Dr Pita R Sharples, Minister of Maori Affairs

‘Sharing the Power of Indigenous Thought’

12 January 2011, 10.00am
Liberty Centre, Clifton Road, Whakatane.

Mihi
Tuatahi, me mihi ki nga mana o tenei whenua; ki nga Atua, a, whakaheke noa ki o tatau tipuna, e tu tangata ai tatou i tenei ao.

Me mihi hoki ki te tangata whenua, ki nga iwi o Mataatua waka, na koutou te karanga ki te ao, kia huihui mai tatou i tenei ra. Ngati Awa, koutou ko nga uri o Wairaka, tena koutou katoa.

E nga manuhiri tuarangi, koutou kua haere mai i nga topito o te ao, ki te manaaki i te karanga, ki te whakarangatira i a matou katoa nga iwi o Aotearoa, tena koutou, tena koutou, tena koutou.

It is a great honour indeed to be asked to open this conference on ‘Sharing Power’.

I understand the cultural protocols of welcome have been fulfilled by the elders and people of Ngati Awa and the related tribes of Mataatua waka, so I simply acknowledge the inherent powers of this land, the gods from whom our ancestors are descended, who have made us the people we are today.
I greet our hosts - the people of the land - the tribes of Mataatua waka, who called out to the world for us to assemble here today.

And I salute our honoured guests who have come from over forty countries in all corners of the world in response to the call, to honour all New Zealanders with your presence; including your keynote speakers:

- the President of International Union for the Conservation of Nature, **Ashok Khosla**,  
- **Winona LaDuke** (Anishinaabeg Nation, White Earth Reservation, Minnesota) and  
- Nobel winner, Distinguished Professor **Elinor Ostrom**, Indiana University  

and also:  
- **Hon Ralph Regenvanu**, Government of Vanuatu, Minister of Ni-Vanuatu Development  
- **Grand Chief Stan Beardy** (Nishnawbe Aski Nation, Ontario)  
- **the Chairs** of IUCN's six scientific and technical Commissions (five of whom are present)

**Background**

As an indigenous person, as a Minister of the New Zealand Government, and as co-leader of a political party that claims to be a voice for Maori people in the Parliament, my role in opening this conference is to provide some historical, cultural and political context for your discussions. And I want to offer you some experiences of sharing power that I hope you might find relevant.

I have called my talk ‘Sharing the power of indigenous thought’ to suggest the power of ideas to change the world, and to highlight the critical contribution I think Maori culture and traditions can offer to the social, cultural, environmental and economic life of Aotearoa – and to the world.
Biculturalism

As a Maori politician in a Westminster parliamentary democracy, I am confronted every day with the paradoxes of living in two distinct worlds – as, indeed, do all indigenous people in colonial societies.

At the heart of Government, at the constitutional hub of our nation state, the institutional values of New Zealand come into sharp focus. Competition tends to over-ride co-operation; hidden agendas are common; political loyalties are fickle.

As politicians, we are expected to engage in an adversarial contest of ideas, in which the argument or the position that gains majority support will carry the day, in the ritualised battle called a vote. The outcome is not consensus, or even compromise, but a political victory and a corresponding defeat.

There are no prizes for guessing on which side the indigenous minority has historically ended up!

But that was not what our ancestors envisaged when they signed the Treaty of Waitangi in 1840.
The Treaty of Waitangi

In simple terms, the Treaty allowed the British Crown to establish a government, in return for the Crown’s promise to respect and support the tribes in the enjoyment of their culture, including their rights to property, as citizens with all the rights of British subjects.

Our ancestors did not expect to have to stop being Maori in the new nation. The Treaty clearly foreshadowed a plural society, with the various hapu working in partnership with the Crown for the benefit of all citizens of Aotearoa.

By 1840, when the Treaty was signed, Maori people were well aware of the world beyond these shores, and the potential benefits of new knowledge and technology. As adventurous and entrepreneurial peoples, they wanted to be part of the action, and they agreed to invite Pakeha settlers to share their lands and resources as an investment in a better future.

As the realities of colonisation became clear, Maori increasingly resisted the Crown’s demands, especially the pressure for extensive sale of lands. Land wars occurred, and were followed by the imposition of legal and political systems that reduced our people to minor players in this nation, on terms dictated by the Crown.

Some people say the conflict and ongoing disagreements are the result of misunderstandings between the parties to the Treaty. In my opinion, arguments over the wording of the Treaty amount to
splitting hairs, in order to avoid the clear meaning of the agreement – and the fact that it has yet to be given full effect.

**Tino rangatiratanga**

Our elders' bottom lines were set out in the expression ‘te tino rangatiratanga o o ratou whenua, o ratou kainga me o ratou taonga katoa’ – which is what the Queen of England confirmed and guaranteed to the chiefs and tribes and all the (Maori) people of New Zealand.

Most New Zealanders rely on translations to understand these terms. For example, the English version of the Treaty reads ‘the full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties which they may individually or collectively possess …’ Other common translations for tino rangatiratanga include ‘sovereignty’, ‘self-determination’, ‘autonomy’, ‘ownership’ or ‘full control’.

Perhaps to a Western mind, the ideas of ‘sovereignty’ and ‘ownership’ seem unrelated. But the Maori world is based on reciprocal relationships, and reciprocity lies at the heart of rangatiratanga.

A rangatira is the acknowledged leader of a community, so rangatiratanga could also be translated as ‘leadership’. Rangatiratanga defines the autonomous community which makes its own decisions and lives with the consequences.
Rangatira values regulate relationships between groups, through diplomacy, exchanges of taonga, arranged marriages, alliances or battles – all designed to enhance the survival and strength of the community as a distinct political entity.

You see rangatiratanga in the way a community cares for and educates its children and maintains their heritage, so future generations understand who they are, where they come from, and so they have the skills and knowledge to control their own destiny.

But in the days of our ancestors, communities also needed to secure access to reliable sources of food, medicine, fibre and natural resources, in order to survive physically, and culturally.

**Rangatiratanga in the natural world**
A community’s care for the natural resources on which its survival depends is another aspect of rangatiratanga. It was part of the checks and balances of our traditional society that, if the community looked after the natural world, the natural world would look after the community.

It was an important responsibility of tangata whenua to know their local environment intimately and deeply, to understand its rhythms and seasons, the complex relationships between species, their fertility and growth, and how to harvest their fruits and products.

Remember, our people saw themselves as being related to the natural world through whakapapa, through common descent from
the gods of creation. Their environment was part of their identity, and the way they looked after it had consequences for the people.

Where a community exercised rangatiratanga with wisdom and discipline, the natural ecosystems would be kept in a healthy state - fertile, productive, diverse, stable, resilient.

The expression ‘he whenua rangatira’ means ‘a state of peace’. In other words, the natural world is itself in a state of rangatiratanga, reflecting the political state of the human communities. Obviously the gods approve of a management regime where people and nature are in balance and harmony!

This reciprocal relationship of care and well-being between the community and their natural and cultural heritage is how rangatiratanga embraces the idea of control or ownership. Not as a right to exploit, but as a sacred duty to protect and look after.

I think it would be fair to say that most New Zealanders have little understanding of these ideas – despite the best efforts of the Waitangi Tribunal.
The Waitangi Tribunal
The Waitangi Tribunal was established in 1975 to investigate claims by Maori that they have been prejudiced by the Crown’s breaches of the Treaty of Waitangi.

As a standing Commission of Inquiry, the Tribunal can only make recommendations to the government. It was initially dismissed as a toothless tiger, but history has changed that judgement – giving me a striking example of the power of ideas to shape the world!

Through its wide-ranging inquiries and thoughtful reports and recommendations, the Tribunal has investigated the facts of New Zealand’s history, and provided very helpful guidance on what the Treaty means for New Zealanders today.

The Tribunal has increased public understanding and created a political will to settle Treaty claims, even though it has no binding powers. The system is not perfect, by any means, but great progress has been made since Maori people have found a voice within our judicial system.

Most claims concern natural resources, the loss of lands, fisheries and natural heritage that sustain Maori culture. Given that most land taken cannot now be returned, settlement agreements generally include official recognition of the claimant communities, a formal apology, provisions for future consultation and, increasingly, co-management of natural resources.
I must mention a current claim of particular interest to this conference – the WAI 262 claim (in other words, claim number 262 in the queue!)

This claim initially concerned certain species of indigenous flora and fauna, which the claimants said had not been protected properly by the Crown, or had been alienated from tribal control.

Over its twenty-year history, WAI 262 has become a claim for intellectual property rights, and a challenge to the patenting of medicinal or other properties of the species under claim. It extends to other aspects of matauranga Maori, traditional knowledge, such as the copyrighting of Maori arts and design, oral arts such as haka, and even Maori language itself, for private profit, without recognition or consultation with the customary owners.

It is important to recall this history here, among the people who framed and signed the Mataatua Declaration on the intellectual property rights of indigenous peoples, following a conference right here in Whakatane in 1993.

The Declaration is rangatiratanga in action. People shared a good idea, took collective action, and empowered themselves.

For legal reasons I cannot say much more about WAI 262, as we await the Tribunal’s report. However it is clear that, as in other claims, the people want recognition, they want their voices to be heard, and to have a say over their future. Their claims, too, are part of a quest for rangatiratanga.
The Maori Party

The Maori Party was born out of another quest for rangatiratanga – the protest movement, in particular, outrage at the 2004 decision of the Labour Government to extinguish Maori customary interests in the foreshore and seabed, without consent or compensation, and denying us our human right of recourse to justice.

The Crown had always presumed it owned the coastal marine area, but a Court of Appeal decision found that tangata whenua (the people of the land) may have interests. The Appeal Court said Maori could test their rights in court, but the government pre-empted that by legislating to vest the foreshore and seabed in itself, and to prevent claims being taken to court.

20,000 people marched on Parliament. My co-leader Tariana Turia was a government Minister at the time. She crossed the floor to vote against her Labour colleagues.

After the Foreshore and Seabed Act was passed, Tariana resigned from Parliament, and was re-elected as an independent MP. After a series of meetings and consultations around the country, the Maori Party was formed, and at the next General Election in 2005, our candidates won four of the seven Maori electorate seats.

During that first term, the Maori Party promoted the idea that every issue is a Maori issue, by speaking in debates on every Bill before the House, from tax to foreign affairs to global warming. We used
our political platform to put Maori views and historical context on
the record of the nation.

Three years later, in the 2008 election, we won a fifth seat, and
were invited by the National Party to enter into a relationship and
confidence and supply agreement, to become a part of the
government. This was a big move.

**Sharing power with the National Party**

In my view, this arrangement continues the long history of Maori
pursuing our rangatiratanga in whatever forum we can.

It is a power-sharing arrangement, but in a Westminster
parliament, even with an MMP voting system, the political power of
a small minority is limited. In our current Parliament, we give
National a margin of comfort and a fallback option, but they do not
actually need us to form a governing majority.

But if we view our agreement as a quest for rangatiratanga, the
Waitangi Tribunal has shown how the voices of indigenous people
can change the world, even without political or legal force.

The agreement with National covers timely consultation, access to
Ministers and advance notice of significant issues. It commits both
parties to act in accordance with the Treaty of Waitangi. We work
together where we agree on policy, while recognising that we also
have different priorities.
I believe the Maori Party has achieved some great successes as a government support party, which we could not have done in opposition.

As part of that agreement, I became Minister of Maori Affairs and Associate Minister of Corrections and Education, with special responsibilities in areas of interest to Maori. My Co-leader Tariana Turia became Minister for the Community and Voluntary Sector, and Associate Minister of Health, and Social Development and Employment. She has since been appointed Minister in Charge of Whanau Ora, which I will come to in a moment.

The agreement also provides for a review of New Zealand's constitution, which is about to get under way. I note the presence among us today of a delegate from Bolivia, whose proudly indigenous President Evo Morales has overseen changes to their constitution that we are very interested in.

Our constitutional review specifically includes the place of the Treaty of Waitangi, and Maori political representation. Maori have already made clear they want to see the foundations of our nation resting on indigenous values and tikanga as well.

In the meantime, our agreement secures the future of the Maori seats in Parliament (which National wanted to abolish), and it provides additional funding to service very large electorates (six of the seven Maori electorates qualify).
We also secured agreement to review the hated Foreshore and Seabed Act. A review panel has recommended repeal of the Act, which the government has accepted, and the question of what will replace it is a red hot topic at present!

Beyond the agreement, we were able to persuade the government to reverse New Zealand’s position and to support the UN Declaration on the Rights of Indigenous Peoples. We also won a battle in Cabinet to have references to the Treaty of Waitangi retained in the amended Resource Management Act.

We secured budget funding for a number of policies important to Maori – a Maori Economic Taskforce; Whare Oranga Ake units to assist prisoners to return to their families and communities, and so to reduce reoffending; funding for health programmes based on Maori principles and practices; support for Maori communities to adapt to climate change; and funding for Whanau Ora.

Whanau Ora is another good example of the potential of Maori ideas to change the world. This approach to social development starts with the idea that families, extended families and communities can empower themselves to deal with their own issues, instead of government agencies and social service providers telling them what is best for them.

Once the whanau identifies their own priorities, government and social service agencies are expected to help the whanau to develop and carry out a plan to improve their situation. Agencies will have to change their outlook, to see what is often a web of
interlocking issues from the family’s point of view, and then work collaboratively on a solution that the family proposes.

You will recognise aspects of rangatiratanga in a policy that empowers families to take control of their own destiny. While Whanau Ora is based on Maori philosophies, we believe it will be useful in many situations, not just for Maori.

All of these gains have come from the relationship between our parties, at a political and a personal level. As Ministers, Tariana and I sit at the Cabinet table and argue for our policies. We eyeball our colleagues. Sometimes we win the argument, and sometimes we lose. But they cannot say they did not know what we thought.

We have regular meetings with the Prime Minister, Deputy Prime Minister and other senior Ministers, where we talk through issues and raise ideas with each other. This face-to-face personal relationship underpins our work together in the House.
The Foreshore and Seabed Act
Finally I want to return to the Foreshore and Seabed issue, and how it stands at present. Draft legislation has been introduced to Parliament, to replace the current law. It repeals Crown ownership, and designates the foreshore and seabed as 'common marine area' (a form of terra nullius). This would resemble the situation immediately after the 2003 Court of Appeal decision, in that no-one is certain who owns it, but Maori are entitled to make their claims based on custom.

The new Bill also guarantees rights of public access to the foreshore and seabed, in line with assurances by local Maori communities that they have no intention to bar people from the beach. It also stops the coast from being sold into private hands.

If tangata whenua are able to prove uninterrupted exclusive occupation, they will be granted a title to the foreshore and seabed equivalent to freehold title, except for the public access and private sale restrictions. The title will include most mineral rights, and rights to control coastal developments, including marine farming.

Many Maori are strongly critical of the Bill, saying it perpetuates existing discrimination because it does not affect the significant coastal marine areas already in private title (only Maori owners will have to grant public access, and be prevented from selling).

Most also say the threshold tests for customary ownership are too high, so very few communities will get that form of title.
In fact, there are strong calls for the Maori Party to oppose the Bill which we helped to draft – leaving the much-hated current law in place. One of our own MPs has pledged his opposition.

This is quite a challenge for a small indigenous political party in a power-sharing agreement with the government!

**The role of the Maori Party**

For me, it is most important to understand the role of the Maori Party and our limitations in the political arena.

We are not the Crown’s Treaty partner. As a parliamentary political party, we are part of the kawanatanga – the Crown side of the Treaty. All MPs swear an oath of allegiance to the Crown.

So it is not our role to be settling the foreshore and seabed issue. We are not a customary owner, and the Maori Party should not be making decisions for the owners. Tangata whenua must make their own decisions based on their own circumstances, and negotiate their own settlements with the Crown.

What we can do is use our own links with tangata whenua and our knowledge of their situation, and our access to government and Parliament, to help tangata whenua voices to be heard at the top. We can advocate for tangata whenua, but we cannot act for them.

All Maori Party MPs share concerns over the new Bill. But we are negotiating in a parliamentary political environment. We have lost a number of arguments. Still, we believe the Bill is better than the
current law. With the removal of Crown title, we say it provides a pathway for tangata whenua to work through the issues.

The decision before us is one of strategy – is it better to take a small step forward, knowing that further progress will be slow? Or is it better to withdraw from the battlefield now, and plan to rejoin the fray at some time in the future?

That is a debate for Maori to have. Our people have made their submissions to the Select Committee inquiry into the Bill.

The Maori Party has said we will be guided by their collective wisdom, as to whether we will support the Bill or not. I think that is an important point – if we claim to be a voice for Maori in Parliament, then we must listen to what the people are telling us. That, too, is part of rangatiratanga.

**Conclusion.**

Going back to my title: Sharing the power of indigenous thought’, I have enormous confidence that indigenous world views, indigenous insights and indigenous knowledge can make a vital contribution to human well-being.

While I have spent some time talking about sharing power – and in particular how Maori went from a situation of complete absolute power to a situation of sharing power – through a treaty – Te Tiriti o Waitangi – And how this sharing situation turned against Maori in the colonisation process – and how a Westminster Government
and a Western Culture marginalised Maori to virtually exclude Maori from the whole power sharing process.

The main weapon of marginalisation was the systematic and deliberate deconstruction of the Maori, political and social systems, the devaluing of Maori behavioural practices, the condemnation of Maori spiritual and cultural beliefs and the forbidding of basic tikanga and Maori activities.

The result was to completely overpower Maori societal beliefs, habits and aspirations. Thus in the early decades of the 20th Century Maori were quite disorientated within their own cultural norms and the new Western/European norms which were being expressed and endorsed through the Pakeha government and its various service departments including the Police, the Army, the Health Department etc.

In 1867, when Maori, who were around 20% of the population, first gained representation in the New Zealand Parliament, they were allocated and confined to four seats out of 76 (5%). Not to give them a voice, but rather as the numbers show, to restrict their participation in the Parliament and a fair share of the voice of the government.

Maori language was officially forbidden to be spoken in schools in the 1920’s – 30’s and 40’s. The Tohunga Suppression Act 1907-8 legislated against Maori spiritual and cultural beliefs and practices.
The village school master taught the 3 R’s in a Pakeha cultural environment, promoting the idea that the Pakeha way was the right way and would replace certain Maori practices which were promoted as wrong or inferior.

These features of colonisation continued with the Courts deliberately destroying the Maori cultural land ambilineal inheritance system which recognised “rights to occupations” as opposed to the Pakeha concept of “ownership” to alienate Maori from their land and their language and culture.

Add to this the mass confiscations of areas of tribal land and some very dubious land sales transactions resulting in Maori land titles being reduced from 66 million acres to 3 million.

I am deliberately detailing this journey from absolute power of our ancestors over land of Aotearoa New Zealand to a situation of the mid 20th Century where Maori became quite powerless with the issues of the day, in New Zealand life.

I do so to emphasise the fight back Maori have made to regain a more equitable ‘power sharing’, as prescribed in the Treaty of Waitangi which our ancestors signed up to. So from our earlier discussions of this power sharing today – one can see we have come far, there is, however, much more to do.

The Maori Party has gained government consent for a constitutional review – this must proceed and Maori must be
emphatic in their vocalisation of their views on ratification of the Treaty of Waitangi, in some form or other.

It is absolutely essential for us to do so! We have a responsibility and a duty to promote our culture of “sharing” community rights, and community ownership. It is important that all indigenous nations must accordingly rise up, and promote those communal sharing and caring values.

For what is the use of this conference if it does not have some higher level goal for humanity – beyond our need to discuss this indigenous stuff with each other.

The world is at the risk with all the non sustainable, and extractive pursuits and our move away from communal values. We must share with each other and with other nations.

Indigenous cultures mean communal support and sharing – not user pays, not individual free enterprise, but enterprise that feeds back to all members of the community, of the society, of the nation, of the world.

We indigenous people of the world must survive and promote our sharing values within all nations. We have responsibility to do so – we can save the world from its own self destructive consumption, non sustainable, individualistic pursuits.
The sharing of ideas is one indicator of the sharing of power. That is your purpose in coming here today, to share ideas and to bring about change. The vital issues are upon us, and the time is right.

On that note, I congratulate the organisers for convening this conference, and I wish you well with your deliberations.
Kia ora tatou katoa.