



INDIGENISING KNOWLEDGE FOR CURRENT AND FUTURE GENERATIONS

SYMPOSIUM PROCEEDINGS

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TE WHARE
KURA

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INDIGENISING KNOWLEDGE FOR CURRENT AND FUTURE GENERATIONS

Edited by Deidre Brown

A joint publication between Te Whare Kura: Indigenous Knowledges, Peoples and Identities Thematic Research Initiative; The University of Auckland; and Ngā Pae o te Māramatanga, New Zealand's Indigenous Centre of Research Excellence

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Ngā mihi nui ki a koutou katoa

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For more information about Ngā Pae o te Māramatanga, New Zealand's Indigenous Centre for Research Excellence, see www.maramatanga.ac.nz

WHAKAAHUA

“Se‘i motu le pa ‘a’ ua iloa”

Karamia Müller. Cover image designer statement

The drawing is an analogy for the Samoan oratory proverb “se‘i motu le pa ‘a’ ua iloa”, translated as, “may the pearl shell fishhook never be lost before it is shown to others”. Within Samoan lauga (oratory) the proverb can be used to express “it is mean to hide one’s possessions”. To contemporise this indigenous value, a real pearl shell fishhook was illustrated by me using digital drawing software. Such technology has been specifically developed and used for architectural drawing documentation. This particular pearl shell fishhook is a traditional Samoan artefact currently in the collection of the British Museum (accession number AN8231540001).¹ A high-resolution image of the pearl shell fishhook was acquired from the British Museum online collection database. The image was then imported into the drafting software and traced using various design tools available in the software package. In doing so a deliberate move was made to reclaim the object; choosing to redraw the object using digital drawing technology also indigenises the media.

¹ The object is identified as “Fish-hook (with line) made of sinnet, pearl-shell, feather.” The British Museum does not give any contextual information on this object on its website: http://www.britishmuseum.org/join_in/using_digital_images/using_digital_images.aspx?asset_id=823154&objectId=493284&partId=1 (accessed 18 August, 2011).

WHAKAMŌHIO INTRODUCTION

Deidre Brown

The majority of the world's knowledge could be claimed to be indigenous. Indeed, the diversity of cultural knowledge is such that some academics have argued that it is better conceptualised as different “worlds” of knowledge, rather than “worldviews”. We live in interesting, if not frustrating, times, as those of us who have the freedom and resources of expression seek to recover, protect and promote indigenous knowledges that have suffered the disruption of colonisation, imperialism and globalisation. It is impossible to disentangle each of these three exercises, if one is working within an indigenous intellectual paradigm, as work in one area necessitates taking into consideration the other two. Many still work outside of this paradigm, unfortunately, as the capture of indigenous knowledges is central to the projects of bioprospecting (or “biotheft”) and technoprospecting, or sometimes just careerism. But times are changing. At a time when there is an increasing disparity between the wellbeing of indigenous and non-indigenous peoples around the world, there have been small increases – yet still increases nonetheless – in the number of indigenous researchers able to work with, for and beside indigenous communities for their benefit.

Within this book is a small sample of some of that work. The papers here are refereed contributions to the *Indigenising Knowledge for Current and Future Generations* symposium

(23–24 March 2012) convened by the Te Whare Kura: Indigenous Knowledges, Peoples and Identities Thematic Research Initiative (TRI). Te Whare Kura is a “virtual” multidisciplinary research centre hosted by the Faculty of Arts on behalf of The University of Auckland. Its mission is to maintain, enhance and protect the mauri (a Māori word meaning “life force”) of our knowledges, peoples and identities by enabling staff to work within indigenous paradigms. The term “Te Whare Kura” and its cognates is widely understood throughout the Pacific to mean a place of higher knowledge. Accordingly, the principal focus of the initiative is to support research for, by and with indigenous peoples, primarily Māori along with Pacific indigenous communities. Te Whare Kura utilises and supports (through research infrastructure, grants and an international visitors programme) the collective knowledge and skills of staff from all faculties of The University of Auckland to develop and deliver large-scale needs-based research projects that benefit indigenous peoples by maintaining, enhancing and protecting mauri (life-force) of indigenous knowledges in four areas:

- Mauri Atua (Knowledges)
- Mauri Manaaki (Economies)
- Mauri Tangata (Wellbeing)
- Mauri Tiriti (Governance)

Using methodologies founded in the Māori and Pacific worlds, the initiative's objective is to facilitate the recovery and creation of knowledge that is of relevance and benefit to the survival and prosperity of indigenous communities. Indeed, the theme of *Indigenising Knowledge for Current and Future Generations* positions indigenous knowledges research in a context that reflects indigenous needs and aspirations. This situation is important as it clearly articulates a vision for research at this university where indigenous knowledges and peoples are the agents, and not the subjects, of research.

The papers here represent work completed and work in progress of a number of researchers and communities affiliated with or supported by Te Whare Kura. Such support is needed over and above the general allocation of "top down" internal and external research funding as staff working in indigenous research are often indigenous themselves, balancing time-consuming community and academic roles and sometimes not receiving the resources required to develop or demonstrate their research capabilities in culturally and academically valid (and valued) ways. The papers are by no means a representative "snapshot" of all of Te Whare Kura's current projects, which also encompass language revitalisation, cultural landscapes, environmental governance and creative practice, as well as a number of other areas. Instead it represents work that has reached a stage of presentation to a new audience through publication, an opportunity that has been facilitated through collaboration with Ngā Pae o te Māramatanga, New Zealand's Indigenous Centre of Research Excellence.

Ngā Pae o te Māramatanga is one of seven national Centres of Research Excellence funded by the Tertiary Education Commission. It consists of 16 partner research entities and is hosted by The University of Auckland. The Centre conducts research of relevance to Māori communities and indigenous populations, and this research is underpinned by the vision to unleash the creative potential of Māori peoples and

to bring about positive change and transformation in the nation and wider world. Ngā Pae o te Māramatanga conducts and supports high quality research, knowledge exchange, including journals, research publications, books and conference proceedings, and capability and capacity building to support the transformation of our communities, nationally and internationally.

Although much of the academic discourse related to indigenous knowledge systems is driven by indigenous and diasporic research undertaken in, by and with large communities living on large continents, such as Asia, the Americas and Africa, the papers here describe the indigenous knowledges of the small (or at least not so big, in the case of Aotearoa New Zealand) island nations of Polynesia. The work of the renowned Fijian scholar, Epeli Hau-ofa, has been important for describing the concerns in this region not as just a loose network of small-scale issues and projects scattered over a vast and empty sea, but as a collective movement based on the largest ocean continent in the world where islands are akin to cities, ancient and recent travel routes are like roads, the sea is a resource (or as some claim a bridge, not a barrier), and most importantly the people and their cultures and histories are closely related.

Other researchers from our Oceanic continent have had a big impact on indigenous knowledges research. The popular reception of Linda Tuhiwai Smith's 1999 publication *Decolonizing Methodologies: Research and indigenous peoples* by indigenous researchers from around the world, established that the research concerns, methodologies and projects being developed by Māori were of value to other indigenous peoples. Since the book's publication, there has been a (variable) transformation of academic processes across the humanities, social sciences, creative arts, commercial studies and sciences so they are more responsive and responsible towards indigenous peoples and their knowledges. It should also be remembered that the book emerged out of a local context

that also produced the Mataatua Declaration and the far-reaching Waitangi Tribunal (WAI) 262 claim regarding indigenous flora and fauna and cultural intellectual property. Both “protective” in intent, they are specifically concerned with how indigenous knowledges are recovered and the appropriateness of their promotion. The Waitangi Tribunal’s weighty report, released in 2011, represents a milestone in the protection of cultural property rights, although it will be at least 2–3 years before the government formally responds to its findings and many more years before it may, if it so desires, act on its recommendations. Internationally, the United Nation’s World Intellectual Property Organisation (WIPO) has held an unprecedented number of intergovernmental committee meetings, generating a number of reports and case studies, concerning the appropriate treatment and protection, particularly within commercial contexts, of indigenous traditional knowledge, genetic resources and traditional cultural expressions/folklore. Many of the recommendations from WAI 262 and WIPO suggest that indigenous peoples have the right to be decision makers, rather than advisors, on matters related to their knowledges, reiterating Smith’s position and that of many others who have preceded and followed her. It is not surprising then that more than a decade on, *Decolonizing Methodologies* remains a seminal work for academics and its influence, and that of the context in which it was produced, can be seen through the work and working methods presented in this book.

Custom is the foundation of the indigenous paradigm. Many indigenous people believe that it should also be the foundation for central and local government, as is expressed by Valmaine Toki and Lena Henry’s contributions to this book. In the title to her paper, Toki presents us with the question “Te Ao Māori: A constitutional right?”. For her, the answer is a resounding “yes”, which she explains through an explanation of tikanga Māori, or key customary values, that could form the basis for a

new constitution for Aotearoa New Zealand. In examining the importance of constitutions as instruments of indigenous self-determination, she identifies local and international case law and case studies from Bolivia and Ecuador to support her case. Similarly Henry argues for greater recognition of tikanga Māori in the new Auckland “Supercity”, beyond the compromise solution of the Independent Māori Statutory Board. She looks, instead, towards the tikanga related to governance that was expressed in the foundational documents of He Whakaputanga o te Rangatiratanga o Nu Tirenī (the Declaration of Independence of New Zealand) of 1835, and the Treaty of Waitangi and Te Tiriti o Waitangi of 1840. Here, she argues, are the precedents required to enable appropriate indigenous decision-making at a local level. Both projects represent the authors’ wider research engagement with transformative models of governance for communities at a number of different scales.

Transformation for the improvement of Māori and Niuean wellbeing is also at the heart of papers by Tracey McIntosh and Leon Radojkovic, and Vili Nosa et al., respectively. In exploring the nature of the intergenerational transfer of inequalities experienced by young Māori people in the criminal justice system, McIntosh and Radojkovic outline the role that incarceration plays in cyclically constraining family life, health, employment and aspirations. They pay particular attention to young Māori women, whose physical, social, psychological, spatial and cultural needs have been marginalised despite their growing numbers in prisons. Nosa et al. trace the impact that the introduction of alcohol and tobacco have had on the health, social wellbeing and national economy of Niue, and how these patterns of dependency have been transferred to the New Zealand Niuean community. Although both papers underline the negative influence that western culture has had on indigenous peoples, McIntosh and Radojkovic are emphatic that this type of knowledge about indigeneity

is not “a call to the return of a deficit lens to Māori research that further marginalises and embeds stereotypes.” They instead argue that “it is ... essential that we do not shy away from research areas that require a sustained and engaged gaze.” Both papers identify areas where newer and better approaches can lead to real improvement, and indicate how future research can address these needs.

Knowledge is imbedded in language, custom, the natural world and the human-made world, with each of these repositories in a relational arrangement that enhances, what Te Ahukaramū Charles Royal calls, their “creative potential”. It is perhaps not surprising then that the whareni Māori (Māori meeting house), a taonga (treasure) that activates these knowledge relationships is the subject for three of the papers in this book, each looking to the past to create new futures. Tectonics, the way a structure can be understood through its making, is an emerging discipline with tremendous community potential in terms of indigenous architecture and engineering. In his paper, “Polynesian Tectonics: Rebuilding the 19th century whare Māori”, Jeremy Treadwell explains the processes and findings that have informed his proposition for the post-tensioning of some Māori buildings. The recorded technological knowledge of elders has largely been treated as interesting dialogue rather than specific information by anthropologists and historians, who have lacked the training to understand the systems being described. Similarly, the elements of the systems themselves have been treated as artefacts or art objects rather than working components or parts of larger constructions with spiritual, social and political functions. Treadwell proposes that some Māori communities devised and developed, over hundreds of years, elegant and complex post-tension building systems that realised the full potential of available materials. His research journey has recently brought him to the attention of a Māori community requiring expertise to re-erect a 19th century whare

(house) according to the systems of its time, and the paper represents his preparation towards meeting their needs.

Cultural heritage management and enhancement are the needs addressed in the historical studies of whareni presented in two other papers. In “Whare for Grabs: The sale of whareni overseas, 1880–1965”, Ngarino Ellis, La‘a Tamarau and Chloe Weavers trace the physical and cultural trajectories of four whareni purchased and re-erected overseas, and evaluate the processes that have re/connected them with their original descendant communities. The paper straddles many disciplines (art history, architectural history, museum studies, cultural heritage management) in order to problematise a situation that has generally been discussed as an appropriation issue. In a global society, the authors ask, where international travel is becoming more accessible and diasporic indigenous communities are permanently settled overseas, what is the future for these taonga and the knowledge systems they represent? Bill McKay, Fiona Jack and Taarati Taiaroa also look towards the future through the past in their careful reconstruction of the history of war memorial whareni and wharekai (Māori dining halls) for the purpose of establishing their place in the canon of architectural history and assisting their descendant communities to obtain funding for their protection and maintenance. The paper challenges received academic knowledge that marae (traditional meeting grounds) building projects built after World War Two were the tail end of Treaty of Waitangi centennial projects. They explain that the buildings were part of a just as significant government-aided programme to memorialise the loss of Māori life in combat. As the authors’ indicate, their findings inspire other research projects. By examining architectural history, both papers illustrate the complexity of the knowledge systems they embody and also the complexity of the knowledge systems that precede, surround and follow them.

Customary precedence, transformation of

wellbeing, and creative potential are three areas in which indigenous knowledges can enhance indigenous mauri. As demonstrated by the papers in this book, knowledge recovery, protection and promotion underpin needs-based research and engagement with communities. This can be a rich process for all parties involved. In presenting this work we do not

want to suggest that the recovery, protection and preservation of indigenous knowledges is now an academic, technical or legal exercise. Respect for the community, its elders and our built and natural environment remains paramount, and what the authors are offering here is assistance for communities where it is *wanted*. Indigenous knowledges are the empowering agent for current and future generations.

IMPLEMENTING TE AO MĀORI

An (indigenous) constitutional right?

Valmaine Toki

Abstract

In 2010 the New Zealand government endorsed the Declaration on the Rights of Indigenous Peoples. Viewed as the most significant document for indigenous peoples, the Declaration clarifies and places indigenous peoples within a human rights framework.¹ This is significant for Māori as it recognises the intrinsic fundamental human rights for indigenous peoples including that of culture and self-determination. In 2011, the National-led government is engaged in a review of New Zealand's Constitution. This provides an opportunity for the New Zealand government to recognise Te Ao Māori (the Māori world). With reference to comparative constitutions this paper suggests that implementing Te Ao Māori within the Constitution of Aotearoa New Zealand is a constitutional and indigenous right for Māori.

Introduction

According to Matthew Palmer:²

A constitution is about power and how it is exercised. A constitution is not just a document. It is not even a document ... a constitution is made up of the structures, processes, principles, rules, conventions and even culture that *constitute* the ways in which ... power is exercised. [emphasis added]

With respect to the recognition of the place of indigenous law John Borrows notes:³

It's a mistake to write about Canada's constitutional foundations without taking into account of law ... you cannot create an accurate description of the law's foundation in Canada by only dealing with one side of its colonial history. [emphasis added]

In support of this Karl Llewellyn and E. Adamson

Hoebel observed:⁴

Prior to reservation life *Indian tribes possessed their own legal traditional and sophisticated ways of thinking about law and justice* as a developmental process. [emphasis added]

Tikanga Māori (Māori custom law) is the first law of New Zealand.⁵ New Zealand cannot presently historically, legally or morally claim to be built upon European derived law alone. Māori (the indigenous peoples of Aotearoa New Zealand) adhered to Te Ao Māori (Māori world view) or tikanga Māori as a discrete system of law.⁶ Tikanga proscribed a set of rules and regulations enforced through sanctions.

Case law⁷ and legal doctrine⁸ confirm the recognition of existing custom law upon colonisation. Justice McLachlan (as she then was) in dissent noted in *R v Van der Peet*:⁹

The history of the interface of Europeans and the common law with aboriginal peoples is a long one ... Yet running through this history, from early beginnings to the present time is a golden thread – *the recognition* by the common law *of the ancestral laws and customs of the aboriginal peoples* who occupied the land prior to European settlement. [emphasis added]

On 6 February, 1840, the Treaty of Waitangi, viewed as a cornerstone of our constitution,¹⁰ was first signed representing a partnership between the Crown and Māori. The two versions have caused much debate over time. In the English text, Māori cede sovereignty to the Crown. In the Māori text, Māori grant “kāwanatanga” or the right to govern Crown’s affairs. Notwithstanding this perceived confusion, the Treaty guaranteed to Māori the right to their own legal system and tino rangatiratanga (self-determination).

According to Professor Anne Salmond:¹¹

In their explanations ... the missionaries and Lieutenant Shortland at Kaitaia assured the

rangatira [leaders] that under the tino rangatiratanga, they would retain absolute control over their whenua [lands], kāinga [living places] and all of their taonga [valuables]; and that the *Queen would not interfere with their native laws nor customs but would appoint gentlemen to protect them* and to prevent them being cheated in the sale of their lands. [emphasis added]

John Borrows notes that:¹²

First Nations legal traditions were the first laws of our countries and were not extinguished through discovery, occupation, prescription, or conquest; they could be viewed as retaining their force. Furthermore, *when treaties are made they can be seen as creating an intersocietal framework in which first laws intermingle with Imperial laws to foster peace and order across communities*. [emphasis added]

Constitutional rights are derived from the people themselves, it is a freedom granted by a State’s declaration of fundamental laws and may not be legally denied. Tikanga Māori is intrinsic to Māori. The recognition of tikanga Māori provides a foundation for Aotearoa’s legal system. Implementing Te Ao Māori is a constitutional right.

Part 1 of this paper outlines the existence of Te Ao Māori/tikanga Māori as the first law of New Zealand. The discussion of a specific example provides an insight to how tikanga Māori, as a legal system, was implemented. To ascertain the legal standing of tikanga Māori as a discrete system of law, Part 2 discusses the dynamic between tikanga and other sources of law. The recognised authority of Māori to maintain their legal system has been recognised by the Treaty. Part 3 reviews the importance of the Treaty and the desire of Māori to seek tino rangatiratanga and their right to implement their own legal system. Supported by international indigenous jurisprudence and instruments, in conclusion, Part 4 draws on

comparative constitutions to provide compelling reasons to underpin the suggestion that the inclusion of tikanga Māori within a constitution for New Zealand is a constitutional right; and the concepts or principles should be included to strengthen the laws of New Zealand and promote harmony and healing.¹³

Part 1

*Te Ao Māori – Tikanga Māori – Māori Legal System*¹⁴

For Māori the legal system is sourced from Te Ao Māori – the Māori worldview. Intrinsic to Te Ao Māori is the cosmology and the creation stories. This cosmology establishes the whakapapa (relationships) between people, the environment and the spiritual world. The dynamic between these elements underpin a mechanism similar to that of a social constitution.

Tikanga Māori¹⁵ has a prima facie meaning of “straight, direct, tied in with the moral connotations of justice and fairness including notions of correct and right”.¹⁶ It is the collection of correct practices that have been derived from the creation stories; it is a system prescribing what is considered normal and right. The creation stories assist to develop tikanga Māori providing a “standard” or “precedent” in the same sense as a legal precedent. The use and implementation of this standard or “precedent” gives effect to kaupapa (ground rules).¹⁷

Tikanga together with kaupapa provide a framework within which further concepts, such as mana, tapu and mauri are given effect. Mana is defined as:¹⁸

A key philosophical concept combining notions of psychic and ritual force and vitality, recognized authority, influence and prestige, thus also power and the ability to control people and events.

Tapu is:¹⁹

... a key concept in Polynesian philosophy ... a term ... used to indicate states of restriction and prohibition whose violation will (unless mitigated by appropriate karakia [incantations/prayers] and ceremonies) automatically result in retribution, often including the death of the violator and others involved, directly or indirectly. Its specific meanings include “sacred, under ritual restriction, prohibited”.

Mauri is:²⁰

A central notion in Māori philosophy ... in its abstract sense [it denotes] “the essence which gives a thing its specific natural character.... The meaning of the word is difficult to grasp because it encapsulates two related but distinct ideas: the life principle or essential quality of a being or entity, and a physical object in which this essence has been located. Williams defines the abstract sense term first as “life principle”... There is certainly no single English word to express this concept.

The principle of whakapapa is fundamental to Te Ao Māori, the Māori worldview. It was, and is, central to the identity of a Māori individual; that is, an individual is identified as part of a collective, linked by whakapapa. These collectives, or traditional organisational structures, are whānau (family), hapū (subtribe) and iwi (tribe).

So, through a legal lens, tikanga is the legal structure that gives effect to basic principles or ground rules,²¹ and concepts such as mana and tapu assist to regulate the relationships or whakapapa between people, the environment and the spiritual world within a legal framework or in accordance with tikanga. The aim of tikanga Māori is achieving balance. The regulators, tapu and mana, assist to restore any imbalance. The following example illustrates how tikanga as a system law

administered the relationship between Māori and the environment.

Environment

Māori, like other indigenous peoples, have a spiritual connection to the environment.²² Māori perceptions of the environment and natural resources, such as fisheries, are sourced in Māori cosmology or creation stories. It is this cosmology that governs the Māori attitude towards the environment.

In the creation stories, the separation of Ranginui (sky father) and Papatūānuku (earth mother) flooded the world with light. This resulted in the formation of different ecosystems including marine, freshwater and bush ecosystems. The separation of Ranginui and Papatūānuku symbolises the ongoing struggle between different aspects of the environment.²³

As whakapapa relates Māori to the environment, these elements and ecosystems are perceived as relations. The concept of whanaungatanga extends this relational obligation to non-human entities also. Everyone and everything is related and each should treat each other with respect. The concept of utu (reciprocity) assists to restore any imbalance that may occur;²⁴ balance being the aim of tikanga Māori.

Concept of Mauri: Life force

Māori developed customs to look after the mauri of all natural resources to ensure their sustainable management. There is no concept of ownership of resources, for instance a fishery, just control over access and use. The resource is recognised as taonga protected by kaitiaki (guardians) who mediate the relationships between that resource and people to maintain the mauri of that resource.²⁵ It is from Te Ao Māori and tikanga Māori that Māori rights to resources, such as a fishery, are established.

Kaitiaki: Ethic of care

Within that broad principle of whakapapa, other concepts or regulators, such as kaitiaki, rāhui (see definition below), tapu, mauri and mana, are employed. In order that the mauri and health of the resource remains strong, each resource has their own kaitiaki or guardian. The role of kaitiaki is crucial in maintaining the mauri of all life. In order to uphold their mana, kaitiaki must ensure the mauri of the resources under their care remain strong. If the kaitiaki fails to ensure the health of resource then not only will the resource suffer but the mana of the kaitiaki also decreases. It is incumbent on the kaitiaki to “do a good job”.

The land is regarded as a sacred trust or asset of people as a whole. The principle of kaitiakitanga refers to the traditional office of guardian for the protection of taonga or treasures. It requires managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural wellbeing while sustaining the potential of those resources to meet the reasonably foreseeable needs of future generations.²⁶

Conceptual Regulator: Rāhui – A form of tapu

As the environment was passed to Māori by tūpuna (ancestors), it is crucial to ensure its survival as taonga tuku iho (treasure) for the generations to come. In accordance to the functions of kaitiakitanga, a resource may be placed under a rāhui (ban) for a particular time or reason – like a closed season.

A rāhui served as a regulator or a protective mechanism often by placing a resource under prohibition to allow for regeneration.²⁷ An example would be a rāhui related to the seasons, so a ban would be placed on the taking of shellfish out of season, in order that stocks could replenish, a pragmatic approach.

Rāhui could also set aside areas for a particular purpose or function, for example certain trees to be used for carving, or certain flax bushes for weaving. This area could be marked by a carved stick, a pou rāhui, or other symbol. Natural features could also mark the boundaries of the area protected and word of mouth spread the existence of the ban. If breached the sanction could be death.

Rāhui are still used today; for example, Ngāti Rehua as kaitiaki of Aotea (Great Barrier Island) and the environs adhere to a rāhui for the seasonal harvesting of manu oi (muttonbird) from the Pokohinu group of islands that lie west of Aotea. No one can set foot on the islands during the bird's breeding season. This type of rāhui is generally only short-lived.

Necessity rather than desire would direct what could be harvested from the environment and what is taken must be put to good use. If the resource was not required then it was untouched. However, if required, protocol must be adhered to in order to safely procure that resource.

So the legal frameworks that Māori would advocate today, to protect the balance in the natural world, would be that which accords with the concepts of kaitiakitanga and the protection of mauri. To include this as part of a constitution is not a novel indigenous view. In September 2008, Ecuador²⁸ was the first country to give rights to nature in the constitution. The constitution included an article that granted nature the right to “exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution”²⁹ and granted legal standing to any person to defend this in court. This constitution included five articles acknowledging rights possessed by nature, or by “Pachamama”, a goddess revered by indigenous Andean peoples. Pachamama broadly translates as “Mother Earth” and in this sense is analogous with Papatūānuku. On this recent acknowledgment, Dr Mario Melo commented that:³⁰

The new constitution redefines people's relationship with nature by asserting that nature is not just an object to be appropriated and exploited by people, but is rather a rights-bearing entity that should be treated with parity under the law. In this sense, *the new constitution reflects the traditions of indigenous peoples living in Ecuador, who see nature as a mother and call her by a proper name, Pachamama.* [emphasis added]

Part 2

Tikanga: A recognised theory of law?

Tikanga and Natural Law

On a very general level natural law theorists hold that law is properly understood as derived from natural principles such as divine will and the natural world.³¹ The legal system for Māori originates from Te Ao Māori and embraces the creation stories that determine our relationship to each other, the environment and the spiritual world, this is akin to Natural Law Theory; law is nature. Further as with natural law, tikanga Māori draws no disjunction between law and morality.

Tikanga and Positivism

Positivism theorises that the law is properly understood as the positive expression of those who make the law; the sovereign.³² The leadership and decision-making structures in Māori society did not correspond with Austin's idea of law as the command of a sovereign, as cited by Borrow's:³³

At its origin, *a custom is a rule of conduct which the governed observe spontaneously, or not in the pursuance of a law set by a political superior.* The custom is transmuted into positive law when it is adopted by the courts of justice... but before it is adopted by the

courts and clothed in legal sanction it is merely a rule of positive morality, a rule generally observed by the citizens ... but deriving the only force, which it can be said to possess, from the general disapprobation falling on those who transgress it. [emphasis added]

However, not all law is seen as valid if flowing from a sovereign. The Māori social structure revolves around the whānau or extended family and the hapū is the primary social and economic unit. Tikanga as a discrete system of law focused on communities – societies based around smaller social-political groupings and economies. The smaller size of the group anticipated consensual enforcement of laws, rather than by objective courts and juries. Upon a stalemate in consensual negotiations, rangatira (leaders with mana) would exercise their influence to make a decision.

Arguably tikanga Māori, a values based doctrine, provides criteria against which other values are assessed against aligning with Hart's rule of recognition.³⁴ However, the fluidity of tikanga Māori to change and adapt to new situations limits this alignment. Nonetheless, according to Mamari Stephens:³⁵

...his [Hart's] rule of recognition also exists subjectively in the beliefs of officials that they are bound by it. For those who perceive the internal aspect of tikanga, fluidity presents no fatal uncertainty.

Hart's rule of change caters for the ability of a legal system to introduce a new primary rule and adapt rules already in use.³⁶ Tikanga Māori provides the ability of the decision maker to adapt values providing tikanga was maintained.³⁷ These similarities between tikanga Māori and positivism, although tenuous, provide synergy.

If we are to make any analogy with Western concepts of jurisprudence, tentatively, tikanga lies between natural law and positivism. There is a belief in the nature of humankind and the way we should and do act. Laws derived from

cosmology and Te Ao Māori establish legal precedent but are also subject to change.

Common Law

Like common law a function of tikanga is to enforce collective mores in order for communities to live in peace and to attain stability.³⁸ Another similarity is the importance of precedent. The nature of tikanga depends on reference to traditional use and practice. This is also the foundation of common law.

The nature of the Māori legal system is value based, rather than rules based. The advantage of custom law systems over a rules based system that relies on written law and statutes is the flexibility of the former to disregard a custom when it becomes unpalatable, outdated or inconvenient.³⁹ It could be easier to effect change where society decides they no longer wish to support a particular custom, when compared with the lengthy process of effecting legislative change; for example, by way of lobbying officials and referenda.

There is also, however, an aspect of tikanga that is empirical; that it is made and enforced having regard to practical observations as to the world around us. This allows some flexibility in the application of law emanating from principles rather than rules, which again is pragmatic for a small scale society where citizens need to be aware of circumstances such as the state of the crop or warfare.

Indigenous traditions have been incorporated to further define the parameters of common law.⁴⁰ It would then follow that tikanga Māori could also be used to inform the common law. According to Gordon Christie:⁴¹

Indigenous legal scholars ... have vital work to do in revealing ways in which *the dominant system has functioned to trap indigenous aspirations within webs of theory and principle* ... and articulating how indigenous understandings and conceptualisations underpin the theoretical perspectives [emphasis added]

Tikanga: Case law

Like New Zealand,⁴² Canada was regarded as a settled territory⁴³ and vacant upon foundation. This is the view maintained by scholars and also by the courts.⁴⁴ Scholars like Austin have tended to belittle customs because societies who follow them have been inappropriately labelled as inferior or even savage.⁴⁵ According to Borrows:⁴⁶

While indigenous peoples lived in the territory prior to its colonisation it has been said that “*their laws and customs were either too unfamiliar or too primitive to justify compelling British subjects to obey them*”. [emphasis added]

Notwithstanding the views of these contemporary scholars, Williams notes that in respect of the indigenous Cheyenne peoples:⁴⁷

Cheyenne ... demonstrated the “juristic beauty” ... underlying assumption that the *Cheyenne were not stereotypical lawless savages but sophisticated legal thinkers and actors showed that the evolution and practice of law among the so called primitive peoples of the United States was far more advanced and nuanced than had been generally supposed*. [emphasis added]

This is not the line of reasoning expressed in early New Zealand case law. Regarding the 1877 Supreme Court decision of *Wi Parata v Bishop of Wellington*⁴⁸ Professor David Williams notes:⁴⁹

In the judgment of Prendergast C. J. and Richmond J., delivered by the Chief Justice, the 1841 Ordinance was said to “express the well-known legal incidents of a settlement planted by a civilised Power in the midst of *uncivilised tribes*.” The Treaty of Waitangi was dismissed “as a simple nullity. *No body politic existed capable of making a cession of sovereignty, nor could the thing itself exist*.” [emphasis added]

And further Williams notes:

Prendergast C. J. and Richmond J. had opined in 1877, that “the supreme executive Government *must acquit itself as best it may, of its obligation to respect native proprietary rights*, and of necessity must be the sole arbiter of its own justice.” [emphasis added]

However, Borrows comments that:⁵⁰

Indigenous legal traditions will not receive the respect they deserve if governments, courts, lawyers, political scientists and law professors fail to more fully articulate their place in our country. [emphasis added]

Tikanga Māori is now marginalised in New Zealand’s legal system via three avenues: the doctrine of aboriginal title; through the passage of domestic legislation; and via Te Tiriti o Waitangi / the Treaty of Waitangi (Law Commission Report).

Part 3

Implementing Tikanga Māori – A Treaty right?

The Treaty stands on its own as a source of rights and obligations between Māori and the Crown⁵¹ and its underlying principles are those of partnership, protection and participation. The Treaty has a significant moral, spiritual and legal force.⁵² It has been described as “simply the most important document in New Zealand’s history”,⁵³ and “part of the fabric of New Zealand society”.⁵⁴ It is also viewed as a vehicle for Māori to negotiate the ongoing constitutional development of New Zealand prescribing a relationship in the form of economic, political and cultural rights. The Crown’s duty to Māori is analogous with a fiduciary duty that informs, by analogy, the key characteristics arising from the relationship

between Māori and the Crown including that of reasonableness and consultation.⁵⁵

The Text

The Māori version of Te Tiriti o Waitangi/the Treaty of Waitangi provides the Crown with the right to govern, a delegated power subject to continuing Māori authority (Article 1).⁵⁶ It enables continuing rangatiratanga and Crown protection of rangatiratanga of Māori tribes over their possessions and taonga including intangibles such as language and culture. This includes the right of development (Article 2). In the English version of the Treaty, Māori ceded sovereignty to the Crown (Article 1), retained full and exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties as long as they wanted to retain those resources (Article 2) and were provided equal citizen rights in Article 3.⁵⁷ Notwithstanding this confusion it is generally acknowledged that Māori were to retain their right to their legal system.

Status in Law

Initially viewed as a simple nullity,⁵⁸ the orthodox view on the legal status of the Treaty is that unless it has been adopted or implemented by statute, it is not part of our domestic law and creates no rights enforceable in court. In *Te Heu Heu Tukino v Aotea District Māori Land Board* (1941), Viscount Simon LC, Privy Council ruled that:⁵⁹

It is well settled that any rights purported to be conferred by such a Treaty of cession cannot be enforced by the Courts, except so far as they have been incorporated in municipal law.

It is the “Principles of the Treaty”⁶⁰ that are referred to in legislation⁶¹ and policy documents⁶² rather than the *text* of the Treaty itself.

The principle of active protection reflects the purpose of the Treaty, where the Crown has

roles with “responsibilities analogous to fiduciaries”⁶³ including the support for the inclusion of tikanga Māori within the Constitution. Referring to Richardson’s comments, Gendall stated:⁶⁴

The Lands case recognises that the Treaty created a continuing relationship of a fiduciary nature, akin to a partnership, and that there is a positive duty to each party to act in good faith, fairly, reasonably and honourably towards the other.

However, the principles of the Treaty are subject to the constitutional norm of Parliamentary sovereignty,⁶⁵ which gives little status to rangatiratanga.

Implementing Tikanga Māori – An international indigenous right

In 2010 the New Zealand government endorsed the Declaration on the Rights of Indigenous Peoples. The Declaration does not create any new rights⁶⁶ but it is the only international instrument that views indigenous rights through an indigenous lens. The Declaration simply affirms rights derived from human rights principles such as the recognition of culture and self-determination.

Article 5 supports the right of indigenous peoples to maintain their culture and provides:

Indigenous peoples have the right to *maintain and strengthen their distinct political, legal, economic, social and cultural institutions*, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State. [emphasis added]

Article 11 provides the right to renew their culture:

1. Indigenous peoples have the *right to practise and revitalise their cultural traditions and*

customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, ...

2. States shall provide *redress through effective mechanisms*, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs. [emphasis added]

Notably Article 8 supports this right with the provision of redress if culture has been destroyed:

1. Indigenous peoples and individuals have the *right not to be subjected to forced assimilation or destruction of their culture*. [emphasis added]

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

The Declaration's most notable Article 3 provides:

Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The articles above combine to provide Māori with substantial grounds for recognition of their culture. Article 3 suggests that in seeking self-determination, the inclusion of culture or tikanga Māori within a Constitution for Aotearoa New Zealand could be the appropriate vehicle for Māori to maintain their culture.

The significance of the Declaration lies in its effect. The Declaration provides a benchmark, as an international standard, against which indigenous peoples may measure state action. State breach of this standard provides indigenous peoples with a means of appeal in the international arena. Nonetheless, the orthodox view is that the Declaration is soft law⁶⁷ and will not be legally binding upon the state⁶⁸ unless it is incorporated into domestic legislation. The doctrine of state sovereignty provides a restriction on international instruments, such as the Declaration, to regulate matters within the realm of the state.⁶⁹

Implementing Tikanga: A right of tino rangatiratanga or self-determination?

Representing ideals as opposed to fixed standards, tino rangatiratanga and self-determination can both be viewed as aspirational rights that recognise and affirm forms of indigenous authority prior to colonisation.⁷⁰ There are differences, however, between the two rights. The major difference is that tino rangatiratanga is guaranteed to Māori in Te Tiriti o Waitangi.⁷¹ However, like sovereignty, tino rangatiratanga can be extinguished.⁷² In contrast, self-determination is a generic, international law norm, relatively new in its application in New Zealand and, unlike tino rangatiratanga, self-determination cannot be extinguished, it can only be repressed or denied.⁷³ As a Māori concept tino rangatiratanga is nuanced with Māori custom, whereas self-determination is a generically indigenous term. Although the implementation of both terms infers legal pluralism,⁷⁴ tino rangatiratanga will always remain a Māori principle exercised primarily through an indigenous perspective.⁷⁵ Despite these conceptual differences, self-determination supports and complements tino rangatiratanga and its goals. It does not facilitate radical change to the nature of existing indigenous Māori rights. Returning to an indigenous legal tradition is central to a claim to self-determination.⁷⁶

Notwithstanding the right of self-determination to implement constitutional indigenous rights, for Māori, comparative jurisdictions including Bolivia and Ecuador implore concepts of plurination and intercultural within their constitutions to achieve the same.

Part 4

Comparative Constitutions

Bolivia

The Constitution of Bolivia provides:⁷⁷

Cultural diversity is an essential foundation of the Plurinational State Community. Interculturality is the instrument for cohesion and harmony and balance between all peoples and nations. Interculturality will take place with respect to differences and equal footing.

The 1994 constitutional reform recognised Bolivia, as an alternative to the nation-state, as a plurinational state.⁷⁸ It offers the coherence of the state but allows for difference by way of indigenous “nations” in a way that the assimilationist tendency of nationalism does not. It is a recognition of the ethno-ecological identity of the indigenous peoples of the plurination.⁷⁹ A concept originally developed by CONAIE,⁸⁰ plurinationality is defined as:⁸¹

The recognition of a multicultural society in the insoluble political unity of the state that recognises and promotes unity. Equality and solidarity among all existing peoples and nationalities ... regardless of their historical, political and cultural differences.

The concept of an indigenous “nation” existing within the nation-state is affirmed in Article 9 of the Declaration on the Rights of Indigenous Peoples:

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind shall arise from the exercise of such a right.

The ability of indigenous peoples who claim membership of an indigenous nation is not to be impaired in their right to hold citizenship of the State in which they live.⁸²

The Bolivian Constitution cements many of the rights outlined in the Declaration on the Rights of Indigenous Peoples,⁸³ which supports indigenous self-government and self-determination. Importantly, the constitution affords indigenous people, organised in an autonomous territory, the right to compose their own statutes, provided these do not violate any laws or the constitution.

The Bolivian Constitution provides:

Article 30

It is a right of the nation, peoples, and the original indigenous peasant community *to share human cultural identity, language, tradition, institutions, territoriality and worldview, which existed prior to the Spanish colonial invasion* ... Within the unity of the State and in accordance with this Constitution nations and original indigenous peasants enjoy the following rights: ...

2. To cultural identity, religious belief, spirituality, *practices and customs*, and their own cosmovision.

3. To the cultural identity of each member, if they so wish, to register with Bolivian citizenship in his identity card, passport or other identification documents with legal validity.⁸⁴

4. To self-determination and territoriality⁸⁵...

8. To create and manage systems, media and communication networks themselves.⁸⁶

9. To their wisdom and traditional knowledge, traditional medicine, their languages, their symbols and rituals and costumes are valued, respected and promoted⁸⁷...

14. To the exercise of their *political, economic and legal rights according to their worldview*.

15. To be consulted through appropriate procedures and in particular through their institutions, each time legislative or administrative measures which may affect them are proposed. In this framework, respect and guarantee the mandatory right to prior consultation made by the State, in good faith and concluded, with respect to resource exploitation of non-renewable natural resources in the territory they inhabit.⁸⁸ [emphasis added]

By implementing many articles from the Declaration on the Rights of Indigenous Peoples, within the Bolivian Constitution, it substantiates a clear acceptance and support of the fundamental rights and freedoms of indigenous peoples including that of respect and promotion of traditional knowledge.

Ecuador

The Ecuadorian Preamble encapsulates the alternative nature of this constitution. The common denominator is the idea of increased inclusion of people and nature in a participatory democratic project.⁸⁹ Drawing on the commonality of a global culture the constitution aims to construct an ecological citizenship recognising the interconnectedness of all peoples to nature. A recognition of “ancient roots” invokes a recognition of the interconnectedness of humans with all nature as embodied in Pachamama, Mother Earth, a concept closely aligned with Papatūānuku for Māori.

The embrace of these articles, it is asserted, would lead to a re-imagining and re-founding of the state by abandoning conventional development narratives based on state and private ownership. Instead, a collective and relational worldview would be cultivated focusing on the aims of solidarity, complementarity, cooperation, and in particular self-determination. These concepts combine with the aim of achieving the indigenous term “sumak kawsay/suma qamaña” (living well) included in their constitution.

“Living well” is ecocentric and holistic in nature, based on an ontological assumption of “relationality”; that “all beings exist always in relation and never as ‘objects’ or individuals”.⁹⁰ This relational understanding is also at the core of nature as Pachamama.⁹¹ Arturo Escobar suggests that a relational worldview must lead to a “politics of responsibility” that is “a sequitur of the fact that space, place, and identities are relationally constructed.”⁹² A relational awareness such as this compels us to act responsibly towards all other living beings, human and non-human.

The conception of nature as Pachamama, the Mother Earth deity is pivotal to the concept of “living well”. This precept has little in the way of formal definition. Like tikanga Māori, it is considered as the verbalisation of ancient principles that are to be lived and internalised by following and setting good examples, not purely by intellectualisation. Importantly, these principles are advanced as a choice between living in harmony with nature or causing imbalance that will harm not only oneself but the community. This is analogous with the aim of tikanga Māori as balance. In more familiar terms “living well” includes the concepts of ecology, relational rights, and decolonisation in “an ancestral practice of respectful coexistence with nature, society and human beings”.⁹³

Sumak kawsay: “Living well”

Indigenous rights in the Constitution of Ecuador are not discussed separately, they are implicit in

the concept of *sumak kawsay* and the scheme of development which implements it. *Sumak kawsay* is referred to five times in the 2008 Constitution, once in the preamble and in four articles. Remarkably, in the section on development, it is cited as the primary consideration guiding decision makers:

Article 14: Recognises the right of population to live in a healthy environment and ecologically balanced, to ensure sustainability and good living, *sumak kawsay*. Declares the preservation of public environmental conservation of ecosystems, biodiversity and integrity of heritage the country's genetic patrimony, preventing environmental damage and [assuring] recovery of degraded natural areas.

Although the right to a healthy environment is codified in other constitutions, the Ecuadorian Constitution is unique in connecting the environment to cultural/spiritual precepts in the realisation of the *sumak kawsay*. This is an example of the framing of otherwise rather ephemeral principles in the language of rights. This “transculturation”⁹⁴ serves two purposes.

First, it makes the rights justiciable. Although the *sumak kawsay* will be interpreted and practiced in ways unique to the Amerindian peoples living relatively autonomously in the Amazon and remote Andean regions, it will also increasingly be brought for determination in the courts.⁹⁵ Second, it brings the system of rights into line with the international regime of rights as expressed in the ILO Convention 169, second and third generation rights of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights.⁹⁶

Article 250: The territory of the provinces Amazon is part of an ecosystem necessary for the balance of the environment of the planet. This territory constitute a constituency land for which there is special planning a collection a law which will include aspects social,

economic, environmental and cultural, with an order land that will ensure conservation and protection of ecosystems and the principle of *sumak kawsay*.

Remarkably, the constitution creates a National Development Scheme that articulates *sumak kawsay* as the fundamental objective of development provided for in Article 275. One of the main concerns with the statement of a general principle that is not amenable to clear and easy interpretation in the context of an existing, property-focused legal system is that it is left to be defined, interpreted and implemented in a non-specific time frame and manner. Alternatively, this flexibility may be a significant advantage, allowing the concept to be adapted to novel situations and emerging social perspectives without the concepts being “frozen” in time:⁹⁷

Article 275: The development scheme is organized, sustainable and dynamic economic systems, political, socio-cultural and environmental which guarantee the realization of the good life of *sumak kawsay*. The National Development Scheme is to ensure implementation of the rights, the objectives of the development scheme and principles enshrined in the Constitution. Facilitate planning social and territorial cohesion, promote consultation, and will be participatory, decentralized, devolved and transparent. The good life requires that people, communities, peoples and nationalities effective enjoyment of their rights and exercise responsibilities in the context of multiculturalism, respect for their diversity, and peaceful coexistence with nature.

There is an extensive decentralisation of power to localities with the freedom to choose representative, direct, communal or indigenous versions of democracy for governance of local affairs.⁹⁸ Indigenous groups are able to practise their own traditional justice in their territories

and their decisions and punishments are to be respected by state bodies except where they substantially clash with other provisions of the constitution.

But the *sumak kawsay* is not rooted solely in “ancient” or “traditional” practices. Article 387 makes it the responsibility of the state to promote and generate knowledge in terms of the “good life” through science and technology but also to “rescue” traditional, indigenous knowledge:

Article 387: It shall be the responsibility of the State to:

[...] 2. Promote the generation and production knowledge, foster scientific and technological research, and promote traditional knowledge, thus contributing to the achievement of the good life as *sumak kawsay*; and

[...] 4. Ensuring freedom of establishment and research in the framework of respect to ethics, nature, environment, and rescue of ancestral knowledge.

How Does This Relate to Implementing Te Ao Māori?

Concepts such as balance, harmony, and healing are intrinsic to the philosophy of all indigenous peoples. For Bolivia and Ecuador, appealing to environmental values provides a conduit for the recognition of indigenous values within a constitution. Bolivia and Ecuador have implemented indigenous values and an indigenous worldview within their constitutions. Due to the similarities between *tikanga* Māori and concepts including “living well” it is suggested that both the Bolivian and Ecuadorian constitutions provide compelling reasons for the implementation of *Te Ao Māori* as a constitutional right.

The majority of the Bolivian population (estimated 60 percent)⁹⁹ are of indigenous origin and these values are reflected in the Bolivian Constitution. Māori in comparison comprise

only 15 percent of the population, and as part of the minority the realisation of *Te Ao Māori* within a constitution is more problematic.

Notwithstanding the issue of Māori as the minority, Ngāi Tūhoe have always sought *tino rangatiratanga* within Aotearoa and provide an example of the fundamental Bolivian aspirations of plurinationality and interculturality. The Urewera District Native Reserve Act 1896 (Urewera Act) provided for the “ownership and local government of the native lands in the Te Urewera district”.¹⁰⁰ In recognition of the existing *tikanga* of Ngāi Tūhoe the preamble noted:

It is desirable in the interests of the Native race that the Native ownership of the Native lands constituting the Urewera District should be ascertained in such manner, not inconsistent with Native customs and usages, as will meet the views of the Native owners generally and the equities of each particular case, and also that provisions be made for the local government of the said district.

This clear statutory recognition, of traditional customary structures within the traditional area or *Te Rohe Pōtae*¹⁰¹ of Ngāi Tūhoe, provided internal self-government through local government protecting the Ngāi Tūhoe from external alienation. However “the Act was designed not to guarantee autonomy to Ngāi Tūhoe, but to open up Te Urewera to the Europeans”:¹⁰²

Government policy, however, was firmly focused on the purchase of Urewera land, not on the promotion of Māori development of land and agricultural enterprise (in spite of Tūhoe efforts at Ruātoki). This came in spite of Ngata’s assurances in Parliament that section 8 of the Urewera Amendment Act 1909 was “for the purpose of promoting settlement on their lands by Natives themselves”. From this point onward, Tūhoe non-sellers were placed in a position of reacting to and protesting against aggressive Government purchase policy in the Urewera.

During the reading of the Bill, Leader of the Opposition Captain Russell focused on the illusion that Tūhoe would be given self-governance and states the Bill:¹⁰³

pretends to confer upon the Native people the complete isolation and control of a portion of the country about 665,000 acres in extent, but I am happy to say it will do no such thing.... To give effect to this Bill we have to make a district win which the land-law of the Native people shall be *absolutely different* from that in any other part of the colony. [emphasis added]

Tūhoe were granted something far less than self-government. The aspirational beginnings of the Urewera Act resulted in legislation with the purpose of gaining land ownership.¹⁰⁴

Unfortunately the overlaying of non-indigenous values such as individualism has led to conflict and marginalisation of these fundamental indigenous values. To imbue plurination, concepts based on state and private ownership would need to be abandoned in favour of concepts underpinned by a relational worldview, one that is closely aligned with the indigenous worldview. It is suggested that the implementation of Te Ao Māori within a constitution could ameliorate this situation.

Conclusion

Tikanga Māori is the first law of Aotearoa New Zealand. However Tikanga Māori is now marginalised in New Zealand's legal system via three avenues: the doctrine of aboriginal title; through the passage of domestic legislation; and via Te Tiriti o Waitangi / the Treaty of Waitangi (Law Commission Report). International instruments such as the Declaration on the Rights of Indigenous Peoples affirm the right of indigenous peoples to their culture and traditions. The constitutions of Bolivia and Ecuador have incorporated these rights for indigenous

peoples resonating similar concepts to tikanga Māori such as the importance of Earth Mother, balance and harmony. Constitutional rights are derived from the people themselves. Tikanga Māori is intrinsic to Māori and the concepts or principles should be included to strengthen the laws of New Zealand and promote harmony and healing. Implementing Te Ao Māori is a constitutional right. In view of the recent endorsement of the Declaration on the Rights of Indigenous Peoples it is recommended that the current constitutional reform undertaken by the New Zealand government give more consideration to these indigenous values.

Endnotes

1. Rainforest Foundation US. Promoting Indigenous Rights Worldwide: S. James Anaya; 2009. Blogging the Rainforest. <http://rainforestfoundationus.wordpress.com> (accessed 31 Jan 2011).
2. See McDowell, M.; Webb, D. *The New Zealand Legal System*; Wellington: Lexis Nexis, 2008.
3. Borrows, J. *Canada's Indigenous Constitution*; Toronto: University of Toronto Press, 2010; p 15.
4. Llewellyn, K. N.; Adamson Hoebel E. *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*, 7th edition; University of Oklahoma Press, 1983. As quoted in Austin, J. *Navajo Courts and the Navajo Common Law: A Tradition of Tribal Self-Governance*; Minneapolis: University of Minnesota Press, 2009; p 1.
5. Mikaere, A. The Treaty of Waitangi and Recognition of Tikanga Maori. In *Waitangi Revisited: Perspectives on the Treaty of Waitangi*; Belgrave, M., Kawharu, M., Williams, D., Eds.; Australia: Oxford University Press, 2005; p 330.
6. Law is a system of rules, usually enforced through a set of institutions. See McDowell & Webb above n 2, 10.
7. See *R v Van der Peet* [1996] 2 S.C.R. 507. See also *Attorney General v Ngati Apa* [2003] NZCA 117.
8. For instance the doctrine of aboriginal title. See McHugh, P. Aboriginal title in New Zealand courts. 2 UCLR, 1984.

9. *R v Van der Peet* [1996] 2 S.C.R. 507 at para 263. As cited by Borrows above n 3, 15.
10. Thomas, E. The Treaty of Waitangi: E W Thomas reviews Matthew Palmer's book. In NZLJ [2009] 277.
11. See Salmond, A. Brief of Evidence Given. *Wai 1040*, p 87, April 2010.
12. Borrows above n 3, p 21.
13. Harmony, healing and balance are principles intrinsic to indigenous legal systems.
14. As a Māori academic writing and teaching within this area most of the material on tikanga Māori is sourced from common knowledge, supported through kōrero [speech] on marae and wānanga throughout Aotearoa New Zealand. I would like to acknowledge all the kuia and kaumātua (elders) who have generously shared their wisdom. I do not choose to represent this whakaaro (idea) as my own but one that is sourced from iwi katoa (everybody).
15. See New Zealand Law Commission. Māori Custom and Values in New Zealand Law NZLC SP9; Wellington, 2001. See also Williams, H. W. *A Dictionary of the Maori Language*, 7th ed.; Wellington: Government Printer, 1971.
16. Te Matapunga: A Compendium of References to the Concepts and Institutions of Maori Customary Law, compiled and edited by R. Benton, A. Frame and P. Meredith, for Te Matahauariki Institute. Forthcoming in 2012 Victoria University Press, p 393.
17. Kaupapa derives from "kau" which means to appear for the first time or be disclosed, while papa is a reference to the Earth or Papatūānuku, so together kaupapa means ground rules or first principles. See Marsden, M. The Natural World and Natural Resources. In *The Woven Universe: Selected Writings of Rev Maori Marsden*; Royal, C., Ed.; Masterton: Estate of Rev. Maori Marsden, 2003.
18. Above n 16, p 136.
19. Ibid at p 368.
20. Ibid at p 203.
21. Marsden ibid.
22. See also Ulrich Klein, Belief-Views on Nature – Western Environmental Ethics and Maori World Views (2000) 4 NZJEL 81 for general discussion.
23. See Paterson, J. *Exploring Maori Values*; Victoria: Thomson Dunmore Press, 2005; pp 143–154 for general discussion of these concepts.
24. See Marsden, M. The Natural World and Natural Resources. In *The Woven Universe: Selected Writings of Rev Maori Marsden*; Royal, C., Ed.; Masterton: Estate of Rev. Maori Marsden, 2003; pp 24–54.
25. Marsden ibid at pp 54–73.
26. Analogous to the purpose of the Resource Management Act 1991 contained in section 5.
27. See Fisheries (Kaimoana Customary Fishing) Regulations 1998 which allows for the implementation of a rāhui for stock regeneration. As an example, in Ohiwa Harbour the green-lipped mussel beds closed until 20 July 2008. However, the tangata whenua (the people of the land) requested that these beds remain closed for a further two years.
28. See Part 3 for further discussion.
29. Refer to Article One which states "Where life is reproduced and exists, has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution. Every person, people, community or nationality, will be able to demand the recognition of rights for nature before public institutions. The application and interpretation of these rights will follow the related principles established in the Constitution."
30. Dr Melo, a lawyer specialising in Environmental Law and Human Rights and an advisor to Fundación Pachamama-Ecuador, as cited in Mychalejko, C. *Ecuador's Constitution Gives Rights to Nature*. <http://upsidedownworld.org/main/ecuador-archives-49/1494-ecuadors-constitution-gives-rights-to-nature> last (accessed 15 August 2010).
31. See Fuller, L. *The Morality of Law*; Yale University Press, 1969 for further discussion.
32. See Hart, H. L. A. *The Concept of Law*, 2nd ed.; New York: Oxford University Press, 1997 for further discussion.
33. Borrows above n 3, 12.
34. See Hart above n 32.
35. Stephens, M. Maori Law and Hart: A Brief Analysis. 32 VUWLR 2001, 859.
36. Hart above n 32.
37. Stephens above n 35.
38. See for further discussion Joseph, R., Re-Creating Legal Space for the First Law of Aotearoa-New Zealand. In *Waikato Law Review: Taumauri* (Vol. 17, 2009) pp 74–97.
39. This allies with Hart's concept of secondary rules allowing for change to laws.
40. See Austin, R. *Navajo Courts and Navajo Common Law: A Tradition of Tribal Self Governance*; Minneapolis: University of Minnesota Press, 2009; p xxii for further discussion.

41. Christie, G. Indigenous Legal Theory. In Richardson, B., Imai, S., McNeil, K., Eds.; *Indigenous Peoples and the Law: Comparative and Critical Perspectives*; Portland: Hart Publishing, 2009; p 231.
42. Despite the Treaty travelling around the country and receiving further signatories, Hobson on 21 May 1840 declared the sovereign rights of Britain in two proclamations. One proclaimed sovereignty over the North Island by virtue of cession under the Treaty of Waitangi and the other over the South Island on the ground of discovery. The British Government acknowledged this where the proclamation was published in the London Gazette on 2 October 1840.
43. See *Wi Parata v Bishop of Wellington* (1877) 3 NZ Jur (NS) (SC) 72; see also discussion in Williams, D. *Wi Parata is dead, long live Wi Parata*. In *Māori property rights and the foreshore and seabed: The last frontier*; Erueti & Charters, Eds.; Wellington: VUP, 2007.
44. See Cote, J. E. Reception of English Law. 25 *Alberta Law Review* 29, 38.
45. Austin, J. *The Province of Jurisprudence Determined*, vol 2, 2nd ed. Rumble, W., Ed.; 1832; reprint, Cambridge: Cambridge University Press, 1995; p. 178 as cited in Borrows above n 3, 12.
46. Borrows above n 3, 13.
47. Austin above n 39, 1.
48. *Wi Parata v Bishop of Wellington* (1877) 3 NZ Jur (NS) (SC) 72.
49. Williams, D. *Wi Parata is dead, long live Wi Parata*. In *Māori property rights and the foreshore and seabed: The last frontier*; Erueti & Charters, Eds.; Wellington: VUP, 2007.
50. Borrows above n 3, 180.
51. See *Te Heu Heu Tukino v Aotea District Māori Land Board* [1941] NZLR 590 for further discussion.
52. See discussion below “Status in Law” for further discussion.
53. Sir Robin Cooke “Introduction” (1990) 14 NZULR 1, 1–8.
54. See *Huakina Development Trust v Waikato Valley Authority* [1987] 2 NZLR 188 especially at 206, 210. But see also the obiter reservations of Casey and Hardie Boys J. J. in *Attorney General v New Zealand Māori Council (No 2)* [1991] 2 NZLR 147 at 149.
55. *NZMC v Attorney General* [2008] NZLR 318 (CA) per O’Reagan at para [81].
56. See Brief of Evidence given by Distinguished Professor Dame Anne Salmond to the Waitangi Tribunal. *Wai 1040*, 17 April 2010, p 25.
57. Article 3 in both versions of the Treaty provide to Māori the rights and privileges of British citizens.
58. *Wi Parata v Bishop of Wellington* (1877) 3 NZJur (NS) 72 at 78 per Prendergast, C. J. However see also *The Queen v Symonds* (1847) NZPCC(SC), per Chapman J. at 390 for earlier recognition of native title at common law and consideration of the Treaty.
59. [1941] 2 All E.R. 93 at p 98; also [1941] NZLR 590.
60. See decision of Cooke, P. in *NZMC v AG* [1987] 1 NZLR 641.
61. For example, Section 4 Conservation Act 1987; Section 9 State Owned Enterprises Act 1986.
62. For example, see the policy for the Office for Disability Issues where the Treaty underpins the development of their Strategy and is consistent with the relevant principles of the Treaty. Available at <http://www.odi.govt.nz/publications/nzds/discussion-document/tow.html>
63. [1987] 1 NZLR at 664 per Cooke, P. (CA).
64. *New Zealand Māori Council v Attorney-General* HC Wellington CIV-2007-485-95, 4 May 2007, at [62].
65. See Constitution Act 1986 section 15 (1) which states “[t]he Parliament of New Zealand continues to have full power to make laws”.
66. The rights affirmed are those derived from human rights principles that are deemed of universal application, such as those contained in the Universal Declaration of Human Rights.
67. The term “softlaw” refers to quasi-legal instruments which do not have any legally binding force. The term is traditionally associated with international law including most Resolutions and Declarations of the United Nations General Assembly.
68. Brownlie, I. *Principles of Public International Law*, 7th ed.; Oxford: Oxford University Press, 2008; p 4.
69. See Anaya, J. The Rights of Indigenous People to Self-Determination in the Post-Declaration Era. In *Making the Declaration Work: The United Nations Declaration on the Rights of Indigenous Peoples*; Charters, C., Stavenhagen, R., Eds.; Copenhagen: International Working Group for Indigenous Affairs, 2009; p 194.
70. See Toki, K. What a Difference a Drip Makes: The Implications of Officially Endorsing the United Nations Declaration on the Rights of Indigenous Peoples. 2010, 16 Auckland UL Rev, 243–273.

71. See Kawharu, I. H. *Literal Translation of the Māori Text*. In *Waitangi Revisited: Perspectives on The Treaty of Waitangi*; Belgrave, M., Kawharu, M., Williams, D., Eds.; Oxford: Oxford University Press, 2004; pp 390–392.
72. The Waitangi Tribunal found Māori claimants lost sovereignty as evinced from the surrounding circumstances in Waitangi Tribunal *Manukau Harbour Report – Wai 8* (1985); p 64.
73. Toki above n 69.
74. The Waitangi Tribunal referred to the then draft Declaration land articles (aspects of self-determination) to support Taranaki Māori claims of tino rangatiratanga to land in Waitangi Tribunal *Taranaki Kaupapa Tuatahi Report – Wai 143* (1996); p. 307.
75. Toki above n 69.
76. Cruz, C. Z. *Law of the Land – Recognition and Resurgence in Indigenous Law and Justice Systems*. In *Indigenous Peoples and the Law: Comparative and Critical Perspectives*; Richardson, B. J., Imai, S., McNeil, K., Eds.; Hart Publishing, 2009; p 334.
77. Article 99 (I). The terms are used 24 times in the Bolivian Constitution, primarily in the sections on education: Articles 77–98.
78. Article One of the 2009 Constitution reads: “Bolivia, free, independent, sovereign, multi-ethnic and pluricultural, embodied in a single republic, adopts representative democracy as its form of government, based on the union and solidarity of all Bolivians.”
79. New Zealand can (contentiously) be considered a “plurination”. The Māori electoral option to register to vote within a Māori list is an unusual measure among the world’s democracies. Walsh also suggests that Belgium, Finland (The Saami Parliament), Switzerland, and Canada may also be considered to be plurinational to a greater or lesser degree. Walsh, C. *The Plurinational and Intercultural State: De-Colonisation and State Re-Founding in Ecuador*; 2009, 6 *Kult* 65, 71–73.
80. The Spanish initials for the Confederation of Indigenous Nationalities of Ecuador, the country’s largest indigenous federation.
81. CONAIE, *Políticas para el Plan de Gobierno Nacional. El Mandato del CONAIE*, January 2003, 2. Quoted from Walsh, C. *The Plurinational and Intercultural State: De-Colonisation and State Re-Founding in Ecuador*; 2009, 6 *Kult* 65, 78.
82. *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) arts 6 and 33(1); Constitution of Bolivia art 30(II)(3).
83. UNDRIP, GA Res 295 UN GAOR, 61st sess, 107th plen mtg, UN Doc A/Res/295 (2007).
84. UNDRIP art 33.
85. UNDRIP art 4.
86. UNDRIP art 16.
87. UNDRIP arts 9 and 11(1).
88. UNDRIP arts 19 and 32(2).
89. This is an ongoing project. Rafael Correa: “I maintain that Ecuador and Latin America have elections but have yet to arrive at what is democracy. In truth, I don’t believe that there is democracy in a country where there is so much injustice, so much inequality.” Justin Delacour (trans), “Interview with Ecuadorian President Rafael Correa”, *North American Council on Latin America*, 18 June 2009, <http://ecuador-rising.blogspot.com/2009/06/interview-with-ecuadoran-president.html>
90. Escobar, A. *Latin America at a Crossroads: Alternative Modernizations, Postliberalism, or Postdevelopment?* Revised version of paper prepared for the Wayne Morse Center for Law and Politics and presented at the conference, *Violence and Reconciliation in Latin America: Human Rights, Memory, and Democracy*. University of Oregon, Eugene, 31 January–2 February, 2008. Revised, 20 July 2009, 38.
91. A close analogy can be drawn between Pachamama and Papatūānuku of Māori cosmology. Similarly, a relational responsibility of *kaitiakitanga* as care for Papatūānuku is analogous to the *sumak kawsay* or *suma quemaña* care for Pachamama.
92. Escobar, above n 90 at 41.
93. Dávalos, P. *The Sumak Kawsay (“Good Living”) and the Development Closures*. <http://alainet.org/active/23920> 6 May 2008 [Spanish]. Economist Pablo Dávalos served as undersecretary to Rafael Correa when the now-President was Minister of the Economy under the previous Administration of Alfredo Palacio in 2005. He is now an advisor to the Confederation of Indigenous Nationalities of Ecuador (CONAIE).
94. Tatiana Roa Avendaño. *El Sumak Kawsay en Ecuador y Bolivia: Vivir Bien, identidad, alternativa*; Agua viva CENSAT, 29 May 2009, available at: <http://censat.org/noticias/2009/5/27/El-Sumak-Kawsay-en-Ecuador-y-Bolivia-Vivir-bien-identidad-alternativa/> (accessed 3 July 2009) [Spanish].
95. Particularly the newly created Environmental Court.
96. For a summary of the insistence of the Latin

- American countries on the inclusion of these rights during the negotiation of the terms of the Universal Declaration of Human Rights, see Robinson, G. *Crimes Against Humanity*, 3rd ed.; Melbourne: Penguin 2008, 37–38.
97. For the New Zealand interpretations addressing this concern, see Ministry for the Environment (MfE), *Case Law on Tangata Whenua Consultation*, 1999.
 98. Title IV, Part One “Participatory Democracy”, Articles 95 to 117 generally.
 99. This figure is contentious, given the ambiguities of how people self-identify and also the remoteness of many of the regions inhabited by indigenous peoples in Bolivia. For the reasoning behind this figure, see van Cott, D. L. *Andean Indigenous Movements and Constitutional Transformation: Venezuela in Comparative Perspective*; 2003, 30 *Latin American Perspectives*, 49, 52.
 100. Urewera District Native Reserve Act 1896.
 101. Te Rohe Pōtae is the name given to describe the boundaries of the Tūhoe territory.
 102. Keenan, D. *Autonomy as Fiction: The Urewera Native District Reserve Act 1896*. In *Terror in our Midst*; Keenan, Ed.; Wellington: Huia Publishers, 2008; p 91.
 103. Binney, J. *Encircled lands: Te Urewera*; Wellington: Bridget Williams Books.
 104. See Joseph, R. *Re-Creating Legal Space for the First Law of Aotearoa-New Zealand*. In *Waikato Law Review: Taumauri* (Vol. 17, 2009) at 74–97 for full discussion.

MANA, RANGATIRATANGA, KAITIAKITANGA AND LOCAL GOVERNMENT

A case study of Auckland Council and Māori representation

Lena Henry

Abstract

This paper reviews the evolution of local authorities in Aotearoa New Zealand and the deconstruction and reconstruction of hapū (tribe, sub-tribe) and iwi (tribal kin group) decision-making authority. Local government in Aotearoa New Zealand has developed with little regard to the indigenous political structures and values of iwi and hapū adversely affecting their rights to exercise mana (authority), rangatiratanga (autonomy) and kaitiakitanga (guardianship) within their respective tribal territories. Local government, as regulators of the use of natural and physical resources, and decision-makers of wide ranging matters such as the social, economic, environmental, and cultural well-being of communities, have a direct impact on the inherent role, aims and aspirations of iwi, hapū and Māori communities. In 2008, the Labour Government initiated a Commissioner's enquiry into the workability of local government arrangements in Auckland. Iwi groups, Māori communities, residents and Tangata Tiriti urged the Commission to uphold Te Tiriti o Waitangi and the Treaty of Waitangi by providing for Māori representation at the governance level. In March 2009, the Royal Commission Report strongly recommended that Māori should be represented on the Auckland Council in the form of three seats, shared between mana whenua (tribe or subtribe with traditional authority in a particular territory) and Māori. However, the new incoming government led by the National Party and Act Party rejected the recommendations of reserved Māori representation and instead made extensions to existing local governance arrangements in Auckland by establishing the Independent Māori Statutory Board (IMSB). A critique of recent developments in the Local Government (Auckland Council) Act 2009 indicates the extent to which the IMSB advances the ability of hapū, iwi and Māori to assert mana, rangatiratanga and kaitiakitanga within their rohe (district).

Introduction

The relationship between local government and Māori has been described as “controversial, complex, challenging and significant”¹ and “very rarely a happy one ... almost universally negative and destructive”.² The status and powers conferred on local governments by the Crown affects the lives of people and the functioning of the communities in which they live. In Aotearoa New Zealand, local government and the planning system affects Māori peoples in a unique way; particularly, in relation to mana (authority), rangatiratanga (autonomy), kaitiakitanga (guardianship) and Māori community wellbeing. These values and interests are often regarded as rights reaffirmed in He Whakaputanga o te Rangatiratanga o Nu Tīreni (the Declaration of Independence of New Zealand) 1835, the Treaty of Waitangi and Te Tiriti o Waitangi (both 1840).

Throughout the first 130 years of local government in New Zealand, reference to these founding documents was largely neglected and marginalised whenever they were raised as an issue for consideration in the structure, legislation, policies or plans of local government. Since the mid-1970s there have been some changes and at best the relationship is said to be improving. The Town and Country Planning Act 1977 3(1)(g) was the first step toward formally acknowledging the relationship between Māori and their ancestral land as a matter of national importance. Local government decisions about land and resource development are the source of many Treaty grievances. The introduction of legislative provisions recognising Māori culture and traditions with land prompted councils to engage Māori in the development and implementation of their plans and policies.

A review of recent local government reforms in Auckland and an analysis of the Local Government (Auckland Council) Act (LGA) 2009 as it relates to Māori representation, mana, rangatira and kaitiakitanga is explored.

The establishment of the Independent Māori Statutory Board (IMSB) is the only extended opportunity for Māori representation. A critique of the IMSB composition, structure, capacity and resourcing, relationship to Auckland Council, and accountability and engagement with hapū (tribe, sub-tribe) is studied. The statutory powers extended to the IMSB do not enable the Board to make decisions that can be expressed as providing for traditional mana, rangatiratanga and kaitiakitanga of hapū. However, there are improvements and opportunities that seek to enhance the influence that Māori may have through the Board and Council relationship.

The Original Local Authorities

Prior to colonisation, Māori governed distinct geographical areas through a system of hapū and iwi (tribal kin group) autonomy and control.³ Essentially, hapū and iwi each had their own geographical area, tikanga (cultural customs), language and sovereignty which they protected and defended. In a report on local government reforms, Hirini Matunga⁴ describes the pre-Treaty political construct of iwi and hapū as a regional governing system that could equate to the same role, function and powers of today’s “local government”. Each iwi comprised hapū and had authority over its tribal area with the main function of “managing resources, using land and carrying out various forms of production”.⁵ Every hapū in Aotearoa can recite defined hapū boundaries and recall narratives of how they exercised hapū authority in the management and use of land and resources within their tribal domain.⁶ Fundamentally, “the primary purpose of hapū was to foster and support its member whānau [extended family]. Larger cultivation, fishing, canoe-making and political affairs were dealt with at hapū level”.⁷ Hence, hapū can be seen as holding the original responsibilities of local authorities of Aotearoa New Zealand and such

responsibilities have increasingly been shifted over entirely to iwi through government policies and legislation. Through a traditional Māori system, hapū and iwi are seen to be the customary owners and original local authorities of Aotearoa New Zealand, exercising similar roles, functions and powers to local government today. The power of hapū and iwi to continue to exercise mana, rangatiratanga and kaitiakitanga were expressed and guaranteed to iwi and hapū in founding documents of Aotearoa New Zealand. Historically, Māori peoples made decisions for ensuring the wellbeing of communities and the interaction between humans and the environment. Indigenous peoples are able to recall numerous stories which record histories of tribal governance whereby the management of the environment was inseparable from hapū and iwi mana and rangatiratanga as local authorities. The exercise of mana, rangatiratanga and kaitiakitanga have operated as core values for decision-making and managing the wellbeing of communities. Decisions made on the basis of these values were enforced.

Hapū, Iwi and the Establishment of Local Government

The role of iwi and hapū as local authorities was well understood and recognised by early settlers prior to the signing of Te Tiriti and the Treaty. With the migration of new settlers and systematic colonisation of Aotearoa, English models of local government were established. Early discussions included the establishment of Native Districts. Plans for local government were proposed by Attorney General William Swainson, member of the Executive and Legislative Councils, and writer, who proposed that Native Districts be established, so “Māori could live in accordance to traditional customs, subject only to moral influence of the missionaries and Protectors”.⁸ The proposal of Native Districts in some way acknowledged

the rangatiratanga of hapū and demonstrated this could be provided for within the English transposition of local government in Aotearoa New Zealand. However, Acting Governor Willoughby Shortland and Chief Protector George Clarke rejected Swainson’s proposal, Clark stating that it was “baneful and futile to suppose that an independent Māori New Zealand could be sustained in a country that was being over-run by settlement”.⁹ Clarke felt that chiefs who had not signed the Treaty would eventually concede to British sovereignty. He feared that recognition and provision of Native Districts would “open the floodgates of total rejection of their (Colonial) authority, sweeping them from the precarious foothold they had gained”.¹⁰

The establishment of local government occurred soon after the signing of Te Tiriti with the passing of the Municipal Corporations Ordinance 1842 through the Legislative Council, yet reference to founding documents was largely neglected. The status of hapū and iwi authority was ignored in the establishment of local government, which has provided little if any respect for the Māori values of mana, rangatiratanga and kaitiakitanga. Settler governments pursuant of the 1852 Constitution Act began to implement policies and legislation that gave councils statutory rights which directly opposed the concept and status of hapū and their rangatiratanga. A selection of legislation was enacted and advanced local government authorities, but was contrary to the rights of iwi and hapū to continue exercising mana, rangatiratanga and kaitiakitanga as set out in founding documents. Various legislations¹¹ enacted from 1852 to 1970 and associated with provincial, local and regional government have adversely impacted on Māori and the exercise of mana, rangatiratanga and kaitiakitanga.¹² These include land management acts that accelerated Māori alienation from the land and imposed restrictions and controls on Māori culture, practices and values.

The introduction and enforcement of such

Acts contravened the spirit, intent and content of He Whakaputanga, Te Tiriti and the Treaty. It alienated hapū and iwi from land and their ability to exercise their local authority as mana whenua (tribe or subtribe who has traditional authority in a particular territory), rangatiratanga and kaitiakitanga. The detrimental social, cultural, physical, economic and spiritual impacts of these actions are well recorded in more recent research.¹³

Local Government Reforms

In the late 1980s and early 1990s, local government and resource management reforms gave rise to Māori dissatisfaction with the evolution of local government. Māori concerns about local government followed on from Māori activism in the 1970s which focused on issues such as the Treaty of Waitangi, Māori land rights, Māori language and culture, and racism. Local government was criticised by Māori¹⁴ as breaching the Treaty and customary laws by:

- Imposing a system of rating and valuation on Māori land
- Confiscating Māori land through the “wastelands” policy
- Surveying and roading Māori land to facilitate Pākehā (New Zealanders of European descent) settlement
- Designating and seizing disproportionate amounts of Māori land for reserves and public works
- Locating sewage outlets or other hazards on or near Māori settlements and fishing grounds
- Zoning Māori land under District Scheme Plans to facilitate commercial development
- Restricting housing on rural land forcing Māori relocation
- Diverting and polluting waterways
- Disregarding and undermining and

transgressing Māori heritage values, particularly in relation to protection of wāhi tapu (sacred places)

- Granting of prospecting and mining licenses over Māori land

Many of these matters are a source of Māori grievance and some cases have been reported by the Waitangi Tribunal. The Tribunal has made particular findings and recommendations that directly address local government and planning legislation and activities, including the Manukau Claim Wai 8,¹⁵ Ōrākei Claim Wai 9,¹⁶ Kaituna River Claim Wai 4,¹⁷ and Mangōnui Sewage Claim Wai 17¹⁸.

The Local Government Act reforms from 1988 to 2002 prompted Māori criticism of local government’s role in relation to hapū, Te Tiriti, and the management of resources and historical grievances. This has prompted some legislative changes. The changes seek to address the marginalisation of Māori in Council decision-making processes and they acknowledge to some extent that Māori have a cultural and spiritual relationship with land, water and natural resources.

Provision for Māori Representation

There are statutory options to establish Māori wards and therefore Māori representation on councils. The process for achieving Māori representation through the Local Electoral Act 2001 is highly dependent on the general public and their political support for such changes. Therefore, the fate and future of Māori and local government are left up to politicians and the general populace. Furthermore, the Crown has not fully recognised the mana and tino rangatiratanga of hapū and iwi. There is limited recognition of kaitiakitanga in the Resource Management Act 1991 and kaitiaki are not afforded governance decision-making authority.

The Reorganisation of Auckland Local Government and Māori Representation

In 2007, the Labour Government established the Royal Commission on Auckland Governance (RCAG) to inquire, investigate and report on the workability of local government arrangements in Auckland. The Commission specifically considered governance and representation arrangements for Māori as a unique community of interest with special status as a partner to the Treaty of Waitangi. In its analysis of governance issues it considered legislative directives, current and former exemplars of Māori representation in local government, and key issues raised in consultation with Māori.¹⁹ In doing so, the Commission recommended that:

- Two Māori members should be elected to the Auckland Council by voters who are on the parliamentary Māori Electoral Roll.
- There should be a Mana Whenua Forum, the members of which will be appointed by Mana Whenua from the district of the Auckland Council.
- The Mana Whenua Forum should:
 - appoint a representative to be a councillor on the Auckland Council
 - through its representative on the Auckland Council, advise the Auckland Council on issues of relevance to mana whenua
 - appoint the members of Watercare's Māori Advisory Group
- The Auckland Council should ensure that each local council has adequate structures in place to enable proper engagement with Māori and consideration of their views in the local councils' decision-making processes. Where appropriate, current structures and/or memoranda of understanding should be transferred to local councils.²⁰

Effectively, the RCAG signalled two important considerations in the development of local government. First, it guaranteed representation of Māori on the Council and, second, the specific representation of mana whenua. The recommendations set the basis for discussions and debate about the role Māori should have in the future of local government. The RCAG report was presented to Cabinet and entered into a parliamentary process for reforming local government in Auckland.

The incoming government, led by the National and Act parties, rejected these recommendations as it felt there was little support from the wider populous, had concerns about it being undemocratic, and believed it would make the Council structure inconsistent with that of other local government regions. It also took a literal translation of the Treaty and believed it did not provide for representative seats in local government. Supporters of Māori representation made reference to the Treaty in terms of rangatiratanga and recalled stories that rangatira (leaders) who signed Te Tiriti and the Treaty had envisaged that their mana and authority would be upheld. However, many supporters for Māori representation were left disappointed as Māori representation was finally rejected and instead the government provided for the establishment of the IMSB. The IMSB did not seem to represent a Treaty relationship and lacked vision as iwi expressed aspirations of being equal participants in planning and decision-making processes.

The Local Government (Auckland Council) Amendment Act 2010 was passed in June 2010 and did not include Māori representation in the form of Māori and mana whenua representation at a governance level. Instead, provision was made for the establishment of an independent Māori statutory board whereby persons could sit on the Auckland Council Committee(s); in particular, those committees that discuss the management and stewardship of natural and physical resources.

Mana, Rangatiratanga and Kaitiakitanga of Hapū and Iwi in the Auckland Council

The Local Government Act (LGA) 2009 is the most recent development in local governance matters of Aotearoa New Zealand. The only extended opportunity specifically for Māori in local government is the IMSB and the Auckland Council. The legislative provisions set out for IMSB do not empower hapū and iwi with the authority to make local government decisions about matters that impact on their tribal areas. The Act fails to provide for the traditional authority of hapū and iwi to exercise mana, rangatiratanga and kaitiakitanga to its full extent. Although the analysis establishes the inability of the IMSB to have full decision-making authority in Council matters, there are some advances and opportunities evident in the LGA 2009.

The IMSB model provides for Māori decision-making and Māori values of mana, rangatiratanga and kaitiakitanga through the Board's: composition; structure; capacity and resourcing; relationship to the Auckland Council; and accountability and engagement with hapū and iwi. The composition of the IMSB representation involves seven mana whenua (hapū or iwi who have traditional authority in the Auckland region) and two mataāwaka (persons residing in Auckland which do not belong to the mana whenua group but rather originate from another hapū or iwi) board members. The proportion of membership being primarily mana whenua relates to the kinship ties and Māori cultural acknowledgement of local hapū and iwi having mana and rangatiratanga to make decisions that affect their inherent obligations of kaitiakitanga. The structure of the Auckland Council provides for IMSB representation on 11 of the Council committees but they are not full members of Council and have no representation on the governing body. However, Māori membership at committee level is an improvement on

previous models of engagement. Capacity and resourcing of the IMSB has been a contentious issue as the IMSB needs to gain agreement with the Council on reasonable servicing and support costs. It is not an independent decision of the IMSB; however, they have gained agreement for their first proposal of \$3.4 million which is a significant amount and enables the Board to employ support and services to fulfil their role as representatives of mana whenua and mataāwaka. The relationship between the IMSB and the Auckland Council places the IMSB in a strong advisory position rather than on equal footing. The relationship has formal processes of engagement and defined roles and functions which elevate the influential potential of the IMSB to advance iwi, hapū and Māori interests, values and rights. The accountability and engagement of the IMSB with Māori is not provided for in the LGA 2009 and fails to provide mechanisms to ensure mana whenua and mataāwaka are able to hold the members accountable to the group it represents. The IMSB is primarily accountable to its purpose and the provisions set out in the legislation which does not accord accountability to hapū and iwi who exercise mana, rangatiratanga and kaitiakitanga in Auckland.

The IMSB has an important and unique position in the enterprise of local government and its establishment is recognition that the Auckland Council has a responsibility to engage mana whenua and mataāwaka. However, the provisions are restrictive and do not provide for mana, rangatiratanga and kaitiakitanga. There are three areas where there seems to be most improvement in local government and Māori relationships:

- 1 The Council is now committed to a working relationship with Māori because statutory procedures need to be met.
- 2 The Council need to take into account what the IMSB advises.
- 3 There are provisions to ensure that the Board is provided sufficient funding.

The role, functions and powers of the IMSB as set out in the LGA 2009 do not represent the level of mana and rangatiratanga that the traditional local authorities of hapū and iwi exercised in their role as kaitiaki. Iwi and hapū as mana whenua are unable to make decisions that are enforceable in their tribal territory. The LGA 2009 provides some improvements which enhance the potential and opportunities for Māori interests, values and rights to be recognised and provided for in the Auckland Council.

Conclusion

Māori representation in local government is a contemporary Māori response to the effects of colonisation and the detrimental impact that local government decisions have had, and will continue to have, on matters that traditionally were the roles of hapū and iwi. The pursuit of Māori representation is not merely a matter of politics, but is related to inherent cultural responsibilities associated with mana, rangatiratanga and kaitiakitanga of hapū and iwi. The position of Māori as original local authorities has been ignored for over 130 years in the establishment and development of local government. This has been coupled with the adoption and dominance of a European planning system that has also marginalised Māori and their role as kaitiaki. The founding documents of Aotearoa New Zealand, the rangatira petition to the King, He Whakaputanga/The Declaration, Te Tiriti and the Treaty of Waitangi were documents that engaged the Crown and reaffirmed the mana, rangatiratanga and kaitiakitanga roles that iwi and hapū already had. Developments in local government over the past 30 years recognise to some extent the role of Māori as kaitiaki; however, the issues of mana and rangatiratanga are yet to be addressed. The core values of mana, rangatiratanga and kaitiakitanga are inseparable. The exercise of kaitiakitanga to preserve, protect and manage the use of taonga (resources) must include the ability to make

final decisions that are enforced if breached. This authority was traditionally expressed as hapū and iwi mana and rangatiratanga. The deconstruction of traditional Māori authority through local government and planning legislation, policies and plans has resulted in hapū petitioning government and strategising ways to enable them to participate in local government in an effort to have their interest understood, supported and implemented. The call for Māori representation during the latest local government reforms in Auckland is another demonstration of Māori efforts to restore mana, rangatiratanga and kaitiakitanga of hapū and iwi. For Māori it relates to having a genuine ability to make decisions about their tribal areas and have the authority to manage protection, development and use of taonga and resources in their respective areas. As summarised by the late Sir Robert Mahuta: “the history of Māori political representation is a story of mana deferred”.²¹

Endnotes

- 1 Hayward, J. *Local Government and the Treaty of Waitangi*. Oxford University Press: Auckland, 2003; p 173.
- 2 Rikys, P. *Local Government Reform and Māori, 1988 to 2002*. Te Ngutu O Te Ika Publications: Waiheke Island, 2004; p. 20.
- 3 See Durie, M. *Te Mana, te Kāwanatanga: The politics of Māori self-determination*. Oxford University Press: Auckland, 1998.
- 4 See Matunga, H. *Local Government: A Māori perspective: A report for the Māori consultative group on local government reform*. H. Matunga: Auckland, 1989.
- 5 Matunga, H. *Local Government*; p 1.
- 6 See Ballara, A. *Iwi: The dynamics of Māori tribal organisation from c.1769 to c.1945*. Victoria University Press: Wellington, 1998.
- 7 Henare, M. *The Changing Images of Nineteenth Century Māori society: From tribes to nation*. Ph.D. Thesis, Victoria University of Wellington, Wellington, 2003; p 133.
- 8 Ward, A. *A Show of Justice: Racial 'amalgamation' in nineteenth century New Zealand*.

- Auckland University Press: Auckland, 1995; p 61.
- 9 Ward, A. *A Show of Justice*; p 61.
- 10 Ward, A. *A Show of Justice*; p 62.
- 11 These legislations are as follows:
Waste Lands Act 1854: Enabled the superintendent and council of any province to recommend to the Governor the sale of Crown lands within its boundaries. This accelerated Māori alienation from the land.
Native Reserves Act 1856: Enabled commissioners, appointed by the Government, to control Māori reserve land which was not under “active use”.
- a. *The Native Districts Regulation Act 1858*: Promoted “civilisation of the native race”. It imposed controls on Māori communities that promoted European pastoral farming techniques as best practice; for example, regulations to fence animals rather than allow them to roam around the papakāinga (home grounds)
 - b. *New Zealand Settlements Act 1863*: Empowered confiscation of Māori land of any district where Māori were deemed to be in rebellion. This Act assisted in the confiscation of 3 million acres of Māori land.
 - c. *West Coast Settlement Act 1880*: Allowed Māori to be arrested without a warrant if they hindered any surveying of land.
 - d. *Native Reserves Act 1881*: Enabled the Public Trustee to take control of Māori Reserve land.
 - e. *Native Lands Administration Act 1886*: Turned over control of Māori land to small groups of trustees who were given the right to sell.
 - f. *Native Land Purchase and Acquisition Act 1893*: Enabled the Crown to “acquire” any land it felt was suitable for settlement.
 - g. *Māori Land Settlement Act 1894*: Placed Māori land under control of local councils without Māori representation.
 - h. *Māori Affairs Act 1953*: Declared unoccupied Māori land ‘waste land’ and allowed its takeover by the Government.
 - i. *Town and Country Planning Act 1953*: Imposed special restrictions on Māori wishing to build on their land.
 - j. *Rating Act 1967*: Subjected Māori freehold land to rates
12. See Williams, D.; New Zealand Waitangi Tribunal. *Crown Policy Affecting Māori Knowledge Systems and Cultural Practices*, Waitangi Tribunal: Wellington, 2001. Kelsey, J. *Legal Imperialism and the Colonisation of Aotearoa, 1769–1984*. s.n: New Zealand, 1984. Moon, P. *A Workshop on the Treaty of Waitangi*. Te Ara Poutama Faculty of Māori Development, Auckland University of Technology: Auckland, 2000.
13. See Williams, D.; New Zealand Waitangi Tribunal. *Crown Policy Affecting Māori Knowledge Systems and Cultural Practices*. Kawharu, M. *Dimensions of Kaitiakitanga: An Investigation of a Customary Māori Principle of Resource Management*. Ph.D. Thesis, Oxford University, Oxford, 1998. Smith, L. *Decolonizing Methodologies: Research and indigenous peoples*. Zed Books Ltd: London, 1998. Rikys, P. *Local government reform and māori, 1988 to 2002*.
 14. Rikys, P. *Local government reform and māori*; pp 15–16.
 15. See Waitangi Tribunal. *Report of the Waitangi Tribunal on the Manukau Claim* (Wai 8), 1985: <http://www.waitangi-tribunal.govt.nz/reports/view.asp?reportID=D6BBBFAC-EB90-4AEB-9113-8F8D2305BA3F> (accessed 2 February, 2012).
 16. See Waitangi Tribunal. *Report of the Waitangi Tribunal on the Orakei Claim* (Wai-9). Waitangi Tribunal: Wellington, 1987.
 17. See Waitangi Tribunal. *Report of the Waitangi Tribunal on the Kaituna River claim* (Wai 4), 1989: <http://www.waitangi-tribunal.govt.nz/reports/view.asp?reportID=32147734-26C7-4D5E-812C-2DA77AC2A578> (accessed 2 February, 2012).
 18. See Waitangi Tribunal. *Report of the Waitangi Tribunal on the Mangonui sewerage claim* (Wai-17), 1988: <http://www.waitangi-tribunal.govt.nz/reports/view.asp?reportID=1D696297-7FA4-4FF3-9D80-6B1EB4E49235> (accessed 2 February, 2012).
 19. Royal Commission on Auckland Governance. *Report of the Royal Commission on Auckland Governance*. Royal Commission on Auckland Governance: Auckland, 2009, 1; pp 477–497.
 20. *Report of the Royal Commission on Auckland Governance*; p 497.
 21. See Farrell, M.; University of Waikato, Centre for Māori Studies and Research. *Te Pōti Māori : Māori representation and electoral reform*. Centre for Māori Studies & Research, University of Waikato: Hamilton, 1992.

EXPLORING THE NATURE OF THE INTERGENERATIONAL TRANSFER OF INEQUALITIES EXPERIENCED BY YOUNG MĀORI PEOPLE IN THE CRIMINAL JUSTICE SYSTEM¹

Tracey McIntosh and Leon Radojkovic

Abstract

Histories of confinement are not just histories of incarceration and internment. Māori and other indigenous peoples have experienced other types of confinement in colonial and post-colonial settings. Luana Ross, a Native American scholar, in writing on the experience of Native Americans recognises that one of the characteristics of colonialism is the restriction of movement of colonised people and negation of their culture. A significant aspect of inter-generational transfer of social inequalities is the normalisation of socially harmful activities and the normalisation of prison. We intend here to draw attention to the social location of young Māori girls in prison and to illustrate the way that disadvantage is reproduced and accumulated so that prison life becomes negatively but normatively accepted. In looking at the broader literature both nationally and internationally we hope to bring attention to both the experience of marginalisation and some of the consequences and research issues that this type of scholarship produces.

Introduction

The warehousing of surplus humanity in prisons and the ongoing carceralisation of indigenous communities is largely a silent crisis that has resulted in a profound unfreedom for indigenous peoples and other targeted groups. Loïc Wacquant posits the prison as both a central and a banal institution. In speaking of its position in

deprived urban black spaces he says “it is like a big rock in their personal backyards which cannot be removed or circumvented, and one that changes everything in their social landscape”.² The politics of confinement is both a public discourse and a concealed experience. Prison in dominant discourse is largely seen as a punitive response to a criminal event or events; however, rather than seeing it as just a by-product of a

criminal experience, we need to recognise that this dominant discourse neglects “the texture of day-to-day carceral relationships: we need to think about imprisonment as first and foremost about restraining bodies, and everything that is thereby stamped onto them in terms of categories, desires, the sense of self and ties with others”.³ The shadow of the prison colonises our landscapes and for too many people colonises their future.

In reflecting on the question of submerged citizenship and the invisibility of incarceration we draw on Angela Davis⁴ in exploring the growth of imprisonment unparalleled in our global history. Davis reinforces the seeming paradox of the inevitability, permanence and invisibility of prison as features of our social lives. In many ways the invisibility of incarceration and the ability to forget prisons and those populations that inhabit them is because of the degree of difficulty for us to envision “a social order that does not rely on the threat of sequestering people in [dreadful] places designed to separate them from their communities and families. The prison is considered so ‘natural’ that it is extremely hard to imagine life without it.”⁵

Confinement

Histories of confinement are not just histories of incarceration and internment. Māori and other indigenous peoples have experienced other types of confinement in colonial and post-colonial settings. Luana Ross, a Native American scholar, in writing on the experience of Native Americans notes that:

From the time of European contact to the present day these people have been imprisoned in a variety of ways. They were confined in forts, boarding schools, orphanages, jails and prisons and on reservations. Historically, Native people formed free, sovereign nations with distinct cultures and social and political

institutions reflecting their philosophies. Today, Native people are not free; they are a colonised people seeking to decolonize themselves.⁶

Drawing on the work of Robert Blauner,⁷ Ross recognises that one of the characteristics of colonialism is the restriction of movement of colonised people and negation of their culture. She asserts that colonisation “as control and denial of culture is clearly evidenced by the number of incarcerated Native Americans and by their experiences of prison”.⁸ The global over-representation of indigenous peoples in prisons reinforces her argument. This phenomenon speaks to lives of restriction and constraint. Restricted lives are characterised by restricted opportunities and the normalisation of negative outcome pathways. Elsewhere McIntosh⁹ has written on marginalisation processes and argued that the Māori identity is always a marginal identity in New Zealand. This marginality may be expressed in a number of ways. Some are able to draw on the marginal experience as a site of resistance and use that location to challenge the status quo and to transform the marginal experience. This is a highly conscious politicised identity where proponents are able to draw on significant cultural capital and an in-depth knowledge of both Māori and western traditions. Others may acknowledge a marginal status but seek to redefine it under their own terms to allow them to develop a dynamic, distinctive and authentic fusion identity. A third category that was developed was that of a forced identity. This is characterised by a marked and stigmatised marginalisation where deprivation due to social, economic and political factors is entrenched and far reaching.¹⁰ It is this forced identity that is largely expressed in the following discussion.

A present project is looking at the experience of incarcerated Māori girls (16–18 years old) and young Māori women (18–25). While mindful of the singularity of their actual experience of imprisonment, we are also interested in the

broader social context of their confinement. These young women come out of communities (often small town and rural communities). They are members of *whānau* (extended family), they have *iwi* (tribal) connections and have intimate and complex ties that link them to places, histories and to people. Too many of them have also had lives marked by violence and suffering. They have had social harm done to them and many of them have more recently enacted social harm on others. Their experience and knowledge of incarceration usually significantly predates their own confinement. Again for far too many they are treading a well-worn path that many of their *whānau*, neighbours and peers have already taken.

Social Setting

Young Māori girls in prison are a socially submerged population, marginalised in the literature and public consciousness by virtue of their age, their ethnicity, their gender and by their incarcerated status. The typical focus is on the adult male prisoner. There is little research which focuses specifically on the characteristics and experiences of this population. While numbers are relatively small, it needs to be recognised that imprisonment in New Zealand is increasingly a feminised experience.¹¹ Between 1986 and 2009 the number of women in New Zealand's prisons has increased at nearly double the rate of men, rising from 98 to 389 – a rise of 297 percent.¹² A report produced by Te Puni Kōkiri in 2000 on programmes and services to reduce Māori youth offending titled *Whanake Rangatahi* also found that there had been a noticeable increase in Māori female prisoners aged 17–19 since 1996.¹³ This trend emulates the increased rates of female incarceration found across the western world in countries such as Australia, England and Wales and, most notably, the United States.¹⁴

In New Zealand, Māori are consistently over-represented within the prison population;¹⁵

however, this over-representation is particularly pronounced for Māori women throughout the entire criminal justice system.¹⁶ Māori currently make up around 15 percent of the general population,¹⁷ yet in 1999 Māori women comprised 62.8 percent of the total number of women imprisoned, while the comparable figure for Māori men was 52.2 percent.¹⁸ With regards to younger women, nearly three-quarters of the female inmates for 2001 between the ages of 17 and 24 were Māori.¹⁹

Girls/Women Who Go to Prison

Women in prison tend to share a number of characteristics. Internationally, women in prison are a disadvantaged and marginalised population, and one that is disproportionately drawn from the most deprived and marginalised sections of society. They often have histories of poorer physical and mental health and issues associated with alcohol and drug misuse. Incarcerated women are also disproportionately likely to come from economically disadvantaged backgrounds, be poorly educated, un- or under-employed and recipients of state benefits.²⁰

The picture of women in New Zealand prisons is similar to that found overseas.²¹ The Department of Corrections website states that women in New Zealand prisons have a high incidence of mental health issues, alcohol and drug issues, high health needs, low levels of education, and are typically unemployed prior to being imprisoned.²² A Statistics New Zealand profile of women in prison shows that only 12 percent of female prisoners had attained School Certificate Subjects, 55 percent had left school before Year 11, and 22 percent had no school qualifications whatsoever, 69 percent had been receiving a benefit prior to incarceration, and only 24 percent had been in paid employment.²³

In her doctoral thesis on the children of women prisoners in New Zealand, Venezia Kingi²⁴ points to research demonstrating that

women's imprisonment in western countries is predominantly due to property and drug related offenses, suggesting that patterns of women's offending are related to the economic marginalisation of women. Khylee Quince underscores this noting that while Māori comprise a vulnerable population economically, Māori women fare significantly worse than Māori men.²⁵ In 2006 the median income for Māori (aged 15 and over) was \$20,900, compared to \$24,400 for the general population. The median income for Māori women however was \$17,800, compared to \$25,900 for Māori men, indicating both a gender and "ethnic" pay gap.²⁶

Victimisation

The evidence strongly suggests that a distinguishing feature of incarcerated women, and one which sets them apart from both the general female population and the male prison population, is their common histories of victimisation. In Australia, the 2002 Queensland Women Prisoners' Health Survey found that 42.5 percent of the women reported being a victim of non-consensual sexual activity prior to the age of 16; 36.5 percent reported experiencing actual or attempted intercourse on at least one occasion before the age of 10; and 37.7 percent reported being physically or emotionally abused before the age of 16.²⁷ A survey of indigenous women prisoners in New South Wales found that 70 percent of respondents had been subject to physical and sexual abuse as children, and as adults, 78 percent had been physically assaulted and 44 percent had been sexually assaulted.²⁸

In New Zealand, female prisoners are also likely to have histories of abuse and trauma,²⁹ although official statistics are sparse. The National Health Committee states that New Zealand lacks specific data on offenders' victimisation.³⁰ Kingi notes, however, that the 1989 Roper Committee Report on New Zealand prisons refers to claims by prison staff that 80 percent of female prisoners had been abused

sexually.³¹ In a study of young female prisoners' relationships with older female prisoners, Sophie Goldingay³² gained access to her study participants' files. This revealed that 4 out of the 9 young girls had suffered severe parental abuse or neglect. Surveys of crime victimisation in New Zealand have also found that Māori women are particularly vulnerable to victimisation generally, being more likely than women of any other ethnic group to be repeat victims of domestic violence.³³ The 2006 New Zealand Crime and Safety Survey (NZCASS) found that 8 percent of Māori women experienced sexual victimisation, a figure which is twice that for total New Zealand women. The lifetime prevalence of sexual victimisation for Māori women was 37 percent. The report also found that 14 percent of Māori women had experienced one or more instances of victimisation by their partner in 2005 – two and a half times the rate experienced by New Zealand Europeans.³⁴ This study also found that Māori men have significantly lower prevalence of overall victimisation than Māori women and that Māori women reported higher rates of confrontational offences than Māori males. The report noted that for "Māori females these rates are much higher than for Māori males and for all other females, whereas European males and females were closer in magnitude".³⁵

Women in Prison: Discrimination and reform

Female prisoners make up a small percentage of the prison population. In consequence the guiding assumption underpinning prison design and organisation has been the normative status of the male prisoner. There has been a growth in awareness around the interests and needs of female prisoners more recently. However, the Anti-Discrimination Commission Queensland³⁶ notes that although the differing needs of male and female prisoners are now receiving some formal recognition, the actual implementation

of women-centred policy within correctional systems primarily designed for men has been slow. The report also notes that differences *within* both the male and female prison population have been similarly ignored, arguing that:

the needs and differences of Indigenous prisoners, prisoners with disabilities and particularly those with mental health or intellectual disabilities, and those from culturally and linguistically diverse backgrounds are frequently forgotten or ignored in the design, administration and daily routines of the prison system.³⁷

The International Centre for Prison Studies conducted a review of how women's prisons are organised in other countries, and the extent to which these countries were providing a prison service based on women's needs.³⁸ The review studied eight countries in depth,³⁹ including New Zealand, and investigated both prison conditions and a range of policies relating to women prisoners. Its findings suggest that New Zealand policy and practice were not progressive in comparison to the majority of the other countries studied. It states that New Zealand has taken a traditionally male-based approach to women's imprisonment, regarding women as men in all but appearance, reproducing the system used for men with only minor variations. Although noting that in recent years the government has introduced a number of initiatives aimed specifically at women prisoners (for example, a Tikanga Māori Programme for women offenders), it concludes that serious reform has yet to occur.⁴⁰

In 2007 the New Zealand National Health Committee began investigating the health of prisoners and their families, and released a review of the research on the effects of imprisonment. This was updated in 2008.⁴¹ The review gives a detailed international overview of aspects of prisoner health such as prisoner mortality, post release mortality, mental and physical wellbeing, dental health, suicide rates and levels of injury and incidences of chronic

conditions. The Committee states that New Zealand prisons are not always fit for purpose. They have been designed for prisoners who are young and male, yet are increasingly filled by those who are neither. There has been an ageing of the contemporary prison population (though it still has a younger demographic than the general population), as well as an increase in the number of women in the prison population.⁴² Alongside this the Committee notes that there is strong evidence for "imported vulnerability":

Although there have been changes in the constitution of the prison population, those who are incarcerated continue to represent the most marginalised, culturally censored, socio-economically disadvantaged and "powerless" of society. The majority of prisoners of any country, including New Zealand, are those that come from a context already shaped by social exclusion. Among other things, they are likely to be from an ethnic minority, have limited education and a history of instability, unemployment or underemployment, sub-standard diet and housing conditions, and inferior medical access. Their health reflects this disadvantage and like them, tends to be poor.⁴³

It also notes that our prisons have been designed for men who are of European descent and who are sound in body and mind, yet prisoners comprise a number of more vulnerable populations including young people, women, Māori and Pacific people, and people with physical or intellectual impairments.⁴⁴ The Committee argues that although prison may be a setting for health improvement, in many ways the prison environment is a severe risk to prisoners and their families, with the potential for adverse physical, mental, emotional and behavioural impacts. The report states that there are currently immense gaps in the literature not only on the direct health effects of imprisonment, but also "unintended consequences" of imprisonment in New Zealand. New Zealand is failing

to engage in a number of debates, including:

- The experience of imprisonment
- The collateral consequences of incarceration and its effect on the children, families and communities of prisoners
- The influence prison has during different developmental stages and the implications of this for categorisation, legislation and penal design
- The rate of bullying, violence and sexual abuse in New Zealand prisons⁴⁵

The Committee outlines two key classical theoretical models regarding prisoner experience – the importation model and the deprivation model⁴⁶ – and applies them to prisoner health. According to this reading of the importation model, poor health within the prison population is a result of prisoners already experiencing poor health prior to imprisonment. This is then imported into the prison environment. According to the deprivation model, on the other hand, the prison environment itself is hostile to health and wellbeing. Prison structures and processes deprive inmates of elements of life which are essential to health and wellbeing. Prison in itself is an anti-therapeutic regime. According to this perspective, prison is likely to exacerbate any pre-existing health difficulties, and even prisoners in sound health are likely to experience deterioration in health upon incarceration. These effects may persist after release.⁴⁷ While the report provides evidence to give support to both perspectives, it notes that in New Zealand the research focus around these questions has been narrow, often excluding variations such as class, gender, age and ethnicity.

Women after Prison: Re-entry and social exclusion

For many prisoners, incarceration marks a downwards shift in the life trajectory, a

narrowing of what is already often a constricted path culminating in a further embedding of a marginalised status. The research covered above suggests that prison is in many cases a traumatic, injurious, and fundamentally non-therapeutic environment, and that prison experiences may cause prisoners to undergo deterioration and exacerbation of physical and mental health issues. Prisons are institutions that in their architecture, systems and policies articulate the power of the state over the individual and within them prisoners are likely to experience a profound unfreedom. They may also have further developed patterns of behaviour and a way of viewing and being in the world which, while perhaps useful within prison walls, are perhaps potentially maladaptive and harmful outside of this specialised environment.

Intergenerational Inequality and Exclusion

One aspect of the prison system that appears to have been largely overlooked is the fact that the impact of incarceration is not purely limited to the individual who is imprisoned. Rather, there are collateral effects and consequences which spread from the individual outwards, reverberating along the radiating threads of social relationships and connections. There is also evidence to suggest that once set in motion, these reverberations can persist through time, increasing in resonance, generating long lasting and potentially intergenerational effects. One of the clearest examples of this is the impact of imprisonment on families. Individual incarceration is a collective experience. Prisoners come from families, they will return to families, and their imprisonment has a marked impact upon their families. In recent years there has been increasing attention given to the children and families of prisoners, with much of the literature framing them as the collateral and “invisible” or “forgotten” victims of crime.

Holly Foster and John Hagan utilise the concept of social exclusion to refer to “macro-level trends of dismissal, removal, and disconnection from society”.⁴⁸ Drawing on Loïc Wacquant,⁴⁹ they view prisons as one of four “peculiar institutions”⁵⁰ contributing to the societal exclusion of vulnerable groups, particularly racial and ethnic minorities. Their analysis of research on inter-generational effect of incarceration provides evidence that the absence of biological fathers from households leaves daughters at special risk of abuse and neglect by non-biological father figures. Risk avoidance can include running away and this can result in homelessness. Given that incarceration is disproportionately concentrated among certain groups in society, Foster and Hagan argue that prison may serve as a mechanism of social exclusion of these groups, as patterns of ethnic and social class disparities are likely to be further reproduced by the intergenerational exclusion of children of incarcerated parents from other major public institutions such as health, housing and political participation.⁵¹ As Susan Phillips and Barbara Bloom note, getting tough on crime has often meant getting tough on children and setting up the prerequisites for a life confined.⁵²

Underscoring the notion of cumulative disadvantage is the fact that having a prison record confers a persistent stigmatised status that can significantly alter life trajectories.⁵³ Victoria Owen’s report on Te Puni Kōkiri’s *Whanake Rangatahi* reinforces this by stating that a lack of family support, problems with schooling, truancy, drug and alcohol abuse, and a lack of skills and employment prospects meant that many rangatahi (youth) became involved in activities that ultimately led to prison. She noted that many whānau were unable to access the help and support they needed to address the factors that lead to offending, or to address offending once it occurred.⁵⁴ Her research participants recognised elements of the causal reasons behind their offending and of the fruitlessness of the punitive response:

Probably the reasons why I keep re-offending was because of my parents, I never actually had them there with me. I hung out with the wrong people, I guess and ended up drinking and drugs ... and then doing crime. My family also ... watching older ones doing it ... I thought it was life – I thought it was natural. (Young female)

Sticking us in jail ain’t gonna do nothing ... you take us away from the community and then when we get out we don’t know what else to do ... and we go back to doing what we did before ... and when we come back [to prison], that’s okay, we know how it goes, we’ve been here before. They’re doing it all wrong – thinking why their jails are filling up. They send us to jail ... jail just makes us worse. Why stick us in jail if there’s nothing to help us [in jail]. (Young female)⁵⁵

Normalisation

A significant aspect of inter-generational transfer of social inequalities is the normalisation of socially harmful activities and the normalisation of prison. Several Australian studies provide evidence that prison has become an expected part of life, particularly within Aboriginal communities. The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board states that “having a father in prison provides a role model for young men which, it appears, they often emulate”.⁵⁶ Furthermore, the report argues, “The over-representation of Indigenous boys in youth detention centres is perceived by some Elders to be a new rite of passage that they have adopted, which culminates, when they reach 18, in a sentence to the ‘big house’”.⁵⁷ Citing an earlier report they noted that: “Aboriginal people’s incarceration is intergenerational. It is not uncommon for generations of the same family to have experienced incarceration and for parents and their children to be incarcerated at the

same time”.⁵⁸ Our research in New Zealand has also found that it is not uncommon for Māori whānau to have a similar experience.

In its report on the children and families of prisoners, The Victorian Association for the Care and Resettlement of Offenders (VACRO) found that:

Comments from caregivers and prisoners indicated that there was an acceptance by many that the prisoner would continue to return to prison and this was an accepted part of their lives. Some prisoners regarded living in prison as easier than living in the community. There was a disturbing perception by several respondents, particularly prisoners, that there was “no hope” for them – imprisonment was a way of life for them and some chose this for themselves.

This pattern of living and response to the imprisonment can give a strong message to children that serving a prison sentence is part of life – it was the culture for some families. This was also reflected in the strong pattern of intergenerational offending.⁵⁹

A number of New Zealand reports also identify the normalisation of prison as an issue. In *The Effects of Imprisonment on Inmates' and their Families' Health and Wellbeing*, Michael Roguski and Fleur Chauvel⁶⁰ note that their research indicates that the stigma of imprisonment was felt more keenly by some families than by others. Intra- and inter- generational factors mattered. Stigma would be more marked if imprisonment had not been experienced in the family previously. Conversely they noted that the more normalised imprisonment became, the lesser the impact of a prison sentence and the greater the normalisation. They write:

Similarly and supporting this notion of normalisation, an absence of stigmatisation was commonly explained as a result of the neighbourhood or location the prisoner had come

from. Hence, if a prisoner came from an area where it was not uncommon for residents to go to prison, the event of imprisonment was not a shocking fact that would get others talking or casting judgement. One participant stated “It’s common here ... for people to go to prison so there’s no stigma.” Another that: “In a small town like ours it’s just about the norm”.⁶¹

An investigation into the health of prisoners’ families in New Zealand conducted by Wesley Community Action⁶² found that for many of the families participating in the study, prison was a common experience. This fact, combined with a general feeling that the system is loaded against them, led to families adopting an ambivalent, accepting, and matter-of-fact attitude towards imprisonment and the provision of related services. The report also found that while some children and young people with parents in prison experienced shame and embarrassment:

for others where having a family member in prison was a more common experience within their wider family and community networks, a parent being in prison was not a “big deal”. They felt quite comfortable talking about this with others and did not see it as any reason to feel embarrassed or ashamed.⁶³

Research participants who were the children of prisoners reinforced this with their comments. One participant stated: “I never thought it was a big deal that my parents were in prison, my friends all know and it wasn’t a big deal. We all knew that’s where they’re [my friends] gonna be when they get older”, while another noted: “It’s not embarrassing, it’s normal here, people have family in the mob and in jail, it’s just ‘my dad’s in jail’.”⁶⁴

Normalisation of activities that are so detrimental to Māori and other indigenous peoples is a critical area to address. As researchers we need to seek better ways to not only understand

and explain the marginal experience but to inform the ways we can transform that experience. In doing this we need to confront the limits and opportunities of this type of research. New Zealand, as a settler state, has a colonial past that it must constantly confront. This means that Māori research and research more generally in New Zealand is well placed to critically engage and respond to issues that pertain to both the reproduction of privilege and the reproduction of disadvantage, particularly as they relate to indigenous Māori in New Zealand. This is not a call to the return of a deficit lens to Māori research that further marginalises and embeds stereotypes. It is, however, essential that we do not shy away from research areas that require a sustained and engaged gaze. As the literature review demonstrates, there has been much good work already done on the conditions and life course of people who find themselves in prison, yet we are seeing little in the way of an informed response to these concerns. We need to be seriously exploring the possibility of indigenous interventions that will make real change possible.

Endnotes

1. This paper is based on work previously published in McIntosh, T. *Marginalisation: A Case Study: Confinement*. In *Māori and social issues*; McIntosh, T., Mullholland, M., Eds.; Huia: Wellington; pp 263–282.
2. Wacquant, L. *The Body, the Ghetto and the Penal State*. *Qualitative Sociology*, 2009a, 32, 111.
3. Wacquant, *Qualitative Sociology*; p 111.
4. Davis, A. *Are Prisons Obsolete?* Seven Stories Press: New York, 2003.
5. Davis, A. *Are Prisons Obsolete?*; p 10.
6. Ross, L. *Inventing the Savage: The Social Construction of Native American Criminality*. University of Texas Press: Austin, 1998; p 3.
7. Blauner, R. *Racial Oppression in America*. Harper & Row: New York, 1972.
8. Ross, L. *Inventing the Savage: The Social Construction of Native American Criminality*; p 4.
9. McIntosh, T. *Māori Identities: Fixed, Fluid, Forced*. In *New Zealand Identities: Departures and Destinations*; Liu, J. et al., Eds.; Victoria University Press: Wellington, 2005. McIntosh, T. *Theorising Marginality and the Processes of Marginality*. *AlterNative: An International Journal of Indigenous Peoples*, 2006, 2 (1), 46–67.
10. McIntosh, T. *New Zealand Identities: Departures and Destinations*; p 40.
11. Quince, K. *Māori Women in Prison: Ngā Wahine Ngaro*. M.A. Thesis in Law, The University of Auckland, Auckland, New Zealand, 2008.
12. Department of Corrections. *Growth of Women in Prison Nearly Double that of Men*. 2010. <http://www.corrections.govt.nz/news-and-publications/media-releases/2010-media-releases/growth-of-women-in-prison-nearly-double-that-of-men.html> (accessed 7 February, 2012).
13. Becroft, A. *Māori Youth Offending*. Paper presented at the Ngakia Kia Puawai Conference, Nelson, New Zealand, November, 2005.
14. See Australian Bureau of Statistics. *Prisoners in Australia*. Australian Bureau of Statistics: Canberra, 2010. Bureau of Justice Statistics. *Women Offenders*. U.S Department of Justice: Washington D.C., 1999. Institute on Women & Criminal Justice. *Quick Facts: Women & Criminal Justice*, 2009. http://66.29.139.159/pdf/Quickpercent20Factspercent20Womenpercent20andpercent20CJ_Sept09.pdf (accessed 7 February, 2012). International Centre for Prison Studies. *International Profile of Women's Prisons*. ICPS: London, 2008. Prison Reform Trust. *Too Many Prisoners*. Prison Reform Trust: London, 2010. The Sentencing Project. *Women in the Criminal Justice System*. The Sentencing Project: Washington D.C., 2007.
15. Department of Corrections. *Over-representation of Māori in the Criminal Justice System: An Exploratory Report*. Department of Corrections: Wellington, 2007.
16. Quince, K. *Māori and the Criminal Justice System*. In *The New Zealand Criminal Justice System*; Tolmie, J., Brookbanks, W., Eds.; LexisNexis: Auckland, 2007; pp 16–18.
17. Statistics New Zealand. *Quick-stats about Māori*. Statistics New Zealand: Wellington, 2007. <http://www.stats.govt.nz/Census/2006CensusHomePage/QuickStats/quickstats-about-a-subject/maori/maori-descent-and-iwi-ko-nga-kawai-whakaheke-maori-menga-iwi.aspx> (accessed 7 February, 2012).

18. Ministry of Women's Affairs. *Māori Women: Mapping Inequalities and Pointing Ways Forward*. Ministry of Women's Affairs: Wellington, 2001. <http://www.mwa.govt.nz/news-and-pubs/publications/Māori/mapping-inequalities/justice.html#3> (accessed 7 February, 2012).
19. Department of Corrections. *Census of prison inmates and home detainees 2001*. Department of Corrections: Wellington, 2003.
20. See Anti-Discrimination Commission Queensland. *Women in Prison*. Anti-Discrimination Commission: Brisbane, 2006. e (accessed 7 February, 2012). Bureau of Justice Statistics. *Women Offenders*. US Department of Justice: Washington, 1999. International Centre for Prison Studies. *International Profile of Women's Prisons*. ICPS: London, 2008. Prison Reform Trust. *Too Many Prisoners*. Prison Reform Trust: London, 2010. Standing Committee on Community Services and Social Equity. *The forgotten victims of crime: families of offenders and their silent sentence*. 2004. <http://www.parliament.act.gov.au/downloads/reports/cs06supportservices1.pdf> (accessed 7 February, 2012). Statistics Canada. *Adult Correctional Services in Canada, 2004/2005*. Statistics Canada: Ottawa, 2005. The Sentencing Project. *Women in the Criminal Justice System*. The Sentencing Project: Washington D.C., 2007. Woodward, R. *Families of Prisoners: Literature Review on Issues and Difficulties*. FaHCSIA Occasional Paper No. 10, FaHCSIA: Canberra, 2003. http://www.facsia.gov.au/about/publications/articles/research/occasional/Documents/op10/OP_No_10.pdf (accessed 7 February, 2012).
21. Kingi, V. *The Children of Women in Prison*. PhD. Dissertation, Victoria University of Wellington, Wellington, 1999.
22. Department of Corrections. *Women in prison*. http://www.corrections.govt.nz/about-us/fact-sheets/managing-offenders/general_info/women-in-prison.html (accessed 7 February, 2012).
23. Statistics New Zealand. *Focusing on Women*. Statistics New Zealand: Wellington, 2005; p 124.
24. Kingi, V. *The Children of Women in Prison*.
25. Quince, K. *Māori and the Criminal Justice System*; p 17.
26. Statistics New Zealand. *Quick-stats about Māori*.
27. Anti-Discrimination Commission Queensland. *Women in Prison*; pp 32–33.
28. Bartels, L. *Indigenous Women's Offending Patterns: A Literature Review*. Australian Institute of Criminology: Canberra, Australia, 2010; pp 28–29.
29. See Department of Corrections. *Women in Prison*. Kingi, V. *The Children of Women in Prison: A New Zealand study*. Paper presented at the Women in Corrections: Staff and Clients Conference, Adelaide, Australia, November, 2008.
30. National Health Committee. *Health in Justice: Kia Piki te Ora, Kia Tika! – Improving the Health of Prisoners and their Families and Whānau: He Whakapiki i te ora o Ngā Mauhere me o Rātou Whānau*. Ministry of Health: Wellington, 2010.
31. Cited in Kingi, V. *The Children of Women in Prison*.
32. Goldingay, S. Jail Mums: The Status of Adult Female Prisoners Among Young Female Prisoners in Christchurch Women's Prison. *Social Policy Journal of New Zealand*, 2007, 31, 56–73.
33. Ministry of Women's Affairs. *Māori Women: Mapping Inequalities and Pointing Ways Forward*, 2001. <http://www.mwa.govt.nz/news-and-pubs/publications/Māori/mapping-inequalities/justice.html#3> (accessed 7 February, 2012).
34. Cunningham, C.; Triggs, S.; Faisandier, S. *Analysis of the Māori Experience: Findings from the New Zealand Crime and Safety Survey 2006*. Ministry of Justice: Wellington, 2009; pp 14–15.
35. Cunningham, C.; Triggs, S.; Faisandier, S. *Analysis of the Māori Experience: Findings from the New Zealand Crime and Safety Survey 2006*; p 55.
36. Anti-Discrimination Commission Queensland. *Women in Prison*.
37. Anti-Discrimination Commission Queensland. *Women in Prison*; p 27.
38. These were Australia, Canada, Denmark, Germany, New Zealand, Spain, Sweden and three US states.
39. International Centre for Prison Studies. *International Profile of Women's Prisons*.
40. International Centre for Prison Studies. *International Profile of Women's Prisons*; pp 49–53.
41. National Health Committee. *Review of Research on the Effects of Imprisonment on the Health of Inmates and their Families*.
42. National Health Committee. *Review of Research*

- on the Effects of Imprisonment on the Health of Inmates and their Families; p 6
43. National Health Committee. *Review of Research on the Effects of Imprisonment on the Health of Inmates and their Families*; p 10.
 44. National Health Committee. *Review of Research on the Effects of Imprisonment on the Health of Inmates and their Families*; p 4.
 45. National Health Committee. *Review of Research on the Effects of Imprisonment on the Health of Inmates and their Families*; p 6.
 46. See Sykes, G. M. *The Society of Captives*. Princeton University Press: Princeton, 1958. Irwin, J.; Cressey, D. Thieves, Convicts, and the Inmate Subculture. *Social Problems*, 1962, 54, 590–603.
 47. National Health Committee. *Review of Research on the Effects of Imprisonment on the Health of Inmates and their Families*; pp 7–9.
 48. Foster, H.; Hagan, J. Incarceration and Intergenerational Social Exclusion. *Social Problems*, 2007, 54(4), 399–433; p 400.
 49. Wacquant, L. Deadly Symbiosis: When Ghetto and Prison Meet and Mesh. *Punishment & Society*. 2001, 3, 95–134. Wacquant, L. *Punishing the Poor*. Duke University Press: Durham, 2009b.
 50. The other three being: chattel slavery, the Jim Crow System in the agrarian South, and the ghetto in the northern industrial metropolis. Wacquant argues that all institutions were designed to control and confine African-Americans (2001).
 51. Foster, H.; Hagan, J. *Incarceration and Intergenerational Social Exclusion*; pp 418–420
 52. Phillips, S.; Bloom, B. In Whose Best Interest? The Impact of Changing Public Policy on Relatives Caring for Children with Incarcerated Parents. *Child Welfare*, 1998, 77, 531–541; p 539.
 53. Pettit, B.; Western, B. Mass Imprisonment and the Life Course: Race and Class Inequality in U.S. Incarceration. *American Sociological Review*, 2004, 69 (2), 151–169.
 54. Owen, V. Whanake Rangatahi: Programmes and Services to Address Māori Youth Offending. *Social Policy Journal of New Zealand*, 2001, 16, 175–190; 176.
 55. Owen, V. Whanake Rangatahi: Programmes and Services to Address Māori Youth Offending; p 175.
 56. Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board. Discussion paper on the impact on Aboriginal and Torres Strait Islander children when their fathers are incarcerated. Commission for Children and Young People and Child Guardian: Brisbane, 2001; p 15.
 57. Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board. Discussion paper on the impact on Aboriginal and Torres Strait Islander children when their fathers are incarcerated; p 16.
 58. Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board. Discussion paper on the impact on Aboriginal and Torres Strait Islander children when their fathers are incarcerated; p 42.
 59. Victorian Association for the Care and Resettlement of Offenders (VACRO). *Doing it hard. A study of the needs of children and families of prisoners in Victoria*. VACRO: Melbourne, 2000; p 11.
 60. Roguski, M.; Chauvel, F. *The Effects of Imprisonment on Inmates and their Families' Health and Wellbeing*. Litmus Ltd: Wellington, 2009.
 61. Roguski, M.; Chauvel, F. *The Effects of Imprisonment on Inmates and their Families' Health and Wellbeing*; p 56.
 62. Wesley Community Action. *The Health of Prisoners Families*. National Health Committee: Wellington, 2009.
 63. Wesley Community Action. *The Health of Prisoners Families*; p 46.
 64. Wesley Community Action. *The Health of Prisoners Families*; p 46.

ALCOHOL AND TOBACCO USE IN NIUE

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Abstract

Alcohol and tobacco use in Niue continues to be a problem for the Niue community in Niue. The purpose of this paper is to identify the key issues surrounding alcohol and tobacco use for Niueans. The research process that was undertaken was a systematic review of the literature coupled with a site visit to Niue in November 2011 to access current data. The key findings of this paper discovered that alcohol-related incidents such as drinking and driving are a major concern for the Niue community. Tobacco-related illnesses are not recorded so there is very little existing data. Anecdotal evidence and observations suggests that young Niuean adolescents are consuming alcohol and smoking at an alarming rate and are at risk for health-related problems later on. There is an urgent need to develop education awareness, community health promotion programmes and specific youth-focused programmes that will address the need of high alcohol and tobacco use for the Niuean community.

Introduction

Non-communicable diseases (NCD) have been a significant problem for many Pacific countries in the Pacific region and Niue is not exempt from this. Alcohol and tobacco use is a significant problem for Niue. Very little detailed research focuses on alcohol and drug use in the Pacific region. Schmich and Power found

that there was a need to identify key research areas around alcohol and drug use in the Pacific region.¹ Rasanathan and Tukuitonga's work on tobacco identified that tobacco prevalence rates in the Pacific region is significantly high.² While their research identifies tobacco rates and prevalence during the 1980s and 1990s, anecdotal evidence suggests that smoking prevalence rates are currently high. Further work is still needed

to identify any recent trends or increasing patterns of tobacco and alcohol use.

Aim and Objectives

The aim of this paper is to identify alcohol and tobacco use amongst Niueans living in Niue. The objective is to identify key relevant literature surrounding the problems associated with alcohol and tobacco in the Pacific and Niue. This includes archival research into historical documents, hospital records and police data. There is further discussion on the health services, health burden and costs associated with alcohol and tobacco health-related problems. Finally, this paper will make recommendations for relevant education and health promotion programmes that would be useful to reduce high rates of alcohol and tobacco use in the Niue community.

Research Methods

A multi-database search was initially conducted, in which five databases were activated at the same time. For this multi-database search the databases used were ABI/INFORM Global, ProQuest, PsycINFO, PubMed and Scopus. The literature search also involved the searching of the individual international databases such as Medline, Embase, the Cochrane Library, and ERIC for peer-reviewed journal publications using a number of keywords. The keywords were limited to the years 2000–2011 and English language. Each of the variables were matched with variable one and two (Pacific geographical location(s) and minority groups) in which 591 articles were found, of which only 10 were relevant.

The utilisation of governmental websites (e.g. Ministry of Health, Ministry of Social Development) and Google Scholar were also used to find reports and articles relating to the variables. A broad range of grey literature

from appropriate organizations (e.g. Massey University, University of Auckland Tobacco Control Centre) and District Health Boards was accessed and reviewed. The literature review strategy also included hand searching of draft documents and Pacific-specific dissertations/theses. Literature identified for the review was accessed either by direct electronic download or access to reports found within The University of Auckland and its Pacific Health Section. A record was kept of the results of each search.

A site visit to Niue in November 2011 was undertaken to access any literature not previously found. The Niue hospital did not provide any information as MeDTech 32 was not working. It was also difficult to gather relevant information as there is no detailed records kept for alcohol- and tobacco-related illnesses. Manual records are kept but these are not easily accessible due to confidentiality and privacy purposes. A change of management was also an issue. Recent alcohol-related information for 2011 kept by the Niue Police was not available as the Chief of Police was engaged in urgent police matters. However, two key documents were accessed to support this review.

Niue

The island Niue is one of the world's largest coral atolls, approximately 1,500 miles north-east of New Zealand. New Zealand and Niue have a special relationship founded on close historical ties, unique constitutional arrangements and a common citizenship and currency. Niue became a British protectorate in 1900 and was annexed by New Zealand in 1901. In 1974, following an act of self-determination under United Nations umbrellas (the Niue Constitution Act), the people of Niue adopted a Constitution providing for full self-government in free association with New Zealand, a status distinct from that of full independence.³

Challenges for Niue are similar to other Pacific Island Countries and Territories (PICT). These

include: isolation, limited natural resources and transport, poor communications, and a lack of skilled labour. A distinguishing feature of Niue is that, unlike other PICT, its residents have access to New Zealand and, consequently, Australia. Agriculture is at subsistence levels and manufacturing is limited. Niue is highly dependent on New Zealand aid with limited employment prospects and high rates of migration.⁴

Population decline is a major concern for Niue. In the 2006 Niue Census, the total population count was 1,625 down from an estimated 5,000 in the 1960s and down by 10 percent on the 2001 Census.⁵ In contrast, at the time of the 2006 New Zealand Census, 22,500 respondents self-identified as Niueans.⁶

Pacific People and Alcohol Trends in the Pacific Region

Pittman states that all cultures possess a set of attitudes toward the consumption of alcoholic beverages and some rigidly define expected and prohibited behaviours while drinking.⁷ Heath and Cooper argue that, “the study of alcohol in world cultures has a significance that surpasses even the enormous concern with health and social welfare that dominates most of the writing that deals with drinking in any modern society”.⁸ They note that in most societies, drinking is essentially a social act, and as such, it is embedded in a context of values, attitudes, and norms. Little attention has been paid to the effect of alcohol on Pacific people’s health. Marshall argues that despite the steady growth of information about alcohol and drug use internationally since the 1970s, very few studies have focused on alcohol and drug substances among Pacific Island people.⁹ Alcohol was not found in Oceania at the time of first contact with Europeans, the limited information available indicates that in the intervening 200 years, it has become widely available and increasingly popular among Pacific people throughout the region.

Smith and Phongsavan headed the Health Behaviour and Lifestyle of Pacific Youth (HBLPY) study,¹⁰ a cross-sectional survey of a representative national sample of school students aged 11–17 years in Tonga (n = 2808), Vanuatu (n = 4474) and Pohnpei State in the Federated States of Micronesia (n = 1495) where students were surveyed on their tobacco, alcohol and illegal drug usage. Alcohol misuse was positively associated with age and being male in all countries. In Tonga, students who gave a negative rating of the general school environment were more likely to report alcohol misuse, while those who felt very happy about life in general were less likely to do so.

In the 1990s McDonald and Elvy published data on alcohol consumption in the Cook Islands, Fiji, Kiribati, Samoa, the Solomon Islands and Tonga.¹¹ Findings from this study found that the level of alcohol consumption varied between the six islands mentioned. The per capita consumption in Fiji (2.2 litres), Solomon Island (0.7 litres), Tonga (1.3 litres), Western Samoa (1.7 litres) and Kiribati (1.0 litres) is much lower to that observed in nearby New Zealand and Australia (approximately 8 litres). However, the per capita alcohol consumption of the Cook Islands (9.7 litres) is higher.

In the Cook Islands, the production of spirits is insignificant but beer is produced in Avarua by Rarotonga Breweries Limited. Beer was the source of 73% of the total pure alcohol consumed in the Cook Islands in 1993. Most of this consumption would be by local people rather than tourists, as in 1994 it was estimated that tourists spent only 1,200 person-days in the nation. Per capita consumption was highest in the Cook Islands which, compared with other countries, has the highest ratio of liquor outlets, lowest alcohol taxation regime and consequently highest per capita consumption compared to neighbouring islands.

In Fiji more information is available about alcohol consumption than in other Pacific nations. This data includes alcohol consumption information from a random sample of

4,606 people in households in 1993 by the Fiji National Food and Nutrition Committee, and tourist consumption information from the Fiji Bureau of Statistics. In 1993 a far higher proportion of men were drinkers (25.7%) compared with women (2.5%). An analysis of this data led to the conclusion that, while drinking prevalence is not especially high, the people who do drink do so at levels above those considered “safe”. This is consistent with findings in New Zealand which underline binge drinking as a major concern amongst Pacific communities.

Pacific People and Tobacco in the Pacific Region

The World Health Organisation (WHO) has identified tobacco smoking as the world’s leading cause of mortality, killing more than HIV/AIDS, tuberculosis and malaria combined. In 2009 it was estimated that 5.4 million people would die because of tobacco-related harms. It is an issue identified globally.¹² Prior to the arrival of tobacco, the South Pacific region was described as one of the most disease-free regions in the world and related diseases like lung cancer, bronchitis and emphysema were non-existent.¹³ In the 1940s the introduction of factory-made cigarettes had an immediate and significant impact in the Pacific region, and shortly after cigarette factories were established in the region. By the 1950s, cigarette factories were active in Fiji and Tonga, with Samoa following suit in the 1960s. Decades later, tobacco now represents one of the largest single causes of avoidable mortality in the South Pacific.¹⁴

The repercussions of tobacco use in the Pacific have been well documented. The WHO (2002) acknowledged that one third of the world’s smokers reside in the Western Pacific Region, where it is estimated that two people die every minute from a tobacco-related disease and two-thirds of men residing in these areas smoke.¹⁵ Tobacco use is quickly becoming a leading cause of morbidity and mortality. It

is challenging for Pacific Islands to assess the extent of the public health problems caused by tobacco use because of a paucity of research and data on smoking rates, epidemiology, or cultural and economic impacts of smoking.¹⁶

The most recent data show that the prevalence of smoking in the Pacific region has gradually declined since the 1980s and 1990s; nevertheless, smoking levels in the Pacific remain high.¹⁷ In a study of smoking amongst adults over 20 years of age in South Pacific nations, including the Cook Islands, Western Samoa, Niue, Tuvalu, Nauru, New Caledonia, Fiji and Kiribati, significant ethnic disproportions in tobacco smoking were common. For example, Fijian Melanesian men from urban areas were more than twice as likely to smoke as Fijian Asian men from within the same district. This shows how the prevalence of smoking can vary between two ethnically different groups living in the same area. Additionally, smoking prevalence increased with increasing deprivation.¹⁸

Rasanthan and Tukuitonga have considered trends of tobacco consumption in PICT and identified publications based on post-1990 estimates for smoking prevalence for American Samoa (survey year 2004), Cook Islands (2004), the Federated States of Micronesia (FSM; but limited to Kosrae, 1994), Fiji (2002), French Polynesia (1995), Guam (2003), Kiribati (1999), Nauru (2004), New Caledonia (1992), Niue (2002), Palau (1998), Papua New Guinea (1990), Samoa (2004), Tokelau (2005), Tonga (1998), Vanuatu (1998), Wallis and Futuna (1996), Australia (2001) and New Zealand (2006).¹⁹

From these surveys adult smoking prevalence varied from 0.6% in FSM (Kosrae) women and 5% in Vanuatu women, to 53% in Tongan men, 57% in Kiribati men, and 51% in Nauru women. Despite these variations, more men in PICT smoked than women with the exception of New Caledonia and Nauru, where more women smoked than men, and Tokelau and French Polynesia, where there was no gender difference. These differences

may reflect cultural gender differences amongst these Pacific nations.

The Samoan Ministry of Health looked at the prevalence of cigarette smoking in four Pacific countries (Samoa, Tuvalu, Nauru and Solomon Islands); rates were higher for men than women. In Samoa 35% of adult men smoked compared with 15% women, in Tuvalu 55% compared with 24%, Solomon Islands 45% compared with 14% with the exception of Nauru which had 52% of men smoking and 53% of women.²⁰ At present the Samoa Ministry of Health has developed a National Tobacco Control Policy for the period of 2010 to 2015 with the aim of countering these differences by using strategies developed by the WHO such as creating smoke-free areas, media campaigns, and increased taxation.

The same is being done in neighbouring islands. In Tonga, the village of Kala'au is taking a stand against tobacco-related deaths by declaring itself to be a "smoke-free" area. This is seen as a milestone for the village of Kala'au and also Tonga to be a smoke-free society.²¹

Alcohol Consumption in Niue

In 2005 the Department of Health Niue reported that 20% of 16 to 20 year olds and 30% of 21 to 30 year olds drank alcohol. In the 31 to 50 and the over-50 age ranges, drinking prevalence varied between men and women. The percentage of men drinking in the 31 to 50 age range was estimated at 50%, dropping back to 20% in the over-50s. For women, drinking prevalence was steady: at 30% in the 31 to 50 age range, but dropping significantly to 10% in the over-50s. More importantly for health impacts, a 2005 report on alcohol and trade reported that weekly drinking and binge drinking are common.²²

The WHO report also notes a high rate of alcohol consumption, with homebrew the cheapest form of alcohol. Homebrew is made from hops, coconut and sugar, left to ferment for three days and then drunk. Other ingredients

used to make homebrew include pawpaw and beetroot. Recorded per capita alcohol consumption (litres of pure alcohol) among adults (≥ 15 years) was 9.5 litres.²³

The South Pacific Commission and WHO identified in their report that NCDs in Niue and alcohol and tobacco use had steadily increased.²⁴ However, the Niue 2008 patient and smoking records from the Niue Ministry of Health report that the number of Niuean women smoking may have decreased. A number of health promotion intervention programmes were deployed to combat the increase in NCDs. These included the Niue Moui Olaola national NCD plan for health education, promotion and protection. While these programmes have been useful, further work is still needed to improve the health disparities for the Niue community.

According to the most recent (2006) Niue Census of Population and Housing, males were identified as the main consumers of alcohol with two out of three males drinking. For females one in three reported drinking. What is alarming is that 90% claim that they only drink occasionally, and one in ten consume alcohol each day. People aged 15 to 19 years were identified as the age group that consumed the most alcohol. From the total population of 1,127 resident Niueans (560 males and 567 females) 43 males indicated they consumed alcohol on a daily basis as did 12 females. For the 90% of the population who identified themselves as occasional drinkers, 3 drinks were identified as the limit for 43% of females and 23% females. 41% of males and 19% of females reported drinking 10 or more drinks. 8% of females consumed alcohol before the age of 15 years and 59% stated that they had consumed alcohol by the age of 20 years. For females, 1% drank before the age of 15 years yet half of those females who reported drinking drank before the age of 20 years.²⁵

Documents that were accessed during a site visit to Niue in November 2011 were the 2008 Ministry of Health Niue and National Youth Council Report based on a youth symposium

TABLE 1 Niue alcohol-related incidents 2008–2008.

Year	Alcohol-related incidents
2006	3
2007	4 (1 accident, 3 paraquat poisoning)
2008	4 (2 cases referred to NZ)

TABLE 2 Niue alcohol-related offences 3 July 2009–3 March 2010

Offences	Total Number
Disorderly behaviour	4
Drives or attempts to drive under the influence	7
Excess breath alcohol (Drinking and Driving)	17
Fails to provide breath screening test	3
Under 18/purchase/possess alcohol (Has not policed recently)	1
Consumed liquor in public places	4
Indecent/Obscene language	2
Drunkenness	4
Domestic dispute	9
Drunk at home	1
Drunk in public places	1
Breach of peace	1
Total offences	54

Source: Mark Chenery, Niue Chief of Police

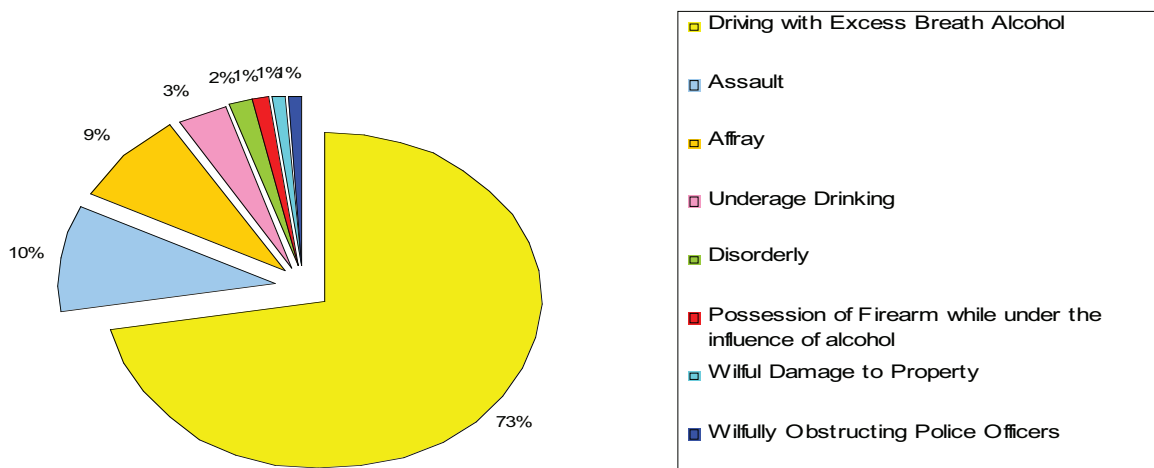


FIGURE 1 Niue alcohol-related offences 2008–2008.

which focused on alcohol issues. This included a camp which focused on youth and alcohol. A number of key presentations were discussed such as those by the Niue Police and the Niue Health Department. Based on the 2002–2008 statistics there are a number of alcohol-related incidents which have been reported to Niue police. Figure 1 shows the most common alcohol-related incidents were driving with excess breath alcohol, assault, affray, underage drinking, disorderly, possession of firearm while under the influence of alcohol, wilful damage to property, and wilfully obstructing police officers.

The Niue Health Department public health team identified the cost of alcohol on the country in relation to the economy, family, community and individual was a drain on the Niue community expenditure and resources. The report also stated in 2006 there were 3 alcohol-related accidents/injuries/incidents that needed hospital treatment. In 2007 one accident was reported and in 2008 two out of four cases needed to be referred to New Zealand for medical care.

More statistics from the Niue Police Department are provided in the Table 2. They suggest that the most common alcohol-related offence is drinking and driving. This is a major concern for the economy of Niue as a majority of injured individuals have been airlifted to New Zealand for medical care. There is also the cost of a Medivac, which exceeds NZ\$150,000

for an emergency flight. There is also the issue of follow-up care for the individual, which is an expensive process.

Alcohol Consumption in New Zealand

While this paper specifically focuses on alcohol use in Niue there are a few articles that have been written about alcohol use by Niueans in New Zealand. This part of the paper is intended provide some context in terms of alcohol use amongst the Niue community in New Zealand and to provide a link to the pattern of alcohol consumption in Niue.

Extending Gray's thesis,²⁶ Gray and Nosa published a 2009 paper "Tau Fifine Fiafia" examining the binge drinking behaviours of nine New Zealand-born Niuean women, aged 18 to 45 years plus, living in Auckland.²⁷ It is the only paper found specifically focused on the drinking behaviours of Niuean women. In this study the nine women were asked questions relating to reasons for drinking, drinking styles, venues to drink, times to drink, who they drank with and risky behaviour that may have taken place while drinking. The New Zealand-born Niuean participants in the research were introduced to alcohol at an early age (usually in their early teens), with reasons for drinking including to "fit in", forget about problems, relax and reconnect with friends. Binge drinking behaviour was the style mentioned by these women who drank to get intoxicated with a preference for drinking at home before going out. Night was the preferred time to drink, with Friday and Saturday the most popular days noted as it was the end of the week and are considered the most popular days to go out in Auckland.

Drinking alcohol with family was not a popular choice for those who participated in this study, because of fear of being judged by their family, and through their own acknowledgment that it was considered a sign of disrespect to drink in front of elders, especially parents and older males. Gray and Nosa emphasised the

importance of this point as it was a recurring theme throughout the study. Consequently, while drinking with family members was not a popular choice, drinking with friends was. Most of the women interviewed reported binge drinking behaviour practised with friends and peer groups.

The desire to be seen as cool and inclusive within peer groups acted as a trigger for female Niuean to drinks, to be able to consume large amounts of alcohol without getting sick, going to sleep or stopping. The effect of alcohol on sexual behaviour and alcohol was also talked about whereby it was a common concern affecting participants who drank with men in relation to being intoxicated from excessive alcohol consumption. Thus, the drinking styles of New Zealand-born participants in the study were described as at-risk behaviour. While the study is a first of its kind, in terms of detailed information on Niuean female drinking behaviours, a limitation is the number of participants.

Nosa's (2005) PhD thesis examined the perceptions and use of alcohol among Niuean men living in Auckland.²⁸ The thesis examined how and why Niuean men living in Auckland drink alcohol and some of the effects of drinking on their social, mental, and physical wellbeing. Thirty-two Niuean men born in Niue and Auckland participated in face-to-face audio-taped interviews. Their stories about alcohol practices, uses, and beliefs form the basis of the thesis, coupled with participant observation, literature reviews, and community consultation. The men interviewed suggested that it is "the Niuean way" to consume alcohol with the aim of becoming fully intoxicated. This can have negative effects on health, mental wellbeing, and family relationships, and can lead to violent behaviour.

Nosa found that alcohol continues to be integral to the culture of contemporary Niuean men. The thesis further examines how alcohol is embedded within the Niuean culture and how cultural norms have contributed to drinking rituals and practices among Niuean men living

in New Zealand. Historical and contemporary factors have influenced the way Niuean men use and view alcohol. For example, the introduction of alcohol to Niue, the colonial influence, migration to New Zealand, cultural expectations, and contemporary New Zealand drinking styles all have contributed to the drinking patterns of Niuean men living in Auckland. Heavy drinking styles that originated in Niue are prevalent among Niuean men in Auckland. Consuming alcohol has become an important ritual, both in cultural ceremonies and in men's everyday lives. There is a growing population of young Niueans in New Zealand who learn by mimicking the drinking styles of older men.

Tobacco Consumption in Niue

In Niue all tobacco products are imported from New Zealand with an import duty of 53% applied on cigarettes. There are no other taxes related to tobacco. The price of a pack (25) of cigarettes is US\$7.15 for Rothmans and Winfield where the retail price is 84% tax. The price of Rothmans in Niue is US\$7.00 and Winfield is US\$8.40. Like its neighbouring Pacific Islands, there are limits and prohibitions on the sales and importation of duty-free tobacco products. However, in Niue, there is no current tax or pricing policies aimed at contributing to health objectives.²⁹

According to the 2006 Niue Census of Population and Housing, 23% of the resident population aged 15 years and over said that they smoked. A total of 264 people indicated they smoked and 72% smoked every day, 19% smoked over 20 cigarettes, 47% smoked between 10 and 20 cigarettes, and 35% smoked less than 10 cigarettes a day. From the 28% who were identified as occasional smokers, 76% smoke less than 10 cigarettes and only 4% smoked more than 20 cigarettes occasionally.³⁰ Smoking was twice as prevalent amongst men (30.7%) than women (16.2%). By comparing the 2001 Census and 2006 Census results

on smoking, it seems that the total prevalence, and the prevalence in male and female smokers, has not changed. What has changed is the total population, which is declining. It is assumed that during the population decline, some smokers migrated, while new smokers started smoking.³¹

Examinations of the Niuean death registers show that for those over 40 years, Niuean smokers have a 300% excess death rate compared with non-smokers. Smokers have a 700% excess rate of dying (early) from lung or airways disease. The 300 Niueans who are smokers spend an estimated NZ\$350,000 per year on cigarettes and tobacco, a figure that includes approximately \$180,000 in tobacco tax. The cost of cigarettes is approximately \$5.50 for a pack of 20, a price which has not changed much over recent years. The price of tobacco has become cheaper compared with the price of other goods over time.³²

In 2007, the Niue Ministry of Health began drafting up an action plan in conjunction with the WHO guidelines with the goal of improving the health of the Niuean people by reducing the harms caused by tobacco use and exposure to second-hand smoke. Within this action plan, four target groups are identified as being young people, pregnant women, smokers and community leaders. While the Action Plan has steps to achieving the goals, a setback – easily identified in reviewing the document – is finding the resources to undertake this process. It also does not provide information as to why people smoke in the first place and reasons why they would choose to quit.³³

Discussion

There are clearly health-related problems that are associated with heavy alcohol consumption and tobacco use. The literature has identified that alcohol did not exist in the Pacific region before the arrival of Europeans. Alcohol is now part of the Pacific culture. There is very

little and outdated research data for alcohol use.³⁴ The introduction of tobacco into the region was similarly through colonisation.³⁵ From the 1940s onwards the introduction of tobacco companies into the Pacific region also saw an increase of tobacco use for many Pacific people.³⁶ A number of studies have highlighted that non-communicable diseases from alcohol and tobacco are increasing. The lack of health education campaigns is a possible contributing factor to unchanged smoking prevalence. Further research would be fundamental in determining ethnic-specific risk and protective factors for smoking amongst Niueans living in Niue.

The New Zealand research by Gray (2005), Nosa (2005), and Gray and Nosa (2009) provides some background contextual information about drinking beliefs and practices that continue to be practiced in Niue and New Zealand.³⁷ The Niuean way of drinking until you are drunk is prevalent in Niue and in New Zealand. This drinking style has long-term implications for the mental health and well-being of the Niuean community in Niue and New Zealand so it is important that health professionals and planners are aware of the dangers and work with the Niuean community to plan strategies for change. It is evident through the paucity of literature that further research should be conducted to understand what alcohol means to Niueans on a day to day basis and the role it plays within Niuean culture. Strategies for providing a safe and culturally appropriate environment need to be discussed when promoting alcohol consumption.

Accessing grey literature on alcohol and tobacco use has been a problem not only for Niue, but for other Pacific countries. Information accessed from hospital and police records are manually recorded. Computerised record-based systems present problems due to a lack of skilled people to maintain the computer programs. Based on the hospital records there were very few reported cases of alcohol-related incidents. However, two cases of alcohol-related incidents

were referred to New Zealand in 2008 for medical care. Again this highlights the burden of healthcare expenditure for the Niue government. The police records indicate that drinking and driving was the major key alcohol-related incident followed by domestic disputes.

Recommendations

- Health promotion and educational awareness programmes on harm minimisation strategies for alcohol consumption are an important aspect to reduce the harm of heavy alcohol and tobacco consumption.
- The government and the Ministry of Health are key organisations that can implement relevant programmes and policies to suit the Niue community. With tobacco programmes and interventions the government should look at pricing, taxation and importation of tobacco into Niue as key mechanisms to having better policies in place.
- The Ministry of Health needs to look at smoking cessation programmes that are culturally competent and tailored to suit the individual. The inclusiveness of the individual and the family needs discussion when designing and implementing programmes that are culturally appropriate.
- There is further scope for programmes to be targeted for Niuean males, Niuean youth and Niuean pregnant women. This will need to be further discussed at a community level so programmes are suitable and culturally appropriate.
- There is a further need to provide qualitative research into why Niueans smoke. Research should also look at Niueans who quit smoking and to identify the reasons for quitting smoking and how they have continued to stay smoke-free.

- Routine collection of current data is a problem and needs to be further investigated.

Conclusion

In summary, this paper has highlighted a number of key areas for further research and identified key areas of investigation for policy programmes and interventions. Niueans are a transient population so a number of alcohol and tobacco practices and beliefs are linked to beliefs and practices in New Zealand.

Endnotes

- Schmich, L.; Power, R. *Situational Analysis of Drug and Alcohol Issues and Responses in the Pacific 2008–09*; Burnet Institute, Australia National Council on Drugs: Melbourne, 2010.
- Rasanathan, K.; Tukuitonga, C. F. *New Zealand Medical Journal*, 2007, 120 (1263), 36–46.
- Connell J. *Asian and Pacific Migration Journal*, 2007, 16 (2), 179–197.
- Secretariat of the Pacific Community. “GOAL 1: Eradicate extreme poverty and hunger”. 2006. <http://www.spc.int/prism/country/nu/stats/Reports/MDG%20Report/GOAL%201%20MDG.pdf> (accessed 2 Nov, 2011).
- Secretariat of the Pacific Community. *Tobacco and Alcohol in the Pacific Island Countries Trade Agreement: Impacts on population health*. SPC: Noumea, 2008.
- Connell J. *Asian and Pacific Migration Journal*; pp 179–197.
- Pittman, D. J. International Overview: Social and Cultural Factors in Drinking Patterns. Pathological and Nonpathological. In *Alcoholism*; Pittman, D. J., Ed.; Harper and Row: New York, 1962; p 5.
- Heath, D.; Cooper, M. *Alcohol use and world cultures: A comprehensive bibliography of anthropological sources*. Addiction Research Foundation: Toronto, 1981; p 46.
- Marshall, M. An Overview of Drugs in Oceania. In *Drugs in Western Pacific Societies: Relations of Substance*; Linstorm, L., Ed.; United Press of America: NL, 1987; pp 13–49.
- Smith, B. J.; Phongsavan, P.; Bauman, A. E.; Havea, D.; Chey, T. *Drug and Alcohol Dependence*, 2007, 88 (1), 9–18.
- McDonald, D.; Elvy, G.; *Drug and Alcohol Review*, 1997, 16 (4), 383–390.
- World Health Organization. *WHO Report on the Global Tobacco Epidemic*, 2008. http://www.who.int/tobacco/mpower/mpower_report_full_2008.pdf (accessed 2 Nov, 2011).
- Crocombe, R. *The South Pacific*. The Institute of Pacific Studies of the University of the South Pacific: Fiji, 2001.
- Rasanathan, K.; Tukuitonga, C. F. *New Zealand Medical Journal*, 2007.
- World Health Organization. *Western Pacific Region – Fact sheet – Smoking Statistics*, 2002. http://www.wpro.who.int/media_centre/fact_sheets/fs_20020528htm (accessed 1 Nov, 2011).
- Allen, M.; Clarke, D. *Pacific Health Dialog*, 2007, 14 (2), 115–117.
- Rasanathan, K.; Tukuitonga, C. F. *New Zealand Medical Journal*, 2007.
- Glover, M.; Nosa, V.; Watson, D.; Paynter, J. *WhyKwit: A qualitative study of what motivates Maori, Pacific Island and low socio-economic peoples in Aotearoa/New Zealand to stop smoking*. School of Population Health / Centre for Tobacco Control Research, University of Auckland: Auckland, 2010.
- Rasanathan, K.; Tukuitonga, C. F. *New Zealand Medical Journal*, 2007.
- Samoa Ministry of Health. *National Tobacco Control Policy and Strategy 2010–2015*. Ministry of Health: Apia, 2011.
- Civil Society Forum of Tonga. World No Tobacco Day, 2011. <http://civilsocietytonga.org/?p=313> (accessed 7 February, 2012).
- World Health Organization. *Asia Pacific Report Card: WHO FCTC Articles 5.3, 6, 8, 11 and 13*. 2010. <http://www.seatca.org/dmdocuments/ASIA-PACIFIC%20Report%20Card%202010.pdf> (accessed 1 Nov, 2011).
- World Health Organization. *Asia Pacific Report Card*, 2010.
- South Pacific Commission and World Health Organization. *Pacific countries and territories take up the battle against NCDs*. South Pacific Commission and World Health Organization: Madang, 2009.
- Secretariat of the Pacific Community. *Tobacco and Alcohol*, 2008.
- Gray, J. The drinking behaviour of Niuean women living in Auckland: tau fifine fiafia.

- MHSci Dissertation, University of Auckland, 2005.
27. Gray, J.; Nosa, V.; *Pacific Health Dialog*, 2009, 15 (1), 104–111.
 28. Nosa, V. The perceptions and use of alcohol among Niuean men living in Auckland. Ph.D. Dissertation, University of Auckland, 2005.
 29. World Health Organization. *Asia Pacific Report Card*, 2010.
 30. Secretariat of the Pacific Community. *Tobacco and Alcohol*, 2008.
 31. Secretariat of the Pacific Community. *Tobacco and Alcohol*, 2008.
 32. World Health Organization. *Asia Pacific Report Card*, 2010.
 33. World Health Organization. *Asia Pacific Report Card*, 2010.
 34. Marshall, M. An Overview of Drugs in Oceania, 1987; pp 13–49.
 35. Crocombe, R. *The South Pacific*, 2001.
 36. Crocombe, R. *The South Pacific*, 2001. Rasanathan, K.; Tukuitonga, C. F. *New Zealand Medical Journal*, 2007.
 37. Gray, J. The drinking behaviour of Niuean women, 2005. Nosa, V. The perceptions and use of alcohol among Niuean men living in Auckland. 2005. Gray, J.; Nosa, V.; *Pacific Health Dialog*, 2009; pp 104–111.

POLYNESIAN TECTONICS

“Re-building” the 19th century whare Māori

Jeremy Treadwell

Abstract

Contemporary understandings of traditional Māori building technology in Aotearoa have been principally informed by oral histories and archaeological and historical scholarship. Of these, it was the excavation of a 17th century Māori village at Kohika in the late 1970s that provided the first unambiguous physical evidence of a post-tensioned construction technique being used to stabilise the cross-sectional structure of carved houses. This was a finding of significance as tension/compression structures in Polynesia are primarily associated with marine technology and not architecture.

This paper represents the preliminary research into the questions of whether or not this technology persisted into the 19th century, and if so, was it implicated in the development of the characteristically larger meeting house? The methodology of this research was very specific and based on the examination of house components surviving as artefacts in national and regional museums. The justification of the research was based on the fact that components of articulated timber structures frequently embody evidence of their construction process and its physical implementation. Evidence from these artefacts was contextualised against both 19th century images and texts originating from 19th century accounts. This paper is intended to identify a field of future research that can be informed by both contemporary and historical mātauranga Māori (Māori knowledge), and investigated both practically and theoretically.

Results of this early research reveal that post-tensioning of the cross-sectional structure not only survived into the 19th century but was expressed in surprisingly complex ways in at least two meeting houses, one from Rotorua and the other from the East Coast.

Kohika – The beginning

In 1997, when excavating a kāinga Māori (Māori village) at Kohika in the Bay of Plenty, archaeologists Geoff Irwin and Rod Wallace made an important discovery. It was there that for the first time sufficient artefacts from a whare Māori (Māori house), with shaped and differentiated components, were uncovered to allow the construction of an unequivocal structural description of a pre-contact whare Māori.¹ Especially significant was the fact that the house utilised the same components made familiar in the contemporary Māori meeting house. Crucially, there was also clear evidence that the cross-sectional stability of the whare was achieved by repetitive structural arch formations, each comprised of paired poupou (wall posts) and heke (rafters), components which were locked together over the tāhuhu (ridge pole) by the combined application of tensile and compressive forces. It now seemed that the accounts of Māori house construction from the late 19th and early 20th centuries made more sense. Here was evidence that showed precisely how each set of heke and poupou were pulled tight together over the ridge pole, and also evidence that eyelets had been drilled along the back of the heke to control the passage of the tensioning rope. All of this was consistent with the accounts of The Reverend H. W. Williams (drawn from descriptions of Ngāti Porou practices by kaumātua [elder] Mohi Turei)² and the 19th century Māori informants of later authors Elsdon Best³ and Makareti.⁴

The discoveries of Kohika generated new interest in Māori construction techniques. Archaeologists Irwin and Wallace contextualised the development of tension construction in houses, interpreting it as an extension of marine technology. Tension and compression structures are routine in both rigging systems and articulated double-hull and outrigger canoe construction. The archaeologists proposed that the transfer of this technology was “...prompted by the radically different

environmental constraints and opportunities met during the settlement of New Zealand by the early Māori.”⁵ They also identified the unusual concealment of the tensioning ropes and the restraining lashings.

Stimulated by this find, Professor Mike Austin and I built a half-scale sectional model of the Kohika whare in an attempt to understand how this system was applied in practice. The tension system worked impressively; it compressed all the components together, forming stiff cross-sectional arches.⁶ However, there were many questions and potential problems raised by the investigation. Apart from some technical issues concerning the deformation of arch junctions under pressure and uncertainty about the final tying-off, there was a wider question left hanging: Did this technology go on to be used in the construction of the much larger whare buildings of the 19th century? It was an intriguing possibility made somewhat doubtful by the fact that the Kohika house was so tiny. Its poupou rose only 70 cm above ground and its slender heke 145 cm long.⁷ The idea that this fragile system might have been used in the construction of the large whare and bigger churches of the 19th century was challenging. And yet that was what was implied by the writing of Williams and Best.

Initial research in 2009 was not encouraging. Inspections of T. W. G. H. Hammond’s photographs of the original dismantling of the whare Hotunui (now fully assembled in the Auckland War Memorial Museum Tāmaki Paenga Hira) seemed not to show recognisable evidence of post-tensioning, but did reveal some ambiguous use of rectangular nails. From Kohika it had been anticipated that any evidence of post-tensioning in Hotunui would be concealed on the backs of the heke and the poupou. While it was possible to briefly access the roof of the house, the ancestors supporting the heke had their backs firmly against the wall.

Then in 2010 art historian Richard Sundt published a careful account of the development of the large Māori churches of the early

19th century.⁸ In this publication he analysed the development of these buildings in relation to traditional Māori building technology and Māori exposure to colonial technologies. Sundt concluded that post-tension technology was unlikely to have had relevance for the larger church and whare building projects of the mid to late 19th century:

It is unlikely though, that the traditional “tension and compression” technique used at Kohika, achieved by lashing and the mimiro device would be feasible for a building of monumental proportions, and particularly one like Rangiatea [at Ōtaki] with the apex reaching a height of 40 ft (12.9 m), the tallest of any whare in the country.⁹

However, Sundt’s careful argument was based on historical reconstruction of the general and specific context of church building events where he placed much emphasis on observers’ descriptions. From these and other sources he carefully extrapolated the relative scales of these buildings and their potential effects on construction. His wider conclusion seemed to be that the construction of the huge Māori churches of the 1840s was essentially contingent on Māori having adopted European building technology and that it was these buildings and techniques that made it possible for Māori to build the large scale whare of the 19th century.

Despite this it seemed possible that evidence of the use of post-tensioning as a construction technique could still exist, not in historical literature as Sundt showed but in the components of the buildings themselves. My attention was therefore drawn to the components of whare now residing in museums as artefacts.

The Museum Project – Looking for evidence

What the excavations at Kohika had made apparent was that knowledge of Māori

construction from the 19th century was fragmented. It was comprised of a small number of written accounts, both Māori and European, and a smaller number of archaeological excavations. Between Kohika and the present day there was a silence that has been filled largely by Sundt’s book. The museum research was to reveal more evidence of the colonial fragmentation of Māori knowledge in the 19th century.

Trade in “curiosities” and museum acquisition practices privileged carved items. Because of this, collections of house components became unrepresentative of the whole construction. There are more carved poupou, maihi and amo in museums than the typically uncarved heke and the frequently uncarved interior sections of tāhuhu.¹⁰ The carved section of the latter elements were often amputated and the uncarved sections discarded, frequently disappearing from all knowledge.

Museum collections often included isolated carved poupou from whare without associated rafters or tāhuhu. The colonial market for native curiosities was a process that fragmented whare, erased their context and obscured their meaning. The resulting lack of provenance and incomplete or vague accession information is a characteristic of private collections and museum-held whare components.

Research began by examining components of whare to see if they indicated how junctions had been shaped and what structural system was implied. Did these large houses develop on the basis of vertical cantilevers and trabeated construction – essentially European technology – as Sundt proposed? Or was there, in the isolated components in museums, evidence for the persistence of the post-tensioned compression construction and its extension to these larger buildings? Inevitably the research was to focus on the cross-sectional components of the whare – the poupou, the heke and the tāhuhu – where they could be found.

The Problem of Nails

Initially it seemed that this research would be driven by the presence or absence of nails, a demarcation in the Pacific associated with authenticity and cultural contamination. The Māori anthropologist Peter Buck accounted for the loss of building tradition in the Cook Islands through the use of nails: “In the structural a‘au lashings of purlins to principal rafters, certain forms were used but these have been lost through the use of trade nails.”¹¹

Early expectations in the research were that the presence of nails would signal colonial technology and their absence would be evidence of traditional Māori technology. However, actual research revealed that nearly everything had nails of some sort. It became clear that the house components/artefacts had typically been relocated, reconfigured and rebuilt, before finally ending up in museums configured as theatrical

backdrops – contextual displays, in which roles they received even more nails.

This research was frustrated by the complexities of these nails, old or new, wire or cut¹² and by an inability to detect anything that looked like the Kohika artefacts, or any poupou or heke that had any of the configurations of lashing holes seen on the Kohika artefacts. The lack of provenance, that great signifier of colonial fragmentation, was both sad and frustrating. Focus needed to shift towards other possible evidence of post-tensioning. Then at the Rotorua Museum off-site store things changed. In this collection there is the tāhuhu, a door sill, a poutokomanawa (centre ridge pole) and a number of heke from the whare Whakaue Kaipapa.

Sometimes known as Te Kooti’s whare, Whakaue Kaipapa was built in 1887.¹³ The powerfully carved roro (porch) section of the tāhuhu was an isosceles triangle in section and



FIGURE 1 E. Paton at easel outside Whakaue Kaipapa c1904, Rotorua. Museum Te Whare Taonga o Te Arawa OP-1180.

500 mm wide across its base.¹⁴ The bottom edges of the triangle had been squared and the apex flattened. Interestingly the top surfaces showed no pattern of nails or holes consistent with the fixing of the heke.

The adzed heke of Whakaue were straight, but had been curved into an angled tenon at



FIGURE 2 Heke, Whakaue Kaipapa, ventral and lateral view of upper end. J. Treadwell 2011, Rotorua Museum Te Whare Taonga o Te Arawa.

the lower end and, as Best described, the heke “had a rebate or shoulder at the top”.¹⁵ It was not until I received an image from Canterbury Museum that showed the house in disrepair with heke suspended from the tāhuhu and hanging eerily into the roro that I began to pay attention to the top surface of the heke. Why had the carvers tapered the heke at the end of their top surface? And, if in 1887, the purlins had been nailed to the heke, why, in this image, were the heke hanging in space?

It became apparent that the top edge of the heke could have been carefully radiused to allow the tauwhenua (tensioning rope) to pass smoothly over its top edge and then, I realised, over the radiused apex of the tāhuhu. It was very hard to come up with any other explanation for this time-consuming modification of the end of the heke. The suspension of heke from the tāhuhu as shown in the Canterbury Museum image seemed to be consistent with Williams’ description, “The rafters were kept



FIGURE 3 The whare Whakaue Kaipapa at Awahou. Canterbury Museum, courtesy of Roger Fyfe. No date, ref. currently unavailable.

in place by lashing ... the upper ends to one and another over the [tāhu] ...”¹⁶

An appropriate explanation for the cause of the suspended rafters can perhaps be found in the image where shadows of the roof structure on the wall of the roro show that areas of roof thatch above the roro were missing. It is easy to imagine that the tauwhenua, exposed to sunlight and rain, would have deteriorated before finally failing and releasing the heke from their compressed position on top of the poupou.

Here then it seemed was a mixed body of evidence that consistently supported the use of post-tensioning in the construction of a whare over a hundred years after Kohika and about 40 years after the construction of the large whare karakia (Christian churches constructed by and for Māori congregations). The problem was of course that this evidence related only to the top of the structural section – the uncarved poupou of Whakaue Kaipapa predictably had not survived. Now it seemed necessary to look beyond nails and lashing holes and look for other alignments between the texts of Williams, Best and other records from the *Transactions of the Royal Society of New Zealand* with the artefacts in the museums. But equally it seemed, from what was learnt from Whakaue Kaipapa, that there was real variation in the practice of construction and because of this a wider consideration needed to be given to the conception of the construction systems as well as the roles of individual components.

In 1924 Best wrote of the generic pole and thatch house, “In these huts the wall-posts and those that supported the ridge pole were all well sunk in the ground, and so equally tended to support the roof.” However, of the whare whakanoho (house with shaped components) he wrote:

In the whare whakanoho the central posts and the ridge pole may be said to support the house. The side posts or rather the wall slabs or planks were not deeply inserted in the earth, and were not intended to resist both the weight

of the roof and the thrust of the rafters. The ridge-pole supported the rafters, and so the outward thrust on the walls was not great...¹⁷

What this account does is differentiate between the two types of whare by structural system. While explaining that the poupou of the whare whakanoa were not intended to bear the weight of roof and rafters, he also pointed out that these wall posts were not embedded deeply in the ground. The implication here is that the poupou of the pre-contact whare whakanoa were also not intended to resist lateral loads as standing cantilevers. This is in contrast with the pole and thatch whare with its generalised system of lashed and evenly embedded poles.

Best’s partitioning of structural responsibility to the ridge posts and the tāhuhu and his recasting of the heke and poupou as a kind of outrigger to the ridge pole and its supporting posts is to clearly distinguish the “component whare” from the trabeated vertical cantilever model of the “pole and thatch whare”. This distinction provided a useful insight for the consideration of the poupou and its engagement with the ground and its joint with the heke.

The Role of the Poupou and its Relationship to the Ground

Best asserted that poupou were not deeply embedded. But because they were prized as curiosities for their carving, their embedded uncarved sections had typically been sawn off by the time poupou reached the museums. Despite this, two poupou with their in-ground sections intact were located, both at the Rotorua Museum Te Whare Taonga o Te Arawa.¹⁸ These poupou had a 550 mm embedment depth and an overall height of 2200 mm, a ratio of 1:4 in ground to above ground. This was the same ratio as found with the poupou of the church Rangiatea at Ōtaki.¹⁹ However, with additional variables like ground density to consider, this issue is complex and may need empirical testing to learn more.

It is also widely reported that poupou were aligned with a slight inclination towards the centre of the whare.²⁰ Buck wrote of this, “The lower ends were imbedded in the ground with a slight lean to counteract the outward thrust of the rafters.”²¹ However, analysis of simple models showed that the effect of this inclination was not so much to counteract the outward thrust of the rafter, as Buck suggested, but rather to transfer some of the vertical load of the rafter laterally against the tāhuhu. This would apply to both the static load of the rafter but also to environmental loads. It seems to be an important component in understanding the structural system of the whare, and it implicates the mass of the tāhuhu as part of the system of stability as well as its role as a member for vertical support.

The Mortice and Tenon Joint between Heke and Poupou

It is the implication of lateral as well as vertical force on the poupou that can be seen in the development of the widely described mortice and tenon junction found between poupou and heke. This joint functioned to resist both lateral and vertical loads without lashing but was vulnerable to rotation in some circumstances.²² Its early form was documented at Maungakaware between the 16th and 17th centuries.²³ As a joint it still retained qualities of the traditional crossing joint found widely in Pacific fale (house) and the lower end of the heke remained free to support an eave. Since Kohika, the mortice and tenon joint can fairly be associated with the post-tensioning as it provides a secure resistance to the components of vertical and lateral forces involved.

Description of the Rua Whetu Joint

Intriguingly, at some time during the 19th century a variant to the rectangular tenon joint developed. In this junction, a crescent shape

rua whetu (moon shaped space) is carved out of the top of the poupou and a corresponding semicircular shape (teremu/tongue) is formed on the lower end of the heke. This junction occurs with the use of semicircular rather than rectangular cross-sectional heke.²⁴

The rua whetu/teremu junction between heke and poupou effectively formed a blind socket joint with increased bearing area for lateral in-line load transfer but with less tolerance for any rotation of the joint. More investigation will be needed to work out whether this joint developed in response to improved functional requirements or whether it had a primarily aesthetic motivation.

Heke in the Literature

There is widespread mention in the early literature of whare rafters being curved,²⁵ particularly in relation to the shoulder or rebate with which the heke engaged the tāhuhu, as discussed in relation to Whakaue.²⁶ This rebate acted to maintain the position of the heke against the squared edge of the tāhuhu but relied on pressure to maintain contact. Curved rafters were clearly a characteristic of 19th century whare construction but their distribution is not well understood although they have been associated with both the Whanganui region and the East Coast.

The one incomplete set of curving heke located with secure provenance belonged to the 1865 Māuitikitiki a Taranga whare (Tairāwhiti Museum).²⁷ These 3.6 m long adzed heke have an average 100 mm curving deviation from a straight line drawn between the rafter ends. They feature a rua whetu junction at the lower end and a straight rebate at the top.²⁸

This set of rafters is important in that, with the application of tension through the tauwhenua, it can be seen that the ends of the heke would have been tightly compressed between the poupou and the tāhuhu. However, there is evidence for one more level of sophisticated

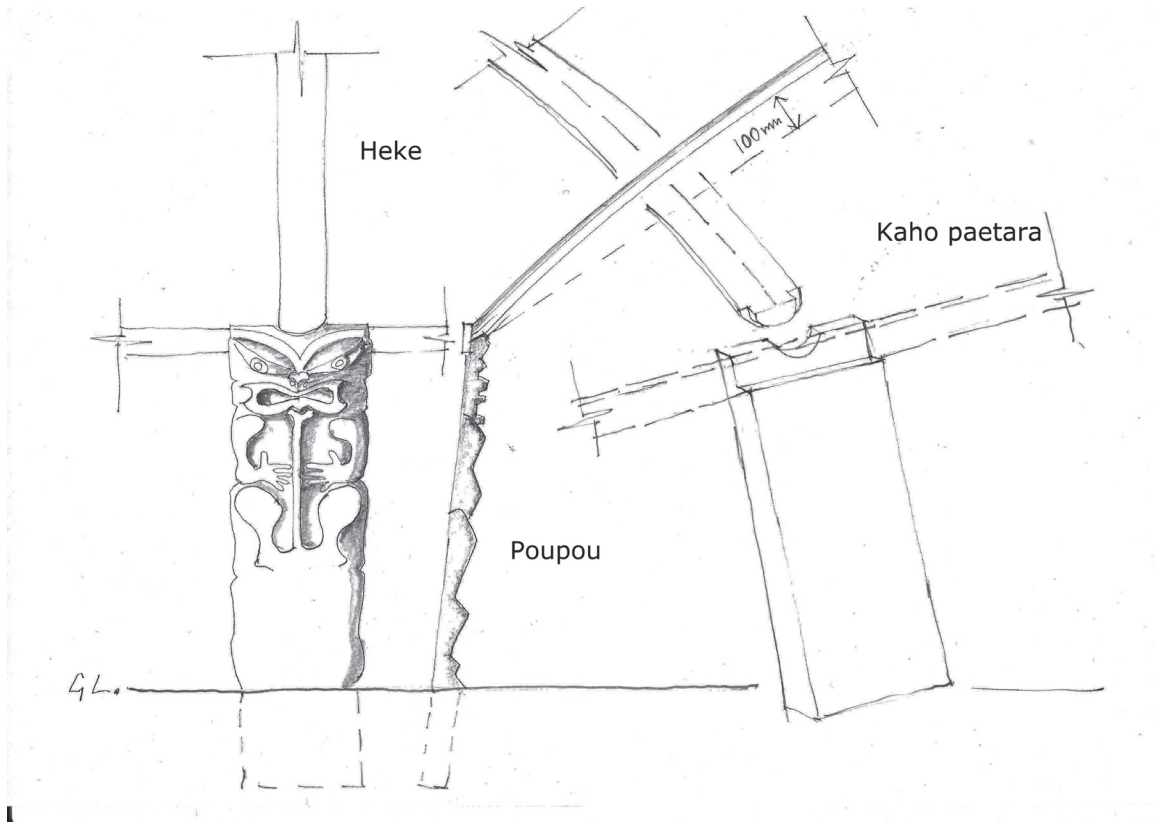


FIGURE 4 Māuitikitiki a Taranga: curved heke and rebated poupou. J. Treadwell, 2011.

control having been applied by Māori builders in the formation and control of the structural cross section of the whare Māori. In his notes to the article by Williams, Apiriana Ngata pointed out that the kaho (purlins) varied in thickness, “the *kaho-patu* being the thinnest, and the centre *kaho* the thickest”.²⁹ While this sounds insignificant and unlikely to have structural significance, test models showed that by separating the axis of tension from the axis of compression, control could be exerted over the curvature of the heke. By applying tension to the tauwhenua, the camber of the heke could be slightly flattened, an effect which marginally increased the length of the heke and therefore the compression and security of the joints at both ends of the heke. In other words, the combination of the pre-cambered rafter and controllable tension-induced compression provided a mechanism that provided lateral stability through joint stiffness even over significant rafter spans in the whare Māori. This is a mechanism that has significance in the reconsideration of the

structure of the whare karakia of the 1840s.

In conclusion, there was one final discovery within the New Zealand museums that strongly confirmed the use of a tension and compression construction in large scale 19th century whare. At the Museum of New Zealand Te Papa Tongarewa there are photographs of a prominent early house from the East Coast. These images of the back of the poupou and the heke show precisely the same structural features as the poupou from Kohika. Below the rebate for the heke (the mortise) were the same lashing holes for the tauwhenua as on Kohika artefact “Koh 9” (Whakatane Museum). At the centre bottom of every heke from the larger house was a hole drilled to guide the tauwhenua over and perhaps around the kaho paetara, to be lashed off against the back of the poupou. On this much wider heke this hole is the functional equivalent of the paired holes that are featured on the top surface of the Kohika heke.

Although the Kohika poupou is much smaller, the signature of the lashing holes in

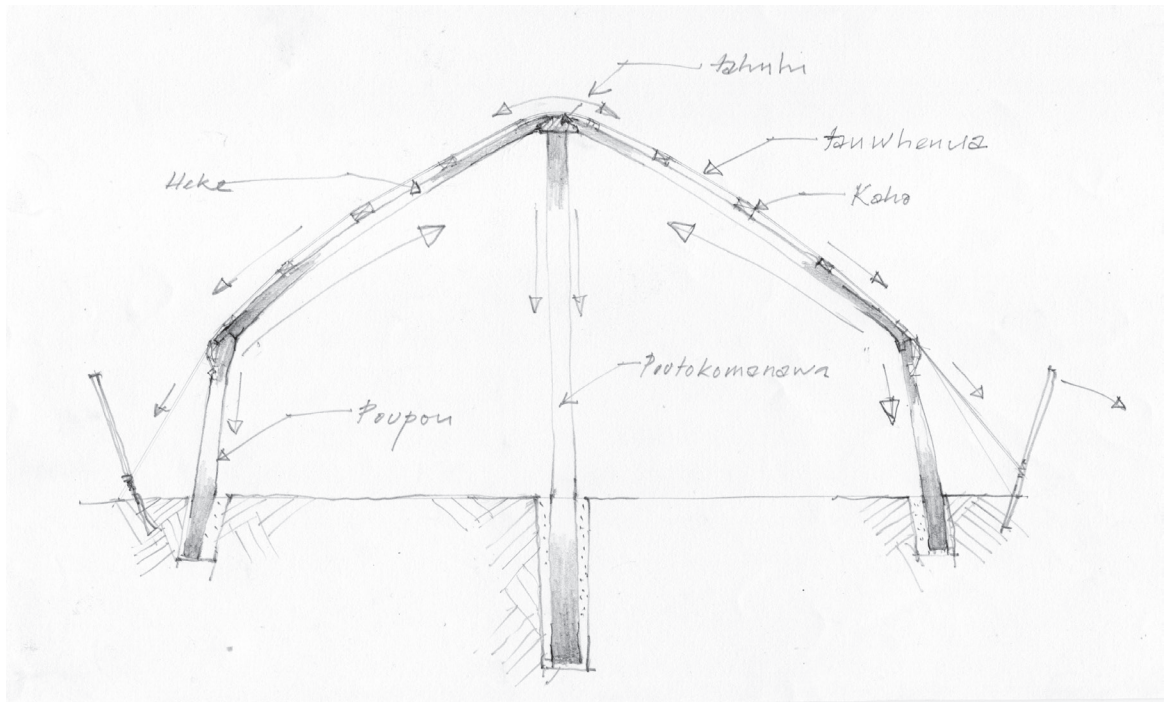


FIGURE 5 Diagrammatic cross section of a whare showing pre-cambered heke and tension-induced compression of the cross-sectional structure. J. Treadwell, 2011.

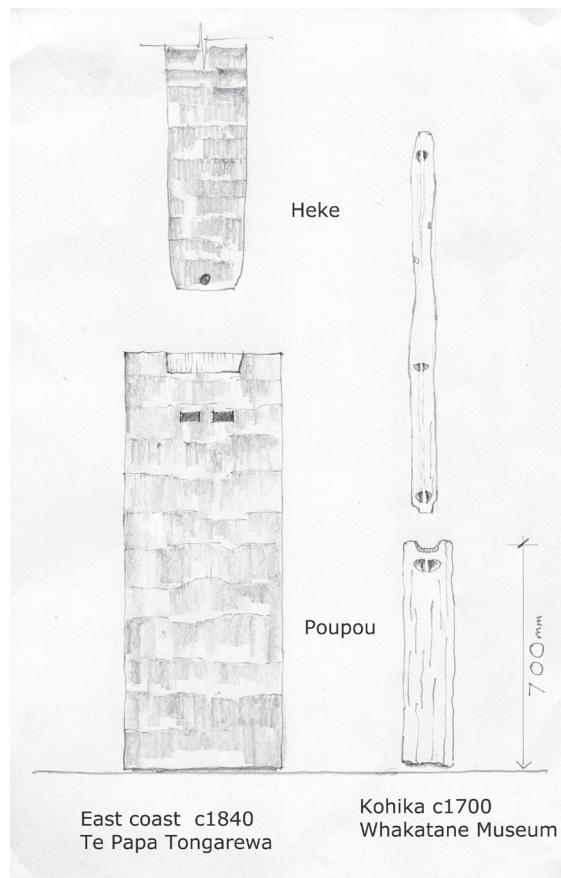


FIGURE 6 Poupou and heke from the small house at Kohika and the back of a much larger fully carved poupou from an early East Coast meeting house. Figures to the same original scale. J. Treadwell, 2011.

the back face of the East Coast whare is unmistakable. From the experience of making a scale model of the Kohika artefacts we had learnt that the pair of horizontal holes are precisely where they need to be to tie off the tail of the tauwhenua while maintaining tension in the lashing.

Additional work is required to better understand the processes and the technical concepts behind the construction of the large scale meeting houses and whare karakia of the 19th century. There is now evidence, however, that post-tensioned construction was being used at the time that the famous church Rangiatea and the early Manutuke churches were constructed and for several decades after.

In the same way that the early carved meeting houses of the East Coast anchored the art of whakairo rākau (wood carving) at a time of cultural fragmentation, we now find that their constructional technology can help to reinstall understanding of 19th century large scale Māori construction, not as simple and additive trabeated formations but as sophisticated and finely manipulable architecture.

Endnotes

1. Bellwood, P. *Archaeological Research at Maungakaware Waikato 1968–1970*; University of Otago: Dunedin, 1978; figs 11 & 38. The components of a house discovered at Maungakaware in 1968 allowed a structural sequence of a large house to be established but without the detailed evidence of how it was fixed together. Further, many of these components were significantly degraded making interpretation less certain.
2. Williams, H. *Journal of the Polynesian Society*, 1896, 5, 145.
3. See Best, E. *The Māori As He Was: A Brief Account of Māori Life as it was in pre European Days*; Government Printer: Wellington, 1924.
4. Makereti (Maggie Papakura). *The Old-Time Māori: Makereti*; New Women's Press: Auckland, 1986; p 33.
5. Wallace, R.; Irwin, G. *New Zealand Journal of Archaeology*, 2000, 22, 84.
6. See Treadwell, J.; Austin, M. In *Cultural Crossroads, Society of Architectural Historians of Australia and New Zealand*; Gatley, J., Ed.; SAHANZ: Auckland, 2009, CD-ROM.
7. Wallace, R.; Irwin, G.; Neich R. In *Kohika: The Archaeology of a Late Māori Lake Village the Ngati Awa Rohe Bay of Plenty New Zealand*; Irwin, G., Ed.; Auckland University Press: Auckland, 2004; pp 134 & 139. The scale reference for the KOH9 is incorrect; the correct measurement of this item is 700 mm.
8. See Sundt, R. *Whare Karakia, Māori Church Building, Decoration & Ritual in Aotearoa New Zealand 1834–1863*; Auckland University Press: Auckland, 2010.
9. Sundt, R. *Whare Karakia*; p 166.
10. There are not many heke in New Zealand museums that can be closely examined and even less with reliable provenance. Many sets of rafters like those from Nuku-ti-apiapi in Rotorua and Rangitihī in the Auckland War Memorial Museum Tāmaki Paenga Hira are late 19th century or early 20th century replacements of lost originals. These rafters have the teremu (tongue) form by adding timber thickness to the bottom of the heke.
11. Buck, P. (Te Rangi Hiroa). *The Material Culture of the Cook Islands (Aitutaki)*; T. Avery and Sons: New Plymouth, 1927; p 45.
12. Issacs, N. *Construction History: Journal of the Construction History Society*, 2009, 24, 84–85.
13. Neich, R. *Painted Histories: Early Māori figurative painting*; Auckland University Press: Auckland, 1993; p 116.
14. Williams, H. *Journal of the Polynesian Society*; p 147.
15. Best, E. *The Māori*; Board of Māori Ethnological Research and Polynesian Society: Wellington, 1924, 2; p 563.
16. Williams, H. *Journal of the Polynesian Society*; p 147. Williams describes the use of permanent ropes to be used on the backs of the rafters to secure the individual kaho. These ropes were then fixed to the back of the tāhuhu.
17. Best, E. *The Māori As He Was: A Brief Account of Māori Life as it was in pre European Days*, 4th ed.; Government Printer: Wellington, 1974; p 243.
18. Poupou, Accession No. 551 & 552, Rotorua Museum off-site store.
19. Sundt, R. *Whare Karakia*; p 166.

20. "In shape they were generally a parallelogram, with their walls always slightly inclined inwards." *Transactions and Proceedings of the Royal Society of New Zealand 1868–1961*, 1868, 1, 12.
21. Buck, P. (Te Rangi Hiroa). *The Coming of the Māori*. Māori Purposes Fund Board: Wellington, 1958; p 123.
22. Sundt, R. *Whare Karakia*; p 118.
23. Bellwood, P. *Archaeological Research*; p 71.
24. Simmons, D. *Meeting Houses of Ngati Porou o Te Tai Rawhiti*; Reed: Auckland, 2006; p 19. The earliest known appearance of the rua whetu seems to be on the Whangara poupou, originally from Hinematioro's house (c.1790) on Pourewa Island in Tolaga Bay and now in the Auckland War Memorial Museum Tāmaki Paenga Hira. However, the other early poupou known to be from the same area (Uawa) now at Tuebingen University in Germany has a notch for a rectangular heke tenon.
25. For example, see *Transactions and Proceedings of the Royal Society of New Zealand 1868–1961*, 1875, 8, 172.
26. Williams, H. *Journal of the Polynesian Society*; p 149. See also Best, E. *The Māori*. 2; p 563: "It is noted that rafters of such houses are often curved somewhat, not straight hewn, the convex side being uppermost. The upper ends of the rafters were so fashioned as to fit against the ridgepole, being provided with a shoulder."
27. Simmons, D. *Meeting Houses of Ngati Porou*; p 39.
28. There are partial sets of heke in The Museum of New Zealand Te Papa Tongarewa which have accession numbers but no provenance. A number these show rua whetu / teremu joints and are clearly curved.
29. Ngata, A. *Journal of the Polynesian Society*, 1896, 6, 85–88.

WHARE FOR GRABS

The sale of wharenuui overseas, 1880–1965

Ngarino Ellis, La‘a Tamarau and Chloe Weavers

Abstract

Between 1880 and 1965 at least six whare whakairo (embellished Māori meeting houses) were crated up and sold overseas primarily to museums but also to other sites, such as a stately house garden in southern England and a tourist village in Hawai‘i. All remain there today living separate lives away from their tūrangawaewae (place to stand) and tangata whenua (people of the land). This paper seeks to trace four of these whare from their original production, through to their sale and on to their present realities in order to understand how these wharenuui (meeting house) are being managed today in relation to their identity as Māori cultural heritage. Lastly the paper will consider what their relationship is to local Māori living and in one case working close to them now, and to their source communities back home. The wharenuui discussed are Rauru (Germany), Hinemihi (United Kingdom), Ruatēpupuke (United States) and Te Aroha o Te Iwi Māori (Hawai‘i). All remain potent symbols of tribal identity here in Aotearoa, and icons of New Zealand overseas.¹

Introduction

In November 2011 the Ngāti Tarawhai wharenuui (meeting house) named Te Tiki-a-Tamamutu was put up for tender at Webb’s Auction House, Auckland. This was the first meeting house to come onto the open market in over 100 years. Its final destination will be

located in New Zealand thanks to the Protected Objects (Amendment) Act 2006. According to James Schuster, great-grandson of the house’s carver Tene Waitere, at least four tenderers had been registered with Webb’s who were willing to pay the valuation of up to \$12 million.² This paper seeks to provide a discussion of the movement of whare whakairo (embellished Māori

meeting houses) globally over the past 120 years. The focus is on four meeting houses which remain standing complete – two in the United States, one in England and another in Germany. Such histories have caught the attention of a number of disciplines, most notably anthropology, from where the majority of recent books focused on these wharenuī have emerged, such as Nicholas Thomas's *Rauru* (2010) following Roger Neich's *Carved Histories* (2001). More recently the emerging disciplines of Māori Art History and Māori Architecture have examined the houses in relation to their aesthetic as well as cultural contexts, most notably with Deidre Brown's *Māori Architecture* (2010), Damian Skinner's *The Carver and the Artist* (2010), and Ngarino Ellis's *Ngāti Porou Carving 1830–1930* (forthcoming). Given the present locations of the wharenuī, scholars of Museums and Cultural Heritage (MCH) have also centred their attention on them, discussing their history of collection and display, as described in the next section.

Cultural Heritage Management

The role of the museum and how their collections are managed has shifted substantially over the past 40 years. Central to this shift is the understanding that collections are not simply physical objects but have a spiritual value and living connection with the communities which they are from (“source communities”). As a result, museums have shifted from consultation only towards “partnership rather than superficial involvement” so that there is a “sharing of skills, knowledge and power to produce something of value to both parties.”³ Cultural Heritage Management has emerged as a broad discipline that provides a framework for cultural heritage, reflecting the way that museums see themselves, moving from a premise of storehouse of empire to preserver of culture.⁴

Within the field of MCH in Aotearoa New Zealand the concept of kaitiakitanga

(guardianship) is an over-riding concern. The museums' governing body, Museums Aotearoa, makes this emphatic in their Code of Ethics, recognising the concept of collective ownership (1.2 (b)(ii)) and charges museums with developing policies in relation to their trusteeship of taonga (Māori treasures), both at the point of collection, but also in relation to future development, such as in exhibitions. It is incumbent upon individual museums to create these meaningful relationships and put in place guidelines for their staff.⁵ As the MCH scholar Conal McCarthy warns, “Museums and Māori are at a crossroads, and unless there is resolution of some substantive issues, iwi (tribes) will increasingly abandon mainstream institutions to contrast their own cultural centres and other independent initiatives.”⁶

Whilst kaitiakitanga exists as a potent guide for museums and institutions in Aotearoa New Zealand, what is the situation overseas? Globally, cultural heritage, both tangible (monuments and collections of objects) and intangible (oral traditions, knowledge and skills),⁷ is protected by a number of different international agencies, most notably the United Nations Educational, Scientific and Cultural Organisation (UNESCO). The 1970 Convention Prohibiting and Preventing the Illicit Import and Transfer of Ownership of Cultural Property recognised the importance of protecting cultural heritage. Similarly, the 1995 International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects brought into the spotlight the entangled histories of objects moved from jurisdiction to jurisdiction illegally, and underlined the ongoing importance of cultural heritage to cultural groups.

Both Conventions were not ratified into New Zealand's legal system until 2006 with the passing of the Protected Objects Amendment Act, a delay criticised in a number of circles. Within this Act, meeting houses fall under the category of “Taonga Tūturu” which are

defined as, “objects of more than 50 years that relate to Māori culture, history, and society and that were, or appear to have been, imported into New Zealand by Māori, manufactured or modified in New Zealand by a Māori, or used by Māori.” Their export or attempted export are prohibited under section 5 “unless prior approval has been obtained by the chief executive of the MCH [Ministry of Culture and Heritage]”; for example, for an overseas exhibition.⁸

Ngā Tipi Haere o Ngā Whareniui (The Wanderings of the Meeting Houses)

Hinemihi was completed in 1881 under the direction of Aporo Te Wharekaniwha, the head chief of the Ngāti Hinemihi hapū (sub-tribe) and carved by tohunga whakairo (master carver) Wero Taroi of Ngāti Tarawhai and his student Tene Waitere.⁹ She was placed at Te Wairoa to capitalise on the tourists who came to visit the nearby Pink and White Terraces. As such, she was one of the first examples of a whareniui functioning as a “show” house.¹⁰ She also functioned as a meeting house and matters directly related to the hapū, such as tangihanga (ceremonies associated with the death of a person), were prioritised over her commercial function.¹¹ The eruption of Mount Tarawera on 10 June 1886 set off a chain of events leading to her sale and subsequent journey to England. Although Hinemihi and the 45 people she sheltered within her survived the eruption, the devastation of the eruption resulted in the site being declared an urupā (burial ground) and the area was declared a wāhi tapu (sacred place).¹²

In 1892 Rotorua’s Post Master Roger Dansey, under the direction of the Department of Native Affairs, arranged the purchase of Hinemihi from Te Wharekaniwha’s son, Mika Aporo, for £50. By this time Ngāti Hinemihi had relocated around the country. In an interview 40 years after the purchase, Aporo stated

he was under the impression that Hinemihi was only to be moved into “an Auckland museum”, and since her people had left Te Wairoa, he thought she would be better cared for there.¹³ Unbeknownst to Aporo, Dansey was acting on behalf of William Hiller Onslow, 4th Earl of Onslow, who had requested a whare whakairo to take back to his estate at Clandon Park in Surrey, England as a “souvenir” to remember his time as Governor General of New Zealand.¹⁴ Subsequently Hinemihi was dismantled and shipped to England, where her role changed from a whare tūpuna (ancestral house) to garden folly in an English estate. In 1956, the Onslow family donated the Clandon estate to the country’s leading conservation society and largest landowner, the National Trust, where she stands to this day.

Ruatepupuke was also commissioned in the 1880s as a whare tūpuna, this time at Tokomaru Bay by Mokena Romio Babbington of Ngāti Porou. Carved by Hoani Ngatai of Ngāti Porou,¹⁵ the whareniui is named after Ngāti Porou’s tūpuna (ancestor), Ruatepupuke, who brought the art of woodcarving up from the domain of Tangaroa. An earlier house of the same name had been dismantled in 1820 to protect him from being targeted by inter-tribal looters and was hidden in Maungahauini River, where he remained.¹⁶ Witi Ihimaera suggests that not only was the rebuilding of the whareniui in the 1880s an act of reclamation of their ancestor, but it was also part of a wider East Coast movement to re-establish the meeting house as a symbol of Māori sovereignty.¹⁷ The political role that Ruatepupuke held was evident in his grand opening ceremony on the 23 September 1881, attended by 1,500 Māori, as well as a number of important Pākehā (New Zealanders of European descent). Despite this significant birth, by the late 1880s Ruatepupuke was in considerable disrepair and in the late 1890s he was sold to a local dealer in Māori curios, Mr. Hindmarsh. The reason why he sold the house is still unknown; however, Ihimaera suggests several possible reasons, including squabbling within whānau,

as well as feelings that the subject matter and style of the whakairo was unsuitable to the Christianised Ngāti Porou.¹⁸ As with Rauru, Ruatepupuke was dismantled and on-sold to J. F. G. Umlauff, one of the most active dealers of ethnological objects in Europe, and shipped to Hamburg, Germany. In 1905 George Dorsey, a Curator of Anthropology at the Field Museum in Chicago, purchased Ruatepupuke for 20,000 German marks, and the house was shipped to Chicago and put on display in 1925.

The third house overseas is Rauru of Ngāti Whaoa and Ngāti Tarawhai. Carvings for this house were initially commissioned by Tara Te Awatapu and Te Poroa of Ngāti Whaoa but the house was never completed and a tapu (sacred restriction) was placed on the house. In the mid-1890s a local tourist operator, Charles Nelson, approached Te Keepa Rangipuwhe of Tuhourangi to broker the sale of the existing carvings, and soon after the carvings were “sold” for “a substantial gift to Te Waru”.¹⁹ In 1896 Nelson commissioned Ngāti Tarawhai carvers Tene Waitere, Anaha Te Rahui and Neke Kapua to construct a whare whakairo into which Te Waru’s carvings would be integrated. Although many carvers were reluctant to work with the carvings, Waitere was able to work with them as he had given up his tohunga whakairo status by being present at the birth of his daughter.²⁰

Nelson’s aim was to create a whare whakairo that was better and more “complete” than any whare that Māori had ever built.²¹ His aim was predicated on the belief that Māori and their culture and art would soon be eroded away by colonial influences and so Rauru would preserve and showcase this dying art form. As such Rauru was to have a purely touristic function, with the intention that after a few years located in Whakarewarewa the whareniui would be exhibited at the Paris World exhibition and finally sold to the Government to be exhibited in Auckland.²²

The iconography and stylistic elements of the whakairo were governed by Nelson and

his friend the ethnologist Augustus Hamilton’s orthodox doctrine of how Māori art should be represented.²³ Nelson instructed the carvers to copy specific illustrations from Hamilton’s book *Māori Art* (1896–1900), resulting in Rauru becoming one of the earliest examples of a house for which carvers replicated whakairo (carvings) from illustrations.²⁴ Within six months of Rauru opening in 1900, Nelson began looking for prospective buyers.²⁵ In accordance with his obligations under the Māori Antiquities Act 1901, he first offered Rauru to the New Zealand Government for £1200 but was rejected, enabling him to sell the house in 1904 to the Umlauff dealers who were also selling Ruatepupuke.²⁶ Six years later the Museum für Völkerkunde in Hamburg purchased Rauru for 35,000 marks²⁷ and the house was resurrected inside the museum in 1915.

Te Aroha o Te Iwi Māori differs from the other whare described due to his connections with the Mormon Church and because he has retained the same owner and function throughout his life. The whareniui, along with a pātaka (raised storehouse) and a waka taua (war canoe), was commissioned in 1960 by the Mormon Church as the nucleus for the Aotearoa Village at the Polynesian Culture Center in Laie, Hawai‘i.²⁸ The Polynesian Cultural Center (PCC) is a living museum, which showcases eight villages from the Pacific. The Centre arose from missionary Michael Crowley’s vision of creating villages as historic reminders of Polynesian culture.²⁹ In the 1960s, the Mormon Church began to put Cowley’s vision into place. When the Church’s initial proposal to transport an existing whareniui was met with dissent by the local Ngāti Kahungunu community, the Church decided to commission a completely new whareniui. The Ngāti Porou carver Hone Taiapa was contracted as Head Carver with fourth-generation Mormon John Elkington as the project manager.³⁰ Although some carvers, including Tuti Tukaokao and Jim Ruru were also hired on contract, the majority of the carvers involved, including Barney

Christy, Anaru Kohu and Taka Walker, worked on a voluntary capacity, as part of their labour mission for the Mormon Church.³¹

The construction of the wharenuī was guided by the touristic function of the wharenuī. The direction of the project was to create a wharenuī which represented the whole of Aotearoa as an example to showcase Māori as a collective. This collective identity was emphasised by the Church's instruction that none of the whakairo could be named after any tūpuna. Despite this instruction, the carvers later revealed they nevertheless named the whakairo after their own ancestors, as well as contemporary Māori leaders Sir Āpirana Ngata and Sir Peter Buck. Christie, who carved his ancestor Hikairo, stated he felt good about creating tūpuna destined for Hawai'i, as he was comforted by knowing that the whakairo tūpuna (ancestor carving) was going to a place closer to where Māori had originated from. All of the carvings and tukutuku (lattice wall panels) were made onsite at the Church's carpentry workshop on Temple Street in Hamilton in 1963.³² When the 60 whakairo and 44 tukutuku panels were completed later that year, they were shipped to Hawai'i and the house erected by Taiapa, Panere and Elkington who travelled to Hawai'i to erect the wharenuī.³³ In 1963 the house was named "Te Aroha o Te Iwi Māori" and opened as the centrepiece for the Māori village at PCC, which is probably the most well-patronised pay-to-enter tourist attraction in Hawai'i.

Cultural Heritage Management and Wharenuī Overseas

Heightened calls for sovereignty in the 1970s reverberated in museums globally as indigenous peoples began identifying items of their cultural heritage in museums and questioning the ways in which they were acquired. This prompted new legislation in some countries, such as the United States where in 1990 the Native American Graves Protection and Repatriation

Act (NAGPRA) impelled museums and other cultural institutions to look closely at their collections, and begin listing each and every object with a view to making available such information to tribal and other cultural groups. Human remains and funerary objects were to be returned, but more problematic were those with tricky histories in which the pathway into a particular museum was through misunderstandings at best, and wholesale theft at worst.

Within New Zealand, taonga have a long history of being stolen, looted or confiscated or taken during times of disadvantage. Many reside on museum shelves as a result of iwi being unable to prove their claim to them due to lack of formal evidence. Oral claims are still treated with suspicion, and there is still a heavy reliance by museums and other cultural institutions on photographic or written proof of ownership.

The four case studies presented here are in a different category. Arguably, each was sold by a tribe knowing of the likely future of the house, and particularly that they would be taken overseas. It is often difficult for present-day generations to understand the mindset of their ancestors in relinquishing ownership. The anthropologist Paul Tapsell writes of two different types of trajectories of taonga; in the first instance a taonga "briefly appears and then just as quickly disappears.... Relevant treasures reappear and are displayed or gifted, before being hidden away again, sometimes for generations."³⁴ For these taonga, Tapsell uses the metaphor of the tūi bird. Conversely, other taonga are symbolised as comets in which they are presented to other kin groups, "not only to re-affirm the current social-economic-political relationships between two kin groups, but also to symbolise utu, a transference of indebtedness, in accord with the occasion."³⁵ Yet how do the wharenuī discussed here fit within these categories? They have not been kept in the tribe, nor presented to another who will, presumably, at some later stage return (repatriate) them.

Arguably the iwi involved in these wharenuī have retained the knowledge of

their whereabouts since their departure from home soil. Yet this has not deterred calls by some sections within tribes for the return of the whareniui. For instance, there have been four repatriation claims for Hinemihi by both Ngāti Hinemihi and other groups, which signifies her importance not only to Ngāti Hinemihi but also her national significance as a survivor of the Mount Tarawera eruption. In a similar way, the Ngāti Porou house Ruatēpupuke has been claimed by Witi Ihimaera by his personal belief “that all of these meeting houses should be brought back. Because, if our marae is our tūrangawaewae, then while they are away the people who belong to them are in limbo.”³⁶ Indeed, to date there have been two successful cases of repatriation of an entire whareniui from museum collections. In 2011 the Government agreed that Te Hau ki Tūranga will return to the people of Rongowhakaata after almost 140 years in Wellington as one of the cornerstones of the Māori exhibition in the national museum. Similarly the Ngāti Awa house Mataatua, which was confiscated around the same time as Te Hau ki Tūranga for similar reasons, was repatriated to the tribe from Otago Museum, and re-opened in late 2011 in Whakatane as an enduring symbol of Ngāti Awa persistence and determination.

However, the whareniui overseas have a different set of relationships which surrounds them. Not only are there those from the museum or cultural institution, and those from the “source community”, but also there are frequently a community of diasporic Māori who consider such whareniui as potent icons of home. For the London-based Māori group called Ngāti Rānana, Hinemihi has evolved into acting as their whare runanga (meeting house) and whare wānanga (house of learning). Furthermore, they have been asked by Ngāti Hinemihi, the hapū owners in New Zealand, to practice kaitiakitanga (guardianship) over Hinemihi on their behalf.³⁷ This is despite the legal owners being the National Trust. As such Ngāti Rānana has taken on the role of welcoming visitors with pōwhiri (formal welcome), whaikōrero

(welcome speeches), song and food, using specifically Ngāti Hinemihi kawa (protocols).³⁸ In doing so, Hinemihi retains her identity in relation to her ongoing relevance to those “at home”.

A similar situation occurs in Laie, Hawai‘i with the house Te Aroha o Te Iwi Māori. Within the Māori Village at the PCC, it is used by the diasporic Māori Mormon community as part of their tourist shows. Several times a day, manuhiri (tourists) are treated to a pōwhiri, and are welcomed onto the marae and into Te Aroha o Te Iwi Māori, the largest of four whareniui in the Village. Over the course of 45 minutes manuhiri are treated to a history of the house and a brief introduction to Māori culture, along with waiata (songs) and haka (performances). This is carefully stage-managed by the Village’s Manager, Seamus Fitzgerald, working together with the resident kuia (female elder), Raheera Turei, niece of the incomparable kapa haka (performance) leaders, Bub and Nan Wehi. They lead a team of students attending Brigham Young University, whose scholarships require that they work in the Village as attendants. During a recent discussion with one of the authors, Fitzgerald noted that many, if not most, of the students knew relatively little about “Māoritanga” (Māori culture, practice and beliefs) yet by the time they finish working at the PCC they are well-versed in many aspects of marae culture, such as karanga (formal female welcoming call to visitors/tourists), whaikōrero, haka and waiata, as well as knowledge of the history of Māori, and by extension themselves. He considers this to be a very positive, and unexpected, offshoot of their time at the Village.

Museums now recognise the importance of forging and maintaining ongoing, meaningful relationships with source communities. The Schuster whānau (extended family) remain central to the lives of both Hinemihi and Rauru. As an example of the changing values of museums and knowledge of museum collections by Māori, it was not until 1986 that the Museum

fur Völkerkunde in Hamburg received their first official visit by Māori, with a delegation which included Emily Schuster, a renowned weaver. After the dawn ceremony the group reassured the museum that repatriation claims would not be made³⁹ but rather their interest was in making the whareniui's history and importance "alive" to the museum's audiences. In 2011, discussions began between descendants of the carvers and the Museum fur Völkerkunde in order to reorganise the display of the whareniui. In August of that year the Museum's director Wulf Kopke and Curator Jeanette Kokott travelled to New Zealand to continue discussions of this proposal.⁴⁰ This was followed in November 2011 with a visit to Hamburg by James Schuster.⁴¹ In October 2012 the Museum plans to open their new display of Rauru on the centenary anniversary of his first display, complete with "a tira (travelling party), including a kapa haka group and pakeke (elders)" from Ngāti Hinemihi.⁴²

This follows a similar process of reconnection which for Ruatēpupuke in Chicago began with the arrival of *Te Māori* exhibition in 1986. This prompted the Field Museum to consider the state of the house and as a result, in 1987 John Terrell and eighteen others from the Field Museum visited Tokomaru Bay under the invitation of Ngāti Porou to discuss the future of Ruatēpupuke. At that hui (meeting), despite many Ngāti Porou requesting the return of their whareniui, a resolution was made that they would work together to restore the whareniui back to a living marae. This resulted in major renovations to the house in 1992 under the curatorship of Arapata Hakiwai and John Terrell. Two Māori interns, Hone Ngata and Hinemoa Hilliard, were brought to Chicago to work on the house over several months. New tukutuku panels were made by women on the East Coast and sent to Chicago where they were installed in the house.⁴³ Ruatēpupuke II was formally reopened the following year. Today, the whare is used as the basis for a workshop entitled "Marae Encounters" and the Museum maintains an informative website,⁴⁴ complete with detailed,

high quality images available for viewing as a Picasa web album.⁴⁵

Conclusion

Is there value in taonga, and in particular whareniui, overseas remaining away from home? Should they be returned? What is their role abroad? Or does their foreign role outweigh the need to return them home? Deidre Brown asks if the educative value of a taonga, or groups of taonga, in a foreign public collection outweighs its significance and value once it returns home? One possibility gaining increasing interest is the concept of digital repatriation. Here taonga are photographed digitally from all angles, or three-dimensionally scanned, and this documentation put together with their museum catalogue information. This can be sent back – "repatriated" – to source communities who can then, possibly, create a full inventory which could be made available online but also in print format. This could evolve and be added to continually, and accessed by artists.

Museums and other institutions have worked hard to forge strong relationships with the relevant whareniui communities, whether they be Māori living in England, hapū or descendants of the carvers. In doing so they have ensured, at least for the moment, that these whareniui will remain overseas. Indeed, it seems that this may be the best possible alternative to repatriation for Māori in that they can, to a certain extent, retain some control over the way in which the house is used and presented.

The tender of Te Tiki a Tamamutu brings into the spotlight the entangled history of the movement of whareniui.⁴⁶ It is often difficult for descendants of carvers, owners and patrons to acknowledge that for some of these whareniui at least, it seems that this was a strict sale and purchase agreement. For others, such taonga can never be sold. The whareniui discussed here are examples of Māori culture and remain important icons for Māori both in New Zealand and

those so far from home, like Ngāti Rānana. For the diasporic communities, returning home to Aotearoa might be many years away, or possibly never happen. Yet being Māori remains central to who they are. For the 100,000 Māori living in Australia, for instance, their tūrangawaewae (place to stand) is shifting. Like New Zealand urban Māori, Māori in major Australian cities have plans to build their own marae in Perth, Melbourne and Sydney within the next 2 to 5 years. It seems then that wharenuī overseas remain important ambassadors of Māori culture, as well as a place in which local Māori can call home.

He aha te mea nui. He tangata, he tangata, he tangata.

Endnotes

1. This essay is part of an ongoing project entitled “Dreams of Home? Māori Meeting Houses Overseas” which was initially funded through the Summer Scholarships Programme by the Faculty of Arts at The University of Auckland over December 2009 and January 2010. This enabled La‘a Tamarau and Chloe Weavers to research and write annotated bibliographies on each of the four wharenuī as well as on the area of cultural heritage management. Further research was undertaken by Ngarino Ellis in the first half of 2011 and each of the wharenuī was visited as part of her sabbatical project.
2. Akuhata, W. Ancestor hopes for return of wharenuī, *The Daily Post*, 18 November, 2011. There are other wharenuī overseas but these are not standing at the time of writing. One example is Te Wharepuni a Maui in Stuttgart, which was also carved by Tene Waitere.
3. Peers, L.; Brown, A. Introduction. In *Museums and Source Communities*; Peers, L., Brown, A., Eds.; Routledge: London, 2003; p 2.
4. Brown, D. Museums as Cultural Guardians. In *South Pacific Museums*; Healy, C., Whitcomb, A., Eds.; Monash University Press: Clayton, 2006; pp 9.1–9.10.
5. See McCarthy, C.; Cobby, J. Museums and Museum Studies in New Zealand: A Survey of Historical Developments, *History Compass*, 2009, 7 (2), 395–413.
6. *Museums and Māori. Heritage Professionals, Indigenous Collections, Current Practice*. Te Papa Press: Wellington, 2001; p 246.
7. For a complete definition see www.unesco.org (accessed: 20 November, 2011).
8. Davies, P.; Myburgh, P. The Protected Objects Act in New Zealand: Too Little, Too Late? *International Journal of Cultural Property*, 2008, 15, 330.
9. Neich, R. *Carved Histories: Rotorua Ngāti Tararawai Woodcarving*. Auckland University Press: Auckland, 2002; p 201.
10. Bremner, H. Constructing, Contesting and Consuming New Zealand Tourism Landscape: A History of Te Wairoa. Ph.D. Thesis, Auckland University of Technology, Auckland, 2004; p 160.
11. Bremner, H. Constructing, Contesting; p 161.
12. Schuster, J. Personal interview by La‘a Tamarau and Chloe Weavers, 2 February, 2010.
13. Sully, D.; Gallop, A. In *Decolonizing Conservation: Caring for Māori Meeting Houses outside New Zealand*; Sully, D., Ed.; Left Coast Press: California, 2007; p 133.
14. Sully, D.; Gallop, A. *Decolonizing Conservation*; p 135.
15. Ngatai’s style is distinct, with his penchant for experimentation with surface decoration as well as the “piggy-back” positioning of figures as identified by Bob Jahnke (Jahnke, R. He Tataitanga Ahua Toi. The House that Riwai Built. A Continuum of Māori Art. Ph.D. Dissertation, Massey University, 2007; p 154).
16. Hakiwai, A.; Terrell, J. *Ruatepupuke: A Māori Meeting house*. Field Museum: Chicago; p 13.
17. Hakiwai, A.; Terrell, J. *Ruatepupuke*; p. 13.
18. Ihimaera, W. The Meeting House on the Other Side of the World. In *Te Ata: Māori Art from the East Coast, New Zealand*; Ihimaera, W., Ellis, N., Eds.; Reed Publishing: Auckland, 2002; p 93.
19. Neich, R. *Carved Histories*; p 333.
20. Schuster, J. Personal interview by La‘a Tamarau and Chloe Weavers, 2 February, 2010.
21. Garbutt, E. In *Decolonizing Conservation: Caring for Māori Meeting Houses outside New Zealand*; Sully, D., Ed.; Left Coast Press: California, 2007; p 114.
22. Hakiwai, A.; Terrell, J. In *Decolonizing Conservation: Caring for Māori Meeting Houses Outside New Zealand*; Sully, D., Ed.; Left Coast Press: California, 2007; p 144.
23. Schuster, J. In *Rauru*; Thomas, N., Ed.; Otago University Press: Otago, 2009; p 34.

24. Kullberg, P. *Charles E Nelson: A White Tohunga: The Biography of a Remarkable Navigator, Entrepreneur and Humanitarian: Sweden & New Zealand 1829–1909*; IK Foundation: London, 2003; p 81.
25. Kullberg, P. *Charles E. Nelson*; p 81.
26. Garbutt, E. *Decolonizing Conservation*; p 114.
27. Kullberg, P. *Charles E. Nelson*; p 100.
28. Vaassen, S. Noted Māori Carver Says 'This is my Last Meeting House', *New Zealand Women's Weekly*, March 4, 1986; p 18.
29. Skinner, D. *The Carver and the Artist: Māori Art in the Twentieth Century*. Auckland University Press: Auckland, 2008; p 62.
30. Skinner, D. *The Carver and the Artist*; p 66.
31. Skinner, D. *The Carver and the Artist*; p 66.
32. Skinner, D. *The Carver and the Artist*; p 65.
33. Skinner, D. *The Carver and the Artist*; p 77.
34. Tapsell, P. The Flight of Pareraututu: An Investigation of *Taonga* from a Tribal Perspective. *Journal of the Polynesian Society*, 1997, 106 (4), 334.
35. Tapsell, P. The Flight of Pareraututu; p 336.
36. Ihimaera, W. The Meeting House on the Other Side of the World; p 97.
37. DeLong Lawlor, J.; Lithgow, K. In *Decolonizing Conservation: Caring for Māori Meeting Houses outside New Zealand*; Sully, D., Ed.; Left Cross Press: California, 2007; p 154.
38. Schuster, J. Personal interview by La'a Tamarau and Chloe Weavers, 2 February, 2010.
39. Schuster, J. Personal interview by La'a Tamarau and Chloe Weavers, 2 February, 2010.
40. Kereopa, L. Rauru Revamp Ushers in Centenary, *The Daily Post*, 30 August, 2011.
41. Kokott, J. Re: Use of image of Rauru. Email message to Ngarino Ellis, 27 November, 2011.
42. Kereopa, L. Rauru Revamp Ushers in Centenary, *The Daily Post*, 30 August, 2011.
43. The weavers gathered materials from around Tokomaru Bay. The panels were based on the original poutama patterns of the wharenuī. Aspinall, P. A New Thread is Woven. In Hakiwai, A.; Terrell, J. *Ruatepupuke*; p 16.
44. Ruatepupuke II: Pacific Anthropology at the Field Museum. <https://sites.google.com/a/field-museum.org/pacific-web/Home/partnerships/ruatepupuke-ii> (accessed 25 November, 2011).
45. The album is viewable at Pacific Anthropology: Marae Ruatepupuke II. https://picasaweb.google.com/pacificanthropologyatthefield/MaraeRuatepupukeII?authkey=Gv1sRgCPjD_N_Jo-iKdA&feat=flashslideshow#5228101639930182306 (accessed 25 November, 2011).
46. Campbell, N. (Managing Director, Webb's Auction House). Re: Te Tiki-a-Tamamutu. Email message to Ngarino Ellis, 24 November, 2011.

WAR MEMORIAL WHARENUI AND WHAREKAI

Bill McKay, Fiona Jack and Taarati Taiaroa

Abstract

The First Labour Government of New Zealand (1935–1949) is famous for its social reforms and its government housing programme, often characterised as the introduction of a “welfare state”. This paper examines a much less well-known architectural legacy of that Government, the war memorial community centre as it related to Māori.

The First Labour Government decided that no Second World War memorials would be cenotaphs, statues, arches or obelisks; that they would all take the form of “community centres”. Until recently it was thought that perhaps half a dozen war memorial wharenuī (meeting houses) or wharekai (dining halls) existed but this research has determined that the war memorial community centre scheme sponsored more than 30 buildings on marae (communal complexes) throughout the country in the post-war years. This was a significant but little known initiative in encouraging marae during a period that has been characterised as a time of urban drift, when Māori were leaving rural marae for cities.

This paper backgrounds this scheme with a particular focus on the war memorial buildings policy as it related to Māori. It then reports on the authors’ project to assemble a database and to document war memorial wharenuī, wharekai and halls on marae through archival research, marae visits and photography. The aim of this project is not just to publish academic papers but to pass on research results in the form of reports and high quality photographs to marae. These are useful records in themselves but a desirable outcome of this project is that marae benefit through the enhancement of their ability to seek external funding to care for these buildings, many of which are 60 years old and in need of maintenance. Several of these buildings deserve heritage listing at a national or local government level that can result in funding or rates relief. Heritage reports can also be useful in generating media stories that assist in this process or assist in local sponsorship of materials or services. Our documentation also assists marae to appear (with permission) on the Ministry of Culture and Heritage’s National Memorial Register.

On the conclusion of the research project, a subsequent paper will more closely analyse the building types with a close examination of several individual examples.

Introduction

In terms of Māori architecture, the post-war period, especially the 1950s, is seen as a fallow time, dominated by so-called urban “drift” when Māori (and Pākehā – New Zealanders of European descent) were leaving rural areas and heading to the city for work, entertainment and a new life in a modern, increasingly urbanised world. In fact this drift had earlier roots when many rural people not eligible for military service were man-powered into industry for the war effort. The Hunn Report of 1961 also influenced government policy in terms of encouraging this relocation. In architectural histories, marae are generally depicted as entering a decline during this period: certainly the portrayals of marae at this time by Pākehā artists depict marae buildings as tired and dilapidated. Although rather late, being finally published in the early 1960s, Dennis Knight Turner’s *Tangi* and Ans Westra’s *Washday at the Pa* are examples of this; sympathetic to Māori, but reflecting this notion of degeneration.

Te Ao Hou (The New World), was a quarterly magazine of the Department of Māori Affairs, that ran from 1952 to 1975. In the first issue, in Prof. I. L. G. Sutherland’s article “Progress in the North,”¹ he states: “Along with economic progress has gone a movement for marae improvement and the building of carved and decorated meeting houses, the latter stimulated no doubt by the fine centennial house at Waitangi.” This contradicts the perception of urban drift and Sutherland was correct in noting the increase in building construction on marae but not in his attribution of the cause to the centenary of the Treaty of Waitangi and the example of the (government sponsored) construction of the whare whakairo (embellished meeting houses) at Waitangi. Likewise, in a 1959 issue, the article “Māori Artists in Building, Old and New”² profiled noted carver John Taiapa and architect John Scott. The author (and editor), Erik Schwimmer, noted the decline in meeting house construction and that “the need for

carved houses is not as great as it was some time ago”. What is surprising, given the prevailing condition of urban drift, is that there was any construction on marae at all. However, in the post-war period we have now established that on over 30 marae, new meeting houses, wharekai (dining halls) and halls were built as a result of the First Labour Government’s war memorial community centre policy. This policy resulted in the construction or improvement of more than 320 halls around the country in city boroughs and rural areas but is little known in comparison with the state house programme. The authors’ research focuses on buildings constructed as memorials or substantially altered, mostly under government policy. It does not include existing halls, schools, churches and marae that have simply had rolls of honour or stained glass windows added or obelisks and statues erected in the grounds.

Commemorating the World Wars

In the period between the wars, there was a great deal of international debate on the form that war memorials should take; whether they should be symbolic and artistic, to use the phraseology of the 1920s, or utilitarian and useful, such as libraries, hospitals, community centres, parks, colleges or even scholarships and endowments. Public facilities were called by their proponents “living memorials”, “agencies for future peace, not war”³ as one of the many arguments put it. This discussion was quite intense because as Andrew Shanken has said, “choosing a form of memorial was tantamount to choosing a form of society”.⁴ In the end, symbolic memorials to the Great War such as obelisks and statuary (and of course the cenotaph, a highly influential form first designed by the great British architect Edwin Lutyens) vastly outnumbered the utilitarian; it was generally felt that the incorporation of practical or useful attributes would sully the sacred quality of remembrance of the dead.

The change in opinion that led to utilitarian memorials being favoured after the Second World War has been addressed in a previous paper,⁵ but is briefly summarised here. The Great War symbolic memorials could be seen to have failed, in that their aim was not just commemoration of conflict and remembrance of “the fallen,” but to deter future war and educate the public. The Great War was seen as “the war to end all wars”,⁶ but the world had fallen once more into global conflict within a generation. The Modern Movement in design and thought also had an impact. The prevailing aesthetic movement during and after the Great War was Arts and Crafts, and discussions in art and architecture journals such as *NZ Building Progress* and the *Journal of the NZ Institute of Architects* focused on the aesthetic rather than the functional. Many design writers deplored the simple granite obelisks and concrete statues of soldiers that make up the majority of New Zealand’s Great War memorials, but their criticism wasn’t based on typology, it was based on limited aesthetic achievement. Modernism, however, brought to the fore notions of functionalism, efficiency, and progress in all things and all aspects of life. This was demonstrated through the great advances in design, technology and industrialisation during the progress of the war and it is unsurprising that it should also affect our commemoration of death.

The Second World War was also an example of “total war”. It was not only soldiers who served but civilians who were targeted within battle theatres, and “on the home front” “man-powered” into factory or farm work to sustain the war effort. Of course the dead have made the ultimate sacrifice, but a nation’s whole population was affected by the Second World War and even citizens of remote New Zealand felt the impact of war through rationing, shortages, workplace and manpower restrictions, war-time regulations, limitations on activity and austerity afterwards. This wholesale experience of war perhaps impelled communities to commemorate that same experience in a more

communal way and in a more modern way. Such was the scale of the Second World War as well that both victors and defeated were involved in post-war reconstruction, reorganisation and rehabilitation. Perhaps it also helped that this period of austerity meant efforts were directed towards memorials that had a more practical function. The new discipline of urban planning was also having an impact with its focus on scientific reorganisation of communities and infrastructure. There was also a wide-spread sense after the Second World War that society would not return to the way it had been. Things would be done differently; there was a new and better world to build for an increasingly egalitarian and progressive society.

In general, throughout the Allied world, the dates of the Second World War and the names of the fresh crop of dead were added to existing Great War cenotaphs and memorials while newly constructed war memorials were mostly utilitarian: parks, halls, libraries, community facilities and so on. This movement was led by the United States, but in that country, as well as Australia and Britain, although the utilitarian prevailed, memorials were still of both types. New Zealand, however, was to memorialise the Second World War in one way only.

War Memorial Community Centres

In 1946 Prime Minister Peter Fraser stated “Thought throughout the Allied world today is in the direction of memorials that will not only perpetuate our hallowed memories but will also serve a real community interest”.⁷ The Government had proposed a nationwide conference to discuss the form that war memorials should take but cancelled this and proceeded with the policy that all war memorials subsidised by the Government would take the form of community centre buildings. It should be remembered that the Labour movement sprang from socialist ideals that saw the world in terms of class struggle rather than nationalism, and

national identity and ideals were a key element of early 20th century war memorials. Some members of this Government, including Peter Fraser, Prime Minister after Savage's death in 1940, had resisted conscription during the First World War and been imprisoned as a result. Plainly the inclination of these men would be to convert swords to ploughshares, to bring into being new ideas such as the "living memorial" that could plainly be seen as making a contribution to the community rather than being construed as monumentalising or even glorifying war. The country had been warmed up to the notion of this type of war memorial in speeches and comments by the Prime Minister and other cabinet ministers. A *Harper's Magazine* article was even reprinted in *Korero*, an Army Education Welfare Service publication⁸ aimed at service people, arguing that monuments glorified war and perpetuated the cycle of conflict.

An October 1946 circular⁹ from Minister of Internal Affairs W. E. (Bill) Parry was issued to local authorities and councils outlining the policy and commenting that the Government was following current international practice in Britain and the United States. The circular stated that while the choice of memorial was "entirely a matter to be decided by the community concerned", the only ones that would be subsidised by the Government on a pound-for-pound basis would be community centres. These had to be:

Something vitally living, something that from the very nature of its use and enjoyment will ever keep before us and the generations that follow us that freedom of life and personal expression for which our men and women fought and fell ... the type of memorial which best embodies this ideal is the community centre where the people can gather for social, educational, cultural and recreational purposes.

The circular went on to explain what a community centre was (similar to a "village hall"

or New Zealand's common rural halls) but accepted that it was a "term...that must and will be liberally translated" depending on scale of building and location (rural or urban). Municipal offices, women's restrooms and Plunket rooms were given as examples that would not qualify on their own; however, if amalgamated with "cultural or recreational facilities for the community generally", they would. Sports facilities on their own would later also be generally ruled out. Although there are a number of war memorial parks and domains around the country, these mostly incorporate some kind of meeting place as well.

The circular went on to discuss issues around fundraising and sketch out legislation and an approval process, but also addressed "Māori Memorials" in the penultimate paragraph. The text stated they would "be dealt with separately through appropriate Māori authorities" and referred to the success of the "carved meeting-houses" constructed as "Māori memorials" during the Treaty Centennial of 1940. Phillips and Maclean in *The Sorrow and the Pride* have called many Centennial buildings a "dress rehearsal for the memorials of the Second World War".¹⁰ Indeed this was to be true for Māori memorials as well. The circular specifically named the "national meeting house at Waitangi, the historic Tamatekapua and other Arawa Centennial meeting-houses and, the latest of all, that supreme example of modern Māori craftsmanship, the Centennial meeting house at Te Kaha...[all which] stand today as both example and inspiration to the rest of our people". This section finished:

The meeting-house and its marae are the true community centre of the Māori people, and the embellishment of the meeting house is the fine flowering of Māori art.¹¹ Already Māori communities in many parts of New Zealand are planning war memorial meeting-houses. Subsidy will be available for them on the same scale as for community centres of local authorities.

Judging by the number of applications generated by the war memorial community centre policy (over 700 on file in National Archives) the public reaction to this Government initiative was one of great enthusiasm. It is currently thought that over 320 buildings were built or improved as a result of this policy. There is no doubt that the exigencies of the post-war austerity period and the pragmatic nature of both Councils and citizens drove people to accept the Government subsidy resulting in the large number of utilitarian memorials in New Zealand. But careful reading of archival documents reveals a more idealistic view of the Labour Government's goals. The memoranda in the National Archives, especially those intended for the public, are written in a sober but aspirational prose. The Government booklet (never released) *What is a Community Centre?*¹² explained it was not simply a hall, which many New Zealanders would have been familiar with, the country hall having been a centre of social life for quite some time, but more of a complex which could support a variety of events – social, cultural, political, educational and recreational. As to the war memorial aspect, these centres would allow one to partake in “democratic living”: a “fuller, richer life” by “participat[ing] in activities in common with our fellows” as well as “developing [one’s] abilities and...interests”. This was the way of life our soldiers and those at home had fought and worked for: “a way of life in which democratic living can become a reality”. This endeavour would be commemorated in a “living memorial that expresses symbolically the sacrifices they made, and actively perpetuates and fosters the ideals for which they died”.¹³

Later in July 1949 (and a few months before the election) the Government extended the subsidy to all community centres, war memorial or not.¹⁴ With a change of government late in 1949, the new National Government eventually reduced the subsidy and discontinued the policy. Other papers by the authors have discussed generally the war memorial community

centre policy and conducted an initial survey of the resulting buildings, but this paper discusses that policy in relation to Māori.

Early Support for Māori War Memorial Buildings

As early as 1942 Bishop Bennett reported¹⁵ that his diocese Waiapu, on the East Coast “in considering large memorials to our Māori soldiers” had resolved that “money should not be spent on stone memorials, but on something that will be of benefit to the future generation”. As examples he mentioned the “erection of Churches, renovation and improvement of vicarages and the building up of Church endowments” as well as educational endowments for the children of soldiers. The rather pragmatic self-interest of the former was not unique to Bennett. As has been discussed elsewhere, it can be considered that the pragmatism of most New Zealanders in a young country short on infrastructure played a large part in the widespread acceptance of the Government's utilitarian war memorial policy. Bennett finished by noting these views were a “healthy indication of the new outlook of the Māori of today. He is not attracted so much as he used to be by the glitter of the tinsel, but he is putting up his umbrella for shelter against the rainy days of the future”. The Native Minister's reply¹⁶ agreed that “memorials to soldiers should be more of a utilitarian nature” and mentioned a Taranaki scholarship as an example. This reply also demonstrates government thinking at an early stage, only half way through the war.

Correspondence between Sir Āpirana Ngata and the Department of Internal Affairs in late 1945¹⁷ regarding the laying of a foundation stone for a “war memorial hall at Ruatōria” (Uepohatu at Whakarua Park, a very significant early example of a Māori war memorial hall) also indicates that the still prominent Ngata (former Minister of Native Affairs and MP for Eastern Māori) was planning three

war memorial buildings alone in Ruatōria. Although he had been ousted from Parliament in 1943 by Rātana/Labour MP Jack Ormand/Tiaki Omana, replies to his letters are interesting in the way they reveal the Government's high-level enthusiastic support for his activity. However, this could also be because Ngata was closely linking a welcome for the homebound C Company Māori Battalion with the foundation stone ceremony in early 1946. Whatever the reasons, however, both Bennett and Ngata's enthusiasm, as well as that of Sir James Carroll (Ngāti Kahungunu), for Māori war memorial buildings is significant as by far the most war memorial marae are situated from Hastings (in Hawkes Bay), up the East Coast (Te Tai Rāwhiti) to Ōpōtiki in the eastern Bay of Plenty: at least 19 so far identified by the authors. But apart from the support of these men, the number of Māori war memorials would also, by Government policy, reflect the number of enlistments by Māori servicemen in a district. So, although several buildings can be identified with Ngata, 14 are associated with C Company, Māori Battalion. Hawkes Bay's five buildings are connected with D Company. For those who are unaware, it should be noted that the Māori Battalion was made up of four companies, each from a region, therefore identifying groups of iwi (tribes) with particular companies.

Māori War Memorial Community Centres: The policy

In late 1946 the under-secretaries of Internal Affairs and Native Affairs corresponded on "the general question of Māori War Memorials, (the most suitable form, subsidising, local organisation, etc.) and ... the best method of circulating the Government's proposals among the Māori people".¹⁸ By early 1947 the concurrence of handwritten memoranda seemed to be that Internal Affairs would handle them through the established war memorial committee (with the addition of a nominee from Native

Affairs). Interestingly, one memorandum commented "the Prime Minister [Peter Fraser] has instructed that the local bodies are not to have any say with regard to recommending Māori memorials and he wishes the Tribal Executives to be consulted".¹⁹ It should be noted that Prime Minister Fraser had himself taken on the Native Affairs portfolio in late 1946 as well as changing its name to Māori Affairs. Another note sought to list current applicants and asked for welfare officers to obtain more detail such as "plans, specifications and cost" and to "obtain the recommendation of Tribal Executives" as to whether a proposal "was in accordance with wish of the people" and whether the proposal was to be the "principal tribal memorial".²⁰ However, memoranda of 1947 indicate that while thought was given to a "special committee", little had still been done in consideration of "the large number of applications" from Māori.²¹

In March 1948, G. P. Shepherd, Under-secretary of Māori Affairs (and a former judge) complained "Many Māori communities have made considerable progress with their memorial schemes but they are somewhat hampered by the uncertainty as to whether or not they will be eligible for subsidies".²² This was in contrast to the number of non-Māori war memorial halls and community centres that had received funding for improvements or new buildings. Many of these were extensions to existing rural halls and of course Māori in these communities would have observed the disparity in progress.

By May 1948 Shepherd had taken the initiative and drafted a memorandum "War Memorials in Māori Communities"²³ setting out policy which was "warmly" received by Heenan as it provided a solution to "a problem of considerable moment" and would relieve the Internal Affairs Department "of a great deal of detail work" at least in the initial stages of applications.²⁴ It is worth reiterating that government policy did not stop anyone from erecting a war memorial, but related to policy regarding government subsidies. In brief the memorandum

suggested that “1. Basis of Allocation” should in general subsidise memorials that were tribal, not sub-tribal or hapū scale, because many hapū were planning “communal buildings” that they could otherwise not afford and would struggle to maintain. However for large or scattered tribes (such as Ngāti Kahungunu) this limit would be “impracticable” so allocation should be one subsidy per “Tribal District defined under the Māori Social and Economic Advancement Act 1946” (the Labour Government Act that had established tribal committees and executives, from marae to regional level, concerned especially with welfare and marae administration). Significantly, it was stated that there should be “some relation between the number of enlistments in any Tribal district and the amount of contribution... towards any Tribal or local war memorial” because the “ratio of enlistments to manpower in some districts was so far in excess of others” and the fear of resulting “feelings of dissatisfaction”.

Under “2. Nature of Memorials” it was suggested:

encouragement be given to memorials incorporating distinctive features of Māori art preferably buildings of some communal use, rather than stone memorials and gateways, but these might be permitted on marae where adequate and suitable buildings are already in existence and as an adornment to such marae.

No subsidy would be paid until building permits were obtained and the Department was satisfied the balance of local funding was available.

“3. Administration” reiterated the view that it was up to “Tribal Executives” to resolve competing local proposals with “the people” and recommend the appropriate district memorial to a committee set up by Māori Affairs that would make a decision to be passed on to Internal Affairs. This committee would include “An expert in Māori Arts and Crafts” as well as the Māori Affairs Department Chief Building Supervisor. Shepherd finished by noting that

“all over the North Island Māori War memorials are being erected, without building permits and without proper planning, apparently in the anticipation that subsidies will be granted in every case”.

A draft by T. T. (Tipi) Ropiha, then Undersecretary of Māori Affairs (and who was to become significant in post-war Māori “resurgence”²⁵ as the *Dictionary of New Zealand Biography* (DNZB) puts it), titled “Draft MA 34/4 Memorandum for All Registrars, All Welfare Officers: Māori War Memorials”²⁶ aimed to formulate these points into policy. However, “1. Allocation of Subsidies 3.” seemed to open the door to “several war memorials in one Tribal District, which require small subsidies only, instead of one central project...”. An offer was also made of the assistance of Department technical officers to advise on materials and construction as well as “drawing up plans for war memorial buildings”. A comparison was also made with the Pākehā war memorial application process; what both had in common was the need to submit drawings with the applications that demonstrated conformance with bylaws; where they differed was that Tribal Executives nominated Māori proposals to go forward to the government committee.

The final policy²⁷ resolved with the Prime Minister (also Minister of Māori Affairs) was fairly similar but more concise and dropped those points mentioned above. “1. Basis of Allocation” stated “(b) In any Tribal District where there is more than one large Māori settlement of, say 50 households or more, consideration may be given to additional memorials” and the endorsement that “the people should concentrate their efforts upon one central, worthwhile project, in each district rather than endeavour to erect a number of smaller and less worthy memorials in various settlements”. This was a continuation of a constant theme in the country’s history of war memorials dating back to the Great War period, but here a handwritten addition to the final draft added, just for Māori, “which have

not the economic background essential to their proper maintenance.”

“2. Procedure” made it more explicit that application was to “Tribal Executive accompanied by proper plans and specifications, estimate of cost and other relevant information. The Tribal Executive will thus replace the Local Body which is the preliminary approving authority in the case of Pākehā memorials.” An extra layer of approval was added in that the next stage was submission by the Tribal “Executive to the Māori Member of Parliament for the district for his approval”. It is worth noting that the Māori seats at this time were held by Labour, hence these were all Government Ministers of Parliament.

The draft ended with the capitalised injunction to wait until subsidies were granted before construction commenced: “NO SUBSIDY WILL BE PAID IN RESPECT OF A WAR MEMORIAL UNTIL A BUILDING PERMIT HAS BEEN OBTAINED”. This document was signed by the new under-secretary Ropiha. Two handwritten notes dated October 1948 record that the Prime Minister had approved it and Ropiha had agreed to have it distributed.

It is worth noting that section 6 of the October 1946 circular required (Pākehā) war memorial halls, when completed, to be vested in local authorities, rather than, say, local trusts, even if funds had been raised publically or privately without any contribution by councils or local authorities. This did not seem to apply to marae buildings. However, it should be remembered that the recent Government Māori Social and Economic Advancement Act 1946 mentioned above had reorganised marae administration and tribal executives.

Māori War Memorial Community Centres: The buildings

Few minutes of the subsequent Māori War Memorial Committee meetings have been uncovered, but those of 24 August 1949²⁸ (not

the first, apparently) mention the membership as T. T. Ropiha, the Māori Affairs Under-secretary, R. (Rangi) Royal/Te Rangiataahua Kiniwe Roera and J. M. McEwen (all from Māori Affairs) and a “Mr. Williamson” from Internal Affairs and a “Mr. Cocker” from Treasury. The *DNZB* notes that the appointment of Ropiha and Royal to a high level in the Department “signalled a change in the style of the department, which had hitherto excluded Māori from senior positions”.²⁹ Royal in particular had an illustrious war experience (MC and Bar, B Company, Māori Battalion) and was significant in the implementation of the previously mentioned Act that established marae committees and tribal executives, which the authors of the *DNZB* biography see as “pursuing tribal self-determination”. He was also author of a contemporaneous report into the state of Māori housing in Auckland. “J. M. McEwan” was Jock McEwan, later Secretary of Māori and Island Affairs from 1963 until his retirement in 1975. He had learned carving from Ngata and would have been the “expert” arts appointment to the committee. While Ngata’s School of Māori Arts and Crafts is seen as important in the so-called “renaissance” of Māori arts and crafts in the mid-war period, it also promoted a style of carving and reorganisation of customary arts that can be seen as being at odds with the practices of other iwi and the architecture of other contemporary rival Māori movements such as that of the Rātana Church. Detailed exploration of these issues will occur in a future paper.

At the August 1949 meeting a hall, a carved house and a health centre were approved. The first two are typical of applications. The health centre (at Te Teko) was approved subject to there being no separate war memorial project by Europeans but this application was later turned down by Internal Affairs as a health centre was not a place where all could gather, one of the key criteria of war memorial community centre policy. This raises the interesting issue of the extent to which marae were accessible to all,

both Māori and Pākehā. Returned Servicemen Association (RSA) clubs and sports facilities were turned down for funding on the basis that they did not cater to everyone. In the case of marae this condition appears to have been superseded by the consideration that marae were literally community centres; central to their communities.

Marae are also, like community centres, places where people come together not just to socialise or for recreation, but to discuss important issues, an activity that was central to the Government's vision of "community centres". As to the other aim of the construction programme, commemoration of the war, or rather the dead, the meeting house would seem a very appropriate form for a memorial. It is where the dead lie during tangihanga (funeral rites), it is where ancestors are remembered through carved representations, paintings sometimes, and photographs. Wharenuī (meeting houses) embody mana (authority), memory, tūpuna (ancestors) and whakapapa (genealogy). An elaboration of these points is beyond the ability of the authors at this stage, but as Mere Whaanga puts it (discussing Te Poho o Tahu):

The wharenuī is the most appropriate place to hold wānanga [meetings/discussion]. What other house is a more appropriate setting in which to learn about whakapapa, tribal affiliations, waiata [songs], history, the land, tikanga [procedures], kawa [protocol]?... Contemporary issues of concern to the people are also discussed here ... [and have] the ability to be deeply divisive but within the poho of our ancestor Tahu ... a unified voice of the people was developed and the issues resolved.

And of course the whare [house] is where our tūpāpaku [deceased] lie. We who have descended from this ancestor, and those who have come to be members of our hapū, are brought back to the embrace of Tahu Pōtiki for the tangihanga, to be farewelled before being returned to the mother of all, Papatūānuku.

The wharenuī then, serves as a gathering place in times of joy and celebration, times of stress and sadness. It serves as a church, a hall of council and, truly, a meeting house.³⁰

This research project is half way through documenting Māori war memorial buildings so it is too early for a detailed survey, but a general picture of the buildings can be established. Wharenuī, at this stage of our research, appear to make up about 30–40% of Māori war memorial buildings; the majority being wharekai at about 40–50%. The balance is mainly halls but there is a considerably blurred distinction between all three types. Uepohatu (1947) at Whakarua Park in Ruatōria would seem a hall due to its external appearance (a Pākehā type hall), scale and use but the interior is lined with carvings and tukutuku (lattice wall paneling). The people there consider the combination of Uepohatu and park their marae.³¹ This building was one of Ngata's first war memorial buildings and the interior features a raised stage and proscenium framed in the form of maihi and amo, reminiscent of both the dining hall Rongomaitapui (1938) at Te Araroa and the wharenuī Te Poho a Rāwiri (1930) at Kaiti, Gisborne. Other Māori war memorial buildings display this similar slippage in type. The war memorial building at Kaiuku Marae on Māhia Peninsula was always known as "the hall" in the 1960s.³² The principal building at Whakamaharatanga Marae on Chatham Island is also hall-like. Whakamaharatanga translates as memorial/monument/commemoration and there is another Whakamaharatanga at Waimamaku, south Hokianga. The Māori Battalion memorial hall at Manutuke (Gisborne) and the wharekai at Ōtenuku (Tāneatua) are also used for more than the names would suggest. It could be that this distinction in building type can be seen as a movement away from the archetypal meeting house form. Several other movements over the 20th century such as Kotahitanga, Rua Kenana, Kīngitanga and Rātana had also adopted different forms from

the wharenuī in pursuit of their aims. And indeed many Ngata-influenced wharenuī of the period have innovations such as a stage, side windows and a side porch.

Many war memorial buildings stand next to meeting houses and are generally called wharekai, but wharekai have been little explored in Māori architecture. We suspect a discussion of the evolution of the wharekai will emerge from this research and will have to consider the influence of architectural innovations of those other Māori movements such as Rātana, Kīngitanga and so on. It will be interesting to look at the role of the wharekai on marae in the 1930s, 1940s and post-War worlds, times of great change both in terms of technology and society. The wharekai could be seen as more flexible and adaptable than the wharenuī. They are generally noa, unrestricted territory. Some that we have seen, by incorporating the functions of the Pākehā hall, are also even more freed up allowing dining, discussion, education, sleeping and so on as well as being a venue for art and craft manufacture.

The wharekai are also frequently the domain of women; women who during the Second World War had not just kept the home fires burning but due to the shortage of men and exigencies of war-time, taken on major roles in the services, the health care system, education, farming, industry, their communities and wider society. Te Puea Hērangi, a female leader of the Kīngitanga in the first half of the 20th century, was very active in architectural exploration and the development of new forms, establishing the Tūrangawaewae Carving School as part of her marae redevelopment schemes. The Māori Women's Welfare League was founded in 1951, coincidentally or not, at the same time as we start to see wharekai/halls established on marae through the war memorial community centre scheme.

In terms of building numbers and geographical distribution, the authors have so far confirmed over 30 Māori buildings constructed as a result of the Government's war memorial community

centre policy as it relates to Māori. So far five have been identified in the D Company area, 14 in the C Company area (Te Tai Rāwhiti) and 11 in the B Company area (Tauranga to Ōtuwhare) with more elsewhere. Three marae have two buildings constructed under the scheme, both wharenuī and wharekai. As can be seen the majority are on Te Tai Rāwhiti reflecting primarily the influence of Ngata, but also because of other issues that will be explored in a future paper that summarises this research as a more comprehensive survey and analysis. This future paper will address building types and distribution by district and of course iwi, and also look at architectural influences and carving styles. While Ngata's School of Māori Arts and Crafts is seen as important in the so-called "renaissance" of Māori arts and crafts between the wars, it also promoted certain styles of carving and reorganisation of customary arts that can be seen as being at odds with the practices of other iwi and the architecture of other contemporary rival Māori movements such as that of the Rātana Church. The Rātana movement (which eschewed customary forms such as the wharenuī) was based in the Whanganui area and strong in Northland and it would seem at first glance that these districts did not make much use of the war memorial scheme. It would be interesting to explore any correlations there. The question may also be asked, apart from obvious things such as rolls of honour, do war memorial wharenuī and wharekai differ markedly from non-memorial whare constructed at the same time?

Māori War Memorial Community Centres: The legacy

The number of marae buildings constructed due to funding from the war memorial programme rivals that of whare constructed between the wars by Ngata's School of Māori Arts and Crafts and those for the Centennial. Of course many carvers from the School worked on the

war memorial buildings and future papers will explore this in terms of carving styles. There is no doubt that there was a significant spate of construction on marae in a post-war period that has previously been regarded as fallow. Whangārei architect Robert B. Finch produced a design for a meeting house at Whangaruru in 1941 that was undoubtedly influenced by Ngata, considering its side porch and stage. Due to the date it is likely that his design was more likely connected to Centennial than war memorial activity, but he must have sensed the likelihood of more work as he produced a generic design titled “Whananaki Type Carved Meeting House for (fill in where erected)”.

As Sutherland put it in the first issue of *Te Ao Hou* in 1952, in his assessment of Northland, “The ‘poplar house’ at Mangamuka and the partially completed dining halls at Ōtiria and Panguru [authors’ note: never completed]³³ (with their plans for carved houses) are significant signs of a returning vitality among the Māori people in the north.” We have not yet identified significant post-war building activity in Northland connected to the memorial scheme but on the East Coast in 1959, *Te Ao Hou* editor Erik Schwimmer, interviewing carver John Taiapa, noted that carving work was drying up. “Since Tapeka was carved last year, Māori carving has been at a complete standstill... in actual fact it is not the art of carving that is dying out but the art of paying carvers.”³⁴ This was surely an indication of the end of funding for marae construction through the cessation of the war memorial community centre scheme.

However the end of carving work and where whakairo construction was not the end of Māori architecture in that period. That same article interviewed the Māori architect John Scott. While the article on John Taiapa had been called “1. Building Art in the Māori Tradition” the second half, “2. The Māori in Contemporary Building Art” mentioned Scott’s design for “a Māori Community Centre, designed for the Raukawa Tribal Executive Committee to be built in Palmerston North”.³⁵ The Māori

Battalion had been first formed in this city in January 1940. Completed in 1964, the Māori Battalion Memorial Hall is significant for many reasons, not least that it is a notable example of New Zealand Modernism and one of Scott’s first large commissions. It is also one of the first urban marae, and the Māori Women’s Welfare League took a major part in the fundraising.

The building is unmistakably modern and incorporates carvings by Kelly Kereama on the exterior and tukutuku and kōwhaiwhai (scroll paintings) on the interior. This juxtaposition has been perceived by some as uncomfortable; half-caste rather than bi-cultural as one discussion has put it.³⁶ The building was widely published and acclaimed in Māori publications but largely ignored by Pākehā. It was a building in a period of integration and assimilation, before the notion of biculturalism had been formed; ahead of its time.

In general the war memorial community centre scheme has been crucial in the Pākehā world to the development of Modernist architecture in New Zealand, in buildings such as the Whanganui War Memorial Hall. It also resulted in other inner city Modernist buildings, such as the chapel on the site of the last Ngāti Whātua kāinga at Ōkahu Bay, that attempted to architecturally find a place for those Māori now in an urbanised world. A *Te Ao Hou* issue from 1963 reports on this in “A New Chapel for Auckland” at Ōkahu Bay, an uncredited article that we could attribute to the new editor Margaret Orbell:

It is a fine modern building, which achieves in its appearance a successful fusion of the old and the new: its dramatic, uncluttered design is unmistakably modern, but the long sweeping lines of the roof and walls, and the form of the porch at the front, are equally clearly inspired by Māori architectural tradition.³⁷

The chapel was designed by Sargent Smith and Partners and commissioned by Ngāti Whātua as an interdenominational chapel open to all.

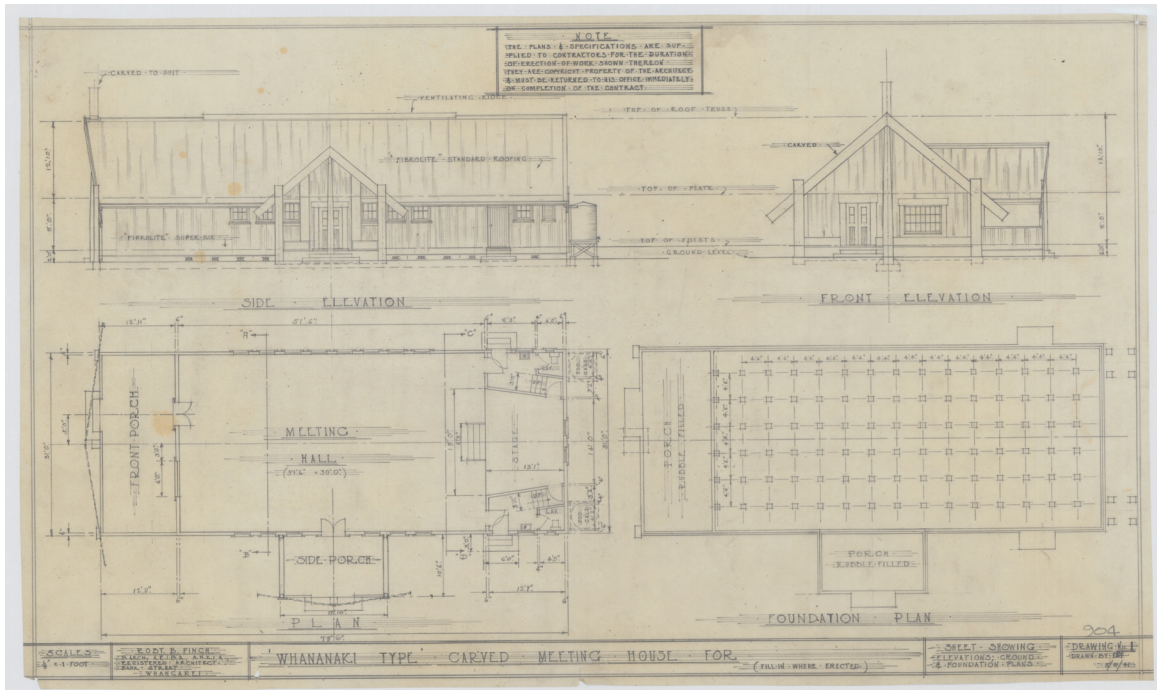


FIGURE 1 “Whananaki Type” Carved Meeting House For (fill in where erected), Robert B Finch, Architect (1941). (University of Auckland Architecture Archive)



FIGURE 2 Māori Battalion Memorial Hall, John Scott, Architect (1964). (photo Julia Gatley)

Earlier in 1951 Ngāti Whātua had finally been evicted from their marae near this site, described as “a blot on the landscape” by the Prime Minister of the time, S. G. Holland. The village was demolished and the inhabitants relocated to the hill above at Ōrākei. In 1959 it was agreed to build this chapel on the only land left at Ōkahu Bay, an urupā or cemetery. The chapel was seen as a reassertion of tangata whenua (people of the land) status but Ngāti Whātua still lacked a marae of their own at that time.

Conclusion

There are over 700 files in the National Archives reflecting the number of applications for war memorial community centre subsidies³⁸ but that includes halls, libraries, pools, parks, memorials and so on, many of which may not have complied with policy requirements or not proceeded for other reasons. In any case the scheme was so popular that Treasury under both the Labour and subsequent National Government attempted to curtail it (partly by reducing subsidies), but war memorial community centres were still being completed as late as the 1960s. The Archives files are often incomplete but the authors’ estimate is that over 320 war memorial community centres were built. In New Zealand terms this is a remarkable period of activity focused as it is on one type of building that is so central to the hearts of so many communities. Somewhat less than 10% of this construction relates to Māori buildings but our research is ongoing and the number is significantly larger than has been previously identified.

By the early 1950s, newly urbanised (or suburbanised) Māori were finding that in terms of housing, National Government policy was one of assimilation and that policy at the time was not to make any special concession in design to cultural needs. Indeed a 1960 State Advances Corporation and Department of Māori Affairs circular stated Māori applicants would be guided by Māori Affairs to

ensure they could “become accustomed to live in a European fashion”.³⁹ In contrast, the war memorial community centre scheme of the First Labour Government can be seen to have supported marae in the post-war period in a significant way and sowed the seeds of urban marae that would in future come to support the next generation of urbanised Māori.

Endnotes

1. Sutherland, I. *Te Ao Hou*, 1952, 1 (Winter), 10.
2. Schwimmer, E. *Te Ao Hou*, 1959, 28 (September), 31.
3. Lewis, W. *The Rotarian*, 1946, (February), 50.
4. Shanken, A. *Art Bulletin*, 2002, 84 (1), 130–147.
5. McKay, B.; Jack, F. In *Imaginings: 27th Annual Conference of the Society of Architectural Historians, Australia and New Zealand*; Chapman, M., Ostwald, M., Eds.; SAHANZ: Newcastle; pp 271–277.
6. United States President Woodrow Wilson to Congress in his declaration of war, 2 April, 1917.
7. Prime Minister Peter Fraser, ‘Announcement on War Memorials’, no date, Internal Affairs National Archives Series IA 1, 174/1/2.
8. Feril, T. *Harper’s Magazine*, May 1945, reprinted in *Korero, Army Education Service Welfare Bulletin*, 1945, 3, 14.
9. Minister of Internal Affairs, ‘Official Circular on War Memorials’, 22 October, 1946, Internal Affairs National Archives Series IA 1, 174/1/2.
10. Maclean, C.; Phillips, J. *The Sorrow and the Pride: New Zealand War Memorials*; GP Books: Wellington, 1990; p 139.
11. As Deidre Brown has pointed out, a similar phrase – “the finest flowering of Māori art” – was used by Sir Āpirana Ngata to describe the meeting house Te Hau-ki-Tūranga, built in Tūranga (Gisborne) in the early 1840s, confiscated during the New Zealand Wars, and during the 1930s used as a stylistic model by Ngata’s School of Māori Arts and Crafts for its meeting house projects. See Brown, D. *Journal of the Polynesian Society*, 1996, 105 (1), 21.
12. Department of Internal Affairs, Recreational Information Service, *Bulletin Number 4: What is a Community Centre?* Internal Affairs National Archives Series IA1, 174/1/2, 1946.
13. Department of Internal Affairs, *Bulletin Number 4*.

14. 'Formal Statement Issued by Minister of Internal Affairs', 21 July, 1949, Internal Affairs National Archives Series IA 1 Box 3112 174/1/2 part 1 Erection of Finance.
15. Bishop Bennett to the Minister of Native Affairs, 19 October, 1942, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
16. (For the) Native Minister to Bishop A. F. Bennett, 21 October, 1942, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
17. Internal Affairs National Archives Series Box IA1 3114 174/16 War Memorial Maori Meeting Houses Openings.
18. Heenan, J. Under-Secretary Internal Affairs to Under-Secretary Native Affairs, 1 November, 1946, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
19. Unknown to unknown. 14 May, 1947, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
20. Unknown. 23 July, 1947, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
21. Shepherd, G. Under-Secretary Maori Affairs to J. Heenan Under-Secretary Internal Affairs, 17 December, 1947, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
22. Shepherd, G. Under-Secretary Maori Affairs to J. Heenan Under-Secretary Internal Affairs, 12 May, 1948, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
23. Shepherd, G. Under-Secretary Maori Affairs to Minister of Maori Affairs, 10 May, 1948, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
24. Heenan, J. Under-Secretary Internal Affairs to GP Shepherd Under-Secretary Native Affairs, 1 November, 1946, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War, National Archives.
25. Butterworth, G. 'Ropiha, Tipi Tainui – Biography', *Dictionary of New Zealand Biography*, Te Ara – the Encyclopedia of New Zealand: <http://www.TeAra.govt.nz/en/biographies/5r23/1> (accessed 2 February, 2012).
26. Ropiha, T. Under-Secretary Native Affairs, 'Draft MA 34/4 Memorandum for All Registrars, All Welfare Officers: Maori War Memorials', undated, Internal Affairs National Archives Series Box 90 34/4A.
27. Ropiha, T. Native Affairs, 'MA 34/4 Memorandum for All Registrars, All Welfare Officers: Maori War Memorials', undated but with handwritten note re distribution dated October 1948, Internal Affairs National Archives Series Box 90 34/4A part 1 Meeting Houses and Memorials War.
28. Maori War Memorial Committee Minutes of a Meeting, 24 August, 1949, Internal Affairs National Archives Series 34/2 Box 90 34/4A part 1 Meeting Houses and Memorials War.
29. Royal, T.; Jamison, T. 'Royal, Te Rangiaatahua Kiniwe – Biography', *Dictionary of New Zealand Biography*, Te Ara – the Encyclopedia of New Zealand: <http://www.TeAra.govt.nz/en/biographies/4r29/1> (accessed 3 February, 2012).
30. Whaanga, M. *A Carved Cloak for Tahu*. Auckland University Press: Auckland, 2004; p 5.
31. personal communication, July 2011.
32. personal experience.
33. "The Panguru never went ahead and the carvings were stored for nearly 30 years in the former parish hall, now the War Memorial Hall." Neich, R. *Carved Histories: Rotorua Ngati Tarawhai Woodcarving*; Auckland University Press: Auckland, 2001: p 345.
34. Schwimmer, E. *Te Ao Hou*, 1959, 28 (September), 32.
35. Schwimmer, E. *Te Ao Hou*; p 38.
36. McKay, B. In *Contested Terrains: 23rd Annual Conference of the Society of Architectural Historians, Australia and New Zealand*; McMinn, T., Stevens, J., Basson, S., Eds.; SAHANZ: Fremantle; pp 363–369.
37. Unattributed. *Te Ao Hou*, 1963, 43 (June), 28–29.
38. Maclean, C.; Phillips, J. *The Sorrow and the Pride*; p 143.
39. Ferguson, G. *Building the New Zealand Dream*; Dunmore Press: Palmerston North, 1994; p 219.

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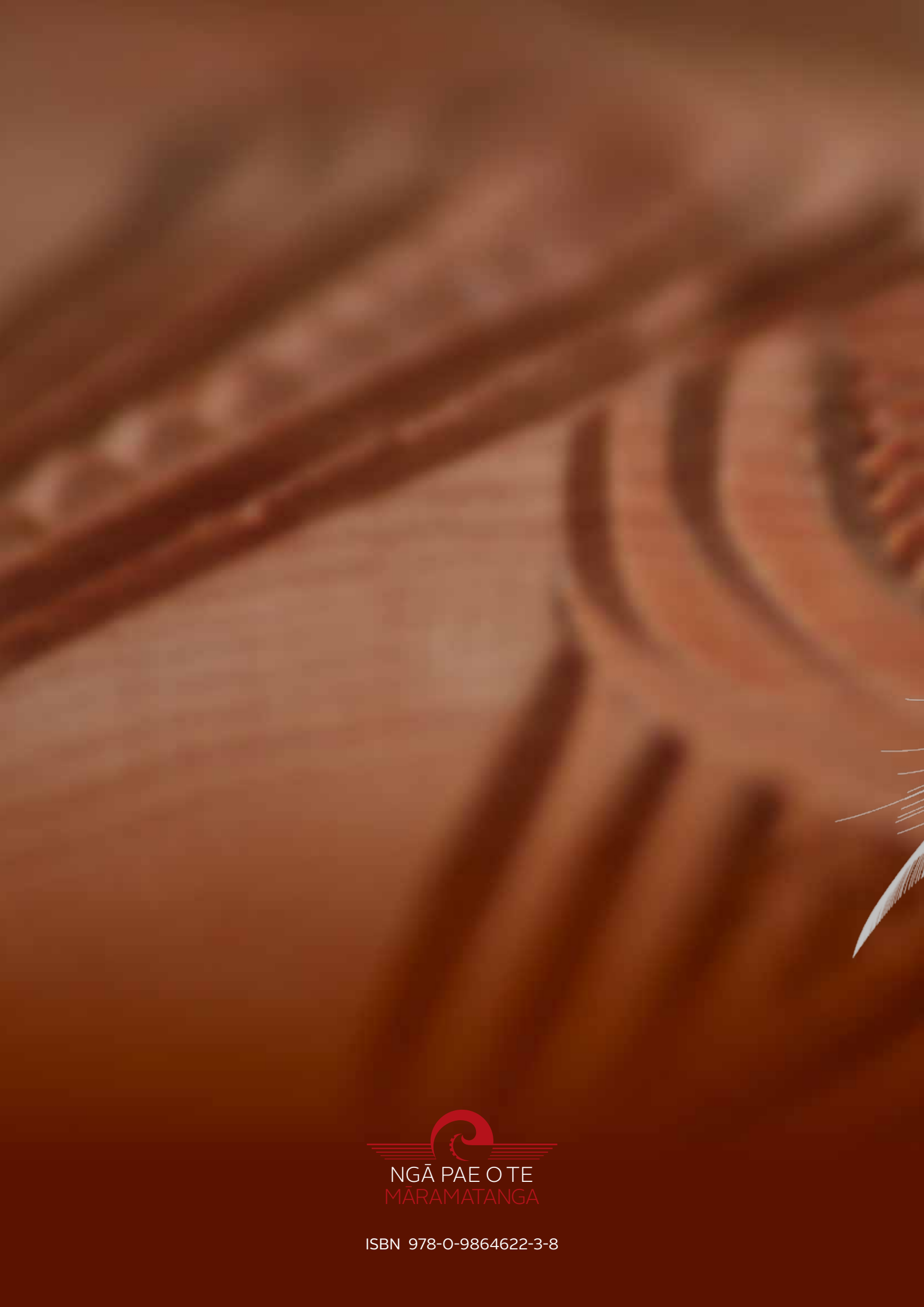
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