

CHAPTER FIVE: DEVOLUTION AND IWI DEVELOPMENT

Iwi development means different things to different groups. Dominant discourse is evident in the official policy of government and views iwi development as being controlled from outside iwi. Indigenous discourse views development as liberation from colonial domination and the right to tino rangatiratanga, self-determination or sovereignty.

The term iwi development has evolved and come to prominence during the devolution of Maori Affairs and is now widely used to indicate economic development of iwi. During the devolution of Maori affairs a struggle has been carried out between Maori groups and official discourse over who says what iwi development is, over who decides how this process will be achieved and who sets the parameters for discussion.

The discourse of iwi development has evolved from a number of areas. Developmentalism has been part of this process. It is no accident that the U.N announced the 1960s as the Development Decade and that 1984 saw the announcement of The Development Decade for Maori.

(5.1) DEVOLUTION

The 1980s has been a time of radical change for the public sector. New Zealand has reflected other overseas trends of restructuring the state along market lines.

Devolution in Western economies has been driven by particular ideologies. From the mid 1970s onwards, in Britain, the U.S., parts of Europe and later in New Zealand, what some

call the neo-liberal, others call the neo-conservative and others call the New Right analyses began to underpin government practise and policy. According to Nikolas Rose and Peter Miller (1992), the restructuring and limiting of the power of government assumed a number of things. That the market can pick winners in contrast to the inefficiency of planned economies. It claimed that Keynesian demand management leads to a vicious spiral of inflation and currency debasement. It suggests that big government is inefficient and malign because parties are pushed into making lavish promises in their competition for votes fuelling voter expectation that can only be met by public borrowing on a large scale. Because the welfare state depends on bureaucracy, it is subject to constant pressure from bureaucrats to expand their own empires, causing inefficiency and wasting resources. The welfare state has a morally damaging effect on the individual because it encourages the view that it is the role of the state to provide for its citizens, this produces a 'culture of dependency' based on the view that government will do what in reality only individuals can. Also these analyses are sceptical of the capacity of political authorities to govern everything for the best and vigilance is required over political authorities. In New Zealand the powers of the State Services Commission and Treasury have increased for this reason.

Restructuring in New Zealand has included privatisation and state divestment, corporatisation of government departments into relatively autonomous commercial enterprises, deregulation of market products, contracting out for services and introduction of private sector management and accounting procedures (Fleras 1991, Kelsey 1993).

Economic activity is to be regulated by the market rather than a planning approach. Welfare activities are to become as far as possible commodities and regulated according

to market principles. Economic entrepreneurship is to replace regulation and with it the passivity and dependency of responsible solidarity as individuals are encouraged to compete in the fulfilment of their own lives and those of their families.

It is claimed by proponents of devolution that there has been a shift from an interventionist to a non-interventionist state. There has been re-organisation but the reorganisation has only devolved certain things. Devolution to iwi was the devolution of limited resources and limited power. Liz Gordon (1992) differentiates between the terms decentralisation and devolution and asks, is it power and authority or is it merely responsibility that is shifted? who has the power to make changes and decisions? who controls the resources? how much autonomy is given in decision making to the devolved authorities?

Bruce Jesson (1993) argues that New Zealand has lost virtually all economic autonomy under the free-market reforms, when exchange and finance controls were removed as were import controls and the reduction of tariffs. When restrictions on foreign investment were lifted thousands of companies passed into foreign ownership (1993:45 Jesson). Jesson argues that there are not only economic but also social consequences in these moves. The state has traded its autonomy in the global marketplace. However the economy following colonisation was a settler economy so there have always been dependencies on overseas markets.

(5.2) RESTRUCTURING OF MAORI AFFAIRS

Some writers have pointed to the Hui Taumata as being the starting point that the Maori economic drive began from but in fact there were clear policies and ideas already being

developed within Maori Affairs and at hui around the country that were determining a particular focus to Maori development prior to the Hui Taumata of 1984.

In 1977 Kara Puketapu was appointed as Secretary of Maori Affairs. Puketapus approach was to hold hui around the country that brought together Maori who could advise him on their needs and aspirations. At the same time unemployment was hitting the Maori population in disproportionately high numbers. Out of this developed the Tu Tangata programmes which were Maori development community programmes that included kokiri skills training, matua whangai, kohanga reo, womens wananga and business training. Puketapus vision was for Maori to establish an economic base that would reduce unemployment and close the widening economic gap between Maori and Pakeha.

Puketapu saw advancement in terms of adopting the business 'entrepreneurial' mode, economic success would lead to social and cultural emancipation. Tu Tangata showed a major shift in policy focus:

compared to earlier policies which conflated social equality with cultural conformity, Tu tangata advocated retention of Maori cultural values as intrinsic to their advancement.

(cited in Sharp 1990:190)

Puketapu envisaged that Maori would be able to hold their own in the marketplace and to this end he left Maori Affairs in 1983 and began Maori International, a company that aimed to develop Maori tourism, arts, and farming. Dr Tamati Reedy took over from

Puketapu and in 1984 the Labour Government came to power. It was in October that year that the Hui Taumata was called.

(5.2.1) Hui Taumata - Maori Economic Summit Conference 1984

In 1984 Maori people from all over Aotearoa collected together to discuss a wide range of issues facing Maori people. Attended by over 200, the hui was to take stock of the position of Maori people economically. The parameters for discussion were put forward by the Minister of Maori Affairs:

- *to examine the economic situation of New Zealand as it affects Maori people*
- *to assess the economic strengths and weaknesses of Maori people in New Zealand*
- *to obtain a commitment from those attending the conference:*
- *to support policy changes necessary to obtain socio-economic parity between Maori and non-Maori*

(Final Communique Hui Taumata 1984)

Some clear themes emerged from the conference, the call for Maori economic independence was seen to require three target areas: welfare dependency, education and negative spending. What also was of significance was the call for iwi determined, run and controlled economic and social initiatives. The funding for these moves were to come from the 'negative' spending that went on picking up the pieces. This was viewed as a move towards self-determination through the strengthening of iwi structures. Kohanga Reo and Kura Kaupapa Maori were positive proof of what could be done if iwi had the resources to create alternative structures.

In 1986 the Hawaiian Loans scandal was to result in Tamati Reedy's resignation. Dr Reedy met with Hawaiian businessmen to look at the possibility of loaning \$600 million at 6% off-shore. During negotiations Dr Reedy signed a letter of intent to pay a finders fee of 3.5%. Neither Treasury nor Cabinet had approved the loan when Winston Peters released the contents of the letter in parliament, claiming that cabinet knew nothing of the deal. The resulting 'scandal' is in hindsight an incredibly large storm in a small teacup. As Walker notes the media unleashed a flood of Maori-bashing that was still being mentioned a year later in the media despite the fact that the loan had never happened. (Walker 1990)

The restructuring of Maori Affairs as part of governments devolution policies saw an iwi focus emerge in government policy.

(5.2.2) He Tirohanga Rangapu

In a discussion paper by Koro Wetere, He Tirohanga Rangapu/Partnership Perspectives in 1988, the idea of restructuring Maori Affairs became official and the role that iwi and hapu would play in economic development was proposed. One of the stated aims was to:

give iwi organisations a strong and meaningful role in the machinery of government both in the delivery of programmes and through the Ministry, in their shaping and resourcing.

(He Tirohanga Rangapu 1988:11)

Determining what made an iwi legitimate was viewed as a government responsibility:

The government proposes to establish criteria which would qualify an iwi to participate. These criteria would be drawn up in consultation between the

government and iwi and would determine when an iwi organisation is capable in legal and resource terms of administering government funded programmes.... Whatever arrangements might be devised they would need to reflect the responsibilities of the government to Parliament and the taxpayer and also the responsibility of iwi to their members.

(He Tirohanga Rangapu 1988:13)

He Tirohanga Rangapu was released on the 21st of April and the deadline for submissions was to be June 15. This was a hallmark of the policy initiatives proposed by government in the devolution of Maori Affairs, the fast track method. Despite the fact that this policy document was called a 'discussion' paper and the fact that all iwi would be affected by the proposed changes less than two months were allowed for any discussion. Not surprisingly this caused a storm of protest and the deadline was extended to July 15. Despite the time constraints 633 submissions were made in all, both written and oral. Koro Wetere attended over 55 hui during this time. Criticism was levelled at the fact that there had been no discussion with iwi prior to the release of the discussion paper:

The white paper is half way down the track already. The concrete is hardening all the time.

(Report To Minister On Maori Affairs 1988:4)

The submissions clearly rejected the idea of doing away with the Department Of Maori Affairs although at the same time it was acknowledged that the Department needed change. The concern evident in many submissions was that the Ministry of Maori Policy would mean the removal of funding and operational responsibilities from Maori hands. Also they questioned the ability of the new ministry to influence the policy and workings of other government departments, or as one submission put it:

attempting to put an ethnic suntan on their policies.

(Report To The Minister Of Maori Affairs)

(5.2.3) Te Urupare Rangapu

Te Urupare Rangapu/Partnership Response was the government policy response to that followed the hearing of submissions. It was released in November 1988 and instead of talking the `disestablishing' of Maori Affairs, it talked about restructuring Maori Affairs. Rather than wiping out Maori Affairs in two years, this was to be done in five years through the establishment of a Ministry of Policy - Manatu Maori and Iwi Transition Agency or Te Tira Ahu Iwi (Te TAI). Te TAI was to be in existence for five years and then it would be phased out. Te TAIs role was to devolve to iwi structures the former roles that Maori Affairs had carried out in housing, welfare, education etc. The Ministrys function had been narrowed to one of creating policy and advising government. Walker argues (Metro Feb 1992) that because of the successful injunction bought against the government in the SOE Act and the ITQ fisheries management the government now required a group to monitor its general policies and measure them against the Treaty of Waitangi, hence the change of focus for the Department.

Te Urupare Rangapu also announced a development decade from 1984-1994 beginning with the Hui Taumata and culminating in Iwi Authorities being `fully operational' in 1994.

(5.2.4) Runanga A Iwi Bill

The next step was to introduce into parliament the legislation to back up the policy. This

came in the form of the Runanga-A-Iwi Bill and was put before the house by the Minister of Maori Affairs on the 5 December 1989. Central to the devolutionary policy in regards to Maori interests was the idea of 'empowering' iwi structures to deliver government programmes. The Runanga A Iwi Bill was originally called the Iwi Empowerment Bill. Maori were quick to note when the bill was released that it was called the Runanga Iwi Bill which is ungrammatical Maori.

The Runanga-A-Iwi Bill was an attempt to incorporate iwi. Iwi runanga were to become the legally recognised representatives of iwi. Only registered iwi would be eligible for government support and services and Te Tira Ahu Iwi was to ensure this. Runangas were to be accountable financially to government.

The state was to ensure accountability through 'charters'. Charters were to set out the following information:

- name of iwi, the name of the incorporated runanga
- its own guiding principles
- how the runanga is to be accountable to iwi
- process of conflict resolution between runanga and iwi
- the method by which equity issues are to be addressed
- the protection of the runangas interests e.g the relationship to taura here, the basis of appointment to the runanga

Charters had been used in schools as a mechanism for off-loading administration responsibility to schools but ensuring control from the centre. Boards of Trustees became the governing body of schools with the claims that these moves would empower

communities. Liz Gordon and John Codd (1991) maintain that charters are one of the means that the state controls what knowledge is taught in schools. The charter idea was being extended to iwi, except that iwi were to be corporate bodies. Here we have the commodification of iwi structures, reduced to a business management team.

The Bill was released for public scrutiny on the 22 December. Closing dates for submissions was 14 February. Syd Jackson wrote of the timing as a 'deliberate act of political subversion' (Metro June 1990). He noted that the bill was released days before Christmas and many Maori were engaged in preparing for 1990 activities such as 'completing waka taua projects, practising for the national Maori cultural competitions' and other activities such as preparing for Waitangi Day on the 6th of February.

Opposition to the Bill was enormous. At the Hui Whakakotahi in Turangi the bill was rejected by a vote of 50 against only 1 in favour (Ibid). Syd Jackson pointed out that the bill completely ignored the Treaty and it assumed that:

Tino rangatiratanga is considered to be 'given' to us in local bodies by the establishment of powerless advisory committees.....The Bill does not recognise sovereign entities as required by the Treaty.

(Jackson 144:1990)

Jackson made a number of specific other criticisms about the effects on iwi, that the bill did not allow iwi to create policy, that the bill made no provision for recognition of hapu and marae. The model proposed by the bill was very much a top-down structure and it effectively:

...bureaucratised Maori tribal structures for delivery of services and the implementation of development programmes.

(Walker in Metro 127, Feb 1992)

The question also was asked as to why there was a need to create new structures to represent iwi. According to Rangi Walker:

... tribal and executive committees had long since become moribund when they were replaced by Maori committees under the Maori Welfare Act 1962. The only Maori organisations with some semblance of a tribal base were the Maori incorporations and trust boards.

(Walker Ibid)

Some iwi would be required to form tribal runanga quickly. Walker argued that:

This revival of tribal structures was flawed because over 70% of Maori lived away from their tribal areas in towns and cities. Devolution would deliver nothing to them unless they formed groups linked to their tribal runanga.

(Ibid)

(5.2.5) Ka Awatea

When National came to power, Winston Peters was appointed as the Minister of Maori Affairs. Peters produced Ka Awatea which set out a blueprint for Maori development. It received a lot of support from Maori. Ka Awatea set out an overview of the socio-economic position of Maori. It set out the bleak reality for many Maori including the

appalling health statistics, the increasingly high unemployment, the high imprisonment rate and the high numbers of Maori affected by failure in the education system. For Maori the economic hard times meant 'a continued prospect of reduced living standards and a poorer future for all.' Ka Awatea argued that Maori Development meant a comprehensive programme with the objective of encouraging 'economic, social and cultural well-being'.

The report focused strongly on education as a means to addressing equitable outcomes for Maori. They pointed to the already successful Kohanga Reo movement as an example of how change could occur very dramatically in the education area. Kohanga Reo had effectively doubled the number of Maori children attending a pre-school institution in five years. But the report painted a bleak picture for Maori children in state schools particularly at secondary level. Ka Awatea argued that spending be targeted towards education and this could provide a means of redressing the inequalities between Maori and Pakeha.

The report also proposed the establishment of a new Maori agency under the control of the Minister of Maori Affairs and to be supplied with finances. The new agency seemed to look a lot like the old Maori Affairs because it was to have both a policy advice function and an operations function of developing and resourcing Maori development. However the new agency was to focus on health, education, training and economic resource development with the added function of providing policy advice to other departments.

The report appears contradictory when it discusses what iwi development is. On the one

hand it viewed devolution i.e a government determined and controlled process as being synonymous with iwi development. But further on there is the claim that iwi development belongs to the iwi. The report was actually arguing to put a spoke in the wheel of devolution moves by government because it wanted the concerns of Maori at government level to be dealt with by primarily one agency. The new agency would have had wider powers than that previously held by Maori Affairs.

In retrospect, Ka Awatea was a valiant attempt to curb the devolution process and to provide a stronger voice for Maori at government level. The press dubbed the Ka Awatea report as a call for a 'super ministry' but this title was misleading, inferring that wide powers were to be bestowed on to the proposed agency. When presented to Cabinet the report was not that popular, according to Walker this was because they had not been consulted first. (Walker Metro December 1991) Winston Peters sacking caused busloads of Maori to flock to Wellington in protest. Without Winston Peters, Ka Awatea which had been well received by Maori faded into obscurity.

(5.3) THE TREATY OF WAITANGI AND DEVOLUTION

The colonisation process in New Zealand involved the creation of a state through judicial and political control over the Maori population. The Treaty effectively provided a rationale for Crown rights to be exerted over land and continued the process of alienation of Maori land that had begun prior to 1840.

Hobsons imposition of taxes was intended to fund the expenditure of state. The state was then instrumental in establishing the conditions for the accumulation of capital. As the economy expanded the values and beliefs of the liberal democracy which underpinned this system were strengthened. It became a natural system, British with British institutions.

(Jesson: 1992:16)

Early state administration was a combination of British colonial interests and dominant local group interests. When the Kingitanga attempted to retain sovereignty or as Pearson puts it to establish a 'nation within a nation' the response was military invasion of the Waikato. The wars that ensued from 1843 in Taranaki until the mid 1860s were more than just 'land wars'. They were essentially:

...a contest for authority, for mana and the question of whose law was to prevail.

(Sorrenson 1981:75)

Military force was used in Taranaki and Waikato but in the later confiscations of Ngati Awa land in 1865, civil dissidence was cited as the rationale for the confiscations of their land. Ngati Awa were defined as rebels and up to 40 were brought to Auckland and executed. The records showed it as a civil action rather than a military action and police along with military police were used to force the whanau and hapu from their lands (Ngati Awa Hui 5 December 1992). Although the confiscations were to alienate vast tracts of land in Taranaki, The Bay of Plenty and Waikato Pearson notes that:

The bulk of Maori territory was acquired through legal and administrative stealth.

(Pearson 1990:53)

Despite the assurances of the Treaty that Maori people had gained all the rights and privileges of British subjects numerous examples exist of 'special' legislation that was introduced for Maori people:

Examples include legislation during the Land Wars such as the Suppression of Rebellion Act 1863, numerous indemnity Acts in the 1860s and the Disturbed Districts Act 1869. A similar wholesale suspension of civil liberties was used to crush the passive resistance of Te Whiti, Tohu and their followers at Parihaka such as the Maori Prisoners Trials Act 1879, the Maori Prisoners Detention Act 1880 and the West Coast Preservation Act 1882.

(Yensen, Hague, McCreanor 1989:51)

By the turn of the century, the bulk of the Maori population was relegated to a precarious existence on the fringe of a rapidly expanding Pakeha controlled state. By the 1900s only 4% of the population was Maori as a result of a decimated population through illness, inter-iwi wars, the land wars and the rapidly increasing immigrant population.

It was not until the 1980s that the Treaty of Waitangi began to be taken more seriously by the government. This was in part due to the fact that there had been a lot of attention drawn to the Treaty by Maori protest groups in the 1970s. Through the protest actions of Nga Tamatoa, Ngati Whatua at Bastion Point and those who took part in the land marches, the 1970s and early 1980s had left strong images in the consciousness of the nation. (Walker 1990) The Treaty has always been contentious. Through the years since 1840 all major pan-tribal movements such as Kotahitanga, Kingitanga, Ratana and Maori National

Congress have all referenced to the Treaty. Up until the 1980s the Treaty was a non-issue for government, and the judiciary had effectively assigned the Treaty to the legal wilderness by declaring it a 'legal nullity' in 1877, in a ruling made by Judge Prendergast.

The 1980s however has seen the Treaty of Waitangi gain some legal and state credibility. In 1986 the Maori Council took out an injunction in the High Court to stop the transfer of Crown assets to the State Owned Enterprises. The five judges ruled that the principles of the Treaty must be adhered to. Justice Richardson in interpreting the nature of the Treaty said:

In the context of the S.O.E. Act, the Treaty of Waitangi must be viewed as a solemn compact between two identified parties, the Crown and the Maori, through which the colonisation of New Zealand was to become possible. For its part the Crown sought legitimacy from the indigenous population for its acquisition of sovereignty and in return it gave certain guarantees.

Although all of the five judges spoke of partnership, the principles of the Treaty and acting reasonably towards each other, only one partner was clearly defining their view of partnership.

The Treaty came to new prominence during the devolution of Maori Affairs. Fleras (1991) argues that the Treaty:

- *helped legitimate the devolution of iwi-government relations*
- *provided a guideline for policy action*
- *provided a guideline by which to assess govt initiatives*

- *provided a useful rationale for government moves*
- *The Treaty's legal recognition had empowered the Courts to make decisions that could underpin Aotearoa as a bicultural state*

(summarised from P172)

However Jane Kelsey argues that the devolution of Maori Affairs had very little to do with the government's Treaty policy or a desire by government to honour the aspirations of Maori that had been raised at the Hui Taumata (Kelsey 1990:43). Rather she argued that:

Maori Affairs was one more victim of the Rogernomics formula of separating and where possible privatising government departments commercial, social and regulatory functions -ultimately into agencies such as the Maori Development Corporation, Ministry of Maori Affairs and Iwi Transition Agency.

(Kelsey 1990:43)

(5.4) IMPLICATIONS FOR IWI DEVELOPMENT

Devolution to iwi structures had been driven by two discourses. The market view of devolution viewed decision-making as being provided by iwi groups who had been approved by the state. Iwi have clearly argued that it is for iwi to determine what constitutes an iwi and also who represents iwi. Issues of consultation also have come to the fore. Who names what constitutes leadership of iwi and therefore who the 'experts' are? Governments choose which 'experts' they will believe when it comes to compensating for past injustices. Consultation is therefore a selective process. Alarm has been expressed about the selection of who the representatives of iwi are selected to be by government. Maori women are practically invisible. Only two women were commissioners on the

Treaty Of Waitangi Fisheries Commission. Ripeka Evans says that during the selection process for commissioners 'there was an active collusion of Maori and non-Maori' groups to keep women from being appointed to the Commission (Evans 1993:15).

There are many ways in which a consultation process can be co-opted as we have seen through the devolution of Maori Affairs. At which point is it determined that Maori be consulted, is this when the matter for debate has been decided? Who frames the questions for debate? What constitutes adequate consultation? If Maori overwhelmingly disagree will the planned change occur anyway?

The ideologies driving the devolution of Maori Affairs were arguments such as the empowerment of iwi through iwi development and devolving to iwi structures, the recognition of the Treaty as interpreted by the Waitangi Tribunal also added to the appearance of goodwill by the government. Maori people had been criticising the Department of Maori Affairs for a number of years on account of its inefficiencies. But rather than improving the Department the devolution policies of government saw to it that the Department be done away with all together and that the welfare needs of Maori be mainstreamed. The new Maori Ministry was for policy advice only.

The market economy has set up a framework for iwi to compete with each other. The Free Market principles are based on notions of individualism, freedom of choice and competition, all occurring on a level playing field.

In this scenario of the 'survival of the best', group interests related to race, gender and class considerations are viewed as anomalies which contradict the importance of the individual and therefore disconnect from the fundamental principles of the free market system.

(Smith G 1991:6)

Smith argues that Maori language, knowledge, culture and values have been considered a barrier to the new economic order and have come under sustained attack from a number of groups. He also notes that the individualism focus, contradicts the collective focus of Maori social interaction.

Within the Free Market approach has arisen what Smith terms the commodification of Maori cultural knowledge. This involves the:

packaging and quantifying Maori cultural items within Pakeha definitions, the control over what these items might mean shifts from Maori to Pakeha, and by redefining these cultural items into self-contained components they become susceptible to market forces, in that their 'value' is more dependent upon economic considerations than cultural considerations. Free market principles such as individualism and competition are more easily facilitated through such commodification. In this sense commodification equates with assimilation.

(Smith 1991:10)

An example of this have been through the attempts to bring Maori weaving under the National Qualifications Framework. There has been strong resistance by Maori women to allow weaving to come under a Pakeha credentialling framework. They consider that

Maori knowledge should firmly remain in the hands of Maori.¹

Rob Cooper has described development as being a discourse that could lead to 'an intense level of economic seduction' (cited in Kelsey 251:1993) which could result in assimilation. What he sees as true Maori development involves a balance of the economic with the social, cultural and spiritual needs of Maori (Kelsey 1993).

¹*Communication with Kahu Te Kanawa, November 1993*