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Report 7

2058

Exploring the
Shared Goals
of Māori

Working towards a
National Sustainable
Development Strategy

MCGUINNESS INSTITUTE

Project 2058: Report 7

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Working towards a National Sustainable
Development Strategy

This report forms part of *Project 2058*,
the Institute's flagship project.

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Background Papers to this Report

Report 8	<i>Effective Māori Representation in Parliament: Working towards a National Sustainable Development Strategy</i> Author: Wendy McGuinness
Background Report 7a	<i>Environmental Goals of Iwi and Hapū: Six case studies</i> Author: Jamie Winiata
Working Paper 2009/02	<i>A Methodological Approach to Māori-focused Research</i> Author: Mahina-a-rangi Baker
Working Paper 2009/03	<i>Identifying the Shared Goals of Six Māori Organisations</i> Authors: Wendy McGuinness and Miriam White
Working Paper 2009/04	<i>Statistics: A selection of available data associated with shared Māori goals</i> Author: Wendy McGuinness
Working Paper 2010/02	<i>Institutions and Mechanisms Designed to Progress the Goals of Māori</i> Authors: Wendy McGuinness and Miriam White
Working Paper 2010/03	<i>The Evolution of New Zealand as a Nation: Significant events and legislation 1770–2010</i> Authors: Wendy McGuinness, Miriam White and Perrine Gilkison
Working Paper 2010/04	<i>The 2008 Election: Reviewing seat allocations without the Māori electorate seats</i> Authors: Wendy McGuinness and Nicola Bradshaw
Working Paper 2010/05	<i>The Waitangi Tribunal and the Office of Treaty Settlements</i> Authors: Wendy McGuinness, Miriam White and Perrine Gilkison

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This package of three reports and seven working papers could not have been written without a team of committed researchers, and I wish to acknowledge personally the dedication and courage of each and every one of them: Mahina-a-rangi Baker, Nicola Bradshaw, James Coombes, Perrine Gilkison, Willow Henderson, Mark Newton, Steph Versteeg, Miriam White and Jamie Winiata. This young team has formed a committed group to work alongside, and consistently provided wise counsel.

As we have prepared these reports, it has been our privilege to work with a number of eminent thinkers and researchers who have generously offered their time, thoughts and opinions. Over the past 18 months Dr Anthony Cole, Ronnie Cooper, Dr Mere Roberts and Dr Huhana Smith have reviewed the reports in draft form, provided constructive criticism and offered valued guidance to the team. We have also received information and advice from Statistics New Zealand, the Waitangi Tribunal, Office of Treaty Settlements, Parliamentary Library and Te Puni Kōkiri. Nevertheless, the opinions expressed and the conclusions arrived at remain my own and do not necessarily represent or reflect those of the external reviewers and interviewees; naturally any errors or omissions also remain my responsibility.

The reports have also undergone extensive editing, and to this end it is timely to thank our patient editor, Susan Brierley, for her constant attention to detail and tireless efforts to polish this package of reports and working papers. Lastly, I wish to thank my family for their patience and perseverance, and for providing me with the time, financial support and reason to commit to such a large project.

Wendy McGuinness
Chief Executive

Preface

Ma te kohatu ka tika te whare.

If the foundation stone is soundly in place, the building will also be sound.¹

It is imperative that we ensure our country has a strong foundation, in order to create our optimal future. To achieve this vision New Zealand needs to ensure every voice is heard equally – diversity brings with it diverse thinking, and to restrict that diversity would only limit the opportunities for future generations. This package of reports explores the goals of Māori New Zealanders in order to inform the development of a National Sustainable Development Strategy (NSDS) for New Zealand. This requires a closer look at existing institutional frameworks, financial and environmental resources, and emerging global challenges.

As this research has progressed, my admiration for Māori leaders and academics has only continued to grow. In 1997, Sidney Moko Mead described Māori studies as ‘the uncomfortable science’ (Mead, 1997: 32). Thirteen years on, I would agree. Māori studies remain uncomfortable, complex and challenging, but also inspiring and an important source of wisdom. Māori leaders and academics know New Zealand is no longer ‘new’. They are not just historians but experts in future studies – thinking long-term, thinking integrated and thinking visionary. In 2008, we published Report 6, *Four Possible Futures for New Zealand in 2058*, which provided an insight into the emerging global challenges for a small country at the bottom of the planet; but as I was later to find out, academics like Professor Mason Durie were already ahead of the game. They had explored the challenges, and were now focused on the options. Reading Durie’s recent work reminded me of Sir Paul Reeves’ statement ‘We have to make our choices from a tight corner’ (NZPC, 1979: 13). By 2010, that corner seems even tighter.

Importantly, we consider this report, like all the reports in *Project 2058*, to be a work in progress. There is still a great deal to understand and reflect upon. We welcome your feedback in order to ensure that our version of an NSDS is the very best that it can be. To this end, we also invite other groups and entities to produce their own NSDSs for New Zealand, because the more diverse the discussion, the more innovative and robust New Zealand’s future will become.

Personally, I have found the preparation of this report both an insightful and a difficult journey; thankfully, it is a journey I have not travelled alone. My very special thanks go to all those who have walked with me and those who have shown the way forward.

Wendy McGuinness

¹ This proverb was cited by Fr Philip Cody at the establishment of the St Patrick’s College Foundation on 1 September 2009, at St Patrick’s College, Wellington.

Executive Summary

The goals of Māori are diverse, and many New Zealanders are working hard to identify, understand, and advance the shared goals of Māori within the current institutional framework. This report considers the common ground that exists today, the challenges Māori New Zealanders are likely to face in progressing shared goals in the future, and how this could strengthen national sustainable development outcomes. Hence while the title of this paper maintains a focus on the shared goals of Māori and sustainable development, the research attempts to explore the relationship between the two.

This research contributes to the Sustainable Future Institute's² *Project 2058*, the overarching aim of which is to produce a National Sustainable Development Strategy for New Zealand. Principle four of the *Project 2058 Methodology: Version 3* forms the basis for this research:

Sustainability must be progressed through participation and partnerships. It is vital for Māori and other New Zealanders to work together towards active participation and to give effect to the Treaty of Waitangi obligations. (SFI, 2009a: 4)

This research programme has required a large amount of analysis and reflection over a considerable length of time. The first step in the process was to gain a better understanding of how to safely undertake this research. The result was Working Paper 2009/02, *A Methodological Approach to Māori-focused Research*, authored by Mahina-a-rangi Baker. The working paper identified 12 principles for consideration, which Baker grouped into three areas: decolonising research; cross-cultural research, and kaupapa Māori research. Our approach has been to adopt the first two, what Baker termed 'decolonising research' and 'cross-cultural research', but we have not attempted to comprehensively achieve the third, 'kaupapa Māori research'.

This area of study has resulted in the publication of two main reports, a background report and seven working papers, of which this report is the central document. Sections 1 to 3 of the report outline the purpose, context and methodology for this research, while Section 4 identifies nine challenges that relate directly to the advancement of the shared goals of Māori:

1. Identifying shared goals;
2. Measuring progress towards shared goals;
3. Developing institutional capacity;
4. Managing the growing commercial asset base;
5. Pursuing positive demographic change;
6. Responding effectively to new and emerging technologies;
7. Managing resources in light of climate change;
8. The completion of the Treaty settlement process, and
9. The future of te Tiriti after the settlement process.

The first challenge, identifying shared goals, is difficult but is an important precursor to strategic development. After reviewing the literature, we were unable to find an agreed set of future-orientated overarching goals that were shared by Māori. As this is critical for our *Project 2058* work programme, we decided to undertake further research to explore what these goals could look like; this research is presented in Background Report 7a, *Environmental Goals of Iwi and Hapū: Six case studies* and Working Paper 2009/03, *Identifying the Shared Goals of Six Māori Organisations*. As a result we identified our own set of four shared Māori goals (see Figure 1). These shared goals have not been solely articulated in one narrative, or produced as a result of full consultation among Māori, but are a synthesis of the common goals expressed within the strategic documents of six iwi and Māori organisations. We invite feedback from iwi and other New Zealanders interested in working with us to understand the common goals that are shared by Māori.

2 Since February 2012 the Institute has been known as the McGuinness Institute. See: www.mcguinnessinstitute.org

Figure 1: Four Shared Goals of Māori

Source: SFI, 2009d: 14

1. Māori succeed as Māori.
2. Māori live long and live well.
3. Sustainable economic development of iwi and hapū is encouraged and progressed.
4. The natural environment is protected and enhanced by iwi and hapū so that it sustains current and future generations.

The second challenge was to consider issues related to the measurement of Māori goals. Current statistics highlight concerning inequalities between Māori and non-Māori populations; see Working Paper 2009/04, *Statistics: A selection of available data associated with shared Māori goals*. Te Puni Kōkiri raises concerns about the use of existing statistics, suggesting instead that indicators to measure success should be defined by Māori. The two approaches are not mutually exclusive. Government should be able to monitor relevant indicators in order to determine where to focus and allocate resources that aid in addressing disparities. At the same time, Māori must be supported to develop their own culturally relevant measures of success.

The third challenge was to gain an understanding of the capabilities of current institutions whose purpose is to implement the goals of Māori. This resulted in Working Paper 2010/02, *Institutions and Mechanisms Designed to Progress the Goals of Māori*, and Working Paper 2010/05, *The Waitangi Tribunal and the Office of Treaty Settlements*, which looks at the two central government institutions leading the Treaty settlement process. The findings of these papers show that the Treaty settlement process has had an influential role in the development and evolution of many institutions. Exploration of the diversity and uncertainty of future challenges spurs deeper consideration of the long-term relevance and capacity of these institutions. It encourages critical evaluation of the ability of institutions to be proactive in the face of uncertainty, to seize opportunities and to manage risks as they arise. By developing a strategic, long-term approach, which emphasises foresight, proactivity, adaptability and resilience, this capacity is more likely to be optimised in the future.

The fourth challenge, growing the commercial asset base of iwi and hapū, was found to present both considerable challenges and significant opportunities. Appropriate governance structures and reporting practices are necessary to effectively manage the resource transfer occurring through the Treaty settlement process. Iwi, hapū and Māori institutions must operate within modern accountability frameworks, meet the unique cultural needs of iwi, and be sufficiently flexible to adapt over time.

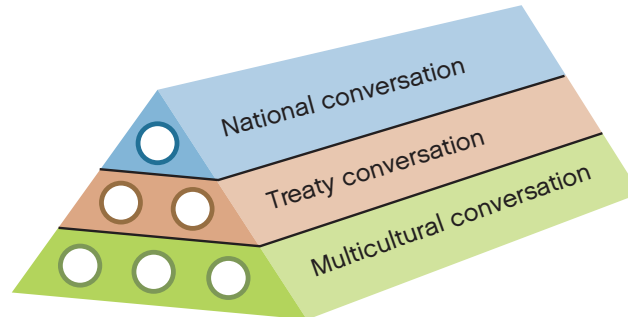
Three challenges, namely pursuing positive demographic change, responding effectively to new and emerging technologies, and managing resources in light of climate change, are likely to have a significant effect on shaping the future for all New Zealanders. Change in these areas is occurring at an unprecedented rate, and we can expect them to become increasingly interrelated.

The final two challenges relate to the Treaty. With the current government's aspiration to achieve complete, full and final Treaty settlements by 2014, questions are being raised about 'where to from here?' The Treaty settlement process provides redress, but does it restore and reconcile communities? How do we develop policies and practices which seek not only redress but also restoration? Restoration has an open timeframe; it is not necessarily complete when settlements end. It is based upon outcomes, not simply the completion of a finite process and the delivery of prescribed outputs. Hence, over time, New Zealand is likely to redefine equality and the role of te Tiriti. This leads to consideration of the future of te Tiriti after the settlement process has been completed. Our discussion of these challenges draws upon three publications within this package of reports: Report 8, *Effective Māori Representation in Parliament: Working towards a National Sustainable Development Strategy*; Working Paper 2010/03, *The Evolution of New Zealand as a Nation: Significant events and legislation 1770–2010*,³ and Working Paper 2010/04, *The 2008 Election: Reviewing seat allocations without the Māori electorate seats*.

³ Working Paper 2010/03: *The Evolution of New Zealand as a Nation: Significant events and legislation 1770–2010* (SFI, 2010c) was later updated and published as a book entitled *Nation Dates: Significant events that have shaped the nation of New Zealand* (McGuinness & White, 2012).

In Section 5, we begin by identifying three types of conversation that are currently occurring in New Zealand today (see Figure 2).

Figure 2: Three Types of Conversation



We use this platform to synthesise our findings into seven priorities. These priorities could be used to drive a national conversation so that the shared goals of Māori are supported effectively within national frameworks. The priorities are:

1. Support Māori in identifying and measuring shared goals;
2. Support Māori to strengthen existing iwi, hapū and wider Māori institutions;
3. Support effective representation of Māori in local and national decision-making processes;
4. Align national policy with international commitments;
5. Clarify the roles of biculturalism and multiculturalism in New Zealand;
6. Clarify the role of te Tiriti o Waitangi within a national constitution, and
7. Improve civic education, particularly in terms of New Zealand's history, and New Zealanders' rights and responsibilities.

These priorities are designed to build understanding and support work towards achieving the shared goals of Māori, and to develop a strong national capacity to manage the future opportunities and risks that Māori, and New Zealand as a whole, are likely to face. They also provide significant and relevant insights that can be considered in the development of a National Sustainable Development Strategy (NSDS) for New Zealand. Importantly, these priorities form the basis of a suggested work programme, which outlines a proposed method of implementation and identifies specific desired outcomes (see Table 8, page 47).

To conclude, an NSDS is an opportunity for meaningful change: it aims to build a consistent strategic approach in a participatory manner across the whole of government, in order to advance sustainable outcomes for all citizens. It is an opportunity to merge traditional knowledge and wisdom with international best practice in a way that is responsive to the needs of New Zealand's diverse local environments and populations. Through this research it has become apparent that a well-developed and implemented NSDS can assist iwi and hapū in the pursuit of shared goals. An NSDS encourages participation and input from across society. Drawing on a diverse range of approaches in the pursuit of national goals will invite innovative solutions to complex problems, substantially strengthening outcomes for all New Zealanders.

1. Purpose

The purpose of this research is firstly to gain an understanding of shared Māori goals, the existing institutions for their advancement and the opportunities and challenges for sustainable development in this context. Secondly, the research aims to increase understanding of how these goals can both support and be further advanced by the development of a National Sustainable Development Strategy (NSDS). This research forms a part of the Institute's work programme *Project 2058*.

1.1 Project 2058

The strategic aim of *Project 2058* is to promote integrated long-term thinking, leadership and capacity-building so that New Zealand can effectively seek and create opportunities, and explore and manage risks, over the next 50 years. In order to achieve this aim, the *Project 2058* team will:

1. Develop a detailed understanding of the current national planning landscape, and in particular the government's ability to deliver long-term strategic thinking;
2. Develop a good working relationship with all parties working for and thinking about the 'long-term view';
3. Recognise the goals of iwi and hapū, and acknowledge te Tiriti o Waitangi;
4. Assess key aspects of New Zealand's society, asset base and economy in order to understand how they may shape the country's long-term future, such as government-funded science, natural and human-generated resources, the state sector and infrastructure;
5. Develop a set of four scenarios to explore and map possible futures;
6. Identify and analyse both New Zealand's future strengths and weaknesses, and potential international opportunities and threats;
7. Describe a desirable sustainable future in detail, and
8. Prepare a *Project 2058* National Sustainable Development Strategy. (SFI, 2009a: 3)

This report, along with the supporting background report and working papers, is designed to help progress the third point above. The current report is the seventh published as part of *Project 2058*.

1.2 The McGuinness Institute

The McGuinness Institute, formerly the Sustainable Future Institute, is an independently funded think tank based in Wellington, New Zealand. Earlier work by the Institute has indicated that New Zealand is well behind on its international obligations to develop and implement an NSDS (SFI, 2007). It is hoped that *Project 2058* will help develop dialogue among government ministers, policy analysts and members of the public about alternative strategies for the future. With this in mind, this report is a step towards the Institute's goal of preparing an NSDS for New Zealand.

2. Context

This section explains the background thinking that helps form the methodology in Section 3, and attempts to give context to the key themes that underpin this report:

1. What is sustainability in te ao Māori?
2. What is sustainability in the Western context?
3. What is te Tiriti o Waitangi?
4. What is a National Sustainable Development Strategy?

2.1 What is Sustainability in Te Ao Māori?

Te reo Māori does not have a term that directly translates as ‘sustainability’, although the goals associated with what Western academics now call ‘sustainability’ appear to be implicit in many Māori customary values.⁴ This interconnection is discussed below; we then consider the implications of applying Māori customary values in the development of an NSDS that is relevant to all New Zealanders.

A Māori worldview traditionally saw life conducted within ‘tenets of sacred narratives’, which informed society on how to behave and how taonga were used (Royal, 2004: 2). The governance of iwi and hapū cannot be understood in isolation from the concepts that underpin and connect these practices.⁵ Thus, no one practice or concept in isolation can be termed ‘Māori sustainability’. Dr Mere Roberts put forward the following theory of Māori survival and adaptive management:

The historical record suggests Māori, like human populations the world over, do not have an innate gene or ethic for sustainability. This knowledge and ethic had to be learnt, usually by trial and error; and the error frequently involved the extinctions of species. In North America this included the megafauna, in New Zealand the moa. Only when faced with the reality of depleted resources were more sustainable practices developed. But practices alone are insufficient to ensure the long-term sustainability of natural resources. Studies of traditional knowledge practitioners reveal a layered framework of knowledge, practice and beliefs which together constitute a conservation paradigm. This includes basic environmental knowledge of species biology and ecology; a sustainable resource management system comprising practices, tools and techniques; and an all-embracing social institution which contains the cultural rules (tikanga), values and beliefs concerning appropriate conduct and compliance. The point to take from this is that indigenous resource management is a belief-based system – what some authors (e.g. Berkes, F. 1999) have called a ‘Sacred Ecology’. This is in contrast to many modern resource management systems which rely on technology alone, and lack an ethical paradigm. (M. Roberts, personal communication, 17 July 2009)

As Roberts explains, in the context of Māori knowledge and customary practices, resource management techniques are likely to have been developed through ‘trial and error’. This method of ‘failing wisely’ has been used by kaumatua to prevent the recurrence of past mistakes. This theory on the development of ecological systems can be compared to Edward Banfield’s theory on the development of political systems:

A political system is an accident. It is an accumulation of habits, customs, prejudices and principles that have survived a long process of trial and error, and of ceaseless response to changing circumstance. (Banfield, 1991: 70)

⁴ See Section 3.4, Terminology, for a note on the use of te reo Māori within these reports, and the Glossary, page 56.

⁵ Each iwi is descended from a common named ancestor or ancestors, and usually comprises a number of hapū (sub-tribes). A total of 137 iwi were identified in the 2006 Census (Statistics NZ, 2006: 30).

2. CONTEXT

Table 1 provides a very brief description of ten customary principles and values discussed in this paper, so that readers new to this area of study may follow the discussion. Further explanation can be found in Report 7a, *Environmental Goals of Iwi and Hapū: Six case studies* (SFI, 2009b) and in anthropologist Joan Metge’s recent book *Tuamaka: The challenge of difference in Aotearoa New Zealand* (Metge, 2010: 80). It is important to note that these principles should not be seen in terms of a Western set of rules and principles, and that understanding their true meaning requires a great deal of education and reflection. This level of knowledge goes far beyond that of the author and researchers, therefore an explanation of the essence of Māori thinking is beyond the scope of this report.

Table 1. Kaupapa: Key Principles Underpinning Iwi and Hapū Environmental Goals⁶

Ahi kā	Burning fire; rights to land by occupation (Mead, 2003: 359)
Whakapapa	Genealogy (Mead, 2003: 370)
Mana whenua	Customary authority over lands (Kawharu, 2002: 399)
Rangatiratanga	Customary authority and control, sovereignty (Kawharu, 2002: 399)
Kaitiakitanga	Guardianship, trusteeship, resource management (Kawharu, 2002: 399)
Tau utuutu	Reciprocity (Water & Cahn, 2007: 341)
Mauri	Life force (Kawharu, 2002: 399)
Tapu	Under the influence of atua protection, sacred, prohibited, restricted (Ka’ai et al., 2005: 239)
Mahinga kai	Seafood gardens and other traditional sources of food (Mead, 2003: 362)
Taonga tuku iho	Gift of the ancestors, precious heritage (Mead, 2003: 367)

It has been argued that the term ‘mauri’ is closely aligned with sustainability. Dr Kepa Morgan describes mauri as the ‘binding force between the physical and the spiritual’ (Morgan, 2006: 171). He argues that mauri is pivotal to Māori well-being, and goes so far as to state that ‘sustainability and the achieved long-term enhancement of *mauri* are one and the same’ (ibid.: 175). Morgan proposes the adoption of the ‘Mauri Model’, which considers mauri as central to economic, social, cultural and environmental dimensions of well-being (ibid.: 173). Although not all Māori will agree that ‘mauri’ and ‘sustainability’ are interchangeable, it is clear that an understanding of the concept of mauri is important for progressing sustainability in New Zealand.

Māori recognise the importance of understanding the effects of particular past events and processes for cultural and economic sustainability (Kawharu, 2001: 7). These lessons from the past are usually encoded in metaphor and narrative, and represent many generations of learning. Such long-term thinking is illustrated by the 100-year and 1000-year visions of Ngāi Tahu and Ngāti Raukawa (FutureMakers, n.d.).

Māori culture is community-based, both inter-generationally and intra-generationally. This is perhaps best understood through the words of the Rev. Māori Marsden, who reinterpreted the French theorist Rene Descartes’ statement ‘I think therefore I am’ as ‘I belong, therefore I am’. Furthermore, sustainable development relies on integrated thinking. In support of this focus, Tariana Turia, the co-leader of the Māori Party, expressed the need to avoid compartmentalised thinking when she stated:

We see the importance of connection in the value given to integration – the co-ordination of whānau ora programmes, which are linked across the government funding authorities, as well as throughout the range of social sectors. I have always been intolerant of approaches which seek to compartmentalise our bodies into objects for dissection – the broken toe; the splintered bone; the decaying tooth. That same ‘breaking down the parts’ technique has been applied across social policy – this is an education problem; a welfare problem; a health issue ... (Turia, 2009)

⁶ See Section 3.4.5 for further discussion of our understanding and use of the concept of kaupapa.

To conclude, while it is difficult to find a Māori term that is congruent with the concept of sustainability, many underlying customary values are comparable and share common outcomes. There is a growing imperative nationally to find sustainable ways to approach current and future challenges and opportunities; the development of an NSDS is one mechanism to improve the quality of discussion over the way forward. The wisdom of Māori customary values can contribute to the development and implementation of a uniquely New Zealand national framework for sustainability. This could both help New Zealand as a whole to advance sustainable development more effectively and build a national approach that supports Māori, iwi and hapū development.

2.2 What is Sustainability in the Western Context?

Sustainability is a process through which societies work towards the maintenance or improvement of social, cultural, economic and ecological well-being long into the future. This report considers the well-being of Māori populations, culture and traditional knowledge as a central component of this wider understanding of sustainability in the New Zealand context. We look at how a strategic national approach to sustainability can increase this well-being, focusing in particular on governance as a key means by which the nation-state can support the local and national changes required for New Zealand to achieve stronger sustainability.

The Institute promotes a concept of sustainability that extends beyond the sustainable management of natural capital to include human,⁷ social,⁸ and cultural⁹ capital; this concept includes the belief that, in theory, capital should not be depleted, even if there is a corresponding increase in another type of capital. This concept of holistic, strong sustainability underlies this report and our research towards developing an NSDS. It also interprets sustainable development as more than a technical or scientific challenge. Often, lack of information, political unwillingness, and individual citizen and consumer conduct are barriers to achieving development in a sustainable manner.

The previous Labour-led government formulated high-level national sustainable development principles to guide government policy and decision-making (DPMC, 2003). The ten principles for policy and decision-making were:

1. Considering the long-term implications of decisions.
2. Seeking innovative solutions that are mutually reinforcing, rather than accepting that gain in one area will necessarily be achieved at the expense of another.
3. Using the best information available to support decision making.
4. Addressing risks and uncertainty when making choices and taking a precautionary approach when making decisions that may cause serious or irreversible damage.
5. Working in partnership with local government and other sectors and encouraging transparent and participatory processes.
6. Considering the implications of decisions from a global as well as New Zealand perspective.
7. Decoupling economic growth from pressures on the environment.
8. Respecting environmental limits, protecting ecosystems and promoting the integrated management of land, water and living resources.
9. Working in partnership with appropriate Māori authorities to empower Māori in development decisions that affect them.
10. Respecting human rights, the rule of law and cultural diversity. (DPMC, 2003: 10)

⁷ Human capital is defined by the OECD (1998: 9) as 'the knowledge, skills and competences and other attributes embodied in individuals that are relevant to economic activity'.

⁸ Social capital is defined by the OECD (2000: 43) as the 'norms and social relations embedded in the social structures of societies that enable people to co-ordinate action to achieve desired goals'.

⁹ Cultural capital is defined by AERU as 'a community's embodied cultural skills and values, in all their community defined forms, inherited from the community's previous generation, undergoing adaptation and extension by current members of the community, and desired by the community to be passed on to its next generation' (Dalziel & Saunders, 2009: 139).

2.3 What is te Tiriti o Waitangi?

The role of te Tiriti today is a product of the shared history between Māori and the Crown that has taken place over more than 170 years. In this section we briefly outline the critical role that te Tiriti has had in shaping this country's past,¹⁰ which is necessary in order to understand the relationship between the Crown and Māori today.

In 1840 Te Tiriti o Waitangi was seen as a way to stabilise the situation in New Zealand and protect the rights of both Māori and settler. On 21 May 1840, Lieutenant-Governor Hobson proclaimed 'British sovereignty over all of New Zealand: over the North Island on the basis of cession through the Treaty of Waitangi and over the southern islands by right of discovery' (MCH, 2009a). So although te Tiriti was signed on 6 February by representatives of 'Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland' (the British Crown) and about 40 chiefs, it took until September 1840 for another 500 chiefs to sign (MCH, 2009a). A number of leading chiefs did not sign and many were not given the opportunity (Orange, 2004: 41–42).

The fact that the South Island was claimed by 'right of discovery' rather than under te Tiriti, and that it is likely only a small number of chiefs had signed te Tiriti by May 1840 (when Lieutenant-Governor Hobson made his proclamation), appears to have been largely ignored in the history books.

In contrast, the fact that there are differences between the two versions of te Tiriti, one in English, the other in Māori (see Appendix 3 for both versions), has led to significant research, discussion and reflection. For example, the English version stated that sovereignty was ceded to the Queen of England, while the Māori version stated that te Tiriti guaranteed 'rangatiratanga', or chiefly authority, to Māori (Orange, 2004: 24–26). These different interpretations continue to challenge many New Zealanders today, particularly in terms of claims over resources and the nature of ongoing relationships between Māori and the Crown. Sir Geoffrey Palmer, Prime Minister of New Zealand from 1989–1990, put it this way:

The Treaty is a short document but it symbolizes the rights of the Māori and the undertakings which were given to them when the Crown assumed authority. In one sense New Zealand's right as a nation to make laws, to govern and to dispense justice can be said to spring from the compact between the Crown and the Māori in 1840. Many Māori people feel that the Government over the years has failed to honour the undertakings given in the Treaty. (Palmer, 1987: 19)

While te Tiriti is not considered to form part of New Zealand's legal foundation,¹¹ it is believed by many to form part of this country's broader constitution. New Zealand does not have a full written, entrenched constitution (NZ Govt, 2004: 1); the government considers that the 'Constitution' is to be found in formal legal documents, court decisions, and in existing practices and conventions (DPMC, 2008: 1). The *Cabinet Manual* lists six sources of the constitution in addition to the Constitution Act 1986 (ibid.: 2). The lack of direct inclusion of te Tiriti in New Zealand's constitutional law creates some uncertainty as to its standing.¹² While the inclusion of Treaty principles within multiple pieces of legislation has led to the recognition of te Tiriti in case law, this may not provide a meaningful long-term solution.

Since te Tiriti was signed in 1840, its role has continually been studied, discussed and debated, but its status today largely remains for many uncertain and unclear, and to some extent it appears inoperable. For example, Māori rights as promised in the third article of te Tiriti are defined only in relation to the rights of Ingarani (British subjects).

Despite all these challenges, it is difficult to see a time when te Tiriti could lose its relevance. It will always be this nation's founding document and as such will be revered for the high principles it espouses. However, there exists a significant opportunity for the current generation to provide more clarity about te Tiriti, thus putting in place a foundation that allows New Zealanders to look forward, rather than leaving the problems of the past for future generations to solve. In Section 4 we discuss these challenges and opportunities in some depth.

10 See our timeline in Working Paper 2010/03 (SFI, 2010c) or *Nation Dates* (McGuinness & White, 2012). For a comprehensive history of New Zealand we recommend James Belich's *Making Peoples* (1996) and *Paradise Reforged* (2001) or a visit to the James Duncan Reference Library at the McGuinness Institute.

11 'The process of treating, and the subsequent agreements signed throughout 1840, were important from a prudential, even ethical or moral, point of view, but they did not constitute the new political and legal system that created a people subject to law ... The Treaty process was not constitutive.' (Sharp, 2005: 311)

12 Sharp (2005) considers that New Zealand has a triple mix of constitutional ethics, in that it has legal (or official) constitutionalism; Treaty (or Māori) constitutionalism, and whakapapa (kin-based) constitutionalism – of which the latter is proposed mostly in the name of iwi and hapū.

2.4 What is a National Sustainable Development Strategy?

An NSDS is an opportunity to construct a strategic pathway into the future, based on visualising and then conceptualising what that future could look like – what is possible – then balancing this against what is acceptable. An NSDS encompasses the dialogue and reflection, as well as the planning, implementation, monitoring and review that needs to occur to work towards this future.

Importantly, for an NSDS to be successful it must be implemented; to be implemented the people must want it; for the people to want it they must want what it can deliver – in turn this reinforces the idea that an NSDS must be built on top of a participatory process. This report, like all publications of *Project 2058*, is designed to help inform an NSDS for New Zealand.

2.4.1 Defining an NSDS

Two internationally recognised definitions of an NSDS are given below. The Organisation for Economic Cooperation and Development (OECD) recognises an NSDS as:

... strategic and participatory processes encompassing analysis, democratic debate, capacity development, planning and action towards sustainable development. (OECD/DAC, 1999: 2)

Similarly, the United Nations Department of Economic and Social Affairs (UNDESA) defines an NSDS as:

... a coordinated, participatory and iterative process of thoughts and actions to achieve economic, environmental and social objectives in a balanced and integrated manner. (UNDESA, 2002a: 1)

The cyclical, iterative nature of an NSDS, in which a strategy document is not the end product, but rather a stage in an ongoing process (UNDESA, 2002a: 1), is also captured in Figure 3 (page 11).

2.4.2 Seven common elements of an NSDS

The Institute has developed seven common elements of an NSDS, based on our analysis of the common elements of the NSDSs of Finland, Sweden and the United Kingdom; see Report 5, *The Common Elements of a National Sustainable Development Strategy* (SFI, 2008b; see Table 2 below). Readers interested in understanding more about global best practice could also refer to Report 4, *Institutions for Sustainable Development: Developing an optimal framework for New Zealand* (SFI, 2008a), which explores international institutional frameworks.

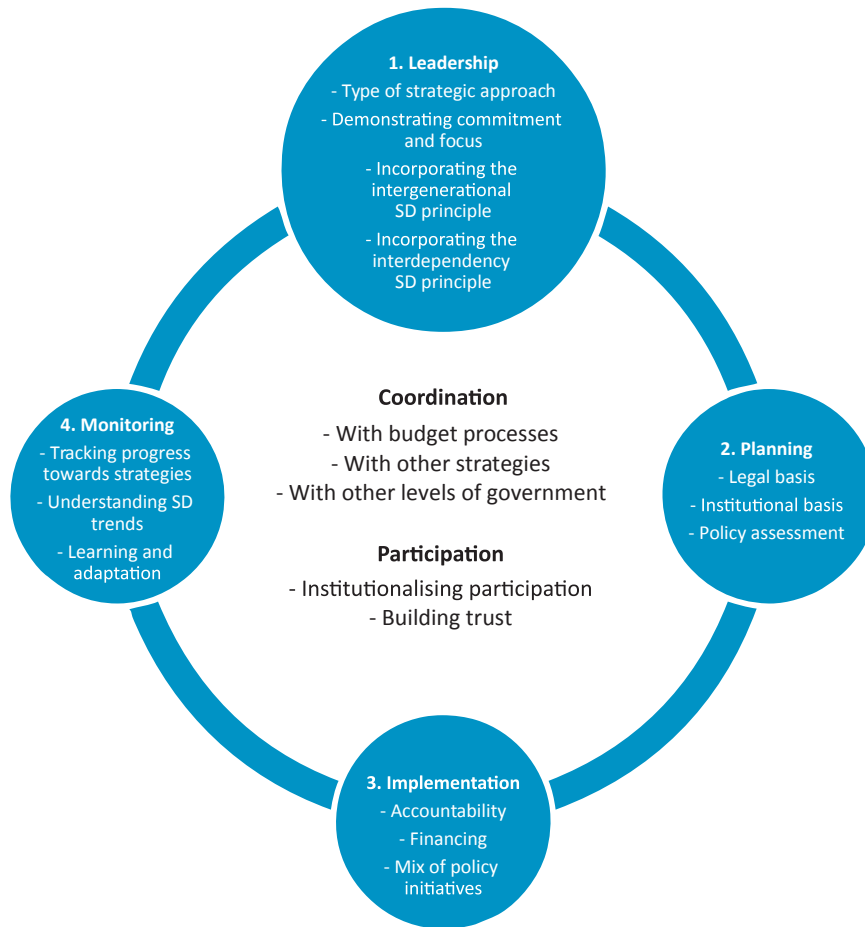
Table 2: A National Sustainable Development Strategy – The Seven Common Elements

Source: SFI, 2008b: 2

Seven Common Elements of an NSDS	Seven Strategic Questions
1. Background (to the strategy)	Where have we been and where are we now?
2. Vision (including desired outcomes)	Where do we want to be in the long term?
3. Principles (and values)	What do we believe in?
4. Priorities	What do we need to focus on?
5. Method of implementation	What do we decide to do and not to do?
6. Governance	Who is going to do what?
7. Monitoring progress	How well are we going?

Figure 3: The Continuous Improvement Approach to Sustainable Development Strategies

Source: Adapted from Dalal-Clayton & Bass, 2002: 75



2.4.3 New Zealand’s international commitments

In 2001 the New Zealand Cabinet agreed to meet its commitment to the United Nations and produce an NSDS. New Zealand committed to two international targets: (i) the ‘introduction’ of an NSDS by 2002, a target set at a Special Session of the UN General Assembly (UN, 1997: para 24), and (ii) the ‘implementation’ of an NSDS by 2005, which was set under the *Johannesburg Plan of Implementation* (UNDESA, 2002b: para 162[b]). It was agreed that member states would take immediate steps to make progress in the formulation and elaboration of national strategies for sustainable development. To learn more about New Zealand’s international commitments, see Report 1, *A National Sustainable Development Strategy: How New Zealand measures up against international commitments* (SFI, 2007).

2.4.4 Integrating a Māori perspective into an NSDS

Māori have considerable expertise in integrated long-term planning and decision-making, often thinking and ‘dreaming’ several generations into the future.^{13,14} In addition, as the examples explored in this group of reports and working papers show, Māori planning and decision-making is often consultative, reflective and responsive, seeking a deep understanding of issues in order to provide an optimal outcome.

In 1979, the New Zealand Planning Council set up a group which would operate according to Māori protocol, with the aim of bringing together some of the different viewpoints of the Māori community. The eight-member group, named Rangi’s Round Table after its convenor, Council elder Rangi Mete-Kingi, published 12 Māori perspectives on national development under the title *He Mātāpuna* (NZPC, 1979).¹⁵ This is a rich and thought-provoking document, in which the Chair of the New Zealand Planning Council, Sir Frank Holmes, reported:

The authors are unanimous in the judgement that Pākehā institutions and Pākehā procedures have not provided a satisfactory framework for the achievement of Māori goals. (NZPC, 1979: 8)

While dreaming of a way forward for Māori is not new, historically, Māori perspectives have rarely fed into national development or been accorded a place in our national history. Non-Māori institutions and mechanisms have often failed to support Māori in defining and advancing their goals, or even to allow them to do so. This raises the question: why might a National Sustainable Development Strategy be of interest to Māori? It is our hope that this report will shed some light on this question.

13 For example, in 1975 the Raukawa Trustees, a body representing the confederation of Te Ati Awa, Ngāti Toarangatira and Ngāti Raukawa (the ART confederation), began a tribal planning experiment entitled Whakatupuranga Rua Mano, or Generation 2000. The purpose of this experiment was to prepare the confederation for the twenty-first century. In 2003, their success led Tariana Turia (then Associate Minister of Māori Affairs) to state: ‘Ngāti Raukawa are exemplars and leaders in strategic planning’ (Turia, 2003).

14 In 2001 Ngāi Tahu, the principal iwi of the South Island, produced a vision document, *Ngāi Tahu 2025*, which states: ‘It is the responsibility of each age to learn the lessons of the past, to plan and prepare for the future. *Ngāi Tahu 2025* is our vision; many have contributed to its creation and all will benefit from its continued existence. The planning process started with the appointment of the Vision Focus Group. These were Ngāi Tahu Whānui charged with ‘dreaming’ (TRONT, 2001).

15 Appendix 4 provides a few of the resulting stories and thoughts from *He Mātāpuna*.

3. Methodology

This section provides the operational context for our research: it outlines the research objectives; the Institute's position statement and research method; key terminology; and the limitations and boundaries of this research.

3.1 Objectives

The first task in the process of preparing this report was to develop meaningful objectives that would meet the purpose as outlined in Section 1. This resulted in five objectives:

Objective 1: To investigate shared Māori goals that are identified in published literature (Section 4).

Objective 2: To investigate challenges in measuring these shared Māori goals (Section 4).

Objective 3: To investigate existing institutions and mechanisms capable of progressing Māori goals (Section 4).

Objective 4: To understand future challenges and opportunities Māori populations may face (Section 4).

Objective 5: To synthesise the findings of the above objectives in order to understand the areas of synergy and tension that exist between Māori goals, institutions and mechanisms, and the resulting implications for the development of an NSDS (Section 5).

3.2 Position Statement

This package of reports is the result of collaboration between experts and students, between Māori and non-Māori, and between young and old New Zealanders. In inviting such broad discussion, we had the objective of producing a report for dissemination among a wide range of Māori and non-Māori New Zealanders in order to encourage further discussion and reflection on this topic. However, we acknowledge that the methodology, the discussion and the resulting conclusions of this report do reflect the personal views and experiences of the author and the research team. We believe that people understand cultural issues through the perspective of their own personal experiences. With this in mind, brief outlines of the author's background and those of the research team are provided in Appendix 8.

3.2.1 Acknowledging Māori-focused research

Working Paper 2009/02, *A Methodological Approach to Māori-focused Research* (SFI, 2009c) was authored by Mahina-a-rangi Baker. The working paper provided strategic guidance for the research team in the preparation of these reports. It identified 12 principles for consideration, which Baker grouped into three areas: decolonising research; cross-cultural research, and kaupapa Māori research (see Appendix 2 for more detail). Our approach has been to adopt the first two, what Baker termed 'decolonising research' and 'cross-cultural research' (ibid.).

We have not attempted to comprehensively achieve the third, 'kaupapa Māori research', but we do consider there is a need for Māori New Zealanders to pursue, and be supported to pursue, this type of research. Learning about this wider landscape of Māori-focused research has been of considerable value, and has helped us to define our research's limitations and boundaries. As acknowledged in a report by the Office of the Parliamentary Commissioner for the Environment (PCE), sometimes the way in which frameworks are developed are as important as what is actually done (PCE, 2002: 10).

3.3 Method

Our initial approach was to identify the five objectives outlined in Section 3.1 above. These defined the boundaries around our research and led us to develop the following method.

3.3.1 Information collection

Information was collected from published secondary sources that incorporated both qualitative and quantitative data. This included reviewing relevant national and international literature including journal articles, research reports and papers, government publications, books and websites. In addition, information was gained through extensive personal correspondence with relevant government departments and other experts including Statistics New Zealand, the Waitangi Tribunal, Office of Treaty Settlements, Parliamentary Library and Te Puni Kōkiri.

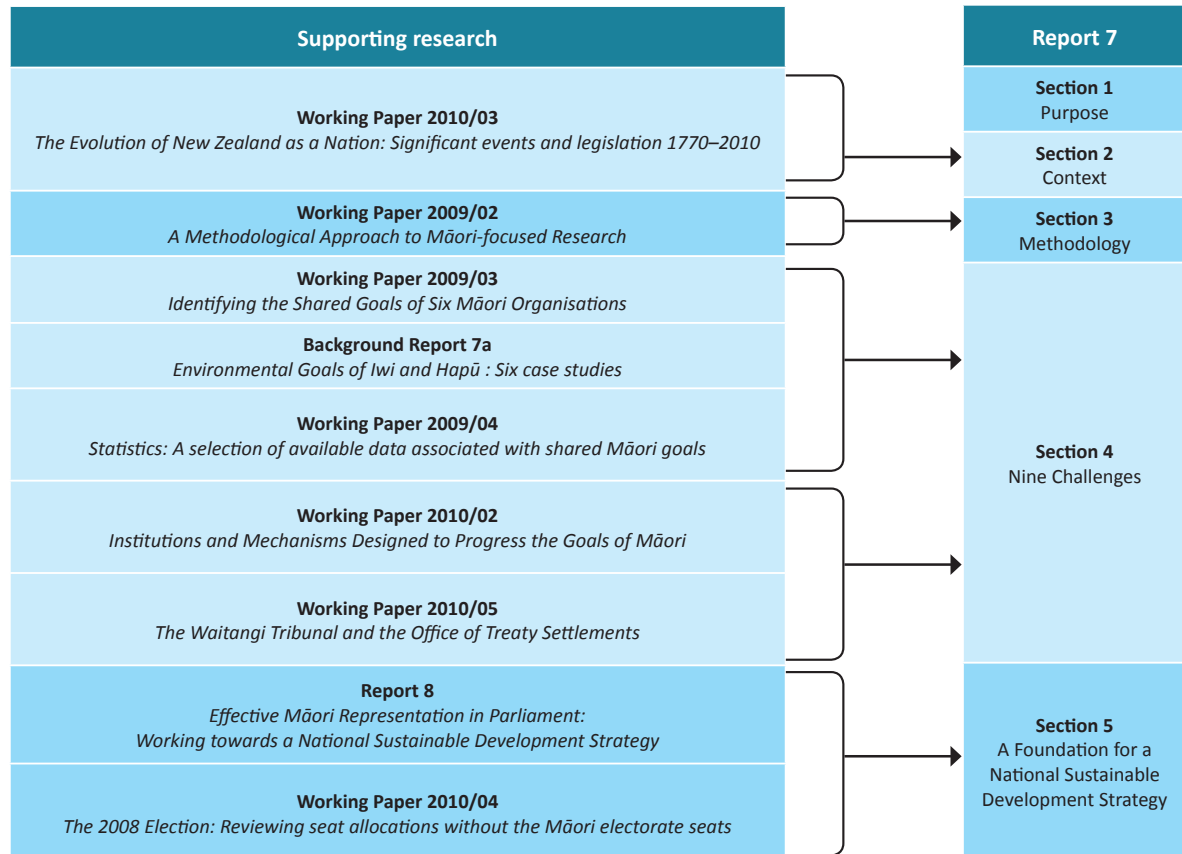
An important part of our method involved contacting experts in the area of Māori knowledge and research, and asking them to act as external reviewers of our work. These reviewers as well as other experts have given us extensive feedback that has contributed greatly to the calibre of the final product.

3.3.2 Method of analysis

This section of our research includes seven working papers and one background report. One area of the research, Māori representation in Parliament, has also become a stand-alone report – Report 8, *Effective Māori Representation in Parliament: Working towards a National Sustainable Development Strategy* (SFI, 2010a).

Key findings from a number of these working papers are discussed in Section 4. These findings are synthesised in Section 5, and presented in the form of a work programme. Section 5 also discusses the implications of these findings for the development of an NSDS. The seven common elements of an NSDS developed in Report 5, *The Common Elements of a National Sustainable Development Strategy* (SFI, 2008b) frame the final conclusions. The structure of this report and the way in which the supporting research papers feed into each section are outlined in Figure 4 below.

Figure 4: Structure of Report and Supporting Research



3.4 Terminology

The use of te reo Māori has been promoted throughout this group of reports as a means of appropriately communicating Māori concepts. Furthermore, to avoid over-translating certain concepts and to ensure that meanings are not changed or lost, Māori definitions have not been included within the body of this report. Terminology is instead explained in a glossary at the end of the report (see p. 56).

However, in writing this report, it became necessary to develop some very clear distinctions as to how we interpreted commonly used words and terms: these words and terms are discussed below.

3.4.1 Ethnicity and descent

In completing this research, we encountered the need to clearly define the difference between descent and ethnicity data. The census provides all New Zealanders with the option to identify (i) as being of Māori descent, and (ii) as belonging to one or more ethnicities. In New Zealand, most statutes, including the Electoral Act 1993, use Māori-descent figures for any calculations, whereas Māori ethnic population data is commonly used for administrative and policy purposes (Kukutai, 2004: 91). Descent refers to ancestry, while ethnicity is about cultural affiliation. Statistics New Zealand defines Māori descent in the following way: ‘A person has Māori descent if they are of the Māori race of New Zealand; this includes any descendant of such a person’ (Statistics NZ, n.d.[a]). In contrast, ethnicity is defined as ‘the ethnic group or groups that people identify with or feel they belong to’, and as having some or all of the following characteristics:

- a common proper name
- one or more elements of common culture which need not be specified, but may include religion, customs, or language
- unique community of interests, feelings and actions
- a shared sense of common origins or ancestry, and
- a common geographic origin. (Statistics NZ, 2005: 1)

3.4.2 Māori

‘Māori’ is often used in literature and in legislation to imply a cohesive group. In this report, when the term Māori is used it simply refers to those of Māori descent.¹⁶ Joan Metge notes that the term arose out of the arrival of strangers from across the seas in the late eighteenth century. Faced with newcomers, the people identified themselves as tāngata Māori, meaning something like normal human beings. English-speaking settlers mistook the adjective for a noun, which over time became the norm (Metge, 2010: 59).

In order to avoid unnecessary confusion, terms such as ‘indigenous New Zealanders’, ‘native New Zealanders’ and ‘first nation peoples’ have not been used in this report, unless in quoted material. (See Appendix 1 for further explanation.)

Iwi and hapū

The term iwi often refers to a large group of people descended from a common ancestor. It is both singular and plural, and as such can be used to discuss one, or potentially all, iwi. It has not always been possible to make the difference between Māori and iwi clear within the text, but an attempt was made to draw a distinction between the two. For example, ‘Māori knowledge and customary practice’ is believed to be wider in meaning than ‘iwi knowledge and customary practice’, because the first includes other sources besides iwi.

In preparing these reports, it became increasingly challenging to have confidence in reporting on the governance relationship between iwi and hapū. For example, when using the term ‘iwi’, is the inclusion of ‘hapū’ automatically inferred? If not, should the term ‘iwi and hapū’ always be used if we are referring to both groups? Further, if the latter term is used, should the word iwi come first, as in ‘iwi and hapū’, or the reverse, ‘hapū and iwi’? The matter is further complicated by the fact that some hapū are affiliated with more than one iwi. In this report, we have used ‘iwi and hapū’, unless we are aware that to do so would be inaccurate.

¹⁶ ‘Māori’ is defined in the Treaty of Waitangi Act 1975 as ‘a person of the Māori race of New Zealand; and includes any descendant of such a person’ (Treaty of Waitangi Act, 1975: 114(2)).

Iwi registration, affiliation and identification as Māori

In order to explain the statistics within this report, it has been necessary to draw clear distinctions between ‘iwi registration’, ‘iwi affiliation’ and ‘identifying as Māori’. Iwi registration is when a person is accepted as a member of a specific iwi governance institution, which usually requires proof of ancestry. This is distinct from the term iwi affiliation, which is where a person chooses to align with a specific iwi (such as on census night). Lastly, ‘identifying as Māori’ refers to someone who considers themselves to be Māori; this does not require being aligned or registered with a specific iwi.

3.4.3 The non-Māori population of New Zealand

All non-Māori in New Zealand, whether they are recent immigrants or descendants of eighteenth- and nineteenth-century immigrants from Polynesia, Asia or Europe, are included under the term ‘non-Māori population of New Zealand’. The Māori term ‘Pākehā’, which first appeared in print as early as 1814, was found to be problematic, and is only used within the text in quoted material. Other terms such as ‘settler’ and ‘European’ were not used for similar reasons. Further explanation of the term ‘Pākehā’ can be found in Appendix 1.

3.4.4 The New Zealander ethnicity

It also became apparent during our research that the term ‘New Zealander’ needs to be used with care, particularly when discussing census or ethnicity data. This is because ‘New Zealander’ is a specific ethnic group that New Zealand residents increasingly identify with. In the 2006 census, 11.1% of the total population of New Zealand gave the response ‘New Zealander’ to the ethnicity question, compared with 2.4% in 2001 (Statistics NZ, 2007: 1). The public debate surrounding the ethnicity question prior to the 2006 census may have contributed to the increase in the number of respondents who identified as ‘New Zealander’ (ibid.). The ‘New Zealander’ response does not have a tick box option, primarily to keep data consistent with previous censuses, which means that the term must be written under the ‘other ethnicity’ option (ibid.: 2). In this report, to avoid confusion over the use of the term, we have not used ‘New Zealanders’ in a general sense when talking about population data and instead have referred to ‘New Zealand residents’, ‘New Zealand’s population’ or ‘people in New Zealand’.

3.4.5 Kaupapa

The term ‘kaupapa’ arguably has a range of meanings (Metge, 2010: 80). For the purposes of this research we have relied on two definitions. The Rev. Māori Marsden (2003) describes kaupapa in etymological terms as being:

... derived from two words, kau and papa. In this context ‘kau’ means ‘to appear for the first time, to come into view’, to ‘disclose’. ‘Papa’ means ground or foundation. Hence, kaupapa means ground rules, first principles, general principles. (Marsden, 2003: 66)

In addition, Graham Hingangaroa Smith, in his 1997 doctoral thesis, describes kaupapa Māori as ‘a term used by Māori to describe the practice and philosophy of living a “Māori” culturally informed life’ (Smith, 1997, as cited in Smith & Reid, 2000: 5).

Hence our own working definition of ‘kaupapa’ refers to the principles underlying the philosophy and practice of living a culturally informed ‘Māori’ life.

3.4.6 Settlement and redress

It was also necessary to draw a distinction between the ‘settlement process’ and the ‘redress process’. The first refers to the historical claim process operating under the Waitangi Tribunal, whereas the second, which we argue is broader, refers to redress being achieved when imbalances are corrected. Further discussion of this distinction occurs in Section 4.8.

3.5 Limitations and Boundaries

The issues addressed in this report are significant in their complexity and scale, however it is important to understand the limitations and boundaries of our research and analysis. Although literature that is produced or endorsed by iwi has been drawn upon, the subsequent analysis may have been conducted by individuals who are (i) not Māori, (ii) of Māori descent but not affiliated with an iwi, or (iii) affiliated with an iwi but not from the particular iwi being discussed. Each contributor has their own cultural lenses and biases. For the non-Māori members of the team in particular, it has been a challenge to understand and accurately communicate key aspects of Māori culture. It is therefore impossible to avoid the problem described by Dr Mere Roberts and her co-authors:

There remains, as Mutu (1994, p. 5) has recently explained ... ‘the inherent difficulties that exist when one attempts to describe the concepts and values of one culture using the language of another culture.’ This difficulty increases when the two cultures concerned hold quite different world views and value systems. (Roberts et al., 1995: 2)

We have drawn primarily on published material, though we do recognise that there is a wealth of information on these topics that is not published, but rather held by individual people and groups, and is being explored through public and private dialogue and other forums. Since the Sustainable Future Institute is not a key participant in these conversations, this paper is informed primarily by published material.

The author of this report acknowledges that there is no one unified view within Māori culture, and therefore the concept of a shared set of goals is arguably flawed. However, it is important to note that this report is not trying to isolate and combine all goals; rather, it is trying to find where common goals exist. The importance of acknowledging this is perhaps best expressed by John Rangihau:

My being Maori is absolutely dependent on my history as a Tuhoe person ... there is no such thing as Maoritanga because Maoritanga is an all-inclusive term which embraces all Maori. And there are so many different aspects about every tribal person. (Rangihau, 1975: 190)

Although guided by Baker’s principles of Māori-focused research (see SFI, 2009c), we acknowledge that the approach taken was not a kaupapa Māori approach, and that aspects of cross-cultural and decolonising research could have been stronger. This is part of a continual learning process for the Institute and we are committed to improving our understanding and approach. Any feedback to this end is very welcome.

This report at times looks at social statistics that involve comparison of Māori and non-Māori. We recognise this is difficult terrain; comparisons are not always meaningful, and some consider that comparison between one ethnic or social group and another reinforces a deficit model. We acknowledge those concerns, but consider comparisons can improve public policy processes and resource allocations, resulting in removing disparities and optimising outcomes.

We recognise that this research explores a landscape of considerable breadth and depth. Given all the limitations above, we have only attempted to provide observations and suggestions rather than prescriptive criticisms or specific recommendations. Lastly, our findings are indicative of the landscape but do not attempt to encompass the entirety of goals, institutions, challenges and opportunities that Māori face today and into the future.

4. Nine Challenges

Exploring the future challenges and opportunities that the Māori population of New Zealand is likely to face is an important task, not only because of the implications for Māori, but because the futures of Māori and non-Māori New Zealanders are intrinsically linked, and will become increasingly so in the future. So while many issues will arise on a global scale,¹⁷ the way in which New Zealanders work together to adapt or mitigate the challenges we face, and where possible turn those challenges into opportunities, will define the quality of our future and those of our descendants. Section 5 builds further on this research, by identifying eight priority areas for New Zealanders to consider in terms of developing an NSDS.

Project 2058's Report 6, Four Possible Futures for New Zealand in 2058 (SFI, 2008c) explored the extent to which global issues are likely to impact on New Zealand in the next 50 years. The report found that these emerging issues are becoming increasingly 'wicked' in nature,¹⁸ and that the future of small countries will be dependent on the success of big countries. Hence New Zealand should continue to focus outward, be it as an example to the world or as an enthusiastic audience, booing or applauding the main actors as we see fit.

We have identified the nine key challenges for Māori as:

1. Identifying shared goals;
2. Measuring progress towards shared goals;
3. Developing institutional capacity;
4. Managing the growing commercial asset base;
5. Pursuing positive demographic change;
6. Responding effectively to new and emerging technologies;
7. Managing resources in light of climate change;
8. The completion of the Treaty settlement process, and
9. The future of te Tiriti after the settlement process.

4.1 Identifying Shared Goals

This section aims to explore whether shared goals exist for Māori, and if so, what they might look like and how they might be advanced by an NSDS. Before proceeding, it is important to define what is meant by shared goals and to consider goals in terms of a number of key characteristics.

1. The extent to which they are either unique or shared goals

Shared goals are those identified by looking for common ground between the goals of different individuals, organisations and/or institutions. Goals that are not shared, or 'common', are those that are considered unique to a particular individual, organisation or institution. Similar terms used in the literature include separate (unique) and collective (shared) goals (see, for example, DPMC, 2003: 9).

2. The extent to which they are current or future-orientated goals

Current goals are those that are grounded within the current context. In contrast, 'aspirational' goals are future-orientated – they are often developed by looking at possible future scenarios and identifying a preferred future.

17 To gain a comprehensive understanding of emerging global issues, we recommend the Millennium Project's 2009 *State of the Future* report (Glenn et al., 2009).

18 'Wickedness' is a concept that was first described by Rittel and Webber (1973). As summarised in the *Harvard Business Review*: 'Wickedness [is not] a degree of difficulty. Wicked issues are different because traditional processes [cannot] resolve them ... A wicked problem has innumerable causes, is tough to describe, and [does not] have a right answer ... Environmental degradation, terrorism, and poverty – these are classic examples of wicked problems ... Not only do conventional processes fail to tackle wicked problems, but they may exacerbate situations by generating undesirable consequences' (Camillus, 2008).

3. The extent to which they are limited to a single aspect or form a comprehensive list of goals

Goals may be limited to one topic or aspect of an individual, organisation or institution's role, or alternatively, when grouped together they may represent a comprehensive list of all the goals that the individual, organisation or institution aims to achieve.

4. The extent to which they are lower-level or overarching goals

An overarching goal may encompass many smaller, lower-level goals.

It is important to acknowledge that multiple individuals and groups are working to understand and advance hapū, iwi and Māori goals. One notable example is Professor Mason Durie,¹⁹ whose 2009 lecture 'Pae Mana: Waitangi and the evolving state' (Durie, 2009) explored the constitutional and economic position of Māori beyond 2020.²⁰ Professor Durie suggested four goals for enhancing relationships, and improving the constitutional and economic standing of Māori both in New Zealand and internationally:

1. The first goal is to establish a working relationship with the Crown in order to pursue an agenda that will benefit future generations of New Zealanders.
2. The second is to establish closer working relationships between Iwi, between Māori sectoral interests and between Māori commercial entities in order to consolidate Māori interests, achieve economies of scale, exercise economic strength within New Zealand, and contribute to the wellbeing of Māori and wider Society.
3. The third goal will be to engage with the private sector of New Zealand, building on the gains already made and forging new pathways that will add to the Māori economy and to the national wealth.
4. A fourth goal will be to play a significantly expanded role within global indigenous networks especially in the Pacific so that expertise can be shared, joint ventures established and inequalities overcome. (Durie, 2009: 11–12)

It is clear that Professor Durie is putting forward four shared, future-orientated, overarching goals that relate to Māori thinking, in this case goals for enhancing relationships and improving the constitutional and economic standing of Māori both in New Zealand and internationally. We draw heavily on Professor Durie's lecture in this section and the subsequent Section 5.

After reviewing the literature, we found no agreed comprehensive set of future-orientated, overarching goals that were shared by Māori and had undergone full consultation with iwi; hence we decided to carry out further research in order to understand what a set of shared goals might look like.

4.1.1 Four shared goals of Māori

It is important to acknowledge that the following goals are explorative and have been synthesised by the Sustainable Future Institute for the purposes of this report; they have been formulated in the absence of any better alternative. Shared goals were needed to shape the remainder of the report and in turn pursue the aims of *Project 2058*. They are not considered to accurately or comprehensively represent a Māori viewpoint. The goals were derived from two areas of research, which resulted in Working Paper 2009/03, *Identifying the Shared Goals of Six Māori Organisations* (SFI, 2009d) and Report 7a, *Environmental Goals of Iwi and Hapū: Six case studies* (SFI, 2009b), both of which focus specifically on environmental goals.

19 Mason Durie is Professor of Maori Research and Development, and Assistant Vice-Chancellor (Māori and Pasifika) at Massey University, Palmerston North.

20 The position of Māori within the New Zealand Constitution remains an ongoing issue. For example, a conference called 'Reconstituting the Constitution' was held at Victoria University in Wellington on 2–3 September 2010.

Jamie Winiata's research, presented in Report 7a, *Environmental Goals of Iwi and Hapū: Six case studies* (SFI, 2009b), investigated the nature of iwi and hapū environmental goals, with an exploration of the principles underpinning those goals, and their interconnections with other community priorities. While Report 7a does not discuss all principles, values and beliefs, it does attempt to show how these concepts are interconnected, and therefore how no one of them can be compartmentalised or separated out from the whole (ibid.: 31). After looking at six practical examples, Report 7a concludes by identifying three main aspirational goals aimed at progressing sustainable development in the environment:

1. The revival and protection of taonga, such as fauna, flora, and their marine, freshwater, and terrestrial ecosystems.
2. The use of resources in order to sustain their mauri and that of the people.
3. To achieve tino rangatiratanga rights and kaitiakitanga responsibilities relating to iwi and hapū resources. (ibid.: 32)

As noted by Winiata:

The nature of these shared goals derives from case studies, which in turn draw from a 'te ao Māori' view, which incorporates mātauranga Māori and tikanga Māori and the responsibilities iwi and hapū have to the spiritual and physical world. When summarised, the goals of iwi and hapū are to protect, use and gain authority over their resources, stemming from the fact that they are tangata whenua and have obligations to fulfil. (ibid.)

In Working Paper 2009/03, the Institute undertook research which identified four overarching goals shared by a sample of existing Māori organisations: Te Rūnanga o Te Rarawa; Te Rūnanga ā Iwi o Ngāpuhi; Te Rūnanga o Ngāi Tahu; Te Rūnanga O Raukawa; the Hauraki Māori Trust Board, and Te Puni Kōkiri (SFI, 2009d). The four shared overarching goals cover many aspects of Māori life. These are identified and discussed briefly below.²¹ The three environmentally based goals from Winiata's report were found to complement the fourth goal identified in the working paper. The accompanying narratives and key words contextualise each goal and explore the contributing factors for success.

1. Māori succeed as Māori.
2. Māori live long and live well.
3. Economic development of iwi and hapū is encouraged and progressed.
4. The natural environment is protected and enhanced by iwi and hapū so that it sustains current and future generations.

Goal 1: Māori succeed as Māori

Key words: Culture, history, land, knowledge, leadership, te Tiriti o Waitangi, participation, governance, engagement and voices being heard.

Success is essentially about survival. To be attained, success requires Māori to both sustain and develop their cultural identity and to participate and engage in shaping New Zealand society. These two factors of culture and participation are not considered to exist in isolation; rather, they develop simultaneously. This goal covers a wide range of areas, including history, land, knowledge, leadership and te Tiriti o Waitangi, all of which contribute to 'Māori succeeding as Māori'.

Goal 2: Māori live long and live well

Key words: Health, education, community, enterprise, development and employment

Success is attained if Māori live long and live well. This requires the effective and efficient allocation of current and future resources and the development of those resources to enhance the well-being of Māori. The term 'resource' has a wide scope and could apply to health, education, community, enterprise, development and employment. Notably, recent statistics in these areas continue to indicate disparity between the Māori and non-Māori populations of New Zealand. In order to assess progress in the achievement of this goal, it will be necessary to understand the preferences and aspirations of iwi and hapū as Māori must define their own success.

²¹ For a more comprehensive analysis, see Working Paper 2009/03 (SFI, 2009d).

Goal 3: Sustainable economic development of iwi and hapū is encouraged and progressed

Key words: Planning, economics, sustainability and stability

Success is attained if whānau, hapū and iwi achieve independent economic development. In particular, this goal focuses on increasing Māori capability in terms of strategic planning, legal and commercial expertise and sustainable development. This in turn will maximise economic outcomes and long-term stability for Māori, while at the same time having a direct impact on the ability to achieve the other three goals.

Goal 4: The natural environment is protected and enhanced by iwi and hapū so that it sustains current and future generations

Key words: Mana whenua, kaitiakitanga, taonga, natural resources and sustainability

Success is attained for iwi and hapū if their ancestral land, including the flora and fauna which exists in unison with the land, is both protected and enhanced for future generations. The natural environment and the powerful relationships between people, places and history hold special significance for Māori, as does their ability to preserve and exercise traditional practices such as kaitiakitanga and mahinga kai. The whakapapa of each whānau, hapū and iwi is woven into their landscape and thus they are sustained by the landscape. This goal is to ensure that Māori practices continue to contribute to the well-being of the natural environment, in turn allowing the environment to continue to contribute to the well-being of Māori.

These shared Māori goals are used throughout the remainder of this report as a basis for ongoing discussion that will contribute to the development of an NSDS. As noted above, we appreciate that these four goals are neither official nor collectively agreed, and do not represent a comprehensive Māori view. It is our opinion that agreement over the shared goals of the Māori population is a critical starting point for any discussion on the future of New Zealand, and it is for this reason that this challenge became the focus of the current report.

4.2 Measuring Progress Towards Shared Goals

In the context of an NSDS, having goals without a framework for measuring progress towards the achievement of those goals is a flawed concept. Ideally, the creation of such a framework in relation to the goals of Māori should be a collaborative effort between iwi, government and other relevant organisations.²² In this section, we discuss key issues that need to be considered in order to assess progress towards achieving the goals of Māori in a meaningful, timely and accurate manner.

In this discussion we draw on Working Paper 2009/04, *Statistics: A selection of available data associated with shared Māori goals* (SFI, 2009e). The purpose of the working paper was not only to assess current statistics, but also to assess the methods used to measure these statistics and the extent to which those methods align with the goals outlined above. This research found that although significant gains have been made in terms of Māori social development, including improvement in life expectancy, growth in the number of tertiary and secondary graduates, and a lowering of the Māori unemployment rate, disparities still exist relative to the non-Māori population. Additional concerns identified from this research included racial discrimination, water quality, fish stocks, and the low number of proficient te reo speakers.

The research also highlights key issues in relation to the development of indicators and use of statistics to measure progress towards Māori goals. In particular there is a need for indicators to be developed to measure Māori goals and identify interrelationships between them. An external reviewer also noted that:

- indicators should be meaningful, timely and accurate;
- indicators should measure not only growth but also non-growth, and
- there should be certainty that a change in an indicator reflects causation, not simply correlation.

²² For a greater understanding of what is involved in developing such a framework, see the Parliamentary Commissioner for the Environment's report on Treaty-based environmental audit frameworks (PCE, 2002).

Notably, Mason Durie, in a guest lecture to Treasury on ‘Measuring Māori Wellbeing’, outlined the importance of developing ‘Māori-specific measures’ of well-being, in addition to universal measures of well-being that overlap between Māori and non-Māori individuals, families and populations (Durie, 2006a: 2; 2006b). Importantly, comparisons with other populations do not measure Māori-specific indicators, making comparisons within Māori populations over time more useful. Durie puts forward three population aggregates that are useful for Māori-specific measures: hua oranga (individual); whānau (family or group), and te ngahuru (nation), each with specific human and resource capacities. From each capacity, outcome classes and goals can be developed with relevant targets and indicators. Underlying this framework, he suggests four principles for measuring Māori well-being:

- indigeneity – human wellbeing is inseparable from the natural environment;
- integrated development – Māori development is built on economic, cultural, social, cultural and environmental cohesion;
- multiple indicators – a range of measures are necessary to assess outcomes for Māori;
- commonalities – despite diversity, shared characteristics act to bind the Māori population. (Durie, 2006a: 12–14)

To this end, Statistics New Zealand is currently developing an initiative, *He Kohinga Whakaaro: The Māori social survey*, which seeks to address at least part of this issue. One of the key objectives of this survey, which is scheduled to take place in 2011, is:

... to enable the analysis of the interrelationship of outcomes across domains, including the exploration of well-being within the Māori population, and how Māori well-being may or may not relate to cultural identity. (Statistics NZ, 2009a: 21)

However, Statistics New Zealand does not, at this stage, aim to develop a model of Māori-specific well-being. Its expressed aim is to collect data and create systems which can support an appropriate group or groups to do this in the future. It is also hoped that this initiative will provide data that is useful to researchers in Māori development and informs social policy development (ibid.: 21).

Te Puni Kōkiri has reported concerns over comparing Māori social statistics with those of the rest of the New Zealand population, in that this can act to further entrench the very problems Māori goals are trying to resolve. Te Puni Kōkiri acknowledges that Māori should aspire to Māori-defined goals:

One of the key challenges is to understand the aspirations and preferences of Māori, and to shape interventions that respond to those aspirations and preferences, recognising whanau as the core unit of Māori culture and society, and the change agent through which inter-generational gains can be achieved; and building on the inherent strength within culture. (TPK, 2009: 19)

Te Puni Kōkiri goes on to state that to achieve enhanced levels of economic and social prosperity would require:

... a state in which Māori realise an equitable quality of citizenship in accordance with their own aspirations, preferences and norms. (ibid.)

This statement articulates the opportunity for Māori institutions to take a leading role in developing a framework for the meaningful measurement of shared Māori goals. By leading or being directly involved in this process of identifying and measuring success within both Māori and non-Māori institutions, and defining the way in which this is done, Māori are more likely to take ownership of their goals and their successes.

4.3 Developing Institutional Capacity

In this section we briefly outline the key institutions that are currently working in New Zealand to achieve Māori goals.²³ It is important to understand not only the existing institutions and mechanisms (and the outcomes they are currently delivering) but the institutional qualities likely to be necessary to effectively meet the challenges of an uncertain future. This section draws on research presented in the Institute’s Working Papers 2010/02, *Institutions and Mechanisms Designed to Progress the Goals of Māori* (SFI, 2010b) and 2010/05, *The Waitangi Tribunal and the Office of Treaty Settlements* (SFI, 2010e).

Table 3 lists a number of local, national and international institutions in existence today that work to progress the shared goals of Māori. These institutions are listed in chronological order based on the date of their establishment, which provides some insight into the evolution of organisations that contribute to conversations about the goals of Māori.

The following themes emerged from the Institute’s brief exploration of the current institutional landscape in Working Papers 2010/02 and 2010/05 (SFI, 2010b; 2010e).

1. Many traditional institutions remain the foundation of Māori society today

The continuing importance of traditional institutions means they are arguably the most relevant organisations for progressing Māori goals. Today, these and other local Māori governance structures tend to focus on multiple fronts, incorporating political/representative, social/distributive, cultural and business functions (Dodd, 2002). This was not always the case, although in *Iwi: The dynamics of Māori tribal organisation from c.1769 to c.1945*, Ballara (1998: 316) noted that even pre-1945 iwi and hapū were required to form corporate structures so government could better deal and negotiate with tribes. The neo-liberal policies and processes of the 1980s also introduced fiscal policies for Treaty settlements (Dodd, 2002: 1); in particular, new iwi and hapū administrative bodies were required to demonstrate that they had the infrastructure to manage settlement packages (Durie, 1998: 225).

Dodd (2002: 2) argues that the structure of Māori organisations and the strategies they pursue are crucial in determining the success of iwi and hapū in fostering social and economic development. The case studies discussed in Report 7a demonstrate that today, iwi and hapū authorities and governance structures play a vital role in pursuing goals and seeking political and formal representation.

Table 3: Institutions Working to Progress Māori Goals

Source: SFI, 2010b

Type	Established	Institution	Summary
Local	Unknown	Iwi, hapū and marae	The foundation of Māori society (Dodd, 2002).
	1856	Rūnanga	Ongoing tribal governance institutions called rūnanga were first observed in Waikato in 1856 (Ballara, 1998: 288).
	1955	Māori trust boards	Set up to receive and dispense compensation payments from the government for a range of injustices (Durie, 1998: 224).
	1980s	Urban Māori organisations	Organisations that emerged to ‘foster the economic, social and community development of urban Māori’ (Meredith, 2009a).

²³ The term ‘institution’ is used in this report to refer to an organisation based on custom, convention or law, which is recognised within society as encompassing a group of people with a shared goal. For the purposes of this paper, we have excluded political parties. We have made a distinction between local, national and international institutions. *Local institutions* are those that exist within a specific rohe or region, which are similar in structure and purpose to other institutions operating throughout the country (e.g. iwi or rūnanga). *National institutions* are single entities that work across New Zealand. *International institutions* include conventions and declarations developed by international bodies and indigenous networks with the responsibility or mandate to support indigenous communities. *Mechanism* describes a process through which goals might be achieved.

Type	Established	Institution	Summary
National	1858	Kīngitanga	The Māori King Movement (MCH, 2007a).
	1951	Māori Women's Welfare League	The kaupapa of the Māori Women's Welfare League is to 'work with Māori women and their families to promote health, culture, history and the well-being of all Māori' (Ministry of Consumer Affairs, 2005: 5).
	1962	The New Zealand Māori Council	Makes submissions to government on matters affecting Māori, particularly Treaty of Waitangi issues (MCH, 2009b).
	1975	The Waitangi Tribunal	Makes recommendations on claims by Māori that relate to 'actions or omissions of the Crown, which breach the promises made in the Treaty of Waitangi' (Waitangi Tribunal, 2010a).
	1987	Federation of Māori Authorities (FoMA)	A business network aimed at fostering and promoting the development, sound management and economic advancement of Māori authorities and, in turn, wider Māori communities (FoMA, n.d.).
	1989	Crown Forestry Rental Trust	Facilitates the settlement of claims relating to Crown forest land (CFRT, n.d.).
	1989	Wānanga and universities	Wānanga are traditional Māori institutions of learning which were first given statutory recognition in s162 of the Education Act 1989.
	1991	Te Puni Kōkiri	Seeks the success of Māori as New Zealanders, global citizens, and as Māori, secure, confident and expert in their culture (TPK, 2008a: 10).
	1993	The Māori Land Court	Hears matters relating to Māori land (MoJ, n.d.).
	1995	The Office of Treaty Settlements	Negotiates settlements of historical Treaty of Waitangi claims on behalf of the Crown (OTS, 2002).
	2005	Iwi Chairs Forum	The Forum meets regularly 'to discuss and enable Māori aspirations in the spheres of cultural, social, economic, environmental and political development' (Iwi Chairs Forum, 2008).
	2006	Hui Taumata Trust	Fosters 'Māori-led economic development through partnerships between Māori, business and government' (Hui Taumata, n.d.).
			Other institutions
International	1993	United Nations – Convention on Biological Diversity	In 1993 New Zealand ratified the UN Convention on Biological Diversity of which Article 8(j) refers to the rights of indigenous people (CBD, 1992: 2, 7–8).
	1993	International networks of indigenous peoples – Mataatua Declaration	In 1993 the First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples was held in New Zealand, resulting in the Mataatua Declaration (Commission on Human Rights, 1993).
	2010	United Nations – Declaration on the Rights of Indigenous Peoples	In April 2010, New Zealand reversed its initial decision and endorsed the Declaration on the Rights of Indigenous Peoples (UN Economic and Social Council, 2010).

2. The range and number of national institutions have increased significantly since the 1950s

In our working papers, we recognised the need to continue to develop innovative national institutional responses to the challenges and opportunities that will arise now and into the future. The Treaty settlement process and the Waitangi Tribunal are examples of a forward-thinking response to a particular challenge, and the opportunities that have arisen from this response. The importance of timeliness of response is clear from this example. How to continue to foster such innovation is a question central to sustainable development.

Capacity for responding to challenges and opportunities sits both within and between institutions. The Institute's research raises questions about how we can continue to build on the social capital, such as trust and collaborative spirit, which exists between institutions. For example, how do we ensure that the Treaty settlement process not only restores relations between Crown and iwi institutions in the present, but also that these relationships continue to develop positively into the future? How can the wisdom learnt through this process inform how we continue to address injustices, or prevent contemporary injustices arising, as we move forward together?

It is essential to foster an active and collaborative environment of robust, independent national institutions. Those such as the Iwi Chairs Forum, FoMA and Te Manu Ao have an important role to play in advocating for Māori at a national level. It is necessary, however, to develop and maintain clarity over the constituents and the representativeness of such institutions, i.e. who is representing which interests and how. Another key element of strong independent institutions is the contribution they can make to building a robust body of independent research and facilitating evidence-based decision-making.

3. International instruments are beginning to emerge and are likely to increase

The concept of an international community of indigenous peoples also appears to be gaining strength, with the potential to play an increasing role in supporting local indigenous communities to achieve their goals. It is important that national players are aware of the international context in which they are operating. There is significant opportunity to leverage off international institutional frameworks and networks in order to develop local capacity and advance domestic issues. This theme aligns with Durie's fourth goal in Section 4.1 above.

The opportunity is therefore to create relevant institutions that meet the needs of current and future generations. This is not necessarily about creating new institutions, but adapting existing institutions so that they focus on what is important, not just what appears to be urgent.

4.4 Managing the Growing Commercial Asset Base

Ensuring that the growing commercial asset base of iwi and hapū is managed effectively is both a current and a future challenge for most iwi. This challenge is also articulated in Durie's second and third goals, noted in Section 4.1 above.

As Table 4 shows, between 2001 and 2006 total Māori commercial assets increased 83% to \$16.45 billion. Of particular significance is the increase in Māori trustee land assets, which grew 310%, an increase of \$548 million.

Table 5 shows that the investment base is skewed to primary and tertiary investment. It will therefore be interesting to watch how innovation may lead to investment in the secondary sector in the future. The settlement era is less than five years away from intended completion, and although many of the 1341 Treaty claims still pending as of September 2009 do not meet statutory requirements (Waitangi Tribunal, 2009) the size of the asset base is still likely to increase. While many iwi have effective management boards, if the growth in commercial assets to date is anything to go by, it will be necessary to increase managerial capability.

Table 4: Māori Commercial Information, 2001–2005/06Source: TPK, 2008b: 1²⁴

	Total Assets (\$ m)		Increase in Assets 2001–2005/06	
	2001	2005/06	\$ m	%
Māori Trusts	1,552	3,177	1,625	105
Māori Trustee Land Assets	177	725	548	310
Iwi Treaty Settlements	86*	188*	102	119
Māori Trust Boards	145	355	210	145
Māori businesses	5,708	10,460	4,752	83
Other	1,354	1,545	191	14
Total Assets	8,992	16,450	7,458	83

* Excludes \$170 million each for Waikato-Tainui Raupatu settled in 1994/95, Ngai Tahu settled in 1996/97, and Māori Fisheries Settlement settled in 1992/93. These are incorporated in the net assets under 'Other'.

Table 5: Māori Assets and Capital Investments, 2005/06*

Source: TPK, 2008b: 2

	Primary ²⁴ \$m	Secondary ²⁵ \$m	Tertiary ²⁶ \$m	Total Assets \$m
Māori Trusts	3,177			3,177
Māori Trustee Land Assets	725			725
Iwi Treaty Settlements			188	188
Māori Trust Boards	355			355
Māori businesses	3,688	1,271	5,501	10,460
Other	568		977	1,545
Total Assets	8,513	1,271	6,666	16,450
Māori proportions 2005/06**	52%	8%	40%	100%
Total New Zealand proportions 2005/06	10%	9%	81%	100%

* Excludes government administration and defence.

** Investment in each industry expressed as a percentage of Total Assets.

With this increase in the Māori asset base comes an increase in the need for robust governance structures and reporting practices. In a Treasury working paper, Petrie (2002: 23) noted that a number of issues warrant attention in relation to the governance of Crown/Māori relationships. These include both the adequacy of the 'enabling environment' for collective Māori organisations and the accountability requirements for the transfer of te Tiriti settlement assets (ibid.). In particular, Petrie highlighted concerns over the appropriateness of the Māori Community Development Act 1962 and the Māori Trust Boards Act 1955, and the need to build more robust institutions (ibid.).

24 These are the latest figures available; however we understand a TPK report detailing the 2010 Māori Commercial Asset Base figures is expected to be available in March 2011.

25 Primary industry includes agriculture, forestry and fishing, and mining (TPK, 2008b: 2).

26 Secondary industry includes manufacturing; electricity, gas and water, and construction (ibid.).

27 Tertiary industry includes wholesale and retail trade; accommodation, cafes and restaurants; transport, storage and communication; finance and insurance; property and business services; education, health and community services; cultural and recreational services, and personal and other services (ibid.).

4. NINE CHALLENGES

The Office of the Auditor-General continues to highlight the need for greater consistency between the Māori Trust Board Act 1955 (which has remained largely untouched for the past 15 years [OAG, 2009: 71]) and modern accountability frameworks.²⁸ The 2007/08 Auditor-General's report identifies issues with the current accountability framework, stating that it needs to be updated to meet 'modern standards for holding governing bodies to account for their performance and stewardship of an entity's operations' (ibid.: 74). The report recommended 'that the new Minister of Māori Affairs and Te Puni Kōkiri give urgent attention to some legislative reform' (ibid.).

The recommendations highlighted in the Auditor-General's report should be read in conjunction with *Waka Umanga: A proposed law for Māori governance entities* (Law Commission, 2006). The Law Commission's collaborative paper proposes a possible legal entity specifically designed to meet the unique needs of Māori tribes and other groups responsible for communal assets. This proposed model aims to ensure efficient processes, provide legal obligations and certainty for external parties, and yet allow individual iwi and hapū to adapt the model to suit their needs (ibid.: 12).²⁹ The report advocates enacting the Waka Umanga framework as a piece of legislation that would recognise tribal authorities and establish standards of good governance (ibid.).

It is surprising that neither the Māori Party nor the National Party pursued the opportunity provided by the Waka Umanga (Māori Corporations) Bill, which would have placed the traditional model of governance (being iwi and hapū) within the contemporary structure of the Companies Office.³⁰ In other words, the bill provided the opportunity to place one structure within another, without in any way diminishing the first, arguably elevating the Companies Office to a new international best standard.

It is important to recognise the current and future challenges within iwi governance. Some were identified in a 2009 paper by Damian Stone, a Bell Gully corporate lawyer and co-president of Te Hunga Roia Māori o Aotearoa (the Māori Law Society); Stone's list of challenges included elections, unclear roles and responsibilities, separation of functions, reporting and accountability (Stone, 2009). This, seen in the context of the 83% increase in the commercial asset base over a period of five years (as shown in Table 4), raises serious questions about where resources should be focused in the short term. This may have implications for the new Financial Markets Authority (FMA) which will replace the Securities Commission.

Stone goes on to suggest that because these post-settlement governance entities are young organisations, in that they represent a new amalgamation of different concepts, 'change and challenge should be expected' (ibid.: 9–10). Dr Robert Joseph from the University of Waikato Law School has described the challenge this way:

Typically, post-settlement governance locally carries its share of conflict and criticism. Due to human fallibility, indigenous governance structures such as Tainui's Te Kauhanganui and Te Kaumarua, Te Rūnanga o Ngāi Tahu (TRONT), Te Ohu Kai Moana (TOKM) and [Canada's] Nisga'a Lisims Government (NLG), like all other governments, have and will continue to make mistakes. Occasionally, infighting, adverse options, investments errors, a perceived new (and sometimes old) stratum of indigenous elitism, nepotism, leadership mandates and legitimacy, a mix of tikanga, legal, commercial and social objectives, unaccountability, transparency and other governance dilemmas and challenges will emerge. When local constituencies become offended their frustration is directed towards the locus of power only to find it at their doorstep. With empowerment and self-governance comes responsibility and accountability and it is imperative that indigenous peoples collectively and individually adjust past entrenched mindsets to accommodate, prepare for and successfully overcome the inevitable post-Treaty settlement tensions and to allow for enhanced opportunities for successful Māori development at the local, regional, national and even international levels. (Joseph, 2005: Abstract)

28 The Office of the Auditor-General has 'previously expressed concerns in 1993, 1995, and 1998 to Parliament about the audit and accountability arrangements for those Māori Trust Boards (MTBs) governed by the provisions of the Māori Trust Boards Act 1955' (OAG, 2006: 77). These concerns were also raised in the Auditor-General's 2006/07 and 2007/08 reports (OAG, 2008: 61–64; OAG, 2009: 71–74).

29 In preparing its report, the Law Commission had discussions with government agencies (in particular Te Puni Kōkiri, the Ministry of Economic Development and the Office of Treaty Settlements), Te Ohu Kai Moana and judges of the Māori Land Court. Discussions were also held with Māori tribal and other leaders, academics from New Zealand and overseas, and others working in the area of governance. The Commissioners responsible for the project were Helen Aikman QC and Justice Eddie Durie. They were assisted in the research, writing and editing by Elizabeth Thomas, Rutherford Ward, Eru Lyndon, Gloria Hakiwai, Margaret Thompson and Zoe Prebble (Law Commission, 2006: 9).

30 The bill had its first reading on 17 December 2007, and the Māori Affairs Committee later recommended that it be passed by majority with amendments. However, in December 2009 the bill was discharged (Waka Umanga (Māori Corporations) Bill 175–2, 2007). For a brief discussion of the Law Commission's 2006 report, *Waka Umanga: A proposed law for Māori governance entities*, and the subsequent Waka Umanga (Māori Corporations) Bill, see Appendix 7.

Furthermore, in the 2007 Annual Report of Te Rūnanga o Ngāi Tahu, Chairman Mark Solomon apologised for the ‘considerable turmoil’ at governance level of the rūnanga, recognising that it did not support the value of rangatiratanga (TRONT, 2007: 13). This acknowledgement by Solomon, combined with the above examples and the recent lawsuit concerning Te Uri o Hau Settlement Trust (Tahana, 2009), indicates not only the need to address issues within iwi governance, but also the considerable desire to be seen to be representative, fair and equitable. The opportunity is therefore to work hard to improve institutional capacity and transparency, so that trust not only happens on the inside, but enables the market to operate effectively on the outside.

4.5 Pursuing Positive Demographic Change

Based on current trends, the population of New Zealand is projected to reach five million by the mid-2020s (Statistics NZ, 2009b). In this context, demographic change refers to the characteristics in the human population that are likely to bring about significant change. In this section we discuss four key determinants – ethnic diversity and age; commitment to traditional Māori institutions; migration, and immigration – and explore their implications for Māori New Zealanders in the long term.

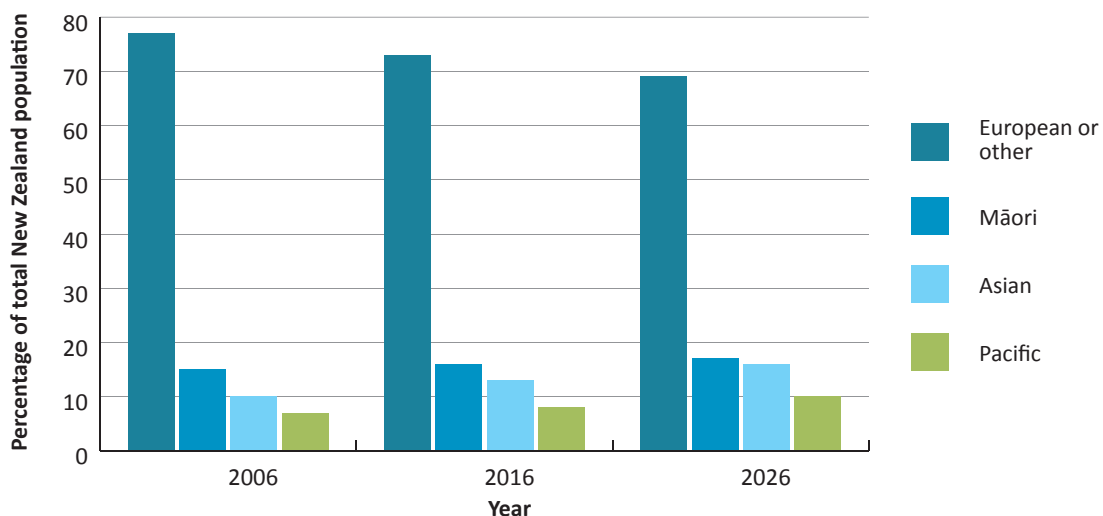
4.5.1 Ethnicity and age

The 2010 national ethnic population projections for the period 2006–2026 indicate that New Zealand’s population will exhibit greater ethnic diversity in the future. Specifically, Māori, Asian and Pacific populations will comprise an increasing proportion of the total New Zealand population (Bromell, 2008: 32). The projections shown in Figure 5 indicate that the Māori population, with a high birth rate and increasing life expectancy, is set to grow at a steady rate, resulting in a more youthful and diverse Māori population that is projected to make up 16% of the total New Zealand population by 2026. Interestingly, the Asian and Pacific Island populations are expected to grow at a much faster rate, with the Asian population equal to that of Māori by 2026. In contrast, the ‘European or other’ population is both ageing and proportionately in decline.

Notably, Māori increasingly identify as having more than one ethnicity.³¹ Māori outcomes and measures of well-being are sensitive to how ethnicity is defined, which means this is an important consideration when anticipating trends. For example, an individual who identifies as being solely of Māori ethnicity on average falls into a different set of demographics than someone who identifies as being of Māori descent but not ethnicity (FutureMakers, 2008: 18).

Figure 5: Ethnic Population Projections, 2006–2026

Source: Statistics NZ, 2010³²



31 Importantly, these percentages don’t add up to 100%. This is because New Zealanders increasingly identify with one or more ethnic groups. For example, in the 2006 census, 42.2% of Māori stated that they identified with European ethnic groups, 7.0% with Pacific peoples ethnic groups, 1.5% with Asian ethnic groups, and 2.3% also gave ‘New Zealander’ as one of their ethnic groups (Statistics NZ, 2006: 2).

32 This graph represents projected ethnic populations from 2006 to 2026. Statistics New Zealand’s ‘Series Six’ was the projection series chosen for our purposes, and assumes medium fertility, mortality, net migration and inter-ethnic mobility (Statistics NZ, 2010).

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The implications of these changes are significant for iwi. Projections indicate that although Māori have been the largest minority group in the past (by population), and although they are also growing as a proportion of the New Zealand population, this position will soon be challenged by growing Asian and Pacific populations (see Figure 5).

Interestingly, links between Māori and Asian populations have been discovered. In 2003 a ‘Polynesian origins’ project led by Professor Geoff Chambers, a molecular biologist at Victoria University, found evidence to suggest that approximately 6000 years ago a number of vessels set sail from Taiwan with around 56 women on board. This research raises the possibility that these women intermarried with Melanesian men, resulting in the unique genetic make-up of the Māori race (Newby, 2003). Consequently, in the same way that Pacific populations are often considered brothers and sisters to Māori, based on whakapapa, Asians might be considered the equivalent of cousins. This research was further expanded in 2008 and published in the *Public Library of Science* (PLOS), an on-line journal. It concluded:

The fact that the STRUCTURE cluster containing Micronesians, Samoans, and Māoris has a detectable signature only in Oceanic-speaking Melanesians and Taiwan Aborigines supports the position that an expansion of peoples from the general vicinity of Taiwan is primarily responsible for the ancestry of Remote Oceania, and that these people left a small but still identifiable signature in (some Oceanic-speaking) populations of Near Oceania. (Friedlaender et al., 2008)

Changes in the composition of the population in terms of ethnicity and age also have significant implications for the future make-up of the New Zealand workforce, with a resultant effect on the country’s economy as a whole. In a filmed conversation between Justice Joe Williams (then Chair of the Waitangi Tribunal and Chief Judge of the Māori Land Court, and now a High Court judge) and historian and author David Young,³³ Justice Williams stated that he believes the decline in the proportion of the European population, and the ageing of that group, is likely to mean that young Māori, Pacific and Asian populations will be increasingly relied upon to sustain the economy and support continued growth. Justice Williams suggests that by the year 2058 there may not be a majority culture in New Zealand, but that together Māori and Pacific Islanders will have an increasingly strong presence within this country’s economy (ibid.). This has significant implications for health, education and justice policy decisions today.

In his 2009 lecture, Professor Mason Durie also noted the role that the projected increase in ethnic diversity will have in shaping New Zealand’s future. Professor Durie suggests it may bring a new range of skills, which in turn will lead to new understandings of society, democracy, commerce and sovereignty. He also noted that the colonial attachment to Europe will probably give way to an identity centred more in the southern hemisphere, and as part of the Asia-Pacific region (Durie, 2009: 6).

4.5.2 Commitment to traditional Māori institutions

This section explores changes in the commitment to being Māori through self-identification. We do this by exploring changes in descent, ethnicity, iwi affiliation (through the census) or registration (with each iwi or hapū), and set out to answer the following questions: (i) Are iwi affiliations increasing? (ii) Is an increase in affiliation equally spread across all iwi? and (iii) What is the relationship between registrations and affiliations within an iwi?

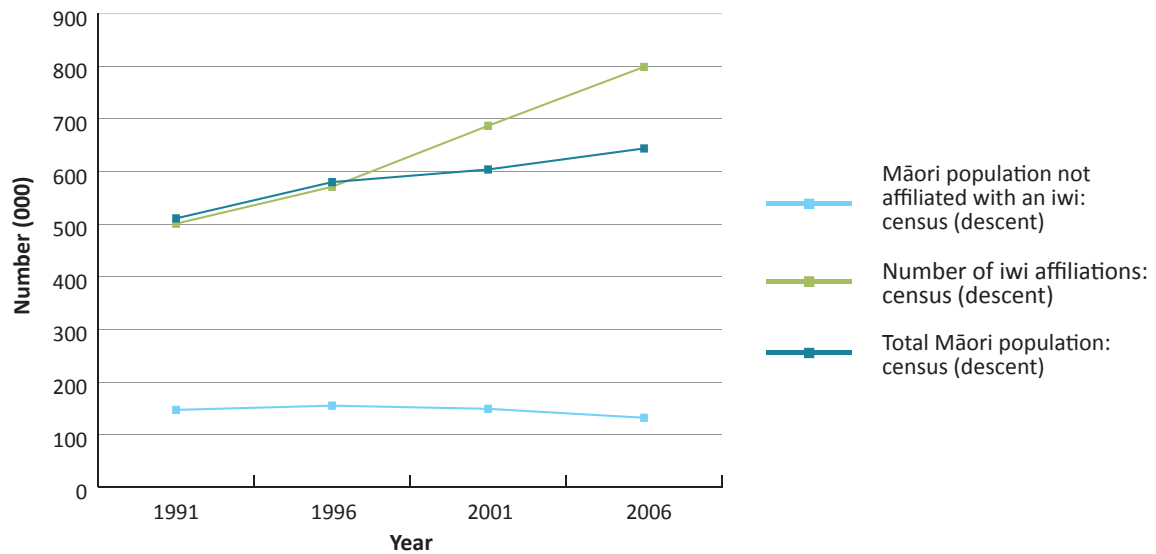
Question 1: Are iwi affiliations increasing?

The answer is yes. Figure 6 below, prepared from descent data (from the 2006 census), indicates that we can expect to see an increase in the New Zealand population affiliated with more than one iwi and a decrease in the number of Māori who have decided not to affiliate with one or more iwi.

33 See *Opportunities and Threats*, part of the McGuinness Institute’s ‘Conversations’ series (Williams & Young, 2008). The full series of ‘Conversations’ is available on our website (www.mcguinnessinstitute.org).

Figure 6: The New Zealand Population Who Identify as Māori, 2006³⁴

Source: Adapted from Statistics NZ, 2001; 2006: 30



Question 2: Is an increase in affiliation equally spread across all iwi?

Table 6 shows that while iwi affiliations are growing at a steady rate (with a 40% increase between 1996 and 2006) this increase is not distributed evenly across all iwi. For example, Ngāi Tahu affiliations increased significantly (from 5.0% to 7.6% [Statistics NZ, 2006: 30]) over that time.³⁵ An increase of such size to one iwi, out of 137, suggests the Treaty process may act as a driver to strengthen commitment by Māori to an iwi. Notably, Ngāi Tahu was one of the first iwi to receive a substantial Treaty settlement. If this is the case, we can expect a significant increase in affiliations at the next census. It is important to note that the number of iwi affiliations can include multiple responses from one person.

Table 6: Total Affiliations with Ngāi Tahu Iwi, 1996–2006

Source: Statistics NZ, 2006: 30

Census Data	1996	2001	2006
Total Māori population (census: descent)	579,714	604,110	643,977
Total iwi affiliations	570,948	686,505	798,888
Ngāi Tahu affiliations	29,133	39,180	49,185
Ngāi Tahu affiliations as a percentage of total Māori descent population	5.0%	6.5%	7.6%

Question 3: What is the relationship between registrations and affiliations within an iwi?

There are indications that more people affiliate to an iwi at census than are registered with the iwi. For example, in the case of Ngāi Tahu, there were 11,685 Māori who identified as being affiliated with the iwi in the March 2006 census, but were not registered with Te Rūnanga o Ngāi Tahu in June 2006; see Table 7. We have not looked at figures relating to other iwi, however we hypothesise that over time, as more Māori decide to apply for registration with their specific iwi, discrepancies between registrations and affiliations may reduce.³⁶

34 In the 2006 census, the total population who identified as being of Māori descent was 643,977. The number of iwi affiliations was 798,888 and the total Māori population who were not affiliated with an iwi was 131,652, or 20% of the Māori population (this is the total number of people who responded minus 512,325, the number of people who stated their affiliation) (Statistics NZ, 2006: 30). In addition, although from the same year, the figures used are from different datasets.

35 Ngāi Tahu’s rohe covers most of the South Island and it is a growing iwi with a well-documented governance system (Te Rūnanga o Ngāi Tahu). In addition, Ngāi Tahu was one of the first to receive a Waitangi Tribunal settlement, which was \$170 million in 1996/97 (OTS, 2009: 10).

36 We were not able to ascertain if Māori have applied for iwi registration and been turned down, although theoretically that is possible.

Table 7: Comparing the Numbers Registered and Affiliated with Ngāi Tahu, 2006

Source: Statistics NZ, 2006: 30; TRONT, 2007: 26

As at 2006	Number of Ngāi Tahu Māori
June 2006: Ngāi Tahu (registered)	37,500
March 2006: Census (descent) (affiliated)	49,185

4.5.3 Migration

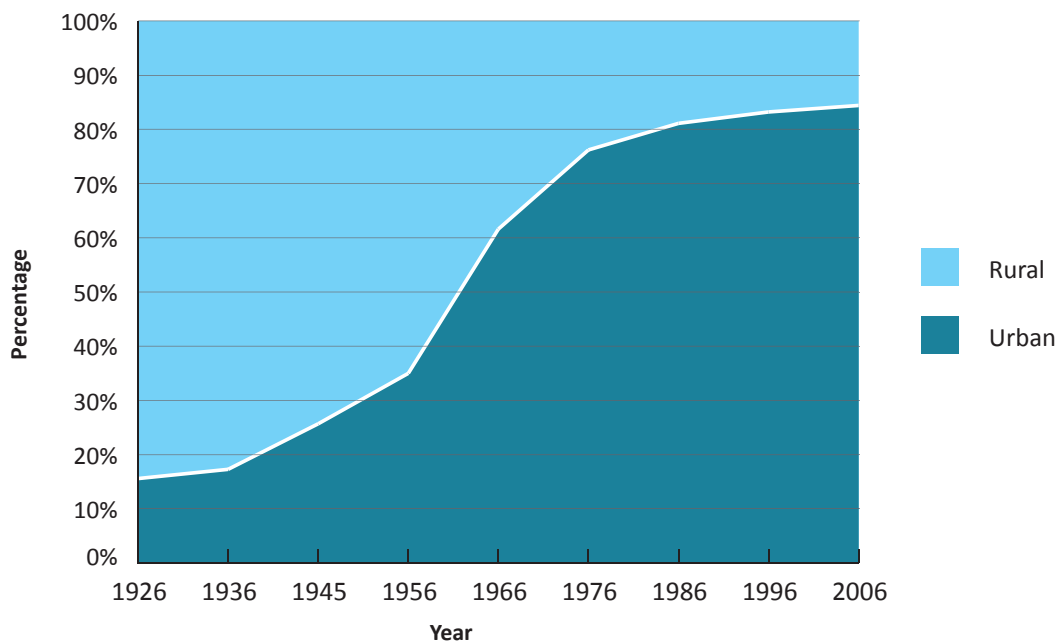
New Zealanders, by their very nature, are travellers. Approximately 78% of New Zealand residents hold a passport (DIA, personal communication, 10 September 2010). This is in contrast to countries like the United States, where less than 30% of the population hold a passport.³⁷ This being said, our links to our land are very strong. Even though many leave, the linkages remain strong through organisations such as KEA, New Zealand’s global network, which connects more than 25,000 talented Kiwis and ‘friends of New Zealand’ around the world. Māori have migrated from Asia, from Polynesia, from rural New Zealand, and now from New Zealand to Australia and beyond. This section explores two of these migrations – the urban drift and the Australian drift.

Urban drift

The movement of rural Māori into the cities was significant throughout the twentieth century, but was most notable during the period between the mid-1930s and the mid-1970s (see Figure 7). During this time, the proportion of Māori living in urban areas increased from around 15% to over 80% of the Māori population. There are many reasons for this migration, however one explanation can be found in a 1961 report by J. K. Hunn which discussed social reforms relating to Māori. It was noted that Māori were officially encouraged by government policy to move from rural areas into towns and cities through the provision of accommodation, employment and general assistance in adjusting to a new life (cited in Meredith, 2009b). This has had a profound effect on the structure of Māori society and Māori cultural identity.

Figure 7: Percentage of Māori Living in Rural and Urban Areas, 1926–2006

Source: Statistics NZ, n.d.[b]; J. Watkins, personal communication, 12 December 2009



³⁷ From the United States Government Accountability Office: according to state data, about 28% of the US population has a passport, with 85.5 million US passports in circulation as of February 2008 (USGOA, 2008: 11).

Today, 84% of Māori live in urban areas of New Zealand (J. Watkins, personal communication, 12 December 2009). Most live in the main centres, with about one-quarter living in the Auckland region; many still associate with their tribe although, in the 2006 census, one in five Māori either did not know or did not state their tribal affiliation (Meredith, 2009b; Statistics NZ, 2006: 30). Many Māori now consider themselves ‘urban Māori’ (Meredith, 2009b). The implications of urbanisation are not lost on Māori leaders. For example, the Chair of the Ngāi Tahu Mātauranga Trust, Donald Couch, states that more Ngāi Tahu (the prominent South Island iwi) live in Auckland and Wellington than in Otago or Murihiku (Southland):

The majority of Ngāi Tahu now live outside our rohe. Most live in cities ... The ties to the marae are weakening ... What are the implications for our iwi? (Couch, 2009)

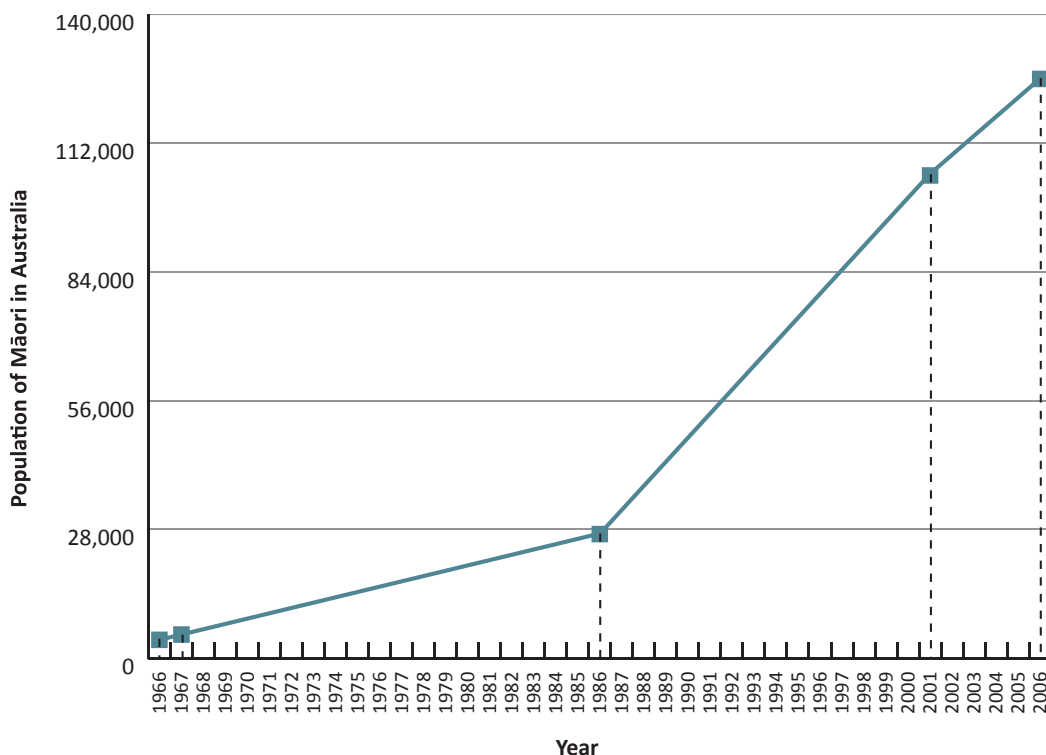
The challenge will therefore be to maintain or strengthen the ties between those Māori living in the main centres and their respective iwi and hapū. This is a significant issue in that traditional Māori knowledge and customary law is centred around the importance of ancestral land.³⁸

Australian drift

There has been a significant international drift of the Māori population, most notably to Australia. Hamer estimates that 105,000 and 126,000 Māori were living in Australia in 2001 and 2006 respectively. Ancestry data gathered through the Australian census is used to calculate these figures, though in order to reduce the considerable census undercount, a range of other factors are also drawn on (Hamer, 2008: 1). The Australian Bureau of Statistics reported that in Australia on census night (2006), 92,912 people classified themselves as having Māori ancestry (ABS, 2009a).³⁹ The same census showed that in Australia at that time there were 389,467 New Zealand-born people and 160,681 people who identified themselves as having one or both parents born in New Zealand (ABS, 2006). This figure is derived from a multi-response survey, so will result in some overlap between the figures. Figure 8 gives an indication of the size and increase in the Australian population who are of Māori ancestry.

Figure 8: Estimated Australian-resident Māori Population, 1966–2006

Source: Hamer, 2008: 1



³⁸ See Report 7a, *Environmental Goals of Iwi and Hapū: Six case studies* (SFI, 2009b).

³⁹ The ancestry data collected in the census measures self-identification and affiliation with an ethnic or cultural group, thus providing an indication of cultural diversity in the population. Up to two ancestries were able to be recorded by respondents (ABS, 2009b).

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A 2007 report by Te Puni Kōkiri, *Māori in Australia: Ngā Māori i te ao moemoeā* (TPK, 2007a), attempted to assess not only the population of permanent Māori residents in Australia (see Figure 8), but also the implications for Māori society. The report relied on data from a 2006 survey of more than 1200 Māori living throughout Australia. Some of its key findings are noted below:

- The Australian Māori resident population is likely to be in the range of 115,000–125,000. (TPK, 2007a: 32)
- Iwi that have already received settlements in New Zealand have by far the highest proportions of members living in Australia registered with their representative organisations. (ibid.: 31)
- The movement of people, money, ideas and language in both directions across the Tasman means that Māori development should not be considered solely within the boundaries of New Zealand. (ibid.: xi)

This discussion raises two further points for consideration: why is this happening, and what are the implications for iwi and hapū, and for Māori and New Zealand as a whole? Te Puni Kōkiri suggests that reasons for emigrating often stem from negative internal pressures in countries of origin, such as inequality, crime and discrimination, as well as factors in Australia such as economic opportunity, lifestyle or a desire to join family there (TPK, 2007a: 41–43).

In a press release following the publication of *Māori in Australia*, the Māori Party put forward the idea that as ‘there are now 92,912 people in Australia who identify as Māori, maybe it is time to create a new electorate, Te Ao Moemoea’ (Māori Party, 2007). Do these population statistics suggest that in the future some Māori living in Australia may align themselves with being Māori more than with being from New Zealand? As many as one in six Māori live in Australia and a further 15,000 live in other countries (Hamer, 2008: Abstract) and, as stated in *Māori in Australia*, ‘even a small ongoing amount of net out-migration from New Zealand to Australia will see this proportion steadily rise’ (TPK, 2007a: 164). Current figures appear to confirm that Māori society will have an increasingly Australian future (ibid.: xiii).

4.5.4 Immigration

New Zealand’s ethnic composition will be further shaped by its immigration policy, a fact that has not gone unnoticed by Māori academics. These concerns are best considered in relation to who has been allowed to settle in New Zealand since 1840. Historian Ann Beaglehole put it this way on the website *Te Ara: The encyclopedia of New Zealand*:

Over the years, laws and regulations have been used to restrict or prevent the entry of ‘undesirable’ individuals or groups. Making New Zealand British and keeping the country white were the goals of immigration policy until the early 1970s. People from Britain have been actively recruited, while people perceived as ‘different’ have been kept out.

Strong imperial sentiments in the colonial period, and views about race through the 19th and much of the 20th centuries largely explain the purpose of New Zealand’s immigration restrictions. But alongside these narrow-minded, racist attitudes, more inclusive views of the peopling of New Zealand have consistently been expressed. (Beaglehole, n.d.)⁴⁰

⁴⁰ Although we can appreciate the sentiments, we find this reference to ‘narrow-minded, racist attitudes’ inappropriate on a government website. Public servants at that time would have been reflecting the views of the government of the time, which was to all intents and purposes operating as a bicultural country. It would have seemed a natural consequence of the time for government to prefer British subjects, as article 3 of te Tiriti also preferred Māori, by giving them ‘all the rights and privileges of British subjects’ – see Appendix 3.

A 1986 review of New Zealand's immigration policy led to the Immigration Act 1987. New criteria for the admission of migrants were based on individual characteristics, particularly favouring applicants with high levels of education and/or work experience, who were relatively youthful, and able to bring investment capital into the country. This replaced the previous preferred source countries, effectively abandoning earlier assumptions in policy about what constituted a desirable immigrant. The effect was to diversify the countries of origin of subsequent immigrants to New Zealand, and therefore their ethnic mix. Although a number of changes have been made to this policy over time, including the introduction of a points system to quantify these new criteria in 1991, none of these changes have been significant (ARC, 2007: 2). Currently, the New Zealand government operates three immigration policy streams:

- **Skilled Migrant or Business** (restricted to 27,000 persons each year). Applicants are awarded points for their characteristics, with anyone who reaches a minimum total number of points ('pass mark') given residence. Applicants receive most points if they, among other things, are highly qualified, are under 35, have a job offer in New Zealand relevant to their qualifications and several years of relevant work experience, and bring with them significant settlement funds.
- **Family** (restricted to 14,500 persons each year). This stream is for the family members of previous immigrants.
- **International/Humanitarian** (restricted to 3500 persons each year). This stream is for refugees, and other international and humanitarian residence applications. (IMMagine, 2009)

In the 2008/09 year, 46,097 people were approved for permanent residence in New Zealand (DoL, 2009: 3). The top five source countries were the UK (19%), China (15%), South Africa (12%), the Philippines (8%) and Fiji (7%) (ibid.).⁴¹ Notably, 25% of permanent residents approved in 1998 had left New Zealand long term by December 2006 (DoL, 2007: 93). This raises questions about the quality of our selection and assimilation process.

Concerns have continued to be raised about the implications for race relations. UNITEC academic Dr Love M. Chile put it this way:

Upon arrival in this country, the immigrant is introduced to only one partner in the bi-cultural partnership, the Crown. There is no orientation provided to the immigrant (or even refugees who upon arrival are wards of the state for six weeks) into Aotearoa New Zealand society. There is no requirement for the immigrant and refugee to demonstrate empathy with or knowledge of te Tiriti and te ritenga Māori. There is no commitment from the Crown to ensure that the Queen's new subjects fulfil their obligations to the tangata whenua Treaty partner. (Chile, 2000: 65–66)

Further, attitudes towards immigrants are explored in the research of Gendall et al. (2007), which provides analysis of two surveys carried out in 2003 and 2006. Both surveys found Māori attitudes toward immigrants and immigration to be consistently less positive and more negative than those of non-Māori, and this tendency had increased between 2003 and 2006. The researchers conclude that:

These differences, often statistically significant, suggest that Māori respondents are committed to a bicultural New Zealand; assert a right (under the Treaty of Waitangi) to consultation on immigration policy; and recognise their vulnerability in competition with immigrants for employment opportunities. (Gendall et al., 2007: 33)

Interestingly, one of the authors of this report was Paul Spoonley, who in his recent book *Mata Toa: The life and times of Ranginui Walker* noted that Dr Walker also believes that, taking into account te Tiriti, immigration policy is something that government should discuss with Māori (Spoonley, 2009: 218–9). Furthermore, Spoonley noted that Dr Walker is disappointed that opportunities for Māori to host these new residents are limited (ibid.: 220).

41 Notably, in the 2008/09 year, 'changes in the main source countries of approvals show a marked decrease in approvals from the UK (down 14% from 10,030 to 8641) and increases in numbers from South Africa (up 28% from 4166 to 5344) and China (up 12% from 6070 to 6790)' (DoL, 2009: 3). Total numbers per annum seem to sit around the 50,000 mark, but the composition appears to fluctuate. In 2001/02 the three countries with the largest numbers of migrants to New Zealand were China (17%), India (16%) and Great Britain (12%) (NZIS, 2002: 1). In 2006/07, the three countries with the largest numbers were the UK (26%), China (12%) and India (9%) (DoL, 2007: 2).

This discussion highlights a number of concerns that are worthy of further research and reflection. In particular, immigration policy currently considers factors such as country of origin or skills; it should also ensure that newcomers to New Zealand are well informed and are seen to commit to our national identity. The New Zealand Federation of Ethnic Councils seeks a similar vision: ‘that refugees and migrants are successfully settled and accepted in New Zealand in a way in which they are able to contribute to society and have a sense of belonging’ (HRC, 2008). Laying this framework of acceptance on both sides will have positive ramifications for cultural relations.

To conclude this section on demographics, it becomes increasingly clear that a number of significant challenges face Māori, and New Zealand as a whole. Today’s young Māori New Zealanders are tomorrow’s workforce and therefore this country’s future. The opportunity is to invest well in society today, so that we obtain the future we want for our descendants. The specific priorities are discussed further in Section 5.

4.6 Responding Effectively to New and Emerging Technologies

The sixth challenge groups together new and emerging bio-technologies of the twenty-first century and acknowledges the pressures and demands these can place on specific iwi and hapū. This section explores the way in which new technologies may impact on the cultural values of Māori. This can occur through assets being contaminated or spiritually affronted, or the creation of opportunities that support iwi development. Genetic modification and bioprospecting have suddenly and unexpectedly propelled some iwi or hapū into complex and highly contentious areas that demand considerable time and information to determine the best way forward. We discuss these technologies, but acknowledge that others, such as nanotechnology, will also bring challenges. We close by discussing the implications of these technologies on intellectual property rights.

4.6.1 Genetic modification

Transgenic genetic modification is an example of new scientific knowledge that has the potential to affect the physical and spiritual well-being of Māori. Māori have diverse views on the use of these technologies, but some themes do emerge.

Ngāi Tahu has developed a thorough policy and clear stance on this issue (TRONT, 2008). This example is discussed in Report 7a, Case Study 6 (SFI, 2009b).

The cultural issues associated with genetically modified organisms are diverse and often not well understood. Thus, Te Rūnanga o Ngāi Tahu has adopted a policy approach for GMOs that facilitates a case-by-case analysis of applications. Such an approach provides the flexibility to support research and knowledge accumulation, whilst maintaining the integrity of traditional values. (TRONT, 2008: 17)

The hapū Ngāti Wairere has also been drawn into the genetic modification debate. The Environmental Risk Management Authority (ERMA) took three years to reach a decision on an application by AgResearch to field-test genetically modified cattle within their rohe. The authority acknowledged that the hapū strongly disagreed with the research, and that the spiritual risks were therefore significant. Finally, however, after weighing the potential risks against the perceived benefits, ERMA considered the scientific benefits exceeded the spiritual risks, and approved the application (Appendix 5 contains an excerpt from ERMA’s decision on this case and more information on the experience of Ngāti Wairere).

Further, three hapū in the Rotorua area, Ngāti Taeotu, Ngāti Hurungaterangi and Ngāti Te Kahu, have given consent for Scion (formerly Forest Research) field trials of genetically engineered trees to take place within their rohe (Hingston, 2004: 12). The tangata whenua were involved from as early as 1999, through hui to discuss and evaluate their concerns around plant gene technology:

The wero (challenge) is to involve Māori in the decision-making process and together decide when GE is acceptable. (Hingston, 2004: 9)

In December 2002, following endorsement by the three Rotorua hapū, Scion was given the blessing to proceed with a field trial of radiata pine and Norway spruce with genetically modified ‘reporter’ genes. The trees began to be transported to the site in January 2003 (ibid.: 15). A continuation of research in gene expressions and ongoing monitoring with tangata whenua is planned until completion of the field trial in 2020. Further applications including the most recent, ERMA200479, which at September 2010 was open for submissions, have been submitted and approved by ERMA for modifications of radiata pine to alter plant growth/biomass acquisition, reproductive development, herbicide tolerance, biomass utilisation, wood density and wood dimensional stability.

The effect of new organisms on the environment is of specific importance to Māori as any associated risks may impact on the relationship between Māori and the environment, and the principles of the Treaty of Waitangi. These implications are difficult to assess. Scion aims to monitor these risks by a continued dialogue between the research team and kaumatua of the local iwi (referred to collectively as Ngati Tuteata) and supports the proposal to form a paepae to discuss and monitor the field test (ERMA, 2010a: 34).

Scion sees benefits in its research programme for Māori as forest industry stakeholders, specifically major forestry owners and managers, through flow-on capital and enhancement of rangatiratanga. The application states that Scion’s strategy is ‘strongly aligned to Māori values and aspirations’ and that it is ‘continuing to implement enduring partnerships with Māori’ (ibid.: 5). The application comments on Scion’s frequent communication with mana whenua who are supportive of the research.

The different responses of hapū and iwi to these genetic technologies demonstrate the diversity in the nature, application and evaluation of transgenic technologies and the varying hapū and iwi evaluations of the technologies. Genetic modification policy makers and industry professionals should take this diversity into account in their planning processes.

4.6.2 Bioprospecting

As Associate Minister for Energy and Resources, Pansy Wong stated in 2009 that ‘[a]lready a number of overseas companies have expressed an interest in bioprospecting in New Zealand and we hear anecdotally that some are already undertaking activities’ (Wong, 2009).⁴² It is understood that Ngāi Tahu and an iwi in Rotorua are currently engaged in bioprospecting (M. Roberts, personal communication, November 2009).

Such developments in this rapidly growing area are highly relevant for many iwi given that bioprospecting encompasses key issues such as the commercialisation of traditional knowledge and the maintenance of intellectual property rights. While there exists potential for misappropriation of Māori knowledge and biological resources, if well-managed, bioprospecting can provide significant opportunities for iwi. Fundamental to this opportunity is that ownership and benefits from commercialisation remain with the traditional possessors of the knowledge and resources.

Under Article 2 of te Tiriti o Waitangi, Māori are vested with:

... the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess ... (MCH, 2007b)

This means that under te Tiriti iwi have rights to maintain possession of properties collectively owned prior to European colonisation and land confiscations, unless ownership was justly and lawfully transferred. Indeed, a claim on New Zealand’s native flora and fauna, WAI 262, was lodged with the Waitangi Tribunal in 1991. Justice Joe Williams is currently writing the final report on this claim, but a date for its release is yet to be announced (Waitangi Tribunal, 2010b); the findings of this report will undoubtedly have significant implications for national policy.⁴³

⁴² ‘Bioprospecting is the collection of biological material and the analysis of its material properties, or its molecular, biochemical or genetic content, for the purpose of developing a commercial product. Bioprospecting policy excludes the later steps in the chain of product development’ (MED, 2007b: 4). This definition is currently under review.

⁴³ The WAI 262 report was released 2 July 2011 and can be found through <http://www.justice.govt.nz/tribunals/waitangi-tribunal>

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Currently the Ministry of Economic Development is conducting a consultation and engagement process with the aim of developing a policy framework for bioprospecting activities in New Zealand (MED, n.d.[a]). The ministry is currently in Phase 2b of this process, called ‘biodiscovery taumata’, which brings together members with expertise around biodiscovery policy to provide advice (MED, n.d.[b]). Prior to this, a discussion document, *Bioprospecting: Harnessing benefits for New Zealand* (MED, 2007b), was released and four working groups were established to develop options for biodiscovery policy development (MED, n.d.[b]). The final stage will involve engagement with various interest groups on possible policy options. In summary, the purpose of the ministry’s discussion document and associated consultation is to:

- gather further information about bioprospecting in New Zealand;
- facilitate an informed discussion about the development of bioprospecting policy;
- help determine how a bioprospecting framework might be structured; and
- allow policy development to better address the issue of traditional knowledge, in particular mātauranga Māori, relating to natural resources within a bioprospecting framework. (MED, 2007b: 3)

The discussion document sidesteps the issue of ownership, stating that:

It is ... not the aim of this document to address issues around the ownership of biological resources. Consequently, the term ‘access provider’ is generally used in this document instead of ‘owner’. However, it is noted that ‘access providers’ and ‘owners’ are not necessarily the same person or organisation. (ibid.)

According to the document, ‘access providers’ may be central government, local government or private landholders. This complex issue, pertaining to biological resources of huge quantity and value, requires open dialogue and careful consideration, and when the WAI 262 report is released its recommendations are intended to clarify and strengthen rights and processes.

Furthermore, negotiations are currently underway internationally to develop a regime for bioprospecting (access and benefit sharing) under Article 15 of the Convention on Biological Diversity. These are expected to be completed in 2010 (CBD, 2009). Bioprospecting also relates directly to Article 8(j) of the Convention, which pertains to traditional knowledge.⁴⁴ These international obligations will also have significant implications for New Zealand’s bioprospecting policy (MED, 2007b: 17).

4.6.3 Intellectual property rights

Both genetic modification and bioprospecting have significant implications for intellectual property rights. The current, but still evolving, system of intellectual property rights presents both challenges and opportunities in relation to maintaining or increasing rangatiratanga and kaitiakitanga over mātauranga Māori, cultural objects and biological resources.

Mechanisms exist to regulate the commercial use of mātauranga Māori, however there are concerns over the ability of the current system to adequately protect or limit its use, especially in relation to those who are not traditional holders of this knowledge (MED, 2007a; Roberts & Fairweather, 2004). There is potential for the system to be both strengthened and more effectively utilised for the protection of mātauranga Māori.

Issues of intellectual property are addressed from within the Ministry of Economic Development, although they relate to work areas across ministries. For example, the purpose of *Vision Mātauranga*, a Ministry of Research, Science and Technology (MoRST) strategy document, has direct implications for intellectual property and mātauranga Māori. The stated purpose is to:

... unlock the innovation potential of Māori knowledge, resources and people to assist New Zealanders to create a better future. (MoRST, 2005: 1)

⁴⁴ Article 8(j) states that ‘each contracting Party shall, as far as possible and as appropriate ... subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge innovations and practices’.

While this approach to the use of Māori knowledge may be in the economic interests of New Zealand as a whole, it needs to be considered in the broader context of cultural well-being, respecting whakapapa, the role of kaitiakitanga and the rangatiratanga of iwi Māori (see TRONT, 2008: 7). The Mataatua Declaration (Commission on Human Rights, 1993) provides important insights into the intellectual property issues pertinent to indigenous peoples internationally, however it does not appear to have been effectively utilised as a basis for open dialogue domestically.

Related to the issue of intellectual property rights is the ownership of cultural objects. While there is much debate internationally relating to the selling, trading and return of items of antiquity (Cuno, 2008), the New Zealand law is clear regarding objects of Māori antiquity. Taonga tūturu, or objects relating to Māori culture, history or society that were used or created by Māori and are more than 50 years old, are protected under New Zealand law (MCH, 2008). The Protected Objects Act 1975 states that such items shall be protected under the jurisdiction of the Māori Land Court, and cannot be sold or otherwise disposed of. The Act also emphasises the desirability of the return and restitution of stolen or illegally exported cultural objects.

To conclude this section, it is clear that the future challenges that science will present for Māori and the wider New Zealand population will be diverse and dynamic. Key themes emerge:

- Government and the science industry should not attempt to conceptualise or accommodate a single or fixed Māori view or standpoint in relation to science in general or to specific scientific developments.
- Early, open dialogue and consultation regarding potential developments are necessary in order to effectively understand and work with the diversity of Māori views, particularly those of iwi with mana whenua in the area of a development. Iwi groups commonly highlight the need for iwi to engage with these issues, and for decision-making processes to provide relevant and accessible information to iwi and to engage genuinely with Māori knowledge, perspectives and frameworks (for example, see Reynolds, 2007: 71; TRONT, 2008: 17–22).
- The application of a precautionary approach is best practice.
- The use of a case-by-case method is essential.
- A comprehensive assessment, including all risks, costs and benefits, is critical.
- Discussions must be transparent in explaining how decisions were made.

4.7 Managing Resources in Light of Climate Change

In New Zealand society, resource use and economic development are intrinsically interconnected. The Māori asset base, which is worth around \$16.5 billion, centres around primary production and processing; these industries are dependent on the natural resources of land, water and fisheries (NZ Govt, 2010a). The need to develop more sustainable resource production and consumption presents significant implications for local livelihoods and economies. Resource management policy often attempts to resolve critical equity issues, and the outcomes of such decisions often have significant implications for Māori. The impacts that these challenges and opportunities may have on traditional roles and values such as kaitiakitanga must also be considered in tandem.

It is predicted that climate change will significantly affect New Zealand within the next 50 years, and its impact will be felt by all people, including iwi. Many physical and social scientists have considered what impact climate change might have, and in particular how society and individual communities will need to adapt and act to mitigate its effects. These are likely to include the environmental effects on local ecosystems and primary industry, for example, and the implications of mitigation policy such as a price on carbon.

Te Puni Kōkiri's 2007 publication *Ngā Kaihanga Hou: For Māori future makers* highlights climate change and resource pressures as a key future driver of change for Māori in New Zealand (TPK, 2007b). Research has been undertaken to consider how these future challenges and opportunities may impact particularly on the Māori population in New Zealand. (Hennessy et al., 2007: 522)

Changes in New Zealand's climate over the next 50 to 100 years are likely to challenge the Māori economy and influence the social and cultural landscapes of Māori people. (Packman et al., 2001, cited in Hennessy et al., 2007: 522).

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Given the significant involvement of Māori in primary industry, any changes to local climates are likely to impact directly on Māori communities and economies.

Economic performance and opportunities in these primary industries are likely to be influenced by climate-induced changes to production rates, product quality, pest and disease prevalence, drought, fire-risk and biodiversity, which, in turn, will affect the ability to raise development capital in these industries. (MAF, 2001 and Cottrell et al., 2004, cited in Hennessy, 2007: 522)

The impacts of climate change and climate change policies will extend across society, the economy and the environment. One area that acts as an example of the uncertain and diverse nature of the challenges of climate change for Māori is the potential impact on the use of marginal lands. Harmsworth (n.d.) states that there are over 821,200 hectares of Māori land in New Zealand, of which 300,000–400,000 hectares are marginal. The New Zealand government notes that presently Māori are more likely to own lower quality land which is more susceptible to invasion by subtropical grasses and soil erosion under climate change scenarios (NZ Govt, 2010a). Such scenarios may increase the vulnerability of this land and lead to reduced economic output, however planting forest sinks may also become an increasingly viable economic use for this land under particular policy options (Harmsworth, n.d.; MAF, n.d.; NZ Govt, 2010a). It seems that it will be necessary to be adaptive and innovative to utilise the opportunities and minimise the negative implications of climate change.

This section does not provide comprehensive coverage of the challenges related to resource management and climate change which Māori are likely to face in the future. Rather it outlines two key challenges—immigration from the Pacific and acidification of the oceans. Freshwater quality and management, conservation of biological diversity and retention of traditional ecological knowledge are examples of other issues which also have significant implications for Māori populations in New Zealand, but these are not discussed below as they are well recognised in the literature.

4.7.1 Immigration from the Pacific

The predicted impact of a rise in sea level in the wider Pacific region raises a number of ethical issues for New Zealand. In addition to this country's ethical responsibility to support and protect its neighbours (as indicated by the area over which it has administrative and territorial responsibilities; see Figure 9), a further special relationship exists between Māori and the Pacific. Māori are considered to have originated from Polynesia (Howe, 2009), and as such may be inclined to place particular importance on this relationship in the context of responding to those adversely affected by the impacts of climate change in the Pacific.

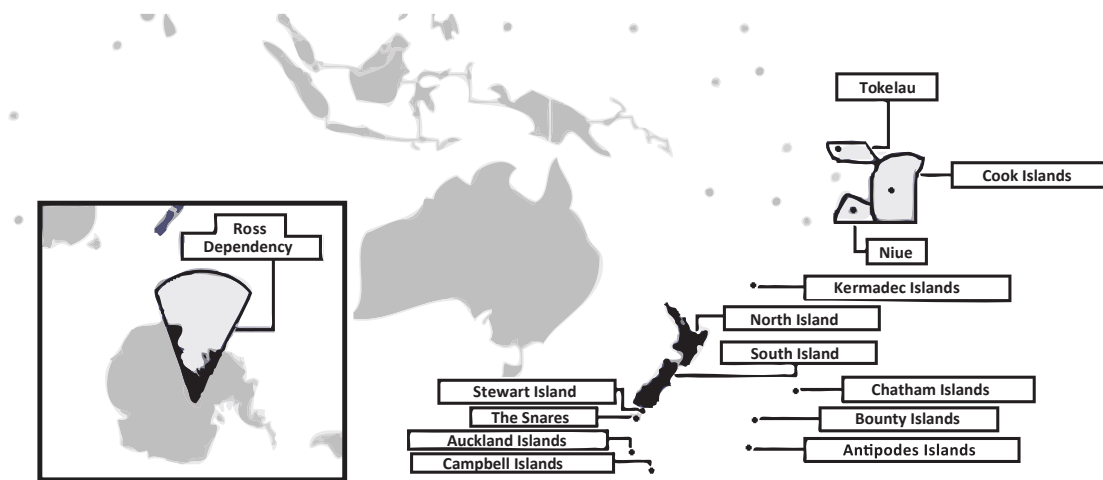
This issue is being considered and discussed by many thinkers, as reflected in the discussion between Dr Peggy Fairbairn-Dunlop and Joris de Bres in our 'Conversations' series (de Bres & Fairbairn-Dunlop, 2008). Questions emerge as to how New Zealand should prepare for and respond to the societal and cultural impacts that climate change may bring both domestically and in the Pacific region.⁴⁵

The relationship between Māori and Pacific peoples was highlighted in 2009 by coalition partner and co-leader of the Māori Party, Dr Pita Sharples, who stated 'we are all Pacific children' (cited in Tait, 2009). Accommodating climate-change refugees should be understood in accordance with the special whakapapa relationship, and perhaps consideration needs to be given to this whakapapa link in determining national aid responsibilities.

⁴⁵ For example, Dr Peggy Fairbairn-Dunlop asks whether New Zealand should set aside land within its shores, equivalent in size to each Pacific island – an island within an island – to enable climate-change refugees to maintain their own cultures (de Bres & Fairbairn-Dunlop, 2008). A similar situation is occurring on the Carteret Islands, where rising sea levels are threatening local livelihoods. Tulele Peisa, an NGO established in 2006, is undertaking the gradual voluntary relocation of the 3300 residents of the seven Cartaret islands to three locations on Bougainville over the next 10 years (Rakova, 2009).

Figure 9: The Realm of New Zealand

Source: Adapted from Sesmith, 2007



4.7.2 Acidification of the oceans and the impact on fisheries

The threat of ocean acidification is significant to both Māori and New Zealand's wider economy. Ocean acidification is the continuing decrease in pH of the earth's oceans due to uptake of anthropogenic carbon dioxide from the atmosphere. This decrease in pH results in calcification and other potential effects including adverse reproductive or physiological effects for aquatic life and negative impacts on food resources. Canadian journalist Alanna Mitchell, in her book *Sea Sick*, synthesises all the divergent ideas on the future of the ocean, such as increased acidity, dead zones, species loss and temperature increases, and reveals the terminal state of our oceans.

Life runs across in all directions and down to the bottom. The dimensions move and connect on a scale that land dwellers can barely fathom. In fact, when you add up the earth's biosphere, or the part of it that is available for living creatures, the land portion comes out to just 1 percent of that total volume. (Mitchell, 2009: 110)

As fishing became more difficult, other studies show that fishermen began spending both more time and more money to catch fewer fish, using sophisticated, expensive sonar and satellite equipment to target their catch. As well, they began to go yet deeper into the ocean and lower on the food chain. It's a recipe for trying to catch the very last fish. (ibid.: 136)

As all the oceans interlink, there exists in reality only one ocean, of which New Zealand has responsibility for one of the largest marine environments in the world. New Zealand has an exclusive economic zone covering more than four million square kilometres (Statistics NZ, 2008), resulting in approximately 94% of New Zealand's land mass sitting under water (SFI, 2010f: 5).

The implications of a sick ocean are a key concern for all citizens of the planet, but arguably the relationship between Māori and the ocean is intrinsic to whakapapa and spiritual well-being. So no matter how effectively New Zealand manages its fisheries, the reality is that if the ocean dies, so does this critical resource and with it this vital relationship. Hence, linked to any discussion on climate change must be an understanding of its impact on social well-being, fisheries, and the wider economy.

Having said this, managing our fisheries in a sustainable and productive manner does not cease to be a significant issue. Fisheries, both traditionally and currently, are a commercially and culturally important industry for many iwi and hapū (MoF, 2010a). The Ministry of Fisheries comments on this relationship:

Being able to provide fish or shellfish to feed whānau (family) or manuhiri (guests) has always been part of the cultural heritage of tangata whenua, or 'people of the land'. Commercial fisheries have also been important, as seafood was traded widely among tribal groups and, later, with European settlers in Aotearoa. (MoF, 2010a)

Without these resources and the revenue they provide for the commercial, industrial and residential sectors, sustaining New Zealand's current standard of living would be a challenge. The seafood industry alone earned over \$1.2 billion in exports in 2006/07, and it is New Zealand's fifth largest export earner (MoF, 2010b).

With the majority of New Zealand's biodiversity being in the ocean, its optimal management is important for the ongoing viability of Māori and sustainable harvesting strategies. A comprehensive understanding of the current state of New Zealand's oceans, fisheries and aquaculture, and the trends that are likely to affect them, is vital for planning for the future.

New Zealand has traditionally had a highly productive commercial fisheries industry and an active subsistence or small-scale fishing industry. However, over time commercial fishing practices have unsustainably exploited fish stocks and adversely impacted on the marine environment. Working Paper 2009/04, *Statistics: A selection of available data associated with shared Māori goals* (SFI, 2009e), outlines Forest and Bird's 2009 study which details the sustainability challenges facing New Zealand's fisheries.⁴⁶

The growing awareness of the need for sustainable management of fisheries has been reflected in legislative reform, which has greatly affected the structure of the industry. Linked with this has been recognition of the integral role of fisheries for iwi and hapū, and the attempt to recognise this in legislation. These two trends have had a significant impact on the commercial assets, subsistence economies and culture of iwi and hapū.

The Māori Fisheries Act 1989 and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992 provided Māori with fish quota under the Quota Management System (QMS) (Day, 2004: 3; The Clement Group, n.d.).⁴⁷ Government funding to purchase 50% of Sealord Ltd was negotiated with iwi in the 1992 settlement (Day, 2004: 3). Procedures to manage identified traditional fishing areas and to develop customary fishing regulations have also been created in policy; for example, see the 1996 regulations for customary fishing (ibid.). However, it has also been argued that the QMS risks displacing many smaller fishing industry operators (Hersoug, 2002, cited in Day, 2004: 6; McLintock et al., 2000: 9).

Population growth, consumption levels, fishing methods and policies all interact to impact on the health of fish stock and the fishing industry in New Zealand's waters. Management of these factors now and into the future will significantly influence the sustainability and productivity of an important commercial base of iwi and hapū. The effectiveness of this management also has considerable implications for subsistence and small-scale fishing, and the ability of iwi and hapū to maintain traditional customs and practices.

The opportunities may appear bleak, but acknowledging and reflecting on emerging issues before they become significant is a tried and true formula. Both the issues discussed above – immigration from the Pacific and the acidification of the ocean – are beginning to happen. How we respond and influence the international response to these issues is both the challenge and the opportunity.

4.8 The Completion of the Treaty Settlement Process

In 1840, te Tiriti was a treaty between two peoples – one operating a tribal-based model (its representatives referred to in te Tiriti as 'The Chiefs of the confederation of the United Tribes of New Zealand'), the other a nation-based model (in te Tiriti, representatives of 'the Queen of the United Kingdom of Great Britain and Ireland'). Achieving successful coexistence and integration of these different cultures presented challenges. Moreover, 170 years later, while many social and cultural changes have taken place, significant challenges still remain. This section discusses the completion of the era of settlement, whereas the final challenge (discussed in Section 4.9) addresses the post-settlement era and the possibility of an era beyond te Tiriti. We have identified five eras relating to te Tiriti:

1. The era before te Tiriti – pre-1840;
2. The era of government not actioning te Tiriti – 1840 to 1970;
3. The era of settlement – 1970 to 2014;

⁴⁶ Of New Zealand's 75 commercial fisheries assessed, 29 (39%) are overfished or there has been a substantial decline in stocks; 49 (65%) cause habitat damage; 45 (60%) kill significant numbers of seabirds; 47 (63%) kill a significant number of marine mammals; 55 (73%) catch too many non-target fish; 51 (68%) cause adverse ecological effects, and 75 (100%) have no management plan (Forest & Bird, 2009: 6).

⁴⁷ This included 10% of all existing Individual Transferable Quota (ITQs) and 20% of any Total Allowable Commercial Catch (TACC) for any additional fish stock brought into the QMS (The Clement Group, n.d.).

4. The post-settlement era, and possibly,
5. Beyond te Tiriti.

The third era began in the 1970s, when several parties tried to find a way for the Crown to provide redress to those suffering harm as a result of its actions in the past.⁴⁸

The dilemma has been to give those who have been harmed in today's terms the opportunity, through appropriate compensation and structural or policy change, to restore their social, financial, cultural and physical health – also in today's terms. This led to the creation of the Waitangi Tribunal, and the start of the era of settlement:

If the Tribunal finds that any claim submitted to it under this section is well-founded it may, if it thinks fit having regard to all the circumstances of the case, recommend to the Crown that action be taken to **compensate for or remove the prejudice or to prevent other persons from being similarly affected** in the future. [Bold added] (Treaty of Waitangi Act 1975, s6[3])

The solution sought by both Māori leaders and the government was a Tribunal to hear claims based on the tribal system existing in 1840. It was a brave and inspired choice. It arguably enabled government to distance itself from the claims, and placed contemporary Māori leaders in the position of using traditional models of governance to restore Māori communities.⁴⁹ There appear to be two distinct perspectives as to what the era of settlement is expected to achieve and whether it will resolve the need for redress.

In 1995, the Hon. Douglas Graham believed settlement did not aim to resolve disparities between Māori and non-Māori but to address past injustices:

Not all Māori have valid claims yet they may be equally impoverished and marginalised. Would it not be better to make any compensation available to all Māori ...? The answer, I believe, is that we must not lose sight of the fact that we are attempting to address wrongs done to specific tribes ... The settlement process is not a case of social engineering designed to improve the lot of Māori generally. Obviously, however, thousands of Māori will directly benefit and others indirectly. (Graham, 1997: 90–91)

The other perspective is best articulated in the words 'resolve, restore and reconcile'. Justice Joe Williams, as Chair of the Tribunal, summarised its purpose as follows:

In the interests not only of Māori, but of us all, we need to

- resolve the grievances;
- restore the wellbeing of Māori communities; and
- reconcile Māori communities with the state and other parts of society. (Waitangi Tribunal, 2005)

Michael King also suggested that redress only occurred once imbalances were corrected, when he stated:

Beyond the Treaty process, however, I no longer believe in the inevitability, or even the desirability, of a bi-cultural nation. The bi-cultural model served us well, and in particular served Māori well, **when there were injustices to right and imbalances to correct** – one could simply compare one culture with the other and ask if the scales were balanced. I doubt now, though, that most Māori and most Pākehā want to define themselves in bi-cultural terms. [Bold added] (King, 1999: 237)

This distinction, although subtle, is very important, particularly when trying to ascertain at what point settlement (and indeed redress) might be completed.

The first perspective implies that redress will be complete in 2014, when the last claim is settled – this being the aspirational goal of the current government (Finlayson, 2009a). Under this scenario, after the last claim is heard, the government will continue to be obliged to meet its commitments to te Tiriti while fulfilling its ongoing obligations to all the people of New Zealand (such as managing disparities within society). If the 2014 target is achieved, the era of settlement will have lasted 39 years (from 1975 to 2014), of which we have already travelled 35. According to this perspective, New Zealand is about 85% of the way through the settlement and redress process and by 2014 the Crown's obligation to redress injustices will have been fulfilled.

⁴⁸ A discussion of the timeline for Treaty settlements and redress can be found in Working Paper 2010/05 (SFI, 2010e).

⁴⁹ Traditional forms of governance refer to iwi and hapū, in contrast to contemporary forms of governance including companies, trusts, and institutions such as the Māori Party and Te Puni Kōkiri.

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In contrast, the second perspective arguably implies redress will only have been completed when Māori communities are *restored* and *reconciled* with other parts of society. Taking this approach, only the first stage of the process is nearing completion, as Māori are yet to use the settlements to *restore* wealth and mana across the community. Taken further, this perspective implies that the government has a responsibility to then work hard to *reconcile* Māori communities with the state and other parts of society.

The differences between these two perspectives, with respect to both timeframes and outcomes, are likely to become increasingly significant in the future. The first implies the Crown's responsibilities finish with the settlement of the final claim – the endpoint is the final settlement. The latter perspective implies the endpoint is a time in the future when Māori communities and their members are reconciled with the Crown.

In addition to this challenge, two smaller issues are also apparent – the need for good process, and effective reporting. The first of these demands that the settlement of the claims be completed satisfactorily. In April 2009, a hui was convened to discuss how to maintain and increase momentum in settling historical claims:

The Crown presented seven proposals to improve the negotiation and settlement process ... These focused on ways in which claimant groups could organise themselves and their claims, and how the Crown could assist groups to find their own solutions in areas where there could be sticking points preventing settlement, such as disputes over mandates and over-lapping claims. (Finlayson, 2009b)

The second consideration, which is central to a just and enduring settlement process, is comprehensive, transparent and accessible reporting. All parties must be accountable for their actions. The current system for public reporting on the settlement process could be significantly improved. The Treaty of Waitangi Act 1975 recognises the importance of reporting to government and the public, stating:

The Minister of Māori Affairs shall in each year prepare and lay before the House of Representatives a report on the progress being made in the implementation of recommendations made to the Crown by the Tribunal. (Treaty of Waitangi Act 1975, s81)

The production of such reports has not been regular or thorough. One report, just seven pages in length, covers a 12-year period from January 1995 to June 2007 (Minister of Māori Affairs, 2007). A report of a similar nature and size is available for the years 2007/08 (Minister of Māori Affairs, 2008). Discussions with the Office of the Minister of Māori Affairs reveal a genuine desire to report more regularly and comprehensively (Office of the Minister of Māori Affairs, personal communication, 4 September 2009). Subsequently the Office of the Minister of Māori Affairs has released a 2008/09 report which is 24 pages long, presenting a summary of current and settled claims, and primary findings and recommendations for each corresponding Waitangi Tribunal report from 1995 to 2009 (Minister of Māori Affairs, 2009).

This report is considerably more detailed than the previous two; however, the current level of reporting could be improved. Considering its importance to New Zealand, the annual report on 'progress being made in the implementation of recommendations made to the Crown by the Tribunal' should:

- Be full and comprehensive, and include a discussion on the extent to which the recommendations have been implemented;
- Outline future plans, outstanding claims, timeframes and remaining challenges (not just a list of Treaty of Waitangi reports);
- Include the full costs of the process to date (including figures on administrative costs, settlement cashflows and landbanked property assets being held);
- Include a reconciliation between individual claims and group claims;
- Be audited, and
- Be accessible to the general public (not just the House of Representatives).

4.9 The Future of te Tiriti after the Settlement Process

Once the settlement process is complete, the era beyond te Tiriti may be fast approaching. The last and final challenge is to think deeply about the best model to deliver stability, trust, respect for the minority view, and a small amount of creative tension to keep everyone thinking, communicating and reflecting on the long-term future of this country.

Mason Durie, in his 2009 lecture, suggests that there will be a new ‘post-settlement era where Māori relationships with the Crown and with each other will not be premised on past injustices but on future development’ (Durie, 2009: 5). Perhaps this may be the time when both iwi and hapū and the Crown decide that a further iteration of constitutional agreement is appropriate. This may lead to exploring options beyond te Tiriti, such as embedding iwi and hapū rights into the constitutional framework of New Zealand. Durie goes on to suggest that:

... in a post-settlement environment, it is likely that Māori engagement with the Crown will alter in both purpose and intensity. That does not mean there will be no relationship with Government but a two directional change in the nature of the relationship can be expected. First, Māori involvement with the Crown will be increasingly focused on New Zealand’s agenda for the future, rather than on compensation for the past. Second, Māori will predictably choose to spend more time and energy exploring relationships with the private sector and seeking investment opportunities with overseas companies, and less time engaging with the Crown. In the future, tino rangatiratanga may not be best measured by concessions won from the Government but on the strength of the Māori economy and the number of influential partners outside government. (Durie, 2009: 10)

Professor Durie also considers te Tiriti, its role in New Zealand’s past, and how this role may develop in the future. He concludes that while a successful working relationship between Māori and the Crown will be important, it is only one of many partnerships Māori have the opportunity to build to help them meet their goals. He states:

To meet those goals [above] it may be opportune to enter into a new set of treaties geared to the 21st rather than the 19th century. Finally, the standing of Māori in Aotearoa New Zealand will not be defined solely or even mainly by notions of legal sovereignty but by the range, strength and impact of national, global and Iwi alliances. Partnerships with the Crown, with the private sector, between Iwi, with overseas commercial interests, and with indigenous peoples across the globe will be the hallmarks of Māori in the future. (ibid.: 12)

Notably, a 2005 report of the Constitutional Arrangements Committee, *Inquiry to Review New Zealand’s Existing Constitutional Arrangements*, developed recommendations with regard to process for addressing constitutional issues. The committee recommended generic principles to underpin any discussions regarding constitutional change, including:

- widespread understanding of the implications of constitutional arrangements and constitutional change be developed
- any process should be supported with ‘accurate, neutral and accessible’ information
- adequate time must be allocated to any process
- specific processes should be established to facilitate discussion with Māori communities. (House of Representatives, 2005: 5)

Further to this, it recommended that:

- civic and citizenship education in schools be improved; and,
- the establishment of an independent institute focusing on constitutional issues be considered. (ibid.)

These recommendations provide a clear, principled foundation upon which to explore change, based on the premise that:

... the enforcement and stability of a constitution depends on the extent to which it is accepted and supported by all branches of government and, most importantly, by the various groupings within that society. (ibid.: 7)

Importantly, there is some dissatisfaction within the New Zealand population with aspects of the process of redress (as distinct from the claim process),⁵⁰ including retention of the Māori seats in Parliament, special admission processes for Māori students, and iwi (and hapū) consultation under the Resource Management Act 1991. These are sometimes used as examples of the ‘privileging’ of Māori over non-Māori within New Zealand, which in turn raises concerns about whether these initiatives, aimed at healing one transgression, are in reality simply creating another transgression – solving one problem by creating another.

50 As demonstrated by the controversial ‘Orewa speech’ given by Don Brash when leader of the National Party (Brash, 2004).

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These questions need to be considered when developing and identifying culturally appropriate and practical methods for addressing non-Māori and Māori disparities in the context of redress. We suggest that these special measures for Māori are not the issue; rather, it is the lack of public understanding of what they are designed to achieve. The challenge is therefore to ensure that the non-Māori and Māori populations understand the justification for these measures, what the end goals are, when these issues might be reconciled and what the path from there might be.

It has been suggested that such ‘special measures’ may have a place in public policy, but we agree with Dr Paul Callister, an economist at Victoria University, that the following ought to be applied as criteria for decision-making around them:

- there is a clear and defensible rationale for them, which has broad political and public support;
 - the target can be clearly defined;
 - membership of the target group is a strong predictor of disadvantage, and targeting is accordingly not significantly compromised by intra-group diversity and under- or over-representation;
 - there is strong evidence that the proposed measure or measures will efficiently and effectively reduce the disadvantage;
 - a goal and/or timeframe is identified and agreed, beyond which the special measure or measures will expire; and
 - the effectiveness of the measure or measures once implemented is monitored and evaluated.
- (Callister, 2007, cited in Bromell, 2008: 285)

It is important to acknowledge the need for a slow and reflective journey. This will lead to a recognition of the past along with a growing desire and ability to move forward together for the benefit of future generations. The Foreshore and Seabed Act 2004 is an example of how significantly contemporary actions can impact on Māori and non-Māori working together to move forward. The initial Act, which vested ownership of the foreshore and seabed in the Crown, was intended to protect the right of all New Zealand people to access these areas. However, this led to controversy and dissatisfaction, with many arguing that the provisions in the Act relating to Māori claims to customary and territorial rights discriminate against Māori (Bargh, 2006; Jackson, 2004). Following the election in November 2008, the National and Māori parties entered into a ‘Relationship and Confidence and Supply Agreement’ (NZ Govt, 2008), under which the two parties agreed to initiate a review of the Foreshore and Seabed Act as a priority (MoJ, 2009a). The subsequent ministerial review led to a promise to repeal the Act and develop replacement legislation that will protect both public and iwi rights (NZ Govt, 2010b).⁵¹ The new legislation, entitled the Marine and Coastal Area (Takutai Moana) Bill, passed its first reading in the House on 15 September 2010. The Māori Affairs select committee will now complete public consultation on the bill, and report back to Parliament by 25 February 2011 (NZ Govt, 2010c).

As to the future, there are some significant change agents ahead which are likely to propel the discussion towards the need for a written constitution that safeguards the rights of all New Zealanders. These include a Court of Appeal decision ruling that iwi and hapū could go to court to seek title to the foreshore and seabed; the WAI 262 decision (which is currently being written; for more information see Section 4.6.2); a swing towards New Zealand becoming a republic or a state of Australia; a need to take in large numbers of climate-change refugees, and the upcoming bicentenary of te Tiriti, to name but a few.

The Institute’s Report 8, *Effective Māori Representation in Parliament* (SFI, 2010a) finds that clarifying the partnership between iwi and hapū and the Crown in the national constitution would provide a sound base for our system of parliamentary representation. Ultimately, any constitutional change should involve discussions between iwi and hapū and the Crown, and between the Crown and the people of New Zealand as a whole. One without the other will simply not allow progress to be made.

Today, te Tiriti o Waitangi is more like a Memorandum of Understanding setting out high-level principles than a legal treaty. It is not a legally binding document. A new constitution that pulls together the myriad sources that currently comprise our nation’s constitution into a single document, and clearly gives effect to te Tiriti, would seemingly pave the way for a more stable future. As such, it remains a significant opportunity for this country.

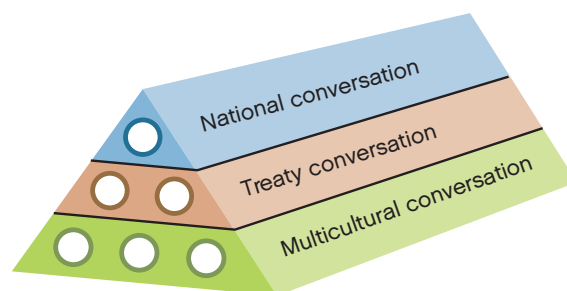
51 See Appendix 6 for more detail.

5. A Foundation for a National Sustainable Development Strategy

In this section we synthesise our research and link it to the development of an NSDS. As discussed previously, New Zealand faces a number of issues relating to sustainability now and in the future, many of which have unique implications for iwi and hapū. Here, we aim to develop an understanding of concepts which are central to the development of an NSDS that honours Māori knowledge and practices, and provides for distinctly Māori aspirations while resonating with all New Zealanders. This objective is broken up into two parts: a proposed work programme outlining seven priorities, and a discussion of the value proposition for Māori in working with other New Zealanders to develop an NSDS.

Importantly, underlying this discussion is recognition of three types of conversation. The relationship between these areas of discussion can be conceived as three linked layers of dialogue that together comprise a conversation about the future of New Zealand. A national conversation is clearly the most important; as the author of *Global Citizens* wrote, ‘remember that “one” comes before two’ (Gerzon, 2010: 170); a reminder that all individuals have rights and responsibilities as New Zealand citizens. A Treaty conversation is next in importance because of our history and commitment to being two peoples living and working together. Lastly, the multicultural conversation cannot be left out of the equation, particularly in view of the increasing numbers of migrants coming to New Zealand from the Pacific and Asia, and our responsibilities to all other ethnic minorities who have committed to this country. In order to develop consensus about New Zealand’s long-term future, it is critical that a range of initiatives are put in place to build dialogue between the layers, so as to create a cohesive and robust foundation upon which to discuss and resolve current and emerging complex issues.

Figure 10: Three Types of Conversation



5.1 Proposed Work Programme

Seven priorities for government, Māori and all New Zealand citizens have emerged from our research on Māori goals and institutions. These priorities, designed to create a foundation for effective governance at iwi, hapū and national levels, are central to the development of a national strategy that has the capacity to support Māori aspirations.

The foundation laid by these priorities aims to build understanding of the goals of iwi, hapū and all Māori, and support work towards the achievement of these goals, while also developing the capacity to effectively manage the opportunities and risks that New Zealand is likely to face in the future. The priorities are:

1. Support Māori in identifying and measuring shared goals;
2. Support Māori to strengthen existing iwi, hapū and wider Māori institutions;
3. Support effective representation of Māori in local and national decision-making processes;
4. Align national policy with international commitments;
5. Clarify the roles of biculturalism and multiculturalism in New Zealand;
6. Clarify the role of te Tiriti o Waitangi within a national constitution, and
7. Improve civic education, particularly in terms of New Zealand’s history, and New Zealanders’ rights and responsibilities.

In Table 8, we briefly outline our proposed work programme in relation to each priority area, including the method of implementation and desired outcomes. Each priority is then discussed in more detail later in this section.

Table 8: Proposed Work Programme

Priorities	Method of Implementation	Desired Outcomes
1. Support Māori in identifying and measuring shared goals	<p>Goals are developed and agreed upon by each iwi, hapū or Māori institution</p> <p>Shared iwi, hapū and Māori goals are explored through a collective process</p> <p>Government adopts a process to engage with the identified goals and support strategic development in line with identified aspirations</p> <p>Complementary indicators to measure progress toward the agreed goals are identified</p> <p>Indicators are regularly monitored and reported on</p> <p>Measures provide feedback into and inform a reflective, iterative process of working towards and evaluating identified goals</p>	<p>Iwi, hapū and Māori institutions have clarity regarding aspirations to inform strategic development</p> <p>Government actively supports work to achieve these aspirations</p> <p>A base is developed from which to integrate the diversity of Māori interests and aspirations into an NSDS</p> <p>Progress on Māori-defined goals is able to be accurately monitored and evaluated</p> <p>Measures are relevant and appropriate to the Māori population they relate to</p> <p>Accurate, timely and culturally specific indicators inform policy decisions</p>
2. Support Māori to strengthen existing iwi, hapū and wider Māori institutions	<p>Clear lines of communication are maintained between hapū and iwi, and hapū members and management</p> <p>Annual reports are readily available</p> <p>Develop the capacity of iwi and hapū institutional management</p> <p>Explore national governance options to support sustainable development by iwi, hapū and all Māori</p>	<p>Capable and sustainable management of Māori resources for current and future generations</p> <p>Iwi and hapū members feel connected to, and supported by, the institutions to which they belong or are affiliated</p> <p>National institutional structures and processes exist to support the achievement of Māori goals</p>
3. Support effective representation of Māori in local and national decision-making processes	<p>Explore mechanisms for effective representation of Māori in Parliament</p> <p>Develop strong partnerships between Māori and central and local government institutions</p>	<p>Māori feel represented and able to have a voice in decision-making processes at all levels</p> <p>Central and local government better understand the unique values, interests and needs of Māori</p> <p>Māori constituents are represented in policy outcomes</p>

Priorities	Method of Implementation	Desired Outcomes
4. Align national policy with international commitments	<p>Implementation of the United Nations Convention on the Rights of Indigenous Peoples in national policy</p> <p>Continue work to effectively protect traditional knowledge, in line with Article 8(j) of the Convention on Biological Diversity</p>	<p>New Zealand is aligned with international standards of best practice and develops as a leader in the advancement of indigenous rights and traditional knowledge</p> <p>The traditional knowledge of iwi and hapū is protected in our national policy framework</p>
5. Clarify the roles of biculturalism and multiculturalism in New Zealand	<p>Establish national dialogue regarding biculturalism and multiculturalism in New Zealand society today</p> <p>Clarify the role of biculturalism and multiculturalism in policy</p>	<p>A spirit of partnership exists between all the peoples of New Zealand</p> <p>New immigrants feel welcomed and accepted into New Zealand society</p> <p>Māori, as the indigenous people of New Zealand, feel their culture holds a unique place in society</p>
6. Clarify the role of te Tiriti o Waitangi within a national constitution	<p>Establish a cross-party group to consider constitutional issues</p> <p>Develop a national dialogue with regard to New Zealand's constitution</p>	<p>Clarity regarding the rights and responsibilities of all New Zealand people, and the knowledge that these provide the basis for a stable and just society</p> <p>These rights and responsibilities are understood and respected by all, and are embedded in our constitution</p>
7. Improve civic education, particularly in terms of New Zealand's history, and New Zealanders' rights and responsibilities	<p>Strengthen education pertaining to the shared history of Māori and non-Māori in New Zealand over the past 200 years</p> <p>Develop educational resources that are inclusive of all New Zealanders' histories</p>	<p>All New Zealand's residents are aware of the country's history and foundations</p> <p>Improved cross-cultural understanding and knowledge of our shared histories</p>

5.1.1 Priority One: Support Māori in identifying and measuring shared goals

This priority links to the discussion in Section 4.1 around identifying shared Māori goals and in Section 4.2 around measuring progress towards achieving shared Māori goals. Clearly much work has been undertaken to date by iwi, hapū and Māori institutions to identify and work towards their goals. Active exploration and recognition of goals develops clarity of understanding and enables work which is more focused towards a desired future; this process also aids in the effective allocation of resources to achieve these goals. It is important that this work is fostered and supported within the national context. Defining shared Māori goals, as well as national goals, should be a central part of the iterative process of developing, implementing and reviewing a National Sustainable Development Strategy. To do so will (i) provide an opportunity to strengthen understanding and partnership between Māori and non-Māori, (ii) address areas of synergy and tension through an open, participatory process, and (iii) more effectively advance goals.

Once there is agreement over goals, it will be necessary to develop bold but achievable targets, and relevant, meaningful and accurate indicators to measure progress. As outlined by Durie (2006a; 2006b), it is essential that not only generic, but also Māori-specific targets and measures are developed. Māori and government institutions must develop capacity to measure progress towards Māori-specific goals.

Monitoring trends in relation to social, economic and environmental sustainability is clearly important in order to determine the state of society, economy and environment, the main weaknesses and strengths, and underlying drivers affecting sustainability. One of the more effective ways to undertake such monitoring is by reference to indicators. Indicators should seek to identify and track trends, change and progress. (IEEP & SERI, 2006: 45)

Developing relevant indicators that fit within a national strategy will allow shared goals to be benchmarked over time. This will support work towards Māori goals and sustainable Māori development within a national framework. These indicators could contribute to a broader framework of indicators for the national population that would be able to measure the progress of the NSDS as a whole.

Being transparent when reporting on progress towards goals is also essential in ensuring long-term success. It is important that institutions are assessed on what they manage, and for this to integrate with overarching strategic objectives. This means that a priority is to collate consistent data over time so that stakeholders are provided with meaningful, accessible information. Such monitoring could then feed into a National Sustainable Development Strategy.

Every country should therefore determine the best approach in NSDS preparations and implementation on the basis of the prevailing political, historical, cultural, and ecological situations. (IEEP & SERI, 2006: 42)

Success for Māori should be defined by Māori, and these definitions may differ from success based on a Western world view. Therefore, it is important that measures of success, and indeed any NSDS, be developed through partnerships between Māori and non-Māori, so that the objectives or goals and their corresponding indicators are the most appropriate for our local environment.

5.1.2 Priority Two: Support Māori to strengthen existing iwi, hapū and wider Māori institutions

This priority links to the discussion in Section 4.3 around the critical role of institutions in progressing the sustainable development of iwi, hapū and urban Māori. Fostering relationships through developing interaction and collaboration both between the various Māori institutions and between Māori and non-Māori institutions will determine whether goals are achieved. Without ownership by Māori institutions, especially those of iwi and hapū, any shared Māori goals that might be included in an NSDS will be of limited, or no, value. Goals must be internally motivated, developed and pursued.

To work most effectively towards their goals, it is essential that iwi, hapū and Māori institutions have the capacity to manage their resources effectively. Māori institutions should be supported to develop transparent processes and clear lines of communication with their constituents.

It is also important to develop a framework that enables hapū, iwi and Māori institutions to identify, advocate for and advance their shared goals on a national level. Such a framework would facilitate strong lines of communication and collaboration between Māori institutions as well as ensuring that the Māori voice is heard nationally. Below are six options for consideration that could contribute to this framework and advance iwi and hapū sustainable development within New Zealand:

Option 1: Iwi Sustainable Development Strategies

Each iwi creates its own 'Iwi Sustainable Development Strategy' for its particular geographical area, based on its specific world view. In this case, arguably no one summary document is needed, but in effect all documents, when collated, represent a collective iwi NSDS, which could feed into an NSDS for New Zealand.

Option 2: Kingitanga

Kingitanga, as an established apolitical institution, could be well placed to facilitate the development of a pan-Māori NSDS. This may involve establishing a group of experts to act as advisors, who may in turn write a draft document for discussion at hui throughout New Zealand.

Option 3: Te Puni Kōkiri

A central government approach is adopted, where Te Puni Kōkiri, through a collaborative process with all stakeholders, including iwi and hapū, the Māori king and other Māori or iwi institutions, develops a strategy for sustainable development.

Option 4: An iwi-based organisation – Iwi Chairs Forum

The Forum is another avenue through which iwi could collectively progress sustainable development outcomes. The format of the present forum could be kept, though over time it could develop a more public voice.

Option 5: A policy and research-focused institution – a Māori think tank

A think tank is created, which could put forward discussion papers about New Zealand's long-term future from a Māori world view.

Option 6: A Sustainable Development Council

The government creates a new institution, a Sustainable Development Council, to be an independent advisory body comprised of both Māori and non-Māori members, focused on providing long-term thinking and encouraging public participation. Our Report 4, *Institutions for Sustainable Development: Developing an optimal framework for New Zealand* (SFI, 2008a) looks at international options and suggests terms of reference for a body of this type, based on those of similar institutions in other countries. The Council would not necessarily be a decision-making body, but would hold a mandate to assist in the creation and management of an NSDS, and to report on its performance. The recommended terms of reference are to:

- Produce evidence-based public reports on key strategic issues related to achieving a sustainable development pathway.
- Draw on expert opinion to advise key ministers, policy-makers and stakeholders across government.
- Respond openly to government policy initiatives.
- Invite debates on controversial subjects.
- Undertake watchdog appraisals of government's progress.
- Contribute to the formation of a national consensus regarding sustainable development.
- Contribute to regular reviews of New Zealand's NSDS and progress towards sustainable development. (SFI, 2008a: 4)

In 1997, Douglas Graham suggested the formation of a similar council, made up of 'perhaps 10 Māori leaders from Māori organisations and 10 from government (Ministers or their Chief Executives)' so that each could be made aware of the others' concerns (Graham, 1997: 93).

We consider that an assessment of relevant institutions and mechanisms and their current and future capabilities is essential for the effective implementation of an NSDS. The United Nations Division for Sustainable Development acknowledges this in the following statement:

The conversion of a country's existing development strategy process into a sustainable development strategy can only be done slowly. The entire strategic planning mechanism and its associated institutions must be reformed, through a gradual process of continual improvement. At the same time, new institutions and mechanisms must be introduced, through a similarly gradual process. (UNSD, 2005: 3)

5.1.3 Priority Three: Support effective representation of Māori in local and national decision-making processes

This priority draws on the findings of Report 8, *Effective Māori Representation in Parliament: Working towards a National Sustainable Development Strategy*, which considers the effectiveness of Māori representation in central government today (SFI, 2010a: 46–47). The report concludes that the current electoral system results in proportionate descriptive representation of Māori in Parliament (in that

16.4% of the current MPs identified themselves in the media as Māori, compared to 17.3% of the total national population who are of Māori descent). This is a much more representative outcome than was ever achieved under the previous First-Past-the-Post system. However, the report finds that the level of substantive representation – the level to which the ‘Māori interest’ is represented – could be improved since not all parties campaign to Māori constituents, resulting in the ‘Māori interest’ being relegated to the Māori electorate seats, and increasingly, the Māori Party.

We suggest that it would be beneficial to move to a common roll as long as the threshold for a party’s entry to Parliament was reduced to 2%, to allow parties representing the Māori interest to gain seats as a result of the party vote. Such a move would provide greater incentive for all parties to cater to Māori interests in their policy platforms, while allowing voters to elect minority parties to represent these interests if that was their preference.

Further to this, there should be stronger lines of accountability between elected representatives and their constituents. Members of Parliament should be required to represent all the people of New Zealand, and the people should be able to be informed of the actions of their representatives and hold them to account within the electoral term.

5.1.4 Priority Four: Align national policy with international commitments

This priority aligns with Section 4.3 and research contained in Working Paper 2010/02, *Institutions and Mechanisms Designed to Progress the Goals of Māori* (SFI, 2010b) which identifies an opportunity for New Zealand to become a leader in the rights of indigenous peoples and gain international credibility by supporting international initiatives and adhering to international standards.

This requires commitment to international agreements and to the international organisations and networks that support the incorporation of indigenous rights into domestic policy.

In *Project 2058’s* Report 6, *Four Possible Futures for New Zealand in 2058* (SFI, 2008c), we learnt that New Zealand must work hard to establish a respected position of influence internationally. If not, as a small, isolated nation at the bottom of the world, it will struggle to survive. In order to have mana in a global sense, New Zealand needs to be seen to participate and contribute actively on the international stage.

New Zealand has belatedly pledged its support for the United Nations Declaration on the Rights of Indigenous Peoples. It is also a signatory to the Convention on Biological Diversity, among other conventions and declarations of particular import to indigenous peoples worldwide. What remains is the challenge to effectively bring the principles of these high-level declarations into domestic policy. The declarations are not legally binding, but we are morally bound as a signatory and a member of the international community to follow through on our commitment. This should be central to the biodiscovery policy development that is currently being led by the Ministry of Economic Development (see MED, n.d.[a]).

5.1.5 Priority Five: Clarify the roles of biculturalism and multiculturalism in New Zealand

This priority was developed as a result of the discussion around our increasingly ethnically diverse society in Section 4.5 and considers the position of Māori within this. New Zealand needs to question when and where it is appropriate to adopt bicultural and/or multicultural approaches in policy and practice. These approaches may often exist in tension, however they are not mutually exclusive. It is possible to develop policy that recognises these key aspects of New Zealand’s origins and current characteristics, honouring this country’s indigenous people, bicultural foundation and today’s multicultural population.

It is necessary to find a way through the tensions inherent in adopting a bicultural approach in an increasingly multicultural society. In practice, biculturalism is complex, and often impractical or contentious. Calls to constitutionally embed the Treaty relationship between Māori and the Crown raise questions about the nature of biculturalism in national policy. Biculturalism can imply a distinct and homogeneous ‘Māori’ and ‘Crown’, assuming a simplistic continuity of these groups from 1840 until today, and that Māori are clearly distinct from the Crown (Bromell, 2008: 40–41). Bromell also argues that adopting a solely bicultural focus in policy could elicit a negative response from Pacific, Asian and other non-British New Zealanders, ‘who are largely excluded from bicultural discourse’ (ibid.: 45).

The New Zealand Federation of Ethnic Councils (NZFEC) is one institution that has shown support for a multicultural approach.⁵² The Federation seeks ‘to raise awareness of the significance of the Treaty of Waitangi in a multicultural context and promote discussion about a legal framework for multiculturalism in New Zealand that has regard to both the Treaty and the increasing diversity of New Zealanders’ (HRC, 2008). The Waitangi Tribunal also recognises the existence of a multicultural society (Waitangi Tribunal, 1989: 96).

However, adopting a solely multicultural policy focus might result in objections from Māori (Bromell, 2008: 45). Bromell quotes Dr Ranginui Walker, who has argued:

The reduction of the Māori to a position of one of many minorities negates their status as people of the land and enables the government to neutralise their claims for justice more effectively than it does now. (Walker in Bromell, 2008: 45)

It has been suggested that ‘New Zealand’s best hopes for harmonious ethno-cultural relations may well lie in adopting neither biculturalism nor multiculturalism as official policy’ (Bromell, 2008: 44). It may be important to develop an awareness of monoculturalism in government policy and community attitudes.

The reality is that New Zealand is a multicultural nation, with an obligation to honour our bicultural foundation. The path through this complex and contentious landscape may not be clear-cut, but it is important to negotiate it nonetheless.

5.1.6 Priority Six: Clarify the role of te Tiriti o Waitangi within a national constitution

This priority links to the discussion in Section 4.9. Although the absence of te Tiriti from New Zealand’s formal constitutional law leads to some level of uncertainty as to its standing, the inclusion of Treaty principles within multiple pieces of legislation has to some extent led to recognition of te Tiriti in case law. This may not provide a meaningful long-term solution, however. The Treaty partnership is central to relationships between iwi and hapū institutions and government institutions today. It is essential that a critical assessment is made of the role that this relationship will play in the long-term, sustainable development of our nation-state. Furthermore, if an NSDS for New Zealand is to be truly effective, there needs to be clarity and stability around the Treaty relationship. There exists a significant opportunity for the current generation to put in place a foundation that allows all New Zealand people to look forward with confidence, rather than leaving the problems of the past for future generations to solve.

5.1.7 Priority Seven: Improve civic education, particularly in terms of New Zealand’s history, and New Zealanders’ rights and responsibilities

This priority does not align clearly with any one aspect of this report; rather, it touches on many. With issues such as projected demographic changes, uncertainty surrounding the position of te Tiriti in our constitution and the journey towards redress and restoration comes the importance of ensuring that the diverse histories of New Zealand are understood, shared and conserved. The lessons contained in these histories need to be made public, reflected upon and learnt from, since they will shape the way in which we move forward.

The Waitangi Tribunal provides a unique opportunity for New Zealand to gather information on certain aspects of our history. Thought should be put into how to present the information that has been collected in an accessible and ordered manner so that it is available to current and future generations. This could be progressed by government or iwi separately, but as a collaborative undertaking it could better foster the development of shared understandings and ownership of our past.⁵³

All residents of New Zealand should understand not only our history as a nation, but our system of government and constitutional arrangements, and the rights and responsibilities that come with

52 The NZFEC was established in 1989 as an incorporated, non-government body to act as an umbrella organisation for the ethnic communities of New Zealand (HRC, 2008).

53 One suggestion is an interactive timeline such as The Lifeline at the Churchill Museum in London, where dates and events are presented in a modern and accessible manner. See <http://cwr.iwm.org.uk/server/show/nav.1425>

citizenship. This information needs to be made available in schools and within the community, and be accessible to diverse populations.

The bicentennial of the signing of te Tiriti will take place in 2040. The centennial in 1940 was marked with celebrations that focused on ‘a century of European effort and progress in New Zealand’ (NZ History, 2008a) and ‘Māori integration into modern New Zealand’ (NZ History, 2008b) rather than on te Tiriti itself, and what it represented.⁵⁴ The bicentennial in 2040 provides an opportunity for the peoples of New Zealand to collectively develop a vision not just for how we celebrate this significant milestone but for how we want our internal relations to be at this time, and what is required to achieve this outcome.

Report 8, *Effective Māori Representation in Parliament* (SFI, 2010a) outlined the importance of civic education as a way to improve public understanding of our parliamentary system and our electoral process. It is essential that our national school curriculum has both content and an approach that is relevant and aims to develop responsible, engaged and informed citizens.

5.2 Working Towards a National Sustainable Development Strategy

It is important to acknowledge that although it has committed to do so, New Zealand is yet to produce a National Sustainable Development Strategy.⁵⁵ *Project 2058*'s fifth report, *The Common Elements of a National Sustainable Development Strategy: Learning from international experience*, found that the processes undertaken in these best-practice case studies required a participatory approach (SFI, 2008b). We would argue that such an approach in New Zealand could create a legitimate space for the rights and responsibilities of iwi and hapū to be both supported by a national framework and contribute to New Zealand's long-term future.

In the exploration of international best practice, Report 5 also identified seven common elements of an NSDS. This section builds on the earlier findings of this report and considers the relevance of these findings within this framework. Table 9 outlines the seven elements and the key question for consideration in relation to each.

Table 9: A National Sustainable Development Strategy – The Seven Common Elements

Source: SFI, 2008b

Seven Common Elements of an NSDS	Seven Strategic Questions
Background (to the strategy)	Where have we been and where are we now?
Vision (including desired outcomes)	Where do we want to be in the long term?
Principles (and values)	What do we believe in?
Priorities	What do we need to focus on?
Method of implementation	What do we decide to do and not to do?
Governance	Who is going to do what?
Monitoring progress	How well are we going?

Earlier in this section, we outlined seven key priorities and how they can positively feed into an NSDS for New Zealand. Clearly, it is timely to develop an overarching goal of achieving stronger sustainability within a nation of diverse peoples. Until we develop such a strategy, designed to achieve the goals of both Māori and non-Māori, New Zealand will be less able to adapt to the inevitable uncertainties that will occur in the future. Learning to understand and accommodate diverse perspectives will help New Zealand to move forward as a unified nation that strives to meet the needs of all its citizens, and be an exemplar to the world in progressing towards a sustainable future.

⁵⁴ Historian Jock Phillips identified several major themes in the celebration of the centennial in 1940. These included ‘a century of good race relations; praise for the pioneer combined uneasily with tributes to material progress and New Zealand’s natural beauty; an emphasis on the woman in the home; a view of government as beneficent and wide ranging; and a sense of New Zealand’s identity as forged within the Empire’ (Phillips, 2004: 281–282).

⁵⁵ New Zealand has committed to two international targets: (i) the ‘introduction’ of an NSDS by 2002, a target set at a Special Session of the UN General Assembly (UN, 1997: 14), and (ii) the ‘implementation’ of an NSDS by 2005, a target set under the *Johannesburg Plan of Implementation* (UNDESA, 2002b: 61). It was agreed that member states would take immediate steps to make progress in the formulation and elaboration of national strategies for sustainable development.

The challenges and opportunities presented in this report encourage consideration of the shared goals of Māori and the institutions that are working to progress these goals in a broader context, one extending out 50 years into the future. Recognising possible future opportunities and challenges, their diversity, uncertainty and contingencies, inspires deeper consideration of the long-term relevance of existing goals and institutions. It encourages critical evaluation of the ability of institutions to be proactive in the face of uncertainty, creating opportunities and managing risks as they arise.

Māori, and indeed all who live in New Zealand, today face the challenge of how to take the best from the past and the present in order to achieve the aspirations of their people, iwi, communities and nation in the future. As Steven Carden notes in his book *New Zealand Unleashed*:

[W]hen the rest of the world came to New Zealand, Māori embraced what it offered with enthusiasm. They quickly became vigorous adopters of the ideas and technologies from elsewhere. (Carden, 2007: 180)

Māori are uniquely placed to apply their history of innovation and survival to the process of developing an NSDS. Indeed, our research has found that in reality iwi and hapū have practised sustainable development and futures thinking in an integrated and collaborative manner over hundreds of years. An NSDS would put this thinking into a written document.

An OECD report notes that in the development of an NSDS:

Priorities need to be based on a comprehensive analysis of the present situation and of forecasted trends and risks, examining links between local, national and global challenges. (OECD, 2001: 19)

In developing an NSDS that is relevant and useful to Māori, it will be important to note specific challenges and opportunities that are likely to shape the future for Māori so that they are able to actively develop the local, national and international capacities required to optimally manage future issues. Demographics, new and emerging technologies, climate change, growth of the Māori asset base and the future of te Tiriti have been identified as requiring considerable attention in the short term. The next step may be to develop management and risk-management capacity, innovative institutions and mechanisms, or simply to take time to reflect and discuss what is possible, and what is desirable.

In summary, the following are the key points discussed in support of the idea that an NSDS should be of interest to Māori:

- There are strong connections between the concept of sustainability and customary Māori values (see Section 2.1). This has implications for the process of developing and implementing an NSDS for New Zealand. The aspirations of the strategy should also embody these values. This is necessary in order to develop a nationally relevant and successful strategy for sustainable development that is able to effectively progress the goals of all New Zealanders within this framework.
- There are diverse national and local institutions whose primary purpose is to support the achievement of Māori goals, as well as international institutions that promote the goals of indigenous peoples worldwide (see Table 3). There is significant potential to engage with these institutions in the development of an NSDS. Potential outcomes are strengthened institutions and a more effective NSDS, since the greater and wider the support for the strategy, the more effective its implementation will be. This places New Zealand and the diverse communities within our nation-state in a stronger position to meet future challenges and opportunities.
- The Treaty settlement process has been important in the evolution of iwi and hapū institutions and has significant potential to strengthen the relationship between Māori and the Crown. As we near the end of this process, it is important that lessons are learnt from it, so that we move together with a collective understanding of justice and the interdependence of New Zealand's diverse population. It is important that the settlement process is seen to be full and final, but also that justice remains at the fore of national decision-making so that past social divisions can be fully healed and new divisions are not created. An NSDS offers a national framework to support this approach.
- Exploration of the diversity and uncertainty of future challenges and opportunities spurs deeper consideration of the long-term relevance of goals and the institutions working towards them. It encourages critical evaluation of institutions' current ability to be proactive in the face of uncertainty, to create opportunities and manage risks as they arise. By developing a strategic, long-term approach, this capacity can be optimised and somewhat 'future-proofed'.

5. A FOUNDATION FOR A NATIONAL SUSTAINABLE DEVELOPMENT STRATEGY

- Te Tiriti outlines a relationship between Māori and the Crown that creates certain rights and responsibilities for both parties, but which are not clearly defined within our current national constitution. Development of an NSDS provides a participatory process that will enable us to take a principled partnership approach that clarifies the rights and responsibilities of all who live in New Zealand, and the constitutional position of Māori and the Crown. This could lead to the effective embodiment of the principles of te Tiriti in a nationally relevant manner, and the adoption of best practice throughout our national institutions.
- With sufficient time and space to foster dialogue and understanding between Māori and non-Māori, and develop a national strategy through an iterative, participatory, collaboratively defined process, an NSDS will be able to align with Māori needs and support improved Māori well-being. The horizontal and vertical integration that is central to an NSDS will allow its benefits to accrue throughout national governance structures, for Māori and the nation as a whole.

To conclude, an NSDS is an opportunity for meaningful change: it aims to build a consistent strategic approach in a participatory manner across the whole of government, in order to advance national sustainability. Māori input is essential to the creation of a well-developed national strategy, in order for Māori aspirations to be understood and the pursuit of their goals supported. Furthermore, drawing on diverse approaches in the achievement of national sustainability goals will ultimately strengthen outcomes.

Before this report draws to a close, it is fitting that we acknowledge those who have worked so hard to create our unified nation. Without their energy and foresight, New Zealand would not be as successful or as innovative as it is today. The challenge and the opportunity is knowing how best to continue this work.

*Rapua te ara whānau
Hei ara whakapiri
I runga i te whakaaro kotahi*

Seek the broad pathway
that will unite the two peoples
under one endeavour.⁵⁶

⁵⁶ This proverb was cited by Patricia Grace in her paper *The Treaty of Waitangi and the Expression of Culture in Aotearoa* (Grace, 2000: 27). See also a similar quote by Rangī Mātene-Kingi in Appendix 4.

Glossary

Note: We have primarily used the *Māori Dictionary Online* (Moorfield, 2009) to source these definitions. Where an alternative source is used, it is referenced in the table.

Term	Definition
ahi kā	burning fire; rights to land by occupation (Mead, 2003: 359)
ara	to rise up, awake, arise
atua	ancestor with continuing influence, god, demon, supernatural being, deity, ghost, object of superstitious regard, strange being
hapū	kinship group, clan, tribe, subtribe – section of a large kinship group
hui	gathering, meeting, assembly, seminar, conference
Ingarani	[from] England
iwi	extended kinship group, tribe, nation, people, race – often refers to a large group of people descended from a common ancestor
kaitiakitanga	guardianship, trusteeship, resource management (Kawharu, 2002: 399)
kaumatua	adult, elder, elderly man, elderly woman
kaupapa	the principles underlying the philosophy and practice of living a culturally informed ‘Māori’ life (see explanation on page 16) ground rules, first principles, general principles (Marsden, 2003: 66)
kawanatanga	a transliteration of governance ... introduced by missionaries in early biblical translations (Durie, 1998: 2)
kīngitanga	the King Movement – a movement which developed in the 1850s, culminating in the anointing of Pōtatau Te Wherowhero as king. It was established to stop the loss of land to the colonists, to maintain law and order, and to promote traditional values and culture. The strongest support comes from the Tainui tribes. The current king is Tūheitia Paki
kotahi	be one, single, alone, united
kotahitanga	unity
mahinga kai	seafood gardens and other traditional sources of food (Mead, 2003: 362)
mana	prestige, authority, control, power, influence, status, spiritual power, charisma – mana is a supernatural force in a person, place or object. Mana goes hand in hand with tapu, with one affecting the other
mana whenua	customary authority over lands (Kawharu, 2002: 399)
Māori	aboriginal inhabitant of New Zealand
Māoritanga	the very essence of being Māori (MAI Review, n.d.)
marae	courtyard – the open area in front of the whareniui, where formal greetings and discussions take place. Often also used to include the complex of buildings around the marae itself
mātauranga	education, knowledge, wisdom, understanding, skill
mātauranga Māori	Māori knowledge (MAI Review, n.d.) ... also include(s) the tangible or physical expressions of that knowledge, whether they be through visual art, waiata, haka, or any other tangible form of traditional expression (MED, 2007a: 3)
mauri	life force (Kawharu, 2002: 399)
moana	sea, ocean, large lake

Term	Definition
paepae	a meeting of Māori elders (ERMA, 2010a: 54)
Pākehā	New Zealander of European descent
pakepakehā	beings resembling people with fair skins
pukengatanga	teaching, preserving and creating Māori knowledge; skills, talents (MAI Review, n.d.)
rangatiratanga	customary authority and control, sovereignty (Kawharu, 2002: 399)
ritenga	likeness, custom, habit, practice, resemblance, implication
rohe	boundary, district, region, territory, area, border (of land)
runga	the top, upper part, on, on top of, the top surface (of something)
tāne	husband, male, man
tangata whenua	local people, hosts, indigenous people of the land – people born of the whenua, i.e. of the placenta and of the land where the people’s ancestors have lived and where their placenta are buried
taonga	property, goods, possessions, effects, treasure, something prized
taonga tuku iho	gift of the ancestors, precious heritage (Mead, 2003: 367)
taonga tū turu	objects relating to Māori culture, history or society that were used or created by Māori that are more than 50 years old (Protected Objects Act 1975, s2)
tapu	under the influence of atua protection, sacred, prohibited, restricted (Ka’ai et al., 2005: 239)
tau utuutu	reciprocity (Water & Cahn, 2007: 341)
te ao Māori	Māori world view
te reo Māori	the Māori language
tikanga	correct procedure, custom, habit, lore, method, manner, rule, way, code, meaning, reason, plan, practice, convention
tikanga Māori	Māori customs and practices (MAI Review, n.d.)
tino rangatiratanga	self-determination
waka	canoe, vehicle, conveyance, spirit medium, medium (of an atua), long narrow receptacle, box (for feathers), water trough
whakaaro	to think, plan, consider, decide
whakapapa	genealogy (Mead, 2003: 370) the essential expression of whānaungatanga between a wider cosmology, peoples, environmental properties and lands, where all entities are therefore interrelated and interdependent (H. Smith, personal communication, 18 November 2009)
whakapiri	to stick, fasten, remain close to
whānau	extended family, family group, a familiar term of address to a number of people
whānaungatanga	relationship, kinship, sense of family connection
whānui	be broad, wide, extensive

Abbreviations

Abbreviations	
ABS	Australian Bureau of Statistics
ARC	Auckland Regional Council
CBD	Convention on Biological Diversity
CFRT	Crown Forestry Rental Trust
DAC	Development Assistance Committee
DIA	Department of Internal Affairs
DoL	Department of Labour
DPMC	Department of the Prime Minister and Cabinet
ERMA	Environmental Risk Management Authority
FoMA	Federation of Māori Authorities
HRC	Human Rights Commission
MAF	Ministry of Agriculture and Forestry
MCH	Ministry for Culture and Heritage
MED	Ministry of Economic Development
MGE	Māori Governance Entities
MoJ	Ministry of Justice
MoRST	Ministry of Research, Science and Technology
NGO	Non-Governmental Organisation
NSDS	National Sustainable Development Strategy
NZFEC	New Zealand Federation of Ethnic Councils
NZIS	New Zealand Immigration Service
NZPC	New Zealand Planning Council
OAG	Office of the Auditor-General
OECD	Organisation for Economic Cooperation and Development
OTS	Office of Treaty Settlements
PCE	Parliamentary Commissioner for the Environment
QMS	Quota Management System
SFI	Sustainable Future Institute
TPK	Te Puni Kōkiri (Ministry of Māori Development)
TRONT	Te Rūnanga o Ngāi Tahu
UN	United Nations
UNCERD	United Nations Committee on the Elimination of Racial Discrimination
UNDESA	United Nations Department of Economic and Social Affairs
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

Appendix 1 Defining the Terms Māori, Pākehā and Indigenous

In undertaking this area of research, we have encountered considerable challenges in developing accurate and meaningful definitions of the terms (A) Māori, (B) Pākehā and (C) indigenous. This appendix attempts to explain those challenges. Unless stated to the contrary, this report uses the term ‘Māori’ to refer to people in New Zealand who identified their ethnicity as ‘Māori’ in the latest census. For those interested in learning more on the history of the terms Māori and Pākehā, we suggest Joan Metge’s recent book, *Tamaka: The challenge of difference in Aotearoa New Zealand* (Metge, 2010: 55–105).

A. Māori

Data pertaining to three Māori populations is gathered in the census: (1) people in New Zealand who are of Māori descent; (2) people in New Zealand whose sole ethnic affiliation is Māori, and (3) people in New Zealand who affiliate with Māori and one or more other ethnicities. It is also relevant to consider whether Māori are affiliated or registered with an iwi or multiple iwi. Another important sub-group within Māori is the growing population of people with Māori ancestry or who identify as being Māori who are living abroad, particularly in Australia. Understanding ‘who is Māori’ presents considerable challenges, and also has important implications for public policy.

Recording ethnicity data provides the ability to monitor Māori outcomes, yet selecting the most appropriate measure remains challenging. As Hamer has commented:

... challenges will always exist when ethnicity data are being relied upon. They certainly exist in New Zealand, where inter-ethnic mobility, multiple ethnicity responses, the different responses to ethnicity- and descent-based questions, and the varying methodologies of collecting ethnicity data all combine to create a changing and at times confusing picture (Callister 2004; Kukutai 2004). As Ian Pool (1991: 11–25) has commented, the differing legal, statistical and popular usages of ‘Māori’ inevitably lead to the question ‘When is a Māori a “Māori”?’ (Hamer, 2008: 2)

A Statistics New Zealand report (Reid & Robson, 2001) found that reducing disparities between Māori and non-Māori citizens has been the focus of government, but goes on to state:

Three Māori populations are produced from current census information: the Māori descent or ancestry group; the Māori ethnic group comprising those who indicated Māori as at least one of their ethnic affiliations; and the sole-Māori group that indicated Māori as their only ethnic affiliation. While sole-Māori is a sub-set of the Māori ethnic group, there is some evidence that it is particularly important in the monitoring of disparities that its members have more risks associated with socioeconomic deprivation and vulnerability in a colour-conscious society. (Te Rōpū Rangahau Hauora a Eru Pōmare, 2000: 16)

However, it is important to recognise that if high-quality ethnicity data were collected ... disparities could be examined for all three of these Māori population groupings. Users of statistics would then be better able to comment on the strengths and weaknesses of the ancestry or ethnicity-based Māori populations and make a better-informed decision as to the appropriateness of any single group as the monitoring standard. (Reid & Robson, 2001: 16–17)

Kukutai (2004: 95) states that the common view within Māori communities is that to be considered Māori you must both identify as Māori and be descended from a Māori ancestor. It is important to note that the concept of ancestry aligns with the Māori concept of whakapapa which traditionally underlies being Māori (ibid.: 91). In view of this, Kukutai suggests there exists a ‘core Māori’ group for defining Māori in policy (ibid.: 94). This would be a Māori population defined by those who identify ethnicity, descent and an iwi affiliation. According to 2001 statistics this would encompass approximately two-thirds of the total Māori descent population.⁵⁷

B. Pākehā

To avoid confusion, this report uses the term ‘Māori’ to refer to people in New Zealand who identified their ethnicity as ‘Māori’ in the latest census. All other people in New Zealand, whether recent immigrants or descendants of immigrants from around the world (such as from Polynesia, Asia or Europe), provided they

⁵⁷ According to ‘Census 2001: Iwi highlights’, 88% of the Māori descent population who could name an iwi also identified as ethnic Māori (454,479 x 0.88 = 399,941) (Kukutai, 2004: 94). Thus, 399,941/604,110 [2001 census Māori descent population] x 100 = 66.2% (Statistics NZ, 2006: Table 27).

hold a New Zealand passport, are included under the term ‘the non-Māori population of New Zealand’.

This term has been used in preference to ‘Pākehā’ because of the lack of agreement as to what ‘Pākehā’ refers to (the *Māori Dictionary Online* defines ‘Pākehā’ as a New Zealander of European descent [Moorefield, 2009]). The word ‘Pākehā’ is considered to have been derived from the Māori word *pakepakehā*, meaning fair-skinned folk (Metge, 2010: 60).

The term ‘Pākehā’ is used in the Māori version of te Tiriti (see Appendix 3) to describe the representatives of the citizens of the United Kingdom of Great Britain and Ireland, as follows:

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Māori ki te Pākehā e noho ture kore ana. (MCH, 2007b)

It is also worth pointing out that both terms – Māori and Pākehā – were created in 1840 to help define two groups of people that had not previously existed formally. At this time, no governance structure existed above the level of iwi, nor did a governance structure exist above the mix of diverse cultures that had recently arrived from Europe, Asia and Australia.

There is a wide range of views as to whether the term Pākehā is appropriate today. Many, like Joan Metge, wear the label as a ‘badge of pride’, displaying a commitment to this country’s indigenous people. Others reject the term as derogatory, while still others, such as new immigrants, feel excluded by it. Interestingly, in the early 1980s, some Māori leaders favoured the word ‘Tāuiwi’ instead of Pākehā (Metge, 2010: 60–61).

C. Indigenous

The term ‘indigenous’ has also proven difficult to define, and is only used when quoted or when discussed in terms of international best practice. When defining ‘indigenous’, a variety of concepts and sources can be drawn upon; however, each has its deficiencies and should not be considered in isolation. Internationally, many attempts to define ‘indigenous’ draw upon the following sources.

- International legal definitions as established by international organisations, declarations and treaties including (i) the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and (ii) International Labour Organisation Convention No. 169 concerning Indigenous and Tribal Peoples (UN, 1989).
- Academic reports, such as the influential *Study of the Problem of Discrimination against Indigenous Populations* (Cobo, 1982).
- National-level government working definitions, such as those put forward by Statistics New Zealand (see Reid & Robson, 2001).
- The principle of self-identification.

A consensus appears to have been reached by various international groups, with many observers from indigenous organisations and government delegations considering it undesirable and unnecessary to attain a formal universal definition of ‘indigenous’ peoples (UN, 2004: 4). The adoption of international treaties such as UNDRIP (by some 145 Member States) has not been hindered by the absence of a formal definition, which would introduce the risk of excluding peoples and limiting flexibility in applying the definition to diverse national circumstances (UN, 1996).

We also recognise the local debate around the use of this term, in that some members of the non-Māori population have identified themselves as feeling ‘indigenous’ to New Zealand. The idea of indigeness among the non-Māori population of New Zealand is perhaps best described by Michael King:

For me, then, to be Pākehā on the cusp of the twenty-first century is not to be European; it is not to be an alien or a stranger in my own country. It is to be a non-Māori New Zealander who is aware of and proud of my antecedents, but who identifies as intimately with this land, as intensively and as strongly, as anybody Māori. It is to be ... another kind of indigenous New Zealander. (King, 1999: 239)

Therefore, within this report we have not attempted to provide a firm definition of the term indigenous, but we do draw upon:

- the concept of self-identification;
- recognition by an international sovereign entity, or institution, and
- common internationally accepted terms (see Cobo, 1982; UN, 1996; 2004).

Appendix 2 Guiding Principles of Māori-focused Research

The methodology used within this paper has been shaped by Working Paper 2009/02, *A Methodological Approach to Māori-focused Research* (SFI, 2009c), authored by Mahina-a-rangi Baker. The paper puts forward 12 principles to guide the team at Sustainable Future. Table 10 lists all 12 guiding principles.

Table 10: Guiding Principles of Māori-focused Research

A. Decolonising research	
1	Redistributes power to those who are marginalised
2	Privileges Māori knowledge
3	Is varied in its approach
4	Is performative ⁵⁸
B. Cross-cultural research	
5	Serves the communities in which the research is conducted
6	Respects the struggles of the past, the tensions in the present and the potential challenges of the future
7	Involves learning about difference
8	Redistributes power to make space for those who are marginalised
C. Kaupapa Māori research	
9	Rangatiratanga (deeply respects the knowledge and authority of Māori scholars)
10	Whakapapa (utilises Māori epistemology)
11	Pukengatanga (contributes to the revitalisation of Māori scholarship)
12	Kotahitanga (creates a safe space)

The Institute has used these principles in the following ways:

1. Decolonising research

Māori knowledge and resources have been privileged by seeking publications by recognised Māori authors and searching out feedback from Māori experts. In this way, the goal has been to instill a Māori voice into this package of reports and working papers.

2. Cross-cultural research

Early on in the research process, Sustainable Future undertook two pieces of work: Report 7a, *Environmental Goals of Iwi and Hapū: Six case studies*, and Working Paper 2009/02, *A Methodological Approach to Māori-focused Research*. Both were completed by students who were of Māori descent, familiar with Māori knowledge and customary law, and competent in te reo Māori. See the relevant reports for a more detailed whakapapa of the authors concerned.

3. Kaupapa Māori research

As Sustainable Future is not a solely Māori initiative, it does not meet the standards set for kaupapa Māori research by some kaupapa Māori advocates. While acknowledging this limitation, Sustainable Future has attempted to create space for Māori contributions wherever possible, to provide knowledge and tikanga Māori to guide research practice. The use of tikanga Māori affords cultural safety to both the researcher and the information that has been used to contribute to the research. As well as this, the use of te reo Māori has been promoted by the authors throughout the entire package of reports and working papers as a means of communicating Māori concepts appropriately. In addition, care has been taken not to over-translate certain concepts, to ensure that their meanings are not changed or lost.

⁵⁸ Decolonising research is performative – it is enmeshed in activism (Swadener & Mutua, 2008: 33).

Appendix 3 Te Tiriti o Waitangi

The versions of te Tiriti reproduced here are taken from the first schedule to the Treaty of Waitangi Act 1975 (Source: MCH, 2007b).

A. In Māori

Preamble

KO WIKITORIA, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata Māori o Nu Tirani-kia wakaetia e nga Rangatira Māori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei. Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kau ai nga kino e puta mai ki te tangata Māori ki te Pākehā e noho ture kore ana. Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tukua rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangitiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tukua ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata Māori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) WILLIAM HOBSON,

Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu. Ka meatia tenei ki Waiangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

B. In English

Preamble

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands – Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

(Signed) W HOBSON Lieutenant Governor.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

Appendix 4 He Mātāpuna: Some Māori Perspectives

The following is a selection of excerpts from *He Mātāpuna: Some Māori perspectives*, which presented the findings of the 1979 New Zealand Planning Council's Māori group ('Rangi's Round Table') (NZPC, 1979). The group was set up with the aim of bringing together some of the different viewpoints of the Māori community, and the report provides an interesting glimpse into the thinking at that time. The establishment of such a group could be useful if repeated in the future, as a way of building on this work.⁵⁹

Rangi Mete-Kingi:

*Rapua te hurarahi whānui
Hei ara whakapiri
I ngā iwi e rua
I runga I te whakaaro kotahi*

Seek the broad highway that will unite the two peoples toward a common goal (NZPC, 1979: 7)

Sir Paul Reeves:

The tragedy in this country is that we don't handle at all well the debate about what is ultimately important. Nor do I believe that time is on our side. We have to make our choices from a tight corner. When Bruce Stewart describes some of the young people he knows as 'dead but clever', I ask myself why does living in New Zealand do this to some people? How can we change this state of affairs? (ibid.: 13)

Sir Robert Mahuta:

What is implicit in my discussion is that there is a Pākehā experience and a Māori experience. Both groups have vested interests in their own viewpoints for that is human nature. What we must do is educate our people towards a long-term vision of where we as Māori, are going. We must learn the game, know the rules, and how to bend them. (ibid.: 20)

People may ask, are we ready? My answer is that we are as ready as we can ever be now! Our problem is that we want the future to guarantee our security. But we can't ask that because we are asking the impossible. What we have to do is to take the same kinds of risks that our tūpuna did when they climbed into their canoes and sailed into the unknown. This voyage into the future is a voyage into the unknown for us. There is strength in this venture if we have firm allies who are committed to the same course. (ibid.: 21)

Sid Mead:

Now it is possible to visualise the total destruction of human civilisation. We need a Māui-like plan to help guide us into the twenty-first century, and we need to begin the search for such a plan now. It would be unrealistic to merely wait and hope that something from heaven will drop into our laps. (ibid.: 59)

The final section of *He Mātāpuna*, 'Te Kupa Whakamutunga' ('The Last Word'), which was written by Bishop Manuhua Bennett, is worthy of special note because he attempts to summarise the issues raised in the publication. Of particular interest is the story of his family pet.

My aim is to spark off a process of discussion which might lead to the formulation of a Māori action plan. After reading all the material that has come to me from the Round Table, it is with great timidity that I approach this task. (ibid.: 74)

My father kept one of these crusty old reptiles as a family pet. It had an effect on our lives as we had to share both our space and our time with him. But we were all aware of the difference between him and us. Our pet tuatara accepted what he was absolutely. He certainly did not seem to criticise his situation although, ultimately, he changed it by escaping. Some of our people are not able to do much more. Sometimes because they do not have the resources; sometimes because they are victims, subject to forces they cannot control. Yet they can do something the tuatara could not do. They can dream. They can still have desires. They can still act. Maybe they are playing at being the tuatara. One of the unique things about our tuatara was that he looked dead, but wasn't. That was how he survived. It was also how he fooled us, and in the end changed his situation by escaping. Clever eh? (ibid.: 75)

⁵⁹ Notably, *Puna Waivere: Essays by Māori* built on this earlier work, exploring the concerns of iwi, largely relating to nationhood, as expressed by its contributors (NZPC, 1990). Similar publications could be produced today and used to benchmark differences and commonalities over time.

Appendix 5 Genetic Modification

Genetic modification is understood to challenge traditional beliefs. This appendix provides insight into the assessment process undertaken by the Environmental Risk Management Authority (ERMA) and the experience of the hapū Ngāti Wairere in regard to AgResearch’s application GMF98009 to field-test genetically modified cattle in containment.⁶⁰ We provide (A) a 2001 case study, followed by (B) an overview of the status as at 2010 and (C) observations.

A. A 2001 case study: AgResearch’s application GMF98009

Table 11 is an excerpt from the application, which is discussed here in terms addressing (i) ERMA’s evaluation and (ii) the Ngāti Wairere experience.

Table 1: ERMA Application GMF98009: GM Cattle

ERMA, 2008: 1

Application Category	Field Test in Containment any New Organism
Applicant	New Zealand Pastoral Agricultural Research Institute Ltd (AgResearch)
Purpose	To field test, in Waikato, genetically modified cattle with extra bovine genes, the insertion of the human myelin basic protein gene, and the deletion of the bovine β-lactoglobulin gene. Genes will be expressed in the milk of the cattle.
Date Application Received	11 December 1998
Original Decision	23 May 2001

i. ERMA evaluation

The following excerpt is from ERMA’s decision in relation to application GMF98009. The decision references the spiritual beliefs and, more specifically, the taonga of Ngāti Wairere (ERMA, 2008).

THE OVERALL EVALUATION OF RISKS, COSTS AND BENEFITS

The overall evaluation of risks, costs and benefits set out below was carried out having regard to clause 22 and 34 of the Methodology and in accordance with the tests in clause 27 of the Methodology and s45 of the Act. Clause 34 of the Methodology sets out the approaches available to the Authority in evaluating the combined impact of risks costs and benefits ie weighing up risks, costs and benefits. However, it is only necessary to include those risks, costs and benefits which are non-negligible. In this regard the Committee’s conclusion is that the biological and physical risks to the environment and human health from the possible escape of the genetically modified MBP cattle are negligible, given the nature, consequences and probabilities of the risks involved, and the extent of the containment and cattle management regime set out in this decision (clause 22 of the Methodology refers). These physical risks thus do not have to be weighed in the balance.

The only remaining risk is that to the relationship between Māori, and in particular Ngāti Wairere, and their taonga. **In terms of the affront to spiritual beliefs, this risk is not negligible.** It is apparent that at the least it weighs very heavily with some Māori within Ngāti Wairere. However the significance of the risk and thus the cost of the associated adverse effects is a matter on which the Majority and the Minority have a different view. This is discussed further below. Because the risks as a whole are non-negligible the decision set out below must be made in accordance with clause 27 (not clause 26) of the Methodology.

60 Case Study 6 in Report 7a (SFI, 2009b) also discusses Ngāi Tahu’s strong stance on the issue of genetic modification.

The Majority considers there to be significant scientific benefits associated with the application. It is necessary to weigh the scientific benefits of the application against the spiritually based risk to and associated cost of the relationship with taonga. It is evident that there are no common units of measurement available for this so clause 34(a) of the Methodology cannot apply. However it is appropriate to adopt the ‘dominant risk’ approach set out in clause 34(b) of the Methodology. In this respect there is the one dominant risk to be weighed. The Majority conclude that the risks to the relationship between Māori, and in particular Ngāti Wairere, and their taonga, are not sufficient to justify declining the application, given the counterbalancing scientific benefits to be obtained from the proposed research. This view reflects the judgment that a risk of a purely spiritual nature i.e. without reasonably evidenced biological and physical effects, should not in this case outweigh the particular scientific benefits. This view takes account of the need to consider risk characteristics, in accordance with clause 33 of the Methodology.

The Minority however conclude that the risks to the relationship between Māori, and in particular Ngāti Wairere, and their taonga, and associated breaches to the principles of the Treaty of Waitangi are more significant than the scientific benefits, and that the application should be declined. This conclusion reflects the view that spiritual beliefs should not be treated as less significant than biological and physical risks, that it is contended that biological and physical risks and costs are likely to arise in any case, and that the strength of the objection held by Ngāti Wairere outweighs the benefits. [Bold added] (ERMA, 2008: 38–39)

ii. The Ngāti Wairere experience

The following excerpt, taken from *The Sanctity and Respect for Whakapapa: The case of Ngati Wairere and AgResearch* (Reynolds, 2007), explains how this issue has affected the Ngāti Wairere hapū.

Ngati Wairere is a small hapū (sub-tribe) within the rohe (region) of Tainui, an iwi (tribe) made up of over 30 hapū located in the central North Island of Aotearoa, New Zealand. Ngati Wairere have kaitiakitanga (guardianship) over the land that is occupied by the University of Waikato and AgResearch, a Crown Research Agency at the Ruakura Research Centre in Hamilton. Ngati Wairere has been vociferously opposing research that AgResearch has been conducting within their rohe. Ngati Wairere’s opposition to research relates to the placing of copies of human genes into cows in order to produce a human-cow hybrid, or transgenic cow. The scientific justification for the research is based on the hope of producing therapeutic proteins in the transgenic cows’ milk that may lead to a treatment for multiple sclerosis. Ngati Wairere is concerned with the impact that this type of research will have on whakapapa (genealogy).

Ngati Wairere was put in the unenviable position of being the face of opposition to Western reductionist science in the form of genetic research that would impact on the whakapapa of a species and produce transgenic offspring. In opposition to Māori and Indigenous worldviews of holistic conceptions of the world where the parts are seen as indivisible from the whole, Western reductionist science generally views the parts as autonomous. This view of science gives rise to the possibility for Western reductionist scientists to manipulate and modify the parts, for example research involving the modification of genes, in order to influence the whole. This reductionist conception operates on the mechanistic notion that by replacing or changing a part, the whole will be ‘fixed.’ However, Western reductionist scientists are not fully prepared for unintended consequences resulting from the manipulation of the parts to influence the whole. This case is an example of how one Māori community had to respond to a scientific process that on international face-value would seem to be cutting-edge. It provides a powerful and poignant ‘snap-shot’ of the difficulties our communities face. (Reynolds, 2007: 60–61)

B. Status as at September 2010

As at 9 September 2010, five transgenic modification applications that may have effects on Māori culture have been approved by ERMA for operation in New Zealand – see Table 12 below.

Table 12: Status of AgResearch’s Transgenic Programme

Application code	Organism	Notes	Status
GMF98009	GM cattle – casein (plus) & BLG (minus) constructs only	Approved November 1999 for 5 years. Approval extended to November 2008 by amendments (Nov 2004 & Nov 2005) under section 67A of HSNO Act. Approval amended November 2008 whereby animals can be held with no further breeding until a new approval is gained.	No activities occurring under this approval
GMF98009	GM cattle – Myelin Basic Protein (MBP) construct only	Approved May 2001 for 5 years. Approval extended to May 2010 by amendment (May 2006) under section 67A of HSNO Act. Approval amended March 2010 under section 67A of the HSNO Act whereby animals can be held with no further breeding until a new approval is gained.	No activities occurring under this approval
GMD02028	GM cattle outdoor development	Approved September 2002 for 7.5 years. Approval to March 2010. Field test component commenced December 2005. Approval amended March 2010 under section 67A of the HSNO Act to extend the approval for a further 2.5 years (expires September 2012).	No activities occurring under this approval
GMC07012 GMD07074 GMF07001 GMD08012 (known as the GM animals application)	GM animals to import, develop, and field test in containment organisms with a range of genetic modifications and maintain these organisms in containment for research, breeding and for the production of products with potential commercial applications	Applications were declared invalid by the High Court. The Court of Appeal overturned the High Court Decision. ERMA’s Evaluation and Review report recommends the applications be declined. A hearing on the applications is to be scheduled, however the date for this hearing is currently on hold at the request of AgResearch.	Application process on hold
ERMA200223 (known as the GM goats, sheep and cattle application)	GM goats, sheep and cattle in containment to produce human therapeutic proteins, or with altered levels of endogenous proteins	Approved 13 April 2010 for 20 years. Approval to 15 April 2030. Controls include imposing stringent containment measures, such as two-metre-high, double fencing of outdoor containment facilities; preventing animal products from entering the food chain; limiting the approval to research only; restricting the research to AgResearch’s Ruakura facility; and limiting the range of modifications and types of organisms, and excluding some organisms.	Active

The most recent application for transgenic modification, Application ERMA 200223, references an upcoming report which will provide a summary of any unforeseen positive or negative effects to the environment, public health, Māori culture, the economy or society through transgenic genetic modification practices and research (ERMA, 2010b: 30). An excerpt from the ERMA200223 application in relation to consultation with Māori states:

In the course of preparing this application AgResearch has not identified a specific need for consultation with Māori or stakeholders as the scope of activities and the specific facility being used have been the subject of extensive consultation previously and regular monitoring meetings for the current approvals have not identified any new issues requiring specific mitigation.

AgResearch has also undertaken consultation with Māori on a national basis in early 2008 prior to submitting previous applications with a wider scope of activities and location potentials which were then subject to a public submission process and are now subject to legal proceedings (see Appendix VI for a summary of the outcome of that process). (ibid.: 31)

Regarding the relationship between Māori and the environment and the principles of the Treaty of Waitangi (on which applications are required to provide information under sections 6(d), 8 and 40(2)(b)(v) of the HSNO Act), the application contains the following table and associated text:

Impact (Nature of adverse effect)	Pathway (Route by which source has impact)
D1. Effects on whakapapa and mauri	Modification itself is spiritually offensive to some
D2. Effects on native fauna	No native species are included as host organisms. The likelihood of this event occurring is highly improbable and the magnitude minimal. This risk has therefore not been evaluated further
D3. Effects on relationship with ancestral land	Presence of spiritually offensive organisms on ancestral land Contamination of ancestral land with genetic materials, waste, carcasses of spiritually offensive organisms (both containment facility and other sites of disposal of waste)
D4. Consumption of products from spiritually offensive organisms	Animal products would need to be transferred from containment facility and enter the human food chain. This would require deliberate action in breach of the containment controls. The likelihood is considered highly improbable and magnitude minimal. This risk has therefore not been evaluated further

AgResearch has previously sought the views of Māori by undertaking national consultation and holding regular monitoring meetings with tangata whenua for the Ruakura site. The national consultation process is described in Appendix IV. The responses received from this process are directly relevant to this application and so have been used to inform our analysis on the impacts on Māori.

The consultation process did not identify any potential adverse effects specific to Māori which were not dealt with in the GMD02028 application process and decision.

AgResearch considers that most of the concerns or issues Māori raised relating to tangible cultural effects such as disposal of waste, impacts on whenua and containment of the animals can be mitigated through on-site practices as has been the case under AgResearch's current approvals (GMD02028, & GMF98009). This leaves the spiritual belief based element of risk, the significance of which varies within Māori and the mitigating effect that cultural benefits have in offsetting spiritual concerns.

During AgResearch's national Māori consultation in 2008 it was evident that as participants at the various hui gained a greater understanding of the aims of the transgenic programme and the way in which the operations would be run they gained greater confidence about the transgenic programme. Discussions did not mitigate spiritual or intangible issues but certainly improved the participants' understanding on how tangible issues such as containment and disposal would be managed. AgResearch is continuing to participate in forums, including hui convened by ERMA, to help gain a better understanding for all around these possible effects.

D1. Effects on whakapapa and mauri

Analysis

Potential adverse effects on the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, valued flora and fauna and other taonga were considered at some length by the Authority in GMD02028.

Evaluation

These effects are of a nature that cannot be easily mitigated. The organism description excludes the use of Māori genes in developments. Furthermore any impacts of this nature are limited due to the activities being restricted to the single site at the Ruakura facility.

D3. Effects on relationship with ancestral land

Analysis

AgResearch acknowledges that some tangata whenua will find the activities relating to genetic modification offensive and this may interfere with their relationship with the ancestral lands incorporated into the containment facility.

Evaluation

These effects cannot be avoided. However, AgResearch will continue to discuss activities with tangata whenua of the Ruakura containment facility and endeavour to accommodate their wishes regarding disposal methods or other mitigation processes while seeking to identify better methodology for these. (ERMA, 2010b: 38–39)

C. Observations

The Institute has made the following observations around this issue since the first application (GMF98009) to genetically modify animals in New Zealand was approved by ERMA in 1999:

- Consultation with Māori has received less emphasis as an integral component of the approval process of applications. Applicants appear to be relying on past consultation as fulfilling all necessary requirements under sections 6(d), 8 and 40(2)(b)(v) of the HSNO Act when submitting new applications.
- Approvals are for a longer duration (five years to 20 years) and broader in range (from one GMO in one species to a wide range of GMOs over many species), resulting in applicants receiving a research licence, rather than specific licences being granted for a specific GMO.
- Applications for GMO field tests in the outdoors have thus far only been made by Crown Research Institutes.
- Only a small number of GMO outdoor applications have been made.
- To our knowledge, there has been no commercial benefit as a result of any of the past approved applications. However, the risk to New Zealand's economy and to the public remains.

Appendix 6 The Foreshore and Seabed Act 2004

The Foreshore and Seabed Act ('the Act') was enacted in 2004 under the Labour-led government. The Act was in response to the New Zealand Court of Appeal case *Ngāti-Apa v Attorney-General*, 2003, which allowed the Māori Land Court the jurisdiction to enforce Māori customary rights to New Zealand's foreshore and seabed. Until this time the Court had followed a precedent affirmed in *Re Ninety Mile Beach*, 1963, that did not recognise Māori customary title.

The government was quick to respond to the *Ngāti-Apa* decision, as there was strong public sentiment that potential Māori ownership placed public-use rights to New Zealand beaches and saltwater areas in jeopardy. The Foreshore and Seabed Act was a means to 'protect' the foreshore and seabed for the use of all New Zealanders.

The Act vests the foreshore and seabed in the Crown, and established a system for Māori to take customary and territorial rights claims to the Māori Land Court and the High Court respectively. Academics have highlighted the rights and processes established by the Act as being significantly less than those that existed before its enactment in 2004 (Bargh, 2006; Jackson, 2004).

The question of whether or not the Act was discriminatory is a matter of contention. Under s7 of the Bill of Rights Act 1990, the New Zealand Attorney-General must report to the House of Representatives any provision of a bill which appears to be inconsistent with rights or obligations contained within the Bill of Rights Act. Furthermore, 'the rights and freedoms' contained in the Bill of Rights 'may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society' (Bill of Rights Act, 1990 s5). Attorney-General Margaret Wilson reported to the House that while the Act appeared to be discriminatory towards Māori, its effects were justified under a section 5 analysis (Bargh, 2006).

The government's position at the time of the enactment of the Foreshore and Seabed Act was in stark contrast to that taken by the United Nations Committee on the Elimination of Racial Discrimination (UNCERD). A report by the committee found that the Foreshore and Seabed Act 2004 'appears ... on balance, to contain discriminatory aspects against the Māori' (UNCERD, 2005: 1), and recommended that the New Zealand government resume dialogue with Māori to reduce the discriminatory effects of the Act through the production of a legislative amendment. Claire Charters and Andrew Erueti reported at the time that the response by both Prime Minister Helen Clark and Deputy Prime Minister Michael Cullen was to suggest that the committee was not qualified to make such a ruling, and as such dismissed the claims made by iwi to UNCERD (as cited in Bargh, 2006).

At the time of the enactment, Tariana Turia was a junior minister within the Labour government. She expressed strong opposition to the passing of the Act and made it known that it was likely she would vote against it. On 30 April she announced her intention to vote against the government legislation, and Prime Minister Helen Clark dismissed her from her ministerial post the same day. Turia left the Labour Party and instigated the creation of the Māori Party, becoming its co-leader. In 2008, Māori Party policy was to repeal the Foreshore and Seabed Act so as to recognise Māori rights to the foreshore and seabed around New Zealand (Māori Party, 2008).

Following the November 2008 election, the National and Māori parties entered into a 'Relationship and Confidence and Supply Agreement' (NZ Govt, 2008), under which the two parties agreed to initiate a review of the Foreshore and Seabed Act as a priority (MoJ, 2009a). The independent ministerial review panel released its findings on 1 July 2009, with two proposals, both of which are reliant upon the repeal of the Act.⁶¹ (See below for a list of recommendations for an interim Act to replace the current Act.) These proposals were: (i) a National Policy Proposal, which focuses on a national resolution effected through a bicultural body, and (ii) a Regional Iwi Proposal, which focuses on direct negotiations between Crown and iwi (MoJ, 2009b: 11).

⁶¹ The three-person ministerial review panel was chaired by former High Court Judge Taihakurei Edward Durie. The other members were barrister Richard Boast, an Associate Professor at Victoria University, and educationalist Hana O'Regan (MoJ, 2009b).

The review panel commented:

As the Waitangi Tribunal noted in 2004, the issues underlying the Act required ‘a longer conversation’ than that which had previously occurred ... what we propose should not be seen as an end but as a beginning; a catalyst to further dialogue before the optimum design is settled and final decisions are made. (ibid.: 15)

The review panel proposed an interim Foreshore and Seabed Act, which would:

- repeal the Act;
- recognise as the primary norm of the Act, made in accordance with the Treaty of Waitangi, that entitled hapū and iwi have customary rights in the coastal marine area, the general public have rights of use and enjoyment, both must be respected and provided for within the limits necessary to accommodate the other. All decisions must be taken on the principle of that balance;
- provide for principles to govern the settlement of customary interests in the coastal marine area, and the administration of the area;
- provide for necessary mechanisms to implement the proposals we have made above and Māori and public responses to them;
- provide that, until the question of who would hold title to specific areas of the foreshore and seabed is resolved, the legal title be held by the Crown in trust for those later determined as entitled. (As we see it, once the respective rights have been resolved in any particular area of the foreshore and seabed, the beneficial and perhaps the legal title for the area would be held by the entitled hapū or iwi, or the Crown, or both jointly, depending on the outcome);
- promote the expeditious determination of customary rights in the coastal marine area and provide for them to be given practical effect; and
- contain transitional provisions. (ibid.: 12)

After considering the findings of the review panel, on 14 June 2010 Cabinet agreed to pursue replacement legislation that would fulfil the following:

- Repeal the Foreshore and Seabed Act;
- Remove Crown ownership of the public foreshore and seabed and replace it with a non-ownership model for the public foreshore and seabed;
- Restore the right of Māori to access the High Court to seek customary title;
- Recognise the Crown can negotiate with mandated iwi on an individual basis for recognition of their customary interests. (NZ Govt, 2010b)

The government has promised that the replacement legislation will ‘protect public access, recreation and existing use rights, and ensure the foreshore and seabed cannot be sold’ (NZ Govt, 2010b). In addition, it will ‘restore the right of iwi to seek recognition of customary title in the Courts’ (ibid.). The new legislation, entitled the Marine and Coastal Area (Takutai Moana) Bill, passed its first reading in the House on 15 September 2010. The Māori Affairs Select Committee is to complete public consultation on the bill, and report back to Parliament by 25 February 2011 (NZ Govt, 2010c).

Appendix 7 Waka Umanga: A Proposed Law for Māori Governance Entities

What follows is a summary of (A) the Law Commission's report *Waka Umanga: A proposed law for Māori governance entities*, and (B) the subsequent Waka Umanga (Māori Corporations) Bill.

A. Law Commission's report *Waka Umanga: A proposed law for Māori governance entities*

The Law Commission's Waka Umanga proposal was intended to meet two concerns regarding Māori governance entities (MGEs):

1. The lack of a legal framework to represent and manage the interests of tribes and other Māori collectives in a way suitable both for them and those with whom they deal; and
2. The lack of a legal framework for tribal restructuring to ensure that entities are developed by the people themselves, against a backdrop of their own culture and that enables the ready resolution of formation disputes. (Law Commission, 2006: 12)

The objectives that the proposal aimed to rectify included:

- Reduc[ing] the overall time and cost to groups in forming entities by providing a formation process and a model which can be adapted to suit the needs of individual tribes;
- Provid[ing] orthodox legal obligations and certainty for those seeking to deal with Māori representative bodies; and
- Provid[ing] a process for forming entities and resolving formation disputes. (ibid.)

The Commission believed that it was the responsibility of the government to provide such a process and model to meet the above objectives, and for Māori groups then to decide whether to adopt them (ibid.). The proposal was intended to create a statutory framework that would provide a structure which ensured responsible and accountable governance by the rūnanganui (the governing council within the MGE), but inside this the tribe would have considerable freedom to work out its own structures and the rules under which it operates. The Waka Umanga Act would enable a group to:

- adopt a structure which promotes transparency, accountability, stewardship of assets and internal dispute resolution mechanism;
- gain corporate status and perpetual succession;
- gain recognition that its charter meets the requirements for legitimacy and credibility with third parties, and is appropriate for running successful business operations; and
- gain recognition as a legitimate representative of a specified group for prescribed purposes. (ibid.: 14)

The Act itself would provide:

- a settled process for entity formation with maximum community involvement including the development of a formation scheme plan;
- the guidance of the Māori Land Court, if necessary, on process; and
- prompt dispute resolution with ultimate recourse to the courts. (ibid.)

The framework would be specifically designed to allow the multi-dimensional character of MGEs (social, cultural, commercial and political) to be balanced and recognised with the process and model. This unique multi-dimensional characteristic of MGEs within the Act (compared to existing legal structures such as trusts, companies and incorporated societies) is recognition of a core responsibility to safeguard the interests of present and future generations of members of the tribe while also accommodating normal commercial dealings. A Register of MGEs under the Act would be established within the Companies Office of the Ministry of Economic Development, which would assist new entities to link into the national economy. Currently there is no registry of MGEs; rather, there is an iwi directory, but it does not make clear how the iwi held in the directory are structured or governed, which leads to ambiguity and lack of transparency.⁶²

62 In Te Puni Kōkiri's 'Te Kahui Mangai' directory of iwi and Māori organisations, there is a list of iwi groups which have been recognised under the following Acts/government processes: the Māori Fisheries Act 2004 and the Resource Management Act 1991; groups recognised in the Treaty of Waitangi settlement processes, and urban iwi groups which have statutory representation with iwi organisations.

For the establishment of good governance standards within the Act, the Law Commission proposes a framework that could be incorporated into the charters of the representative entities. Therefore, while there is wide scope for each entity to decide its own governance systems, it must adhere to standard core governance obligations. Drawing from existing legislation and literature on good governance practice, an MGE would have obligations in relation to the following matters:

- The selection and duties of representatives on the rūnanganui;
- Financial management;
- Role of the chief executive, and
- Relationships with subsidiary organisations.

Most of the standards could be contained within the schedule of the Waka Umanga Act, which would create default standards, like the Companies Act 1993, but ones that could be adapted by individual groups to suit their particular situation. The report stated:

Urgent consideration of the Waka Umanga Act proposal by all interested people is needed given the increasing pace of settlements. In committing to this new legislative initiative, Māori are entitled to some reasonable certainty that their efforts will not be wasted. The issues are urgent and serious. Entities formed under the proposed Waka Umanga Act will steer the canoes and shape the lives of future generations of Māori. (ibid.: 18)

B. Waka Umanga (Māori Corporations) Bill

In 2007, Te Puni Kōkiri produced a draft Waka Umanga (Māori Corporations) Bill, which Labour introduced into Parliament. The Hon. Parekura Horomia, the Minister of Māori Affairs, introduced the bill for its first reading. He stated that it was part of the ‘Government’s Māori affairs policy of supporting the realisation of Māori potential, and is the result of the consideration by this Government of issues and opportunities in the area of Māori governance and tribal representation’ (Waka Umanga [Māori Corporations] Bill: First Reading, 2007). The Minister concluded by stating:

The Government has placed much emphasis on economic transformation as one of its key goals for this term of office, and especially for Māori. I believe that the Waka Umanga (Māori Corporations) Bill is a prime example of how the Government is providing and supporting Māori leadership in this area. I believe that the bill will provide a very positive step forward for Māori governance. I commend the bill to the House. (ibid.)

The Hon. Georgina Te Heuheu spoke on behalf of the National opposition, stating that it opposed the passing of the bill on the basis that:

Māori did not seek this legislation. There is no demand for it from Māori. The initiative is one that was developed solely in Wellington, and now it seeks to be imposed on Māori tribes. It is voluntary, so it may never come to pass. Māori do not have to pick it up, so one wonders why the Minister would waste his time introducing it. Māori in the 21st century are quite capable of developing their own entities and managing their own affairs. In fact, there are a number of increasingly high-profile Māori entities in New Zealand now, which bears testament to the fact that Māori are capable of managing their own affairs. They do not need a Labour-led Government to, yet again, impose on them an entity that, as I said, is debatable in its value. (ibid.)

In the first reading, the bill was passed and recommended to go to the Māori Affairs select committee:

Ayes 72: New Zealand Labour 49; New Zealand First 7; Green Party 6;
Māori Party 4; United Future 2; ACT New Zealand 2; Progressive 1; Independent: Field.
Noes 49: New Zealand National 48; Independent: Copeland. (ibid.)

In its commentary, the select committee recommended that the Waka Umanga Bill be passed by majority, with amendments made by the committee (Waka Umanga [Māori Corporations] Bill 175–2, 2007). The Māori Party was the only party to change its position on the bill, deciding that ‘given the substantive concerns and opposition voiced by hapū and iwi on the Waka Umanga (Maori Corporations) Bill, the Māori Party cannot support it. More work is needed to resolve the inadequacies of current legal structures. For any such programme to be fruitful, it will need to proceed from a kaupapa-Māori basis, and also address wider concerns with Treaty settlements policy’ (ibid.).

The order of the day for second reading was discharged in December 2009 (NZ Govt, 2009), meaning that the bill has been removed from the government’s agenda.

Appendix 8 Author and Research Team

The following people contributed to writing or researching this package of reports and working papers.

Wendy McGuinness – Report 7, Report 8, Working Papers 2009/02, 2009/03, 2009/04, 2010/02, 2010/03, 2010/04 and 2010/05

Wendy McGuinness is the founder and chief executive of the Sustainable Future Institute. Originally from the King Country, Wendy completed her secondary schooling at Hamilton Girls' High School and Edgewater College. She then went on to study at Manukau Technical Institute (gaining an NZCC), Auckland University (BCom) and Otago University (MBA), as well as completing additional environmental papers at Massey University. As a Fellow Chartered Accountant (FCA) specialising in risk management, Wendy has worked in both the public and private sectors. In 2004, she established the Sustainable Future Institute as a way of contributing to New Zealand's long-term future. Wendy also sits on the boards of Futures Thinking Aotearoa and the Katherine Mansfield Birthplace. Wendy classifies herself as an indigenous New Zealander; her antecedents came to New Zealand between 1852 and 1866.

Mahina-a-rangi Baker – Working Paper 2009/02 and Report 7a

Ko Tararua te maunga

Ko Ōtaki te awa

Ko Kapiti te motu tapu

Ko Ngāti Raukawa ki te tonga te iwi, rātou ko Te Ati Awa ki Whakarongotai ko Ngāti

Toarangatira ngā iwi

Nō Ōtaki ābahu

Mahina-a-rangi Baker is currently pursuing a Masters in Environmental Studies at Victoria University of Wellington, where she is researching the values her iwi and hapū hold around ngārara and insects, and how the risks to these values from genetically modified organisms are managed. She completed a Bachelor of Science in Ecology and Biodiversity and Environmental Studies, and a Bachelor of Arts in Māori Resource Management and Māori Studies in 2008, undertaking part of her undergraduate study at the University of Hawai'i in Mānoa. Mahina-a-rangi also tutors undergraduate courses in Māori culture and society and introductory te reo Māori, and a postgraduate course in Māori resource management.

Nicola Bradshaw – Report 7 and Working Paper 2010/04

Nicola Bradshaw is originally from Hamilton and has recently completed a Bachelor of Commerce and Administration with a triple major in Commercial Law, Management and Public Policy at Victoria University. Nicola is also a 300-level tutor at Victoria University's Management School. She has worked for the Sustainable Future Institute for the past five years.

James Coombes – Report 7

James Coombes graduated with a Bachelor of Arts (Geography) and a Bachelor of Law from Victoria University in 2009. After graduating, James travelled throughout Asia, and has since returned to Hamilton to complete his Legal Professionals. James contributes to legal, research and editing roles within the Sustainable Future Institute.

Perrine Gilkison – Report 7, Report 8, Report 7a, and Working Paper 2010/03

Ko Wharepapa te maunga

Ko Motueka te awa

I whānau ai au i Whakatū

I tipu ake ai au i Mapua

E nobo ana au i te Whanganui-ā-Tara

Perrine Gilkison, originally from the Nelson region, graduated from Victoria University in 2007 with a Bachelor of Arts (History). Her main areas of interest are New Zealand and Pacific history with a particular focus on oral histories. She is currently working as a researcher and as Sustainable Future's librarian, gathering and cataloguing resources which are used for our research. The Institute's James Duncan Reference Library opened to the public in October 2009.

Willow Henderson – Report 7

Originally from Tauranga, Willow Henderson graduated with a Bachelor of Arts (English Literature) from Victoria University in 2006. After living overseas for two years, Willow returned to Wellington and began work at the Sustainable Future Institute. Now completing a Diploma in Publishing extramurally through Whitireia Polytechnic, Willow is responsible for the Institute's regular communications and publications, and has played a key role in editing this package of reports.

Mark Newton – Report 7

Ko Tokomaru te waka
Ko Taranaki te maunga
Ko Waitara te awa
Ko Te Ati Awa te iwi

Mark Newton gained a Master of Environmental Studies with merit from Victoria University in 2009, to add to a Bachelor in Geography and Environmental Studies gained from the same university. Since graduating he has worked at the Sustainable Future Institute, his primary roles being research and editing.

Stephanie Versteeg – Report 7

Ko Taupiri te maunga
Ko Waikato te awa
I whanau ai au i Taranaki
I tipu ake ai au i Kirikiriroa
E nobo ana au i te Whanganui-ā-Tara

Steph Versteeg, originally from the Waikato, graduated from Victoria University of Wellington in 2007 with Bachelors of Arts and Science. Since rejoining the Institute in early 2010, Steph has provided research and editorial support to the team.

Miriam White – Report 7, Report 8, Report 7a, Working Papers 2009/03, 2009/04, 2010/02, 2010/03 and 2010/05

Miriam White is originally from Tauranga and has a Bachelor of Design (Honours) from Massey University in Wellington. She has worked for the Sustainable Future Institute since 2006. In addition to *Project 2058* Miriam has worked on *Project Genetic Modification*, and in April 2008 she co-authored two reports: *The History of Genetic Modification in New Zealand* and *The Review of the Forty-Nine Recommendations of the Royal Commission on Genetic Modification*.

Jamie Winiata – Report 7a

Ko Tainui te waka
Ko Tararua te maunga
Ko Hōkio te awa
Ko Ngāti Raukawa te iwi
Ko Ngāti Pareraukawa te hapū

Jamie Winiata is currently a third-year student at Victoria University, completing a Bachelor of Arts with majors in Environmental Studies and Māori Resource Management. She grew up on her parents' dairy farm near Invercargill.

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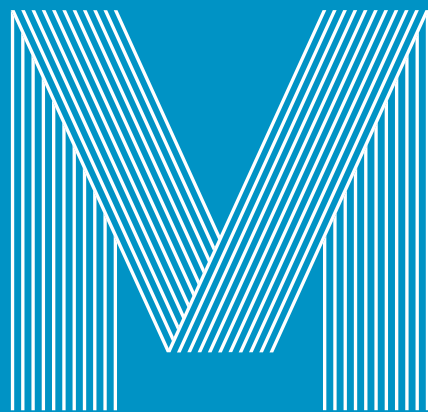
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