". In the absence of an interpretative framework the voices of these less articulate participants might well be silenced.

Thirst and courage

Hui participants identified that carrying out research requires courage. In one sense, courage is about being unafraid to thirst for knowledge, perhaps in the face of doubts and challenging circumstances. This encompasses the politics of being at home as well as the politics of being away from home, and the differing impacts both have on the development of a relationship ethic (cf. Carter, 2004; Clarke, 2004; Ormond, 2004; Smith, C., 2004).

These challenges can occur at multiple levels and can shake a researcher's sense of belonging. For example, when Adreanne Ormond returned home to carry out her doctoral research she was surprised about the effort she had to put in to reconnecting with people. In addition, her belongingness at home disrupted her sense of belonging in an academic context. It was as if the two worlds were incompatible and she could not occupy both spaces at the same time. Adreanne did, however, quickly adapt to being at home and rediscovered the language she needed to use in order to connect with people. (c.f. Conference audience, June 2004; also see **Hui Tuarua: reconfiguring connections** below.)

Hui Tuarua. Reconfiguring connections

"I still call it home but I had been away for years. Like I'd gone back for summer holidays and that but I'd really been away for at least eight years living there full time. So when I did decide to go back and take this research back there and get the focus groups out of there I saw myself as really just fitting in. Because I'd been away a lot I and overseas I had quite romanticized home. Like when I was overseas I used to think 'well I belong somewhere' and then I went home and I didn't really belong because I was so different. I dressed different, and I had forgotten: I didn't know who so and so's baby was and I hadn't attended this tangi. So a lot had transpired as it does in communities. I went back without realising I had to win personal trust again because they saw me as a different person… I had to go and see my aunties and talk to a lot of people, and drink a lot of milo and eat cake and that. It took a long time. Like I thought, "Okay, I'm just going to go home do this and get back to university and catch the next lecture!" I was romantic in my notion of researching.

I think now that was a real effort to see myself as an outsider in a community that I took my identity and strength from and it's really quite demoralising. So I faced that, managed to work through that by doing all those things and I think these are the research protocols that we inherently practise yet we don't talk about. You know visiting people to let them know that I was still part of the whānau. I guess going to university was a big thing to my community and that can really make you very different, you become an outsider, they almost see you as Pākehā… I had to go home and just be home and I think I had to do it for me because I was writing in a very abstract way. I had to go home and start seeing how things were and start feeling again, instead of just theorising it…

And it was in that two year period that I actually started becoming, I felt like I was part of the community again. I could see things like my language changed so that when I was first at home people would say 'How are you? And I would say a very long elaborated answer, and I'd be saying things like 'however' and 'therefore'. But now when people say how are you I go 'yeah good'. But the trouble is now that I'm coming out people ask me questions and 'uurgh', I'm at home in my mind. So in that way I feel fine with home now and it won't end 'cause you know you've got the whole moral obligation, and thinking about people that are real, people that I know."
(Adreanne Ormond, Wellington Hui, 31 May 2004)

Even so, researcher courage can underpin and support community control and decision-making about their involvement in a research project. Linda Smith alluded to this when she stated at the Auckland hui that 'at a community level, on an everyday basis, our communities make assessments [about] whether someone is ethical, or someone is a good person, and we've got all these expressions for describing that'. Communities are also able to communicate when things are not to their liking and/or researchers are not behaving well. Being able to hear these things also takes courage.

In another sense, courage is about Māori researchers themselves embracing the margins that they have found themselves occupying, including being marginal to mainstream research institutions and marginal because they are the arbiters of research findings that unsettle the status quo (Smith, L.T., 2004). However, it also takes courage when we are confronted by the day-to-day hardship that many of

our people are experiencing, even if this is what makes us so determined that their voices should be heard and that any research ethic must be about social justice (McIntosh, 2004; Pōmare et al., 95).

Seeking support

Linda Smith (1999) discusses the multiple levels at which researchers can be both insiders and outsiders with respect to research communities. When researchers are connected at a close whakapapa level with those they are doing research with, safety and support are often more accessible from within that community. (However, this is not to be overly romantic about this need for safety and support sometimes being created by those residing in the same community.)

A close companion of support is accountability (Smith, L.T., 2004). As one person succinctly put it: "You're not the boss and you're accountable for the rest of your life." (Conference audience, June 2004)

Adreanne Ormond described this at the May 31 Hui: "It's very hard working in your home community… They really hold you to what you say and it's not just that they hold you, you hold yourself because you just have this real sense of responsibility. To do what is right for them, represent them in a way that is fine with them and fine with the institution. It's a lot of work in your mind to get that settled so that you're at peace with it".

Hui participants also spoke of research contexts that required researchers to enter unfamiliar communities. At these times it is even more important that a researcher knows the community they are going into and consults with the appropriate people (Conference audience, June 2004). Part of this is the seeking out of 'trustworthy' community people who can ease that entry, facilitate a relationship ethic, and safeguard the researcher. As Arawhetu Peretini (1992:12) points out, "the system of guardianship is an extremely old and cherished concept in Te Ao Māori, with many of the roles of guardians being to act as caretakers, mentors, teachers, protectors". It is only a short step to see the role that such guardians can play in Māori research.

Tikanga and safety

Māori research (including Kaupapa Māori research) is about doing research the 'Māori way', guided by tikanga (Irwin, 1994). Similarly, Mead (2003:318) instructs researchers that "the values underpinning tikanga cannot be ignored". In speaking about a relationship ethic and researchers knowing themselves we have been speaking to aspects of tikanga, even if we have not named it such until now.

Perhaps one of the best illustrations in New Zealand of what happens when tikanga is not followed was evidenced in the Gisborne Enquiry into the 'National Cervical Screening Programme' (Ministry of Health, 1997). Much has been written about the negligent practises of Dr Bottrill in his mis-reading of women's smear results. Yet when Māori women tell their stories they focus on the cultural differences and their sense that tikanga was not recognised and respected. For example, "What they say about the sacredness of taking off your clothes in public is correct. When you are younger you go off to a secluded corner to take off your clothes. Children knew it was not a good thing to take off your clothing anywhere." (Ehu-Thompson, 1993)

Hui participants talked about tïkanga within research as:

- Whakapapa;
- Telling it like it is, to the right people;
- Underpinning decisions about the ownership, control and use of research data; and
- Being knowledgeable about the history of research in this country.

This list was added to by the Conference audience as they stated that other things a 'researcher needs to know' are:

- The meaning of whakahīhī; and
- The importance of both 'kanohi ki te kanohi' and 'kanohi kitea'.

These tïkanga practices and processes are reflected in the discussion above of both a relationship ethic and 'knowing your research self'. Both these elements

are sourced within tïkanga and encompass what Linda Smith (1999:122) calls a "code of conduct" for how we, as Māori, are to behave. Expanding on this 'code of conduct' in her discussion of research ethics, Linda Smith (1999:120) lists seven Kaupapa Māori practices that guide Māori researchers, namely:

1. Aroha ki te tangata (a respect for people).
2. Kanohi kitea (the seen face, that is present yourself to people face to face).
3. Titiro, whakarongo…korero (look, listen…speak).
4. Manaaki ki te tangata (share and host people, be generous).
5. Kia tūpato (be cautious).
6. Kaua e takahia te mana o te tangata (do not trample over the mana of the people).
7. Kaua e māhaki (don't flaunt your knowledge).

Many of these practices have been reflected in different ways in the feedback from the hui and conference participants. For example, 'Kia tūpato' can be about both knowing your research self and knowing your research community.

These seven practices have been expanded upon by Cram (2001) in her discussion of the validity and legitimacy of Kaupapa Māori research. This discussion was informed by what Māori had been writing about research practices and issues. Pipi et al. (in press) then took these same principles and applied them as a method for reflecting on their own research practices within a Kaupapa Māori research project on Māori and Iwi provider success. Such critical reflection is necessary because 'in this way, we make the sub-conscious, conscious and the learnings we gain from doing so can add to the pool of knowledge that Māori hold about how research might be respectfully conducted' (Pipi et al., in press).

In her paper, Linda Smith (2004) goes on to discuss the five tests that can be applied to research to check for soundness of tïkanga and further facilitate our critical reflection: our understanding of knowledge; genealogical stories; precedents in history; relationships; and our value system as a way of solving a dilemma. Application of these tests is not always possible because "what we don't have is time, because things are happening so quickly that we don't really have the time to work out a history or a case history because it is overwhelming" (Linda Smith, Wellington hui, 31 May 2004).

In this way, we need to create space that facilitates the consideration and embedding of tïkanga in our research practices. For some Māori researchers such things come naturally and so only a small space may be needed. For other Māori researchers more careful consideration, consultation and negotiation may require a larger space. Overall, what we need to remember is our right to claim this space.

Discussion

"It's not a rush job; be patient"*: Conference audience, June 2004.*

If marginalisation is about being pushed away from the centre, then it is timely that we pushed back. This reclaiming of our margins as the centre requires both self-belief and tools for pushing with. Research can be one of those tools. Often what we think of as 'research' is, in actuality, the re-examination of the way we are, the lives we lead, the things we treasure, the values that make us 'us' (Cram, 2004). In this way we are seeking to know the 'authentic person'; that is, "…the real person, with all [their] history, very personal qualities, sensibilities, wishes, sentiments and so on within or behind the sometimes visible (e.g., in social science writings), sometimes totally invisible (e.g., in bio-medical-science writings) scholarly person". (Sahin-Hodoglugil, 2003:4)

By undertaking research that has a social justice agenda, Māori researchers are essentially seeking to decentre "whiteness as ownership of the world forever and ever". (DuBois, 1920, cited in Myers, 2004:8) This is not because we cannot accommodate many worldviews and cultures; our ancestor's signatures on the Treaty of Waitangi was one very real demonstration of our tolerance and inclusiveness.[3] Rather, it is because our experiences of the centring of whiteness in our own country suggests that there is not room for other worldviews when whiteness occupies the centre stage.

In advocating for research that is 'by Māori, for Māori' it is essential that we make explicit many of the research practices that we might otherwise take for granted. If these are not made explicit and theorised within our own world view, our own students and new researchers may struggle to understand why we do the things we do, and why we instruct them to do the same. This is not to say that these new

researchers will not take the tools we give them and make them their own in ways that we have not even begun to conceive of. This paper is therefore just part of a wider discussion, and is of its moment. What we are seeking to avoid in this moment are research processes and tools that recolonise us in the guise of being by us and for us.

NOTES

[1] Aotearoa is used here as the Māori name for a land has become more commonly referred to as New Zealand. In using this name we must apologise to those, in Ngai Tahu especially, who consider that 'Aotearoa' relates solely to the north island.

[2] A partnership ethic is a means by which, for example, health researchers can gain more understanding of indigenous health ethics. In this regard Ellerby, McKenzie, Mckay, Gariepy and Kaufert (2002) have written that 'If health care providers ignore differences related to Aboriginal culture, they will not be able to understand the wide spectrum of beliefs and attitudes that Aboriginal people draw on in making ethical decisions'. These authors also argue that such understanding is a necessary starting point for beginning to understand a wide range of ethical decision-making in diverse ethno-cultural communities.

[3] In addition, many of our own initiatives and programmes have made space for others who want to commit to our kaupapa (e.g., Te Kohanga Reo).

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Acknowledgements

THE ETHICS OF AN EVIDENCE-BASED APPROACH TO MĀORI HEALTH

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ABSTRACT

There is a strong ethical rationale for implementing an evidence-based approach to Māori health. However, there are also ethical risks relating to the ideological framework within which 'good judgement' is exercised in decision-making, the strength of the evidence base, the criteria by which the quality of evidence is assessed, and the relevance of conventional forms of evidence to Māori contexts. Measures to address the ethical risks will be necessary if the potential of an evidence-based approach to Māori health is to realise its contribution to improved and equitable health outcomes for Māori.

Introduction

The view of Māori health expressed in well known Māori health models, such as Te Whare Tapa Whā (Durie, 1998) and Te Wheke (Pere, 1984), is holistic in nature, locating individuals within the family context, recognising determinants of health (spiritual, cultural, social, and biological), emphasising continuity between the past and present, and viewing good health as a balance between interacting variables. There is concern for ensuring access to cultural resources, and a secure Māori identity is central to good health. In comparison to Western

understandings of health, Māori concepts place a greater emphasis on holism, and are distinct in emphasising a spiritual dimension and a focus on cultural integrity. These are features that are common with other indigenous peoples' understandings of health (Alderete, 1999) and, generally, Māori concepts of health are consistent with those of other indigenous peoples.

There is currently a limited ability to measure Māori health status in Māori terms, that is, against criteria for good health that are derived from distinctly Māori concepts of health. While some preliminary work has been done (Durie et al., 1995; Te Hoe Nuku Roa Research Team, 1999), comprehensive health status indicators of this nature have yet to be developed. However, conventional health status indicators provide a clear picture of the disparities between Māori and non-Māori health status in New Zealand. A recent New Zealand Census–Mortality Study, which linked death registration data to census data for the 20 year period 1980–1999, identified a widening of the gap in survival chances between Māori and the non-Māori non-Pacific ethnic groups (Ajwani, Blakely, Robson, Tobias, & Bonne, 2003). Disparities between the health status of Māori and non-Māori are reflected across the range of key health indicators including all cause hospitalisations, infant mortality, sudden infant death syndrome, youth suicide, motor vehicle crash deaths, asthma hospitalisations, lung cancer deaths, and coronary (ischaemic) heart disease deaths (Te Puni Kokiri, 2000).

Much of the disparity between the health status of Māori and other New Zealanders is due to the historical, social, economic, political and cultural determinants of health (Ajwani, Blakely, Robson, Tobias, & Bonne, 2003). However, given that most of the conditions inequitably experienced by Māori are either manageable or preventable, there is much that can be done within the health sector to address disparities. Internationally, and within New Zealand, an evidence-based approach has gained general acceptance as the preferred method through which health sector resources should be allocated, intervention providers should base their selection of service strategies, and which should guide practice. The evidence-based approach has implications for Māori health.

An evidence-based approach

An evidence-based approach is a decision-making process through which scientific evidence is accessed and assessed for its quality and relevance, and

then used to inform the selection of the most effective and efficient solution to a given 'problem'. The approach is most developed in the practice of evidence-based medicine (Evidence-based Medicine Working Group, 1992), which focuses on clinical decision-making supported by research derived evidence. Evidence is weighted according to 'rules of evidence', whereby the scientific quality of evidence is judged according to a hierarchy which places randomised controlled trials as the gold standard, followed by controlled trials without randomisation, cohort studies, and case-control studies.

There are well established international centres for evidence-based medicine, and the approach has been adapted to other areas. The International Union of Health Promotion and Education, the only global health promotion professional body, is currently undertaking a programme of work to apply the approach to health promotion. In New Zealand, a methodology for evidence-based purchasing of health promotion interventions has been developed which emphasised consideration of evidence in four dimensions – scientific research, organisational capacity, socio-cultural factors and local community-based knowledge (Rada, Rātima, & Howden-Chapman, 1999).

The evidence-based approach has been embraced by the New Zealand health sector as the preferred methodology for policy, purchasing, service delivery and practice decision-making. The Ministry of Health and District Health Boards are seeking to operationalise an evidence-based approach within the New Zealand health sector.

In terms of Māori health, the evidence-based approach is not new. Rongoā, traditional Māori medicine, evolved over many generations and remains a central element of contemporary Māori healing practice. As with its Western counterpart, a number of the ingredients used in rongoa are health threatening if incorrectly prepared. It has been through an evidence-based approach that contemporary rongoa has evolved as a safe and health enhancing element of customary Māori healing. That is, evidence of the effectiveness of various preparatory techniques, ingredients and mixes were collected and transmitted orally to tohunga (mandated and qualified experts) to ensure safe and effective practice over generations.

The evidence-based approach when applied to Māori health aims to achieve the greatest improvements in Māori health outcomes within existing resource constraints. It is therefore concerned with maximising the effectiveness and efficiency of Māori health policies, interventions and practice. The approach requires ready access to research findings through literature reviews, the selection of information that is relevant to the issue, policy, intervention or practice under consideration, awareness of the evidence supporting various options and the strength of evidence for each option. Decisions are then made based on a combination of the evidence and good judgement. Good judgement relies on the decision-makers' sound knowledge and experience in Māori health. The critical point to note is that evidence-based decision-making relies not only on the careful review and assessment of scientific evidence, but on the ideological framework of decision-makers' values.

The ethical rationale

Four universal ethical principles have wide acceptance internationally and are central to New Zealand ethical frameworks such as the Operational Standards for Ethics Committees (Ministry of Health, 2002). The principles are beneficence, non-maleficence, justice, and autonomy. An ethical rationale for application of an evidence-based approach to Māori health can be derived from each principle. The principle of beneficence is concerned with achieving maximum benefits for Māori. The evidence-based approach aims to ensure that the most effective policy, intervention and practice options are selected and therefore that the greatest health benefit is accrued for Māori. Non-maleficence, as a principle, focuses on the reduction of harmful practice and impacts. Consistent with this principle, an evidence-based approach seeks to eliminate harmful alternatives through careful consideration of research evidence and good judgement in decision-making. As a principle, justice is concerned with fairness and equity. An evidence-based approach to Māori health is a strategy for reducing ethnic disparities in health status, and therefore fits with the principle of justice. The principle of autonomy emphasises increased opportunities for Māori control over their own health development. Potentially an evidence-based approach provides a mechanism through which Māori efforts to control and improve their own health can be facilitated. Therefore, the approach can contribute to increased Māori control over their own health development and thereby a greater degree of autonomy. There is a sound ethical rationale for an evidence-based approach to Māori health.

A critique of an evidence-based approach to Māori health

While there are obvious benefits of an evidence-based approach, there are also limitations in applying this approach to Māori health.

Ideological issues

Given the role of 'good judgement' in evidence-based decision-making there are ideological issues that should be clarified. Key features of an ideology are that it is based on values (as opposed to evidence) which are accepted as universally recognised 'truth', is directed by subjective views of what 'should be', and has persuasive intent in favour of solving social and political problems (Snizek, Fuhrman, & Miller, 1979). Ideology can be interpreted negatively as politically motivated thought that legitimates the interests of particular groups, reinforcing dominant power relationships (Craig, 1998). The more neutral interpretation of ideology is as a framework of ideas and cultural symbols within which people understand social and political realities. In the case of the latter, there is some debate as to the extent to which ideology may be a value-laden lens that leads to reification, as opposed to the reflection of reality (Craig, 1998). Whichever view is subscribed to, there is a certain inevitability about ideology in that values are intimate to our perceptions of what is best practice and it is not possible to completely remove them from the equation. It is important that the values underlying evidence-based approaches are made explicit, in order to clarify the political orientation and to guide the development of ethical standards and practice. Values that may drive evidence-based approaches to Māori health could include equity, social justice, group autonomy, recognition of the status of Māori as indigenous peoples, self-determination, and acknowledgment of the Treaty of Waitangi.

From a Māori perspective, the problem is not that evidence-based approaches are to some extent values-driven, but that the values are derived primarily from Western sources and their consistency with Māori perspectives has not been explored in any depth. The implication is that the value base driving evidence-based approaches may be at odds with Māori worldviews, and that the evidence-

based approach may inadvertently undermine a secure Māori identity and Māori ways of being, and thereby Māori health.

Complex problems

The nature of Māori health problems is complex. Disparities are largely due to the determinants of health, and the wide ranging influences across sectors are not yet fully understood. The types of interventions in place to address Māori health status disparities, such as Māori health promotion interventions, are often difficult to evaluate. For Māori health promotion interventions, there is a tension between the value of measuring outputs (such as the number of Māori enrolled in a programme or proportion of infants vaccinated at six weeks) versus measuring outcomes (such as reduced cancer incidence or mortality) which may not become apparent for many years and even then it is difficult to ascertain the extent to which outcomes can be attributed to particular interventions. As well, comprehensive evaluations of interventions can be prohibitively expensive. In some cases, the cost of carrying out a rigorous evaluation may match or surpass the cost of the intervention. For these types of reasons, there is limited evidence available of the effectiveness of interventions to improve Māori health outcomes.

Evidence bias

It is also important to be aware of the 'evidence bias'. That bias being, that evidence tends to accumulate in relation to health issues that are topical and therefore where there is tagged research funding. Currently, due to the wide disparities and high diabetes related morbidity and mortality rates among Māori, priority is given to funding of diabetes related research among Māori. The implication is that the evidence base in relation to diabetes among Māori will be strengthened, while other areas (such as injury in Māori homes) which are currently of lower priority will have a lesser evidence base. While there may be equally effective interventions in both areas, the diabetes-related intervention would be better supported by the evidence base.

As well, evaluation research is more likely to be carried out for interventions which are amenable to evaluation. For example, it will be more straightforward to assess the effectiveness of a nationwide campaign to reduce Māori SIDs [Sudden Infant Death syndrome] rates than to assess the health impacts of a change in

Government housing policy for Māori. While each intervention may be effective in improving Māori health outcomes, research evidence is more likely to accrue in relation to the effectiveness of the SIDs campaign as it is more readily evaluated using conventional research methods.

An additional aspect of the evidence bias relates to the 'rules of evidence'. The rules outline criteria for grading the quality of research evidence, whereby, for example, randomised controlled trials are considered as the highest quality research evidence. A risk of the evidence-based approach is that there is confusion between high quality interventions and interventions for which 'high quality' evaluation research is available. An effective intervention which is not able to be assessed through methodologies like the randomised controlled trials are disadvantaged in an assessment which relies on the conventional 'rules of evidence' to assess quality. It is also worth noting, that regardless of the criteria used to assess the quality of evidence, what evidence is available is of variable quality.

Relevance to Māori

An issue that is of particular significance for Māori health, is the relevance of evidence to Māori contexts. There is a relative dearth of research evidence that has been derived from Māori sources, that is from the evaluation of Māori-specific interventions in Māori contexts. Most available evidence has come from interventions carried out in other countries, or within New Zealand among non-Māori. The relevance of these forms of evidence to Māori is variable, if not questionable.

Skill requirements

Implementing the evidence-based approach relies upon access to the skills and other resources necessary to carry out literature searches, to assess the quality and relevance of research evidence, and to apply good judgement in making evidence-based decisions. All of these competencies require specific specialised skills that have not normally been expected or funded for Māori providers.

Ethical concerns

The range of concerns about application of the evidence-based approach to Māori health raises a number of ethical issues. There is a risk, due to the limitations of the approach, that invalid conclusions about cause and effect are drawn and used as a rationale to fund certain Māori health services over others. If the evidence-based approach is less effective for Māori than for other population groups due to a relative dearth of relevant research, there is also the risk that the approach may contribute to increased inequities.

Implementing an evidence-based approach to Māori health

It is important to acknowledge the value of an evidence-based approach generally, and that such an approach is consistent with customary Māori approaches to health development. Further, that implementing an evidence-based approach does not detract from, but rather should enhance, a focus on addressing the real and fundamental challenges for Māori health development.

Given the critical role of good judgement in an evidence-based approach to Māori health, the ideological framework of underpinning values that determine what is 'good' judgement requires clarification.

A number of measures can be identified to facilitate the implementation of an evidence-based approach to Māori health that addresses ethical concerns, and maintains consistency with key ethical principles.

Fundamentally, there is a need to revisit definitions of evidence and the criteria by which the quality of evidence is assessed—that is, the 'rules of evidence'. The 'rules of evidence', as applied in the practice of evidence-based medicine are too narrow to be of much value in the area of Māori health. The rules do not recognise Māori aspirations to control their own health development, by incorporating a mechanism through which Māori peoples' own priorities and preferences can be taken into account directly. As well, there is little scope to judge the extent to which an intervention model or practice applied in other contexts may be acceptable to Māori communities and whether the community itself has the capacity to take up a given intervention. The rules are too narrow to admit the

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range of evidence that should usefully be drawn upon to inform Māori health decision-making. There is a need to expand the criteria for evidence.

Valid evidence should include, for example, endorsement by Māori collectives including iwi, hapū, and Māori community groups, the views of 'Māori health expert' groups, Māori aspirations for good health as expressed at hui, the views of Māori health professional bodies, and the findings of descriptive studies.

If Māori providers and other Māori health stakeholders are to make optimal use of the evidence-based approach it will be necessary to resource the approach. Resourcing of the evidence-based approach includes funding to build the evidence base. The Health Research Council of New Zealand is the main funder of health research in New Zealand. Only a very small proportion of the Council's overall annual budget is ring fenced for Māori development health research. It is obvious that increased levels of funding are required if the evidence base for Māori health is to be expanded sufficient to inform a robust evidence-based approach to Māori health.

Expansion of the criteria for what constitutes valid evidence, alongside increased resourcing to strengthen the Māori health specific evidence base are necessary measures to recognise the importance of local context to evidence-based decision-making. That is, in recognising that research evidence is only of value where it is relevant to the situation and realities of Māori communities. That is not to say that some evidence derived from external sources, such as research carried out in other countries may not be relevant. As an example, research among non-Māori indigenous peoples is likely to usefully inform and evidence-based approach to Māori health. However, the main point to note is that research carried out in Māori communities and within a Māori inquiry paradigm (Rātima, 2003) will be most relevant and easily applied to inform an evidence-based approach to Māori health.

Resourcing of the evidence-based approach should also take account of the support required to access and interpret research evidence. There are currently approximately 250 Māori health providers. Many of those Māori providers are small, and have a very limited capacity to access and fully utilise the evidence base in decision-making. Māori health workforce capacity building and additional financial resources to cover costs associated with the approach will be necessary

if it is to be usefully applied. Further, there is much that purchasers can do to facilitate more ready access to the evidence for providers. The District Health Board toolkits (electronic resources available via the internet) summarise evidence in key areas and are an initiative to facilitate access to the evidence-base. For example, the Diabetes Toolkit summarises New Zealand and international evidence regarding the incidence and impact of diabetes and provides links to information about the most effective interventions. However, the 'toolkits' are expensive to produce and are only available in limited areas.

Concluding comments

There is robust ethical rationale for an evidence-based approach to Māori health which can be linked to the 'universal' ethical principles of beneficence, non-maleficence, justice and autonomy. The obvious value of an evidence-based approach to Māori health should, however, be balanced against the ethical risks, that if not addressed have the potential to exacerbate disparities between the health of Māori and other New Zealanders. A number of steps can be taken to mitigate these risks.

First, there should be acknowledgment that the evidence-based approach is values based, in that decision-making relies on 'good judgement' which rests within the ideological framework of the decision-maker. In terms of Māori health, the values basis for decision-making should be a distinctly Māori ideological framework consistent with a Māori development perspective and the social justice ethic of equity of outcomes.

Second, there is a need to broaden the definition of evidence to expand the criteria for what is considered valid evidence to enable the incorporation of evidence derived from Māori sources. This would facilitate an evidence-based approach that is relevant to Māori and enables the Māori context to be fully factored into evidence-based decision-making.

Third, in terms of Māori health, the evidence-based approach should be considered as developmental in that it will take time and resources to build a strong evidence base that is relevant to Māori and that is accessible to Māori health decision-makers at all levels.

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The evidence-based approach has the potential to make a strong contribution to improved Māori health outcomes.

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Would You Call Yourself an Activist?

The Ethics of 'Activism'

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ABSTRACT

This paper is based on deconstructing the term Māori 'activist': also known as 'radical', 'rebel' and 'haters and wreckers'. This deconstruction will more importantly look at how so-called 'activists' define themselves and their mahi (work).

This paper will give primacy to the voices of the number of Māori (mainly women) that I interviewed for my recently completed doctoral work.[1] These women have been actively responding to the rapid expansion of the biotechnology industry in Aotearoa, New Zealand, in particular in developing resistance to genetic engineering (GE). All represented strong constituent groups (whānau, hapū, iwi, and a range of Māori organisations), were highly qualified in each of their fields and had been referred to as "activists" by the media, pro-biotechnology lobby groups and others. A key question in the research was, "would you call yourself an activist?" This question brought forth a range of responses.

In this paper I specifically cover two main areas related to activism. The first area is kaitiakitanga, where people explained their views on our role in protecting our world. The second area focuses on our whakapapa relationship to all things. Both these areas significantly impact on how activism is defined by Māori.

Introduction

At the first community workshop held at Ōrākei, Auckland, to welcome international keynote speakers to Aotearoa and the Mātauranga Tuku Iho Tikanga Rangahau, Traditional Knowledge and Research Ethics Conference, Lopeti Senituli proudly introduced himself: "I'm an activist, a political activist." His work involves challenging bio-prospecting contracts, with the most visible and controversial being the November 2000 announcement by biotechnology company Autogen Ltd that they had signed a deal with the Tongan Ministry of Health to conduct research that hoped to identify genes that caused diabetes in the Tongan population. In this context Lopeti Senituli used the term 'activist' as a way of describing his work which involves challenging the ethics of a biotechnology company and the protection of the rights of Tongan people.

The term 'activist' is politically fraught in New Zealand. A person who is labelled an 'activist' is negatively portrayed as a 'trouble maker' and 'deviant' when reported in the media and other public forums. More often than not, 'activist' is a term that defines the actions of some Māori. These same people are often the voices that challenge the exploitation of Māori rights. Publicly it seems that a means to marginalise a challenging and critical voice has been to label such voices as merely those of 'activists.'

I am deliberately not choosing to engage with this marginalisation of voice but instead rely on the interpretations provided by my interviewees as they stand alone in their completeness. They are also the primary voices I want to give visibility to in this paper.

As will be described in the following sections, there is a whole ethic around the mahi that is conducted by those who are labelled an 'activist'. This ethic is based on central concepts that highlight the importance of respectful relationships: kaitiakitanga and whakapapa. Professor Linda Tuhiwai Smith, speaking at the same community workshop at Ōrākei, reiterates this point. "It's about relationships, with all our relations [that is, we have a whakapapa relationship to all things]. This is research ethics."

Kaitiakitanga

Central to a Māori cosmology is the word kaitiaki (guardian) and the concept of kaitiakitanga (guardianship/stewardship), which is an obligation to protect all things for the next generations. Māori involved in the Ngā Puni Whakapiri movement (the term I use to describe Māori groups gathered together to resist biotechnology and genetic engineering) are wary of the new biotechnologies and genetic engineering in particular. These new technologies have the potential to negatively impact on tikanga Māori knowledge and taonga. This movement performs a vital double role as kaitiaki of our taonga and warning system alerting our people of upcoming research that will impact on this taonga and tikanga Māori knowledge. Key figures in the movement talk of this kaitiaki role when asked whether they consider themselves activists. The descriptions of their involvement in the movement are imbued with passion and a heavy sense of responsibility. As Angeline Greensill explains, we have a conscience that is inherited.

> *We can't get on with our lives while this stuff carries on because we have a responsibility. Unfortunately, we have a conscience that has been handed down, that you must look after our planet for the next generations. We have unfortunately inherited that responsibility that no one wants to share. And it's only the Indigenous peoples that seem to have this idea that you must live with the planet and you must care for the planet and you must never do things that are going to break the fabric, which is its undoing. Everything that we know, I mean tampering with the genes, is just breaking the whakapapa link to the past and to the future. That's not our right.*[2]

Kaitiakitanga is a central concept in the work of the movement. In answering the questions: "Do you consider yourself an activist?" and "Is there a Māori term that you could say would sum up the work that you do and the work around Māori anti-GE activism?" we are able to unravel a rich texture of meaning.

Do you consider yourself an activist?

Angeline Greensill says activism is more a verb than a noun because it can relate to how active you are in the movement.

> *If you mean a person who is active in the issues that are affecting our people, I think I'm active. My mother* [Eva Rickard] *was considered a land activist. The words have changed over*

*time; they're all labels, like 'freedom fighters,' whatever people
are calling themselves, all sorts of things, 'radicals'. So when
they use that word 'activist,' it's always had bad connotations
when used in the media. For me, I don't mind being labelled an
activist. I'm not as active as I'd like to be. But perhaps more a
wahine kaitiaki, someone who cares for the land and cares for
those that are coming, i.e., a carer, a carer of others.*[3]

Annette Sykes has inherited her activism from her grandmother, great grandfather
and great grand uncle, and her children will also inherit this obligation to protect all
things we consider precious.

*I am an activist. I believe in treaty rights, and to enable that to be
effective in this country you have to be an activist, to ensure that
that position is well informed and understood by the peoples of
this country. Activism for me is something that's inherited. It's not
something that is recent. My grandmother was an activist to
protect our lakes, my great grandfather was an activist to get our
lands back, my great grand uncle died at Gate Pā protecting the
rights of our people to our land. So, all of those different aspects
of activism are something I've inherited and can't escape. It is
something that my kids are going to have to live with for the rest
of their lives. I mean they will inherit an obligation to look after
those things most precious to us.*[4]

Dr Leonie Pihama acknowledges the many faces of activism, including
incorporating Māori understandings in academia and theory.

*I do consider myself an activist. I think in terms of the work that I
do as a Māori academic and as a filmmaker, the whole idea
around activism is about bringing Māori understandings and
theorising about the world and thinking about the world, into an
active form. So that's what it's about for me.*

*I have a basic belief around the idea—it's a kind of a Freirian
idea in many ways—that there are interrelationships between
theory and practice because I consider myself to be a
theoretician, a Māori woman who is a theoretician. It's about
bringing those understandings into ways that bring change, that
bring change in the world. In order to bring change, there needs
to be some kind of active engagement of what the issues are.
When I think about activism, I think about those kinds of ideas
that are about bringing change, doing things that are worthwhile,
thinking of some kind of interventional transformation in a very
Māori way. I think we probably need to reframe the word
'activism' in terms of Māori understandings. Part of that for me is
when I think about Māori language—this is going a little bit to the
side—when I think about Māori language, I think about how as a
learner, a second language learner, I learn te reo Māori often in a
passive voice and when I hear fluent speakers I hear them*

speaking in the active voice. So, within the language you have things like the way it's framed grammatically, the mahi or the action is what's important, not necessarily the person doing the action. So the subject or the person doing the action could actually be dropped off the end but what you do is important. I think that is really inherent culturally. It's the mahi we do, what we do that is actually more important than the fact that I do it, that the individual does it. So when I take that concept in terms of change and what's happening in the world, on our land, it is taking understandings and beliefs and analysis and actually enacting those in ways that are going to bring change and transformation. Or else it's not actually worthwhile doing it. But any form of activism also has to be well informed about why we're doing it, what our analysis is, how that fits in Māori understandings, how our people come to look at those things spiritually and culturally. So it's always an interrelationship. That's why when I think about things around theory and practice, in an academic sense, the whole Freirian kind of dialectical unity stuff comes to the fore, where they are in relationship with each other but also have enough distance to be able to reflect on each other. I think you'll find a lot of Māori people, academics, particularly when talking about that relationship, look at what we do as informed by how we reflect on our understandings and vice versa.

I'm comfortable doing it academically, I'm comfortable doing it in writing, I'm comfortable doing it visually in the film-making, and I'm comfortable to be out there walking the streets with our people, or putting tents up on land or whatever we're doing.[5]

Dr Cherryl Smith sees activism as related to challenge and bringing about change, and as connected with the love of whānau.

In this country the term activist is a dirty word, it's used to down people. When I visited the United States, I noticed that the term has a currency that it doesn't here. You can get some pretty big corporate bodies that call themselves activist environmental law firms for example. Over here though, the media trashes people by labelling them activists.

To get back to the question—yes, I do consider myself an activist in the sense that I think that change is something that I am working for and challenge is important in the process (even though I am actually a wimp). But my motivation goes a lot deeper than that; it goes back to the love of my own whānau and the teachings of our old people really, and to my understanding of the history of our people. During my graduation, one of the kaumātua [elders] who spoke said a really lovely thing, he said "the weapons of today are knowledge, that the weapons of yesterday were the patu [club]" and he was glad to see me come through armed with the new knowledge because he felt I had already proven myself over the years by working for the people. I

was also given a beautiful patu pounamu [greenstone/jade club] *by the whānau. Many of us have grown up in an environment of challenge. If anything our most radical activists are our kaumātua, my mother may look like a sweet little kuia* [female elder] … [6]

For Theresa Reihana her passion for this work is depicted not only through her painting and actions but also through her passion for informing others.

If you don't do something, you know, no one else is going to, and you'll be surprised how many people don't know. The best thing about it is when they do find out, they want to do something about it. You know, even if it's only one person, it's worth it because you don't know how many people that one person's going to touch or inspire. And everybody has a skill, whether it be vocal, you know, whatever that skill is. They're better at it than anybody else in the world. So we just need to network these people so we can all work together. My father didn't know anything about it, you know. My mother didn't; she knew a bit, but nothing that would make her go out and talk to people about it. But they do now, and they tell everybody about it now. And I'm sure people see us coming and go, "Oh my God. You used to be so nice Theresa."[7]

Jacqui Amohanga quite simply sees activism as just "doing it," not just "talking it".

Yes I do. I've been doing activist work for a number of years and I do consider myself an activist. An activist to me is someone that actually walks the talk of what they're actually standing up for.[8]

Percy Tīpene sees it as standing up and being counted.

Why do I consider myself an activist? Well, I'm vocal in different forums. I've been to Council forums debating the issue with pro-GE people, so I've stood up and made myself be counted. Then I guess I'm looked upon as a radical Māori.[9]

Dr Graham Smith understands his role in activism as at the level of knowledge and theory.

Yes I am an activist, but I'm also a theorist as well, which I think involves an understanding of the politics. My view of the politics is that I'm not actually on the front line of genetic engineering as such. My entry point is at the point of 'knowledge'. I'm interested in the way in which knowledge is manipulated and controlled by dominant interest groups in society to reproduce and perpetuate their own interests. These dominant groups are sometimes economically formed and motivated; sometimes they are

culturally formed around being Pākehā, and sometimes they're formed in other ways, around gender interests and so on. Knowledge has always been a significant part of the way in which societies are controlled. There is an inextricable relationship between the control of knowledge and power. In this sense, the Academy has always been a significant site to defend in the eyes of Western European academia. It is the backbone and legitimating force of European society and Western knowledge. Through the control over the universities and the control over knowledge, Europeans have basically been able to extend the control into society at the ideological level and at the practical level. So I've always been interested in the way in which knowledge has been struggled over, and sometimes it's not even struggled over, it's just been reproduced in the interests of the dominant population. So I enter into the issue related to genetic engineering at the level at which it is about the control over particular forms of knowledge through research.[10]

Is there a Māori term that you could say would sum up the work that you do and the work around Māori anti-GE activism?

Angeline Greensill explains that Māori women have always had a responsibility to care, to be kaitiaki.

We have a group called Ngā Wāhine Tiaki o Te Ao [Guardians of our world]—a group of woman who are prepared to get out there and look after the Māori world (te ao Māori). I guess what's involved in that "tiaki" is care, it means caring, kaitiaki. We've given ourselves that responsibility. Māori women have always had that responsibility I think, and we will continue to do anything we can do. I belong to that organization that is throughout the whole country, and, yes, our women have been quite active in the last two years since the GE debate began. And I think we have become known as an organization that's referred to by some of the other Māori groups as "doing the GE thing".
[Why Māori women do you think?]

Well it's just that we can work well together. We find it really easy to work together, I think. We all have the same backgrounds, and we nurture the children, the future generations. That is a real concern for us, that there is going to be space for them that is going to be safe.[11]

Jacqui Amohanga feels the term and concept 'kaitiakitanga' encompasses this work and asserts that another part of the work is being a strategist.

To me, it sort of reflects on the practice of kaitiakitanga. Kaitiakitanga is an inherited obligation of looking after your

environmental space around you. I think by putting out the message of the whole GE issue and possible impacts that it might have on values, that's really what it's about. If it conflicts with those Māori values, particularly when it conflicts with environmental management, or kaitiakitanga, then if you're seen to stand up for your own value systems—and it may be contrary to other people's value systems—then quite often you'll be termed as an activist, a radical activist because you're not conforming to the so-called society norms.

The other issue for me is that we are all ngā tāngata tiaki and that's basically people that go out and care for whatever is around them, whether it be environment, people, caring for tamariki [children]*, rangatahi* [youth]*, kaumātua* [elders]*, kuia* [female elder]*, you know, ngā tāngata tiaki* [people who care, are caretakers]*. When it comes to actually standing up and really having to fight for issues, in a sense I'd term myself as a wahine toa* [female warrior/fighter]*, where basically we're going out in battle, going out in battle to stand up for the value systems that our ancestors have left us and that are still applicable today. One of the key things that is a reminder for me is a term that, because I'm from Ngāti Maniapoto, our tupuna Maniapoto* [ancestor named Maniapoto] *came up with a term "te kawau māro"* [battle strategies]*. It's about developing strategies when you're going into a battle. So to me that's another term for activist, it's that they're basically strategists. The term "te kawau māro" refers to the birds in their flight formation, so their flight formation actually sets the strategic direction for where you're going. To be able to actually stand up and walk the talk on your issues, you need to have a strategy in mind of how you're going to actually inform people so that those people can make informed decisions.*[12]

Dr Cherryl Smith also believes kaitiakitanga is one of the key issues in biotechnology, along with whanaungatanga which she defines as "the living of good relationships".

When it comes to the issues of biotechnologies, I feel that the key important issue is kaitiakitanga [guardianship]*—if there are doubts about the safety of our plants, rongoā* [traditional medicines]*, animals, embryos, genetic material, whare tangata* [our bodies/people]*, ira* [life force]*, all of these taonga* [precious gifts] *that we have responsibility for then we should be making a noise about that. What I see are huge concerns all around the world, not just from us and other Indigenous ones but also from scientific communities, from developing countries, from comfortable middle class families, from many areas. We get tarred and feathered here when we challenge because we get put into the 'Māori activist' camp which is like extremely dangerous and not to be trusted. Māori activists are just so dangerous. I mean you have to laugh really. A number of the current MPs used to be in the Māori activist extremist camp, boxed and labelled.*

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I'm a lot of things—I'm a Ngāti Apa woman. I'm a mother, a daughter, a sister, a wannabe grandmother. I'm an academic and gardener. If people want to down me for being a radical Māori activist, go tell my grandmother, she trained a number of us.

If we go even deeper than the term kaitiaki [guardian]*, we find that the basis of that is whanaungatanga* [familial relationships]*, which is the living of good relationships. Kaitiakitanga* [guardianship] *is about good relationships, being aware of the whanaungatanga of all species and honouring those. Plants and birds are to be respected, rivers and lakes are to be respected, our mountains, places of burial, harbours are to be respected. Whanaungatanga is the expression and affirming of family relationships, family in the widest sense and part of that is kaitiakitanga.*[13]

Dr Leonie Pihama feels this mahi is encapsulated in several terms and concepts but is informed by Māori philosophies, that is, kaupapa Māori.

There are definitely Māori terms that link to the notion of activism and resistance and struggle because we have a history of it. Nationally we have a history of it, and at a tribal and iwi level we have a history of it.

I'm fortunate actually to come from two tribal areas that have actively resisted the crown—both in Waikato and in Taranaki. We have really clear examples of forms of activism and forms of resistance to colonial oppression. When I think back around what I'm doing, I can look back a few hundred years and actually see that it's not something that's new to this generation. It's something that our people have done.

And part of that is actually about renaming from the English concepts of resistance and struggle. A lot of the ways in which Taranaki history has been talked about has been as passive resistance. It's a bit of an oxymoron really, passive resistance, because any form of resistance is in and of itself active no matter what it might be. The work that I do and the work that many involved in this movement, the anti-ge movement, and the wider anti-colonial movement, I would term as kaupapa Māori, being informed by Māori philosophies. Kaupapa is the foundation understandings and philosophies that are distinctly Māori. So a lot of what I do is driven by kaupapa Māori understandings. The other words that come to mind are things like tino rangatiratanga [self-determination]*, having an ability and asserting the right to our own determination of our own lives, and in our own land, in our own way.*

There are a whole raft of words that link to how we do things, how we understand things. And then there is a whole range of

concepts that are directly related to the GE issue, concepts like whakapapa [genealogy], mauri [life essence], life forms, essence, and all those things. I would describe the work that I do, my involvement or my philosophy, as definitely kaupapa Māori and the other side would be mana wahine, asserting the position of Māori women and the rights of Māori and the integrity of Māori women. What I've done in my own doctoral research is actually look at that concept of mana wahine as a theoretical framework within a kaupapa Māori theoretical framework. So, when expressing our understandings, we need to ask ourselves how aware we (Māori) are of wider Māori philosophies.

My position on that is that once we actually have a society or are in a position where things are healthy for Māori women and Māori children, things will be healthy for all. That's my basic position. This is because it is our women that carry the burden of many things and our women and children that carry the burden of much of the oppressive behaviour. There has been a tendency of our men to be co-opted into ways in which the Crown operates, and that's from way back, from the initial signing of the treaty. What I do is really driven by what I currently understand to be tikanga Māori and the ways in which I see that our people approach things.[14]

Percy Tīpene sees the mahi as one of protection and protector.

I think of an activist as a person who has strong convictions about his beliefs, and they're willing to put a lot of stuff into stating their beliefs. I think a Māori term for the Māori anti-GE movement is "tohunga whakatau kaupapa", which means a person that advocates against GE, it's a person with knowledge and wisdom, so once you've got that, he's actually a tohunga, a person that has wisdom, that has knowledge, and he's a protector.[15]

Kaitiakitanga is a sense of responsibility, an obligation to care for all things, which is felt deeply by those in the Ngā Puni Whakapiri movement.

Whakapapa, Mauri and Wairua

Dr Leonie Pihama sums up the whole GE area as directly affecting whakapapa.

It's just another form of oppression, except that there is a direct effect on whakapapa, it's much more direct, spiritual, and cultural.[16]

Māori anti-GE activism is a passion that encompasses more than the individual activist, as already touched on by Dr Leonie Pihama (where the mahi is more

important than the individual) and Annette Sykes (where this work is inherited). Dr Cherryl Smith explains this passion.

> *I came to the conclusion a long time ago that there is more than just me. It's one of those areas where the passion is more than just me. I do feel that it's the sort of thing that my grandmother, who's passed on, would be totally appalled by. She would be sickened by where things have gone. And so it's really ones like her, there's quite a few kaumatua* [elders] *from here who have now passed on, who I know heard about the glimmerings of it and were totally appalled, that such things could be happening all over. So I know that the passion we have, yours and mine, comes not just from us here in the here and now but comes from those before us as well. And I believe that the passion just tells us they are supplying the oomph to get out and do something and to be active in this area and work. And you know, I'd much rather spend my time on nice things. I'd much rather spend my time on just growing kai* [food] *and doing things which you know have a direct and immediate positive response for us. But GE is one that forces us to do all sorts of things, which is in response to protection.*[17]

Angeline Greensill describes our whakapapa—and thus kaitiaki—relationships to our children and our mokopuna (grandchildren).

> *That is a real concern for us, that there is going to be space for the children and the future generations that is going to be safe. This whole idea of kaitiakitanga is something that our people do, it's a responsibility and an obligation we have to the past and to the future. It's something we can't escape. So I think if you're born and brought up with that sort of tradition, it's very hard to walk away. You know, you have a conscience about it.*[18]

When Theresa Reihana is painting, she is always thinking of her mokopuna not yet here.

> *When I'm painting, my mokopuna go through my mind. My grandchildren aren't here yet, but that's what I think. That's who is always in my head. My future that aren't even here. You know I've been, I said to my partner, you know if there's one thing that you help me do in our whole lives that we could achieve, it would be helping us to do something against this, whether it works or not. It could, you could never ever be wrong, ever.*[19]

When speaking about the transgenic cow research being conducted by AgResearch,[20] Jacqui Amohanga explains we have a whakapapa relationship to all things.

But don't forget, there are two components in that cow application. One was that they were going to muck around with the whakapapa of that cow. They were going to knock out a gene in that cow. Now, one of my concerns is that, as far as I'm concerned, we all are connected to the cow. We have a whakapapa connection to that cow. We have a responsibility; we have an inherited obligation as a kaitiaki to actually look after that cow. It has nothing to do with the mixing of human DNA into it. We have a responsibility to look after it. And that is, you know, that's one of the things I feel really, sort of, mamae (pained/sorrowful) about, is that people only stood up once the human DNA element came into it because we are connected to everything.[21]

Dr Cherryl Smith states strongly that interference with whakapapa occurs outside the laboratory as well as inside.

For us, if somebody interferes and manipulates human genetic material and puts it into animal cells, that abuse is just as much an abuse if it's behind closed doors as if it's out here in the paddock. For us it's the same thing.

I think we have clearer opinions because we've had a longer history of colonisation. And we have an understanding that unless we set up some pretty massive walls, it's the old adage, if you give them an inch they'll take a mile. You bring it into one lab, it's going to be in fifty labs. You expand it out this way, and the next minute you'll find, and so forth. And so for us it was very easy to be clear about what we were offended by. And because we have such strong beliefs about the tapu [sacredness] of a person and the need to honour the tapu of a person, and we do believe there are consequences for breaking those rules, I think for us, it's easier for us to say no way to everything.[22]

When explaining some of the concepts behind her paintings, Theresa Reihana explains the threat of GE.

I don't believe that the government's got any right to make decisions about our spirituality and concerning the whenua [land], our land. Genetic engineering threatens all, everything cultural, everything Māori. In our culture, mauri is the life essence of every single living thing on the earth. It's a cycle. Everything works together. You can't create life to save dying life. You can't cross species because it goes against all our beliefs, and it threatens our whakapapa because you can't take our DNA and mix it in with other animals and that sort of thing.[23]

Genetic engineering represents a significant threat of interference with the mauri (life essence) and wairua (spirit) of plants used in rongoā (traditional medicine), for example, as it would change the whole basis and composition of the traditional

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medicine making it unsafe for rongoā practitioners and rongoā users. Māhinekura Reinfeld, talking about her work at Karangaora, rekindling rongoā (traditional Māori healing) medicine within Taranaki, explains her work and the possible impacts GE would have on rongoā medicine.

> *Rongoā is any healing really, any medium of healing that we might like to take on. We look at traditional healing, so it could be honohono, like heat healing with hands, or hands–on, healing through your hands, like mirimiri, or massage. I think there's this notion of romance around healing because we're all healers, as I said, coming into your house last night is healing because it just has that real calm effect, and laughter of healing, crying of healing. So we all have the capacity to heal. And also in rongoā, there are people that practice rongoā in their own home, or medicines in their own homes, but there are people that take it on, maybe at a different level, and you might say a doctor or a specialist. And so I suppose, that's what Karangaora is.*

> *Within our own group, Karangaora, we've had continued discussion about the impact of genetic engineering on us because we're talking about whakapapa, our whakapapa, which is the changing of our spirit, of our very essence, of our being. And we can relate that to everything around us, including our plants. And this is where it impacts on us as healers or people of rongoā.*

> *So if we were to have genetic engineering within our plants, it will change the whakapapa and also the healing that we know within those plants and what they related to. So, with changes, it would impact on our whole social and spiritual well-being because the impact also is that it would change the healing within the makeup of those plants. If you interfere with nature, what is it going to do to the actual nutrition? The actual growth and the whakapapa, and also when you're talking about rongoā, what effect does it have on us? We won't know that. We will never know that. We might know in a hundred years when our people are getting another wave of unwellness. Because I believe that will happen if you change the spirit of something so precious to us.*

> *We're just rekindling rongoā and we do it, as far as we can, as we think, traditionally Māori, in that we use the oils and the creams from our birds and our fish, so I use fish oils, as well as our rakau, or our trees. So, there would be a whole chain that would be affected because the birds would be eating the rakau or the leaves and the berries, which have been genetically changed, which is going to change the oils and the makeup of that bird and the fish. So, I'm just talking specifically from a rongoā perspective. It would change a whole chain of things, our bush, our sea, Papatūānuku, and that of course will have an effect on us.[24]*

In Percy Tīpene's work in Te Waka Kai Ora,[25] he says being able to identify the whakapapa lines is important.

> *It's about telling our people about whakapapa, the genealogy lines. This organization here, Te Waka Kai Ora, has some real positive things towards promoting anti-GE. Why? Because if the actual produce that we're using doesn't have a whakapapa that aligns itself to an atua* [God]*, or a God, it's not on. So, when we're talking about our whakapapa to kaumātua* [elders]*, I can say that in the next few generations if we allow it to happen, your mokopuna* [grandchildren] *will be getting up to do their kāwai* [explaining their whakapapa links] *and it'll go like this: "My mother comes from a blade of grass, my father comes from a leg of a horse, my step-father comes from some plant species."*[26]

As kaitiaki, the Ngā Puni Whakapiri movement is vested with the responsibility of the protection of whakapapa. If the whakapapa of an entity is disturbed, interfered with or violated, this will directly impact on the mauri and wairua of that entity.

Conclusion

The objective of this paper was to conduct an exploration of the interpretation of the word 'activist' by drawing on conversations held with key figures in the Ngā Puni Whakapiri movement. These voices have been challenging the ethics of the biotechnology industry in Aotearoa, New Zealand, in particular in developing resistance to genetic engineering.

Activism is defined by this group as relating to kaitiakitanga, where people explained their views on our role in protecting our world, and whakapapa, where we have a relationship to all things.

What then does this say about the mahi of the Ngā Puni Whakapiri movement? This question needs to be answered with another: If you have respect for the world we live in, how can you try to control and interfere with it? My belief is that there should be no genetic engineering. There should be no patenting on life. It is undignified, disrespectful, and short-sighted.[27]

In this site of struggle, what seems plain to me is that the Ngā Puni Whakapiri movement is based on aroha, aroha for all things. Aroha is accepting and respecting all people of all races, and all things, animate and inanimate. Aroha is charity, respect, sympathy and love. This concept of aroha is strongly tied to the

philosophy of 'whakawhanaungatanga', or close family and community connections. This relationship extends to all things as we are all connected through whakapapa. As Professor Linda Tuhiwai Smith said, "It's about relationships, with all our relations [that is, we have a whakapapa relationship to all things]. This is research ethics."[28]

NOTES

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[1] This paper forms part of a chapter in my doctoral thesis, *Ngā Puni Whakapiri: Indigenous struggle and genetic engineering*.

[2] Angeline Greensill, research interview with the author, Hamilton, 9 March 2002. Angeline Greensill is of Tainui, Ngāti Porou, Ngāti Toa, Ngā Raurū descent. Angeline Greensill is a senior lecturer at Waikato University, lawyer and a central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao and Te Waka Kai Ora. She is also in numerous Māori local and national community organisations.

[3] Ibid.

[4] Annette Sykes, research interview with the author, Rotoiti, 17 March 2002. Annette Sykes is a Te Arawa lawyer in Rotorua doing a lot of work with Māori around Treaty of Waitangi issues and for Māori communities. She is also another central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao. She is also in numerous Māori local and national community organisations.

[5] Dr Leonie Pihama, research interview with the author, Auckland, 13 March 2002. Dr Leonie Pihama is of Te Atiawa, Ngāti Mahanga descent. Dr Pihama is a lecturer at Auckland University and is also the Director of IRI, the International Research Institute for Māori and Indigenous Education. She is also another central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao. She is also in numerous Māori local and national community organisations and is an accomplished Māori film-maker.

[6] Dr Cherryl Smith, research interview with the author, Whanganui, 1 March 2002. Dr Cherryl Smith is of Ngāti Apa, Te Aitanga-ā-Hauiti, Ngai Tumapuhia-ā-Rangi descent. Dr Smith is an academic and central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao and Te Waka Kai Ora (both these groups will be discussed fully in Chapter 7). She is also in numerous Māori local and national community organisations and was a member of the national Bioethics Council in New Zealand from 2002 -2004.

[7] Theresa Reihana, research interview with the author, Kaitāia, 7 March 2002. Theresa Reihana is a Māori artist from Kaitāia and is of Ngāti Hine descent. She has completed a series of paintings visually depicting Māori concern with genetic engineering. She is also another figure in the Ngā Puni Whakapiri movement, supporting the work of Ngā Wāhine Tiaki o te Ao and Te Waka Kai Ora.

[8] Jacqui Amohanga, research interview with the author, Hamilton, 9 March 2002. Jacqui Amohanga is of Ngāti Paretekawa, Ngāti Kaputuhi, Waikato-Maniapoto iwi descent. Jacqui Amohanga is another central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao. Jacqui is a member of Te Kōtuku Whenua Consultants, the Ngāti Wairere Environmental Agency; Ngāti Wairere is a hapū (sub-tribe) in the Waikato area. She is also in numerous Māori local and national community organisations.

[9] Percy Tīpene, research interview with the author, Whakatāne, 16 March 2002. Percy Tīpene is of Ngāpuhi, Ngāti Hine descent. Percy Tīpene is another central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao and Chairperson of Te Waka Kai Ora, a national Māori organics movement. Percy is also in numerous Māori local and national community organisations.

[10] Dr Graham Smith, research interview with the author, Vancouver, 15 March 2003. Dr Graham Smith is of Ngāti Apa, Te Aitanga-ā-Hauiti, Ngai Tahu, Ngāti Kahungunu descent. Dr Smith is a Professor at Auckland University, New Zealand, and Distinguished Visiting Professor at the University of British Columbia in Vancouver, Canada. Dr Smith is another central figure in the Ngā Puni Whakapiri movement. Dr Smith is also in numerous Māori local and national

community organisations, including past Chairperson of the Board of Te Whare Wānanga o Awanuiārangi, a tribal university based in Whakatāne, and Pro-Vice Chancellor (Māori) of Auckland University.

[11] See note 2 above.

[12] See note 8 above.

[13] See note 6 above.

[14] See note 5 above.

[15] See note 9 above.

[16] See note 5 above.

[17] See note 6 above.

[18] See note 2 above.

[19] See note 7 above.

[20] This research relates to the struggle between Ngāti Wairere, a hapū (sub-tribe) in the Tainui rohe (region), who have been fighting with AgResearch, a Crown Research Institute at the Ruakura Research Centre in Hamilton. Ngāti Wairere has been vociferously opposing the AgResearch application to place copies of human genes into cows. The scientific justification relies on the hope of producing therapeutic proteins in the transgenic cows' milk that may lead to a treatment for multiple sclerosis.

[21] See note 8 above.

[22] See note 6 above.

[23] See note 7 above.

[24] Māhinekura Reinfeld, research interview with the author, Vancouver, 8 May 2002. Māhinekura Reinfeld is of Taranaki, Ngāti Toa descent. Māhinekura Reinfeld is a rongoā practitioner (traditional Māori healing/medicine) at the Karangaora traditional Māori healing centre in Taranaki. She is also another central figure in the Ngā Puni Whakapiri movement and member of Ngā Wāhine Tiaki o te Ao. She is also in numerous Māori local and national community organisations.

[25] Te Waka Kai Ora is a national Māori organics organisation.

[26] See note 9 above.

[27] There are numerous references and websites that explain what's faulty about the science and deal with the inadequacies of the science that "supports" genetic engineering experiments and release of its products. An excellent website to begin the explanation of faulty science is the ISIS (Institute of Science in Society) website of which Dr Mae-Wan Ho is Director: http://www.i-sis.org.uk/. An excellent Indigenous website is the IPCB (Indigenous People's Council on Biocolonialism) of which Debra Harry is Executive Director: http://www.ipcb.org/. Other authors that critique this reductionist science are: Dr Ruth Hubbard and Dr Richard Lewontin.

[28] Professor Linda Tuhiwai Smith, speaking at a community workshop at Ōrākei, 6 June 2004.

AN ORGANIC ARISING:

AN INTERPRETATION OF TIKANGA BASED UPON MĀORI

CREATION TRADITIONS

Te Ahukaramū Charles Royal[1]

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ABSTRACT

Today, *tikanga* are commonly interpreted as actions or behaviours that are considered to be correct, right and appropriate. These views are widely held and are based upon an historical interpretation of the word *tika* as 'correct' or 'right'. This has lead many to compare tikanga with ethics and even with law. This presentation will suggest that this view of tikanga as ethics or law arises from a number of influences including the widespread adoption of a Biblically based Judeo-Christian paradigm which sees laws as 'handed down' and imposed upon a community. Additionally, in seeking pathways to empowerment, colonised cultures often aspire to expressions of power similar to that possessed by the colonising culture. This often leads to a confusion of concepts, language and worldview. For example, in the New Zealand setting, the mistaken view that mana and power are interchangeable is often heard.

This presentation will discuss an alternative view of tikanga by exploring usages of the terms *tika* and *whakatika* in Māori creation traditions. Here the word tika means to be 'upright' and 'erect' and whakatika means 'to arise'. This usage is found widely in traditional literature. For example, whakatika is the adjective used to describe the growth of Tāne which led to the separation of earth and sky. It is also used to describe Tāne's ascension to *Te Toi-o-ngā-rangi* (the pinnacle of heaven).

The conclusion drawn from these usages is that the growth of the tree is the model for tikanga. What might be meant by this? This presentation will suggest that the concept entitled 'tikanga', based as it is upon traditional literature and usage, suggests that behaviours (tikanga) naturally and organically arise out of a

person and a community. They grow like a tree from a 'ground' present within a person and their community. The presentation will propose that this 'ground' is referred to in traditional literature as *kaupapa* (first principles, foundation) and that kaupapa and tikanga reside in intimate correspondence with one another. The presentation will argue that, 'as a tree grows from the ground, so our tikanga flow from kaupapa'.

The presentation will then discuss the term *āronga* which is used in Māori language discussions for 'worldview'. The presentation will explore how Māori creation traditions represent an image and a view of the world out of which kaupapa and tikanga arise. This model, *āronga-kaupapa-tikanga*, is based upon thinking by the late Rev. Māori Marsden.

Finally, the presentation will then suggest that the way in which traditional literature and worldview approached ethics—including those pertaining to the pursuit and creation of knowledge (confer research)—lay in the terms *kaupapa, kawa* and *whakahaere*. These are the 'sites' in which regulated, sanctioned and appropriate behaviours are debated and contested in this model. Hence, in developing a view of research ethics based upon traditional knowledge, the presentation suggests that the discussion should alight upon *kaupapa, kawa* and *whakahaere* rather than tikanga directly as has been suggested in numerous quarters.

Perhaps the single—most important aspect of an indigenous worldview is the notion that the world is alive, conscious and flowing with a perennial energy. The natural world is not so much the repository of wisdom but rather is wisdom itself, flowing with purpose and design. We can say that the natural world is a *mind* to which all minds find their origin, their teacher and proper model. Indigenous knowledge is the fruit of this cosmic stream, arising organically when the world itself breathes through and inspires human cultural manifestation.

It is possible to draw a distinction between Eastern, Western and Indigenous Worldviews in the following way. In the west, particularly the Judeo-Christian west, God is thought to be residing outside of the world. It is thought that the world is not God 'himself' but rather a manifestation of 'his' creative power. Through the proliferation of meditative practices, the disciplines of the ashram, Hindu saints and so on, the East seeks to find God within, in the deeper recesses of human

consciousness. In indigenous worldviews, on the other hand, God is seen to be residing in the world—in the deserts, in the waters, in the forests and in the human person as well. And when we mean 'God', we mean the foundation or 'root cause' of all things, eternal and paradoxically immanent and ever present.

Now, whilst my little illustration can be challenged in many ways, it has nonetheless been helpful in orientating my thinking around knowledge, particularly when I explore the culture and knowledge of my ancestors. Leading from this view of the world being alive, conscious and wisdom filled is the obvious conclusion that all that we need to know, all that there is know and all that we should know already exists in the world, daily birthed in the great cycle of life.

There is so much to learn and to be taught by the designs and expressions that occur naturally in our world. The growth of the *tī* tree tells us of human autonomy and independence (hence, *tī-tahi)*, and the shallowness and interconnectedness of the roots of the *kahikatea* is a meditation upon unity and solidarity. The *huia* reminds us of human community and the *kōtuku* is the symbol of rare, once-in-a-lifetime beauty. The *toroa* embodies the great navigators of our Polynesian past, those who are able to cross vast distances of an unforgiving ocean.

To be taught by these things requires submitting ourselves to the dignity and presence of earth, sea and sky. We have to cleanse the lenses of our perception and humbly open our individual mind and knowledge to that of the world at large. Human audacity, achievement and accomplishment is expressed, in this worldview, in the degree to which the human person—their minds, hearts, bodies, spirits—become the instrument of nature. Our ancestors were at pains to transform themselves from their human states and into those forms and expressions of the natural world. The naming of children with tree and bird names and the donning of *korowai* cloaks effected the transformation of the person into a bird or a tree.

Hence, when we think about indigenous worldviews and knowledge and how we might approach the question as to behaviours of these cultures, let us remind ourselves of this great yearning of the natural world to speak through human creativity. That is, human cultural production is a natural organic expression arising from the contours, shapes and colours of the environments in which we dwell.

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Indigenous Knowledge and the World at Large

It is on the basis of these comments about indigenous worldviews and indigenity that I approach the topic of research ethics. Many in this conference will speak on ethics as they relate to research conducted by non-indigenous researchers and where the focus of their research falls upon some aspect of an indigenous community. Yet others will speak about indigenous researchers employing aspects of a western approach to research and explore, again, some aspect of an indigenous community or worldview. These are real world research scenarios and each requires discussion and debate to ensure that these types of projects are conducted appropriately.

My thoughts, however, arise from the question as to the way in which traditional indigenous knowledge and wisdom—particularly in the New Zealand setting—engages and explains the world in which it dwells. Hence, my interest is not so concerned with ethics pertaining to research designed to address and alleviate pressing socio-economic needs present in the Māori community (important and valid as this is) but rather with what lessons about life, existence and the world that might be drawn from our traditional indigenous knowledge, often referred to in New Zealand as mātauranga Māori.

In this way, the use of mātauranga Māori to analyse and consider aspects of our world is a different pursuit to that of much contemporary research conducted by us Māori. Much of our research is motivated by a desire to address certain matters and issues in Māori communities, the purpose of which is to make a contribution to 'Māori development'. Yet other kinds of research conducted by Māori include important and empowering analyses of the way in which colonisation and its instruments (i.e. the institutions of the state including the 'academy') have 'dealt' with Māori in history and today. This kind of research is located under a title called 'Kaupapa Māori Theory' which among other things, advocates for and articulates 'space' in which Māori are able to deconstruct orthodoxies pertaining to power, knowledge and their articulation in contemporary society, particularly as these relate to Māori. All these research activities are valid and necessary.

Research (particularly wānanga) into mātauranga Māori, with the purpose of creating mātauranga Māori derived analyses of the world, does something different again. As such, it adds another thread to the fabric of Māori related research activities. It starts with the premise that a body of knowledge existed in New Zealand prior to the arrival of the European in New Zealand. This body of knowledge was impacted upon seriously through colonisation, endangering it in many and substantial ways. However, all was not lost as new knowledge was created by Māori in the 19th and 20th centuries and important fragments and portions, particularly the Māori language, remain with us today. These *mōrehu* (survivors) knowledge fragments are sufficient to catalyse a new creativity with respect to mātauranga Māori.

A second and important premise within research into mātauranga Māori (what I call 'te wānanga i te mātauranga') is that its focus is not restricted to the Māori world alone. Evidence of this can be found in the whakapapa books of our ancestors, particularly those of the 19th century. When it came time to articulate their view of the world, this was not restricted to phenomenon of the 'Māori' world alone. Rather, their conception of the world was for the whole world as they knew and understood it at that time. Hence, their genealogies for plants and animals, for example, were genealogies for flora and fauna of the whole world.

Hence, the research questions that one poses of mātauranga Māori include the following (not exhaustive):

- How does mātauranga Māori explain the world?
- How does one become a vessel of mātauranga Māori in the manner prescribed for the whare wānanga?
- What is the approach of this body and tradition of knowledge to the creation of knowledge? That is, what does research look like from the point of view of this knowledge tradition?

These are the kinds of issues and questions that are now being posed of mātauranga Māori.

Developing Interpretations

Research into mātauranga Māori begins with a range of traditional material and seeks to understand certain principles and key concepts present in this body of knowledge. I was drawn to these questions about mātauranga Māori during my seven years at Te Wānanga-o-Raukawa, a whare wānanga located in Ōtaki. In that time, I was the convenor of a masters programme in mātauranga Māori and it was my responsibility to develop views and understandings about this body of knowledge. As such, I was drawn to a number of places to help me develop a view of these matters. These included:

- Working with a number of elders, female and male, and exploring their understandings and experiences with mātauranga Māori. These included extensive discussions with, among others, Rev. Māori Marsden of Te Tai Tokerau on a theory of mātauranga Māori, Dr Mīria Simpson of Ngāti Awa on the Māori language and its usages in oral and written texts and Dr. Tūkawekai Kereama of Ngāti Raukawa on iwi histories, traditions and the *tikanga* that are derived from them.
- Regularly visiting places and sites of significance in the mātauranga Māori tradition. For example, this has included ongoing visits to the Hokianga where Kupe traditions abound and regular attendances at King Movement hui where one is able to have conversations with many splendid elders.
- Exploring the extensive written materials that are now available to us, such as manuscripts written in Māori by Māori authorities or at their dictation. Of particular importance has been the whakapapa books of my own ancestors (Hūkiki Te Ahukaramū and Kipa Roera Te Ahukaramū) as well as works by Mātene Te Whiwhi of Ngāti Toa and Tāmati Ranapiri of Ngāti Raukawa, Additionally, the *Ngā Moteatea* series by Sir Apirana Ngata and Dr Pei Te Hurinui Jones continues to be important.
- Studying world wisdom traditions have also been important. This has included studying the ideas of Dr Manulani Meyer of Hawai'i (Hawaiian epistemologist) Dr Gregory Cajete of New Mexico (indigenous education) and Dr Dawn Martin-Hill of Canada (Iroquois) as well as studying myth and culture throughout the world through the works of Joseph Campbell, Jean Houston, Huston Smith, Mircea Eliade and many more. Exploring world wisdom traditions shows how

aspects of mātauranga Māori are responses to ubiquitous human questions and experiences.

Developing views of mātauranga Māori have also been shaped by certain ideas held within Te Wānanga-o-Raukawa. For example, it is the view of this institution that whare wānanga students should not just be students of their culture but also should be dedicated to be vessels of that culture. There is a desire for these students to be living embodiments of the culture and wisdom of their ancestors. Whereas this might be an outcome for university and polytechnic students, on the whole this goal is made explicit for the whare wānanga (and for *kōhanga reo, kura kaupapa Māori* and *whare kura*).

Hence, there are a range of matters to consider with respect to the way in which interpretations of ideas and concepts found within mātauranga Māori might be constructed. We are at the beginning of a journey toward discovering how mātauranga Māori explains the world and then how we might use these analyses of existence to understand life today. There are many things to consider. For example, there is a gender dimension to the way in which interpretations are constructed. There is no doubt that men and women are similar and different in delightful ways and it behoves us to create one dimensional male derived interpretations of mātauranga Māori when a range of interpretations is possible. Understanding, too, the nature of gender from the point of view of mātauranga Māori is important.

As a male, I possess a view of the world which arises from the particular combination of masculine and feminine energies at play within me. From a traditional Māori point of view, human individuals are the product of both Tāne and Hine which are seen as *wairua* or energy first and subsequently concretised into gender (this is not always so). Clearly the Tāne energy is ascendant in the male and the Hine energy is ascendant in the female, but this is not always so. On the whole, I recognise the masculine within me and note that this can influence the way in which stories are told, questions are drawn, conclusions identified. However, I also stress that it is simplistic to suggest that the male gender is *only* masculine and the female is *only* feminine. On the whole, we are an interesting combination of these things and human life is delightful in the infinite combinations that come forth into existence. (We should also note the use of male sources in this material.)

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There are many more questions here and there are others relating to research ethics. Today, I would like to share with you some thoughts about the concepts entitled *tikanga, kaupapa* and *āronga* as a way of thinking about knowledge creation—the goal of all research.

The Legalistic Approach to Tikanga

For some time now, our interpretations of the word *tika*—the root of **tika**nga—have alighted upon notions of 'correct' or 'right'. This interpretation of *tika* has lead to further interpretations of the term *tikanga* as correct, right or appropriate behaviours. I have used the term 'ethical behaviour', in the past, as an interpretation of *tikanga.* My thought, however, is that this interpretation of *tika* and, hence, *tikanga,* can be contrasted with meanings associated with tika that are found in traditional literature. There, *tika* is associated with concepts of growth, uprightness and alignment. I will discuss these later. As a result of exploring this traditional material, I have now come to the view that our contemporary use of the terms *tika* and *tikanga* have become legalistic and for a number of substantial reasons.

Firstly, there has been the widespread adoption of a Biblical paradigm of ethics, morals and laws. Today, for example, we often hear the terms *tika* and *pono* being used for truth and justice. Additionally, the Biblical notion of the laws and commandments being 'handed down from upon high' has also entered into Māori thinking. We can contrast this notion of a God upon high—a transcendental God—with the notion of the world in a perpetual state of *tupu,* or growth. Here the wisdom and knowledge of the earth *arises* or *ascends* from a source below rather than descends from a source upon high.[2] (My suggestion is that this notion of the land speaking 'up' and through human activity is a defining feature of the *tangata whenua* worldview.)

A second reason for our legalistic approach to tikanga comes from our understandable response to colonisation. A particular *wairua* or spirit that is strong in the Māori world today is litigiousness—holding the coloniser to account and seeking appropriate retribution for past wrongs. I call this kind of *wairua,* the *kerēme* (the claim)[3]*,* a preoccupation with seeking out perceived injustices and

holding onto grievances (mau-ā-hara). This kind of *wairua* also manifests itself when we Māori people hold ourselves to account for our own behaviours. Its worst excesses can be seen when an individual, who deems his/herself to be in the possession of superior knowledge of *tikanga Māori*, takes it upon themselves to correct other Māori about the proper 'Māori' way of doing things.

Finally, we are understandably urgent to project our culture into the world, to see it alive and enjoying effective expression in New Zealand society. Many associate this ability to express one's culture with the possession and expression of power. As the law, and those who the make the law, are specially empowered to have their culture expressed in the world, we Māori also seek something comparable, we wish to have this kind of influence and control, we wish to *ensure* that our way of doing things is done. That is, we seek a degree of power. In my view, this preoccupation with power (which does occur in the minds of some Māori) clouds our thinking about tikanga. Whilst gaining a degree of power is critical for any community in a western democracy I would like us to think deeply about *mana* and how it is different to power in some significant ways. All these things, I argue, have influenced our view of *tikanga* leading to a litigious and disputational approach. Further, this style of thought and action is reinforced by our definition of *tika* as 'correct or right'. Whilst one can find much literature using this term in this way—and I am not suggesting that it is incorrect - an alternative view is possible by considering Māori creation traditions.

Tikanga and Māori Creation Traditions

The broad thrust of Māori creation traditions is well known. The movement from darkness (Te Pō) to light (Te Ao), from nothingness (Te Kore) to existence (Te Ao Mārama), these themes are well understood. The key and central act in the creation story is the separation of earth and sky—a theme that is repeated in a number of mythologies around the world.[4]

In a version recorded by Wiremu Maihi Te Rangikāheke of Te Arawa, the term 'whakatika' is used in relation to the attempts by the various children of Ranginui and Papatuanuku to separate earth and sky. As the tradition explains,

Nā, whakatika ana a Rongo-mā-tāne ki te wehewehe i a rāua, kore rawa i mawehe. Nā ka whakatika a Tangaroa ki te wehewehe, ā kore ake i mawehe. Nā ka whakatika a ko Haumia-tiketike, pēnā tonu. Nā ka whakatika ko Tū-mata-uenga, pēnā tonu. Na, kātahi anō ka whakatika ko Tāne-mahuta…

Rongomātāne arose to separate the two, but the two were not separated. Tangaroa arose to separate the two but they were not separated. Haumia-tiketike arose but the result was the same. Tūmatauenga arose and the result was the same. Finally, Tāne-mahuta arose…
(*Ngā Mahi ā ngā Tūpuna* by George Grey 1858)

The children of earth and sky were lying in a deep darkness and wished that light would shine upon them. They discovered that by separating their parents, the sun would shine into their darkened void. A number of the children attempted the task but were unsuccessful. Finally, Tāne tried and was successful in lifting his father above. The important matter to note here is the use of the term *whakatika* as the verb to describe the arising of each child in their attempts to raise the sky above. Each child arises, that is they *whakatika,* and attempt to lift the sky above. Hence, *whakatika* means to 'arise'. By extension, therefore, *tika* means to be upright and erect.

The term *whakatika* is also used for orators in a pōwhiri. That is, when a person arises to speak, it is said that they *whakatika.*

> Mutu ana te kōrero ā Te Rauparahā
> Whakatika ana ko Pōtatau
> Te Rauparahā completes his speech
> And Pōtatau arises

When they are upright and speaking, they are now in a state of *tika*. They are also a *tikanga* (the gerundive of *tika*), that is, an erection, an arising*.* As the pōwhiri ritual is a re-enactment of the creation story, orators too arise like the children to raise the sky above and bring light into the world. This is the symbolic purpose of the *whaikōrero* (oratory)[5]—the seeking of an illumination (māramatanga) by which the iwi is guided in their response to a particular matter which forms the *kaupapa* or purpose of the pōwhiri itself.

The same term is used in the following example describing the performance of Te Kahureremoa in the *whare tapere.* Te Kahureremoa is an aristocratic woman who, during a journey, visits a pā, there to perform in the whare tapere.

Tino *whaka**tika**nga* o te wahine nei ki runga ki te haka, i te toronga kautanga o ngā ringa inamata e whakatangihia ana ki te ngongoro; ko ngā ringa me te mea ka marere, ko ngā koikara piri ana i tua i te angaangamate o te kapu o te ringa; koia anō me te mea e komurua ana te tamāhine ā Paka, tā te Aitanga-ā-Tiki pai, tā te kotahi ā Tū-tawake pai, arā ōna whakataukī o te rangatira, "He riri anō tā te tawa uho, he riri ano tā te tawa para;" ara o te rangatira ōna whakataukī, tū atu ki te haka, he haka anō tā te rangatira, he haka anō tā te ware, he porahu noa iho ngā ringa.

And so the woman rises to dance, as soon as she extends her arms exclamations of surprise and admiration can be heard it is as though her hands will leave her body, her fingers arch to touch the back of her hands; it is as though the suppleness of Paka's daughter has come from constant training and massage, she is the epitome of feminine grace and beauty in the dance; there are many sayings concerning the nobility, the sound tawa has its qualities, the inferior tawa has its qualities so it is said of the high born when they rise to haka that they have their style and the low-born have theirs, their hands look awkward…[6]

Here the same idea occurs with Te Kahureremoa *arising* to perform. Another way of looking at whakatika, tika and tikanga is by considering the growth of a tree. As Tāne was the child who successfully separated his parents and as Tāne is the tree, we can say that these terms are applicable to the growth of the tree. And so they are. As a tree grows, it symbolically hoists the sky above. We say in Māori, 'kei te whakatika a Tāne ki runga.'

What this suggests is that a *tikanga* is an 'arising', an 'erection'. If someone or something is in a state of *tika,* they are literally upright[7]. Given these interpretations, tikanga are those behaviours that naturally and organically arise out of a person and a community. Whilst tikanga are modelled by others and are learnt by individuals, the behaviours of the individual grow out of a person's life like a tree grows out of the ground.

The illustration I like to use to help understand this concept concerns the growth of a child in a family. If a child is raised in love, in a loving environment, this is the

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ground or *papa* that will exist within that child. Consequently, their behaviours will grow naturally and organically out of this ground. Similarly if a child is brought up in anger—or anger and pain is present in the home environment—this too will become the *papa* or ground present in the interior world of the child. And their behaviours will naturally and organically spring from this ground.

Hence, *tikanga* grow like a tree from a 'ground' present within a person and their community. That is, tikanga are the natural outcome of a 'ground', a *papa,* present within the individual and his/her community. What might this ground be?

Kaupapa

In my view, *kaupapa* is the term used to denote this 'ground', this *papa* within the individual and his/her community. And it is at the level of *kaupapa* that issues as to appropriateness, correctness, the ethical nature of behaviours and so on are posed and addressed. One often hears,

> He aha te kaupapa?
> What is our purpose or topic of discussion?

Our elders are particular to ask this question in their discussions. Establishing the 'ground' is fundamentally important in *wānanga.* Traditionally, significance was attached to the physical locality in which a discussion took place as the site might be associated with an ancestor or with an event. A key aspect of an ensuing discussion was an intuitive search for the 'presence' of the spirit or mana of the physical locality within the discussion. In some instances, certain discussions were not permitted to take place unless it was conducted at a certain location, upon a certain site.

Hence, our elders, at times, are particular with respect to the actual site of discussion and the question 'he aha te kaupapa?' is continuously discussed. Interestingly enough, the complimentary question pertaining to *tikanga* does not relate to behaviours but rather to meaning.

> He aha te tikanga o tētahi mea?
> What is the meaning of this?

Kaupapa is very important in the life of the individual and their community. It is by sharing in a common kaupapa that the individual and their community find the answers to life's great questions, and also by which they are able to find inspiration and validation for the actions one takes in one's life.

Contests over land are contests over *kaupapa.* The ancient Polynesian movement across water, from island to island, is a movement from kaupapa to kaupapa, at times hotly contested. The Māui story relating to the fishing up of an island—this story appears in various forms throughout Polynesia—is a story of an individual seeking out a *kaupapa* that is appropriate to them. Māui was not content with pulling ashore at another person's island as this represented a commitment to someone else's *kaupapa*. Māui was also not content to fish in the *known* fishing grounds understanding that this too would result in allegiances and commitments to those who preside over those fishing ground. Māui sought to go to the deepest part of the ocean (te au o te moana) to where no one had been before and to where no one could lay claim. Thus he was able to haul up his fish, his *kaupapa* free from any previous relationship, allegiance or commitment.

This same contest over land continued in Aotearoa and Te Wai Pounamu where battles for *mana whenua,* were again battles over kaupapa. Movements from island to island, across the watery world of Tangaroa, were replaced by movements across land. Interestingly enough, however, this was still considered as movements from island to island. Even today, the island image remains fixed in the Aotearoa worldview, represented for example in conceptions of the marae as an island. Visitors are often welcomed with the following *haka pōwhiri:*

> Tōia mai te waka
> Kumea mai te waka
> Ki te takotoranga i takoto ai te waka.
> Drag the canoe
> Draw the canoe
> To its landing place.

The essential meaning here is that an individual and a community is able to move through life seeking their *kaupapa,* their ground of principles or values which they hold dear and have committed to. Like a navigator traverses the ocean seeking land, so a person moves across the sea of life seeking a kaupapa to which they

can make a commitment. These ideas are again reflected in creation traditions which contain an *imago mundi,* an image of the world out of which *kaupapa* and *tikanga* arise.

Kaupapa and Creation Traditions

According to a tradition recounted by Hūkiki Te Ahukaramū of Ngāti Raukawa in 1856, Papatuanuku was at first the wife of Tangaroa. She had an adulterous relationship with Ranginui and their offspring was Tāne who later separates the two parents. The manuscript reads as follows:

> Ka moe a Ranginui i a Papatuanuku te wahine o Tangaroa, i pūremutia e Ranginui…
> Ranginui cohabited with Papatuanuku, the wife of Tangaroa, an adultery initiated by Ranginui...
> (*'Native traditions by Hukiki te Ahu Karamu o Otaki Jany 1st 1856'* edited by Te Ahukaramū Charles Royal 2003)

The marriage of Tangaroa and Papatuanuku is an *imago mundi* and reflects the Polynesian view of the world. Here Tangaroa is the dominant presence. If you do not know Tangaroa in Te Moananui-ā-Kiwa, you're in for a bumpy ride. The image of the world that is represented in this tradition positions Ranginui above, Tangaroa in the middle and Papatuanuku below. This is the primary orientation of the world.
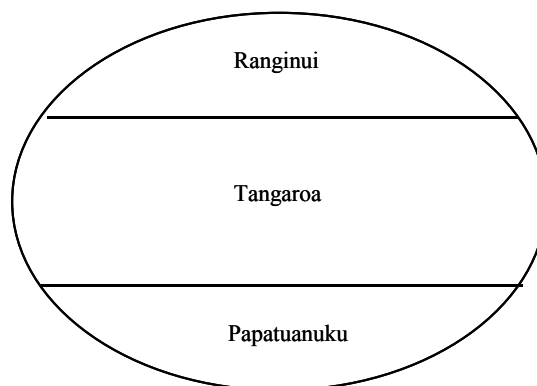
Hence, Tangaroa and Papatuanuku are in relationship to one another. Later Papatuanuku moves through water (Tangaroa) to be with Ranginui.
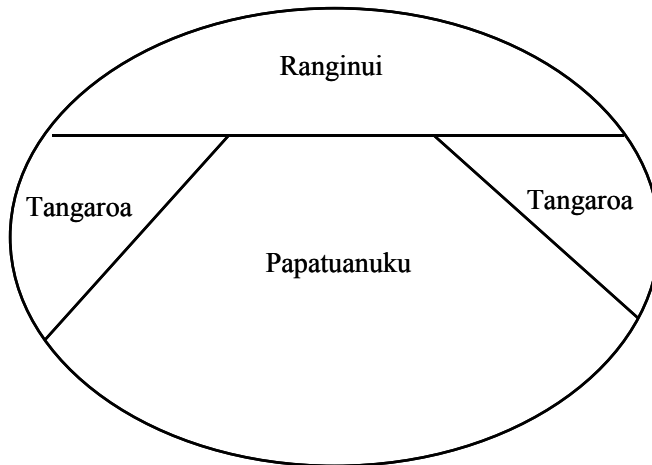
From the union of Ranginui and Papatuanuku comes their child Tāne. The growth (confer *whakatika*) of Tāne then separates his two parents, Ranginui and Papatuanuku, and the world as we know it comes into being.
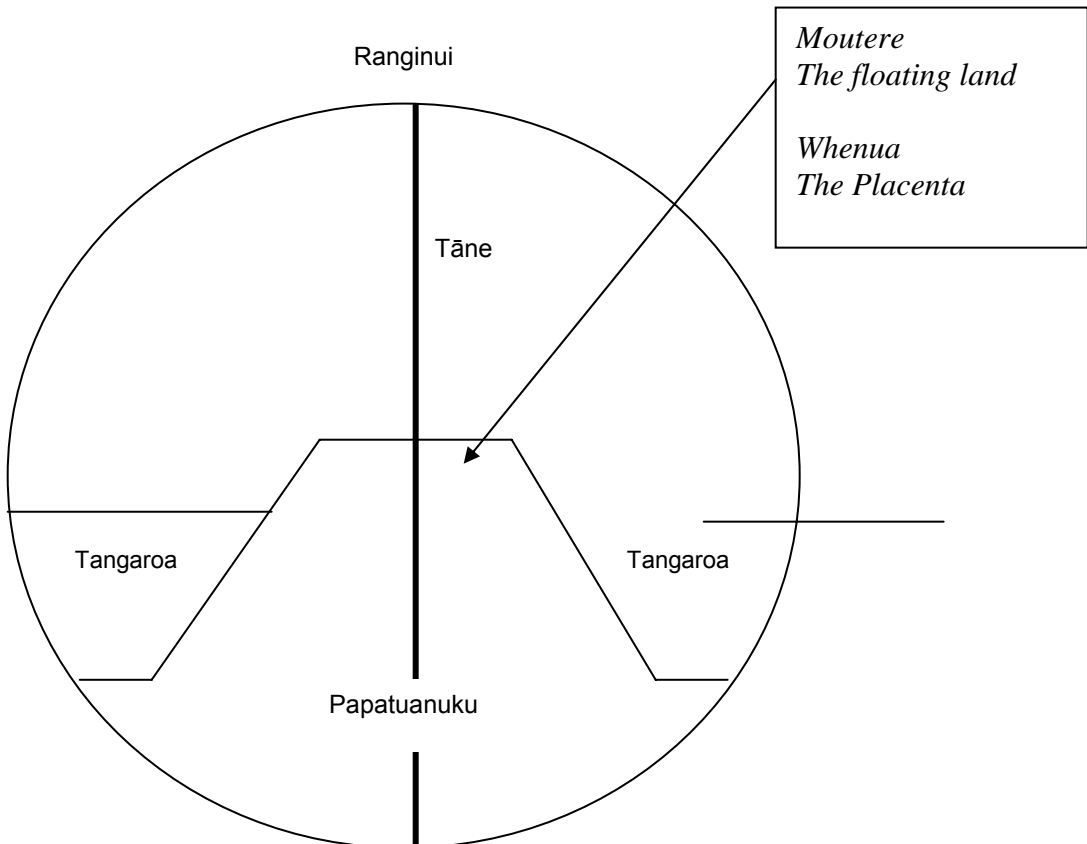
An interesting aspect of this description of the world is the use of the terms *whenua,* or placenta, and *mou-tere,* or floating land. Following the birth of Tāne, he grows to separate earth and sky. Papatuanuku returns under the water and left above the water is the *whenua* or the placenta from the womb of Papatuanuku. It is for this reason, I suggest, that the islands of Polynesia are said to float (numerous stories of floating islands can be found throughout Aotearoa), a notion that is reflected in the term *mou-tere*[8] which translates as the 'floating land'. Sometimes islands are also termed *motu,* which means a 'breaking away', again reflecting the 'breaking away' of the placenta from the body of Papatuanuku.

In my view, this notion of land moving through water to become a foundation or a *papa* is captured in the term 'kaupapa'. That is, Papatuanuku moving through water is analogous to a kaupapa rising in one's consciousness. Māui fishing up the land is symbolic of the individual's ability to draw up a kaupapa, a base of values within one's consciousness.

Māori Marsden defines kaupapa as 'first principles' and also explains that the word 'kau' in kaupapa means 'to appear' or 'the appearance'. (See *The Woven Universe: Selected Writings of Rev. Māori Marsden,* edited by Te Ahukaramū Charles Royal. The Estate of Rev. Māori Marsden 2003). He used the example of a person diving under water beyond the sight of those on a waka. As the diver returns to the surface - that is, comes back into view - that person was said to 'appear' as in 'ka kau mai ki te aroaro.' (Appears into view) The effect of his interpretation was to show that kaupapa are *papa* that come into one's view, into one's *aroaro* or consciousness.

It was at this point that I made the connection between his interpretation of 'the appearance of papa' and the creation tradition noted above which speaks of the appearance of Papatuanuku from under water. It is my view, that the tradition concerning the movement of Papatuanuku through Tangaroa to be with Ranginui is analogous to the movement of a ground (papa) of values into one's consciousness. Kaupapa is a term that represents this movement of a base of values into one's understanding and perception of the world.
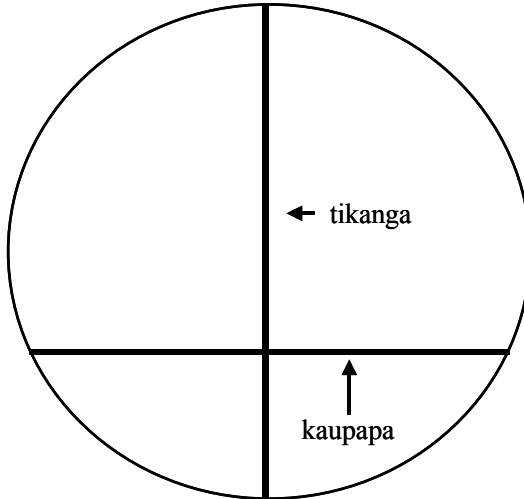
To summarise, kaupapa are 'first principles' that are brought into one's consciousness. These principles or values act as a 'papa' or a foundation upon which actions and behaviours are conducted. Kaupapa suggest natural directions. An act or set of behaviours grow out (whakatika) of this ground, this papa in natural and organic ways. This final image shows the relationships between kaupapa, tikanga, papa, Papatuanuku and Tāne.
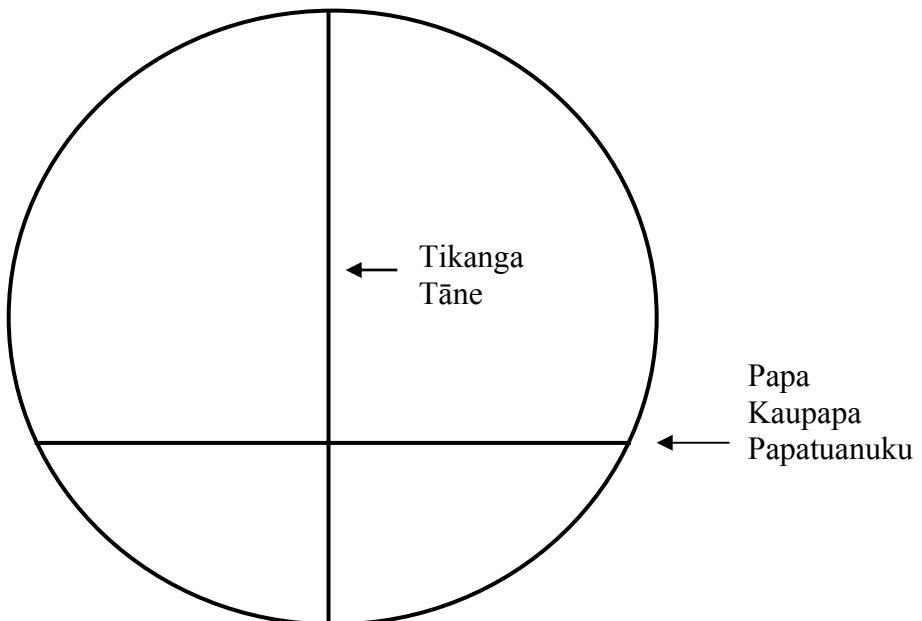
Āronga and Worldview

Thus far we have considered *tikanga* as those behaviours that naturally arise out of a *kaupapa* or foundation dwelling within an individual person and their community. The final part of this model is *āronga,* a term not often used in common parlance in the way in which *kaupapa* and *tikanga* are. There is a degree of common understanding about *kaupapa* and *tikanga* but not of *āronga,* a concept I have used on numerous occasions to stand for worldview. My usage of this term was suggested by the late Mīria Simpson of Ngāti Awa and arises from Rev. Māori Marsden's definition of worldview, which goes as follows:

> Cultures pattern perceptions of reality into conceptualisations of what they perceive reality to be; of what is to be regarded as actual, probable, possible or impossible. These conceptualisations form what is termed the 'worldview' of a culture. The worldview is the central systematisation of conceptions of reality to which members of its culture assent and from which stems their value system. The worldview lies at the very heart of the culture, touching, interacting with and strongly influencing every aspect of the culture.
> (*The Woven Universe: Selected Writings of Rev. Māori Marsden,* edited by Te Ahukaramū Charles Royal. The Estate of Rev. Māori Marsden 2003)

The essential meaning here is that all peoples and cultures develop views and perceptions on the world in which they live. These perceptions are formalised in certain ways (through storytelling, for example) and become the 'worldview' of the group of people who adhere to them. These ways of seeing the world are constantly repeated. For example, stories about the world are told time and again to the group. In time, the view of the world encapsulated within the stories forms the way in which a people see their world.

Arising from a people's way of seeing their world are their values. That is, what a people value or place value upon (or not as the case may be) arises from their view of the world, their worldview. If we see the world in a certain way, this will give rise to what we value. And what we value or don't value, will give rise to *the things we actually do*. This is what is meant when Marsden says, 'The worldview is the central systematisation of conceptions of reality to which members of its culture assent and from which stems their value system.' Hence, a worldview gives arise to values which gives rise to behaviours.

Now, life is much more complex than this and this explanation simplifies things a good deal. However, the relationship between our view of the world, what we value and what we do is commonly understood and each operates in a dynamic relationship with one another. For example, what a person does is an outward statement about what they value. Further, a person's view of the world is also given expression in what they do.

In Māori language discussions, I use the terms *āronga, kaupapa* and *tikanga* in the following way:

- *āronga,* for worldview, our view of the world
- *kaupapa,* for our values, our principles
- *tikanga,* for the things we actually do, our behaviours

Further, I use the following illustration which resonates with the illustrations used earlier in this paper:
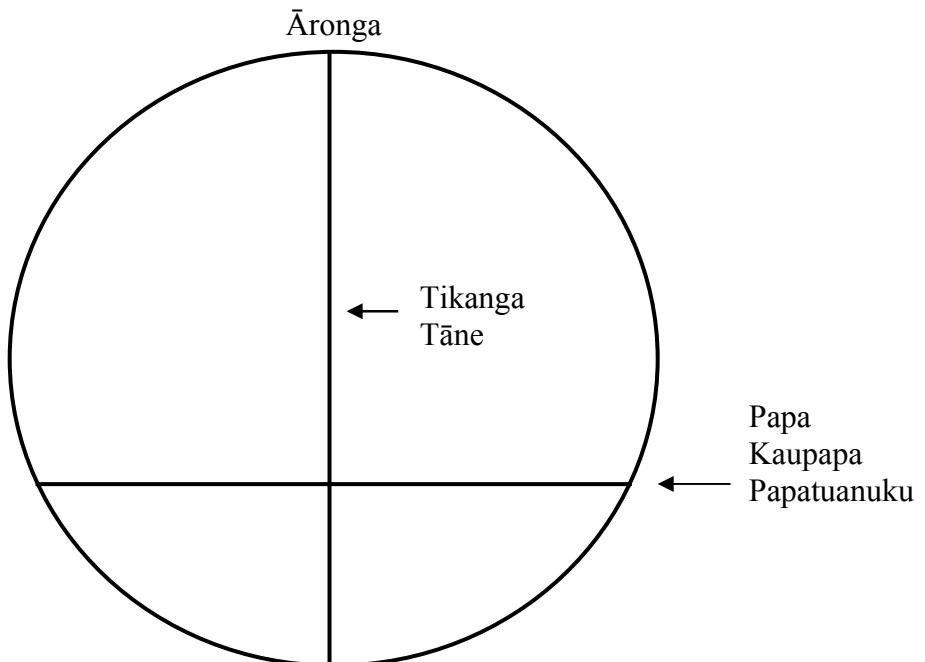
As noted earlier, *āronga, kaupapa* and *tikanga* reside in dynamic relationship with one another and it is often difficult to separate them out. For example, *tikanga* is

always a revelation of *kaupapa* (even when one is not conscious of the kaupapa that is operative within them). Āronga always drive kaupapa and tikanga, and so on.

I often illustrate this model by considering the beginnings of the King Movement. It has long been understood that an iwi's authority over a particular area of land is critical to the expression of that iwi's identity and influence in that land. If one loses control of the land, one's ability to give expression to one's culture and influence diminishes. Now, I call this kind of perception and understanding on the nature of things, an *āronga* statement. It is a view of the ways things are.

And so, when the alienation of land became a serious issue for Māori in the 19th century, further perceptions and assessments were made. European colonisation was posing a threat to iwi cultures because more and more land was being alienated. The King Movement grew out (confer *whakatika*) of this view of the world and the assessment that European colonisation was alienating land and leading to the disenfranchisement of iwi. Thus a number of land meetings were held and land retention became one of the most important *kaupapa* of the King Movement. This is *kaupapa* of land retention became a defining feature of the King Movement, so much so that adherents came into open conflict with the Government of the day. This *kaupapa* was espoused time and again in literature and other ways of communicating the message. For example, here are the words of a haka that was regularly heard in King Movement circles in the 1860s:

> Ka ngapu te whenua
> Ka haere ngā tāngata ki hea?
> E Ruaimoko, puritia, tāwhia
> Tāwhia, tāwhia, kia ita!
> If the land is alienated
> Where shall the people go?
> Ruaimoko, take hold, hold fast
> Hold fast, hold fast, never let go!

This haka urges people to hold on to their land, thus it reflects and reinforces this *kaupapa* of land retention. Finally, given this *kaupapa,* it is given practical effect in the activities and the behaviours, the *tikanga* of those who adhere to this *kaupapa*. As mentioned earlier, these ancestors were prepared to employ even

the *tikanga* of open warfare to give effect to their *kaupapa* of land retention. This can be illustrated in the following table:

Āronga (A Statement, perception or view about the nature of the world, or some aspect of it.)	Kaupapa (A Statement expressing a value or a principle)	Tikanga (An action taken or behaviours which naturally grow out of and give expression to *kaupapa.*)
The loss of land leads to the dispossession of iwi and the diminishment of iwi cultures.	Let us retain land, no more alienation of land.	Various actions were taken to halt the alienation of land including open warfare.

The model that has been discussed presents a way of thinking about *tikanga.* I have suggested that tikanga naturally arise out of an expressed kaupapa, agreed to by a person or a group as their 'ground of values or principles'. This interpretation is derived from meanings associated with the terms *whakatika* and *tika* that appear in Māori creation traditions. I have also suggested that kaupapa, in turn, flow from a people's perception of their world, their *āronga.* That is, as a people see their world, so this guides what they value or not value, as the case may be. And what they value leads to the things they actually do, their *tikanga*.

I have also qualified these explanations by saying that life, however, is not quite so simple. Sometimes people are not conscious of the *kaupapa* that is actually operative and influential within them, and their behaviours sometimes arise without conscious intention. Sometimes what a person says contrasts with an interpretation one might make about their behaviours. This gives rise to the well known saying, 'Do as I say, not as I do', admitting that what I profess does not always find expression in what I do. Hence, *āronga, kaupapa* and *tikanga* relate in dynamic and complex ways with one another, each influencing and giving expression to the other.

Kawa and Whakahaere

It should be noted that the *āronga-kaupapa-tikanga* model can be used to explore the worldview, values and behaviours of any people. We have yet to discuss tikanga *Māori* directly, but rather have been exploring a model for a way in which a people see their world *based* upon traditional Māori concepts and literature. An example of the model in operation in Māori history has been presented (the beginnings of the King Movement), however, this was used to illustrate aspects of the model. My thought is that the model could be used to consider the *āronga-kaupapa-tikanga* of any community or even an individual.

Finally, the question might be asked, how are behaviours regulated in this model? How do we know that a behaviour has been sanctioned as appropriate, correct or ethical? A possible answer is found in the emphasis placed upon *kaupapa.* That is, the continual discussion and debate about *kaupapa* is conducted with *tikanga* in mind. If we decide that this is our *kaupapa,* what are the implications of this kaupapa to our *tikanga?* This is one way in which behaviours were regulated and sanctioned, recalling the collective meeting upon a 'ground' to decide the kaupapa.

However, there were other terms and concepts used by our ancestors which can help us with this question. Specifically, I would like to mention *kawa* and *whakahaere.* In its simplest form, kawa can be translated as process, an activity that takes place over time and involving a number of individual behaviours. Our usual illustration of kawa is the process that takes place during a pōwhiri upon a marae. Again, in its simplest form, a pōwhiri, as a kawa, is a process that takes place over time and involving a number of behaviours or tikanga.

A key feature of kawa is that it orders behaviours in a certain pattern. That is, a kawa tells us that certain tikanga should take place at a certain time and in a certain order. Tikanga 1 should take place at the time of tikanga 1 and not at the time of tikanga 3, for example. So a kawa arranges tikanga into a particular order or pattern. But where do these patterns and process come from? If kawa is a process which orders tikanga in a certain way, how were these processes, these kawa arrived upon? There are numerous answers to this question and we do not have space to go into them deeply here. However, it is important to note that

many kawa are derived from *pūrākau* or the mythological narratives of our people. For example, the kawa for the pōwhiri—or the opening of a wharenui- generally follows the order of the story found in Māori creation traditions. The basis of the kawa in pōwhiri is the movement from darkness (Te Pō) to light (Te Ao) through the arrival of illumination (māramatanga, hence, Te Ao Mārama) into the world. This is where many kawa gain their sacred dimension in the sense that a kawa re-enacts the work of the Gods. In pre-contact times, almost all activities were supported by a sacred narrative or story which acts as the esteemed model for that activity. For example, gardening, fishing, birding, carving, weaving and so on, all were conducted with a presiding deity. The story which tells us about the deity acts as the basis for the *kawa* of the activity. By participating in the kawa, the persons involved are transformed into the presiding deity. For example, women who danced beautifully in the *whare tapere* were not like *Hineruhi,* they *were* Hineruhi. Similarly, master weavers became Hineteiwaiwa, orators became Tāne who separated earth and sky.

The key point here is that an important and sacred narrative—of gods or esteemed ancestors—provided the template by which kawa were then constructed. Those who participate in the kawa are ritually re-enacting the sacred time and events associated with the deities of the stories and thus effecting their own transformations. Hence, a sacred story is a way of regulating and sanctioning key behaviours.

The final concept I would like to mention, briefly, is *whakahaere.* This is the term used for the methods or the actual practices of an expert. A *tohunga* (expert) is one who is in possession of a *whakahaere,* a series of methods and techniques which enable them to complete their tasks. Again, a *whakahaere* may find its origin in the sacred narratives of their particular tradition but it is also expanded and tested through lived experience.

The ideas presented in this paper suggest a way of thinking about research, researcher and research ethics. For example, a way of thinking about the ethical nature of a research project could occur by considering a number of things:

- the *kaupapa* that has been articulated for the research project
- who has participated in setting the *kaupapa* for the project
- how often is the kaupapa discussed and debated?

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- Is there a 'ground' (symbolically representing the kaupapa) which the team may continue to return to, there to meet and discuss and by which deeper dimensions might be progressively revealed? And also where ideas might be contested?
- recognising that the kaupapa itself will immediately suggest certain direction and avenues of activity
- research also follows a process, a *kawa.* Are their certain narratives available to the research group which tell them about the conduct of previous research activities and which could act as model the proposed activity?
- Research methodology might be considered within the meaning of both *kawa* and *whakahaere*

To conclude, there is much to enjoy in exploring the traditional indigenous knowledge of Aotearoa. Perspectives on the nature of the world and our place within it are rich and are available to researchers. These perspectives concern the world at large and they also concern the way in which our thinking is conducted. Models of analysis and modes of expressions can be identified and be used to explore a particular style of inquiry and analysis unique to 'indigenous research'.

Dr. Charles Royal (Te Ahukaramū) is a freelance researcher, writer and musician. He belongs to Ngāti Raukawa, Ngāti Tamaterā and Ngā Puhi and works for his own company, Mauriora-ki-te-Ao/Living Universe Ltd. In 2003 he edited and published *The Woven Universe: Selected Writings of Rev. Māori Marsden* and *'Native Traditions by Hukiki te Ahu Karamu o Otaki Jany 1ˢᵗ 1856'*, a re-presentation of a manuscript dictated by his ancestor and containing Ngāti Raukawa creation traditions. His current projects include completing a book in Māori on mātauranga Māori (traditional Māori knowledge) and establishing *Ōrotokare: Art, Story, Motion*, a charitable trust dedicated to indigenous performing arts, the subject of his doctoral dissertation. In October and November 2004, Charles will take up a research residency at the Rockefeller Center for Research and Study in Bellagio, Italy, where he will commence work on a new book concerning indigenous knowledge. You can read more about Charles at www.mkta.co.nz

NOTES

[1] Director, Mauriora-ki-te-Ao/Living Universe Ltd.

[2] Of course, this is precisely the orientation found in the ascent of Tāne to Te Toi-o-ngā-rangi there to receive the baskets of the *wānanga.* Whilst the notion of 'ascent' to a Godhead (Io) upon high is well understood, it should also be noted that there are also notions of the immanent presence of Io in the world reflected in names such as Io-taketake.

[3] I relate to *te kerēme* as a kind of spirit, or even a ghost, that has long been in the Māori world.

[4] For example it appears in Egyptian and Chinese mythology and Hesiod's *Theogeny.*

[5] It is for this reason, I suggest, that in most iwi traditions men perform the *whaikōrero* as it is they who are ritually re-enacting Tāne's paradigmatic act. This is not always so, however, as women have also conducted the *whaikōrero* in the past. In my view, this is able to take place through an interpretation of these traditions as symbolic of masculine and feminine energy rather than as gender directly. The key feminine figures in the pōwhiri and the creation story is Papatuanuku (representing the marae) and Hinenui-i-te-pō and Hinenui-i-te-ao, (Hinetītama), who are, we will remember, are one and the same identity.

[6] Translation by Tīmoti Kāretu. See *Haka: the Dance of a Noble People* p. 18., by Tīmoti Kāretu. Reed, Auckland 1993

[7] This is also reflected in the upright and erect backbone, the correct posture for learning. All wisdom traditions talk about the importance of correct posture for learning.

[8] *Mou-tohorā* is a small island off Whakatāne. Tohorā is a term for whale.

THEY CAME FOR SANDALWOOD. NOW THE B...S ARE AFTER OUR GENES!

Lopeti Senituli
Nuku'alofa,
Kingdom of Tonga

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In October 1995 the University of the South Pacific (USP) in Suva, Fiji was on the verge of signing a bio-prospecting contract with Smith-Kline Beecham (now Glaxo Smith Kline) for the collection of plant samples from the villages and surroundings of Namosi and Ucunivanua in the eastern part of Viti Levu, the main island. Marine samples were to be also collected from sections of the coastline to which these two villages had traditional rights. A subsidiary agreement between USP and the villages concerned was expected to come into effect soon after.

As the Director of the Suva-based Pacific Concerns Resource Centre (secretariat of the Nuclear Free and Independent Pacific Movement), I publicly challenged the authorities at USP to freeze the signing of the contract.

I explained via the media that in negotiations of this nature, information is everything and pharmaceutical conglomerates such as Smith Kline-Beecham hold and have access to information and specialist advice far beyond that possessed by any village or indeed any Pacific Island country. I said, "The number one consideration should be that the villagers and resource owners are fairly compensated for allowing and assisting in the identification and collection of samples. We need to bear in mind that a sample will be sold for a one-time payment, but if successfully converted into a drug or medicine, will generate profits year after year indefinitely. It's a share of these profits we should be focusing on."

I also informed the media that a Pacific regional consultation on 'Indigenous Peoples' Knowledge and Intellectual Property Rights' held in Suva in April of that year found that bio-prospecting activities were happening in the Pacific region and that they were happening in a total policy and legal vacuum. That meeting had

called for a moratorium on all bio-prospecting activities and urged indigenous peoples of the Pacific not to participate in such activities until adequate protection mechanisms were in place. I also pointed out that a legal framework is particularly needed considering that many villages share the same plant species and the situation might arise of villages under-cutting each other in order to win contracts, or bio-prospectors simply shopping around until they found the cheapest and easiest source. Then of course there are the regional implications given that numerous plant and animal species (and their use, cultural and medicinal significance) are common to many Pacific island countries.

My challenge to USP to freeze the signing of the contract with Smith Kline-Beecham was accompanied by a list of issues and actions that it should consider. This list included the following:

- provision of a lawyer to represent and advise the villagers and resource owners
- provision of an expert in bio-prospecting arrangements to represent and advise the villagers
- transparency of the criteria for calculating the amount to be paid per sample
- prior agreement by the villagers and resource owners as to the ownership of samples and of intellectual property rights over any resultant drug or medicine
- prior agreement by the villagers and resource owners as to which side would have first right to patent any valuable substance discovered
- prior agreement by the villagers and resource owners as to the ownership of data arising from the collection, screening, research and development of each sample
- regular reporting by the pharmaceutical company to the villagers and resource owners regarding test results for each sample at the screening, research and development stages
- prior agreement by the villagers and resource owners as the criteria for calculating royalty payments to them in the event that a drug or medicine is developed from a sample
- voting shares in the company to be issued to the villagers and resource owners
- full disclosure by the company regarding all reasonable enquiries put to it.

To cut a long story short, Smith Kline-Beecham freaked out! Their delegation that had arrived in Suva for the signing of the contract left the country in a huff and the company soon dissociated itself from any bio-prospecting activity in Fiji and in the

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Pacific. (I later heard from one of the scientists at USP that SKB had dismantled its bio-prospecting department preferring to concentrate on Research & Development whilst out-sourcing the collection of plant samples.) USP to its credit quickly put together a bio-prospecting ethics code and created a multi-disciplinary committee to advise the University's Council and Senate on the issue. The Fiji Government also got into the act, creating a new task force within the Fijian Affairs Board to study and propose how Fijian traditional knowledge and intellectual property rights could be protected.

In November 2000 an Australian company, Autogen Ltd., announced that it had signed an agreement with Tonga's Ministry of Health to establish a major research initiative aimed at identifying genes that cause common diseases such as diabetes among the "unique population resources of the Kingdom of Tonga". The research would involve the collection of tissue samples and health data from consenting individual Tongans. In return Autogen agreed to provide annual research funding to Tonga's Ministry of Health in addition to paying royalties on revenues generated from any discoveries that were commercialised. Any new therapeutics developed from the research would be provided free of charge to the people of Tonga.

The Tongan public was incensed that it knew nothing about the agreement or its implications prior to the Autogen announcement. There hadn't been any hint from the authorities that negotiations had been ongoing. If Autogen's public announcement of the agreement via the Australian media was intended to coerce the Tongan Government into fast-tracking the approval of their proposal or railroading local opposition, they had another think coming.

As the Director of the Tonga Human Rights and Democracy Movement, I initiated the public opposition to the proposal. I urged the Tongan Government not to be blinded by the seemingly lucrative benefits that Autogen was offering. I said, "Existing international intellectual property right laws favor those with the technology, the expertise, and the capital. All we have is the raw material—our blood. We should not sell our children's blood so cheaply."

We opposed the Autogen research proposal for various reasons. Primary amongst them was the fact they were not going to look beyond individual prior informed consent. The Tongan extended family, the bedrock of Tongan society,

would have no say even though the genetic material donated by individual members would reflect the entire family's genetic make-up. And although Autogen stated that their research would not involve the whole population of Tonga (only individual patients), the database they would establish would in effect be pretty close to complete given the limited size of the population, the ethnic homogeneity and the high incidence of diseases such as diabetes. (Incidence of diabetes amongst Tongans in 2001 was reported at 14%).

It was also our view that the benefits offered by Autogen were a literal drop in the Pacific Ocean. The promised royalties from any therapeutics and the provision of those therapeutics free of charge to the Tongan people were, we felt, prefaced by a huge 'IF'. In contrast, Autogen would reap rewards from the moment they were able to confirm that they had an 'official' agreement with the Tongan Government. Such an agreement would immediately attract research and development capital from the giant pharmaceutical conglomerates such as Glaxo Smith Kline and Merck (of Darmstadt) to whom Autogen was actually sub-contracted.

Autogen's 'Ethics Policy' made clear that participants may elect how their samples and data can be used and that samples will be securely stored and will be discarded once the purpose for which the sample was collected had been achieved. But scientists often share their collections with their colleagues as a matter of course or for a price. In any case, no enforcement mechanism was spelled out in the document.

Like the situation in Fiji in 1995 Tonga did not have any national legislation or mechanisms to regulate biological and genetic research or the transfer of samples and data. Its intellectual property legislation was still in infancy.

In January 2001 the Hon. Minister of Health denied he had signed an agreement with Autogen but admitted that discussions had been ongoing. This denial was repeated by Chief Superintendent of Tonga's main referral hospital at a Pacific regional bio-ethics meeting for Church and community leaders in March. He also stated that any genetic research conducted on the Tongan people should have the prior approval of the Tongan Government and that his Ministry was in the process of setting up a National Health Ethics and Research Committee. (This was formalised in February 2002.)

Autogen on the other hand had not given up on its proposal. By the end of 2001 it had not altered its website to delete references to Tonga. In January 2002, I believe Autogen made one last attempt to revive its proposal by 'planting' an article in the regional media via Radio Australia. Part of the article read "… Australian authorities are helping to tackle a growing health crisis in Tonga. The Government of the island country admits it is in the middle of a national health disaster caused by years of overeating and a taste for junk food…. Ironically the country's best chance of tackling diabetes is the one they are almost certain to refuse…. Autogen has been attempting for more than a year to persuade the Tongan Government to allow it to construct a DNA database of the country's 108,000 residents. One company source says that the data they want to collect would be vital in tackling diabetes and related illnesses. Officially the proposal is being considered by a special government health, ethics and research committee but few people believe it would go ahead."

We used this as a pretext to accuse the Ministry of Health of lying to us and to do a little 'planting' of our own by dropping hints to the media that perhaps Autogen could be attempting to disguise its genetic research proposal behind an already approved Australian Government funded heath-aid project. It had the desired effect.

In March 2002 I was informed by Autogen's Chief Scientific Officer, Dr Greg Collier that Autogen "…had no intention of doing any research in Tonga in the future at all." He continued, "Most of our research at the moment with population and family DNA collections are concentrated in Tasmania as there are some very interesting family structures (I'd say!) and plenty of interested researchers to support our work. It is a pity about the work I had planned in Tonga—but as we discussed we did not handle the potential collaboration very well with the Ministry of Health and the wrong messages emerged. This has gone past any chance of rescue but one day we may work with families on islands in other parts of the world." Autogen has since disappeared from the face of the earth but there is no doubt in my mind that its principals are in a huddle refining their strategy, polishing their tactics and sweetening their offer before they will re-converge on, as Dr Collier said, "…families on islands in other parts of the world."

One question that has been frequently posed to us is: If Autogen had sweetened its offer and the issue of the extended family's prior informed consent had been resolved, would we drop our opposition to Autogen's proposal?

The Tongan people in general still find it inconceivable that some person or Company or Government can own property rights over a human person's body or parts thereof. We speak of the human person as having 'ngeia', which means "awe inspiring, inspiring fear or wonder by its size or magnificence." It also means "dignity". When we speak of 'ngeia 'o e tangata' we are referring to 'the dignity of the human person' derived from the Creator.

Immanuel Kant explains the meaning of 'dignity' by distinguishing it from economic value: "What has a price can be replaced by something else that is equivalent. What exists above all price, what does not allow any equivalent, has 'dignity'." The Tongan people believe that the human person has 'ngeia' because he/she is the culmination of God's Creation. Therefore the human person should not be treated as a commodity, as something that can be exchanged for another but always as a gift from the Creator. In a coconut-shell, our answer to the question, "Would we drop our opposition to Autogen?" is an emphatic "NO!"

This is reflected in the Final Statement from the Bioethics Consultation that was held in Tonga in March 2001, for Church and community leaders from throughout the Pacific Islands. The meeting was organised by the Tonga National Council of Churches and funded by the World Council of Churches. Amongst other things the final statement declared:

- We believe in God as the Supreme Creator of all living things.
- We believe all life-forms should be treated in a way that respects their intrinsic value as living generational manifestations of Creation.
- We believe scientific and commercial advances should not be allowed to proceed past the deliberations necessary for their social, moral, and ethical control.
- We believe the cloning of human beings is wrong.
- We believe that all forms of genetic engineering of human genes should be rejected.

Autogen's research proposal is not the first and will definitely not be the last foray by the pharmaceutical conglomerates into the Pacific Islands region.

In March 1994 the US Department of Health and Human Services and the National Institutes of Health were granted patents by the US Patent and Trademark Office on the human T-cell line of a Papua New Guinean man. According to the application, blood samples were taken from 24 people who belong to the Hagahai people of the Madang Province in May 1989. The cell line, the first of its kind, was potentially useful in treating or diagnosing individuals infected with a human T-lymphotropic virus type 1 (HTLV-1). This virus is associated with adult leukemia and with a chronic degenerative neurologic disease. The novel cell line was of potential value in understanding the enhancement or suppression of immune system response to this virus. The patent holders faced a major challenge from the Government of Papua New Guinea and the NIH abandoned the patents. However, the Hagahai cell line is now available to the public at the American Type Culture Collection as ATCC Number: CRL 10258 Organism: Homo Sapiens (human) for $216 per sample.

A second patent application was filed by the US Department of Commerce on the human T-cell line of a 40-year-old Solomon Island woman from the Marovo Lagoon in the Western Province and a 58-year-old man from Guadalcanal Province. The blood samples were taken in March and August 1990. Similar to the patent application on the Hagahai cell line, the Solomon islanders' T-cell lines were potentially useful in producing vaccines and/or diagnosing human T-lymphotropic virus type 1. As a result of protests by the Solomon Islands Government the application was abandoned.

The Pacific Indigenous Peoples' Knowledge and Intellectual Property Rights Consultation that was held in Fiji in April 1995 agreed to establish a Treaty for a Lifeforms Patent-Free Pacific. The treaty was completed in 1997 and is called the Hagahai Treaty. In the Protocol concerning Human Genetic Research in the Pacific region, the parties to the Treaty declared their intention to do their best to ensure that no patenting is allowed on any specimen—or anything derived from the specimen—taken from any person.

Although the Hagahai Treaty has not evolved much further it accurately encapsulates the dismay and anger of the indigenous peoples of the Pacific

regarding what is in effect the ultimate encroachment on the 'ngeia 'o e tangata', dignity of the human person. They came for sandalwood. Now the b…s are after our genes!

Enhancing Human Flourishing

in Indigenous Communities:

Challenges for Community Members, Researchers,

and Research*

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ABSTRACT

We must not shy away from protecting vulnerable populations, particularly those who choose to participate in the research enterprise. Their vulnerability should not reduce their intrinsic worth. No one is more in tune with their needs for human flourishing than the members of such communities. Yet, rather than involve community members in identifying and attending to issues of concern, some well-intentioned researchers and the research conducted in vulnerable communities often assume knowledge of what is in the best interest of participants. Most times, such an assumption is false. Furthermore, traditional knowledge, culture, and the issue of power are often given less attention. Although participating in research is important, it is not without risk. What then should be the nature of research conducted in indigenous communities? When confronted with research possibilities that purportedly would improve their lot, how should community members respond? How should researchers respond? How can a community-researcher partnership be forged that would focus on improving the human condition? In my keynote speech, I will attempt to provide insights into these questions in the hope that it would stimulate further meaningful discussions that may have implications for the development of ethically sound social policy or protocol for research in indigenous communities.

Introduction

'Kia ora' (breath of life to all of you) and greetings.

I rise to congratulate the conference organisers, including the planners and various volunteers, and to express thanks to them for what they have contributed to the success of the conference. I acknowledge with gratitude the grace and hospitality extended to me by Dr. Linda Smith and her team of dedicated workers. I acknowledge with deep gratitude my host community in Whakatāne, who accorded me such honour and treated my coming with such distinction. I say to all of you: your kindness will remain indelible in my memory.

I stand to recognise the non-Māori distinguished guests, as well as the various agencies that are present here today. I want to acknowledge the Māori people, the various 'iwis' (tribes), 'hapūs' (sub-tribes or communities), and 'whānaus' (families) present here today. I want you to know that I have come to share your burden, I have come to identify with your struggles, I have come from Nigeria, by way of the United States of America, to learn from you, and to share some ideas with you—ideas, which perhaps, on further discussions and reflection, you might find helpful as we work together to improve the human condition.

I am a citizen of the world, and I believe that wherever human beings are in the world, regardless of their state (economic, social, political or spiritual), their 'mana' (dignity) should be respected, not because of anything else, but because they are humans. I also believe that one must actively pursue that ideal. That is the notion that has kept me at Tuskegee for the past 16 years, ten of which have been spent in protecting human subjects of research.

My task

The topic of my talk, "Enhancing Human Flourishing in Indigenous Communities: Challenges for Community Members, Researchers, and Research" compels me to highlight:

1.   Some things worth noting.

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2. The way things are.
3. The way things ought to be, and
4. How we might make that happen.

Things worth noting

Here are some key words to ponder: enhance, flourish, research, vulnerability, community, culture, traditional knowledge, scientific knowledge, power, and partnership.

Time will not allow me to dwell on any of these in any detail, but in terms of painting a picture of 'the way things are', I do want to focus on my area of research interest which is 'vulnerable populations'.

The way things are

Vulnerable populations are typically:
1. Differently situated than the powerful majority.
2. Small in number compared to majority.
3. Historically marginalized.
4. Under-represented in discussions concerning their well-being.
5. Have research done on them rather than with them.
6. Capable of being coerced and exploited.
7. Have a need to protect individual and collective welfare.
8. Hard working but inadequately remunerated.
9. Need appropriate knowledge, skills, and attitude to face the challenges of modern day world.
10. Excluded from political life.

But these are not 'the way things ought to be', and if we must make a difference, I would argue that at least two propositions must be present.

The way things ought to be

My propositions are:
1. We must not shy away from protecting vulnerable populations. Their vulnerability should not reduce their intrinsic worth as human beings.

2. Our sense of social justice demands that everyone be assisted to flourish regardless of their state in life, if the resources are available; to do less would be unjust.

The way things ought to be

Given the topic of this talk, these propositions suggest that three questions must be addressed. The questions are:

1. What is human flourishing?
2. What does it mean to enhance it?
3. How do we enhance it?

What is human flourishing?

To flourish is to "grow luxuriantly, to achieve success, to be in a state of activity or production, to reach a height of development or influence…"[i] Human flourishing is having the capacity to reach one's highest potential in life, to live the good life humanly, socially, economically, politically and spiritually.

What does enhancing flourishing mean?

To enhance is to "improve the quality, increase the value, intensify the activity"[1]. To enhance human flourishing in indigenous communities is to deliberately plan and act to improve the quality, increase the value, intensify the efforts directed at enabling persons in these communities such that they can have the capacity to reach their highest potential in life, and to live the good life humanly, socially, economically, politically, and spiritually.

How do we enhance flourishing?

Here I would like to suggest two approaches that you may consider reasonable. It seems to me that if the issues and challenges we face in terms of enhancing human flourishing are in the community, the hope of any lasting solution will probably originate from the community. So, we should engage communities. In engaging the communities, we use the tools of 'research' (a systematic way of understanding the issues and concerns, and constructing new knowledge) to

formulate effective and lasting solutions. Given these approaches, I want to suggest the way things ought to be regarding the role and manner of research, community members, and researchers that would support the important task of enhancing human flourishing. I have dubbed these challenges:

The way things ought to be

Research projects should be:
1. Participatory in nature.
2. Done in partnership with community members.
3. Enhancing understanding of community needs and concerns.
4. Attending to community-identified concerns.
5. Relevant to community flourishing needs.
6. Adhering to ethical mandates for protecting human subjects of research.
7. Informing policy and policymakers.

The list just alluded to is a good start, and by no means exhaustive; but they pose challenges to indigenous community members. Community members must:
1. Become proactive by identifying who will represent your community.
2. Develop knowledge of issues that hamper flourishing in your community.
3. Become willing to participate as equal partners in discussions of such issues.
4. Insist on indigenous knowledge as credible in knowledge construction.
5. Address how to share power and control up-front.
6. Demand respect as persons and be vigilant.
7. Demand attention to cultural sensitivity.
8. Learn the language of research and research ethics.

By the same token, the list just discussed suggests some challenges to researcher. To conduct an ethical research, researchers must:
1. Remember this first lesson: "The first step in the evolution of ethics is a sense of solidarity with other human beings." (Albert Schweitzer)[ii].Show equal respect for the dignity of indigenous people and concern for all.

3. Become willing to share power and control with community members.
4. Become humble: there are many ways of knowing!
5. Become transparent by using language that indigenous people can relate to.
6. Aspire to be culturally humble, indigenous people usually are.
7. Research questions that are relevant to community flourishing needs.
8. Assist in developing community capacity to flourish.

Perhaps you are now thinking at this time that 'the community and the researcher' should have a meeting of the minds, there should be a 'community-researcher partnership'. Within this partnership, there are needs for advocates, knowledge brokers, transformers, collaboration; indeed, there is a need for a relationship paradigm. I would argue that with this kind of mindset, we would have an ethical approach to research in indigenous communities.

An ethical approach

The approach would have interconnecting, interrelated facets:
- CCF—Coherent Conceptual Framework
- CCC—Community-Centered Concerns
- CSP—Consistent Sensitivity to Particularities of the community, and
- ECR—Enduring Collaborative Relationships,

which are all embedded in the community as the center of activity that informs research.

Issues and concerns of the community are realities that could fit into a conceptual framework. Here is one way[iii] we are proposing to use at the National Center for Bioethics in Tuskegee. It consists of:

Conceptual framework

- Bioethics Spheres of Influence: Issues identified may fall into any of these spheres….
- Interdisciplinary Inquiry Groups would discuss the issues and recommend appropriate resources that are already in place or to be acquired, to address

the issues, and meet the needs identified by the community through research. Here is the model:

The Model

It is:

- Community-centered
- Reality-bounded
- Relationship-impelled

Summary

In summary, I have discussed (1) the way things are with vulnerable population, and one could say, for example, indigenous communities. I have suggested (2) the way things ought to be. We have reflected on (3) how we can make that happen, and I have presented some schematics that describe (4) an Ethical Approach to Community Based Research.

Hopefully, I have communicated the notion that in order to improve the human condition in indigenous communities, all of us have much work to do. We must connect research with the community. To do this is to make moral progress. As George Scialabba once indicated, "*Moral* progress depends on extending our imaginative range, identifying with those who are unnecessarily suffering".

NOTES

[i] Webster's Ninth New Collegiate Dictionary, Merriam-Webster Inc., Springfield, MA, USA, 1990.

[ii] Schweitzer, A., John B. Gerald (Translator). Difficulty of Ethics in the Evolution of Human Thought, Schweitzer, Albert Fellowship, 1985.

[iii] Sodeke, S.O. "Protecting Vulnerable Populations: Tuskegee's National Center for Bioethics in Research and Health Care is helping to pioneer participatory methods", *Protecting Human Subjects*, U.S. Dept. of Energy, Office of Biological and Environmental Research, 2003; 9 (Fall): 8-9.

PUBLISH OR PERISH:

NEGOTIATING NEW RESEARCH TERRITORIES

IN NGĀ WĀNANGA

Danica Waiti

Ngāti Pikiao, Te Rārawa
Te Tauihu o Ngā Wānanga

—

Introduction

This paper will begin with a short description of the background of Ngā Wānanga in Aotearoa New Zealand. Wānanga are modern tertiary education providers based on an ancient Māori institution of advanced learning known as whare wānanga (Waitangi Tribunal, 1999, p.3). Ngā Wānanga refers to all three established and legislated Wānanga; Te Wānanga o Aotearoa, Te Wānanga-o-Raukawa and Te Whare Wānanga o Awanuiārangi.

This paper will then analyse the recent effort of the government to emphasise the important connection between research and teaching at a tertiary level. This system is known as the Performance-Based Research Fund. Some thoughts will be given as to the appropriateness of this system for Ngā Wānanga.

Next this paper will explore the significant research gathering that was held 27–28 May 2004 and referred to as the Hui Rangahau. Many of the ideas in this paper are built upon discussions from the Hui Rangahau and reflect the general views of participants at that hui. Staff and students of Ngā Wānanga who attended this gathering sought to reach a collective stance on the activity of creating new knowledge and adding to existing knowledge (research). This paper will present the ideas that emerged out of this gathering in relation to a term for describing this activity and a set of protocols to be followed when undertaking the said activity.

Finally, a short analysis of the stance that Ngā Wānanga have taken towards research will conclude this paper.

A Background to Wānanga

For many years it was universities and polytechnics which dominated the tertiary education system in Aotearoa New Zealand. Up until the 1990s, Māori students had limited choices for study at the tertiary level. There was little diversity within the tertiary sector for Māori students, once leaving secondary school, to further their education outside of the established mainstream institutions that included universities, polytechnics, Institutes of Technology and Colleges of Education.

Under the legislative amendments of the New Zealand Education Act 1989, the opportunity arose for a fundamentally unique type of institution to be established and given statutory recognition as Wānanga. In 1993, two institutions were granted Wānanga status after years of government lobbying, Te Wānanga-o-Raukawa and Te Wānanga o Aotearoa. In 1997, Te Whare Wānanga o Awanuiārangi also received Wānanga status, raising the total number of recognised Wānanga to three. Ngā Wānanga are legislated under Section 162(4)(b)(iv) of the New Zealand Education Act 1989 as being:

> … characterised by teaching and research that maintains and disseminates knowledge and develops intellectual independence and assists the application of knowledge regarding āhuatanga Māori (Māori tradition) according to tikanga Māori (Māori custom). (Waitangi Tribunal,1999, p.11)

Over the past decade Ngā Wananga have developed a myriad of tertiary level programmes across a number of subject areas, from certificate to postgraduate levels. Some Wānanga have developed partnerships with other tertiary providers in the delivery of some courses and qualifications. The collaboration between Te Whare Wānanga o Awanuiārangi and The University of Auckland is one such example.

Each Wānanga is nurtured by a different community. Te Wānanga-o-Raukawa, for instance, is fostered by the tribal communities near the Wellington region. The ART confederation consists of the Te Ati Awa, Ngāti Raukawa and Ngāti Toarangatira tribes. Te Whare Wānanga o Awanuiārangi was established by the

communities of the Mataatua canoe in the Bay of Plenty region. Mataatua is one of the canoes that brought Māori people from Hawaiki to Aotearoa New Zealand.

Each Wānanga is unique. Just as universities have specialist disciplines, so too do the various Wānanga. Furthermore, each Wānanga has its own particular direction and strategy for the future provision of education to its people. Ngā Wānanga will also contend that their doors are open to all races and communities within Aotearoa New Zealand and abroad. Te Wānanga o Aotearoa, for instance, boasts a student population that is made up of 59% Māori and 41% Non-Māori (Te Wānanga o Aotearoa, 2003).

The success of Ngā Wānanga as tertiary level education institutions is illustrated in many ways, including student numbers. The overall growth in Māori participation within the tertiary sector is due largely to an increase in Māori student numbers at Ngā Wānanga (Ministry of Education, 2004). While Māori participation in Universities, Polytechnics, Colleges of Education and Private Training Establishments has remained relatively stable, Māori participation in Ngā Wānanga has increased markedly since 2000 (Ministry of Education, 2004). The largest percentage increase by far has been experienced by Ngā Wānanga, when compared against other tertiary education providers (Ministry of Education, 2004). As at 31 July 2003, Te Wānanga o Aotearoa was the largest provider of education to Māori students (Ministry of Education, 2004).

One of the principal objectives of wānanga Māori is to establish a Māori-controlled system of tertiary education with an emphasis on the key principle of mātauranga Māori (Waitangi Tribunal, 1999, p.3). The establishment of Ngā Wānanga is regarded as the next logical step in the development of an alternative education system that complete the education pathway option for Māori from early childhood right through to higher education.

Current Research Landscape

In Aotearoa New Zealand it is universities and other large research-focussed organisations that have traditionally cornered the research market for many years. On reflection of the latest results of the Performance-Based Research Fund (PBRF), the success of large universities in receiving large government-funded research projects is apparent. The PBRF system has been implemented by the Tertiary Education Commission to "encourage and reward research excellence" in

order to improve the quality of academic research within tertiary institutions in Aotearoa. (TEC, 2004, p.vii)

There has been much criticism of the PBRF system and Ngā Wānanga have also identified shortfalls in the system. Ngā Wānanga are newcomers to the requirements around research and teaching while some universities have been established for over a century. Yet despite this, both types of institutions are measured against the same criteria. This inequity is not considered by the PBRF system, instead Ngā Wānanga are "expected to conform to the same timelines, the same processes, as those who have been recipients of government funding for decades". (Bruce-Ferguson, 2004, p.3)

Many other requirements as set out by the PBRF system are also problematic for Ngā Wānanga. Much of the research that occurs within Ngā Wānanga is beneficial to the entire community who exercise trusteeship over the particular book, paper, tape or recording of the knowledge collected. In this way communal trusteeship overrides any personal advantage and advancement of the 'author' with respect to this knowledge. According to Winiata (2003), the PBRF system however, requires that research be identified with particular authors and this is directly incompatible with the notion of community trusteeship.

Furthermore, the self-evaluation component of the PBRF system is incompatible with a well-known Māori expression. When translated, this expression says "the kūmara (sweet potato) never says how sweet it is". In other words, a person should not talk about their own achievements for if their achievements are worthy, others will do it for them. The purpose of this expression is to teach the moral of humility. The PBRF system advocates the opposite of this virtue and many within Ngā Wānanga will find this to be inconsistent with traditional Māori values (Winiata, 2003).

Despite the PBRF system, Ngā Wānanga are choosing to participate where desirable in the contest for government research funding. The recipient of the largest cut of funding from the 2003/04 eLearning Collaboration Development Fund distributed by the Tertiary Education Commission was Te Wānanga-o-Raukawa. In collaboration with Te Wānanga o Aotearoa and Te Whare Wānanga o Awanuiārangi, Te Wānanga-o-Raukawa is contracted to deliver an eLearning-

focussed project to the Tertiary Education Commission. The current landscape of government-funded research is set to change.

This research collaboration sets the standard for future research negotiations between the Crown and Ngā Wānanga. It also signals an impending paradigm shift in the thinking of Wānanga staff and students towards research. In order to facilitate this thinking, Te Tauihu o Ngā Wānanga (the National Wānanga Association) organised a Hui Rangahau: a gathering of staff and students from Ngā Wānanga. With the help of keynote speakers (including Monte Ōhia, Dr Charles Royal and Dr Mere Skerrett-White) participants partook in workshops to debate and discuss an appropriate approach to the activity of research and, subsequently, a set of protocols to guide that research activity. The outcomes of these discussions are explored next.

A Definition of Research

From the Hui Rangahau it was made clear that for staff and students within Ngā Wānanga the concept of research is related to the activity of creating new knowledge and contributing to existing knowledge. There are currently three terms that may be applied to the activity of research. Two of these terms, 'research' and 'rangahau' are actively used in Aotearoa New Zealand. Another, 'wānanga', was put forward for consideration at the Hui Rangahau. All three terms are discussed here in relation to their appropriateness in capturing knowledge creation activity within Ngā Wānanga.

Participants in the Hui Rangahau agreed that the term 'research' holds negative connotations amongst many indigenous communities who have previously been the 'researched'. This is a stance also supported worldwide by indigenous scholars and writers including Smith (1999). Western traditional research practices undertaken in Māori communities since the 19th century are linked to European imperialism and colonialism (Smith, 1999). Not only does the Western worldview guide the practices and processes of traditional Western research, it solidifies the outcomes and conclusions to perpetuate a Western agenda.

Participants in the Hui Rangahau also concluded that resistance of Māori communities to traditional 'research' stems from the negative effects of the Western practices applied. Ngā Wānanga have been established by Māori

communities (iwi and hapū) as an alternative to the mainstream educational system in Aotearoa New Zealand, therefore to perpetuate a Western agenda is inappropriate. Adoption of such Western research practices it is neither the desire nor the aspiration of Māori communities in which Ngā Wānanga are nurtured and developed. Instead, Māori communities are exercising more authority and control over the research they choose to undertake or participate in. Participants in the Hui Rangahau were supportive of this more self-determining approach to research.

A second term, 'rangahau', is currently used in Aotearoa New Zealand by many organisations and individuals to describe research undertaken by Māori or with a Māori focus. It is also acknowledged by organisations, including Te Taura Whiri i Te Reo Māori (the Māori Language Commission), as a Māori language translation for the word 'research'.

On first reflection the term 'rangahau' seems a more appropriate word to describe the activity of knowledge creation within Ngā Wānanga. One obvious reason is the fact that the word is a Māori language term, fitting with the philosophy behind Ngā Wānanga. On further examination however, it appears that the linguistic application of this term is inappropriate and does not fully capture the essence of the potential activity within Ngā Wānanga.

Royal (2004) draws our attention to the traditional linguistic use of the word 'rangahau' to mean 'seeking', 'questing' and 'will to find'. Through examination of traditional literature, 'rangahau' is likened to a quality found within the inquiring mind and questing spirit (Royal, 2004, p.2). Granted these qualities are essential to the activity of knowledge creation, but stop short of capturing the entire research process and thus Royal questions the appropriation of the term 'rangahau'.

On reflection, participants in the Hui Rangahau also began to question this appropriation and discovered that indeed the use of the term 'rangahau' captures but a small component of the research activity: the hypothesis, the big question. What it fails to capture however, is the journey from asking the question to discovering the answer, and finally, understanding the answer. Discussions between hui participants included the various depths of knowledge acquisition.

Royal supports the need to search for a more appropriate term that not only describes the current contemporary activity of knowledge creation, but that is grounded "within the traditional lexicon of Mātauranga Māori (Māori knowledge) … based upon a sound tradition and application in historical usage". (Royal, 2004, p.2) His work around this was shared with participants in the Hui Rangahau.

The term put forward by Royal (2004) was 'wānanga'. Here it is important to explain the difference between the use of this word as a verb and as a noun. When reference is made to, for instance, Te Wānanga o Aotearoa, a person is referring to the institution Te Wānanga o Aotearoa and in this sense the word 'wānanga' is a noun. When a group comes together to debate and explore a topic this is often referred to as a 'wānanga'. In this sense the word 'wānanga' is a verb, an activity.

According to Royal (2004), confusion arises when the word 'wānanga' is used to describe an institution. In this sense, the words 'Whare Wānanga' are more appropriate, originating from Māori tradition as spaces dedicated to the maintenance of pre-existent knowledge and the creation of new knowledge.

The word 'wānanga' is commonly used by Māori language users as a verb to describe an activity when searching for and creating new knowledge that is collective, engaging and inclusive in nature. Many who have engaged in wānanga describe it as an empowering process, a forum for debate and exchange of ideas and where the concept of 'ako' is embraced. According to Pere (1989), 'ako' is a concept that describes the relationship between teaching and learning as one that is reciprocal and intimate.

On reflection, the group participating in the Hui Rangahau began to see parallels between these qualities that the word wānanga brings and the qualities that one would like to see in the contemporary activity of knowledge creation within Ngā Wānanga. To begin, the collaborative nature of wānanga ensures that control over the activity lies with the community themselves, as active participants in the act of coming together to wānanga.

Furthermore, the researcher comes not as an individual, but as part of the collective because you cannot participate in a wānanga without being engaged. The lines between the researcher and the community become blurred as the

collective group agrees on the processes and outcomes of the research. In this sense the researcher becomes a participant observer, subjective in the whole process and this is an advantage to the process.

According to Rev. Māori Marsden,

> The route to Māoritanga through abstract interpretation is a dead end. The way can only lie through a passionate, subjective approach. That is more likely to lead to a goal. As a person, brought up within the culture, who has absorbed the values and attitudes of the Māori, my approach to Māori things is largely subjective. The charge of lacking objectivity does not concern me, the so-called objectivity some insist on is simply a form of arid abstraction, a model or a map. It is not the same thing as the taste of reality. (Marsden, 2003, p.2)

Marsden goes on to say that "the writer must unmask himself for he can only interpret his culture to another in terms of what the institutions, customs, mores and traditions mean to him". (Marsden, 2003, p.2) And later, "only an approach which sets out to explore and describe the main features of the consciousness in the experience of the Māori offers any hope of adequate coverage. For the reality we experience subjectively is incapable of rational synthesis". (Marsden, 2003, p.22)

It is helpful to apply Marsden's comments to the activity of Māori knowledge creation and conclude that subjectivity should be viewed as a given, in order to reflect a true and valid picture.

When undertaken as a wānanga, the activity of knowledge creation is ongoing: an idea that appealed to participants of the Hui Rangahau. There is no one right answer that the 'researcher' sets out to prove or theory that they attempt to squash. Rather, the creation of new knowledge contributes to pre-existing knowledge to the benefit of that community. More knowledge is added to the basket, not replaced or substituted.

Of course there are considerations to be made when applying the activity of wānanga to the idea of research. Timeframes will need to be more flexible, as will the 'researcher' themselves. Much of the activity will also sit outside what is currently acceptable research practice from a government and mainstream Western point of view. For Ngā Wānanga however, agreement on the outcomes

of the research will prescribe the process to be undertaken. Validation of this process is not reliant on the government or Western society but on the Ngā Wānanga themselves. The importance of self-validation for indigenous communities thus remains evident.

Towards a Set of Protocols

Hui participants agreed that when undertaking any research activity or knowledge creation there needs to be a set of guidelines to be followed. The term most commonly applied in Aotearoa New Zealand to the set of protocols and rules assigned to the activity of research is 'ethics'. Ethics is a Western concept, related to the Greek term 'ethos'. According to the Collins English Dictionary, ethics is defined as "the philosophical study of the moral value of human conduct and of the rules and principles that ought to govern it". (Hanks, 1979, p.502)

In Māori society, the term used to describe a set of protocols and rules is 'tikanga'. When referring to the rules or customs of Māori society reference is made to tikanga Māori. For the purposes of this paper reference to the term 'tikanga' implies tikanga Māori.

The term 'tikanga' derives from the word 'tika', loosely translated as 'just', 'right' or 'correct'. The term is also linked to the word 'pono' meaning 'true'. Tikanga, according to Marsden (2003, p.66), means method, plan, reason, custom, the right way of doing things. Furthermore, Mead provides the following explanation:

> Tikanga are tools of thought and understanding. They are packages of ideas which help to organise behaviour and provide some predictability in how certain activities are carried out. They provide templates and frameworks to guide our actions… . They help us to differentiate between right and wrong in everything we do and in all the activities we engage in. There is a right and proper way to conduct one's self. (Mead, 2004, p.12)

From the descriptions above it is relatively easy to draw parallels between the meanings of both 'ethics' and 'tikanga'. The term 'tikanga' is sometimes used as a Māori language translation of the word 'ethics' in Aotearoa New Zealand. However, there is a fundamental difference which underpins the desire of hui participants to apply the term 'tikanga', and not 'ethics', to the activity of knowledge creation within Ngā Wānanga.

That fundamental difference is the fact that tikanga derive from Mātauranga Māori (Māori knowledge). Furthermore, "tikanga comes out of the accumulated knowledge of generations of Māori and is part of the intellectual property of Māori". (Mead, 2004, p.13)

As mentioned throughout this paper, Ngā Wānanga are institutes dedicated to the advancement of knowledge regarding Māori tradition and Māori custom. Hui participants felt that adopting rules and protocols that are derived from a Māori philosophical base is the only way that Ngā Wānanga can truly achieve these desires. Furthermore, the application of 'tikanga' to the activity of 'wānanga' was deemed to be logical by the majority of hui participants.

When considering the application of tikanga to research the hui participants agreed on the following. The tikanga to be applied to a particular research activity are laid down through the activity of 'wānanga'; the activity of coming together to share and debate ideas. Collectively, tikanga are chosen to be employed and agreement is set on the meaning and application of those tikanga. The consequences of ignoring the tikanga are known and the responsibility is collectively owned and understood by the group. Finally, the collective nature of these tasks provides a sense of community and a system for mentoring, teaching and learning.

Smith (1999) and Te Awekotuku (1991) are two scholars who have attempted to provide guidelines for researchers working with Māori communities. Smith herself admits that her list is not an exhaustive one, although it does provide some important practices to abide by when engaging in research activity. Ngā Wānanga have not yet attempted to produce a list or a set of guidelines, however already identified are some clear values that will affect the way this activity is carried out.

- A common expression in Māori society affirms that people are the most precious thing in the world—He aha te mea nui o te ao? He tangata, he tangata, he tangata. So in terms of research, responsibility is first and foremost to the people themselves.
- Tikanga are not compartmentalised but apply to everything: the environment, people, places, knowledge, books. All information should be treated with the utmost respect, regardless of where it has been gathered from, and the

appropriate tikanga (practice) must be applied at the appropriate time—me mahi te mahi tika i te wā tika.

The above are not new ideas amongst Māori scholars, writers and researchers. Hirini Moko Mead (2004) has recently published a timely account of tikanga and its place within contemporary Māori society. However, there is more thinking to be had within Ngā Wānanga around the use of tikanga as guiding protocols for research-related activity. It is clear however, from the hui participants and from Māori scholars, that there is more compatibility in the application of tikanga rather than the Western concept of ethics.

Conclusion

One significant conclusion that can be made from the Hui Rangahau is the importance of language. Many of the group were predisposed to react negatively towards the term 'research', partly because of the cultural baggage attached to it, but also because of the fact that it is an English language word. Reaction to the terms 'rangahau' and 'wānanga' was more favourable due largely to the fact that they are Māori language terms.

Initial reaction to the term 'ethics' was similar to that of the term 'research'. There was an almost instantaneous claim from the group that 'ethics' had no part to play within Ngā Wānanga. There was greater meaning and significance in the use of 'tikanga' as the guiding rules and protocols for research activity. Much of this reaction is due to the fact that Ngā Wānanga view research as the activity of *creating* new knowledge and *contributing* to existing knowledge.

In conclusion, the terms that hui participants found to be most suitable for Ngā Wānanga were Māori language words with appropriate historical and contemporary meanings, grounded in a Māori philosophical base. This is perhaps symbolic of the nature of Ngā Wānanga as institutions.

The conscious use of Māori concepts and words can be viewed as an act of defiance against Western or mainstream ideologies. Ngā Wānanga deliberately choose not to justify themselves against these ideologies but instead to validate and revitalise the Māori worldview. Through the development of a new definition of and approach to research, Ngā Wānanga also hope to demystify the realm of

research and create a new space for the advancement of Mātauranga Māori (Māori knowledge).

Granted, more thinking and debate is required around the acceptance and application of these terms by Ngā Wānanga. It is expected that future discussions and hui will help to shape the eventual paradigm shift of Ngā Wānanga towards research and knowledge creation, and contribute towards the overall efforts of indigenous peoples in the search for validation of traditional methods of and processes for creating knowledge.

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