He iwi rangatira anō tātou nei i mua. Kia pai te whakahaere i ngā tikanga mō te iwi. Kia mangu ki waho kia mā i roto.

An investigation into the guiding principles and stabilising processes of *mana tapu, utu* and *rūnanga* in Waikato-Tainui.

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Abstract

Waikato-Tainui people are descended from an adventurous people who took calculated risks to sail from their warm Polynesian isles to a new land they named Aotearoa[1]. These new migrants established a society which over time became distinctly Māori as they adapted to their new environment. Their greatest survival tool was their *tikanga* (important values and protocols), handed down to each generation through legends and practices remembered and recited in the daily activities of community, and given prominence at important tribal *rūnanga,* gatherings to discuss, debate and consult tribal members about progress, reporting and strategy. These values and protocols which guided cultural relationships included an unshakeable belief in the *tapu* (spiritual and physical boundaries) which resided in every object, animal, plant and natural phenomenon which could be seen or experienced.

It was from *tapu,* emanating from the *atua*, that all things and all people gained their power and their position, their *mana*, in the universe. *Mana* was something which could wax and wane depending on the success or failure of ventures. Where actions threatened the *mana* and stability of *hapū* or *whānau*, or might give offence to the *atua*, *utu* (a reciprocal action) was required to restore balance and achieve harmony once more.

This thesis contends that *tapu, mana, utu* and *rūnanga* were the four *pou* (pillars) which delegated power, determined leadership roles and responsibilities within the social structures of the Tainui people in Aotearoa. It will describe how these *pou* informed the regulation of daily life, the organisation of major activities and the decision-making processes to resolve disagreements and address failures. It will investigate how the *pou* fared as guiding principles and within institutions after the descendants of Tainui *waka* suffered a relatively sudden and devastating reversal of fortunes following the arrival in *Aotearoa* of huge numbers of British settlers in the nineteenth century.

The thesis will describe and analyse the formation and influence of the Kīngitanga from the mid-nineteenth century to the present day. Including Kīngitanga relations with the Government after its invasion and confiscation of Waikato lands and the 1995 settlement which established Te Kauhanganui, a legal entity established to manage the returned settlement assets. The thesis will investigate the extent to which the *pou* are incorporated or are threatened by structures within Te Kauhanganui.

[1] Various traditions give various names. I have chosen Aotearoa because it is commonly used as the Māori name of New Zealand.

Finally, the thesis summarises present stresses and conflicts within the tribe as the traditions of *rūnanga* are sometimes displaced by a system of law based on *Pākehā* (non-Māori) values, and considers possibilities for the future governance of Waikato-Tainui which upholds or ignores the four *pou*. While legal compliance is guided by specific rules to lead procedure, *tikanga* Māori and the values that underpin it are more dynamic, less prescriptive, and context driven. *Tikanga* Māori has a pervasive influence on the personnel and practice of leadership and its accountabilities in Waikato-Tainui. At stake is control of significant tribal assets, and an opportunity to restore a *rūnanga* system that represents and engages its people as *whānau*, *marae* and *hapū*.

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Attestation of Authorship

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

Ethics Approval

Ethics approval for this project was granted under the working title given of the thesis '*Kia mau ki te ture, ki te whakapono, ki te aroha.' (Hold firmly to the law, love and faith). Accountability in selected Tainui organisations* on 5 March 2012, application number 12/19.

He Mihi

Ko te Atua tōku piringa, ka puta, ka ao, ka awatea. Me pēwhea rā e mutu ai te aroha i a mātou, he uhunga, he auē, he maimai aroha. Whakahōnoretia te Kīngi Māori, whakaaro pai ki ngā tāngata katoa.

He mihi nui tēnei ki te katoa e poipoia, e manaakitia nei au i taku kimikimi mātauranga. Ko tōku makau rangatira, me ōna kaha pūpuru i tō māua whānau, e Claire, mei kore ake koe e ngiha i te ahikā he mangungu noa te kai o roto nei. Nei rā aku mihi nui ki a koe me ā māua tamariki anō hoki. Otirā, ko tōku whānau whānui, i a au e kōpikopiko ana he tuarā koutou mōku.

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Ki te kotahi te kākaho ka whati,
Ki te kāpuia e kore e whati. (Kīngi Tāwhiao)

Preface

Leadership and governance are essential elements in the survival and prosperity of the iwi. Every group must decide how to structure themselves, determine processes and roles in order to achieve its interests. Without this type of organisation there is no system or motivation for a group to exist.

The topic of my thesis is an aspirational statement reminding Māori to act sovereignly in our affairs:

> He iwi rangatira anō tātou nei i mua. Kia pai te whakahaere i ngā tikanga mō te iwi. Kia mangu ki waho kia mā i roto. (Tāingakawa: 1917)
> We were a chiefly people. Manage the affairs of the people well. Be Māori (mangu - dark) on the outside and without blemish (mā - white) on the inside (my interpretation).

This is a statement attributed by Tupu Tāingakawa to Tawhiao the 2nd Maori King on the occasion of the opening of Te Kauwhanganui at Rukumoana Marae, Morrinsville in 1917, and has been repeated through time at important tribal events.

My interpretation of the title reflects the three essential components expressed in the thesis. Firstly *We were a chiefly people*. The historical evidence shows, we had concepts and practices that allowed the descendants of *Tainui* to maintain independent, viable and vigorous community governance over several centuries. These guiding governance principles and stabilising processes suffered a sudden devastating reversal of fortunes since British settlement but they continue to exist.

Secondly, *Manage the affairs of the people well.* There is a responsibility on the leadership to behave in ways which benefit the people. Good management and governance requires robust and fair process. The most obvious manifestation is the utilisation of the formal *hui* known as the *rūnanga.* Within the Kīngitanga the *rūnanga* became know as Te Kauhanganui and formally established a system to manage the nations affairs including working with Pākehā officialdom. Te Kauhanganui has been re-established today although changed in the formality of the structure.

The third component, *Being Māori on the outside and being 'white' - morally upright,* is a statement about values as an organisation and leadership. This thesis argues that the core of

Māori governance are four *pou* that are Tainui responses to the use and distribution of power, the *pou* influence roles and relationships in *rūnanga*. The four *pou* are loosely translated as:

Mana – power & authority, leadership
Tapu – spiritual and physical boundaries
Utu - reciprocity and accountability
Rūnanga – corporate debate and decision-making on all important communal issues.

These *pou* emerged over the course of the research and are identified and explained in the thesis.

Waikato-Tainui was a natural selection because of the genealogical links the writer has with the tribe and the opportunity to observe and discuss with tribal leaders about the past and post Treaty of Waitangi settlement context. The narrative which reveals the four *pou* goes back to some of the earliest stories of the Tainui people which have been handed down to exemplify the principles of governance and practice of leadership within Waikato-Tainui.

Orthographic Conventions of Te Reo Māori

The orthographic conventions used in this thesis are those promoted by Te Taura Whiri i te Reo *Guidelines for Māori Language Orthography* (2012). I have italicised Māori words used in the body of the text to avoid any confusion or ambiguity with words that have been adopted into English with a changed or restricted meaning. Quotes from Māori texts are reproduced as they are printed and may include the use of the double vowel or do not use the macron.

Mācrons are used on Māori words and names to ensure that people know how to pronounce them correctly. The Te Aka Māori-English, English Māori Dictionary on line at: http://www.maoridictionary.co.nz/ has been used as the standard for vowel lengths of particular words.

Introduction to the Research Topic

The rich history of Waikato-Tainui, begins with the migration of daring explorers from Polynesia sailing to Aotearoa[1]. There were several migrations by a resourceful people who were excellent navigators and sailors, and over time they established settlements in some of the best agricultural land in the islands which they named Aotearoa. They brought with them their *tikanga* (important values and protocols), handed down to generations through legends remembered and recited at rūnanga (family and tribal gatherings). These values together with the protocols guided relationships and were based on *tapu* (spiritual and physical boundaries) which is an element in every object, animal, plant and natural phenomenon which could be seen or experienced.

This research will investigate the questions:

> What are the main concepts and practices which allowed the descendants of the Tainui canoe to maintain independent, viable and vigorous community governance over several centuries? And;
>
> How have these guiding governance principles and stabilising processes fared since the descendants of *Tainui waka* suffered a sudden and devastating reversal of fortunes since British settlement of Aotearoa in the nineteenth century?

These questions arose from the researchers interest in the intergration of Māori values and customs into the governance practices of *iwi* organisations, particularly in the area of moderating the use of power and control. The methodology used to answer the questions are informed by kaupapa Māori methodology which incorporated a historical narrative, participant observation, interviews, case studies, readings of history, Te Kauhanganui trust board minutes and court cases, to identify important Māori ideas of organisational values, structures, roles and responsibilities. Integral to the entire research process was my active participation over many years in the life of my extended family, *marae* and *hapū*, and as a member of the tribal council, Te Kauhanganui o Waikato-Tainui. Accordingly, this thesis is written by a descendant of *Tainui,* about *Tainui* people and issues. The methodology is fully explained in Chapter 5, but the principles of a narrative approach and the use of specifically *Tainui* material are used to express the voice of Waikato people. I thought it was also

[1] Various traditions give various names. I have chosen Aotearoa because it is commonly used as the Māori name of New Zealand and it is the intention to approach the topic from a Māori perspective.

important to maintain the flow of the historical narrative in order to engage Tainui readers and to provide a context for the research questions and methods.

The investigation starts from the belief, widely shared among Māori, that it was *tapu,* an influence emanating from the *atua*, from which all things and all men in the universe gained their power and their position, their *mana*. *Mana* was something which could expand or contract according to success in ventures such as the production of food or facilitating communal building projects. When there was a breach of *mana* or *tapu, utu* - a restorative action was required, to remedy the imbalance and achieve harmony once more.

Underlying these concepts and practices was *hui*, the gathering of the community. It was at the formal and informal gatherings that people would learn about their history and the ideas and practices which guided and protected daily activities. Formal *hui*, referred to in this thesis as *rūnanga,* would plan strategy and organise for the survival of the *whānau* or *hapū* and celebrate its success or analyse its failure. Where the violation of *tapu* and *mana* of *whānau* or *hapū* had been seriously damaged, *rūnanga* would determine and witness the need for restorative action.

It is contended that the concepts and practices of *tapu, mana, utu* and *rūnanga* were the four *pou* (pillars) which supported the social structures and cultural relationships of the Tainui people. Each of these *pou* were selected because they are representative of a number of Māori values, for instance *tapu* includes aspects of *noa* (being without restrictions) and *wairuatanga* (spirituality) while *mana* includes *mana tangata* (the authority of man), *whakapapa* (relationships), *rangatiratanga* (leadership), *mana whenua* (land) and others. *Utu* and *rūnanga* can include *kaitiakitanga* (stewardship), *whanaungatanga* (being family), *manaakitanga* (generosity and caring) and others.

Although it is important to define the differences and perhaps create a hierachy within the list of Māori values, I felt it was beyond the scope of this thesis as it would move the focus from governance. The general use and varied interpretation of the terms *tapu, mana, utu* and *rūnanga* are described and used here in relation to the moderation of power in the leadership and governance of a tribal entity.

This thesis describes how these *pou* influenced the daily lives and activities of the tribe. It analyses the reaction of the Tainui tribes to the new and unwelcome laws and practices which

would take their best lands and ignore their fundamental values and protocols. It explains the role of the Kīngitanga in attempting to regain lost assets, and its partial success in gaining restitution of *mana* through the Treaty claims settlement process and the re-establishment of a tribal council.

The term *pou* is translated as 'pillar' but it has a wider historical reference as it was used to symbolise those tribes supportive of the Kīngitanga and is translated as 'support, supporter, stalwart, symbol of support, metaphoric post - someone, a group, tribe, gathering or something that strongly supports a cause or is a territorial symbol, such as a mountain or landmark, representing that support' (Te Aka Māori-English, English Māori Dictionary). The Te Aka Dictionary also provides some examples of how the term *pou* was used.

> *Nā, i muri o ēnei pou, ko ngā pou whenua me ngā pou tangata, i whakakotahi ai ngā iwi ki raro i te Kīngitanga (Winiata, M 1958. Te Rau Tau o te Kiingitanga Centennial Celebration, 2 May, 1858-1958: Founding of the Māori King Movement. Tūrangawaewae Marae, Ngāruawāhia).*
> Now, as well as these gatherings of support there are the landmarks symbolising support and the supporters that unite the tribes under the King Movement.
>
> *Ko ngā pou pupuru whenua tēnei i tukua ki raro i te Kīngitanga o Pōtatau. Ko Karioi, ko Titiokura, ko Taranaki, ko Pūtauaki, ko Kai-iwi, ko Ngongotahā, ko Tararua, ko Te Aroha. Ko ngā pou whenua tēnei i tukua e ngā iwi nōna aua whenua ki raro i te Kīngitanga o Pōtatau (Te Paki o Matariki 25/7/1893:3).* These are the land symbols of support that were placed under the King Movement authority of Pōtatau to hold their lands: Karioi, Titiokura, Taranaki, Pūtauaki, Kai-iwi, Ngongotahā, Tararua, and Te Aroha mountains. These are the land symbols of support for those lands that had been placed by the tribes under King Pōtatau's protection (Te Aka Māori-English, English Māori Dictionary).

The thesis will investigate the extent to which the *pou* are incorporated into tribal structures established to manage returned assets following an agreement in 1995 between the leadership of the newly formed Waikato-Tainui and the Government for compensation of confiscated land. It will present cases where *tikanga* (Māori custom and protocol) has been subject to legal challenges and will analyse several possible outcomes for the future control, governance and distribution of the benefits which have come from the careful management of the settlement assets.

Chapter one begins the narrative with the arrival of the canoe at its final destination on the west coast of Aotearoa, at Kawhia where its length is still clearly marked. Through legends, sayings, the writings of scholars, and reference to a variety of documents the research

identifies the *tikanga*, the *pou* and protocols on which the early communities were established. The principles of *tikanga* were commonly accepted as authoritative and established ideal behaviours which allowed relatively peaceful relationships among *whānau* and *hapū*.

Leadership was crucial to the survival of *hapū*, and the people vigorously discussed the appointment and performance of leaders to ensure the best outcomes for *whānau* and *hapū*. If there was no agreement on *hapū* leadership, opposing *whānau* groups were known to disperse and re-establish themselves as *hapū* or merge into other existing *hapū*, always maintaining their genealogical links. Leadership qualities such as intelligence, courage, generosity, skills to produce food, shelter, security and oratory were all necessary to some degree in order to lead in a society that was based on consensual decision making and the acknowledgement of *mana* amongst individuals, *whānau* and tribal leaders.

Chapter Two discusses the arrival of British settlers who were initailly welcomed by Māori because of the opportunities and innovations they could make available. Māori adopted and adapted European technology in pursuit of continued wellbeing of *hapū* and *whānau* and although these produced radical changes in material culture the four *pou* of *mana, tapu, utu* and *rūnanga* remained in place supporting a strong, independent *whānau* and *hapū* social structure.

The European population became larger than Māori over a relatively short period, greatly assisted by the deaths of many Māori through musket wars and introduced Pākehā diseases. The influence of Christian missionaries increased with the number of Māori adherents and as the number of settlers grew, greater political and military support for their presence was provided by Britain. On the basis of a Treaty with different versions and different outcomes for Māori and British settlers, Britain instituted a government with a Parliament and was able to call on a superior military to enforce the authority of British law.

Māori recognised the British colonial threat and attempted several strategies to maintain their *mana motuhake* - their authority and independence. One strategy chosen by many Waikato tribes was to support the establishment of a monarchy, the Kīngitanga, a pan-tribal forum to unite all tribes. The Kīngitanga was an adaptation of the British monarchy based on Māori ideas of equal *mana* and *tapu* amongst *hapū* and between Māori and the British. The Kīngitanga would provide a cloak of protection for the people and seek to achieve equal

governance of the new nation with British settlers. Māori relied on an understanding of *utu* as the basis of all relationships and *rūnanga* would be the communication process to maintain open and mutually beneficial relationships.

Chapter three discusses changes in legislation, and events that led to the Waikato-Tainui Raupatu Settlement Act 1995. The settlement returned significant assets in a new governance and legal structure called Te Kauhanganui – the name used for the original Kīngitanga *rūnanga* of 1892, which would provide governance over returned assets. The Kīngitanga was prominent in the negotiations and throughout the process provided the necessary *mana* and *tapu* for settlement discussions amongst *hapū* and *marae*. The settlement achieved *utu* between Waikato *hapū* and the Crown, and in the minds of Waikato tribes the settlement would aid in the restoration of Waikato *mana* and *tapu*.

Chapter four discusses the structure and membership of Te Kauhanganui. Its rules meet the regulatory requirements of an Incorporated Society but it also acknowledges traditional structures and *tikanga* that decide membership, the way meetings are conducted, the agenda of meetings and the resolution of disputes. Reliance on the statutory rules has confounded progress at times as small groups and individuals, particularly leaders, are able to utilise the rules to their advantage while ignoring the *mana* of Te Kauhanganui and the *tapu* of their responsibilities. The result is the loss of Te Kauhanganui *mana* and this has raised questions on the suitability of the current structure and its capacity to lead and support *whānau*, *marae* and *hapū*.

Chapter five presents the methodology used as a platform to collect and analyse the data. This investigation was carried out in the context of Waikato-Tainui history, social structures and cultural relationships. It draws on Māori forms of knowing gained from myths, historical accounts, tribal songs and sayings produced by tribal leaders in relation to the issues they faced.

The research is brought up to date by sourcing primary information on the governance and management of Waikato-Tainui from personal observation and participation in meetings of Te Kauhanganui as well as informal discussions with members, structured interviews, and access to official documents relating to critical events. This was made possible through the writer's personal relationships as a descendant and part of *whānau*, *marae*, *hapū* and *iwi* and

as a student of Tainui tribal history, language, and interest in tribal well-being and the management and governance of tribal affairs.

Chapter six discusses the operations of Waikato-Tainui Te Kauhanganui using the words of tribal leaders, observations from attending *rūnanga* and case study vignettes. It will discuss relationships between Te Kauhanganui members, the officers of Te Kauhanganui, Te Arataura and the Kīngitanga. From the selection of critical events and related information some conclusions will be drawn regarding leadership, governance and Waikato-Tainui *tikanga* in the present state of Te Kauhanganui and its future stability.

The thesis concludes with a discussion of what the research information suggests about possible future scenarios for the governance of the tribal assets of Waikato-Tainui *iwi*. The research questions will be answered by the degree to which the four *pou* are preserved by their presence as fundamentally important *tikanga* in the governance and management of assets deriving from the 1995 settlement.

Chapter seven reviews the research questions and presents in summary form the evidence for concluding that the main governance concepts and practices brought by the descendants of the crew of *Tainui* canoe to Aotearoa were *tapu, mana, utu* and rūnanga. These key principles informed and regulated the social structures and cultural relations of the *whānau* and *hapū* which grew and prospered for hundreds of years until being disturbed by the arrival of British settlers from the nineteenth century onwards. For a short time these *pou* were accepted by the new settlers who were content to live among an independent race who lived off the land and were willing to trade surpluses of cultivation for manufactured goods.

The chapter also presents information regarding the degree to which *tapu, mana, utu* and *rūnanga* have survived as key principles. It identifies the major challenges for Māori *whānau* and *hapū* to preserve and protect the *pou* for their survival and the degree to which competing principles have taken over their key role in organising and regulating iwi organisation. The consequences of Waikato-Tainui achieving settlement of claims relating to the confiscation of lands are identified, and the tensions that develop in governance organisations with responsibility for community assets are analysed and discussed.

The research methodology is discussed critically, and additional areas for research are identified. The narrow scope of the research is justified by the importance of Waikato-Tainui

as one of the first *iwi* to settle its land claims with the government. The depth of the enquiry and the uniqueness of the information which has been brought to bear on the questions also requires a narrow focus. The research information from Waikato-Tainui sources will be of interest to other *iwi* and more generally to people interested in the affairs of an *iwi* which has survived deprivation and is now contemplating how best to manage its increasing business surpluses.

Chapter 1: He Tīmata

The Arrival of Tainui Waka

The migration of East Polynesians to New Zealand from warm island homes has been discussed by numerous writers including Simmons (1976), Beaglehole (1961), Duff (1961), Best (1924), Dansey (1947), Kelly (1949) and most recently Anderson et.al (2014). While they have varied on aspects of the migration story, there is common ground regarding the following points. Several *waka* arrived from Eastern Polynesia over a period of time, most landing in the North Island and at least one in the South (Anderson et.al 2014). These journies are told in narratives such as that of the elderly chief Toi, who visited a number of islands in the South Pacific in search of his grandson, Whātonga, whose canoe was feared lost following a fishing expedition. He did not find his grandson, but was himself rescued when Whātonga sailed to find his grandfather and finally discovered him at Whakatāne (Best 1924 p25-28).

The Polynesian voyagers arrived from places named Hawaiki and Rangiatea. Their courage and knowledge of ocean navigation brought them to this new land a number of those orginal voyagers stayed and over a period of time became people of this land, Aotearoa. Aotearoa, had plenty of space available, with abundant food resources and precious greenstone as a material for tools and ornaments.

There are many stories relating to the early settlers and many of those canoes are remembered such as *Tainui*, *Te Arawa, Mātaatua, Kurahaupō, Tokomaru, Aotea, Horouta* and *Tākitimu*. The canoes carried men, women, stores, implements and weapons, and representations of their *atua* (diety), all the cargo required to establish colonies in the new world. Deities were regarded as guides who could be petitioned for support, or if insulted would inflict trouble (Owens, 1968, pp 18-40).

The *Aotea* canoe is said to have been amongst the earliest canoes to arrive and landed on the west coast of the North Island where a settlement grew at Pātea, south of the mountain Taranaki. *Horouta* settled part of the east coast of the North Island and also part of the South Island. *Tākitimu* arrived at the east coast, landing at Gisborne and then sailing to Wairoa, Hawkes Bay and Te Upoko o te Ika (Wellington), leaving settlers at each landing. It ended its journey at Otago in the South Island.

Other canoes landed on the east coast and *Mātaatua* sailed to Whakatāne. *Te Arawa* sailed to Maketū from where its people moved inland to the great lakes Taupō and Rotorua. *Tokomaru* sailed around the north of the North Island to settle in the north of Taranaki. *Tainui*, the focus of this study, sailed north and was portaged across the Auckland peninsular from the east coast harbour to west coast Manukau harbour. From there the canoe and its descendants settled Kāwhia harbour on the west coast of the North Island.

Figure 1 Tainui and Te Arawa canoe landings[1]

Two limestone pillar memorials were used to mark the final resting place of the *Tainui waka*. The two senior men of the journey were the *tohunga* Rakataura and the pre-eminent *rangatira* Hoturoa. Rakataura stood one pillar at the inland end of the canoe calling it Hani, representing the warrior spirit.[2] Hoturoa placed a pillar at the seaward end of the canoe and named it Puna-whakatupu-tangata as a symbol of the prosperity of man (Kelly, 1949, pp 60–61). The landing place and the limestone pillars are visible today and are lasting reminders of our ancestors' journey and their wish for Tainui descendants to thrive in this region.

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[1] Rāwiri Taonui. 'Canoe traditions – Te Arawa and Tainui', Te Ara – the Encyclopedia of New Zealand, updated 15 November 2012. URL http://www.TeAra.govt.nz/en/map/2340/landing-places-of-the-tainui-and-te-arawa-canoes.

[2] Hani, a destroyer of men, 'Hani Whakarere-tangata', Volume 14, No.2, June 1905 The coming of Tainui by Jas. Cowan, pp 96–99.

Figure 2 Hani and Puna, Maketū Marae, Kāwhia[1]

Early Māori settlers lived in Aotearoa without significant contact with other races for 400 to 500 years and in this period flourished (Best, 1924; Metge, 1976). Māori people explored and controlled the entire country, naming every landmark, establishing boundaries between tribes and exploiting the natural resources in order to live in the New Zealand environment (Firth, 1959). Over generations, the knowledge of this new land developed among the descendants of the original voyagers. They organised themselves to survive in a new and sometimes difficult climate, amongst intense and sometimes violent competition for the best land and resources.

Belich (1996, pp 35–75) suggests that large and accessible food sources such as moa and seal colonies provided a 'protein boom' which sustained the initial Māori settlement and population growth. However, after the first hundred years, many of these resources were exhausted and survival through the lean times of the year required greater efforts and organisation:

> From skeletal and other evidence it is known that their early New Zealand descendants were tall and muscular… The life span was short, averaging perhaps thirty five years, and the women seldom had more than four children. Though their general nutrition was adequate, they suffered from diseases of the gums… evidence of severe arthritis is widespread in the skeletal remains. Infection from decaying teeth and pneumonia were probable major killers. (Biggs, 1999)

Although it was a difficult and short lifespan, Māori made significant advances to transition from their warmer Polynesian ancestral homes to the cooler climate of Aotearoa. Some aspects of the culture changed as the environment required innovations in agriculture, clothing, housing and harvesting from the sea and forests. The Polynesian language of their home evolved to become a distinct Māori language and art moved from a Polynesian linear

[1] Maketu Marae, Google images, geocities.ws.

form to the Māori curvilinear form (Mead, 1975, pp 173–211). Stories and mythology also changed to incorporate their new home. For instance, Tangaroa, the deity of the oceans, who held pre-eminent in the Pacific nations was replaced by Tāne of the forest as the pre-eminent deity in Māori mythology (Best, 1924, pp 63–77).

> …who have a fellowship with every member of the far scattered Children of Tane.
> …for are not men and trees alike descended from Tane? (Best, 1924, p 63)

Māori tradition saw man as an integral part of the environment with sets of relationships to the natural world where everything is interconnected (Best, 1924, pp 35–66). Māori personified the environment. The stars, trees, plants and rocks like people were inter-related and could be understood via *whakapapa* (geneology) that showed the relationships and orderliness in the world.

Marsden (1992) referred to a 'holistic' Māori perspective of the world, not separating or compartmentalising the spiritual, physical or social worlds. Stories, such as the constant battle between the realms of Tāne of the forest and Tangaroa of the sea, provided an order and logic to the world. Smith (1974) describes the constant battle between the two realms:

> Thus the war between man and god is not the only war there is. The elements of nature are themselves at war with one another, and…, man is aided by their antagonism…. Not only does Taane help man against Tangaroa, but Tangaroa helps man against Taane (p 35)

The myth made sense of the relationships and boundaries of man, environment and the spiritual realm. These relationships described the activity of the *atua* and included powers of the forest and sea that far exceeded the control of man. The powers of the deities reflected their *mana* and *tapu* – spiritual aspects of their being. Locked in combat, they achieve a balance which provides order and logic to the world.

Mana, *tapu* and *utu* are linked with the deities and are specifically related to the balance of authority in Māori social structures and particularly in *rūnanga,* formal community gatherings, to discuss important communal issues, strategy and the expectations of leadership. These four elements *mana, tapu, utu* and *rūnanga* are titles selected to encompass a range of important values that moderated the use of power in Māori communities. Each of these *pou* will be explained.

Mana

According to the Williams (1991) dictionary, *mana* has a range of meanings and attributes, including authority, control, psychic force, binding, having influence or power, and vested with effective authority. As the term *mana* is associated with notions of spiritual and psychic force, as well as physical jurisdiction and authority, the interpretation and use of the word is context dependant. The focus of this thesis is on the effective use of power and control, *mana* in action as it is expressed in the governance of Māori organisation but this cannot be separated by the spiritual, emotional or political components of human interaction also referred to as aspects of *mana* or *tapu*. Pā Tate (2012) comments on the close relationship between *mana* and *tapu* and believes this to be a tenet 'where there is *tapu* [spiritual notions] there is *mana*' (p51).

The Māori creation story suggests that *mana* is vested in the *atua*. There is an *atua* for each physical and spiritual domain and from these *atua* all things originate (Best, 1924, pp 55–222). For example, the *mana* of Tangaroa made possible the creation of all fish and reptile species. Tāne's *mana* gave rise to the forest and its birds and insects (Reed, 1971, p 2).

Mankind arose from the *mana* of Ranginui, the sky deity, and Papatūānuku, the earth deity, and so are vessels of their *mana*. Shirres (1982, p 39) quotes from Grey's manuscripts explaining that the *mana* of mankind is instilled at conception, linking each generation to those before:

> I te oroko putanga mai o te tamariki i roto i tona whaea, no reira ano i timata mai ai te mana, otiia no mua iho no nga tupuna .
>
> In the very coming of the child into his mother, from there indeed, his *mana* began, but it comes from right back, from his ancestors (Shirres 1982, p39).

Terms which are combined with *mana* often refer to authority over a place or event. For example: *mana motuhake* – independent authority, *mana moana* – authority over waters, *mana whenua* – authority over land, *mana atua* – authority of a deity, *mana tangata* – authority of man, *mana rangatira* – chiefly authority, *mana tūpuna* – ancestral authority, and *mana whakahaere* – administrative authority. Benton et. al (2013 p154-204) present the traditional use of the term *mana* using some of the above titles and also acknowledge the expression of *mana* as leadership (Ariki, Rangatira) and its accountabilities including amongst others, the terms *Riri* and *Kanga* – the sense of outrage at slights made upon *mana* (p336).

As *mana* was a gift of the *atua*, the pursuit, protection and maintenance of *mana* was a major driver of Māori society. It was often demonstrated in the control of resources which allowed tribes to expand in population, develop alliances and relationships through acts of generosity, and to support artistic and community projects, such as building *waka* and carved houses.

There are many stories that explain the mechanisms of *mana* relating to the journey and establishment of Tainui people in Aotearoa. One such story relates to the consequences of the behaviour of two chiefly women, Marama-kiko-hura and Whakaotirangi. Both were married to Hoturoa, the captain of the *Tainui waka*, and both had an important role to bring kūmara for planting and propagation in Aotearoa. The safe transportation, care and production of this vegetable were important for the long-term survival of our ancestors and so it was appropriate to have chiefly people and ritual to protect this essential cargo. However, Marama had an improper relationship with a slave and a consequence of her actions was her inability to produce a healthy crop of kūmara. Meanwhile, Whakaotirangi maintained her integrity and produced a bountiful harvest (Nahe, 1872).

This story is permeated with Māori assumptions of *tapu* (spiritual and physical boundaries), *mana* (authority and power) and *utu* (reciprocity) *Mana*, *tapu* and *utu* are linked with the *atua* and are fundamental in understanding Māori society and organisation. The women were *tapu* because of their status and the cargo they carried which was critical to the survival of the people. Marama's actions were a violation of the *tapu* associated with her chiefly responsibilities and affected her personal *mana* which consequently affected her ability to perform her role. The *utu* for Marama was a failed crop while the *utu* for Whakaotirangi was a successful crop. According to local tradition, Whakaotirangi's gardens are still visible today (Mangan, 2013).

The success and completion of projects were indicators of a community with *mana*. Another Tainui chiefly ancestress was Tukutuku, the wife of Paoa from whom came Ngāti Paoa, a grand daughter of Tamaterā from whom came Ngāti Tamaterā, and a great grand daughter of Marutūahu, the Tainui chief who gained control of much of the Hauraki region and became the ancestor from which many of the Hauraki tribes descend. Tukutuku is said to have led by example to provide for her people:

> Ka kite rātou i a ia e mahi ana, ka mahi hoki rātou… ka mea taua iwi "tēnei anō tau mahi, e te rangatira, te takoto kē nei – 'he mahi anō tā te tawa uho, he mahi anō tā te tawa para' – Ka mahi te rangatira".

> Ka noho taua wahine, ka huihui ngā tangata o tona iwi hou hei tangata mōna. I mua i kore noa iho anō te tangata, nā tona atawhai, i kōnei tata, kua hua, kua kī te pā. (White 1888:p 230)
>
> When they saw that she laboured with them they worked all the more.… Hence the people said: this is the work of a chief, as the old proverb says, 'the sapwood of the tawa is of one kind, and the heart is of its own kind'. The chief does their work like a noble.
>
> The people assembled around Tukutuku, strangers also came with them and became a part of her tribe. Formerly there were few people, but her example of industry (and care) had produced surplus (food) and filled the pā with occupants. (White, 1888, [translation of above on] p 239)

Tukutuku demonstrates the *mana* of a chiefly woman who led by example to inspire her people, increasing her *mana* and the *mana* of her people. Personal *mana* could be expanded or reduced over a lifetime according to a person's ability, skill and strength of character (Mead, 2003).

The traditional story of rivalry between brothers Whatihua and Tūrongo, two prominent ancestors of Tainui tribes, is another example of increasing or decreasing *mana*. Whatihua tricks his younger brother Tūrongo in order to win the hand of Ruapūtahanga, a chiefly woman from a neighbouring tribe. Tūrongo is unprepared at the time his potential in-laws arrive, while Whatihua has prepared a large house with a full food store and wins favour with Ruapūtahanga and her *whānau* (Jones, 1995, pp 66–69). Whatihua's plan, although deceptive, showed he was a resourceful man and therefore he was worthy of a chiefly wife. In the eyes of Ruapūtahanga and her *whānau*, the *mana* of both brothers was evident in their preparations. Tūrongo was dejected and left the community.

Great *mana* was accorded to individuals who contributed to community wellbeing:

> Mana plays a leading part in the ability of a leader, or successes in war of celebrated warriors. When a man frequently undertakes daring deeds, which ought under ordinary circumstances to fail, but none the less prove successful, he is said to possess *mana,* and thereafter is regarded as one peculiarly favoured by the gods, and in such cases it is held that he can only be overcome by some act or default; such as a disregard or neglect of some religious or warlike observance, which has been shown by experience to be essential to success in war; but which our warrior spoiled by a long career of good fortune, had come to regard as necessary to ordinary mortals only and of but little consequence to men of *mana*. (Gudgeon, 1905, p 62)

The greater a person's *mana*, the greater their influence in community decision-making. However, O'Malley (2012, p 72) cites various early observations of Māori society and

leadership, noting "it was not possible for chiefs to declare war or peace, or to do anything affecting the whole of the community, without the express sanction of the rest of the group. That sanction was given in the tribal assemblies known as rūnanga". This did not negate the importance of *rangatira* but illustrated the balance of power between *mana rangatira*, the authority of the chief and *mana ā-hapū*, the authority of the community.

Tapu

As stated above *tapu* and *mana* are interlinked. Shirres (1982) discusses a variety of examples that are said to be *tapu* and provides a definition as "the potentiality for power" This is demonstrated in the *mana* and *tapu* of leadership; as a leader's *mana* increases so too does their *tapu* (Mead, 2003). *Tapu* is the spiritual potential while *mana* is a conceptual and physical expression of power and each influences the other (Shirres, 1997). *Tapu* is discussed by Tate (2012 p. 43-73) in three ways, the first as a restricting force, the second as being in relationship and the third as 'being-in-itself', an intrincic *tapu*, that comes from existence without which there can be no need for the first two forms of tapu of restrictions and relationships.

Tapu when linked with *mana* provided a form of law to elevate the hierarchical authority of leaders and was useful in the maintenance of community cohesion (Taylor, 1855). A leader who did not perform to an acceptable standard could lose influence amongst the people and have less influence in the decision-making processes of the community.

The term *tapu* was used in various and contrasting ways. Shirres (1982) explains *tapu* as a spiritual concept with connotations of both respect and fear:

> Individuals and groups of people are *tapu;* children, parents, war parties, sick and so on. Some of the *tapu* mark off places; houses, gardens and special ritual areas. Others mark off special times, so we have *tapu* days. There are *tapu* which need to be protected, strengthened and confirmed, for instance the *tapu* of the child. There are *tapu* which give protection, for instance the *tapu* of the *iraamutu,* the chief's sister's daughter. And all *tapu* can be seen as needing to be treated with respect, and sometimes fear, but this depends on which side you are on, on the relationship of your *tapu* to the other *tapu.* (Shirres, 1982)

Tapu was a regulator of civil life, with elements of spirituality, safety restrictions and moral guidelines. Violation of *tapu* was believed to bring *utu* into play and retribution would occur at some point in the future. Therefore, an understanding and respect for *tapu* was important

for survival as it ensured individuals and *whānau* correctly assessed the importance of time, places, people and activities. *Tapu* acknowledged risks in major projects, such as building houses and *waka*, and dealing with crisis within society, such as birth, death, war and making peace. Best (1924, p 94) saw the institution of *tapu* as a form of religion and a substitute for civil law in traditional society:

> Religion is a form of Government, and in the case of the Maori, it was the strongest force in the tribal commune…. It enters into every department of life, into every industry, every activity of the daily life of the individual. (Best, 1924, p 36)

Tapu provided a set of regulations meant to guide a person to live a good and full life in the context of their community.

The environment was imbued with degrees of *tapu*. The land and waters were important to the survival of the people and had elements of *tapu* that were signalled by tribal identity markers, such as the Waikato River, which was personified as the *tupuna awa* (ancestral river). The use of resources could be regulated by placing *rāhui* defined by the Williams dictionary (1991) as 'a sign to warn people of the spiritual danger of trespassing where there was a need for the temporary protection of resources'. Tate (2012 p. 43-73) describes this important restrictions and relationship because of *tapu* between the *atua*, and its relationship to *tangata* and *whenua*.

It was believed that ignoring *tapu* could lead to sickness or death (Manihera, 1975). Every person and activity had facets of *tapu* in the form of simple *karakia* (prayers, incantations) to complex systems of ritual involving *tohunga* as priests or experts in ritual (Taylor, 1855). These experts were used to mediate with *atua* in order to restore spiritual balance between man and the environment.

Utu

Utu is described by Williams (1991) as 'return for anything: price, ransom, reward or satisfaction'. This could be explained as reciprocating good or bad, weighing actions and assigning blame, liability or credit. While *utu* is often regarded as revenge, it is more properly described as reciprocity or 'balanced exchange' and contributed to social stability and balance through generosity or violence (King, 2003, p 72). Patterson (1992, pp 116–135) agrees that *utu* is the process used to restore *mana*. *Utu* was present in all relationships between people and the environment, and had spiritual aspects.

The first story of *utu* involved the *atua*, when Tāwhirimātea (spirit of the winds) made war on his brothers, blaming them for the separation of their parents (Walker 1975). This story explains why Tāwhirimātea often attacks his brothers of the seas and land, killing their offspring, including humans, through storms and floods. This precedent exemplifies that *utu* can be enduring, and enmity between opponents can continue until the account is settled.

Mahuta (1974, p 44) describes how the significance of *utu* and *mana* was reflected through the *pōwhiri* (welcoming ceremony) with examples of *karanga* and *whaikōrero* (the calling made by the women and the speechmaking by the men). The initial voice heard on the *marae* was the call of welcome from a senior woman, who represents at that point the *mana* of her people. This is followed by a response from a leading woman on the side of the visitors with the same responsibility (Higgins, 2014). This tradition was handed down through generations and rehearsed during all important public events. Men have the responsibility of *whaikōrero*, and within Tainui the formal speaking follows the *tau-utuutu* speaking process with each side taking turns to exchange greetings, debate issues and jointly expand or clarify ideas, *'ka mihi atu, ka mihi mai, ka kite atu, ka kite mai, ka tuu atu ka tuu mai'* – 'I greet you, you greet me, I see you, you see me, I stand, you stand'. Mahuta translates '*tuu*' as 'stand', but it also has connotations of being prepared to challenge and 'engaging to fight' (Williams, 1991).

> Tō piki amokura nōu, tōku piki amokura nōku
> Your treasured possessions are yours, my treasured possessions are mine. (Ngaia, 2014)

This Te Ātiawa saying, when used in the *pōwhiri* process, means a person should acknowledge the *mana* of others and maintain their own *mana*, and shows the dynamic nature of bringing groups together. Like the women, the men carry the *mana* of their *whānau* and *hapū* when they stand and the process is an exchange of *mana* (Moeahu, 2014).

There were recognised processes to restore relationships and settle accounts. They might include one of the following methods or a combination of all.

- Use of appropriate ceremony and rites (*tikanga* and *kawa*) to cleanse and restore people or bring people back into healthy relationships, such as the practice of *tangihanga* (the mourning process) (Graham, 1951).
- Sanctioned plundering of perpetrators' assets, called *muru* (Mead, 2003).
- Arranged marriages to join opposing groups, called *tatau pounamu* (Mead, 2003, pp 167–179).

- Peace feasts to restore relationships between warring groups (Rickard, 1963).

Barlow (2002) describes *utu* as a system of social accounting so, if a community was carrying perceived unsettled injustices, it obsessed over how it might rectify the imbalance (King, 2003, p 73). Violence was an accepted response, but it was not always the preferred option. Escalating violence could create uncertainty and hardship within a community. *Mana* tempered *utu* to ensure that appropriate action was taken to restore balance in relationships. If the reciprocated payment or punishment was not accepted, then disharmony would continue.

Utu could be foregone if an offended party acted with generosity and ceded their right to *utu*. For example, Herea, the uncle of Te Waharoa, the principle chief of Ngāti Hauā, was killed by Ngāti Raukawa in the *tā-i-ngā-kawa* process, as an offering to propitiate the *atua* at the building of a tribal house. The murder created *utu* obligations on Te Waharoa to restore the *mana* of his *whānau*. The strength of those obligations included Te Waharoa taking the name Taingākawa as a reminder of the incident and the importance of settling the account.

A short time after the death of Herea, Tukutetaiheke of Ngāti Raukawa, entered the tribal lands of Taingākawa Te Waharoa. When Ngāti Hauā tribesmen saw Tukutetaiheke, they took him prisoner and began preparing for his death and the eating of him. This news was sent to Taingākawa who immediately went to the village and found the ovens prepared. Taingākawa was within his rights to take the life of Tukutetaiheke in order to restore the balance and *mana* between the tribes. However, in the presence of his expectant tribesman, Taingākawa went to Tukutetaiheke and greeted him with a *hongi* (a pressing of noses). This action signified that Tukutetaiheke was a guest and could not be harmed (Tāmihana, 1866).

Tāmihana (1866) lists this story with a line of actions where his father Te Waharoa, according to Māori custom, could have responded with violence. Instead, he acted with generosity and Tāmihana implies this demonstrated greater *mana* and grace. However, his actions may have decreased his personal *mana* with sections of Ngāti Hauā who later ignored Te Waharoa's request to maintain peace with neighbouring tribes.

Tāmihana (1866) writes about the peace feasts organised by Ngāti Hauā to re-establish peaceful relations with their neighbours. For example:

> Ka karangatia ko te Arawa ko Waikato ko Ngatipaoa heoi nga iwi i mene ki taua hui whakamutu mauahara, ko nga kai 2000, topu poaka 3000; tuna 20,000, ko nga kaho tupeka e 8 kotahi ta te Kawanatanga ara ta Eruera Hoterene. Heoi ra kua oti nga

> mauahara a te taha ki Rotorua ki Hauraki, manako ahau ki te taha ki Waikato, Mokau, Kawhia, Rangiaohia, kia piri mai kia mahi i te mahi kotahi kia whakaaro i te whakaaro kotahi, whakataetae ana ahau taea ana.
>
> Then the Arawa, Waikato and Ngatipaoa were called, those were the tribes who assembled in that house at that meeting for the purpose of causing animosity to cease. There were consumed 2000 baskets of potatoes and kumara, 3000 pigs, 20,000 eels, 8 casks tobacco, one cask of tobacco was contributed by the Government, that is to say by Edward Shortland. Having thus put a stop to old feuds existing between Rotorua and Hauraki, I wished to turn my attention to Waikato, Mokau, Kawhia and Rangiaohia, that they might all work in unison. I made the attempt and succeeded. (Tāmihana, 1866)

Firth (1959) suggests that acts of giving and receiving gifts, as above, were imbued with *tapu* when related to tribal artefacts and connections with previous owners or significant events. Mead suggests that gift-giving was subject to the rules of *tikanga*, with expectations of *utu*, or balancing actions on the part of the recipient *hapū*. Failure to reciprocate was regarded as a breach of *tapu* and good faith. Metge proposes that over-compensation was often the intention of gift-giving in order to create a further obligation on the part of the recipient and so maintain an ongoing relationship or alliance (2003, p 184).

Mana required that the person or group in receipt of the gift had a social duty to repay in kind. This might include exchanges between groups that had access to particular resources, for example, inland tribes trading forest birds for seafood from coastal tribes (Firth, 1959, p 148). *Utu* was important in a society without a monetary system (Metge, 1976).

Metge (1976, p 16) explains that the giving of gifts could either boost or challenge the *mana* of the giver and recipient. It could change a hostile relationship to friendly, cement and strengthen relationships or embarrass. The purpose was always to maintain balance and enhance *mana*. Gifts possessed ceremonial, social or political attributes and were reciprocated to avoid spiritual danger, loss of *mana* or physical retribution (O'Malley, 2012).

The principles of *mana*, *tapu* and *utu* were particularly important in the governance structure and function of organisation in Māori society. Each person had the potential to lead within their *whānau*, *hapū* and *iwi*. A valued member of the community was a person who made a contribution to the collective with or without a leadership role (Knox, 2005).

Rūnanga

The term *rūnanga* is used in this thesis to distinguish between important decision making in public gatherings, from the generally used term '*hui*' which means to assemble or meet and

can be used for any type of gathering. Benton et al (2013) state that most observers agree that *rūnanga* were traditional decision making forum that took on a more formal status as institutions in colonial and post-colonial times. Benton et al describe rūnanga as 'general assemblies, called as needed to discuss issues which happened to be of concern to the members or leaders of a community…' (p.343). Tradional *rūnanga* therefore were face-to-face discussions and negotiations, with affected parties expected to be present and assured of an opportunity to influence directly the decision-making process.

Rūnanga were an important structure and process to cement relationships within community gatherings. *Rūnanga* were common, regular events and were important strategic and learning forums (Williams, 1991). The rūnanga process included mechanisms for ensuring accountability of *whānau* and *hapū* members, and could include thousands of people. The *Whare Rūnanga* was a community meeting house where these discussion were held.

Rūnanga moderated the power of leaders via community-voiced opinion. During rūnanga leaders could test support for ideas and projects across the range of social, economic and political issues. Competent leaders were expected to draw the depth and breadth of communal wisdom to the process, summarise discussions, draw conclusions and facilitate the decision-making process (Cleave, 1983).

Rūnanga followed recognised procedures and ritual, and with important substantial decisions to be made it was appropriate to begin with *karakia* acknowledging the spiritual dimension of coming together. Ancestors were also acknowledged with the introductions and brief on the reasons for gathering. It was an orderly process and widely practised (Salmond, 1985). Elders worked with leaders to ensure that ritual and process, including hosting responsibilities, were appropriate (Berryman, MacFarlane and Cavanagh, 2009, pp 1–32).

Practicality determined the breadth and depth of the discussion. Survival issues, such as safety and food security, could involve an entire community in the *rūnanga*, while issues affecting fewer people might be delegated amongst those directly affected or interested. Benton et. al (2013) provide examples of the range of topics discussed at *rūnanga*.

> The jurisdiction of rūnanga varied from land matters, social control and political affairs through to questions of traditions. Thus the question of adultery might be a matter for runanga, as might be questions of whakapapa in relation to resource rights, righting slanderous remarks or asserting fishing rights (p343).

It was the flexibility of the *rūnanga* process that gave it strength. Leaders of *whānau* took prominent positions to present the important topics for debate and they summarised consensus within the group, with all free tribal members having a right to speak. The *rūnanga* process was widely used and would occur at inter-*hapū* and inter-*iwi* gathering. It was a form of democracy aimed at drawing on the wisdom of the community (Kawharu, 1977; Knox, 2005). The role of *rūnanga* will be further discussed when explaining the structure and roles within Māori society.

The Structure of Māori Society

Whakapapa – Relationships

Māori used the structure and relationships of *whakapapa* as a means of organising the world around them. Metge (1976) describes Māori society in that period as a tribal people "whose economic and political organisation was based on kinship". Kinship expressed as *whakapapa* was the perspective through which Māori saw human relationships and responsibilities within society.

Whakapapa was also developed to form a relational framework to describe man's connection to the spiritual and physical realm. Te Whatahoro Jury notes a *whakapapa* given at a meeting in 1859 by Te Rerenga Wetere which traces the origin of Tainui ancestors from Io through all the *atua* to the captain of the Tainui canoe. From each of the *atua* come all things in the environment and Firth cites the "comprehensive and detailed knowledge that Māori had of fauna and flora, and a system of classification and understanding of the *whakapapa*/relationships among a number of plants and animals" (Firth, 1959, p 59).

The logic of the creation stories reinforced the *atua* having power and authority in their domain and explained the relationships and boundaries of the spiritual and the material world. Marsden (1992) referred to this as the holistic Māori perspective of the world, not separating or compartmentalising the spiritual, physical and social worlds.

Whānau

The *whānau* is the extended family unit and includes grandparents, uncles, aunts, cousins, parents, siblings, nephews and nieces along patriarchal or matriarchal lines. Each person had a

role and was expected to make a commitment and contribution to *whānau* wellbeing. The individual rarely stood apart from the extended family and would not claim sole rights to communal resources (Kawharu, 1977). Basic human needs, such as food, safety and shelter, were given and received within whānau units. Elders could expect support in their later years based on a life working for the *whānau*, while children were cared for and expected to ensure the future of the *whānau* (Pihama and Gardiner, 2005, pp 13–20). This was an effective and sustainable way to live satisfied lives.

There was space for individuals to create or take opportunities which displayed their intellectual and practical abilities, particularly when it led to benefits for *whānau* and *hapū* (Penetito, 2012). The legendary Māui's many exploits show the advantages individual pursuits could produce for the community (Reed, 1967, pp 116–144).

Māori society was built on strong *whānau* who were self-sufficient and the primary social and economic unit (Firth, 1959, p 111). *Whānau* defined a person's identity, friends and enemies, and legitimated claims to resources and positions (Belich, 1996). *Whānau* could exist independently as subsistence hunters and gatherers and maintained rights to lands, bird-snaring areas, forests, cultivations and fisheries.

The strength of *whānau* was *whakapapa* (blood relations) and stable relationships with people being able to rely on each other to behave in ways that were orderly and fair. Mahuta (1974) describes the influence of leaders who, by undertaking mundane roles and tasks, were able to pass on important community values. Where behaviour threatened the supportive social structures and relationships of *whānau*, there were *utu* mechanisms to restore balance and harmony (Durie, 1998; Durie, 2001; Knox, 2005).

The genealogical position of an individual within the *whānau* was a factor when determining roles and responsibilities. Firstborn siblings or first cousins from a senior relative were highly regarded as *tuakana*. *Tuakana* are the elder brother of a male or elder sister of a female, or elder cousin of the same gender. *Teina* are junior relatives; younger brother of a male, or younger sister of a female, or a cousin of the same gender of a junior line. Leadership within *whānau* was fluid. *Tuakana* and *teina* roles did not always equate to greater privilege or subservience, as individuals would also be judged on merit and contribution to the community.

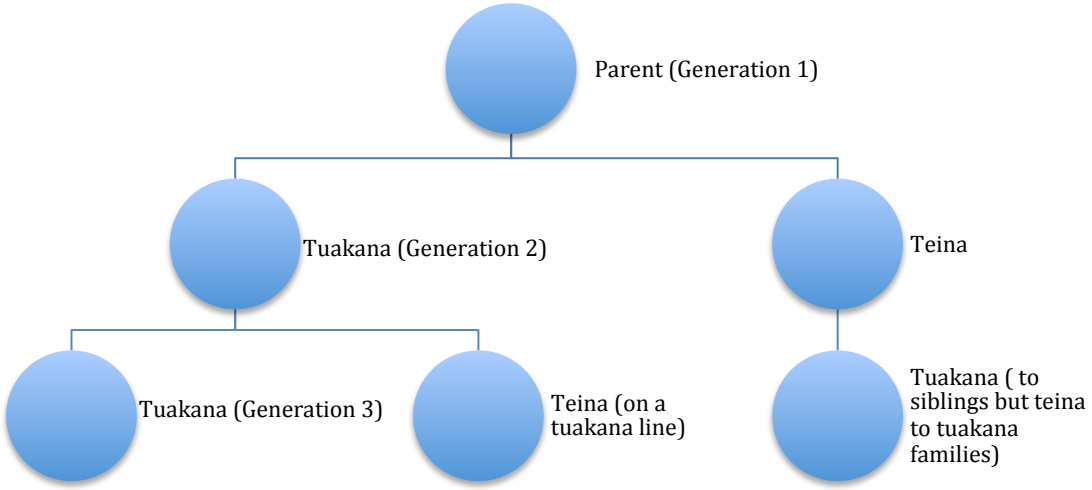


Figure 3 The tuakana-teina relationships across three generations

In Māori mythology, Māui is cited as the ultimate example of a *teina* not constrained by his position as the youngest by birth. The *tuakana* of Māui refused to take Māui on a planned fishing trip. Māui ignored his elder brothers and stowed away on the boat. He stayed hidden until they were too far from shore to return him. His *tuakana* then refused to give him a hook or bait, but the resourceful Māui bloodied his nose for bait and used the magic jaw of his grandmother as a hook. Māui fished up Te Ikanui a Māui, the North Island of New Zealand, and won continuing honour through the re-telling of his story (Potae, Ruatapu et al., 1929).

Another example of a person of *teina* birth obtaining leadership status is the Ngāti Toa chief Te Rauparaha, called Māui-potiki by his relatives because of his *teina* birth. Te Rauparaha displayed the attributes of an ambitious leader in pursuit of *mana*. At the gathering to determine who would lead his tribe after the death of the leading chief, those present were asked if they would take on the mantle of leadership. His *tuakana* took a considered stance and did not respond immediately to the question. Te Rauparaha, seeing the hesitation, spoke out decisively that he would lead the tribe and do more than his predecessor (Te Rangikāheke and Graham, 1941). Te Rauparaha eventually did take up a key leadership role and dramatically impacted the lives of many people and tribes.

Leadership in *whānau* included *kaumātua* (elders) who took responsibility for maintaining order, providing guidance and facilitating *whānau* activities. Many *kaumātua* are regarded as *rangatira*, but some may be recognised only within their immediate *whānau*, and others will have a broader influence in *hapū* and *iwi*. *Kaumātua* were both male and female and afforded respect based on their knowledge, skills and qualities resulting from a lifetime of experience

(McCan, 2001, p 22). Being elderly did not automatically constitute a person acting in the role of *kaumātua*.

Kaumātua in an oral society were conduits for communicating values, describing principles of good living, and promoting behaviour for communal success and satisfaction. They also carried the *whānau* and tribal archive, sharing the history and traditions, local knowledge of seasonal food sources, the passing on of specific family knowledge and supported child rearing.

Hapū

Hapū represented a number of *whānau* and could range in membership from a hundred members to several thousand. The *hapū* was defined by common ancestry, operating under an ancestor name selected and carried by the *hapū*. For example, the members of Ngāti Werewere, a *hapū* of Ngāti Hauā, are the descendants of the eponymous ancestor Werewere.

Hapū were fiercely independent as they were self-sufficient economic, social and political units (Ballara, 1998; Firth, 1959; Meijl, 1996). Social organisation was practical and fluid, with leaders emerging from families within the *hapū*. *Hapū* maintained relationships with neighbouring *hapū* and could combine along genealogical lines to form *iwi* alliances when it suited the needs of the *hapū* (Jones, 1995; King, 2003; Stokes, 1999). *Hapū* from one region also joined with *hapū* from other regions to advance their interests. Ngāti Hauā of the Waikato basin built alliances with Ngāi Te Rangi of Tauranga, and each called upon the other for support in various war campaigns (Melvin, 1962). Obligations between tribes were established and maintained through physical support. Where large groups were required for success, such as in war, exchanges of gifts, trade or inter-marriage were all considered in the decisions to join with other *hapū*.

A *hapū* had a defined territory and determined access and use of resources within its boundaries. Sections of the *hapū* estate would be occupied and managed by *whānau*. *Hapū* were recognised by other *hapū* and good relationships might lead to temporary access to resources, such as seasonal food-gathering in neighbouring district lakes, forests or on the coast (Mead, 1997, p 193).

An example of the expansion and alliances made between *hapū* is the story of Hauā and his elder brother Hape, and their attempts to evict their neighbours in the Pakarau, Matamata and

Waihou region in the 1600s. Initial efforts were limited because of a fortified village held by powerful chief Turaungatao who provided support to numerous enemy villages in the region. The strength of their position was known by the proverb 'Tau ana te ahuru o Pakarau' (Settled in the comforts of Pakarau). Hauā and Hape enlisted the help of their nephews, Waenganui and Kahawhato, and gave them a physical and spiritual task to test the likelihood of success in battle:

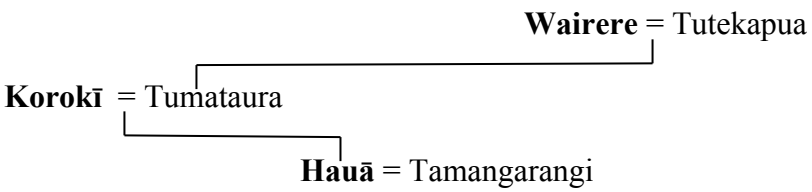
> Katahi a Kahawhato ka ahu i tana tuahu. Ka oti katahi ka karakia i ana karakia ka oti katahi ka hui te whitu tekau topu ki te taha o taua kowhatu, katahi ia ka haere atu, tu ana i runga, katahi ka whakahaua kia pupuru nga ringa i taua kowhatu. Katahi ka karakia mutu rawa ake kua oraora noa iho taua kowhatu katahi ka hapaingia ka haria ki runga i te pukepuke takoto ai, huaina iho te ingoa ko Kowhatu Hapainga… I te ata pō ka whakaekea te pa o Turaungatao (Te Horanga o te pa o Turaungatao, *Te Korimako*, Akuhata 22, 1887, pp 6–7)
>
> Kahawhato went to his shrine and recited his incantations. Then the group of 70 gathered around the boulder, he climbed upon it and ordered the group to take hold of the boulder while he recited incantations. Consequently, the boulder shifted and was carried and laid upon a hilltop. The boulder was named The Elevated Rock… the following dawn the fortress of Turaungatao was taken. (My translation)

The success of Kahawhato and his men demonstrated the physical and spiritual strength of the leadership and led to the defeat of Turaungatao and consequent collapse of the remaining enemy villages in the area (Kelly, 1949). Similar historical accounts are told by each *hapū* to re-enforce their status and legitimate their claims to resources.

Hapū relied on their extended family networks and this created strong ideas of who was included and excluded from the group. The basis of the relationship is expressed in the term aroha, often interpreted today as a romantic ideal, such as unconditional love. Walters (1998) speaking of the traditional meaning of aroha, argued that aroha attributed significance only to those who shared the same breath, with preference given to those in the immediate physical presence, usually your immediate and extended family. Patterson (1992) expressed the same idea: "philosophies of respect… did not apply to people who were not bound by ties of kinship." This attitude produced strong ties amongst *whānau* and at the extreme of human behaviour justified atrocities against outsiders. According to King (2003), "Identity and worth were found in family and tribal connectedness", symbolised by a geographical space and shared history. Individuals were socialised into a society where *whānau* and *hapū* provided security and support in all aspects of life.

Iwi

Iwi were the largest social unit in Māori society and formed over the course of generations. *Iwi* may have consisted of several *hapū* and thousands of members. The descendants of the *Tainui canoe* eventually became so numerous that there were several recognised *iwi* in the Waikato region, all related but fully independent. For example, from Wairere came Ngāti Wairere, his daughter married Korokī the ancestor of Ngāti Korokī, and their son Hauā became the eponymous ancestor of Ngāti Hauā. All three tribes describe themselves as *iwi*, but are closely related:



Iwi formations were fluid and the breadth and impact of an issue would dictate at which level the collective unit would be engaged. For instance, *iwi* alliances were useful for defence or attack in times of war (Ballara, 1998). The greater the threat to the existence of the collective, the greater was the incentive for *hapū* to act collaboratively for survival.

The formation of *iwi* required leadership with the ability to draw independent *hapū* together. Ariki, Kaitahutahu Ariki or Kahurangi were all terms for chiefs who through their actions gained influence over a number of territories and *hapū* (Simmons, 1976, pp 129–130). However, inter-*hapū* disagreements often had *iwi* groups split based on *hapū* alliances.

Figure 4 Some of the tribes descended from the ancestors of the Tainui canoe[1]

The Tainui *whakapapa* includes my own *hapū*, Ngāti Hauā. Our relationships within the Tainui confederation are well recorded (Kelly, 1949). Connections to more distant relationships through chiefly lines of other tribes are also well known. For example, marriages between Whatihua and Ruaputahanga linked Waikato with the Taranaki tribes and Tūrongo and Mahinārangi linked Waikato with the East Coast tribes, as illustrated in the following *whakapapa*

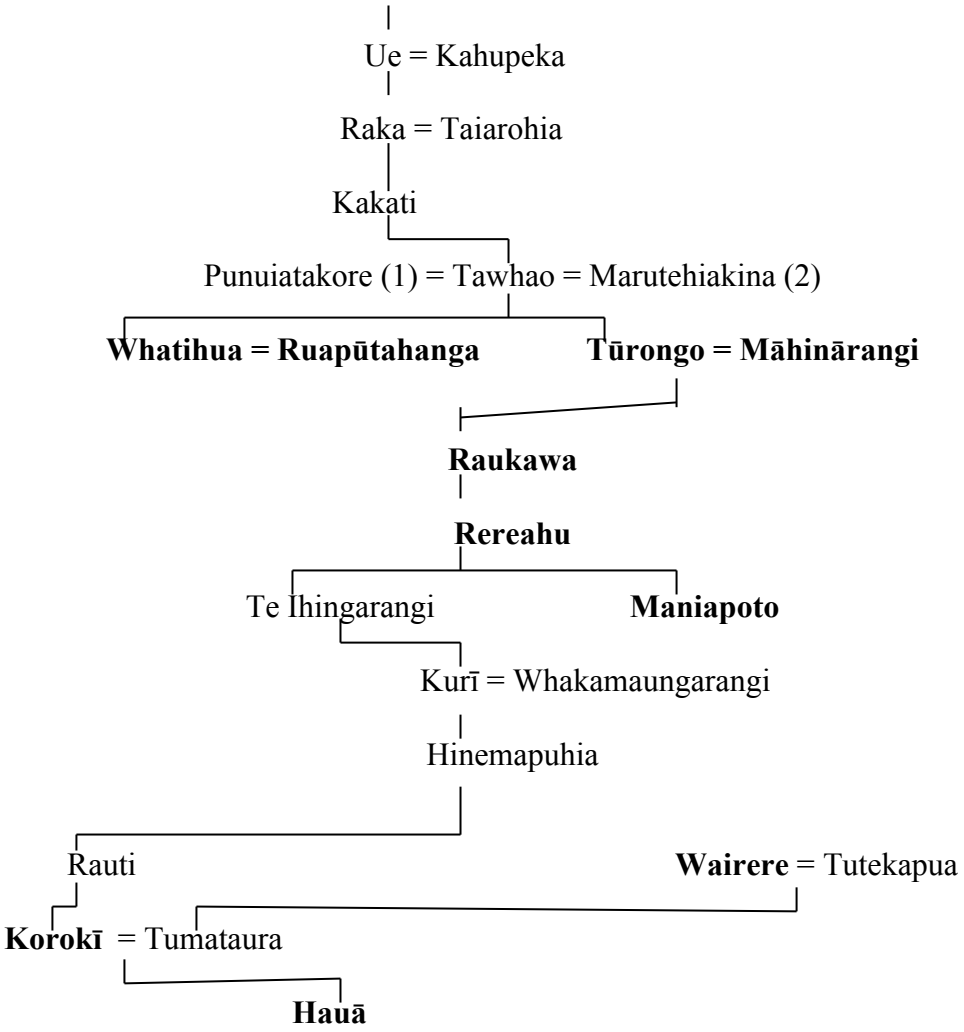
Marama = **Hoturoa** = Whakaotirangi

Hotuope = Hineihi

Hotumatapu = Hineraki

Mōtai = Pareauru

[1] Nancy Swarbrick. 'Waikato region – Māori settlement', Te Ara – the Encyclopedia of New Zealand, updated 15 November 2012. URL http://www.TeAra.govt.nz/en/map/27069/tribes-of-tainui.



(Toka Hotene (Ripikoi) *Whakapapa* Book, 1927, 13A)

Tainui tribes, of course, had multiple connections. Those mentioned above include the tribes of Ruakawa, Rereahu, Maniapoto, Wairere, Korokī and Hauā.

Hapū and Iwi Leadership

Tohunga

Tohunga provided spiritual and ritual leadership for *hapū* and played an important role between the chief and the people. McCan (2001) describes the role as a 'skilled person' and consequently it is applied to a skilled person in any technical field and referred to those who maintained and passed on technical, cultural and spiritual knowledge. Mead (2003) explains the role as a composite of spiritual leadership with practical implications for the individual and community.

> A trained *tohunga* was a very learned man, an educated person, a healer, a teacher, a person who worked to improve the lot of people by communicating with the gods and

> by providing spiritual guidance and by attempting to hold back the hand of fate so there is hope in life. (pp 73–74)

Within tradition, *tohunga* could draw on precedents for action, 'predict' outcomes and asserted good or evil signals, moderated behaviour and restored balance in relationships for individuals, activities or groups through ritual. Kawharu (1977) describes the role of *tohunga* as "technical advisors, pointing out moral or ritual virtues when private interests conflicted". The *tohunga* provided an objective voice between leaders and followers and could influence decisions by *rangatira* or sway public opinion. *Tohunga* as an independent voice could bolster support or condemn leaders or the people.

Rangatira

Hapū were led by *rangatira* who came from within the community. *Rangatira* were selected and mentored from a young age and their behaviour was assessed over time in light of practical contributions they could make in community life. Genealogy, skill, personal achievements and intelligence all contributed to the standing of *rangatira*.

Mead (1992), citing Te Arawa chief Te Rangikāheke (1815–1896), and Best (1941), citing the Tūhoe chief Tikitū, provide a list of traditional chiefly attributes. The two lists are presented here:

Te Rangikāheke (1850)

1. *He Toa*, is courageous
2. *Kōrero taua*, is strategic in war
3. *Mahi Kai*, is a provider of food
4. *Tangohanga*, is generous and facilitates celebratory feasts
5. *Pupuri pahi*, through hospitality, delays the departure of guests
6. *Kōrero Rūnanga*, communicates well in tribal council forums
7. *Kōrero Manuhiri*, is welcoming of guests
8. *Atawhai pahi, iti, rahi*, cares for guests both great and small

Tikitū (1897)

1. *He kaha ki te mahi kai,* is industrious in providing food
2. *He kaha ki te whakahaere i ngā raruraru*, is able to resolve and manage disputes
3. *He toa*, is courageous
4. *He kaha ki te whakahaere i te riri*, is a good leader in war
5. *He mōhio ki te whakairo*, is an expert in the arts
6. *He atawhai tangata,* cares for people
7. *He mōhio ki te hanga whare rimu, waka rānei*, is knowledgeable in facilitating communal projects such as the building of houses and canoes
8. *He mōhio ki ngā rohe whenua*, knows the tribal boundaries

(My interpretations of the Māori) (Mead et al, 2006, p 8).

Mead et al (2006) discuss the context in which the lists were compiled and assumptions the writers probably had of the readers being aware of the practices and values of Māori society, such as *whakapapa*, *mana*, *tapu* and *utu*. Both lists show leaders were directly accountable to the communities they represented and leadership was based on successful outcomes for the community, such as completed building projects or abundant food supplies. As Buck says:

> The mana of a chief was integrated with the strength of the tribe. It was not a mysterious, indefinable quality flowing from supernatural sources; it was basically the result of successive and successful human achievements. (1949, p 346).

The social constructs used to select develop, promote and maintain the roles of *rangatira* were embedded in the social structures of their communities and these provided the appropriate checks and balances to ensure community leaders were equipped and had the authority to fulfil their roles. Conversely, this system made it difficult, though not impossible, for commoners to attain chieftainship.

Writers of tribal history and their leaders, such as Pei Te Hurinui Jones (1959), support the lists of leadership attributes. Jones' (1959) description of the *rangatira* Te Wherowhero (circa 1780–1860) explains that Te Wherowhero was taught a range of skills in his youth, including mythology, tribal traditions, genealogy, forest lore, fishing methods, times for planting and harvesting, and *karakia* relating to these activities. Te Wherowhero attained skills that were practical, intellectual and spiritual. Jones' description of qualifications for office of a King were *mana tangata* (respected by man), *mana whenua* (territorial authority) and *mana kai* (the capacity to resource the role) (Jones, 1959). These skills represented an understanding of all-important aspects of community life and his leadership was tested throughout his life. His experiences produced a person with *mana* and *tapu* and those qualities "operated to protect persons, property and authority of chiefs and elders… rendering Maoris obedient, orderly and law abiding in their own communities" (Metge, 1976, p 30).

Centuries of inter-generational *whakapapa* were used as evidence of qualities associated with the individual. Jones (1959, p 3), commenting on the selection process of leaders, explains that *whakapapa* was carefully studied. Expert opinion on a person's ancestry was accepted as a contributing factor in leadership potential. This was consistent with a worldview that individuals were part of a collective history which could be readily drawn on as evidence of an individual's potential (Moon, 2009).

Both Te Rangikāheke and Tikitū indicate it was through the chief's ability to facilitate communal activity and employ tribal resources for the benefit of the people that their leadership was tested. It was the responsibility of the chief to maximise communal efforts for their people:

> …ariki and rangatira determined the overall pattern and initiated each phase of economic activity, under-wrote and directed all communal projects from feasts to war, took the lead in all marae ceremonial [ceremony], and conducted negotiations with other groups. (Metge, 1976)

Chiefs were expected to act as 'channels of wealth' for their people (Patterson, 1992). Tikitu refers to being generous as *'atawhai'* and Te Rangikāheke uses the terms 'atawhai' and 'tangohanga' to describe caring and being generous towards people. This generosity was shown between the chief and their people and extended to guests. Without a culture of reciprocal support between the chief and people there would have been no goodwill or surplus to share with others. Therefore, *rangatira* were "not marked by exaggerated forms of respect" and, economically, the difference between commoners and chiefs could not be easily distinguished by outsiders (Firth, 1959, p 106). *Rangatira* could be challenged publicly and support withdrawn:

> By virtue of their rank and wealth, the chiefs exercised great influence, but their power was far from absolute. Lacking coercive force, they depended on voluntary support and service of their kinsfolk, which they had to hold by good leadership and liberality. (Firth, 1959, p 107).

There was an expectation that all, regardless of rank, would contribute to necessary communal tasks. This idea is commonly heard in proverbs.

> Ma te werawera o tōu mata ka kai ai koe. (Mead and Grove, 2001, p 288)
>
> By the sweat of your face you will eat.

The ability of *rangatira* to carry important roles as general and priest within their communities was consistent through time. The journey of Tainui to Aotearoa required practical and spiritual leadership. Hoturoa established Tainui communities and acted as a priest, performing ritual ceremonies for his crew (Pomare and Cowan, 1930, pp 14–16). Pōtatau Te Wherowhero, although a war leader, also trained in the priestly rituals of his people and composed songs still sung today (Jones, 1959).

The relationship between leaders and the people was reciprocal. People could choose to ignore their leaders and leaders could boycott their people. The principal chief of Ngāti Hauā in the 1820s, Te Waharoa, to avoid bloodshed, declined to support his people of Ngāti Hauā and Ngāti Korokī in a war with Ngāti Paoa. He spoke to the principal chief Takurua of Ngāti Paoa, who had settled amongst Ngāti Hauā temporarily, and encouraged him to return with his people to their own lands:

> I te timatanga o te whawhai kia Ngatipaoa kua kite ia i te ahua kino o etahi o nga rangatira o nga hapu e rua o Ngatihaua, Koroki hoki. Ko te take a enei rangatira he kino no Ngatipaoa, he patu i o ratou tangata he tango i o ratou whenua i Horotiu i Maungakawa, katahi ia ka haere ki a Takurua rangatira o Ngatipaoa whakahuatia atu te tau he mea kia hoki a Takurua ki Horotiu. Ko te tau tenei. "Hiehie haere, haere aratakina au tamariki, ki tou whenua kei hara mai, kei whakanehe i te mokotaiahua." Heoi haere ana ia, ki Tauranga, i muri ka patua a Takurua. Heoi kihai ia i hoki atu ki ona iwi, kua riri mo to kohurutanga o Takurua, tukua iho tona iwi kia mate hei utu mo Takurua, e rua tau i noho ai ki Tauranga, i te rua o nga tau ka mate tana tuahine i a Ngatipaoa. Katahi ka mamae te ngakau, katahi ano ka hoki mai ki te takitaki i te mate o te tuahine, ka hinga a Ngatimaru, Paoa, Tamatera, Whanaunga, Te Tawera, Te Patuwai katahi ka whakahokia atu ki to ratou kainga tuturu ki Hauraki. (Tamihana, 1866)
>
> At the commencement of the war with Ngatipaoa, he having seen how disposed to evil the chiefs of his two hapus, Ngatihaua and [Ngati] Koroki were (these chiefs were disposed to evil on account of Ngatipaoa having killed their men and taken away their lands [at] Horotiu and Maungakawa), then went to Takurua, chief of Ngatipaoa and recited his song. This was the song: - "Hiehie[1], go, go, return; lead back your children to your own land; come not here to disturb our tranquillity". He then went thence to Tauranga; after which his people killed Takurua. He returned not to his people, being vexed at their having murdered Takurua, and he suffered his own people to be killed in payment for Takurua. He remained at Tauranga two years. During the second year his sister was killed by Ngatipaoa; then his heart was pained; then he came back to seek redress for the death of his sister. Then fell Ngatipaoa, Ngatimaru, Tamatera, Whanaunga, Te Tawera and Te Patuwai, and they were caused to go back to their own place, to Hauraki.

Ngāti Hauā and Ngāti Korokī had provided shelter to Ngāti Paoa after they fled from attacks on their coastal homes by Ngā Puhi in 1821 (Melvin, 1962). The incident highlights the reciprocal obligations between leaders and followers, and Te Waharoa, although the prominent chief amongst his people, was only one amongst other *rangatira* with influence in his *hapū*. Ballara (2003) explains the link between layers of *hapū* leadership and support from *whānau* and *hapū*:

> There was no hierarchical structure of command: ariki were respected everywhere for their mana and contact with their *tapu* was normally avoided, by those who were kin as well as those who were not kin, but ariki of tūturu groups could not command the obedience of chiefs of dispersed *hapū* or colonies. Decision-making, a matter of

[1] Hiehie – word used to drive birds away from crops

> discussion, compromise and consensus, almost always – save in the cases of slaves or client *hapū* – called for voluntary assent of the persuaded rather than obedience to any authority; decision-making took place at a much more localised level than that of the widely dispersed iwi.

Decision-making was a complex process when consensus rather than obedience to a hierarchy was the norm. Six leadership attributes on Te Rangikāheke's list and five on Tikitu's list relate to the ability of leaders to communicate and manage tribal affairs. *Whānau* and *hapū* organised themselves socially and politically to ensure power and responsibility was contained through close relationships with those in leadership. F.D. Fenton was the resident magistrate in the Waikato from 1857-58 and provided his observations on the selection and role of Māori leaders at the time.

> Every person who has resided amongst the Maoris, must be able to recall to his recollection occasions on which tribes have met to appoint a chief in place of one recently deceased. Nor can it be alleged that these meetings are not held to elect, but merely to institute the relative next in succession into the vacant dignity, for it often occurs that several relations are passed over, and a more distant one taken. Personal character now carries more influence than high blood. It is true that the person selected is generally of the blood of the late chief, but he could scarcely be otherwise for his relations, by blood or marriage, comprise nearly the whole tribe.
>
> When Karaka Te Uira, chief of Ngatipo, died, a meeting was held to nominate his successor. His nearest adult relation was his brother, a man of fair ordinary ability, and held in considerable respect so he was chosen. When Wiremu, chief of Ngatikahu, was killed, the meeting could not agree upon a successor, though he left a son: no one was appointed, and the tribe is now dispersed. When the powerful Nopera died, a meeting was held to appoint a successor, but I am unaware of the result. So at the death of Pene Taui, who so skillfully defended Owhaeowhae against the British forces, this vacancy was filled by election. Kukutai was killed at the battle of Te Ihutaroa, in 1846, and the tribe appointed his second son, Waata Kukutai, to succeed him, overlooking the eldest, Erueti, simply because he was a man of weak character. Riwai te Mokerou, chief of Ngatiruru, was not succeeded by his son, he was young, and had no influence from personal character, so Enoka, a distant relation, was appointed. Instances could be multiplied.
>
> No system of government that the world ever saw can be more democratic than that of the Maoris. The chief alone has no power. The whole tribe deliberate on every subject, not only politically on such as are of public interest, but even judicially they hold their 'komitis' on every private quarrel. In ordinary times the *vox populi* [voice of the people] determines every matter, both internal and external. The system is a pure pantocracy, and no individual enjoys influence or exercises power, unless it originates with the mass and is expressly or tacitly conferred by them. In case of war the old chief would be a paramount dictator: in times of peace he is an ordinary citizen. "Ma te runanga e whakatu i a au, ka tu ahau." "If the assembly constitutes me, I shall be established," is an expression I heard used by a chief of rank, and perfectly represents the public sentiment on the question. (Fenton, 1857).

The role of oratory

Rūnanga allowed for debate to move freely around issues which could have physical, social, economic, spiritual or future implications. Therefore, social values and behaviours were communicated during these gatherings through the use of *waiata*, proverbs, tribal poetry, retelling historical precedents and metaphors taken from the natural environment (Belich, 1996, p 23). Karetu (1975, pp 28–29) notes that all literature in Māori was oral in pre-European times and a "substantial body of material is heard on the marae". Consequently, orators were influential in these gatherings and oratory was an essential skill for leaders (King, 1977, p 159).

The following are examples of how ideas might be conveyed by orators using proverbs and tribal sayings. Proverbs were used to set the moral and ethical tone of the community with practical advice, guidance for life and transmission of culture to the following generations (Moon, 1997). Some commonly expressed examples relating to power and control include the place of spirituality and its relationship to the material world:

> Ko te amorangi ki mua, ko te hāpai ō ki muri.
>
> The emblem of the deity in front, the food-bearers in the rear.

Patterson (1992, pp 76–99) noted that spiritual issues were afforded equal importance to material issues, with ritual observations reinforcing behaviours and attitudes that recognised the life force of all things. Without the physical expression of the spiritual, it would be ritual that made no contribution to the survival of the people:

> Mā pango mā whero ka oti ai te mahi.
>
> With black and red the work will be complete. (Mead and Grove, 2001)

Red was a marker for a chief, the black represents the common person. This refers to co-operation: when leaders and the people work together, the job will be accomplished. Both leaders and their followers had important contributions to make to the survival of the tribe. This proverb reminded tribal members of standards of acceptable behaviour.

Proverbs were not always complimentary; some were used to shame people into changes of behaviour, or they could soften criticism if they were spoken to the collective rather than as a pointed comment to an individual. The poetical nature of many proverbs allowed people to

interpret the intent of the proverb in different ways (Temara, 1991). For example, the proverb:

> He tamariki wāwahi tahā.
>
> Children who break the calabashes. (Mead and Grove, 2007, p 119)

This has several meanings; one refers to a careless child who unintentionally will cause damage because of not thinking. If the damage is wilful, it refers to a naughty child or, if a young person challenges the status quo, the tahā (calabash) is broken to symbolise the disruption of change and a new beginning.

The sayings of important ancestors are also held in high regard by their descendants, often repeated at appropriate times in communal gatherings. The following is a *karakia* that is said to have been used by Tainui ancestors at the launch of the Tainui canoe in our Pacific homeland Hawaiki:

> Toia Tainui kia tapotu ki te moana,
> Mawai e to? Ma te whakarongo ake,
> He tara wai nuku he tara wai rangi…
>
> Drag Tainui down to the ocean.
> Who shall drag her? Hearken:
> Tis the news of earth – the news of heaven… (White, 1888, p 11)

A form of this *karakia* is still used today to symbolise the completion of one project and the launch into new endeavours.

Following or during speeches, traditional songs were sung by speakers or their supporters. This common practice was a part of formal exchanges at *hui*. *Waiata*, such as the following, inferred responsibility for actions and the interaction that occurs in relationships between the physical and spiritual. Sung at the death of a loved one it asks the question: who is to blame for a tragic death?

> E noho noa ana i te noho rawaho
> Tē mōhiotia kei a wai te hara e?
> Uia pātaia ki a Tane i te pō, māna e kī mai
> Kei a wai te hara e?
> Te hara i tuapapa nō ngā tūpuna i whitiki ai ki te here rā o te mate e! (Hotene, 1976)
>
> I sit listlessly in the wilderness

Not knowing who was at fault
I asked Tāne, whose fault it was and he responded
Whose fault is it?
The violation came from our ancestors and linked us to death! (My translation)

The *waiata* identifies the tragedy and loss of potential, which could be avoided by compliance with *tikanga*.

There were mechanisms within *rūnanga* that allow leaders and the people to draw discussion to a conclusion. Natural constraints in time and being mindful of the resources required to bring people together are incentives. At times, brute force and a willingness to pursue a course of action despite opposition can carry a decision. Although people or groups could change allegiances for a better situation, leaders carried the mandate of their people to make decisions, as stated by Wiremu Tamihana:

E hoa, he kupu mana taku ma toku iwi anō ia e whakamana.

Friend, I speak with authority, my tribe will certainly support it. (Stokes, 1999, p 115)

However, the decision-making authority of leaders was tempered by the support of their people. Within the community, *kaumātua*, *rangatira* and *tohunga* had influence equal to their *mana* with the corresponding accountabilities for their actions. A chief who continually disregarded his people's opinions and made poor decisions that led to poor results "committed political suicide… and could not survive without public support" (Firth, 1959). Best (1924, p 94) describes the power of community opinion as "an exceeding strong force, a corrective and preventative power of great utility".

Rūnanga took place at the communal venue of the *marae* and allowed for the full gamut of events and emotions, from planning for war to making peace, celebrations, grieving, deciding strategic direction and spiritual cleansing. Salmond (1985) identifies the *marae* and the vitality of *rūnanga* as a surviving traditional Māori institution which, although altered in form, has retained its function as a policy-making forum. The physical layout of the *marae* facilitated the *rūnanga* process. The *marae* atea is a place of debate and challenge, represented by the deity of war, Tūmatauenga. The *rūnanga* was also the time and place to deal with all issues in the community. Consequently, the arguments could 'rage by day and night', but this was the appropriate forum for them to do so. As stated in the Tainui proverb (Mahuta, 1935):

Tainui ā-Whiro ngunguru te ao, ngunguru te pō.

Tainui of Whiro, raging by day and night**.**

The *whare tūpuna* (ancestral house), as it suggests, is symbolic of an ancestor, and contains art, such as carvings and lattice work, that depicts values held and promoted by the tribe (Higgins and Moorfield, 2004). The inside of the house is the domain of Rongo, the deity of peace, and therefore a secure place for those who enter. Discussions in the domain of Rongo begin on the basis of peace, even when there may be disagreement.

These processes were known and observed by members of *whānau* and *hapū*, and conveyed the language of accountability in terms, such as *mana*, *utu* and *tapu* (Salmond, 1985).

Figure 5 Rukumoana Marae. Morrinsville

Kaumātua on the *marae ātea* wait for the arrival of guests at the Ngāti Hauā Deed of Settlement signing. 18 July 2013.

Tikanga

The process of *rūnanga* was guided by a set of rules within the community described in Māori as *tikanga*, a noun derived from the verb *tika*, meaning to do what is right and proper (Williams, 1991). *Tikanga* had both moral and process inferences. *Tikanga* could be passed down by the *atua*, such as in the use of appropriate *karakia* at the right event (Irwin, 1984, pp 42–47). Or *tikanga* can be pragmatic approaches to the division of labour with the men responsible for heavy manual labour and children having lighter manual tasks.

Tikanga within *whānau* and *hapū* protected and grew a person's *mana* and *tapu* to equip members for life (Roa, 2012). Joseph (2005, p 288) explains that *tikanga* was fluid and practical. It was not restricted by institutional rules and was interpreted according to the

situation. Living by *tikanga* required a person to think about the application of those *tikanga* and how they should act to demonstrate their personal *mana*.

Transmitting *tikanga* as working knowledge was *tapu* in an oral and tactile society; elders were essential in the retention and transmission of tribal knowledge. Te Uira Manihera's (1975) description of knowledge as *tapu* said it could be preserved and was passed down from ancestors. As knowledge expanded constantly, an oral culture was constrained by the capacity of a person to transmit that knowledge and so by necessity only critical information took priority and knowledge was held in high esteem (Belich, 1996, p 22). If elders chose to teach or gift *tapu* knowledge, it was to be used and retained its power by restriction, thus ensuring its importance.

Tikanga was embedded in traditional narratives of myth and the exploits of ancestors. These stories transmitted important ideas across the community and to following generations as "precedents, models and social prescriptions for human behaviour" (Walker, 1975, p 171). Best (1924) believed these precedents from traditional narratives provided a basis of law and order in Māori society:

> *Tangata i akona ki te kāinga, tūnga ki te Marae, tau ana.*
>
> A person trained at home will stand with confidence on the marae (a learned person will do well in the world). (Mead and Grove, 2007, 359–361)

Wiremu Tāmihana, speaking of learning his role as a chief, suggests that *tikanga* were taught and learnt in the context of family and community. *Tikanga* that stood the test of time provided evidence of values that could be trusted and were passed on from one generation to the next. In a letter to George Graham dated 13 August 1866 (*Daily Southern Cross*, November 16, 1867), Tāmihana indicates the process of learning these principles:

> E hoa, Ehara inaianei te tangata pai me te tangata kino, no mua ano, no aku tupuna tae mai ki taku matua tuku iho, ki ahau. He ako ano a ratou mo o ratou uri, e pena ano hoki toku matua ki ahau. I ako iho kia mau ki te pai kia atawhai ki te tutua, ko tona ako ano tenei i pena ano tona matua ki a ia.
>
> Friend, good and bad men are not of today; such men existed at the time of my ancestors, at the time of my parents, and now in my time. Our ancestors gave instructions to their children, as my father also gave instructions to me, to be kind and to care for common people; this was his teaching to me, as it was also his father's to him.

Summary

The original Māori settlers who sailed to Aotearoa to establish new communities brought with them social structures and cultural relationships that reinforced the key beliefs, values, roles and behaviours critical to their sustainable success. These social structures and formal relationships were based on *whakapapa* with its defined and accepted positions of seniority and authority. However they also recognised the importance of individual merit and contribution, demonstrated through courageous or innovative achievement.

The key beliefs of these ancestors included the reality and inseparability of *taha wairua*, expressed as *tapu*; *taha hinengaro*, expressed as *mana*; and *taha tinana* expressing *mana* in action. *Mana* and *tapu* were believed to have a divine origin and both were present in some degree in all created things, all knowledge and all actions. *Mana* as a value originating in the spiritual realm was something to be prized and sought after above all things. Therefore *mana* motivated individuals as well as *whānau* and *hapū* to operate at the most sustainable and rewarding level possible in the immediate physical world.

In a fiercely competitive world the pursuit of *mana* would frequently result in conflict over resources or challenges in relationships, particularly among those who were not of the same *whānau* or *hapū*. Often the relative power of tribal atua whose *tapu* was the spiritual aspect of *mana* was also at stake. A concept and process for restoring balance and harmony in the interests of mutual survival was necessary, and *utu* is the term used to describe a range of strategies and actions intended to resolve challenges and disputes and restore legitimate and productive relationships.

Formalised structures and relationships such as those embodied in the *rūnanga* allowed the teaching and recognition of *taha wairua* (*tapu*), the teaching and celebration of *taha hinegnaro* (*mana*), and enjoyment of *taha tinana* (feasting, debating, celebrating). The *rūnanga* also provided a forum where the consensual nature of tribal leadership was displayed and where important decisions were made which often drew on precedents from the past, to guide present and future decisions and action.

Through the myths and stories which are the legacy of successive generations the chapter has identified and explained four *pou* (pillars) on which the survival of Tainui people has depended – *tapu, mana, utu* and *rūnanga*. Later chapters will discuss events that have

affected the *whānau* and *hapū* of Tainui, and will examine how these *pou* have weathered the influence of other cultures and the part they continue to play in the leadership of *whānau* and *hapū* of Tainui based on consensual decision-making and a strong sense of connectivity and accountability.

Chapter 2: Te Koroni (The Colony)

Introduction

This chapter describes the major developments during and following colonisation of New Zealand by British settlers. It briefly explains the mechanisms of appropriation of Māori-owned land and the impact that this had on the ability of *hapū* to act as independent communities. The role of Christianity is also explained, and its effect on the traditions of leadership and their accountability to their people through *rūnanga*. The adoption of British models of political organisation of land and, in particular, the establishment of the Kīngitanga in Waikato as an attempt to retain Māori authority and society are explained. The chapter ends with a description of the efforts made over many years by Tainui leaders to gain restitution of confiscated land and recognition of their losses as a result of hostile legislation. In doing so, it explains changes forced upon Tainui tribes and adaptations made by Tainui to retain tribal social structures, particularly its effects on the process of *rūnanga* decision-making and the *mana, tapu,* and *utu* that underpinned its authority.

Colonisation

The first European explorer to arrive in Aotearoa was Abel Tasman in 1642 (Davidson, 1984, pp 223–224). Tasman's primary goal was to find and establish trade links for riches in the fabled great southern continent. The initial contact with the natives resulted in conflict and the death of several of his men and his subsequent report did not mobilise immediate further exploration (King, 2003, pp 83–91). The next European explorer to visit was James Cook in 1769. He was commissioned to observe the transit of Venus in Tahiti, to help measure the distance of the Earth from the Sun, and his second objective was to find the great southern continent which led him to Aotearoa.

His encounters with Māori varied from friendly exchanges and trade to excessive responses of violence. In Cook's diary he described the natives of Aotearoa in nature as "warlike" and "accustomed to long and frequent wars". His interaction with Māori showed an immediate clash of cultures. Often, canoeloads of armed men would challenge Cook and his men. Cook would respond by firing muskets or a cannon as a show of force and this led to the death of some Māori. Physically, he described the Māori he encountered as:

> Strong, well made, active people as any we have seen yet…. (November 24) The people in these canoes made a very good appearance, being all stout well-made men, having their hair – which was black – comb'd up and tied upon the Crown of their heads, and there stuck with white feathers; in each of the canoes were 2 or 3 Chiefs, and the habits of these were rather superior to any we had yet seen. The cloth they wore was of the best sort, and cover'd on the outside with Dog Skins put on in such a manner as to look Agreeable enough to the Eye. (Cook 1768, 27 November)

On short trips inland into the 'Thames' and 'Coromandel', Cook also reported land suitable for agricultural production:

> We afterwards went a little way into the Country, and had some of the Natives along with us; we met with a good deal of Cultivated land, planted mostly with sweet potatoes. The face of the Country appear'd Green and pleasant, and the soil seem'd to be pretty rich and proper for Cultivation. (Cook 1768, 4 December)

Despite Cook's numerous meetings and sightings of coastal villages from his ship on 15 November, he records that he "took formal possession of the place in the Name of His Majesty"(Cook, 1768). This was a demonstration of the cultural arrogance of the time and the disregard for non-European culture and technology.

Following Cook's visits, further contact between Māori and Europeans prior to the nineteenth century was infrequent, with visits by whalers and sealers from the colony of New South Wales. They supplemented their activities with trade particularly around the Bay of Islands (Van Meijl, 1996). Knox (2005) comments that some traders and whalers who visited either press-ganged or signed up Māori as crew and introduced them to other parts of the world.

Contact with Europeans introduced Māori to a new world of ideas, technologies and crops. The archelogical evidence shows that Māori were quick to adopt new technologies, but it was motivated by traditional goals and adaptations occurred for Māori purposes:

> Items such as beads, adzes and blankets were immediately adopted as they filled the same role as traditional materials, but not all items were used for what they were originally designed for. For example, Colenso (1881:65) noted that clay pipes were used for smoking tobacco but also for decoration in the ears, that red ties were accepted because they could be unraveled and woven into the borders of mats, and that red sealing wax was used to decorate white sharks teeth that decorated the ear. Colenso also commented on "hooks being made from iron nails" and how they were fashioned on traditional styles of fishhook and not on the European forms (Colenso in Best 1977:44). Best (1974:97-99) commented that miscellaneous metal was at times fashioned into *patu* (hand club) and traditional grinding stones or *hoanga* were used to sharpen steel axes. (Bedford, 1996, pp 411–440)

In order to obtain the advantage of these new things, Māori began to produce surplus goods and became involved in trade. The introduction of the potato and pigs were particularly influential as they produced a "substantial surplus that could be bartered with European Settlers" (Van Meijl, 1996). The Waikato tribes were quick to adopt the new technologies and organised communities into productive units, growing and marketing agricultural crops for profit (Belich, 1996, p 84). Māori communities, as landowners, were accustomed to operating as a unified workforce and knew the environment. This initially provided a competitive economic advantage over European producers (O'Malley, 2012).

Rangatira interested in maintaining and extending their mana and the wellbeing of their people realised they needed to utilise the new crops and forms of production. The increased commercial activity amongst tribes was motivated by increased food production and physical security, with the capacity to trade for guns and new materials, such as metal tools to make life easier (Petrie, 2006, pp 10–14):

> The chief with access to the most productive land and a strong defence capability was likely to attract and command a stronger labour force and consequently greater power and resources. Whānau groups could opt for a more dependent and mobile existence, but would face greater vulnerability to violent attack or food shortages. The additional labour demands of group membership were likely to have been considered a reasonable price for access to resources of a strong community (Petrie, 2006, p 14).

The northern tribes of Ngā Puhi were among the first to have sustained contact with the new immigrants and trade enabled them to attain sufficient guns to carry out raids in the 1820s and '30s (Moon, 2006, pp 30–41). These raids aimed to settle accounts and devastated powerful tribes in the Waikato and the East Coast (Jones, 1959, pp 109–116). Musket warfare shifted the balance of power among Māori tribes from those with numerical strength and superior strategic leadership, to those with the greater number of muskets on the battlefield (Wright, 2011).

Trans-Tasman trade had increased from 1829 with a number of New Zealand-built ships. The appointment of James Busby in 1833 as British Resident to look after British interests at a time when there were perhaps 200 European mariners and settlers confirmed British interest in the 'newly discovered' territory. Busby saw an opportunity to introduce ideas of a pan-tribal government and organised a number of discussions with *rangatira* in the north to decide on a flag and eventually to sign a Declaration of Independence in 1835 (Orange, 1987, 19–22). The Declaration signalled to colonial powers that Māori wished to remain the owners,

occupiers and operators of their lands. It was significant too that it proposed a new order amongst the tribes, under a united *hapū* and *iwi* banner. The Declaration was signed by chiefs mainly in the north of the North Island, but also included Te Wherowhero from Waikato (Cox, 1993, p 42).

Busby later helped write the English version of the Treaty of Waitangi which declared a partnership between Māori and settlers. The Treaty superseded the Declaration in the eyes of the British. Both documents were consistent with Māori aims to preserve their sovereignty (*mana motuhake*) while adapting to a changing society.

After securing over 500 Māori signatures on one of several copies of the Treaty of Waitangi, the British claimed a majority agreement from tribes and assumed sovereignty of the country (Orange, 2012). Although there were 39 Waikato signatories of the Treaty, many leading Waikato chiefs, such as Te Wherowhero, refused to sign, stating "I have signed [the Declaration of Independence] and retain my *mana*". The Treaty was mostly ignored by Waikato Māori because they saw no value in it as there were very few Pākehā living in the Waikato and they had little influence in the late 1830s (Cleave, 1983, p 58).

Over-population, poverty, classism and religious persecution pushed European people from their homelands. The New Zealand settlers were part of a 200-year period of worldwide movement by Europeans from the old world of Europe to the new world of Australia, North America, South Africa and New Zealand. The hope for better lives economically, social equality and better physical living conditions were attractive in times of depression, such as those experienced in the mid-1800s in Scotland, and the Irish potato famines of 1845–51 (King, 2003 pp 147–157). These early settlers provided the man-power for a full-scale colonising force. Jackson (1992 p. 3) explains the prerequisites for colonisation as noted from the historical record:

> …the first was the need to change the populations balance between the colonizer and the colonized. The second was the need to impose the institutions, laws and values of the colonizer. The third, which interweaves with the others, was the need to unrelentingly attack the indigenous soul. Together these 'engines of colonization' would smooth the path for imperial domination by rejecting or redefining all that was important to the indigenous heart.

As these trends and events happened they were not initially obvious to Māori because they occurred over generations, with many individuals and across many locations. Linda Smith (1999 p23) explains Aotearoa was part of the global imperialist expansion which returned

benefits from 'colonial outposts' to the 'imperial centre' in Western Europe. The following pages reflect the process of colonisation and the response of Waikato tribes.

Trade with Pākehā had changed the Māori economy from a subsistence model to mass production of a few items, often requiring investment in capital items and distant trade relationships. As new settlers arrived and populated new towns, such as Auckland, New Plymouth, Wellington and Sydney in Australia, it provided an economic boom for tribes able to produce and transport their goods to market. Within the Waikato region there had been extensive agriculture and trade with the settlers through the 1840s and into the mid-1850s (Gorst, 1864 p 22). However, the slump in demand for wheat and flour in Australia between 1855 and 1856 caused a collaspe of the market and those *hapū* that had purchased vessels and flourmills were burdened with debt and unable to adjust to changes in the economy (Petrie, 2002). As a result, many returned to subsistence cropping.

Other chiefs and *hapū*, such as Tāmihana Te Rauparaha of Ngāti Raukawa, were noted for the wealth he and his people were able to amass through the farming of their lands:

> Tamihana was one of the young chiefs of Otaki who adopted the clothing and lifestyle of an English gentleman. He lived in a European-style house and had European servants. He became a successful sheepfarmer and a man of considerable wealth; by 1866 he had a flock of 700 sheep. He owned land in the Otaki and Foxton districts; he is said to have lived the life of a country gentleman (Oliver, 2010).

Wiremu Kīngi Te Rangitāke of Te Ātiawa was another that prospered during the 1850s. The prosperity of Wiremu Kīngi and his refusal to sell land created animosity amongst New Plymouth settlers and the Government who wished to buy lands in Taranaki. According to Adds (2013), these were key factors that eventually led to the war in Taranaki in 1860. Through a questionable land sale, Kīngi and his people were attacked and evicted from their lands. Tamihana wrote to the Governor about the substantial losses suffered by Kīngi and his people:

> Ka whawhaitia a Wi Kingi ka oma atu i tona pa ko te pa ka tahuna ki te ahi, ko te whare Karakia ka tahuna, me te pouaka kawenata pau katoa i te ahi nga taonga kakahu, paraikete, hate, tarau, kaone. Pau katoa nga kau, kainga iho e nga hoia, nga hoiho kotahi 100 maketetia iho e nga hoia… no te noho tahangatanga o Wiremu Kingi i runga i te mahi a te Kawana e ki ana ia na te Kawana katoa te take o enei mahi.
>
> War was made upon William King, and he fled from his pa. The pa was burnt with fire, the place of worship was burnt, and a box containing Testaments all were consumed in the fire; goods, clothes, blankets, shirts, trousers, gowns all were consumed. The cattle were eaten by the soldiers and the horses, one hundred in

> number, were sold by auction by the soldiers… When William King was reduced to nakedness through the work of the Governor, he said the Governor was the cause of all these doings. (Tamihana, 1865c, E, No. 11 p 7)

The participation of Māori in the growing colony of New Zealand had improved the lives of many Māori communities. The land and *hapū* cohesion provided the basis of economic development, equality with an aggressive settlement community and Māori *mana motuhake* (Māori independence).

The Introduction of Christian Beliefs

The new settlers included Christian missionaries and beliefs which supported settler values, customs and protocols. Māori were open to listen and debate spiritual and moral issues, but adoption of the new faith was initially slow. Christianity challenged the basis of Māori society by redefining the hierarchy of spirituality. Previously, the highest levels of spiritual enlightenment were reserved for those selected and trained in traditional *whare wānanga* (Best, 1924), whereas missionaries taught the "good news" to everyone and anyone, including slaves. It was good news for the least of Māori society who were taught the Christian message of equality for all people. These former slaves with a missionary education, contacts with Europeans, an understanding of European technology and spiritual authority could become a new class of *rangatira* and useful to Māori communities.

The first recorded Christian service was led by Samuel Marsden on 25 December 1814 at Oihi, Rangihoua Bay in the Bay of Islands. Marsden was an industrious man who, along with having a zeal for the spread of the gospel was also a successful agriculturalist and magistrate in Australia. Marsden subscribed to the idea that Māori were a noble race and, once civilised, would accept Christianity (Van Meijl, 1996). He shared his agricultural and business acumen to support missionaries and Māori to establish farms and trade influencing the spiritual and economic landscape of New Zealand (Parsonson, 2012). Christian missionaries believed that their divinely ordained message would redeem and transform Māori people and society and bring them closer to a reflection of European values, behaviour and customs. However, Christianity did not have a great effect on Māori until the 1830s (Moon, 2006, p 19).

By the 1830s Māori sought Pākehā residents to live amongst them and talked of early settlers as "our Pākehā" because they were useful mediators for accessing Pākehā knowledge, technology and trade networks (Maning, 1863, pp 164–172). Māori communities competed to have missionaries live amongst them. Conversion was not only about the gospel, but was

also seen as a gateway by Māori to understanding and utilising Pākehā ideas in the new world as a pathway to a prosperous life (Belich, 1996). Prosperous nations were powerful nations and powerful nations were supported by a powerful deity and this contributed to the explanation of British authority in the world, as modelled and explained by the missionaries (Ballara, 1998, p 50). Additionally, with the arrival of the gospel, the heathen or unfaithful could be punished with harsh lives, disease and poverty.

Both Māori and missionaries had their different reasons for pursuing a working relationship. The missionary J.A.Wilson described negotiations for land to build a missionary station in 1835

> Te Waharoa, Mr Brown and myself went round the boundary of the settlement previous to the purchase. It appears to be thirty-five acres. The old chief seemed unsatisfied with the offered payment, which consisted of blankets, shirts, spades, iron pots, axes, adzes, etc and he made some shrewd remarks on the durability of the land contrasted with that of the payment. "these" he said, "will soon be broken, worn out and gone but the ground will endure forever to supply our children and theirs." (Stokes, 1999, p 11).

Te Waharoa had some reservations with the sale of land, but from his comments it was balanced by the advantages expected from close contact with European missionaries.

Owens (1968) claimed that the printing press and Māori literacy spread the gospel and made sense of a new world with European people and ideas. There was some *mana* attached to being literate and access to a new world of knowledge excited Māori. Slaves readily accepted the gospel message and were taught to read and write in order to study the scriptures and this provided direct access to knowledge not available to non-literate chiefly Māori. For example, as a child, Te Ua Haumene of Taranaki was taken as a slave by Waikato people to Kāwhia in 1826. He was baptised by the Wesleyan minister John Whiteley in 1834 and, when he returned to Taranaki, became a minister amongst his own people. He became disillusioned with the European church as it sided with settlers and colonial forces rather than justice and independence for Māori. In 1862 he received a vision from God and established the Paimārire faith, which he believed as a pure form of Christianity without the missionary bias (Head, 1992, p 7–44). The Paimārire faith was another adaptation by Māori to include new ideas while meeting Māori purposes.

Christianity was boosted when it was accepted by traditional *rangatira* in the 1830s. Ngāti Hauā chief, Tarapīpipi, was one who enthusiastically pursued the Christian faith in word and

deed. Tarapīpipi was the son of Te Waharoa, a renowned fighting chief of Ngāti Hauā, and was raised to follow in the way of his father. He had participated in battles against Ngāti Apakura in 1824 and travelled with a war party to Taranaki with a combined Waikato force. Ngāti Hauā was a relatively small, inland tribe with fewer than 300 fighting men in 1830 (Ngati Kauwhata Claims Commission, 1881). It shared borders in the Waikato basin with the more numerous tribes of the Hauraki, Raukawa, Rotorua and central Waikato tribes. Despite the population of Hauā, Te Waharoa built strong links through shared ancestry with Waikato *hapū*, such as Korokī, Kahukura and Kauwhata, and alliances with Ngāi Te Rangi and Pirirākau in Tauranga to consolidate and expand Hauā influence and land holdings.

The arrival of missionary A. N. Brown in 1835 made a huge impact on Tarapīpipi, and he was baptised in 1838. As was the custom at the time he took a new Christian name Wiremu Tamihana (William Thompson) to highlight the re-birth of the new man. Despite the objections of his father, who felt a loss of influence over his son, Tāmihana was resolute in his decision. Tāmihana became the principal chief when his father Te Waharoa died in 1838 and, as a consequence of his faith, he encouraged his people to follow the new faith and built a Christian *pā*, Peria, named after the biblical town of Beria, with a church, post office and school all designed to show the benefits of a Christian way of life (Rickard, 1963). Tāmihana described his convictions and efforts to live a Christian life in this way:

> Me timata taku korero i taku timatanga ki te karakia, kei te mahia nga whawhai ki Rotorua, ka rua tau o taua pakanga, ka tahuri au ki te karakia, ko te ingoa o taku minita ko Hohepa Paraone. I murua taua pakeha e toku iwi, ka timata taku karakia i muri o taku minita, ka riro atu ia ki Tauranga, ka tu ko ahau ki tona turanga me te mahi ano te pakanga ki Rotorua, ko ahau ka tohe kia mutu te riri, a ka mutu tera pakanga. Ka timatatia mai e Hauraki ko te Topatopa ko te Urukaraka ko Kaukiuta. Ka tu ano toku iwi kia rapua te utu, ka pehia e au ka mutu tera. Kihai i roa ko Hauraki ano ka huaki ki Waiharakeke, ko Pinenga ka riro i a Taraia, ka tu ano toku iwi kia rapua he utu, kihai i tukua kia whakatika ki te rapu utu, otiia e pehi ana ahau. I taua takiwa ko Tarapipipi taku ingoa, kaore hoki oku minita hei whakakaha i au ki taua mahi i tukua mai nei e te Atua ki Niu Tireni nei ki ia wahi ki ia motu. I whakatina ahau e nga tuari o te Karaiti ki te mahi i tenei mahi, me te mahi ahau i nga takiwa minita kore ka eke atu taku mahi ki te nui, katahi ano ka hoki mai toku minita ki te tirotiro i au ara i runga i tana waewae tana kainga he haere kau mai he iriiri he tuku hakarameta ka hoki atu ki Tauranga. Ka mahi ahau i nga pakanga whenua mutu whakauaua i taku riri enei raruraru, kua nui haere nga minita ki nga kainga katoa me te noho ano au i toku kainga minita kore; ka whakaaro au kia hanga tetahi whare nui hei whare huinga mo nga iwi e noho mauahara ana i roto o Niu Tireni, kaore nei e piri tetehi ki tetehi, tu ana taua whare ko Pepara. Katahi ka tukua atu aku whakaaro ki te kimi i tetahi ritenga e piri ai nga iwi Maori, me huihui mai kia whakakotahitia nga tangata kia rite ki te iwi pakeha. Karangatia ano ko Ngatipaoa, kua tae mai ki a hau kua hui nga korero mo te pai, muri iho ka karangatia ko Ngati tamatera, kua tae mai, muri iho ka karangatia ko Ngati Whakaue e muri iho ka

karangatia ko Ngati Whanaunga, kua tae mai, otiia huihui kau ano e kawe ana te kino kaore ano i kopi te awa toto, me te maia ano nga minita me ahau hoki; kihai i mutu te rere a te toto, tae ana mai ko koe tuhera tonu te awa toto katahi ano au ka rapu whakaaro kia mutu ai. (Tamihana, 1861 p 7–8)

I will commence my narration from the time of my first conversion to Christianity, which was during the Rotorua war. That war had been carried on for two years when I commenced to worship God. The name of my minister was Joseph Brown. That Pakeha was plundered by my tribe. My karakia commenced after the departure of my minister; he went to Taurauga, and I stood in his place; the war at Tauranga still being carried on, I urged that the feud should cease, and that war was ended. The Hauraki (people), commenced again, and Topatopa, Te Karaka, and Kaukiuta were taken. My tribe again arose to seek payment, but I repressed them, and that ended. The Haurakis made another attack at Waiharakeke, and Pinenga was taken by Taraia. My tribe again arose to seek payment (or revenge), but they were not permitted (by me) to rise and seek payment; they were repressed by me. At that time my name was Tarapipipi. I had no minister to strengthen me in that work which God sent into New Zealand, to every part, and to every island. I was given this work to do by the stewards of Christ, and I also worked during the time there was no minister. When my work had increased, then only did my minister return to see after me; that is, his place was on his feet; he used merely to come to baptize and to administer the Sacrament, and then return to Tauranga. I worked at quarrels about land, and through my exertions these troubles were with difficulty ended. By this time there were many ministers at all the places, whilst I continued to reside at my place without one. I thought of building a large house as a house of meeting for the tribes who were living at variance in New Zealand, and who would not become united.

That house was erected, and was called Babel. I then sent my thoughts to seek some plan by which the Maori tribes should become united, that they should assemble together, and the people become one like the Pakehas. The Ngati Paoa were invited, and they came to me and united their talk for good. Afterwards the Ngati Tamatera were invited, and came. Afterwards the Ngati Whakaue were invited, and they came. Afterwards the Ngati Whanaunga were invited, and they came. However they merely assembled together, evil still manifested itself, the river of blood was not yet stopped. The ministers acted bravely, and so did I, but the flow of blood did not cease. When you came, the river of blood was still open, and I therefore sought for some thought to cause it to cease, as the ministers had long persevered. (Translation by Government official Appendix to the Journal of the House of Representatives 1861)

Tāmihana's conversion existed away from the daily instruction of a missionary and this was aided by his literacy. He was able to read and contemplate the application of scriptual principles upon the issues of his world as a tribal chief.

Te Wherowhero, a leading chief throughout Waikato in the 1840s and 1850s, also affirmed the changing philosophy, moving from a hierarchical, structured society to one based on biblical principles and the equality of man. In his words:

> Kotahi anō te kohao o te ngira e kuhu ai te miro whero, te miro mā, te miro pango, a muri i ahau, kia mau ki te ture, ki te pono, ki te aroha, hei aha te aha, hei aha te aha. (Pōtatau Te Wherowhero)
>
> There is but one eye of the needle through which the strands must pass, the white strand, the black strand and the red strand. After me, hold fast to love, the law and faith, no matter what.

The influence of Christianity was a component of changes happening in technology, trade, power relations and moral philosophy. The move away from traditional beliefs and the controls of *tapu, mana* and *utu* had an impact on the maintenance of law and order in Māori society. Māori were forced to respond by a brand of Christianity that proclaimed no middle ground. Some converted to Christianity and sought to act on scriptural principles with the zeal of their missionary fathers, while others professed Christian beliefs to find practical solutions for life and from the 1850s adaptations of Christian-based Māori religious movements appeared with prophets, such as Te Ua Haumene of the Paimārire. The result was a general state of confusion as a seemingly stronger atua took precedence over a long-standing perspective of the world.

Increasing British Authority

Immediately following the signing of the Treaty there was a creeping erosion of Māori authority (Orange, 2012). The decline of the Māori population through war and disease and the influx of European migrants from 1840 saw the European population become the majority 51 percent of New Zealand by 1858 (McLintock, 1966).

The New Zealand Constitution Act, passed by the British Parliament in 1852, moved administrative responsibility of New Zealand away from the British Colonial Office to an independent settler-run government. Section 71 of the Constitution Act recognised Native districts and the rule of customary law in Māori districts but this provision was never politically or administratively supported by the Government which meant Māori were effectively excluded from the political system (Joseph, 2003, p 21). This law and others replaced and suppressed the institutions of Māori tribes establishing a different socio-political and economic structure so "that equality under the new law was an illusory protection from the oppression of the law itself " (Jackson 2012 p3).

In the 1850s Māori leaders were keenly aware of land alienation pressure and there were several initiatives to unify Māori as a counter to European colonisation. McRae (1984, p 284) decribes it as a time when some Māori began to discuss exclusion from the state and debate

ideas of Māori unity and separate Māori institutions. However, separatism was a difficult idea to argue amongst the possibilities of retaining the benefits of European society and separate Māori independence.

The actions of Te Wherowhero, a leading chief amongst the Waikato tribes, show his willingness to act as a mediator between Māori and Pākehā in the 1850s. Governor George Grey understood the rising tension between the races and asked Te Wherowhero to move to Mangere and provide military protection for Auckland City:

> Tawhiao's father (Te Wherowhero) was one of the chief protectors of the settlement of Auckland during a great many years and he (Sir D. McLean) believed that his residence there was quite equal to four or five regiments of British troops, and, better, in the maintenance of peace. Honourable members from Auckland were aware that he was one of the chief means of defence against the powerful Waikato and other tribes during the time he was at Mangere. He was almost always on friendly terms with the Government and was ready and prepared to espouse their cause. Many old settlers would recollect the immense advantages of which were derived from the residence of those influential chiefs in the vicinity of European Settlements. (*Te Wānanga*, 21 Oketopa 1886, p 387)

Wiremu Tamihana, with an understanding of British power, acted to build a society based on justice as portrayed in the Bible. He believed political goodwill on both sides would help resolve differences and avoid armed conflict. Both races would retain their sovereignty while allowing for peaceful settlement and opportunities created when working collaboratively.

> …kahore aku ki kia whiua atu a Kuini i tenei motu engari i toku piihi ko au hei kai titiro mo taku piihi.
>
> …I do not desire to cast the Queen from this island, but on my piece (land, people), I am the person to overlook my piece. (Tāmihana, 1861, p 8)

Other chiefs were also concerned about Māori Pākehā relations and the Kīngitanga was raised as a way to address rising tensions. Tāmihana Te Rauparaha of Ngāti Toa *Rangatira* originally proposed the establishment of the Kīngitanga after his visit to England in 1852 (Oliver, 2010). He and his cousin Mātene Te Whiwhi were devout Christians who had followed the path of Te Rauparaha's battles in the South Island to share the gospel. Like Wiremu Tāmihana, they put their faith into action and promoted changes in society. They visited tribes throughout the country, promoting the idea of a king to unify all tribes and to search for a suitable candidate (McCan, 2001, p 58).

Rūnanga

Throughout this early contact period, Māori gathering to discuss important issues in their communities and nationally are recorded. As Māori people became familiar with European meeting procedures, the term '*rūnanga*' became used in early Māori language newspapers referring to discussions of importance. For example, 'Te Runanga Ariki', The Gathering of Chiefs, was used to describe the work of a Parliamentary Committee (Te Wananga, Akuhata 1, 1876). There are also references to chiefs as "*rūnanga* members" (Ki Runanga 1862, ppp 19-22). Te Rangikāheke's use of the term 'Kōrero *Rūnanga*', 'communicates well in tribal council forums', as an attribute of leadership endorses the idea that the practice of *rūnanga* was an integral part of *hapū* organisation (Mead, 1992).

Henry Hanson Turton (1818–1887) worked as a Magistrate who visited trouble spots to settle disputes amongst Māori from the late 1850s into the 1860s, and was later to become a member of Parliament. The Government encouraged the establishment of District and Village *Rūnanga* under Resident Magistrates for the making of bylaws and defining land rights. He observed and described *rūnanga* in a report to the Government:

> In the Runanga Māori we observe an institution of very ancient date: and in its revival at the present day is easily to be seen an ill-assorted mixture of European with Native custom, though generally asserted by the Maoris to be of purely Aboriginal origin.
>
> In old times the term Runanga seems to have been chiefly used for Councils of a grave and political character, to which all men, women and children, except slaves and their offspring, were frequently admitted. (Turton, 1862, p 1).

Although regional pan-tribal *rūnanga* became more common, the independence of *hapū* was still the norm. Governor George Grey in a letter to the Duke of Newcastle commented on the difficulty of dealing with independent *hapū* and the dynamic that pulled diverse groups together:

> I have, so long ago as 1846, stated it to be my opinion that it is useless to attempt to make general demands on a race like the New Zealanders. No Chief has power or authority to bind others; there is no paramount authority amongst them, no common bond of union between them. But to make a demand with which many of them will not comply, is at once to supply that bond of union: for, from a party of recusants who have a common sympathy amongst themselves, and who have united for a specific object and can draw others into a confederacy for a known purpose, they at once become people of importance and leaders of a party. (Grey, 1862).

Grey had returned to New Zealand for a second term as Governor in 1861 to broker peace after the Taranaki war of 1860. Grey, as a politician and scholar of Māori language and culture, understood the delicate balance of strengthening the government position while avoiding agitating Māori as a collective to oppose proposed changes in the country. His strategy to support *rūnanga*, paying local chiefs as assessors and advisors, and the appointment of regional magistrates was designed to preserve *hapū* independence for ease of government control (Grey, 1862).

The *rūnanga* had extensive powers as George Clarke, the Civil Commissioner, observed:

> I will proceed to notice the power claimed and exercised by the small, Village, Runanga. They are great, extending over all local matters affecting the Hapu over whom they claim jurisdiction. They are as follows:-
>
> Jurisdiction on all cases brought before them, civil or criminal.
> They determine when and what fences are to be put up to secure crops
> Upon what lands and upon what terms pigs are to be kept about a settlement.
> Selling land, when and at what rate.
> Executive powers:-
> Exacting payment by Tauaa [group to forcibly take payment from offender]
> Banishing refractory Natives from the village.
> Levying money for surveys or any public works. (Clarke, 1862)

Grey's second strategy was a military solution to consolidate Pākehā power against Māori demands for independence. Containing small individual *hapū* or regional *iwi* would be manageable for the Government. Before Grey had arrived, his predecessor, Gore-Brown, had requested further military support from the colonial office, assessed the strength of various tribal forces and discussed strategies of attack (Grey, 1862). The Government was prepared to enforce its will by political and military force.

The Kīngitanga

The idea of a separate independent Māori Kingdom grew among leading chiefs, such as Te Heuheu, the paramount chief of Tūwharetoa in the Taupō region, Rewi of Ngāti Maniapoto, and Wiremu Tāmihana of Ngāti Hauā. Tāmihana agreed with the establishment of a kingdom to match the British. It is consistent with a Māori idea of those of equal standing, *mana* in this case royalty, dealing with the like *mana*, the British royalty. Gorst, an Englishman who lived and worked amongst Waikato Māori from 1860 to 1863, was first a teacher and then appointed as a Magistrate for Waikato in 1862. He and his family were driven out of Waikato when he began a rival paper *Te Pihoihoi Mokemoke* to counter the Kīngite paper *Te*

Hokioi. He wrote his reflections on the breadth of support for the Kīngitanga and the difference in British thinking:

> It was evident to the Governor that this matter was uppermost in the thoughts of all with whom he conversed during his journey; and he learned that all the tribes, from Otaki, near Wellington, to Mangere, near Auckland, were united in their views. It was clear they did not understand the term 'king' in the sense in which we use it; but, though they constantly professed loyalty to the Queen, attachment to the Governor, and a desire for the amalgamation of the races, they did mean to maintain their separate nationality, and have a chief of their own selection, who should protect them from any possible encroachment on their rights and uphold such customs as they were disinclined to relinquish. (Gorst, 1864, p 58)

Māori believed both races could co-exist, based on centuries of independent tribes living side by side. However, Europeans were clear that there could only be one ultimate authority and one sovereign in the country. This was expressed in conversations between Tāmati Ngāpora and Pātera (likely to be Wiremu Pātara Te Tuhi a cousin to Tāwhiao, an editor, warrior, secretary and advisor to the Kīngitanga). Tāmati Ngāpora was a cousin of Pōtatau Te Wherowhero and eventually became Tāwhiao's (the second Māori King's) closest advisor:

> I alluded to the Maori King flag which had been made the ground of Waikato interference, and suggested that there might be some difficulty about the re-establishment of peace while that flag was flying. Tamati replied that the Natives had not looked upon the question of the Maori King as standing in the way of peace. They did not assume that it would by itself be made a ground of quarrel with the Pakeha: that if the Governor intended to make the submission of the King's flag a condition of peace it would be well that this intention should be declared, as if it were understood that the suppression of the Maori King were insisted on, his supporters would know what they were prepared for. He believed that it would by them be regarded as closing the door to peace, and that the only course open to them was to die in the struggle, which they would prefer to the disgrace attending the submission or the shame of having to give up the point. Reference was made to the fact that the promoters of the Maori King movement had long since declared their views and intentions plainly; that they claimed for their sovereign an independent authority; that he should maintain a friendly alliance with the Queen of England, but be supreme in his own territory, comprising all the unalienated lands of those tribes who joined him. It was true it had been said by some that the suppression of the Maori King was the Governor's object in the present war, but the Governor had not himself stated this. (Smith 1862)

Māori continued to pursue their *mana motuhake* (independence) through the proposed Kīngitanga as subservience was unacceptable to fiercely independent *hapū*. Many prominent Māori leaders were asked to consider accepting the position as King, including Te Heuheu of Tūwharetoa in the Taupō region, Te Kani a Takirau of Ngāti Porou on the East Coast, Te Hāpuku from Ngāti Kahungunu, Te Amohau of Te Arawa in the Rotorua area, Tōpia Tūroa

from the Whanganui region, Whitikau of Ngā Rauru, Tamati Hone of Ngāti Ruanui and Te Wherowhero from Waikato (McCan, 2001, p 43). In November 1856 at Pūkawa on Lake Taupō, a large gathering of prominent chiefs called 'Hinana ki uta, hinana ki tai' ('Search the land, search the sea') was hosted by Te Heuheu of Tuwharetoa to debate the selection of a pan-tribal leader (Rickard, 1963, p 66; Te Tuhi, 1862). The qualifications for office were *mana tangata* (respected by man), *mana whenua* (territorial authority) and *mana kai* (the capacity to resource the role) (Jones, 1959).

The gathering of chiefs symbolically demonstrated their support for the establishment of the Kīngitanga by attaching their flags to one of several lines tied to a flagpole. The meeting also endorsed Te Wherowhero of Waikato as a leading contender to lead this joint venture (Jones, 1959). Te Wherowhero rejected initial approaches because he thought he was too old for the role saying "Kua tō te rā ki a au" ("I am in the twilight of my years"). Tāmihana responded, saying "Ka tō te rā i te pō ka ara mai i te ata" ("The sun sets in the evening but rises again in the morning"), interpreted by some to mean the descendants of Te Wherowhero would inherit the role of the monarch (Papa, 2014).

Not all Māori were united on the appointment of a national Māori leader and, throughout this period, debate continued with strong proponents maintaining loyalties to the British Sovereign as the best way to advance Māori interests (Jones, 1959; McCan, 2001, pp 25–32). Even amongst the Waikato tribes there was a significant division. At a *rūnanga* on 29 May 1858, tribes form the Lower Waikato arrived at Taupiri to discuss the Kīngitanga. Support from a procession of 1000 Ngāti Maniapoto, Ngāti Hauā and Ngāti Mahuta Māori King supporters were opposed by 1000 English Queen supporters from Ngāti Tipa, Ngāti Te Ata and Pukaki (The Waikato Movement for a Native King, 1858).

There was also conflict between Te Wherowhero and Wiremu Tamihana of Ngāti Hauā over the unresolved payment for the death of Te Wherowhero's relative Te Rangiānewa of Ngāti Apakura in 1824 at the hands of Ngāti Hauā (Jones, 1959, p 190). Tāmihana resolved the issue by giving his favourite daughter Te Raumako in marriage to a suitor from Ngāti Apakura as a peace offering (Jones, 1959, p 207).

Eventually, Te Wherowhero of Ngāti Mahuta in the Waikato was selected and agreed to take the role of King. He was anointed King in 1858 (Cowan, 1955, p 151) and crowned with the Bible of Wiremu Tāmihana, who articulated the aims of the Kīngitanga as:

> The King being in close connection with the Governor, to stand in the same relation to the Maoris as the Governor to the Pakeha. The King was to be the 'pa taka', a stronghold of the laws. (T. Mahuta, 1935; Te Tuhi, 1862)

The Kīngitanga was established according to the *tikanga* of traditional Māori roles and adapted to mimic the British hierarchy in order to express parity with the Crown, hence the preference to use the transliterated word for King, Kīngi, instead of a traditional title (Jones, 1959, pp 212–213). The purpose of the King and his council of twelve was to provide an independent and objective expert authority for local *rūnanga* and chiefs.

However, traditional local authority, lukewarm support in some communities and distance from a central governance body meant that many *whānau* and *hapū* continued to operate independently. European centralised models of governance did not sit comfortably in a society built on loose *waka* and *iwi* confederations with strong, independent *hapū*, active community leadership and participation in local governance (Sorrenson, 1963). The proposed shift of power into a pan-tribal institution required *hapū* to cede some local autonomy to empower the new entity. However, leading chiefs and supporters of the King movement, Paora Te Ahuru (Waikato chief, warrior and peacemaker) and Wiremu Tāmihana, already saw the erosion of local authority and a need to unite under a single power:

> Paora Te Ahuru: Every nation has a King of its own, therefore let us have one also. Let all the Chiefs be hands to this, our King. Let him do away with quarrels about our land. The numerous chiefs have lost their influence, therefore let one amongst us be head over all.
>
> Wiremu Tamihana: I asked Pōtatau yesterday which he preferred: native mana or the Kingship. He decided the latter. This our King, his Parliament and Magistrates will terminate all disputes about land, he will carry out the laws of God and man. Let us live in peace with everybody. Let us give much consideration to the things of God; and little to the things of this world. (The Waikato Movement for a Native King Daily Southern Cross 11 June 1858 p.3)

The role of King added a new tier of leadership in Māori society and for most he would be a step removed from the people. Consequently, in order to have a national voice, it would exclude *whānau* and local leaders from participating in some discussions and decisions. The concept of delegating the authority of local *hapū* to a person not in direct relationship with the *hapū* and the exclusion of *hapū* members from a consensus decision-making process were foreign ideas and a significant social and political change. This would be addressed by the Kīngitanga providing a hub of communication between *rangatira* of *hapū* who would act as

advisors to the King and each other in support of local *hapū* governance. The *Daily Southern Cross* reports that Tāmihana summarised these matters in a letter he gave to Pōtatau. The document had two simple statements:

> Hune 3 1858. Nga ture ma te Kingi, koia tenei. Ko tona mana ki runga i nga tangata i te wenua, hei tiaki ia mo te tautohe mo te pakanga mo te kohuru, ona hoa, ko nga rangatira, ko nga runanga o ia iwi o ia iwi. Ko rua. Ko te tangata nona te wenua ki runga i tona wenua, ko te Kingi hei arai i te kino mo te wenua mo te tangata hoki.
>
> June 3 1858. The laws for the King are these. His authority over the owners of the land will be as an adjudicator for arguments, war and murder. The King will be supported by the Chiefs and tribal councils of each tribe. Secondly, every man has a right to live upon his own land. The King is to provide protection for the land and for people. (The Waikato Movement for a Native King, 1858)

Tāmihana saw the King movement as preserving the *mana* of chiefs and *rūnanga* authority with local chiefs responsible for maintaining the peace (King, 1977, p 24).

Initially, there was no collective resource to support the Kīngitanga and although there was some experience in pan-tribal collaboration, the establishment and administration of a pan-tribal entity with a King was new. The burden to facilitate Kīngitanga affairs sat with Kīngite chiefs and their tribes. There are accounts of tribes hosting rūnanga with hundreds of participants for several days, which were a huge undertaking for a *hapū*. Sustaining the movement would require a broad resource base. This was observed by George Clarke, a Civil Commissioner, in his report back to the Native minister in 1862:

> As the chiefs calling this have to provide for the meeting, they must be men of property as well as influence, to meet the expenses, and they are careful never to call a meeting until they can entertain their friends. In contemplating a meeting, the first question asked is, where is the food to come from? (Clarke, 1862)

Clarke's language is dismissive of the importance of hospitality to visitors in the process of Māori *rūnanga*. The subtle pressure to change traditional forums inferred Pākehā philosophies of decision-making and leadership were more efficient.

Not all Europeans were against Māori independence. In 1860, the King movement was discussed in the House of Representatives through the Waikato Committee. The Committee evaluated attempts to introduce civil government in the Waikato district and commented:

> Such a movement need not have been the subject of alarm. One of its principal aims undoubtedly was to assert the distinct nationality of the Maori race, and another to establish by their own efforts some organization on which to base a system of law and order. These objects are not necessarily inconsistent with the recognition of the

> Queen's supreme authority, or antagonistic to the European race or the progress of colonization. (Reed, 1928)

Reverend Thomas Buddle concluded that it was European negligence through the exclusion of Māori in government and no application of the law in Māori communities that led Māori to search for solutions, such as the Kīngitanga (1860, p 17). Māori leaders wanted healthy and safe communities and the Kīngitanga was promoted as a mechanism to facilitate its own laws:

> Now, Native Magistrates are appointed by the King, who issue warrants, try parties accused of felony, levy fines, settle disputes, and enforce the payment of debts. Their decisions are generally received with respect within the King's territory, and obeyed by those who acknowledge his authority. No European Magistrate is permitted to officiate within their territory, as the following translation of a circular issued from Ngaruawhia shows:
>
> November, 1859. Four things have been determined by our late Council: 1. That no European Magistrate shall be permitted to officiate in any part of our territory. 2. That no Native shall be imprisoned in the Gaol of the Governor. 3. That no roads shall be opened in our territory.
>
> (Signed) Hoani Papita, Rewi Maniapoto, Paratene Maioha, Heta Te Wherowhero, Te Area (Buddle, 1860) [1]

The establishment of the Kīngitanga did not win over its opponents and two years after the anointing of the King, criticisms of the movement among some Māori continued. A leading Waikato chief, Te Awaitaia of Ngāti Mahanga, remained strongly opposed to the role of a King. He derided Wiremu Tamihana, a leading supporter in the establishment of the King and his opposition to land sales:

> Tamihana… to he ra, ko te hao i te whenua… E noho ra e te namunamu ki roto koia o te repo repo.
>
> Tamihana you are wrong to greedily grasp the land... Stay in your swamps you pesky sandfly. (Speeches made at the Rūnanga at Ngāruawāhia, 1860. My interpretation).

There was also strong opposition from prominent tribal leaders outside of Waikato, such as Te Rangikāheke of Rotorua:

> The roads which I have made are in my own district, and I deny your right to interfere with them. I proclaimed my boundary and when Te Waharoa went to fetch Ngati Porou I would not allow them to pass; they persisted, we fought and you know the rest. I do not acknowledge Tawhiao as King of this country. He may be your King and of Waikato. (Bush, 1873)

[1] Only three points are mentioned in the text.

These chiefs saw benefits to accepting the authority of the Crown, and dissent amongst *rangatira* was an accepted means by which *rangatira* could express the independence of their *hapū*. It was accepted that *hapū* had differing opinions and would make decisions according to the merits of each issue. However, it weakened a united Māori voice and position against the growing strength of a settler government.

The first major test of the Kīngitanga authority came with the outbreak of war in Taranaki in March 1860. The attack and eviction of Wiremu Kīngi and his Te Ātiawa people over a disputed land deal was justified by the Government as rebellion. Wiremu Kīngi placed his confiscated lands under the protection of the Māori King and asked for Kīngitanga justice (Fox 1863). It was a clear injustice and Wiremu Tāmihana, representing the Kīngitanga, went to Taranaki to mediate a settlement, but a just resolution was not found because the Government would not admit guilt or pay compensation. The failure of the Kīngitanga to obtain justice for Māori in Taranaki, and the willingnes of the Government to take by force Māori lands, was humiliating and reduced the *mana* and *tapu* of the tribes, its leaders and social structure:

> I te taea mai o te Kawana tuatahi he aha tana ture i homai hei tiaki i te Maori? I tiakina koia te ture i a Wi Kingi me Waitara? He ture koia i tiaki i a matou i o matou whenua, taonga, i reira? He ture koia nga Pakeha a te Kawana i tuku mai nei ki tenei motu, Pākehā waipiro, kohukohu, korero kino whakaiti rangatira? No reira ka ki ahau, kia whakaturia taku Kingi ta te mea e kore tatou e pai ki te ture. (Tāmihana, 1865b)
>
> When the first Governor came, what law did he give as protection for Maori? Did that law protect Wiremu Kingi and Waitara? Did that law protect us, our lands and property? By this law, the Governor's people can enter this land, drunken Pākehā, cursing, foul language and anti-authority? This is why I say establish my King because we do not approve of your law.

Settlers and the Government were threatened by ideas of Māori independence and the potential strength of a united Māori nation. In June 1863 James Fulloon, a half-Māori Government interpreter, reported plans of a Waikato attack on Auckland (Fulloon 1863). A strong Māori block would prevent further expansion of the colony and was thought to threaten settlers in Māori-controlled areas. Waikato tribes informed the Government that they would retain control of their own lands and British soldiers crossing the Mangatawhiri stream would be viewed as an invading force. On 12 July 1863 colonial forces led by General Cameron crossed the Mangatāwhiri river, declaring war on the tribes of Waikato.

Waikato tribes and their allies were overwhelmed by the power of the colonial forces and the final battle in the Waikato was fought at Ōrākau from 31 March to 2 April 1864 (Meredith

and Joseph, 2014). Prior to the end of the war, the Colonial Government passed the New Zealand Settlements Act of 1863 that allowed for the confiscation of lands without compensation "for the prevention of future insurrection or rebellion and for the establishment and maintenance of Her Majesty's authority and of Law and Order". This authorised the Government to confiscate 1,202,172 acres of Waikato land as punishment for civil disobedience.

Wiremu Tāmihana in 1865 petitioned the Government, seeking return of the land. He spoke of breaches by the Government in pursuing the war and concluded that the intention of the Government was always to reduce the power of Waikato by use of military force and to destroy the economic base of the tribes (Tāmihana, 1865a). The confiscations were arbitrary and included lands of *hapū* that had supported the British, while excluding lands of *hapū*, particularly of Ngāti Maniapoto, who actively fought the British forces. This inconsistency added to the belief that the purpose of the war was to open the fertile Waikato basin for European settlement:

> If peace is made upon these terms of the Governor… I will not be thoroughly satisfied because the root or cause of this war was the land… we have done no wrong on account of which we should suffer and our lands also be taken from us. (Tāmihana, 1865a)

The consequences of military defeat were death, injuries, imprisonment, land confiscation and the corresponding humiliation and economic depression. The remainder of the nineteenth century was difficult for Waikato *hapū*. There was an overt mistrust of Pākehā people and institutions. Waikato communities directly affected by confiscation were destitute. The war left in its wake *hapū* internally divided and socially confused as *mana* and order in tribal social structures, such as *rūnanga*, were destroyed (Jones, 1947, p 5).

The Native Land Acts 1862–65 contributed greatly to the destabilisation of tribal life. Sorrenson (1956, pp 186–191) argues the system of law marginalised Māori and led to dubious practices that transferred lands from Māori ownership. The Native Land Court initially focused on transferring customary held Māori lands into legal land titles recognised under English law. The lands were surveyed and 10 trustees appointed to act on behalf of collectively owned lands. The trustees would then present the certificate of title to the Governor who would issue a Crown grant, making the trustees owners of a freehold title.

The Government relentlessly pursued the transfer of Māori land into Pākehā ownership:

> The pace of colonisation was to be dictated by the Crown and not by the willingness of Māori to cooperate in the disposal of 'surplus lands'. Māori were not left alone to decide on the ways and means of coexisting with the new order. It was always the case that new laws and new policies were introduced to ensure the continuing extinguishment of customary title and to persuade or to coerce reluctant *hapū* or sections of *hapū* to part with their tribal estate. The 'no sale' preference of some *rangatira* and non-selling members of *hapū* were always challenged and undermined by Crown officers. (Williams, 1999, p 31)

The Courts undermined *hapū* leadership and community cohesion, as land use decisions were placed in the hands of individuals with the support and enforcement of European law. The Government insisted that every piece of land must go through the Courts. The Land Court process was expensive for Māori claimants. The costs included having to pay an authorised Government surveyor for the survey of their lands (Māori Land Court Act 1865, Part VII, section 25), time in court, court charges, travel away from homes and not being able to work. Claimants would at times live in European settlements for months, where they could gain credit from European traders at the cost of trading land. It caused internal *hapū* fighting as factions argued their rights or individuals traded land that belonged to the collective, while those who did not participate in the Land Courts could be excluded and become landless (Williams, 1999, pp 189–196).

The Waitangi Tribunal report on the Muriwhenua Fishing Claim identifies the 1860s as "marking the turn of the tide" (Waitangi Tribunal Report, Wai 22, s1.7, 1988):

> It was then that the numerical superiority of the settlers was achieved. It was also at that time that Britain passed over its political control, and war with certain Māori was declared. Racial attitudes hardened. In the wake of the wars came a series of laws destined to break Māori control of the resources of the land and sea, and significantly, to put an end to their competitive trading habits.

Despite the loss of prime lands through confiscation, many Waikato communities continued to survive. Those tribes that lived on the margins of confiscated lands still retained sufficient lands to support themselves and took in their landless relatives. R. S. Bush, in his report of 1879, described the Waikato settlements, outside the confiscation line, of Pukekura, Maungatautari, Maungākawa and Matamata as healthy settlements:

> …they have an extensive cultivation. These Natives are anxious that the Government should make a short piece of road from the confiscated line, to enable them to get their produce to Cambridge. They reside some distance beyond the confiscated boundary, and are willing to make their portion of the road to the confiscated line…. It appears to me it would be worth while acceding to requests of Natives for roads over the confiscated boundary… The desire for Government roads is entirely a new feature amongst the Kingite Natives, and deserves to be fostered, as it breaks through one of their strictest laws. (Bush, 1879)

The popularity and authority of the Kīngitanga continued to decline into the early 1900s because of its inability to halt the appropriation of *hapū* land. The tribes that aligned with the Kīngitanga were forced to reassess how best to protect and advance their *hapū* interests. Tupu Taingākawa, a leading chief of Ngāti Hauā, maintained that *hapū* interests were best served by managing their own land affairs rather than ceding control to the Kīngitanga:

> Although part of the Waikato confederacy of tribes that, since the inception of the King movement and the selection of Potatau te Wherowhero as Maori "King," have been united under the mana and leadership of Potatau and his descendants down to the Hon. Mr. Mahuta, M.L.C., we have found it necessary to deal separately with Taingakawa's people and their lands… We found that Taingakawa had seceded from the Waikato confederacy, and was strongly opposed to his lands being dealt with by the Government or the Commission on the same basis as other Waikato lands. (Mackay, 1909)

Mackay is correct in his assessment of the differences between Ngāti Hauā and the Kīngitanga, but Taingākawa and Ngāti Hauā continued to support the social and political ideals of the Kīngitanga. Tupu Taingākawa (1845-1929) was the son of Wiremu Tāmihana and took on the mantle of leadership from his father in 1867. Taingākawa was active in the Kīngitanga and joined King Tāwhiao at Te Kūiti for some time before returning to his own lands. Tupu was a spokesperson of the Kīngitanga and wrote many letters and petitions to the Government asking to address injustices. In 1892 he became the initial *tumuaki* of Te Kauhanganui, the *rūnanga* of the Kīngitanga, similar in function to traditional inter-*hapū rūnanga*. This was a position equivalent to that of Prime Minister.

In 1895, on behalf of tribes in the Waikato, Tupu Tāingakawa petitioned for a list of issues to be addressed including:

a) the removal of taxes from Māori lands,
b) removal of jurisdiction of the Native Land Court over Native land,
c) the return of lands given to Government for the purpose of schools which had never been built,
d) the removal of the dog tax
e) the ability for chiefs and hapū to decide whether their lands should be surveyed,
f) a requirement that any Acts created by the Government should not affect Māori lands,
g) a requirement that Māori should have representation on the Bench in disputes
h) a prohibition on Europeans lending money to Natives (Taingākawa, 1895, p 11).

Richard Seddon, the Prime Minister at the time, responded, blaming the Natives for "recklessly parting with their lands" and claiming Māori ancestors had ceded sovereignty to the Queen through the Treaty, who was the supreme authority. Those who had remained

loyal to the Queen would prosper and those who rebelled had become landless and poor:

> The European population was like a lake constantly increasing in volume with no outlet. The Natives were like the banks of the lake, and if no outlet was provided for the banked up waters the time would come when they would break down their banks and sweep everything before them. The flow of water could not be arrested, but the banks could be preserved if the Natives would listen and act according to wise counsel. (Seddon, 1895)

Te Kauhanganui o Tāwhiao

It had always been the intention for the Kīngitanga to establish a council that would debate, give authority and communicate its law with tribal leaders. A proclamation from Tāwhiao in 1863 explained:

> E whakaae ana te ture, kia whakanohoia tetehi runanga mohio hei matapuna mo nga tikanga o te motu nei, mehemea he kupu ta te Kingi me tuku ki tana runanga kia tirohia, ka tika ma tana runanga e tuhituhi ki nga rangatira katoa, ara ki te rangatira hoki o te whawhai.
>
> The law consents that a learned council be established as a fountain-head for the laws of this island. If the King has a word to say, let it go before the council for them to consider. If judged right that council will write to all the chiefs and to the chiefs of the army also. (Tawhiao, 1863)

However, the war in Waikato of 1863 disrupted and splintered the Kīngitanga. Kīngitanga followers with Tāwhiao took refuge with Ngāti Maniapoto and closed the region, to become known as the King Country, from European authority. This isolation allowed Tāwhiao and his followers time to reassess their position. Tāwhiao's emergence in 1881 from his self-imposed isolation in the King Country represented a change in strategy when dealing with the Government. He had his followers lay down their guns on 11 August 1881, before Major Mair at Alexandra as a symbol of peace with the Government. The Kīngitanga turned toward political means to unite tribes and, in 1884, Tāwhiao led a deputation to Britain to personally present his petition to Queen Victoria. His request to meet the Queen was re-directed to the Secretary of State for the Colonies, Lord Derby, who explained the petition was a matter of governance decided by the New Zealand Government. The trip achieved little and in Tāwhiao's words: "*I haere Māori atu, i hoki Māori mai*" ("I went as a Māori and returned as a Māori") (Roa, 2012).

Tāwhiao was offered lands and a government pension in recognition of the role he played as a mediator between the Government and the tribes. Tāwhiao initially rejected the offer because of being perceived as submitting to the Government (Belich, 1996, p 270):

> …Tawhiao states that he only pleads for peace. He further explains that a net was set for his feet, and he was entrapped by Mr Cadman into accepting a pension, but as soon as he perceived the snare he restored the money he had received on account with interest. …the £225 pension the money having been wrung from the small pensions and annuities paid to old loyal Maori chiefs, many of them lost sons or relatives in the war – had died fighting for the Queen. Pensioners receiving £12 10s per annum had £2. 10s taken away in some cases about half was taken to make up the bribe to Tawhiao. (*Evening Post*, 30 May 1894, p 4, A New Māori Constitution)

When Tāwhiao eventually agreed to receive a pension in 1892, Government officials considered it a removal of an obstacle to land sales in the Auckland district while some Kīngites saw it as a wedge between the King and their people (Williams, 1969, p 42).

During this period the Kīngitanga leadership argued the New Zealand Constitution Act 1852, section 71, gave Māori the authority within Pākehā law to manage Māori affairs and for Māori themselves to take up the challenge:

> Kaore i whakakahoretia e te Tiriti, te whakahaere a o tatou tupuna, tae mai ana ki te ture o te tau 1852, ka tapiritia ano. E whakamotuhake ana taua ture, i nga ture o te Maori, me o ratou whakahaere kia mana, hei whakahaere mo ratou ano…. E mana tonu ana o tatou Runanga, ki te tu i waenganui i nga waahi e tino uu ana ki to tatou whakahaere Maori, tatou kei te mangere. A, i runga i te kupu whakahau a te Kingi, kia mahi tatou i to tatou whakahaere Maori. Whakaarahia ana Te Kauhanganui i runga i tenei motu i Aotearoa i runga hoki i te Mana Motuhake o te iwi Māori.
>
> The Treaty [of Waitangi] did not do away with the mana of our ancestors up to the year 1852, that law confirms the mana of Maoris to deal with their own affairs… Our committees still have the power and authority to investigate our own Maori affairs: but it is us who is idle, and through the word of command from our King to start and conduct our own Maori affairs, the great Council (Kauhanganui) was built upon this island Aotearoa to be under the independent Maori power. (Mo Te Take Tuatoru, 1892)

On this basis Tāwhiao supported the establishment of a Māori 'Parliament' Te Kauhanganui (The Great Council) and this was confirmed by a *rūnanga* in 1889 at Pukekawa by 1500 attendees (Tāmihana, 2012, p 3). Te Kauhanganui was to address Māori grievances and strengthen *mana motuhake* as the administrative and policy arm of the King movement. King Tāwhiao expressed the idea of collective ownership in this way:

> He whakamana noa iho he wehewehe hoki i te whenua ki te tangata kotahi, tokorua ranei. Ka ngaro nei i taua Kooti ngā hapū, ngā Iwi me ngā Rangatira… i runga i to ratou mana. Kaore nei tenei ahua i roto i nga tikanga a nga tupuna o te Maori… ko taua mana he mana iwi he mana hapu, ehara i te mana tangata kotahi.

> Dividing the land to each person, and giving such persons the *mana* over the land but the tribes, chiefs and people are lost through the said Land Court… Our ancestors and forefathers had no such Land Court… *mana* was the *mana* of the nation, *mana* of the people – not the *mana* of one person. (Mo te Take Tuarua, 1892)

Te Kauhanganui would fulfill the important role of *hapū rūnanga* responsible for managing power and relationships (*mana* and *tapu*) and accountability (*utu*) at a pan-tribal level. In 1892 Tāwhiao invited Māori leaders from all tribes to gather at Te Kauhanganui at Maungākawa, close to the Waikato town of Cambridge. The official Kīngitanga newspaper, *Te Paki o Matariki*, 1894, outlined a proposed constitution for the Kīngitanga. It proclaimed an independent Māori state to be governed through Te Kauhanganui, with Tāwhiao as the sovereign, guided by twelve advisors called *Ko te Roopū Motuhake o te Kīngi* or *Tekaumarua*, a *Tumuaki o te Kīngitanga* equivalent to the role of Prime Minister, the House of Lords termed *Matariki o te Whare Ariki* and a House of Commons termed *Manukura o te Whare-o-rara*. A section of the proposed constitution follows.

> 1. Kua whakaingoatia ko Tana Taingakawa te Waharoa, W. T. T. Te Tumuaki o te Kiingitanga o Aotearoa, me te Waipounamu.
>
> 2 Kua whakatuturutia, kei te 2 o nga ra o Mei, o ia Tau, o ia Tau; te ra e tuwhera ai te Whare Kauhanganui o Aotearoa, me te Waipounamu.
>
> 3. Kua herea nga Matariki, me nga Manukura, ki te aroaro o te Tumuaki. Hei ture i mua i te Torona o te Kiingi.
>
> 4. Ko nga rangatira, e tuhera noa atu ana nga ara hei uiuinga ma nga rangatira e tomo tauhou mai ana ki nga whakahaere o tenei Kiingitanga, e rite tonu ana tana ingoa rangatira, ki nga Pakeha.
>
> 5. Kua whakatuturutia kei te rua o nga ra o Mei, ka whakaaturia te moni i kohia e ia Iwi, e ia Hapu i te Tau, ko taua moni e rua hereni, tera ano e kitea nga whakamaramatanga i roto i nga whakaaturanga o taua Moni.
>
> 6. Ko te Hiiri tonu o Tawhiao Kiingi, hei whakamana mo nga mahi e mahia ana e tenei Kiingitanga.
>
> 7. Kua whakaaetia kia Riihitia nga whenua, i raro ano i te mana o Tawhiao. Ka whakamaramatia nei ona tikanga… (Rawhiti, 1894)

The *Evening Post*, 30 May 1894, gave a translated version of the document with commentary or explanation in brackets:

> …the following laws have been adopted by the Maori Kauhanganui (Convention), and assented to by King Potatau Tawhiao under his Royal seal and sign manual.
>
> a) That he has been pleased to appoint Tana Taingakawa Te Waharoa (son of the King-maker William Thompson) to be Premier of the Maori kingdom of Aotearoa.

b) That the Kauhanga (Convention) of Manukura (nobles) and Matariki (commoners) shall assemble on the 2nd of May each year.
c) That the Convention shall then assemble before the Prime Minister and submit their deliberations (laws) to King Tawhiao on his throne.
d) Special provision will be made for those chiefs who may hereafter join the King movements that they shall be equal with the Europeans.
e) On 2nd May in each year returns will be published (gazetted under the Public Revenues Act we presume) of the amount raised by the Poll Tax of 2s per head and careful statements given showing the just and equitable expenditure of the same.
f) Every Act of the Assembly must be confirmed by King Tawhiao by affixing the seal of the Kingdom.
g) The leasing of land under the King's authority is assented to…

Like the role of the King, Te Kauhanganui was an adaptation of the British system of Parliament. The Kauhanganui outlined a system of taxes to support its activities, appointed police and had the rudiments of a legal system with courts Ko te Kahiti Tuturu mo Aotearoa me te Waipounamu, 1896).

Te Paki o Matariki, a newspaper established to communicate reports from Te Kauhanganui meetings, discussions with Government, the laws and Gazette notices of the Kīngitanga, reported in 1892, Tāwhiao's condemnation of the divisive Native Land Court and promotion of the traditional role of *rangatira* as custodians of communal tribal lands to retain the importance of collective ownership and Māori social structures (Mo te take tuarua 1892). Te Kauhanganui appointed ministers to resolve land disputes amongst Māori, but it failed because Pākehā Courts were well entrenched and had administration with the power to enforce their decisions through the Police. Even the staunchest supporters of Māori sovereignty could not ignore the Pākehā Courts for fear of being excluded when the title of lands were determined (Ko te Kahiti Tuturu mo Aotearoa me te Waipounamu, 1896).

The Western European legal, political and economic structure promoted individualism. The individualisation of land titles lessened the obligation *hapū* members had to the collective. The individual was responsible and accountable only to the law for their actions. They could choose to live independently, accumulate personal wealth or lose all they have, with their communities having no legal obligation to support them. The individual person could ignore community or ethical norms if they were within the state's legal boundaries (Cassel, 2003).

Practical expressions of *mana motuhake* by the Kīngitanga were limited and sometimes negative for Waikato people, as mistrust of Pākehā institutions led to rejection of benefits,

such as Pākehā health care, education and justice through Pākehā Courts (Cleave, 1983, p 77). Tāwhiao had travelled amongst Kīngitanga communities since the 1860s and it is believed these visits later became formalised as Poukai gatherings. The first was at Whatiwhatihoe in 1885 and Tāwhiao is reported to have said the original purpose was:

> Ka whakatūria e hau tenei taonga hei āwhina i te pouwaru, te pani me te rawakore. He kūwaha whānui kua pūare ki te puna tangata me te puna kai.
>
> I have instituted this treasure to support the widowed, the bereaved and the destitute – it is an open door to the pooling of food and the coming together of man. (Rawhitiroa me Aotearoa Marae Poukai Committee, 2011)

Poukai also served as a rallying point to strengthen ties among Kīngitanga and continue today as annual feasts at *marae* which actively support the Kīngitanga. Van Meijl (2009, p 246) states they are arranged to "reinforce the social and political unity among the different tribes that acknowledge the Māori monarchy… to provide a forum for related tribes to meet and discuss issues of common concern." Discussion is open and frank and tribal members are encouraged to lay any subject of importance before the gathering. Leaders can be questioned and are given the chance to respond as it is an accountability mechanism of leaders to the people and a place to rally support within the tribe. Its history lies firmly in the traditional *rūnanga* which allowed *hapū* to give vent to their concerns, celebrate good fortune and plan and strategise to ensure their survival.

Tāwhiao died in 1894 and his son Mahuta became the third Māori King. The Kīngitanga struggled on with Te Kauhanganui fragmented and hamstrung by a declining sphere of influence and a lack of resources to promote the infrastructure for its activities (Muru-Lanning, 2011). The desperate plight of Māori in the early 1900s was reflected in the estimated population of less than 45,000 Māori (Sorrenson, 1956; Wellington News Notes, 1894). The integration of Māori into a Pākehā society was encouraged by wider European societies' thoughts of cultural superiority (Belich, 1996). This was evidenced by the reality of military force that replaced Māori institutions and power with those of the coloniser (Jackson 1992).

In 1903 King Mahuta accepted a Government role as a member of the Legislative Council and the Executive Council of Parliament. Mahuta would have been influenced by the activities of James Carroll, a Māori member of Parliament since 1892, and the ideas promoted by the Young Māori Party. The Young Māori Party included Apirana Ngata, Māui Pomare and Peter Buck who discouraged separatist movements and believed Māori aspirations could be met through the settler Parliament (McRae, 1984, p 285).

Apirana Ngata had assisted James Carroll to draft the Māori Lands Administration Act 1900, for the creation of Māori-controlled land boards to administer the sale or lease of Māori land and the Māori Councils Act 1900 to facilitate some local government and health services for Māori (Sorrenson, 2013). The Government argued a legislative role for Mahuta would promote mediation and positive engagement by the Kīngitanga with Pākehā institutions of power. Mahuta saw advantages in resolving difficulties between both races and, in his acceptance of the role, he is quoted as saying:

> This is a really great day on which all troubles will be put right. Matters that have caused dissatisfaction, that have caused disagreement, have now been settled… I consider this a day on which we settle all matters between us. (Mahuta Appointed to the Legislative Council, 1903)

Mahuta was positive about the possibilities of making real change for his people. This was a political shift for the Kīngitanga, showing an acceptance of Pākehā institutional power to improve the wellbeing of Kīngitanga tribes and a deliberate choice to work within a Pākehā administration for its people (Williams, 1969, p 119). Tupu Taingākawa saw Mahuta's move to Wellington as a shift from the principle of separate *mana* and independence and this created some tension between those supporting each party (Ballara, 2013a).

Mahuta supported his position by citing the response Tāwhiao received when he took his petition to England, that Waikato must work with the Government of New Zealand to resolve issues for Waikato tribes. Māori sovereign authority and an equitable partnership were still the goal. However, there was little incentive for a Pākehā majority Government to address past injustices against Māori or to advocate for independent Māori communities as a "state within a state" (Hill, 2004). Mahuta became despondent during his time on the Executive Council and Legislative Council because of the difficulty to make any meaningful progress in redress of confiscated lands or in policy to support Māori landholders. He served out his term until 1910 and then returned home to Waikato (Ballara, 2013b).

Iwi outside of Tainui were engaged in Te Kauhanganui and comments by Āpirana Ngata in 1900, and reprinted in the *Te Ao Hou* (Ngata, 1957), were complimentary but show that Te Kauhanganui met so infrequently that it was ineffectual as a governing body:

> Ka ara te pepeha, kei Waikato te rakau e tupu ana ka toro Te Kauhanganui hei taunga mō ngā manu o te motu. Tera kei Maungakawa e toro ana… Hei te 2 o nga ra o Mei i ia tau i ia tau ka tuwhera Te Kauhanganui, ka hui nga Matariki, nga Manukura, nga Whakamarumaru me tenei i te parangeeki. (Ko wai oti i rangatira ki te kore he huruhuru mo nga waewae.)

> The saying arose – the tree that grows at Waikato from whence stems the Kauhanganui, a perch for the feathered flock of the land… the Kauhanganui is opened annually on the 2nd May where the galaxy of great leaders gather as though boding great events. (For who can lead without resources and followers?)

King Mahuta died in 1912 and his son Te Rata became King. Te Rata continued the work of his ancestors within Te Kauhanganui, while seeking redress for land confiscations from the New Zealand Government and the British Crown. The lack of progress in these matters and continuing marginalisation of Māori created internal pressures for the Kīngitanga. Te Rata did not receive an invitation to join the Legislative Council, which was further evidence of the waning influence of Waikato leaders, the Kīngitanga was no longer a serious threat to Government or Pākehā society.

An argument about where the movement should be geographically based emerged in the first decade of the twentieth century. Tupu Taingākawa, as *Tumuaki* (Premier) of Te Kauhanganui, proposed to centre the movement in his own tribal area and opened a Parliamentary building for the Kīngitanga at Rukumoana Pā, Morrinsville in September 1917 (Rawhiti, 1917).

In the same period Te Puea Hērangi had emerged as a key leader in Waikato and was opposed to the Kīngitanga being based at Rukumoana. Te Puea was the grand daughter of Tāwhiao and worked tirelessly to re-establish the Kīngitanga as an institution to shelter and develop Waikato people (The Māori King Movement; McCan, 2001, pp 104–105). Te Puea rallied Waikato to establish a base for the Kīngitanga at Ngāruawāhia from 1921 and promoted the role of the King in support of her efforts. The autocratic and practical approach of Te Puea to the welfare of her people was necessary and beneficial (Belich, 1996, p. 270; King, 1977). The Kauhanganui at Rukumoana over this period waned in influence as the community at Ngāruawāhia, Tūrangawaewae *Marae*, flourished and gained national recognition. Te Puea too had a strong spiritual sense of the work she was doing and reintroduced daily use of Paimārire *karakia* in their community gatherings.

Deputations and petitions from Waikato tribes to Government and the Crown continued. In 1909-10 Taingākawa collected 30,000 signatures in support of a petition outlining violations of Māori land rights. It was rejected by the Government (Ngāti Hauā Deed of Settlement 2013, p 25). A Royal Commission (named the Sim Commission) was established on 26 October 1926 to consider the issue of raupatu and other land matters relating to Māori. The resulting Sim report was released on 29 June 1927 and found the Waikato claim legitimate and recommended a £3,000 annual payment (Sim, Reed and Cooper, 1928, G-7:17).

However, Tainui leaders did not agree to a monetary offer and responded as their ancestors had in the time of Tāwhiao: *"I riro whenua atu, me hoki whenua mai"* ("Land was taken, land should be returned") (Jones, 1947, p 6; Waikato Deed of Settlement, 1995, p 4). This saying emphasised the currency of any settlement agreed to by Tainui was about land, not money (Te Maru, 2013). The Crown would not agree to this proposition.

Discussion continued amongst leaders in Waikato and Tūmate Mahuta, an uncle to King Korokī, took the lead in negotiations with the Crown to further progress claims. Te Kauhanganui meetings were held regularly until the death of Tupu Taingākawa in 1929, with the last recorded meeting held at the Rukumoana Te Kauhanganui in 1937 (Tāmihana, 2011). Waikato leaders calculated a lump sum payment of £358,666 based on the premise that the sale price of land at the time of the confiscations would be equitable compensation (Sim, Reed and Cooper, 1928, p 17). If a lump sum was not possible, it suggested an annual payment of £10,000. However, the Government disagreed and negotiations continued. On 10 October 1935 Tūmate Mahuta, on behalf of Waikato, wrote a letter to accept an interim offer of £5,000 per annum with the right to pursue a future settlement that more accurately compensated the loss (King, 1977. p 40).

Tūmate Mahuta died on 27 April 1938, before seeing the fruit of his negotiations with the Government. The Second World War intervened and pushed the final arrangements of the Claim into 1946. In 1946 the Waikato-Maniapoto Māori Claims Settlement Act became law and the Tainui Māori Trust Board was established. The Government agreed to backdate its compensation payments to 1935.

After the formation of the Trust Board in November 1946, the initial payment of £10,000 was received on 1 February 1947. At that point the Board called a *rūnanga* with tribal elders and King Korokī. The money was ceremoniously placed before the King in recognition of *tūpuna* who had spilt blood in the battles to retain land and independence. Others from King Tāwhiao onward had also taken on the challenge via peaceful means at great cost to themselves. This made the money *tapu* and invoked *tikanga* to cleanse the money in order for it to be used in the administration of *iwi* business. As the Kīngitanga was a unifying force to maintain Waikato *mana motuhake*, it was appropriate to seek the King's advice. King Korokī's response acknowledged the significance of the milestone and the importance of the newly formed Tainui Māori Trust Board:

> Haere ake nei; ko koutou hei kōrero i ngā kōrero, ko ahau e tautoko atu: ko koutou hei mahi i ngā mahi tika, ko ahau hei manaaki atu. (Jones, 1947, p 25)
>
> Going forward, the Board should lead discussions, I'm here to provide moral support, the Board should work diligently, and I will be here to help.

The settlement meant more than the monetary value to the tribe. It recognised the injustice of *raupatu* and continued importance of principles that supported Waikato people including *utu*, some recompence that recognised the loss sufffered by the Kīngitanga tribes in the Waikato. The establishment of the Board also set precedents in the relationship between the Board and the Head of the Kāhui Ariki. King Korokī would be informed about the tribal business, but would not take part in the daily management of *iwi* business.

Iwi Incorporated

The compensation monies came with administrative strings, as public money was used the Government had a responsibility to report back to the public on how the money would be spent. It required the tribe to submit to a formal legal structure and administration where the Trust would be held accountable to the law, politicians, Government regulations and tribal beneficiaries. Under the Waikato-Maniapoto Māori Claims Settlement 1946 Act, a Minister of the Crown had the final word on any nominations to the Board, could remove Board members and controlled the expenditure of the Board:

> Financial Provisions
> 16 (1) Notwithstanding anything to the contrary contained elsewhere in this Act, the Board shall not expend any moneys or incur any liability for expenditure unless the expenditure has first been approved by the Minister.
> (2) The Board shall in each year in the month of April, or as soon as practicable thereafter, furnish to the Minister a statement showing in such detailed form as the Minister may require the estimated income and the proposed expenditure of the Board for the financial year ending on the thirty-first day of March next following (Waikato Maniapoto Maori Claims Settlement 1946).

The tribe moved from being completely independent and responsible to its own people to its core leadership and settlement resources becoming subject to an external set of rules. The Trustees were given the authority to make decisions with minimal legal reporting processes back to beneficiaries.

As the tribes of Tainui became a legal entity it became visible to other formal legal bodies. The Māori Trust Boards Act 1955 recognised the growing social and economic role of the

Board, as external agencies could work directly with Trustees because of their legal status in the eyes of other legal entities.

The majority of tribal activities and events still happened at a *hapū* or *marae* level, where *kawa* and *tikanga* were most prominent. Pan-*hapū* events, the Poukai round, Koroneihana (a celebration of the coronation of the monarch) and sporting events, such as the annual regatta were voluntarily facilitated by the people of Waikato. The strength of the tribe was not the money sourced through the partial settlement or government funding for social development. According to Mahuta, "In the vicissitudes of social and economic upheavals and culture contact, four things which provide a sense of continuity and self-respect to the Maaori have been sustained – these are land, language, kin and people, and marae" (Mahuta and Egan, 1983). Even with a small landholding as a collective, Waikato tribes had managed to sustain a distinct Māori way of life.

As a legal entity the Trust Board raised the need for technical, legal, financial and business skills, giving opportunity for tribal members to be employed or elected to fill these positions. Strengths in traditional knowledge or *whakapapa* were still important markers for leaders, and supplemented governance and management skills. Working with external groups, such as government, promoted forms of leadership important for government leaders, Māori *tikanga* and reo had little value in a government relationship and this influenced the value placed on fundamental Māori values such as the use of *karakia* and *mihi* (greetings and acknowledgements of the living and deceased) in the conduct of formal meetings.

Although under-compensated for Waikato Tainui losses, the right to pursue compensation was retained and the funding from the partial settlement provided some resources for building an *iwi* communication and administration hub. The Trust Board continued working with the Government to address raupatu (land confiscation) and in 1975 the Government passed the Treaty of Waitangi Act, which legally recognised the Treaty between Māori and the Crown and opened an opportunity for Tainui to further compensation discussions with the Government.

Summary

Although James Cook's claiming Aotearoa in the name of the British King was a demonstration of the cultural arrogance of the time, initial contact between Māori and early settlers was generally mutually rewarding. Māori readily adopted European technology and

ideas that improved their lives including introducing new crops, trade, exploring new religious and moral ideas.. *Hapū* controlled their tribal areas and although welcoming of Pākehā acted to retain their *mana motuhake*. However, the overwhelming effects of colonisation through a large number of new settlers, the declining population of Māori, the institution of Pākehā law and the dismissal of Māori ideas and institutions through force and politics marginalised Māori authority (Jackson 1992).

The influence of missionaries challenged fundamental values of Māori society, causing some uncertainty about the order of the world. It preached the equality of man and created a new form of leadership based on literacy and the ability to perform Christian ritual. The new all-powerful deity prospered the faithful and punished the heathen. Many Māori converted and by the 1850s Māori Christian adaptations had begun to appear based on Māori concepts of *mana*, *tapu* and *utu*.

As the process of colonisation continued, it moved power and resources from Māori communities into settler hands. Māori resistence grew as leaders and communities were restricted in their ability to act independently. The response from the Crown was war and then the confiscation of lands, and subjugation of Māori to the settler Government. The loss of lands destroyed the economic base of Waikato tribes, the military defeat reduced the *mana* of the tribe and its leaders, and the tribes became subject to settler law which dismissed values and systems of *mana, tapu, utu* and *rūnanga*.

The Kīngitanga was established to maintain and promote *Māori mana motuhake* in oppostion to the strengthening settler government and the increasing numbers of Pākehā. *Rūnanga* with all major tribes and *rangatira* occurred to unite *hapū* and *iwi*. It adopted the form of the monarchy to reflect equal status with Pākehā governors, but its function continued on traditional lines of *rūnanga*. Resistence by Waikato Māori was initially peaceful and politically tried to negotiate the continued independence of Māori through the changes occuring in Aotearoa.

Leaders such as Tāwhiao and Taingākawa, initially withdrew into the King Country after the Waikato Wars of 1863–64, but emerged in 1881 to pursue Māori *mana motuhake,* the right to Māori sovereignty and the return of confiscated lands. They promoted Te Kauhanganui as a *rūnanga* for leaders from all tribes and used the New Zealand legal system to justify a separate Māori state and the return of confiscated lands. Waikato petitions, protests and

working inside the machinery of government did little to change the situation for Waikato Māori who were in a depressed state in the late 18th and early 19th centuries.

However, the Kīngitanga continued, carried by a committed group of *whānau* and *hapū* who persisted in petitioning the Government for justice. Te Puea and other Tainui leaders emerged with a vision and willingness to rebuild a *tūrangawaewae* (a standing place) for the Kīngitanga. Their efforts led to a partial settlement of the Raupatu in 1946 and the establishment of the Tainui Māori Trust Board.

Chapter 3: Te Whakataunga

Introduction

This chapter follows on from the establishement of the Tainui Māori Trust Board and discusses the background of the 1995 settlement. It gives a brief description of the negotiation process headed by the Kāhui Ariki negotiator, Robert Mahuta, and supported by Kuīni Te Atairangikaahu.

A campaign, which included many *hui* with *marae* and *hapū*, achieved broad support for the proposed settlement and indicated principles on which to build an entity to move Waikato *hapū* into the future. However, in order to meet Government constraints in the process, Waikato *hapū* redefined themselves as Waikato-Tainui and became an incorporated society.

Māori leadership has always depended on a high degree of accountability to its followers in a direct and responsive way, and this can be blunted or denied through the introduction of systems and procedures which limit direct contact and influence between leaders and the people. The traditional leadership role of the Kāhui Ariki and the relationships with *hapū* were guided by the process of *rūnanga* and influenced by *mana*, *tapu* and *utu*. The Kāhui Ariki continues to operate according to Kīngitanga principles and along traditional social structures. However, there is some confusion about the role of the Kāhui Ariki and the Kīngitanga in the new governance and management structures of Waikato-Tainui.

The Settlement

The Treaty of Waitangi Act 1975 made it obligatory for the Government to take its Treaty responsibilities seriously and it established the Treaty of Waitangi Tribunal (the Tribunal) as a vehicle to investigate, hear and address Treaty claims. The Government was cautious about the authority granted to the Tribunal and claims could only be made on alleged breaches that occurred from 1975 onwards. The Tribunal could not make binding settlements, but made recommendations to the Crown (Temm, 1990). Initially, the Tribunal had a low profile and prominent lawyer Paul Temm reported that when he was asked to sit on the Tribunal in 1983, he had never heard of it. He recalls being told "it would sit one or two days a year and that it wasn't likely to be an onerous task" (Temm, 1990, p 3).

The Tribunal received 10 claims arguing breaches of the Treaty of Waitangi Act 1975 in its first years. However, when the Treaty of Waitangi Act was amended in 1985 to allow claims for grievances that originated back to 1840, 150 new claims were lodged in the next two years and by June 2009 there were 2034 claims lodged with the Tribunal (Kawharu, 1989, p xi).

The Tribunal raised the possibility of government assets being used to settle Treaty claims. The Government decided to place some state assets into state-owned enterprises, bodies that could operate as commercial businesses or as vehicles to sell government assets to private buyers. The consequence for Māori was that once government assets were transferred to a state-owned enterprise, they were regarded as private property and private property could not be used to settle Treaty claims. The New Zealand Māori Council, on behalf of all Māori, took the Government to the High Court (transferred to the Court of Appeal) to prevent the transfer of government assets without a system in place to determine whether the actions of the Government were consistent with its Treaty obligations (Hayward, 1999, pp 476–477). A judgement was made in favour of the New Zealand Māori Council and its significance was seen in the passing of the Treaty of Waitangi (State Enterprises) Act 1988.

The preamble to the Treaty of Waitangi (State Enterprises) Act 1988 states:

> (g) It is essential, in order to protect the position of Māori claimants and to ensure compliance with section 9 of the State-Owned Enterprises Act 1986, that there be safeguards
>
> > (i) Including power for the Waitangi Tribunal to make a binding recommendation for the return to Māori ownership of any land or interests in land transferred to State enterprises under that Act;…

The judgement obliged the Government to treat Māori as a partner in giving effect to the Treaty and changed the relative influence of Māori in their relationship with the Government when dealing with Treaty issues (Fleras and Spoonley, 1999, pp 131–132). The Act also enabled the Tribunal to make binding recommendations on land and resources owned by the Government (Brookfield, 1989, p 15). However, the Tribunal has used this authority only once when it returned a small number of properties in the Tūrangi area to their former owners.

In 1987 Robert Te Kotahi Mahuta, representing the Tainui Māori Trust Board, and Ngaa Marae Toopu (a group of *marae* which support the Kīngitanga) registered the Wai 30 claim with the Tribunal. The Trust Board sought a judgement from the Court of Appeal regarding the disposal of land and coal resources which were assets of Coal Corporation (Coalcorp), a state-owned enterprise. The Court of Appeal noted in *R. T. Mahuta and Tainui Maori Trust*

Board v Attorney-General [1989] 2 NZLR 513 "an expressed sense of the crippling impact of Raupatu on the welfare, economy and potential development of Tainui", and that the subsequent annual monetary payments made by the Government were trivial "in present day money values", and concluded that "Some form of more real and constructive compensation is obviously called for if the Treaty is to be honoured."

The Appeal Court's judgment acknowledged the paltry annual compensation paid to the Tainui Māori Trust Board and prevented the Government from disregarding Tainui interests in the land and coal resources of Coalcorp (Van Meijl, 2003,).

> … that the Crown should take no further action (including action by its agent Coalcorp) in selling, disposing of or otherwise alienating the said lands until such time as the Crown has established a scheme of protection in respect of the rights of the plaintiffs (including the Tainui claim to the Waitangi Tribunal) in respect of the lands described in the Eighth Schedule to the agreement that are within Raupatu boundaries. (Mahuta & The Tainui Māori Trust Board v The Minister of Finance & The Minister for State Owned Enterprises 1989, p 12)

The legal victory provided momentum for the tribe to strengthen their call for redress of the Raupatu claim and the Tainui Māori Trust Board entered direct negotiations for a settlement with the Crown in 1989.

Sir Robert Te Kotahi Mahuta (1939–2001) was a major force in driving forward the Raupatu claim. Mahuta was adopted at four weeks old by his uncle King Korokī, the fifth Māori King, and raised on Waahi Pā in the midst of Waikato politics. He graduated from Auckland University with a Master's degree in anthropology and began an academic career lecturing at Auckland and Waikato Universities. While studying in England he was called home by his elders to fight government plans to move his home village, Waahi Pā in Huntly, for the building of a new power station. Mahuta spent the rest of his life in service to the advancement of the people of Tainui. In a life with many achievements, his contribution in negotiating the Waikato-Tainui Raupatu Claim was significant and recognised in his receiving a knighthood in 1997. He wrote concerning the time and energy he had put into tribal affairs and specifically the Raupatu claim:

> My calculations are that over a 12 year period (from 1984 to 1996), I spent something like 12,480 hours (1040 hours a year) on this work…. Over the years, Raupatu has cost my family and I financially, as well as the enormous amount of time, energy and stress which has gone into it. (Mahuta, 1998, p 6)

As the Government accepted its responsibility to negotiate Treaty claims, it developed processes to consolidate multiple claims relating to the same tribal region. The increasing

number of claims had created a serious administrative backlog and political pressure was mounting from both Māori and non-Māori groups to address claims. The Government gave priority to larger groups if they could demonstrate support and were prepared to negotiate directly. Tainui had been petitioning the Crown since 1865 to address Raupatu and the leadership believed they had support and a mandate from a broad section of Tainui *hapū*. This was evidenced in *hapū* support of Kīngitanga events and the solidarity leading to the 1946 settlement and the establishment of the Tainui Māori Trust Board (Jones, 1947).

Robert Mahuta, as the Chief Negotiator, promoted the corporate identity of 'Waikato-Tainui', a term which sought to differentiate between Tainui tribes who had suffered losses via the 1865 Raupatu and those Tainui tribes that had not. Prior to the early 1980s, the *iwi* 'Waikato-Tainui' did not exist and its sole purpose was to define the group to settle the Raupatu claims (Muru-Lanning, 2011, p 13).

The creation or redefining of *hapū* into *iwi* confederations of tribes was not a new occurrence in the Māori world. Historically, there were many examples of tribes that joined, merged or disappeared according to choice, need or conquest (Ballara, 1998). In the same way that traditional *hapū* combined to protect or expand their territories, the process of settling Treaty claims has resulted in a merging of *hapū* to qualify as *iwi* for settlement negotiations with the Government:

> The Crown also prefers to negotiate with large natural groups. A large natural group is usually an iwi (tribe) or a cluster of hapū (sub-tribes) with a significant population, and a large distinctive claim area. Negotiating with larger rather than smaller groups allows the Crown to offer a wider range of redress. Many forms of redress work best when they apply to a large natural grouping of claims interests that is limited by customary association. Including a wide variety of redress within a settlement package also allows a wide range of needs to be met. The Crown does not usually consider a single claim lodged with the Waitangi Tribunal as sufficient basis for negotiations, as any Maori can lodge a claim and there is no requirement for such a claim to have a mandate from the wider claimant community. (Office of Treaty Settlements, 2014)

The term '*hapū*' is used within Waikato-Tainui to differentiate tribes that affiliate to the confederated *iwi* body Waikato-Tainui. It carries a sense of smaller sub-tribes affiliating to a single major tribe. Although this is true for some Tainui *hapū*, others, such as Ngāti Hauā and Ngāti Kahukura Korokī, listed as *hapū* of Waikato-Tainui regard themselves as independent *iwi* with strong affiliations to Waikato-Tainui through the Kīngitanga and Raupatu. For example, Ngāti Hauā behave as an *iwi*, regularly holding *hui*-ā-*iwi* (*iwi* gatherings), amongst its five affiliated *marae* and *hapū* to discuss Hauā issues. Each Hauā *marae* is populated by a group of *whānau* linked by an eponymous ancestor. The five *hapū*

of Ngāti Hauā are Ngāti Werewere, Ngāti Te Oro, Ngāti Rangitaupi, Ngāti Waenganui and Ngāti Rangi Tawhaki. And Ngāti Hauā is recognised by the New Zealand Government in its own historical records (Mackay, 1909; Rickard, 1963; Stokes, 1999; Tāmihana, 1865a), and today through the Ngāti Hauā Claims Settlement Bill 2014.

Like Ngāti Hauā, the more populous *hapū* continued to assert their independence through their own cultural political, social and economic forum while participating in the wider Waikato-Tainui *iwi*. For example, there were attempts to unify Tainui tribes situated in the Hauraki, Ngāti Raukawa in South Waikato and Ngāti Maniapoto in the King Country, but those *iwi* established their own Trust Boards to pursue their own claims (Van Meijl, 2003, p 268). Hauraki, Raukawa and Maniapoto also have *hapū* that are part of Waikato-Tainui Te Kauhanganui. For example, Ngāti Raukawa has links with Pōhara Marae, Ngāti Maniapoto has links with Pūrekireki Marae and the Hauraki *iwi* are linked to Umupuia Marae and Waiti Marae. There are many *whakapapa* and shared interests amongst all Tainui marae, *hapū* and *iwi* and, although the settlement negotiated by the Tainui Māori Trust Board created new labels, the identity marker still exists for all tribes with *whakapapa* links to Tainui through the saying:

> Mokau ki runga Tamaki ki raro, Mangatoatoa ki waenganui, Pare Hauraki, Pare Waikato, Te Kaokaoroa o Pātetere ki waenganui.
>
> Mōkau above, Tāmaki is below, Mangatoatoa is between, the boundaries of Hauraki and Waikato and the long armpit of Pātetere.

Figure 6 The region of Tainui influence[1]

This map shows the boundaries of the saying describing the region of Tainui. The map is orientated south to north in accordance with Māori thought with the head of the island in Wellington and the Tail in the North.

Opposition to the creation of Waikato-Tainui *iwi* came from *hapū* who believed the establishment of Waikato-Tainui would extinguish the rights, identity and authority of some *hapū*. Greensill argued that *hapū* hold legitimate authority in their areas and in the settlement process the Government had determined who qualified as *iwi* and could take part in the process of negotiation. Therefore, the *mana* of the Waikato-Tainui came from the Government and was another form of colonisation:

> …*hapū* interests have become invisible, subordinate and subjugated… *Iwi* authorities owe their existence to the legislation which empowers them to make decisions normally made by the *hapū*… (Greensill, 1999).

Van Meijl (2003, p 269) and Hopa (1999) commented in a similar way highlighting a number of other issues in the process of the settlement that were contrary to traditional roles and practices. An *iwi* corporate entity that centralised power and decision-making would replace *hapū* political independence. Unless *hapū* leaders become representatives on the *iwi*-wide boards, many *hapū* would be excluded from decision-making and the accountability of those leaders would not be to their local *marae* and *whānau*. Protesting *hapū* felt a loss of *mana*

[1] Te Ahukaramū Charles Royal. 'Waikato tribes – The Waikato confederation', Te Ara – the Encyclopedia of New Zealand, updated 15-Nov-12. URL: http://www.TeAra.govt.nz/en/map/1713/the-tainui-settlement-area

and resented having to rely on the vote of an *iwi* that may not be aware of their *hapū* concerns or interests. For instance, *hapū* in the west coast harbours have different environmental concerns and economic opportunities from those in the Waikato basin. Therefore, decisions could appear to be distant, autocratic and contrary to customary practices.

Throughout discussions and then negotiations with the Government (1984–1995), *hapū* and *marae* leaders were given the opportunity to voice their concerns or to support negotiations with the Government. At the later stages of negotiations the Tainui Māori Trust Board organised teams to visit *marae* throughout Waikato-Tainui to explain the process, goals and progress of negotiations. The team also presented seven potential structures to represent and manage any returned assets. John Te Maru, the Secretary of the Tainui Māori Trust Board and later Chief Executive Officer of Waikato Raupatu Lands Trust, had been part of the team consulting Waikato-Tainui *marae* and found the discussions open, sometimes heated, but necessary to keep *marae* and *whānau* informed (personal communication, 2013). One clear criticism from the tribe was the lack of representation *marae* and *hapū* felt in the Tainui Māori Trust Board structure which had a board of twelve representing 33 *hapū*, and a desire for a representative model which would improve communication between those leading the tribe and the people. The majority of *hapū* leaders supported the decision to redefine the shape of the confederation of *hapū* to form Waikato-Tainui.

Van Meijl (2003) argues that poor information dissemination and low participation by tribal members in the pre-settlement process resulted in a relatively small number returning voting forms for ballots to determine support of the proposed settlement with the Crown. Hopa (1999) saw the low response as at best a tenuous mandate for the agreement between Waikato-Tainui and the Crown. However, research commenting generally on Māori voting habits notes a lack of engagement in voting processes because of a variety of reasons, such as Māori are likely to be disengaged from any politics, they are younger and fewer young people vote, and provincial areas engage less than urban communities; Hamilton and South Auckland are the larger urban centres within the Waikato-Tainui region (UMR Research, 2006, p 5). Many *whānau* live outside of the tribal boundaries and had less opportunity to participate in discussions adding to the possible reasons for low participation rates in voting.

A total of 11,600 voting-age, registered Tainui members were sent ballot papers seeking their support regarding the proposed settlement. It should be noted the Tainui beneficiary register is much larger because a member can be registered from birth and Māori being a youthful

population, average age 22 years and about 40% being 17 or under, many were not eligible to vote (Statistics New Zealand, 2013, p 6–8). Even so, the number of voting registered members was much smaller than the Tainui leadership had hoped to enrol. Also, there was little incentive for *whānau* to register because the benefits of being on the beneficiary roll were unclear at that time.

Of the 4680 (40.3%) ballot papers returned, 3029 (64.7% of 4680 or 26% of 11,600) were in favour and 1608 (34.3% of 4680 or 13.8% of 11,600) were against the proposed settlement. The voter turnout was relatively poor at only 40% and those opposed to the settlement criticised the lack of engagement with the majority of tribal members (Van Meijl, 2003, pp 269–270). However, John Te Maru as part of the team communicating between the Trust Board and *marae* believed that the result matched his experience of the *hui* he had attended where there was agreement by two-thirds of those who attended to support the settlement (personal communication, 2013). The Crown, having determined the voting process, accepted the results of the ballot and proceeded with the settlement.

The disparities between the losses individual *hapū* suffered were glossed over by the Waikato Raupatu Settlement Act with a statement that the settlement would provide benefits for "all Waikato collectively, under the mana of the Kīngitanga" (Waikato Raupatu Claims Settlement Act 1995, p 13, Sec. W). The *mana* of the Kīngitanga was promoted as a unifying force in gaining support for the settlement and featured prominently in the pre-amble of the Waikato-Tainui Raupatu Settlement Act 1995:

1. *Kiingitanga*

   B. in 1858 Pootatau Te Wherowhero was raised up as King to unite the iwi, and preserve their rangatiratanga and their economic and cultural integrity, under his authority in the face of increasing settler challenges, Waikato regarding themselves as principal kaitiaki of the Kiingitanga and as remaining so ever since:

   C. those chiefs who formally pledged their land to Pootatau Te Wherowhero gave up ultimate authority over the land to him, along with ultimate responsibility for the well-being of the people, and through this bound their communities to the Kiingitanga, resisting further alienation of their land:

   D. the New Zealand Government at the time perceived the Kiingitanga as a challenge to the Queen's sovereignty and as a hindrance to Government land purchase policies, and did not agree to any role for, or formal relationship with, the Kiingitanga:

The Tainui Māori Trust Board was united in support of the settlement and believed *kaumātua* who had negotiated the 1946 partial settlement had set the precedent for the 33 Tainui *hapū* to share equally in any resources returned as recompense for confiscation (comments expressed at Waikato-Tainui Te Kauhanganui Incorporated, 2 August 2014).

The Waikato Raupatu Claims Settlement Act 1995

The Government, as a show of good faith during negotiations in December 1992, had returned lands in Hamilton that were previously military bases at Te Rapa and Hopuhopu to the Tainui Māori Trust Board. These actions created political and public opposition to what was perceived as potentially huge costs to settle Treaty claims. The Government in 1994, to reassure the public that the costs would not balloon out of control, capped the potential compensation payments to a one-billion-dollar Treaty settlement fund known as the Fiscal Envelope. The idea of such a constraint was rejected by the majority of Māori leaders in a series of *rūnanga* organised by the Government and held around the country. The Tainui Māori Trust Board were also against the capped compensation, but decided to continue negotiating towards a settlement. This was perceived by some *iwi* as support for the Fiscal Envelope idea and a break in solidarity amongst *iwi*. Consequently, the 1994 signing of the Heads of Agreement by the Tainui Māori Trust Board and the final signing in 1995 was controversial and opposed by some *iwi* leaders (Gardiner, 1996, pp 121–129).

Despite external and some internal disapproval, the Waikato Raupatu Claims Settlement Act was signed in May 1995. Waikato-Tainui received a settlement package valued at $170 million comprising land, buildings and cash. The value of the settlement was payment for the *hara* (violation) by the Crown, not compensation, as Tainui negotiators argued true compensation would have cost the country $12 billion. The settlement equated to less than two cents in a dollar of the estimated value of confiscated lands and only 3% of the land originally confiscated was returned (Waikato Raupatu Claims Settlement Act 1995). Oppostion by Tainui individuals and groups who had strenuously objected to being collectively part of the settlement were further disheartened by the trivial value in their opinion, of the package.

As Waikato-Tainui was the first tribe to settle its raupatu claim in the environment of the Fiscal Envelope, the Trust Board negotiators were able to insist that the settlement included a 'relativity clause' to ensure the deal would retain equity with future settlements if the Crown were to go beyond the one billion dollar cap. The Waikato-Tainui settlement equalled 17% of the one billion dollar fiscal cap, so for every dollar paid out by the Government beyond one billion dollars Waikato-Tainui would get 17 cents (Attachment 9 to the Waikato-Tainui Deed

of Settlement). In 2013, Waikato-Tainui received a $70 million relativity payment based on the relativity clause.

The settlement also included an apology from the Crown which was inserted into the Waikato Raupatu Claims Settlement Act 1995, acknowledging the injustices committed by many previous governments. The apology was significant because it vindicated Waikato Māori in the defence of their tribal homes and justified decades of petitions and protests by generations of Tainui people. Tainui also wished to act benevolently toward the Crown and the wider New Zealand public and followed Te Puea's example of placing a high value on the apology from the Crown (Ramsden, 1953, p 7). The Waikato-Tainui settlement is also unique in that the Queen on her visit to New Zealand in 1995 signed the apology. It was the first time British royalty had apologised to an indigenous people for its actions. A part of that apology reads:

> 5. The Crown recognises that the lands confiscated in the Waikato have made a significant contribution to the wealth and development of New Zealand, whilst the Waikato tribe has been alienated from its lands and deprived of the benefit of its lands.
>
> 6. Accordingly, the Crown seeks on behalf of all New Zealanders to atone for these acknowledged injustices, so far as that is now possible, and, with the grievance of raupatu finally settled as to the matters set out in the Deed of Settlement signed on 22 May 1995 to begin the process of healing and to enter a new age of co-operation with the Kiingitanga and Waikato. (Waikato Raupatu Claims Settlement Act 1995)

The Crown's acknowledgement of the injustice committed by the Government and the generosity of Waikato-Tainui in accepting the terms of the agreement are not widely known or understood publicly. From the point of view of Tainui, Robert Te Kotahi Mahuta stated:

> The principles upon which Tainui is seeking resolution of the raupatu claim, have remained unchanged since the last century: I riro whenua atu, me hoki whenua mai Ko te moni hei utu mo te hara. (Land was taken land should be returned. The money is compensation for the crime). Tainui has stated that it recognises the fiscal incapacity of the country to fully satisfy these principles. (Waikato-Tainui Relativity Hui Report, April 2013, p 5)

The Waikato-Tainui Settlement Act 1995 required the tribe to establish a new legal entity to receive and manage the assets. The Tainui Māori Trust Board took responsibility for the transition process. It consulted with the tribe and confirmed a representative model of governance that would include 61 *marae* sending three members each to a new tribal council called Te Kauhanganui. An interim Te Kauhanganui Executive was appointed in late 1998

and the Tainui Māori Trust Board dissolved in 1999. The first sitting of newly elected Te Kauhanganui members took place in 2000.

The name Te Kauhanganui was a revived name from King Tāwhiao's Parliament established around 1890. According to the Williams Dictionary (1991) the 'Kauhanga' describes the 'open space in the house when *tapu*'. Mead (2003) describing traditional practices of teaching and learning states, "The priest taught from the Kauwhanga or Kauhanga, or open space or centre line in the house". The modifier *'nui'* meaning large, great, of importance or superior, when added to the end of the word kauhanga, emphasises the status of the gathering – its *mana* and *tapu*, as a forum to debate and decide on significant issues of the tribes.

Using the name Te Kauhanganui signalled the importance of the original institution and its intentions of pursuing *mana motuhake*, Waikato-Tainui independence. Te Kauhanganui would differ from its predecessor that had a national Māori focus and was open to *rangatira* from every tribe in Aotearoa. The original Te Kauhanganui had organised itself along the lines of the British Parliament and was funded by a tax on tribal individuals and the support of *hapū*. In this way the *mana* and the sustainability of the institution was determined by *hapū* and their *rangatira*.

The most significant difference in the new Te Kauhanganui are the obligations it has to its rules under the Incorporated Societies Act 1908, the legal entity deemed most suitable for the *iwi*'s activities. The source of funding is important because it changed the obligation people have to the organisation as members and leaders. Traditional gift-giving created obligations between parties, it was as much an exchange of material as it was *utu* recognising the *mana* and *tapu* in the relationship. Leaders facilitated distribution to maintain group cohesion and to ensure the group were willing and able to reciprocate appropriately in the future. If resources were used inappropriately by individuals or groups it would be a breach of *mana* and those offended would feel obligations of utu, to restore their *mana*. The settlement money is much less personal. It belongs to every member of the tribe, and layers of administration within Te Kauhanganui determine its use and distribution.

Te Kauhanganui was established to provide for the advancement of Waikato-Tainui beneficiaries and to ensure the power structures within Waikato-Tainui, from the Kāhui Ariki to the commercial and social arms, are supportive of *hapū*, *marae* and the *whānau* to whom the whole structure is accountable. The objectives of Te Kauhanganui are:

1. To uphold, support, strengthen and protect the Kiingitanga;
2. To protect, advance, develop and unify the interests of Waikato;
3. To foster amongst the members of Waikato the principles of whakaiti, rangimaarie and kia tuupato;
4. To achieve a settlement of Waikato's outstanding claims to the Waikato River, the West Coast Harbours and Wairoa and Maioro Land Blocks; and
5. To do or cause to be done all such things as the members of Te Kauhanganui shall consider necessary or desirable for the attainment of all or any of the objects of Te Kauhanganui which are consistent with the spirit and intent of the 1995 Deed of Settlement between Waikato-Tainui and the Crown. (Te Kauhanganui o Waikato Incorporated Rules, 2008)

These objectives are sufficiently broad enough to include social, cultural and economic development of the tribe. They are also consistent with the four *pou* of governance discussed in this paper, for example, the vitality of the Kīngitanga is about its *mana* and *tapu,* the spirit and intent of the settlement acknowledged Waikato *mana* and *tapu*, with the compensation as *utu*, and Te Kauhanganui intends to act as the *rūnanga* and vehicle to unite and engage *hapū*, *marae* and *whānau*.

However, an incorporated society does not recognise significant aspects of relationships within Waikato-Tainui, including the *Kāhui Ariki*, *Kīngitanga*, *hapū* and *rangatira*. Joseph (2014) uses the example of Waikato-Tainui as a Māori governance entity that is operating well in a business sense but struggles to integrate Māori values and practices into the boardroom and businesses. And, most importantly, it is not making significant improvements in the social and cultural wellbeing of the communities it represents:

> Māori continue to struggle with actualising internal self-determination and good governance in fact. This is particularly regarding at least 3 key areas as I see it:
>
> 1. Traditional Māori governance – what role does traditional *tikanga* Māori (customary law) play in contemporary Māori governance?
> 2. Transactional Māori governance – are the legal entities accomplishing appropriate and successful economic development? and
> 3. Transformational Māori governance – Does the good governance of a legal corporate entity that represents a Māori community of interest make a positive difference in the actual lives and well-being of that Māori community?
>
> Māori appear to be excelling in transactional governance – making money, but are struggling with reconciling traditional governance and the place of culture in the boardroom particularly given the different agendas for social, cultural and commercial development and the different philosophies that underpin tribal traditions and best commercial practice. Self-determination however, is the ultimate expression of cultural survival and without somehow incorporating traditional governance in the 21st century; assimilation is inevitable. (Joseph, 2014)

Joseph suggests the focus on self-determination (*mana motuhake*) will be the key to developing systems that include Waikato-Tainui *tikanga* and guide decisions where a balance is needed between being economically successful and improving the lives of *whānau* and *hapū*. The current legal structure of Waikato-Tainui follows and shows the relationship between the various bodies:

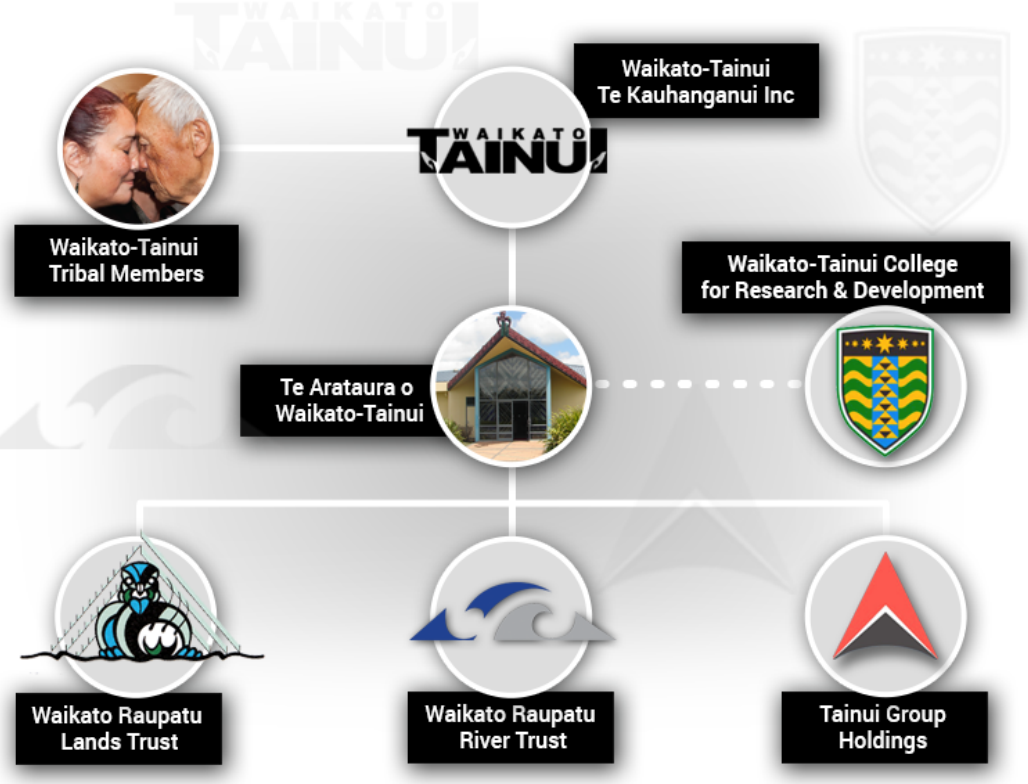


Figure 7 Waikato-Tainui Te Kauhanganui governance structure 2014[1]

This is a relatively simple organisational chart of a complex set of relationships and a diverse range of activities. It places the tribal members at the top with each *marae* electing three representatives to Te Kauhanganui. Te Arataura have the daily responsibility of governance for the Waikato Raupatu Lands Trust which is responsible for the social and cultural development, the Waikato Raupatu River Trust which was established to manage and engage Waikato-Tainui *whānau* in the restoration and wellbeing of the Waikato River for future generations, the Waikato-Tainui College for Research and Development which provides postgraduate study and research aiming to strengthen *iwi* and indigenous development, and Tainui Group Holdings whose objective is to maximise Waikato-Tainui wealth by "the acquisition, development, investment and management of property; securing returns from

[1] http://www.waikatotainui.com/about-us/governance-2/te-kauhanganui-2/

investments in fishing, managed funds and equities" in order to pay a dividend to its shareholder Waikato-Tainui Te Kauhanganui (http://www.waikatotainui.com/).

An important component of Waikato-Tainui not included in the organisational chart is the Office of the King, which has its own Board of Trustees and administrative links with the Waikato Raupatu Lands Trust and Te Arataura. The rest of this chapter will focus on the place of the Kāhui Ariki and the Kīngitanga as it relates to Waikato-Tainui Te Kauhanganui Incorporated.

Te Kāhui Ariki

The term 'Kāhui Ariki' means an 'assembly of chiefs' and is a term used to refer either to the King (or Queen) as the head of the royal family or at times it is a reference to the entire royal family. When it is used to refer to the King, it is done to avoid placing the *mana* of the King in a position where he can be critiqued personally. Instead any criticism can be dissipated to advisors, supporters or other tribal members. The purpose of this practice is to ensure the role of the King remains neutral in order to bring people together, choosing a political position may threaten that position.

Among tribal members of Waikato-Tainui there are different opinions regarding the purpose and authority of the King. For some, the King is seen to have spiritual significance and is a powerful role within the tribe, while for others the King represents the Kīngitanga as a guiding set of principles and a platform from which Waikato-Tainui can relate to the Government and other *iwi* (Martin, 2012). Tom Roa (2012) makes these distinctions in understanding the King's role:

1. If the King is the Kīngitanga leader. He is the centre of the Kīngitanga and he has the right to lead when and how he chooses to do so.
2. If the people are the Kīngitanga. The King plays a supporting role focussed on doing what is best for the people and it is the people not the King, who decide what and how the King could best do that job *hei oranga mō te iwi* [doing what is best for the people]. (Roa, 2012)

The role of the King has evolved over time. King Pōtatau Te Wherowhero, the first Māori King, was chosen because of his proven leadership and contribution to the security and prosperity of his tribe. He was installed as King because of mana *whakapapa*, *mana tangata* and *mana whenua* – hereditary authority, personal authority and control over resources

(Jones, 1959). However, succeeding monarchs' ability to exercise *mana* was adversely affected by the impact of colonisation, the confiscation of lands and the disintegration of tribal society, all of which diminished the *mana* of leaders within their own communities.

The activities of the Kīngitanga were central to the reasons for the invasion of Waikato and the subsequent raupatu – confiscation of lands. The Kāhui Ariki were the face and voice of many protests and petitions since the establishment of the Kīngitanga in 1858 and today the Kīngitanga is mentioned as the first objective of Te Kauhanganui:

- To uphold, support, strengthen and protect the Kiingitanga. (Te Kauhanganui o Waikato Incorporated Rules, printed November 2008)

Hopa (1999) and Van Meijl (2003) noted the increased prominence of the Kāhui Ariki as the lands returned to the tribe were vested into an inalienable land title named after the first Māori King the 'Pōtatau Te Wherowhero Title', established under the Waikato-Tainui Settlement Act 1995, Preamble V:

> …so that Waikato could hold lands collectively and in perpetuity in the name of the first King… This restores customary title. By lodging ancestral lands in this way they become inalienable; never again can the tribe be divided by stealth and devious means, or by appeals to personal greed, avarice or gain from land. (Robert Mahuta in McCan, 2001, p 331)

The Custodial Trustees of the Pōtatau Te Wherowhero Title were Kāhui Ariki, represented by the Māori Queen, Te Atairangikaahu, her uncle Tumate Mahuta and brother Robert Mahuta.

> The confiscated lands were effectively returned to the royal family, itself belonging to the hapū of Ngāti Mahuta, and changed the Māori monarchy from a landless institution into a large landowner. This also substantiated the monarchy's submerged claim to Waikato, Tainui and even pan-Māori identity and status in the form of the Kīngitanga. (Van Meijl, 2003, p 272)

The new status of the Kāhui Ariki under the law aligned with some traditional ideas of *rangatira* who were regarded as conduits of tribal wealth. However, the administration of the lands was vested in the Tainui Māori Trust Board for the benefit of Waikato-Tainui Tribes (Berryman et al., 1993, p 3). This ensured the Kāhui Ariki was a step removed from management and operation of the land.

Today, the cultural role of the Kāhui Ariki permeates every social and formal occasion within Waikato-Tainui. The attendance of the King at tribal events enhances the *mana* of the

occasion and a range of protocols place him in prominent positions amongst the people. Every whaikōrero (formal speeches) by Waikato-Tainui speakers and Kīngitanga supporters are expected to acknowledge the King and the royal family, whether the Kāhui Ariki are present or not, and this has become an identity marker for Tainui speakers in phrases such as:

> Kia tau ngā manaakitanga a te Runga Rawa ki runga i a Kīngi Tuheitia me te whare Kāhui Ariki whānui tonu. Paimārire.
>
> May the blessings of God be upon King Tuheitia and the royal household. Let there be goodness and peace.

Tongi (prophesies and proverbial sayings) from previous Kāhui Ariki are also repeated by elders and used to support, promote, guide or discipline tribal members. A tongi from the second Māori King Tāwhiao has become the vision statement for the Waikato-Tainui strategic development statement:

> Maaku anoo e hanga tooku nei whare
> Ko ngaa pou oo roto he mahoe, he patatee
> Ko te taahuuhuu he hinau
> Me whakatupu ki te hua o te rengarenga
> Me whakapakari ki te hua o te kawariki
>
> I shall build my house from the lesser known trees of the forest.
> The support posts shall be mahoe and patatee, and the ridge pole of hinau.
> My people will be nourished by the rengarenga and strengthened by the kawariki. (Waikato-Tainui Te Kauhanganui (Incorporated), 2014, p 5)

The *mana* and *tapu* of the Kāhui Ariki comes via its *whakapapa* to distinguished *rangatira* and the things they achieved in their time. It includes past monarchs, Pōtatau, Tāwhiao, Mahuta, Te Rata, Korokī, Te Puea Herangi, and the many *rangatira* that supported the formation and continuation of the Kīngitanga. The Kāhui Ariki also affiliate to chiefly families throughout the country. The leadership of the Kīngitanga has been passed down from the first Māori King to his direct descendants and this has been enshrined in customary practice. The tribe demonstrates its support of the Kīngitanga by holding annual Kīngitanga gatherings, such as the twenty-eight Poukai gatherings, the annual regatta (first event 1896) and Koroneihana (the annual coronation festival). The money from the 1946 and 1995 confiscation settlements have allowed for partial funding of the Kīngitanga events and the King's activities.

The Poukai (as explained in chapter 2) invite all Kīngitanga supporters to attend and make a donation toward supporting the *pouwaru* (widowed), *pani* (bereaved) and *rawakore* (poor).

The feast is followed by an open forum discussion for tribal members to raise issues before the gathered Kāhui Ariki and members of the tribe. Groups or individuals are able to gain support for projects or roles, have their voices heard, and hear responses or thoughts of the leaders present.

Some Poukai are held outside of Waikato at *marae* that support the ideas of the Kīngitanga, including Kōkōhīnau Marae of Ngāti Awa in Te Teko, Ngāti Pikiao in Rotorua, Hūria Marae of Ngāi Tamarāwaho in Tauranga and Poutū Marae of Ngāti Raukawa in Shannon. This engagement with wider Māori society elevates the aims of the Kīngitanga and allows *rangatira* from other *iwi* to speak into the movement.

The Poukai are important because they physically and regularly bring tribal leaders and Kīngitanga supporters together. A participant told this story to convey the closeness and principle of mutual respect between the people, *hapū* leaders and the King:

> The people had a thought which they were somewhat unsure of because of the impact it would have on the King. So they sent a delegation to the King [Tāwhiao 1825-1894] to ask his opinion. The delegation came back home, and the question was put to them, very important this question *"he aha te kupu a tā tātou tamaiti?"*. Now, that signals to me, not a marginalising or minimalizing of the King, it signals to me their intimacy with this person that was theirs, and the importance of gaining that person's word. So the answer from the delegation that went, "*ko te kupu a tā tatou tamaiti, me he painga mō te iwi, mahia"*.[1] So that's the second fundamental, what's the value for the people is guided by that *tūturu Māori whakaaro*.[2] The flip side to that is what's the cost? So it might be of great value to the people but the cost of it is too much. So in guiding our decision-making that's the second accountability line. (Ruru, Personal Communication 2012 p 3)

The 'intimacy' in relationship with the King is described here as a loved child, *tā tātou tamaiti*, the child of all – and it was the elders of the tribe that sent the delegation to the King and asked for the response as the figurative parents. This intimate term is used by Pei Te Hurunui Jones in his radio broadcast *poroporoaki* farewell eulogy to King Te Rata in 1966 (Mahuta 1974) and is still used by *kaumātua* today (personal notes from Te Kauhanganui meetings, 2012). Leaders were expected to be in close relationship with their people, to hear their concerns and understand their interests. The people reciprocated by taking seriously the directives of their leaders. It was a mutual relationship of trust that strengthened as both the

[1] What did our child say?
[1] Our child said if it's good for the people, do it. Author's translation
[1] Principle Māori thought.

leaders and the community achieved communal goals. In this case, respect was reciprocated by the King deferring to the what leaders of *hapū* thought was best for their people.

Along with cultural responsibilities, the Office of the King has administrative obligations to Te Kauhanganui because of the financial support provided. The Office of the King is an autonomous legal entity, Te Ururangi Limited (Te Ururangi Trust Deed). It was established in 2008 and is primarily funded via a grant from Waikato-Tainui Te Kauhanganui Incorporated. The funding provided for each of the years 2009 to 2011 was approximately $1.2 million dollars and was used to support the monarch's cultural obligations, as well as specific projects, such as the upkeep of significant sites and buildings of the Kīngitanga (Waikato-Tainui Te Kauhanganui Incorporated, Annual Reports, 2009–2013). The objectives of Te Ururangi Trust are:

> to maintain and further the tribal unity and identity of Waikato-Tainui and the custody and preservation through the Kāhui Ariki of the beliefs and customs of Waikatotanga. (Ururangi Limited, 2008).

The Trust Deed of Te Ururangi Limited states that the Office of the King is accountable to the Chair of Te Arataura and the Chief Executive Officer of the Waikato Raupatu Lands Trust for the resources it receives from the tribe. Te Arataura can request and audit the affairs of Te Ururangi Trust and the use of the grants it receives against the terms of the Deed of Funding.

There has been some concern with the lack of transparency about the money going into Te Ururangi Trust, because if individuals receive financial benefits that do not align with the objectives of Waikato-Tainui Te Kauhanganui then it jeopardises Te Kauhanganui as an incorporated society and its charitable tax status (Manu, Personal Communication 2012). For example, although Te Kauhanganui is the only shareholder of Te Ururangi Trust and $1.3 million was granted to the Trust in 2013, the detail on how that money was used came before Te Kauhanganui in a consolidated form in the annual report (Waikato-Tainui Te Kauhanganui Incorporated, 2014, p 74). The report assumes Te Arataura is aware of the spending detail and assures Te Kauhanganui and tribal members the spending is appropriate. The Board of Te Ururangi Trust has the responsibility to ensure Te Ururangi meets its legal obligations while pursuing its objectives. The Board is currently chaired by Sir John Goulter, a distinguished Pākehā businessman with much success and experience as a business and community leader. He was appointed in March 2013. Te Ururangi Trustee appointments are initiated by the Kāhui Ariki and their advisors.

The King is welcome to attend *rūnanga* with Te Kauhanganui, Te Arataura and senior management, and to speak with individuals, *marae* representatives and *kaumātua* to enquire further into issues of tribal business. He may initiate meetings or attend meetings as they occur. He may offer his thoughts directly at *rūnanga* or convey his thoughts through the Kāhui Ariki representative or other advisors. The opinions of the Kāhui Ariki are taken seriously by Te Arataura and Te Kauhanganui and can influence the governance and management of the tribe. When the King has spoken at Te Kauhanganui, it is unusual and very formal with the King delivering a written statement and leaving without taking questions or allowing discussion.

The Kāhui Ariki Representative liaises between the King, Te Arataura and Te Kauhanganui, and is seen and heard as expressing the views of the King (Section 5.4, Rules of Waikato-Tainui Te Kauhanganui Incorporated, 2011). On the occasion of a heated argument between a member of Te Kauhanganui and the Kāhui Ariki Representative, a *kaumatua* stood and reminded the House that respect should be given when the Kāhui Ariki Representative speaks because "*Ko te Kīngi tērā e kōrero ana*", (That's the King speaking) (notes from Te Kauhanganui, 2011). The comment still allowed the member to disagree with the views of the Kāhui Ariki Representative, but both toned down the volume of the debate and became more respectful by allowing the other to speak without disruption.

One of the mechanisms used to maintain and protect the Kīngitanga is ensuring the responsibility of managing tribal social, political and economic affairs rests with Te Kauhanganui on behalf of the people. There is no legal obligation for members of Te Kauhanganui or Te Arataura to act on the wishes of the Kāhui Ariki. This has been tested in court several times. For instance, in the case of *Porima and others v Te Kauhanganui, Te Arikinui Dame Te Atairangikaahu, Sir Robert Te Kotahi Mahuta, 2000*, Porima argued for the rights of the elected members and the executive of Te Kauhanganui to govern and manage tribal assets:

> Considering the balance and overall justice of the case, Te Arikinui was entitled to take a strong stand on the issues at the meeting and to say whom she wanted on the executive body. But in the context of a registered society, with a system of electing the executive, she was not entitled to blind obedience. There could be no question of her having a "divine right". The elected members of Te Kauhanganui had an independent fiduciary role. (Porima and others v Te Kauhanganui, Te Arikinui Dame Te Atairangikaahu, Sir Robert Te Kotahi Mahuta, 2000).

The action caused a rift in Te Kauhanganui, because the Kāhui Ariki was a defendant in the case and it placed the *mana* and *tapu* of the Kāhui Ariki into a position where it was subject to

the judgement of a foreign power. The decision of the court vindicated Porima and this was mirrored by *Marae* representatives voting for him to retain leadership roles in the tribe.

When attending tribal *rūnanga*, the King retains an elevated status amongst the people. The role is *tapu* and the King is kept above the daily turmoil of tribal business and politics:

> The King needs to stay in the Rangatira area… the Kīngitanga stays above us, as soon as he comes down and gets involved in the management day to day, he's no longer a King he's just a man. And he'll be open to any abuse or criticism or commentary… Te Arikinui knew her role… she was there for 40 years. She would come to a board meeting, she would express her view on something and she would leave. Then we'd consider her view and make a decision. A lot of times we didn't make the decision she wanted. Now if it's got to do with mana, definitely with mana, then whatever she says we [the executive] listened to her… (Huia – Personal Communication, 2012)

Huia mentions the 40 years Te Arikinui Te Atairangikaahu was Queen and infers that it is a role that is learned over a period of years.

To protect and enhance the work of the King, the King recently re-established an advisory group named Tekau-maa-rua (The Twelve), based on the name of the advisory group formed by his ancestor Tāwhiao, the second Māori King. The Tekau-maa-rua were traditionally all selected from Tainui *rangatira*, but the present King sees the broader membership of the Kīngitanga should be recognised by giving the "motu [all tribes] a greater say in the growth and development of the Kiingitanga in the modern era" (MacGibbon, 2014). The King sent *pānui* (letters) to *hapū* leaders throughout the country and asked for advice and participation in the selection of the Tekau-maa-rua.

The Tekau-ma-rua, as a pan-tribal group of Māori leaders "will advise and, where appropriate represent the King on key issues and *kaupapa* affecting Māori development across the five pillars of *Te Tohinga a te Kiingi Tuheitia* (the King's Charter). Those five pillars encompass social, cultural, economic, spiritual and political development." (MacGibbon, 2014). The group includes *rangatira* from various tribes with various expertise in Māori language and custom. They are leaders amongst their own people and have made significant contributions to their communities or fields of expertise and have executive and political experience. The group includes Professor Pou Teemara (Tūhoe), Sir Toby Curtis (Te Arawa), Erima Henare (Ngāpuhi) and June Māriu (Te *Whānau* a Apanui, Ngāti Porou) with representatives from major Māori national organisations, the Te Kohanga Reo National Trust, the Māori Women's Welfare League and the New Zealand Māori Council (MacGibbon, 2014).

The fact that the King was able to bring together many nationally recognised '*rangatira*' demonstrates the *mana* and *tapu* ascribed to the Kīngitanga and the Kāhui Ariki today by *rangatira* and *hapū* outside of Waikato-Tainui and the interest *hapū* leaders across the country have in supporting traditional values, customs, roles and inter-tribal relationships. The origins of the Kīngitanga as a pan-tribal institution began with inter-*iwi* debate around the role and selection of the first King in the 1850s and has continued with leaders from tribes outside of Tainui debating and deciding the selection of successive monarchs. The Tekau-maa-rua re-engages *rangatira* from diverse *hapū* and reminds Waikato-Tainui of their obligations as kaitiaki (guardians) and facilitators of Kīngitanga principles. The *utu* from being selected and participating in Tekau-maa-rua is the reciprocal support and recognition by Waikato-Tainui for the retention of Māori *tikanga* and leadership.

The Tekau-maa-rua addresses the imbalance of power and information in the relationship between the King and Kīngitanga supporters. It is important the Kīngitanga has confidence in the expert advice the King receives for the protection and promotion of the Kīngitanga. The Tekau-maa-rua provides an independent third party with diverse experience and knowledge for the King. This form of horizontal accountability (Schillemans, 2011, p 390) relies on the King listening to advice he is given and the credibility of the Tekau-maa-rua forum in the eyes of the people.

Summary

The achievement of Waikato-Tainui settlement claims in 1995 concluded a process of negotiation with the Crown which began in 1865. Tāwhiao, the second Māori King who had been forced to remove his *hapū* of Ngāti Mahuta beyond the boundary of land confiscated by the Crown in that year began petitioning for restitution of tribal lands. The achievement of settlement in 1995 was led by the descendant of Tāwhiao, Te Atairangikaahu, through her brother Robert Mahuta, Chairman of the Tainui Māori Trust Board.

The internal process of reaching a position acceptable to *hapū* of Waikato-Tainui followed the *rūnanga* process. However, a Pākehā system of ballots was used to confirm tribal support and although voting returns were low the result of 66% of those who voted being in favour of the settlement proposal reflected a reluctant willingness to bring the claims process to a conclusion. Along with the receipt of settlement assets *hapū* accepted a new governance structure which was accountable to *hapū* and *marae* for their management.

Opposition to the settlement came from a number of quarters within Waikato and from other *iwi*. Those *hapū* which suffered most from confiscation were left in a relatively worse position than those *hapū* which had not suffered land confiscation to the same extent. The main issue was the disproportionate nature of the settlement and the compensation package which made the settlement too favourable to the Crown. However, the mechanism of the settlement and the consequent restructuring of the tribal governance allowed the settlement to continue under the newly defined *iwi* of Waikato-Tainui. The settlement entity of Waikato-Tainui Te Kauhanganui Incorporated represents significant departures from traditional social structures and cultural relationships.

A key objective in the settlement was the maintenance of the Kīngitanga and the monarchy as its titular head. The settlement raised the prominence of the Kāhui Ariki and although the Kīngitanga has no legal authority in the governance structure of Waikato-Tainui it is the nominal owner of Waikato-Tainui lands on behalf of the people, as well as being a unifying presence for Tainui hapū.

At the level of *hapū*, *whānau* and *tangata*, there are different opinions regarding the purpose and authority of the role of the monarch. At one end of the spectrum is the view that the role of monarch has spiritual significance which can translate into temporal power, while at the other is the view that the monarchy and the monarch are a political construction to elevate the platform from which Waikato-Tainui can relate to the Crown and to other *iwi*. The discussion is complicated from time to time by influence from the Kāhui Ariki on the authority over Waikato-Tainui governance and operations rather than a maintaining a symbolic and supportive position. Subsequent chapters will analyse the implications of this divided opinion.

Chapter 4: Te Kauhanganui

Introduction

The 1995 Waikato Raupatu Settlement required that a legal entity be established to receive and manage settlement assets. This responsibility fell naturally onto the tribal *rūnanga*, the Tainui Māori Trust Board, which transitioned into Te Kauhanganui, an Incorporated Society. This chapter describes the structure and membership of Te Kauhanganui and how its rules and operating procedures bring together the traditional structures and *tikanga* of Waikato-Tainui with the regulatory focus of the incorporated society.

The Form and Function of Waikato-Tainui Te Kauhanganui Incorporated

Te Kauhanganui as the governing body carries the ultimate responsibility for the assets and activities of Waikato-Tainui Te Kauhanganui Incorporated. It relies on Te Arataura to guide its focus on policy. Most Te Kauhanganui gatherings will include presentations from representatives of the major entities within the tribes, the Waikato Raupatu Lands Trust, Tainui Group Holdings, the Waikato Raupatu River Trust and Waikato-Tainui College for Research and Development.

Te Kauhanganui is a decision-making body and those elected are expected to make decisions. Voting on most matters is done by show of hands. At times, ballot box voting and non-Tainui scrutineers are used when there are sensitive or conflict-of-interest issues, such as in the election of Te Kauhanganui Officers and the Executive, Te Arataura.

Currently there are 66,779 registered *iwi* members who affiliate to at least one of the 68 *marae* belonging to the 33 *hapū* included in the Waikato Raupatu Settlement (Te Hokioi, 2014). Each *marae* nominates a representative for *kaumatua* (elder), *rangatahi* (young people) and the *marae*. Selection is by majority vote with a *rūnanga* held at each *marae*. Each *marae* chooses a date to hold their elections leading into the beginning of the next three-year term of Te Kauhanganui. Notices are sent by the Te Kauhanganui secretariat to every member of the *marae* who is 18 years or older and registered on the Waikato-Tainui beneficiary list. Nominations can be made at the meeting or received via postal ballot, whichever provides "a fair and reasonable opportunity to participate in the election" (Rule 5.1.3 – Waikato-Tainui Te Kauhanganui Rules, 2011). Representatives who gain the most votes in each category become the *marae* representatives to Te Kauhanganui (Rule 5.1.7).

In 2011 at Kai-a-te-mata marae, the writer observed the election process. Elders of the *marae* suggested that no vote be taken for the *kaumātua* representative because it could be demeaning for *kaumātua* to promote themselves (research notes, June 2011). The elders suggested that if it is not evident a person is a *kaumātua* by their contribution to the life of the *marae* then they could not be an eligible representative. The *whānau* present agreed and the incumbent *kaumātua* was asked if he would continue as the *kaumātua* representative. He responded by telling the gathering that if other *kaumātua* present were interested in the position he would be happy to discuss or withdraw his nomination. No one responded to the suggestion and he accepted the position. Although there was no formal vote taken, this process satisfied the legal requirements of *whānau* support for the *kaumātua* representative and met the *tikanga* requirements of *whānau* being given the chance to express themselves in the *rūnanga* process, while maintaining the *mana* of the *kaumātua* position.

The election of the *marae* representative was also self-evident because of the work undertaken by the incumbent who had been *marae* chairperson over many years. The rangatahi position was contested and after a five-minute presentation by each nominee, the candidates withdrew and the *whānau* discussed and elected their representative (personal research notes, June 2011).

The Roles of Te Kauhanganui Representatives

The Chair of Te Kauhanganui facilitates discussion based on the Waikato-Tainui Te Kauhanganui Rules (2011). All members are encouraged to participate in debates within Te Kauhanganui. Members are expected to present the views of their *marae* rather than a personal view and most times the three delegates of the one *marae* will have a single opinion, although this is not always the case. With potentially 204 members present, it is not possible, necessary or desired that all members speak on every item of business. The meetings are well attended, indicating high interest in *iwi* affairs and the importance members place on attending discussions regarding issues affecting the tribe.

The *kaumātua* representatives at Te Kauhanganui bring their *mana* to the governance of Waikato-Tainui. They provide a living memory of the tribal links with the past including connections with ancestors, the Kīngitanga, *tikanga* and history. *Kaumātua* participate in all activities of Te Kauhanganui and are also entrusted as the "caretakers of our mātauranga and

experts of our reo and *tikanga*, a key priority area" (Waikato Raupatu Lands Trust, 2011, p 5). The Rules and Charter of Te Kauhanganui validate the guidance from *kaumātua* on matters of *tikanga* and *kawa*.

The *marae* representative is generally someone actively involved with his or her *marae*. They may manage the operational issues of the *marae* and often the rituals also. The *kaumātua* may spend as much time at the *marae*, but they are generally relieved of the manual tasks to focus on maintaining the rituals of the *marae*. Nonetheless, many *kaumātua* continue to facilitate all activities on their *marae*.

The rangatahi member is a succession mechanism for *marae*, *hapū* and *iwi*. They may or may not be involved regularly with their *marae*, but are included as a means of introducing and engaging younger tribal members in the politics and business of the tribe. Therefore, rangatahi members are likely to be people capable of making an ongoing contribution to the future of their *hapū*, *marae* and *iwi*. They may have technical or cultural expertise and their participation broadens the perspectives available to Te Kauhanganui.

The code of conduct for Te Kauhanganui members is explained in Te Kauhanganui o Waikato (Incorporated) Standing Orders (2003). It is a detailed description of protocols to be followed by members during meetings (Standing Orders 18 and 19). This is supplemented with a list of guidelines relating to the conduct and dress expected of those participating as members of the Te Kauhanganui:

> Manaakitia te tangata i ngaa waa katoa
>
> All people are to be treated with respect and courtesy at all times.
>
> Ehara rawa teenei whare i te waahi whakaiti i te tangata
>
> This Chamber is not the place for the belittling of people
>
> Kia tika tonu ngaa kaakahu i ngaa waa katoa
>
> A tidy standard of dress is required at all times.
>
> He tapu rawa atu te kai, te inu me te momi hikareti ki roto i te whare
>
> No smoking or consumption of food or drink is allowed in the Chamber
>
> Me waiho ngaa waea, ngaa rorohiko, me ngaa tango whakaahua ki waho

> All mobile phones must be switched off or silenced. The use of electronic equipment is allowable for those having sought permission from the convenor.
>
> Maa te kaiwhakahaere hei whakarite ngaa tikanga o te Whare Kauhanganui. Kei a ia te mana whakahau kia puta he tangata tautohe ki waho.
>
> The convenor is responsible for the overall conduct within the Chamber and has the discretion to remove any person(s). (Ngaa Ture a Te Kauhanganui, 2012)

The Chair of Te Kauhanganui takes responsibility for ensuring meeting protocols are followed. Most times, members are self-regulating and also critique other delegates through responses of support or opposition to points of view or behaviour during meetings. The Chair is influential during meetings because they have the responsibility for starting, managing, facilitating or closing discussions.

The performance of individual members of Te Kauhanganui is the responsibility of their *marae*. The election process is the ultimate form of accountability between Te Kauhanganui representatives and their *marae*. It is assumed that delegates will report on proceedings from Te Kauhanganui meetings and collect feedback from *marae whānau* on matters to be debated in Te Kauhanganui (Tui, Personal Communication 2012, p 5). Several participants commented on the need for members to become familiar and confident with the rules and procedures of Te Kauhanganui:

> …too many members don't have any skills with governance and management, don't have any trustees skills, don't have any skills in reading the standing orders and rules. So when someone stands and says 'Point of order Madam Chair". "What's your point of Order?" and then they make a point. It's not a point of order,… that's not a fault of the vehicle… it's a fault of the individual. (Ruru, Personal Communication 2012, p 5)

The lack of governance skills is partly a result of the intention to include a wide representation from *marae*, rather than relying on a small number of governance experts. An advantage with a relatively large group is the opportunity to build governance capacity in the tribe that is useful for *marae* and *hapū*. Those already with governance competencies and who are willing and available to participate are nominated by *whānau*, but the decision and criteria used to appoint marae representatives belongs to each *marae*. Gaining support from your *marae whānau* is the basic criterion for nomination as a Te Kauhanganui member.

The people provide input to Te Kauhanganui through their elected representatives, but delegates also have a mandate and responsibility to make decisions as appointed *marae* leaders. Ideally, consultation should occur on major issues, but having sat in Te Kauhanganui

for six years with access to information, the writer has observed that the volume and diversity of issues means that consultation on all issues is not practicable and *marae whānau* must often trust their representatives to understand and express their views:

> A good member will always go back and talk to their *marae*. However, when you do bring it back to the *marae*, and I have experienced this, our people may not be up to play with what we bring back, so they do leave that decision, a lot of the time, in the delegates. Most times it is the view of our *marae*, but also the view of *hapū*… There are times that we do vote outside of consultation, but we're fortunate that with the three delegates present, we do try to make a decision collectively. But most times it has to be the view of the people, (Kotuku, Personal Communication 2011, p 3)

Members must be prepared to explain the reasoning for their decisions to *marae whānau*, but trust is essential in the relationship. Dare (1998, p 152) refers to the 'black box' of policy and procedure development. Beneficiaries are not expected to understand the mechanics of Te Kauhanganui or the wide range of issues that are presented, but the *marae whānau* should have confidence in the ability of their representatives and a belief that *whānau* and *marae* views are taken seriously.

Te Kauhanganui and Marae and Hapū

At the establishment of Te Kauhanganui in 1999, the *marae* included in the settlement were adamant that the body controlling the settlement funds must ensure benefits are returned to *whānau* through their *marae*. Te Ao Mārama Māaka was a member of the Tainui Māori Trust Board during the transition into the new governance structure and an executive member of the initial Te Kauhanganui and her comments reflect the central place *marae* have become in Waikato-Tainui:

> I really am a representative of my marae, Kai-a-te-mata Marae…. bringing back the benefits of the settlement of 1995… I think that will always be the strong motivation for me to be involved at that level.
> …Now each marae is able to have its say at the Parliament level, which is Te Kauhanganui. (Māaka, 2011)

This was a departure from the tribal structure established after the 1946 settlement where *hapū*, rather than marae, were represented. This has raised the importance and power of *marae* in Waikato-Tainui. However, *hapū* still may influence *marae* decisions. For example, Ngāti Hauā has five *marae* that are part of Te Kauhanganui and at times are requested to vote in the same way, after discussions at Ngāti Hauā *hui* ā-*iwi* or by its leaders. Each Ngāti Hauā marae will still make its own decision, taking into account their relationships and what is best for the *marae* and *hapū*. The ability to go into Te Kauhanganui with an *iwi* position provides some confidence for *marae* representatives:

> but [it's] also the view of [Ngāti] Hauā, I think we are very fortunate that we can hui as an iwi and collectively we can go into the house with those views, not just our marae but also of our iwi. (Māaka, 2011, p 3)

Te Kauhanganui authorises an annual payment to each *marae* based on the number of members it has registered on the Waikato-Tainui beneficiary roll. It is expected *marae* will be accountable for the money they receive to *marae whānau* through monthly or annual *marae* committee meetings and reports (Māaka, 2011). Te Kauhanganui currently does not require reports from *marae* on their spending. However, this may be changing in response to legal requirements that any money distributed must be used for charitable purposes in order to maintain Waikato-Tainui Te Kauhanganui Incorporated's charitable tax status. Recently, a decision to give each *marae* a $150,000 one-off payment was accompanied by a request that *marae* provide detailed plans for the use of the money, that the money be held in a separate account and a reminder the money must only be used for charitable purposes (letter from Waikato Raupatu Lands Trust, July 2014). The effect of *marae* having to follow this type of financial accountability to Te Kauhanganui does raise the potential capacity of Te Kauhanganui to create a montitoring process which would influence decisions made at local *marae.* As well as Te Kauhanganui having the unpleasent job of policing *marae* compliance. While *marae* are very wary of any encroachments on their dependence or the potential of losing any sorely needed funding to keep *marae* functioning.

Clear procedural accountability is the pre-condition for creating a culture of authority and administrative reliability. Referred to by Gregory and Hicks (1999) as a 'mechanistic paradigm', it must be tempered with an awareness of moral responsibility:

> The mechanistic paradigm is strongly dehumanistic in nature, for example organisation members are managed as human resources within a technical system. The organic model understands organisations as social and political networks, embodying key values and a sense of common purpose.… While the mechanistic view is preoccupied with questions of efficiency, (usually narrowly conceived in monetary terms) economy and effectiveness, the organic prioritises the values of democracy, equity, community and responsiveness. (Gregory and Hicks, 1999, pp 4–5)

Waikato-Tainui Te Kauhanganui struggles with these same tensions. As a tribe, Waikato-Tainui wishes to conduct itself efficiently and effectively for its survival. However, the tribe is not prepared to forsake social and cultural values that are important in maintaining their identity as a people in Aotearoa New Zealand. Some of those tensions are evident in the roles

and responsibilities of tribal leadership and the accountability back to *marae* and tribal members.

Generally understood ideas about accountability are explained in the literature as making people answerable, controlling actors in an organisation, being able to blame someone, assigning liability for mistakes, transparency in process, being dependable, reliability, taking responsibility for outcomes and meeting tests of trustworthiness (Dubnick, 1998; Gregory and Hicks, 1999; Mulgan, 2000; Uhr, 1993).

A more applicable explanation of accountability is provided by the Transparency and Accountability Initiative (2014) where transparency is defined as "organisations and board trustees having a duty to act visibly, predictably and understandably to promote participation and accountability" and accountability is "ensuring that officials in public, private and voluntary sector organisations are answerable for their actions and that there is redress when duties and commitments are not met" (http://www.transparency-initiative.org/about/definitions, accessed November 2014).

Mulgan (2005) believes accountability thinking stems from financial accounting and auditing principles applied to measure performance and outcomes and is therefore achieved through audit and accounting instruments, such as job descriptions, strategic plans, risk and audit policies, monthly reports, contracts, monitoring procedures and elections. All of these characteristics are seen in the detailed operations of Waikato-Tainui Te Kauhanganui Incorporated.

Te Kauhanganui has an executive which has 10 members appointed from amongst Te Kauhanganui members. An eleventh member is appointed by the Kāhui Ariki as its representative. The original name for the Executive at the establishment of Te Kauhanganui in 1998 was the Tekau-maa-rua (The Twelve). The Tainui Māori Trust Board picked up the name when it was formed in 1946, and after the dissolution of the Board the name was passed on to the Executive of Te Kauhanganui.

The name Te Arataura came into use in 2005, at the request of Arikinui Te Atairangikaahu to change the title Tekau-maa-rua for the Executive. According to Meto Hopa, an elder of Ngāti Hikairo, the name Te Arataura is from an old spring in Kawhia. It was the place where an

ancient stone bird Korotangi was found (Akuhata, 2011c) and implies connections with the roots of the *Tainui waka* and the importance of the Executive's work.

The power of Te Kauhanganui is concentrated in Te Arataura. Te Arataura is delegated responsibility for governance of the day-to-day activities of Waikato-Tainui Te Kauhanganui Incorporated. It has the responsibility for monitoring and supporting the activities of Waikato Raupatu Lands Trust, Tainui Group Holdings, Waikato Raupatu River Trust and Waikato-Tainui College for Research and Development. It also has a detailed understanding of the financial position of the organisation and provides representation at various national and local tribal and government forums. Each operational division of the tribe reports to Te Arataura where information is assessed and discussed before being summarised to highlight any matters of importance in quarterly reports to Te Kauhanganui.

Te Arataura is accountable to Te Kauhanganui through the quarterly *rūnanga* and the tri-annual election process. Nominations for Te Arataura come from the elected members of Te Kauhanganui. Nominees can self-nominate, but must have *marae* support to be elected to Te Arataura. Te Kauhanganui members will consider a variety of criteria, including a candidate's technical skills, such as communication, business knowledge and understanding of tribal politics. *Whakapapa*, cultural competency, contribution to their own *whānau* and *marae*, and their support of the Kīngitanga are also important considerations (Te Arataura Candidate Profiles, 2012).

The collaboration between Te Arataura and the various operational arms of Waikato-Tainui should be characterised by kaitiakitanga, which is close to the idea of stewardship. Stewardship theory stresses the importance of a collaborative principal–agent relationship. The principal and agent recognise the contribution each make and tap into the aspirations and intrinsic motivation important in service "such that traditional relationships of authority and control break down and evolve into collaborations of collective responsibility for outcomes" (Ebrahim, 2003, p 199). Stewardship encourages:

- long term relationships.
- working to achieve shared goals
- being motivated by intrinsic rewards such as community well-being
- identifying with organisational mission and purpose
- the importance of personal relationships. (Cribb, 2006, pp 150–151)

The relationship of Te Arataura and Te Kauhanganui has all of the characteristics of stewardship, but at times both have struggled to act cohesively. Each situation has been disruptive as the tribe works through interpretations of the rules, cultural interpretations of *tikanga* in practice, dealing with personality clashes and developing policies that meet the expectations of Te Kauhanganui members. An example is *Roa v Te Kauhanganui* where members of Te Kauhanganui objected to a Te Arataura decision to make changes to the structure of tribal organisations without detailed discussion in Te Kauhanganui.

During the 2010–12 period, Te Arataura was unable to reach agreement with Te Kauhanganui on roles and responsibilites between the entities and consequent disputes were referred to the court for resolution. Changes in Te Arataura and Te Kauhanganui membership in 2012 elections changed leadership within Te Arataura and the statement 'One Team, One Direction' became the motto for Te Arataura as it attempted to restate the importance of unity within Te Arataura and its approach to working with others and particularly Te Kauhanganui (Te Arataura Strategic Priorities 2013–2015 http://www.waikatotainui.com/about-us/governance-2/te-arataura-2/,accessed December 2014). Despite the intention, unity of views within Te Arataura and with Te Kauhanganui was not achieved.

Differences between the Te Kauhanganui and Te Arataura had caused a major break down in relationship over the 2010 and 2011 period. The Chair of Te Kauhanganui raised concerns about Te Arataura's financial management and prompted a review of Te Arataura's activities (Chapman Tripp, 2010). A Governance Review Committee was made up of Officers and members of Te Kauhanganui and members of Te Arataura. Members were given a chance to provide their views to the Governance Review Committee before its report was debated in Te Kauhanganui. The Governance Review Committee highlighted a number of inconsistencies in policy and practice and made recommendations to strengthen the authority of Te Kauhanganui through its Chair and Officers (Waikato-Tainui Te Kauhanganui, 2011c).

Based on the governance review, the Chair of Te Kauhanganui presented a draft set of changes to the Rules, aimed at reinforcing the '*mana*' of Te Kauhanganui marae (Waikato-Tainui Te Kauhanganui Rules, 2011). The changes were designed to make Te Arataura more accountable and transparent in its activities. An example of the changes is:

> **15.9 Remuneration**
>
> *Te Arataura may authorise the payment* of remuneration to a member of Te Arataura for services as a member if Te Arataura is satisfied that to do so is fair to Te Kauhanganui and resolves accordingly.

This was changed to:

> *Te Kauhanganui may authorise the payment* of remuneration to a member of Te Arataura for services as a member if Te Arataura is satisfied that to do so is fair to Te Kauhanganui and resolves accordingly.

The new rules increased the monitoring responsibilities of the Chair and Deputy Chair of Te Kauhanganui and proposed a new position of Secretary to support the increased administrative workload. The changes strained relationships between Te Kauhanganui, Te Arataura and the Waikato Raupatu Lands Trust for the following reasons:

- Administrative changes duplicated systems and costs already allocated to the Waikato Raupatu Lands Trust, for example, a Secretary of Te Kauhanganui was to be employed and extra work allocated to the Chair and the Deputy Chair with no accompanying budget, but existing administration remained in place.
- The lines of authority and responsibilities between Te Arataura and the Officers of Te Kauhanganui became unclear, particularly as Te Arataura opposed the changes.
- It was uncertain how the changes would affect important relationships between Waikato Raupatu Lands Trust, Tainui Group Holdings and external groups such as the Government.

During the review process, the Chair of Te Kauhanganui also identified problems with the senior management of Waikato Raupatu Lands Trust. The Lands Trust was accused of bias in the presentation and sharing of information because of loyalties to Te Arataura. The Chief Executive of the Lands Trust responded saying its role was accountable to its direct employer, Te Arataura. The adoption of the amended Rules would give Te Kauhanganui, through its Chair, direct authority in matters of the Lands Trust. However, some members felt the impartiality of the Chair was compromised if the chair became active in monitoring senior management of the tribe (Kotuku, Personal Communication 2011).

The proposed increase of Te Kauhanganui authority and greater constraints on the powers of Te Arataura were put to Te Kauhanganui. A majority of members voted for the recommended Rule changes increasing the powers of the chair and reducing the authority of Te Arataura (Waikato-Tainui Te Kauhanganui Incorporated, 2011e). The Chair of Te Kauhanganui then registered the amended Rules of Te Kauhanganui in November 2011.

The change in structure and personal clashes between the Officers of Te Kauhanganui and other sections of the tribe led to disruptive, stalled, postponed and abandoned Te Kauhanganui meetings. When meetings went ahead, they had many contested decisions and disagreements on the interpretation and implementation of the Rules. For example, meetings supported by Te Arataura on 25 July 2012 and 25 August 2012 were declared unconstitutional by the Officers of Te Kauhanganui, although attended and approved by the 44 attending *marae*. The Officers argued that because the meetings were not called by the Chair of Te Kauhanganui (Rule 9.2), they were not official meetings of Te Kauhanganui and therefore had no legal power to make decisions. Despite the willingness of those members present to conduct business, no decisions were made to avoid possible litigation and the associated costs between the Officers of Te Kauhanganui and Te Arataura.

The financial cost (approximately $60,000 per meeting) and lost time for those attending these abandoned meetings has been significant (Waikato-Tainui Te Kauhanganui Incorporated, 2012a). Many members voiced their concerns and pleaded with all Te Kauhanganui members to be reasonable in resolving internal differences between Te Arataura and Te Kauhanganui. One *marae* delegate stated the problem in this way:

> …the officers consider themselves to be governance on their own, that's really the issue and we have stated quite clearly that… Te Arataura is just a committee of Te Kauhanganui and we're answerable to them. What's happening at the moment is we're running two governing bodies… so that's why we have two mailout systems, they're [the Officers of Te Kauhanganui] running their own secretariat… (Waikato-Tainui Te Kauhanganui Incorporated, 2012a)

Solutions to amend poor relationships between the Te Arataura and the Officers were sought and Te Arataura thought to turn toward *tikanga* of the *marae*. It would be open to Te Kauhanganui members and all tribal members interested to comment directly on what was happening in Te Kauhanganui. A *hui* ā-*iwi* was called on 10 July 2012 to discuss the legitimacy of the leadership within Te Kauhanganui. It was an opportunity to get away from the formality and restrictions of Te Kauhanganui, and its legal restictions, which controlled the agenda, access to information by tribal members and speaking rights. The intention was to give *iwi* members the opportunity to hear and speak directly to Te Kauhanganui members, the Officers and Te Arataura.

However, the Officers of Te Kauhanganui dismissed the validity of the *rūnanga* as it was organised by members of Te Arataura and therefore bias was argued in setting the agenda, the choice of venue, presentation of material and accessibility for participants. The *rūnanga* did

not provide a resolution of the problems, but it showed a dissatisfaction with the structure of Te Kauhanganui and an appeal to invoke higher ideals that put the *mana* and *tapu* of tribal members to the fore and allowed for the application of *tikanga* through *rūnanga*. The change in the rules had made Te Arataura theoretically more accountable to the Kauhanganui supported by a Pākehā rather than relying on Māori ideas of leadership and accountability. The behavior of both Te Arataura and Te Kauhanganui, at that time, created a more dysfunctional relationship.

Waikato-Tainui Tikanga and Values

The Rules of Te Kauhanganui mention briefly the values it adheres to as an organisation, but there are no clear ties between those values and the policy and practices of Te Kauhanganui. The Waikato Deed of Settlement outlines principles to guide the restoration of Waikato-Tainui as a people:

> …the mana of the Kīngitanga is indivisible; and revenue… is to be used… to restore the dignity of the people and allow Waikato-Tainui to play a full and rewarding role in New Zealand such as it enjoyed before the confiscations. (Waikato Deed of Settlement, 1995, p 19)

The measurement of increased *mana*, restoring dignity of the people or enjoying a rewarding role in New Zealand are not clearly understood, nor are those terms used in a systematic reporting of the activities overseen by Te Kauhanganui.

However, there are markers of a unique Waikato-Tainui identity expressed through ritual, oratory and the periphery matters of Te Kauhanganui business that take very little time or debate because of widely held beliefs. These matters include important events that brought *hapū* and *iwi* together, such as the series of commemorations in 2013 and 2014 for the 150 years since the Waikato land wars, the manaakitanga and solidarity expressed in the support of Tainui *whānau*, Ngāi Tahu and all victims of the 2011 Christchurch earthquake, the *mana* at stake in the restoration of the iconic wharenui Māhinārangi and the management and stabilisation of the sacred mountain Taupiri, Metge, (2002) reflecting on the contemporary state of Māori society, comments:

> At first, my fieldwork among modern Māori seemed to emphasise the remoteness of the society that Firth described and the magnitude of the changes that had taken place in Māori society and culture… But as I delved more deeply below the surface, I came to recognise certain social forms and practices as transformations – often several times removed – of those first met in Firth's work… I came to appreciate the continuing importance of the values and ordering principles which had generated and maintained Māori social forms in the past, especially *utu* 'reciprocity' and *mana*.

Te Kauhanganui meetings will begin and end with *karakia* (prayer). The form of prayer used is Paimārire which is a traditional prayer format adapted by the second Māori King, King Tāwhiao, in the 1860s and revived by Te Puea in the 1920s (King, 1977). Prayer is followed by a *mihi whakatau* (a semi-formal greeting to all present) that will acknowledge the recently departed and often encourage participants to act in accordance with the principles and values of the Kīngitanga. A corporate *waiata* is sung, which is another important signal of a shared cultural heritage and physical unity. All this is done in the Māori language and led by *kaumātua*. The prayer and formal greetings are used to remind members of corporate values and set the tone in which the issues of the day should be discussed. Te Kauhanganui members are familiar and comfortable in this tribal setting (observations and notes taken during Te Kauhanganui meetings, 2009–2014).

According to Te Aho (2006), in order for the people of Waikato-Tainui to play a full and rewarding role in New Zealand, the *iwi* requires a significant capital asset base which restores the opportunity for Tainui communities to operate independently of government support. This idea is captured in the term '*mana motuhake*' on the Kīngitanga coat of arms, indicating tribal control of its own resources while working with their neighbours in mutually positive ways (Te Aho, 2006). The term *mana motuhake* asks the state to recognise the autonomy of the Kīngitanga and the preference of *iwi* to manage their affairs in ways consistent with traditional structures and values. As Joseph states:

> However, what is critical throughout with cultural adaptation, good governance, human rights, the rule of law and updating traditional governance practices for Māori and other Indigenous people is that Māori and other Indigenous people should be controlling the process of cultural change and governance adaptation rather than being controlled by government policy, legislation and other external factors (2014).

Making Changes

During the years 2009 to 2012, Te Kauhanganui and Te Arataura were perceived as dysfunctional because of publicised internal disputes, court proceedings and reports from frustrated *marae* representatives (noted comments made by members of Te Kauhanganui at many meetings between 2009–2012). Following the expulsion of the chair of Te Kauhanganui, the *Waikato Times* reported that Tuku Morgan had agreed to contest the vacant chair of Te Kauhanganui. If elected, he planned to change the constitution to allow King Tuheitia to hold the power of veto in Te Kauhanganui (Yates, 2012a). The reason suggested was to unify the tribe under the King. However, most view the management functions and the

role of the Kāhui Ariki as separate and it was unlikely the Te Kauhanganui would approve these changes.

The King called a *rūnanga* held on 5 and 6 February 2013 to further discuss the structure of the tribe's governing body. The invitation was to all Waikato-Tainui and included his thoughts on the workings of Te Kauhanganui:

> …we have all seen dark clouds of division and dissent gathering, and they grow more threatening with each passing day… Some 18 years ago, with our tuupuna, we gathered here and resolved to build our House, Te Kauhanganui. Under the korowai of the Kiingitanga we were strong and committed enough to undertake the task back then. As I ponder on the swirling winds within Te Kauhanganui today, I wonder whether it is still strong enough to nurture and shelter us from the storms ahead?... The real threat to Kiingitanga no longer comes from without. It comes from within. (Kiingi Tuheitia, 2012)

Between 500 and 600 tribal members gathered for the two-day meeting. Presentations were made based on four questions posed for discussion:

1. How do we achieve social and economic prosperity for our *whānau*/tribal members?
2. How do we protect and strengthen our tribal *tikanga* – cultural practices, values and beliefs?
3. How do we support Kiingi Tuheitia and protect and strengthen the Kiingitanga movement?
4. How do we ensure our social and economic aspirations, tribal *tikanga* and commitment to Kīngitanga are reflected/aligned to our tribal priorities, governance structures and entities? (Office of King Tuheitia, 2013)

The general consensus was that change is needed because of the inefficiency of Te Kauhanganui and its divisive internal politics. Suggestions from workshops and presentations included simplifying the governance arrangements within the *iwi*, meaning a reduction of the number of representatives on Te Kauhanganui, and formalising the Kāhui Ariki role within the governance structure (Maipi, 2013).

Speakers at the *rūnanga* presented ideas on the history, Kīngitanga, social and economic goals of the *iwi*. The chair of Tainui Group Holdings suggested working more closely with Te Kauhanganui to understand what the people wanted from its commercial entity. He also thought it would be efficient to consolidate tribal money, from the Lands Trust and River Trust into Tainui Group Holdings and provide extra capital for tribal development (Van der Heyden, 2013).

There was overwhelming support for the King and the Kīngitanga as an institution, but no decisions were made about the role and influence of the King. The concluding statements from the gathering were:

> Present a resolution to Te Kauhanganui at their meeting of 16 February 2013 to:
>
> a) Establish a working party based on skill and capability and endorsed by the King.
> b) The role of the working party is to collate, organise and identify key themes across all facilitated workshops.
> c) The working party will develop an action plan for consideration at the *Hui*-ā-*iwi* summit on the 1st of June 2013 as a celebration at Matariki.
> d) A summary report from this *hui* will be distributed to all *marae* and tribal members.
> e) *Marae* and tribal members will have the opportunity to give feedback on the summary report by the 1st of May, 2013.
>
> (notes taken from the final presentation of the *Hui*-a-*iwi*, 6 February 2013).

The *rūnanga* was regarded as a success by the Office of the King and the above resolution enabled further steps to be taken. It did not ask if people supported greater control by the King, but allowed people to discuss support for the King and the Kīngitanga as a part of Waikato-Tainui.

The difference in thinking about the role of the Kāhui Ariki has been a source of tension and its reappearance as a theme for discussion and the resolutions show the Kāhui Ariki role is yet to be clarified. The Governance and Representation Review team produced several models for Te Kauhanganui and the tribe to consider. The following was the preferred model chosen through a tribal referendum.

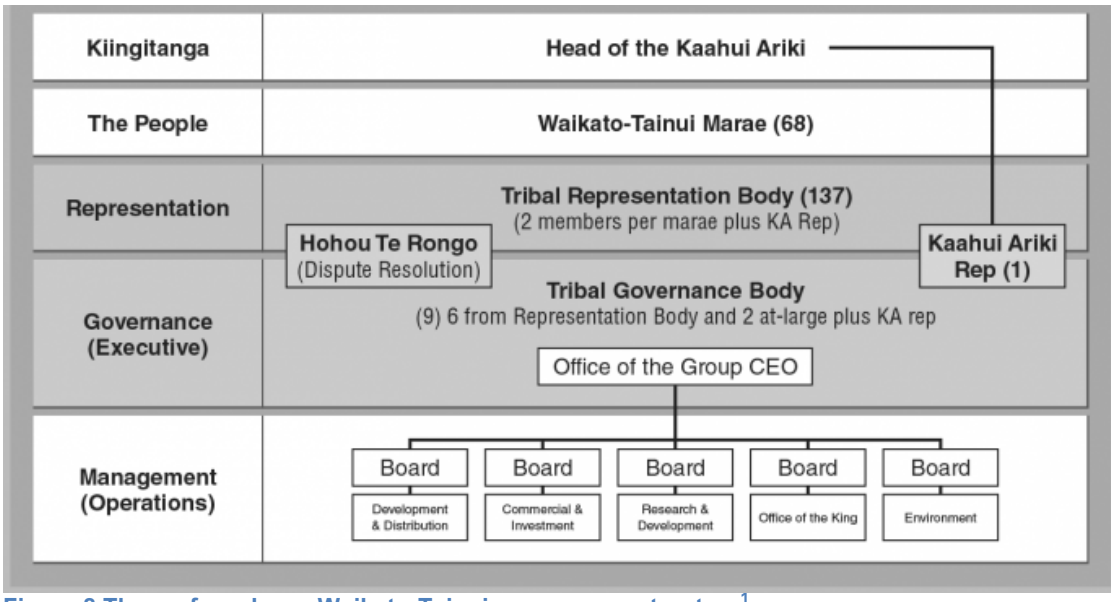


Figure 8 The preferred new Waikato-Tainui governance structure[1]

The differences from the current model include; the Kīngitanga placed above the people; it reduces the number of representatives to two per *marae*, and nine executive members with six elected members from Te Kauhanganui, the Kāhui Ariki representative and two 'at-large' members elected from wider Waikato-Tainui membership. The Review team recommend a group Chief Executive Officer who would oversee and support the Boards of the various arms of Waikato-Tainui. The Kauhanganui will make the final decision on the structure of the tribal *rūnanga* in 2015.

Summary

As an incorporated society with governance responsibilities over significant Māori assets, Te Kauhanganui struggles with conflicts between Pākehā commercial law and traditional social structures. These include *whānau*, *hapū* and *marae* and the more recent Kīngitanga and Kāhui Ariki. The organisation has a reliance on statutory , but shows a desire to utilise *tikanga* Māori and maintain the essential *tikanga* of *whānau hapū* and *marae*.

Questions have been raised about the suitability of the current structure and its compatibility with Waikato-Tainui *tikanga*, which has always placed value on consensual decision-making and a high level of accountability to beneficiaries. Conflicts between levels of governance and management of the *iwi* assets have led to some poor decisions being made, which has

[1] http://www.waikatotainui.com/governance-review/the-models-explained/

resulted in mistrust amongst Te Kauhanganui members. Lengthy debates on systems and procedures have distracted Te Kauhanganui from its core business of restoring functional *whānau*, *hapū* and *iwi* entities within Waikato-Tainui.

There is a mood for change within Waikato-Tainui to improve the management and governance of tribal assets. The 2013 governance review initiated by the King gained support from the tribe and raises familiar themes of control between the Kāhui Ariki, Te Kauhanganui and the people. The review includes all activities of the Te Kauhanganui and promises greater accountability, transparency, efficiency and alignment with the *tikanga* of Waikato-Tainui.

The evolution of the governance and management of the assets of Waikato-Tainui will have a major impact on the ability of *hapū*, *whānau* and tāngata to maintain the social structures and cultural relationships which have been fundamental to the survival of the *iwi*.

Chapter 5: Methodology

Introduction

The expression of *tikanga* can be identified and interpreted through the contributions of people who are deeply and constantly involved in the governance and management of *hapū* and *iwi* assets and events. The investigation is, therefore, based on both an understanding of the social structures and cultural relationships of Waikato-Tainui gained from a large volume of literature, and also from understanding the ways in which leaders of *whānau* and *hapū* have behaved in a variety of situations that have impacted on their people. This understanding can be gained from *waiata*, stories and sayings produced by and about those leaders.

The investigation has been brought up to date by examining modern events relating to the governance and management of the *iwi* Waikato-Tainui gained by the writer from personal observation when attending meetings of Te Kauhanganui, as a representative of Kai-a-te-mata *Marae*, one of five Ngāti Hauā *marae* represented in Te Kauhanganui. As a member I had access to documents relating to important events and contact with members of Te Kauhanganui, some of who have been involved in *hapū* and *iwi* governance over many years.

The investigation has been made possible through the writer's involvement with *whānau*, *marae*, *hapū* and *iwi* as a descendant and personal association. I have been a keen student of tribal history for 20 years which in practice included learning the language, research projects on language and culture, spending time with elders, participating or leading whānau, *marae* and iwi social, cultural, educational and formal events from celebrations to *tangihanga* (funeral ceremonies) to Church and Treaty Settlement meetings. All of which provided a relational foundation for me to look at tribal governance structures and their practical implications.

Kaupapa Māori methodology describes the research philosophy underpinning the processes used to collect the data. It was important to the investigation that I be viewed as a tribal member doing research, rather than a researcher who happens to be part of the tribe (Irwin, 1994). Being an active member of my *whānau* and *marae* meant I was able to gain support from *whānau* and *kaumātua* of my home *marae*, who could then vouch for me in the wider *hapū* and *iwi* situations. These personal relationships were essential in identifying central actors, accessing documentation and attending in-committee meetings of Te Kauhanganui.

The relationships between the researcher and participants were informed by Māori values and supported "the validity and legitimacy of Māori knowledge" (Doherty, 2012, p 20). In order to obtain reliable information, a combination of data collection methods was used so that any conclusions drawn from the data were not unduly influenced by a single perspective or opinion. Interviews were conducted with tribal leaders, written material was examined and tribal meetings were observed and discussed with participants.

Case study methodology was utilised because of its story-telling focus and capacity to incorporate personal, tribal and technical aspects of leadership and accountability. Narratives gave the research flesh as it revealed the roles, characters and events within the Waikato-Tainui tribal council, Te Kauhanganui. Not surprisingly, my personal bias, relationships with members in Te Kauhanganui, divisive tribal politics and defensive attitudes of some participants, along with differences in policy and practice in different parts of the Waikato-Tainui structure created some issues. These were taken into account when assessing the data and determining the validity of information.

To maintain anonymity of participants, I have changed names to the name of New Zealand native birds, Huia, Tui, Kiwi, Ruru, Kaahu, Kotuku, Kākā, Kokako, Toroa and Pukeko. Specific *hapū* and *marae* were also kept anonymous to avoid making generalisations on all members of those *hapū* and *marae*. This has allowed the focus to be on the information derived from the action, rather than on the actors. However, tribal members with knowledge of the individuals may well identify those referred to because of their personal knowledge of the events and of tribal politics.

The Legitimacy of Māori Knowledge

Māori ancestors were active researchers and the knowledge they accumulated is worthy of consideration. Isolated in Aotearoa for hundreds of years, Māori learned to survive in a harsh environment and accumulated knowledge that sustained and supported the development of their society. Buck (1949) suggests this was a natural result of an enquiring Māori mind and evidenced in knowledge produced through keen and sustained observation of New Zealand flora and fauna. Pre-European Māori created esteemed houses of higher learning (*wānanga*) and entry was restricted to people of high rank:

> The *tapu* School of Learning, under different names, was held to be a highly important institution, and it assuredly occupied a high status in both islands. A study of this school and its activities impresses one with the conviction that the Maori held what we may call learning in high estimation, and ever looked upon high-class teachers and

> repositories of such learning as important members of the community…
>
> Those who possessed retentive memories were selected as scholars, allowed to enter the Whare wananga. For the acquisition of high-class matter, the lore of the *kauwae runga,* it was necessary that the scholars should be young men of good family, of the *rangatira* class. (Best, 1924, pp 64 and 71)

The pursuit of knowledge was a chiefly activity and those with quick minds and active problem-solving characteristics achieved hero status in Māori history. Hence, the esteem afforded to ancestors who struggled and overcame adversity through intellect, skill and courage. Therefore, knowledge was closely associated with chiefly *mana* and leaders had a responsibility to retain and expand knowledge for the wellbeing of their people.

The ancestors from Waikato-Tainui and their exploits mentioned in this investigation include Hoturoa, the captain of Tainui canoe, who safely led his people to Aotearoa and is an eponymous ancestor of all Waikato tribes. Another is Pōtatau Te Wherowhero, a veteran of many war campaigns, a poet, a mediator between Māori and settlers, and the first Māori King. Te Wherowhero led his people through the 1840s to 1860, a period of great change, and was able to adjust to those changes. Te Waharoa of Ngāti Hauā was an accomplished strategist in war, but he also recognised the importance of adopting European technologies which would ensure the survival of his people.

European colonisers discounted Māori knowledge and ways of learning and likened it to the physical state of Māori in the late 1800s and early 1900s, which was perceived as archaic and symbolic of an ignorant and weak race:

> A barbarous and coloured race must inevitably die out by mere contact with the civilised white. Our business there, and all we can do, is to smooth the pillow of the dying Māori race. (1864, Doctor Isaac Featherston, surgeon, politician for Whanganui in the first New Zealand Parliament) (Simon and Smith, 2001, p 224)

This attitude was evident in the 1920s and '30s when Āpirana Ngata argued for Māori studies to be included in New Zealand universities. Royal (1998) explains its inclusion was justified only when it could meet Western ideas of knowledge:

> Ultimately, Māori Studies represents the position that the western paradigm of knowledge has deemed appropriate for it. Secondly, it does not arise out of an authentic knowledge discipline like whakapapa, for example. It was not created upon the needs, aspirations and perceptions of a knowledge discipline itself. Rather, it grew out of political agitation, appropriate for the time. (p 10)

Salmond in her study of Māori social systems concluded:

> For my part after a long experience of both universities and tribal knowledge I think that tribal thought is not so easily dismissed, and that tribal experts have good reason for resentment. Work on the *marae* and in close collaboration with elders has shown no radical disparity in sophistication of reason and critical thought between the two traditions. (Salmond, 1983)

Winiata (2008) uses the term *mātauranga* to describe Māori knowledge, the greatest tool our ancestors brought with them to Aotearoa. This *mātauranga* was nurtured and expanded from the necessity and desire to utilise resources in a new environment to survive and prosper. Winiata describes this process as the *mātauranga* continuum, a culture of research from Māori ancestors that continues to this present day.

Place of Research in Retaining Knowledge

Best (1924, pp 68–72) alludes to the reluctance of members of the traditional *whare wānanga* to write down what they knew because they were concerned about losing control of that knowledge, believing that knowledge without restriction becomes common. If the highest forms of knowledge become common, their *tapu* is therefore denigrated. Te Uira Manihera (1975, p 9) discussing the *tapu* of knowledge and concerns he had about its being disregarded or misused stated "if this happens they lose their sacredness, their fertility. They become common. And knowledge that is profane has lost its life, lost its tapu." Knowledge comes with responsibilities both to that knowledge and the community. Best and Manihera were not referring to the everyday knowledge needed for living; they referred to the highest forms of spiritual and conceptual knowledge.

All higher knowledge is attributed with a form of *mana* and *tapu,* because it can be helpful or harmful depending on how it is used. Knowledge is not restricted to the highest forms of *wānanga*, but also exists in *whānau* and *hapū*. It is seen in everyday activities, such as the planting or harvesting of crops. These activities are imbued with the elements of *mana* and *tapu*, because they are important for survival. Therefore, the research process of collecting, collating, interpreting, analysing, explaining and distributing information without being mindful of *mana* and *tapu* could result in breaches of cultural or ethical boundaries (Tate 2012).

If the research is poorly handled, the result can be a loss of the ownership of that community's knowledge, or its distortion, with consequently damaged relationships, mistrust, anger and

frustration (Bishop, 1999, p 2; Cram, 2001). If it goes well, there is an enriching of *mana* for participants and researcher, and a contribution to further understanding our world.

Walker (1997) argues that often the results of research have been of little benefit to Māori who have participated, because "if the findings do not change the reality of those living the experience... To that extent the research is useless" (p 94). Walker implies that the value of research should be measured by its usefulness, which is the *utu* for participation. If research is viewed in terms of maintaining *mana* and *tapu,* then Pākehā researchers like Stokes (1985), working with Māori knowledge, are justified in believing a competent non-Māori researcher could be a useful medium to extend the perceptions and options for action amongst and between communities.

Kaupapa Māori Methodology

The tradition of pursuing knowledge, its *mana* and *tapu,* and usefulness (*utu*) to Māori are the reasons why *Kaupapa* Māori methodology was the starting point in the design and process of this research. Māori academics continue to explore and describe the *Kaupapa* Māori paradigm. Linda Smith (2011) sees it in broad terms as:

> …our language, our terminology… an approach, a way of being, a way of knowing, a way of seeing, it's a way of making meaning, it's a way of being Māori; it's a way of thinking, it's a thought process; it's a practice, it's a set of things you want to do… that's why I think it's bigger than methodology.

Consequently, *Kaupapa* Māori methodology requires research values and practices amongst Māori that can be examined for relevance, application and usefulness to Māori (Smith, 1999, p 5). Bishop (1994) and Irwin (1994) concur with Linda Smith and suggest the *mana* to decide what are important questions, how research should be conducted amongst Māori and the validity of that research as it relates to those Māori involved.

Within Kaupapa Māori, the research process is collaborative. The *mana* of research information stays with participants, while the researcher brings their personal *mana* and skill to produce the research output. Each acknowledges the other's contribution (Mikaere, 2011). Tribal participants are positioned as the experts when asked to contribute in a range of ways, providing information, interpreting concepts, translating the language, analysing and validating the research to producing research outputs. Kaupapa Māori research is an

explicitly Māori methodology (amongst many methodologies) which aims to recover, preserve and develop Māori knowledge (Battiste and Henderson, 2000, pp 132–134).

Theorists in Māori education such as Graham Smith (1997) and Linda Tuhiwai Smith (1999) have led discussions internationally on how Kaupapa Māori-based intervention education strategies are formed from an understanding of Māori values and society, while also recognising the influence of colonisation. As a result of that thinking G.H. Smith presents these principles of Māori education:

1. *Tino Rangatiratanga* – the self-determination principle, the pursuit over control of one's wellbeing;
2. *Taonga tuku iho* – the cultural aspirations principle. Being Māori is legitimate and valid;
3. *Ako Māori* – the culturally preferred pedagogy principle. Learning and teaching as Māori;
4. *Kia piki ake i nga raruraru o te kāinga* – the socio-economic mediation principle. Addressing social and economic disadvantage;
5. *Whānau* – the extended family structure principle. Identity and collective responsibility;
6. *Kaupapa* the collective philosophy principle. A holistic commitment and vision.
   (Smith and Reid, 2000, pp 9–11).

It is observed that these principles are consistent in meaning, with the aspirations expressed in the definitions of *mana, tapu,* and *utu* and assumed *mana motuhake* does not need to justify its existence as 'being Māori' or 'culturally preferred pedagogy' or to explain 'extended family' as a basis for organisation.

Although English language is used throughout this thesis, the Māori terms point to principles that are distinctly Māori and understood from a Māori worldview. These principles are explained by G.H. Smith (2003, pp 8–11) and he also comments on the transferability of *Kaupapa* Māori principles from one social domain to another because they are based on generally accepted Māori values:

> It is important to understand theory as a kernel of ideas that are transportable and able to be transplanted into a range of sites of inquiry. *Kaupapa* Māori theorising provided a group of theoretical elements that could be used in a range of sites, whether it was education or health, housing, economics, architecture, Māori radio – wherever the ideas could have a positive influence. This transportability has been strategically successful, because you find the term *Kaupapa* Māori appearing in all these areas of endeavor. (Smith, 2003)

The theoretical elements consistent and useful as theories to examine organisational accountability in Waikato-Tainui include:

- *Mana motuhake* is the self-determination principle, the pursuit of control of one's wellbeing and the wellbeing of the collective, is consistent with the goals of the Kīngitanga and is carried on the coat of arms of the Kīngitanga (Mahuta, 2001, p 327).
- *Taonga tuku iho* – the cultural aspirations principle. Being Waikato-Tainui is legitimate and valid;
- *Whakahaere* Māori – the culturally preferred operation principle. Operating and behaving as Waikato-Tainui;
- *Kia piki ake i nga raruraru o te kāinga* – the socio-economic mediation principle. Addressing social and economic disadvantage;
- *Whānau* – the extended family structure principle. Identity and collective responsibility;
- *Mana ā-Kaupapa* – the collective philosophy principle. A holistic organisational commitment and vision. (adapted from Smith and Reid, 2000, 9–11)

The list differs from Smith's in these ways. The term '*mana motuhake*' is a phrase implying Māori control and is the foundation for the following elements. *Whakahaere* Māori – literally a Māori management system – is relevant to Te Kauhanganui and its operating as a Māori governance body. *Mana ā-kaupapa* acknowledges the *mana* of the collective *hapū*/*iwi* leadership in Te Kauhanganui and the integrity of that institution. These ideas will be discussed below.

Kaupapa Māori provides a theoretical difference from Western research methodologies. Bishop argues that it is a counter measure to the process of colonisation (1994, p 122). *Kaupapa* Māori methodologies underline the dominant Western failure "to recognise power and methods which spring from their position of Western 'normality' and privilege" (Barnes, 2000, p 9). *Kaupapa* Māori research assumes the normality of being Māori. It freely uses Māori cultural practices, images and language as a basis to explore methods of research and ideas, and to communicate its findings (Smith and Reid, 2000, p 7).

Examples of Māori thinking and research making a contribution academically and in practice are M. Durie's (1985) 'Whare tapa whā', developed in the field of Māori mental health. It included *whānau* (family) as an essential component in determining the wellbeing of a person. Educationalists Bishop and Berryman (2006) highlighted the importance of creating an educational '*whānau*' within institutions to improve outcomes for Māori students, and this approach has proved to be beneficial.

E. Durie, as a presiding judge in the Treaty settlement process which relies heavily on historical research, comments on his experience of research conducted amongst Māori by external researchers, with concerns about:

1. the capacity of non-Māori to understand and communicate Māori views;
2. critiquing of *kaumātua* claims and making judgements on the validity of those claims from an external assessment criteria,
3. problems with defining how widely a researcher should consult,
4. deciding who should be spoken to and assessing the weight of the evidence,
5. whether they should rely on given translations, taking into account who is translating and the quality of translations,
6. who commissions and owns the research; and whether research on *whānau*, *hapū* and *iwi* should become publicly available. (Durie. E 1998, p 68)

While these issues come from research undertaken to clarify points of law, the questions, principles and practices are applicable to this investigation. *Kaupapa* Māori research methods provide a practical response to these issues, justifying, for example, the importance of Māori researchers from within the researched group, because they are more likely to have an understanding of the tribe's views, cultural concepts, internal politics, key individuals and the credibility of information.

These generalisations assume the quality of all researchers is equal, but being 'Māori', although an important component in research amongst Māori, is not the only variable to consider. Many Māori do not have a strong understanding of Māori language or culture and choose not to be involved with their extended *marae* and *hapū*. Research integrity is not determined by internal or external approaches to subjects, rather it is in recognising the assumptions of the researcher and the credibility of the methods used to collect and analyse the data (Kumar, 1999, pp 15–16).

Māori researchers must meet robust research requirements and deal with the pressure of conforming to accepted Western research methodologies. Some Māori researchers in Western institutions have felt pressured to construct models to justify and normalise Māori ideas and practices with respect to non-Māori (Ka'ai, 2000, pp 11–12). Cooper (2012) argues Māori researchers continue to validate *Kaupapa* Māori research:

> So paradoxically, whilst *kaupapa* Māori must treat Māori epistemologies as normative, it must also produce knowledge through critically engaging with scientific epistemologies in recognisably scientific terms.

Whakapapa (relationships and identity) is an important starting point for *kaupapa* Māori research. Irwin (1994, p 27) recognised that her identity was intertwined with her work and described herself as a Māori academic and not "an academic who happens to be Māori". A Māori identity can influence the research projects of interest, the approach to research and where the research takes place. A researcher with genealogical links to the community being studied is assumed to belong, feel secure and have some rights to research. The benefits of the project become a personal contribution to maintenance or development of their own community, a way to reciprocate support from the community.

Royal (1992) suggests that where the researcher is known by participants, the researcher is more likely to access the information they search for because they have an understanding of where the information is within the community. The researcher will be guided by the holders of communal knowledge and advised on the collection of data and interpretation. There may be many points within the community where knowledge is contained and it takes community researchers with a number of relational and technical skills to access that knowledge in appropriate ways (Taiwhati et al, 2010).

However, the subjectivity of researchers working among their own communities may lead to a lack of critical perspective on the subject and might be perceived to simply endorse what is already known in the community. Bishop (1994) raises these issues and describes them as 'grand theories', highlighting the tendency of a subjective researcher to build methodologies more likely to support preconceived conclusions. Walker (1997) counters that a greater fault occurs when many researchers assume their own values, goals and practices are the same as the community's where they are working. Salmond, speaking as an experienced non-Māori researcher, agrees:

> Rather, the Maori world is anything but simple, and an outsider, however well trained, will in a lifetime still have difficulty in understanding its conceptions. (Salmond, 1983)

A relational starting point leads naturally to an iterative approach in the research process (Royal, 1992). Research completed by Māori authors writing on *iwi*-specific topics imbued their work with an *iwi* perspective that could not be captured by an external researcher working in an unfamiliar cultural landscape. The writings of Pei Te Hurinui Jones (1898–1976) on Waikato tribal history provided an authenticity that could not be obtained from external researchers because of the internal filters of a tribal member in the research process (Jones, 1959). Because of the roles Jones had as an advisor for the Kāhui Ariki, a long

association with the collection and publication of tribal histories, and as spokesperson for his people, it can be assumed that he had access to significant oral and written tribal material and these provided credibility to his work as an *iwi* historian (Biggs, 1995).

Rangihau (1975) and Ka'ai (2000) also comment on the importance of being an *iwi* researcher. Walker (1997) uses the term '*iwi* centricity' to describe Māori researchers based within their communities, subjectively involved to deliver benefits to their communities. The relationship between the researcher and the community influences the presentation and community critique of the research. An *iwi* researcher, having raised the relevance of the issue, will advocate sharing what is learned and its application.

The energy to provoke discussion and reflection can engage other members to participate in addressing an issue or inspiring other community researchers to follow and extend or critique the research:

> There is no substitute for gaining tacit and implicit knowledge of cultural behaviour than living among people and sharing their lives. We believe that the practice of participant observation has been one of the catalysts for theoretical development in anthropology. (Dewalt et al, 2001 p 291)

Conversely, the community will provide immediate feedback to an *iwi* researcher on their eligibility to access the information, identify issues the researcher may not be aware of and comment on the significance of the work. This is a collaborative approach to the collective and reciprocal nature of research within community.

The Language of Kaupapa Māori Research

This thesis is written in English, but where the literature or interviews are in reo Māori, Māori language quotes are included. The use of reo Māori and my own journey of identity are consistent with the goal of this thesis to support tribal wellbeing and the use of reo Māori is a signal about the importance of language and culture:

> The language is the core of our Māori culture and mana. *Ko te reo te mauri o te mana Māori (The language is the essence of the Māori authority*). If the language dies, as some predict, what do we have left to us? (Sir James Henare) The Waitangi Tribunal, 1986, p 34)

Māori research is also influenced by the importance of reo Māori, because the continued health of the language is essential for the long-term survival of Māori as a people (Nettle and Romaine, 2000). Linda Smith (1999 p36) also points to the colonising effect of the colonisers language and the ironies of the colonised having to present and discuss indigenous issues in

their colonial language. Therefore, the inclusion of reo Māori adds some integrity to ideas claiming to emerge from *mātauranga Māori* (Māori knowledge). Particularly in the field of Māori organisational development, where the language of business is completely dominated by English, using *reo* Māori can create space for the language and philosophy of Māori.

> Insurgent research must be an important part of grassroots movements aimed at reclaiming indigenous knowledges and asserting them as valid. It must increasingly be directed at the indigenous reader and written in a language that people can understand. (Gaudry, 2011)

Quoting directly from well-known ancestors also provides another pathway to gaining tribal support and for members to identify and validate their own knowledge base. Marie Battiste and James (Sakej) Youngblood Henderson argue:

> Indigenous knowledge needs to be learned and understood and interpreted based on form and manifestation as understood by Indigenous peoples. Indigenous knowledge must be understood from an indigenous perspective using indigenous language; it cannot be understood from the perspective of Eurocentric knowledge and discourse. (2000, p 134)

The Māori language has nuances and meanings that do not always translate from the original language. Papa (2012) goes further and states:

> Kei te reo te mana o te tangata, ko te reo te mauri o te whakaaro Māori.
> Language is an indication of personal status, the Māori language contains the essence of Māori thought. (My translation)

Therefore, presenting original text provides the opportunity for Māori language speakers to further explore the language and make their own interpretations. This approach supports efforts to improve the health of reo Māori in Waikato-Tainui as stated in the tribal language strategy *Rautaki Reo Rautaki Tikanga Whakahokia te Reo ki toona taioretanga Hapaingia te Tikanga ki toona Taumata*. The aims of the language strategy include re-establishing it as the language of the people by 2050, through strengthening its use at home, *marae* and schools and in the community:

> Kia tangata whenua anō te reo me ngā tikanga hei te tau 2050
> Kia pakari te reo me ngā tikanga i te kāinga, i te marae, i te kura, i te hapori. (Papa, 2012)

In terms of translation of Māori to English, a literal translation is sometimes clumsy because a word may have several meanings, depending on the context where it is used. For example, the word 'mana' is often used in this thesis, but has a range of meanings:

> **Mana – (noun)** 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,* one affecting the other. The more prestigious the event, person or object, the more it is surrounded by *tapu* and *mana*. *Mana* is the enduring, indestructible power of the *atua* and is inherited at birth, the more senior the descent, the greater the *mana*. (Te Aka online dictionary)

Mana is an abstract concept that requires explanation via translation. I have included my own translations where no English has been provided for Māori language quotes, and focused on clarity rather than literal interpretations. Other writers may have different opinions regarding some of my interpretations, as the context in which some quotes are used affect their meanings. I encourage others to re-interpret the Māori quotes, because they are often sayings of ancestors and may provide important additions to the discussion of the material.

Māori Values and Customs

Along with the use of Māori language (*reo Māori*) from interviews is the assumption of understanding Māori values and customs. Leadership and accountability has process and ethical components and many of the participants told stories guided by historical precedents and personal experiences. Participants provided their own interpretation of precedents and the principles from the stories used to discuss issues and roles within the tribe today. Some of the stories were in reo Māori, and included references to *whakataukī* (proverbs), *tongi* (prophetic sayings) and *kōrero* (stories) from oral traditions of the tribe. Sir George Grey in his first published volume of *Ngā Mōteatea* explained in his introduction the importance of oral traditions and its impact in Māori gatherings:

> The most favorable times for collecting these poems, and those at which most of them were in the first instance obtained, was at the great meetings of the people upon public affairs, when their chiefs and most eloquent orators addressed them. On those occasions, according to the custom of the nation, the most effective speeches were invariably principally made up from recitations of portions of ancient poems. In this case, the art of the orator was shewn by his selecting a quotation from an ancient poem which figuratively but dimly shadowed forth his intentions and opinions; as he spoke the people were pleased at the beauty of the poetry, and at his knowledge of their ancient poets, whilst their ingenuity was excited to endeavor to detect from his figurative language what were his intentions and designs, quotation after quotation as they were rapidly and forcibly chanted forth made his meaning clearer and clearer, curiosity and attention were by degrees riveted upon the speaker, and if his sentiments were in unison with the great mass of the assembly, and he was a man of influence, as each succeeding quotation gradually removed the doubts which hung upon the minds of the attentive group who were seated upon the ground around him, murmur of applause rose after murmur of applause, until at some closing quotation which left no doubt as to his real meaning, the whole assembly gave way to tumults of delight, and

> applauded equally the determination which he had formed, his poetic knowledge, and his oratorical art, by which under images beautiful to them, he had for so long a time veiled, and at last so perfectly manifested his real intentions. (Grey, 1853, p X)

The use of ancient poetry is not restricted to the public arena; it becomes a feature of any form of communication which demands serious contemplation. The *kaumātua* interviewed for this research used traditional precedents and proverbs to express some of their ideas.

Grey's description also alludes to the importance of being present at community *rūnanga* (meetings). Information is delivered at formal and informal settings and community events. Important cultural information is shared between generations, valuing relationships and roles of members in the community. It is important that Māori researchers 'ground' their work with their own people (Smith, 2011). Choosing not to participate in community events can exclude researchers from research opportunities. Therefore a strategy to understand the wider iwi context was to intentionally take opportunities to attend and participate in tribal formal and social events.

Appropriate *tikanga* is about the right person doing the right thing at the right time. Research has its own *tikanga* that includes best practice research methods that take into account the researcher, the research topic, the research environment and the timely completion of a research project. The following is the research *tikanga* used, including confidentiality, participant observation, interviews and document analysis.

Confidentiality

Confidentiality in the collection and analysis of the data was important. Interviewees were on the surface willing to share their thoughts and to take ownership of what they were saying. Of the 11 individuals interviewed, seven were current or past holders of executive roles within the political or administrative arm of Waikato-Tainui.

A letter explaining the aim of the study, a copy of the ethics proposal and a set of general questions were prepared as information for the formal interviews (see attached appendix). Interviewees were encouraged to discuss widely their thoughts and feelings, although as there were current or recent crises involving participants, there was some reservation about sharing sensitive information.

The questions attempted to unpack aspects of leadership and accountability with reference to the actions taken by leaders at critical points relating to the activities of Te Kauhanganui. Confidentiality was important because some events had significant emotional, financial and social impacts. I hoped to distance the personalities from the lessons to be learned; therefore, all quotes used are anonymous. However, because of the publicity around some events and the aim to present this material to the tribe, tribal members with an interest in tribal politics could easily identify the actors in the case studies. It is not my intention to attack individuals and I have chosen to work with the principle of "no harm resulting to participants" (Cram, 2001).

Research Methods

Participant observer – Kanohi kitea

As stated, being a tribal member rather than a researcher who happens to be a part of the tribe was an important starting point for this research (Irwin, 1994, p 27). As a tribal member, feelings such as concern, frustration or success were experienced and used as a basis to stimulate further investigation.

The intention of this thesis is to contribute to stable Māori organisation, so it was important that the research methodology modelled the *tikanga* being promoted. In practice, it meant attending *hapū* and *iwi* gatherings, and adopting an approach to develop and maintain relationships within the wider tribe, even if the gatherings were not directly linked to my research. Participating in *rūnanga* required an understanding of tribal responsibilities and other roles within the tribe while balancing other commitments:

> The participating observer seeks opportunities to spend time with and carry out activities with members of communities in which she or he is working. (Dewalt, Dewalt and Wayland, 1998, p 261)

This led to facilitating *whānau* and *hapū* events, supporting *kaumātua*, *rangatira*, *tuakana* and *teina* roles. These activities all contributed to the collection of data and reciprocating cultural obligations of support from tribal members participating in the research.

My role as the representative of my *marae* in Te Kauhanganui opened access to primary information. Attendance at general trustee meetings aligns with an important principle of *kanohi kitea* being present and recognised as a person with interest in the wellbeing of *whānau* and *marae*. Physical presence provided a natural link to talk with people when clarifying points expressed during meetings or in presentations:

> Here, participant observation is a method in which an observer takes part in the daily activities, rituals, interactions, and events of the people being studied as one of the means of learning the explicit and tacit aspects of their culture. (Dewalt, Dewalt and Wayland, 2001, p 260)

I kept my participation during meetings to a minimum to remain as an observer in order to avoid influencing discussions and decisions. However, as a *marae* and *hapū* representative, there is a personal bias because I discussed voting with the two other delegates of our *marae*. Voting often occurs by show of hands and is noted by individual members, so this may have created issues depending on views expressed by myself and my *marae*.

To avoid the interviews being with only those who think similarly and so would reinforce the researchers own assumptions, I attempted to speak with parties holding opposing views on an issue. This was difficult when I disagreed with some views and, when reviewing the transcript, there was evidence of resistance by some interviewees to sharing information that placed them in a poor position politically.

Participation as a member of Te Kauhanganui also gives access to sensitive non-minuted discussions that had some influence on Te Kauhanganui accountability processes. Some meetings produced verbatim minutes, while others were summaries of the decisions made. However, even the verbatim minutes only capture the recorded words via the microphones used by members when they stand to speak. At times, sections of debates are not recorded because people do not use the microphones, or there are technical problems, or people mumble.

A physical presence provides insights into the feelings and breadth of engagement in which debates take place. Seeing, hearing and assessing the heat of discussions provides a perspective of the context not captured in the summarised or verbatim minutes, for example, the physical reaction by groups or individuals to arguments or various characters and the volume voiced in support or dissatisfaction during discussion. At times, people shouted interjections during debate and these are recorded simply as a 'disturbance' in verbatim minutes or there is a collective expression of agreement or disagreement by clapping or jeering and these are not referenced.

There are also individuals within Te Kauhanganui who constantly present views from a particular perspective or because they disagreed with a particular decision, will try to have the decision reviewed. The response to their comments is a consistent groan from certain members. For example, sections of Te Kauhanganui that were supportive of the Executive's actions, and another section were mostly opposed to any actions proposed by Te Arataura. These types of observations can only be noted over time and help moderate distortions that may arise from each of the gatherings.

Differing opinions were explored informally during break times with members outside of meetings in social or tribal events. This expanded personal observations and gave feedback on discussions at formal meeting times. People were more inclined to speak freely, giving opinions on the winners and losers of decisions. Many were unable to or chose not to participate in the debate during meetings because it can be an intimidating forum to articulate thoughts and respond to comments.

Being present at discussions allowed the researcher to expand the arguments of those on the losing side of the vote. The decisions from discussion become the focus of the recorded meetings while those who argued on the 'losing side' of decisions are left unrecorded unless they ask for their opposition to be noted in the minutes. For example, it was interesting to note the choices made by individuals to use Māori or Pākehā cultural, social or legal to defend points or to call people to account. A request from the Kāhui Ariki has no legal standing in Te Kauhanganui, but takes priority over all other business and is given immediate and serious consideration. Meanwhile, a community group which employs people, and runs health and education programmes, must remain on the agenda of several *rūnanga* over many months before being given the opportunity to present their requests to Te Kauhanganui.

Collecting Data

Being physically, socially, emotionally, politically and culturally engaged in a social context is an approach anthropologists regularly choose in order to collect data (Dewalt, Dewalt and Wayland, 2001, pp 259–299). However, as a participant observer there are so many variables and interpretations it can be difficult to say exactly what is happening and to determine the value of the collected data (Simons, 1996, p 234). For example, someone might strongly object to an idea because of a personal issue with the person suggesting the idea or may have

misunderstood something in the presentation or might have agreed if there had been time to discuss an idea.

A mitigation strategy for the above is to make observations over a lengthy period of time, regularly review and collect new information, allowing ideas to evolve to become the basis of themes and sub-themes. The initial collected data describes the structures, processes and practices at a point of time and then progresses to highlight possible headings for themes.

Case Studies

Organisations with hundreds of members have many historical, social, cultural and political perspectives. Each layer adds to the complexity of understanding peoples' behaviour and how it affects processes in context. Case studies in this sense are useful as:

> ….an indepth exploration of multiple perspectives of the complexity and uniqueness of a particular project, policy, institution or system in a 'real life' context. (Simons, 2009).

Case studies acknowledge the complexity of a situation and correctly assume that a person is unable to make sense of all things happening in a particular situation. They include facts about a situation and tell a story in order to deduct some meaning from the experience. However, the story is told from a personal perspective and acknowledges that a different person will have a different perspective and tell a different story.

Reflecting on the story and taking different perspectives can create new possibilities and broaden the understanding of an event. For instance, a narrative theoretical approach makes visible the power relationships in an organisation (White, 2007).

The presentation of case studies becomes a data set created by the researcher. The case study includes snippets of information that will not always make sense out of context. Simons (1996) describes it as "the examination of an instance in action", again limiting the assumption that the narrative is not applicable automatically to another place or situation (p 229– 237*)*. A vignette is made up of many sub-stories that converged to produce this moment of time.

The choice of case study methodology aligns with the 'storytelling' learning and teaching approach already established within traditional Māori society. Lee (2005) refers to a Māori concept of learning called *'ako'* that engages learners holistically through the use of stories

and to communicate knowledge, social values and spiritual beliefs. These would include mythical and historical stories, poetry in *moteatea, karanga*, *whaikōrero* and *whakairo,* and continue in contemporary forms of the same (Ka'ai-Mahuta, 2010; Mahuta, 1974; Salmond, 1985). The observer is central to the telling of the story and I acknowledge that my perspective is another filter used to construct a view of tribal affairs.

Waikato-Tainui as a Case Study

In order to engage Waikato-Tainui readers in the story about themselves, the thesis attempts to keep participants and their interests in the picture by using their words and the words of ancestors. It attempts to draw on traditional themes and follow those themes through into the present time, joining the narrative of the past to show similarities and differences in today's narrative. Case study methodology accepts tribal knowledge and the meanings given to the world "is both personally and socially constructed" (Simons, 1996, pp 229–232). Therefore, providing a historical, cultural and political context was important for readers to understand the present and possible future implications of the research.

The case study not only describes events, its intention is to explore the depth of the organisation in order "to challenge orthodox thinking… and to reveal in-depth understanding" (Simons, 1996). It does this in the first phase by sorting field notes, interviews and the literature into categories and sub-categories. The volume of material made this a difficult task, for example, verbatim minutes of a single eight-hour meeting produced 80 pages of text and a 45-minute interview transcribed was 10 pages in length, so deciding what was relevant was important to make the task manageable. The process of sifting through the data will be explained when discussing the methods of research.

The case study of Te Kauhanganui describes in detail the language, behaviours, experience and practice of authority in the words of Te Kauhanganui members. It identifies factors that are critical to understanding accountability within *tikanga* Māori as spoken of and practised in Te Kauhanganui. An analysis of how leadership and accountability works within Te Kauhanganui provides a basis to explore the interpretation of Te Kauhanganui principles and structures. The case study will highlight the challenges existing between the values, policy and practices within Te Kauhanganui.

The case study is unique to Te Kauhanganui and it is not the intention of this research to generalise its findings with respect to other Māori organisations. Waikato-Tainui's

commitment to the Kīngitanga since 1858 has instilled a national perspective on Māori issues and, as a result, Waikato-Tainui takes some pride in financing, promoting and supporting the Kāhui Ariki and Kīngitanga events. However, because Te Kauhanganui is a post-Treaty settlement tribal entity, it has a shared history of colonisation and its detrimental social, cultural and economic effects. Therefore, this case study could allow others in similar circumstances to learn from the experiences of this tribe (Simons, 1996).

A Mixed-Methods Approach

Each meeting of Te Kauhanganui is an accountability forum. The meeting receives reports from the various entities and people employed in social, commercial and governance roles. Members demand answers, discuss results, debate policy and plan for the future. Therefore, a range of methods were used to collect and validate the research. They included:

1. Being an observer participant in Te Kauhanganui meetings from 2009 to 2014, and the creation of field notes from observations
2. In-depth and iterative discussions with leaders within Te Kauhanganui
3. Document analysis of literature relating to Te Kauhanganui, including the minutes of meetings, Waikato-Tainui annual reports, newspaper articles, legal proceedings and websites.

Each source of information was cross-referenced to highlight consistencies or anomalies in the data. For example, personal observations were raised in interviews for comment by participants, and checked in the literature against verbatim minutes, comments in the media and the Rules of Te Kauhanganui. Cross-referencing allowed the researcher to moderate and consolidate interpretations of the data.

Interviews of Leaders within Te Kauhanganui

> We're like an unguided missile without the support of the people. (Manu, Personal Communication 2012)

Interviews were conducted with leaders within Te Kauhanganui. It included executive members and senior managers of the Waikato Raupatu Lands Trust. The purpose of the interviews was to collect qualitative data from administrative and political leaders within Te Kauhanganui. They were people who were influential in setting the agenda for Te Kauhanganui and consistently voiced the opinions of sections of Te Kauhanganui members.

Intended interviewees were contacted prior to interviews to discuss their willingness to participate. Interviewees with opposing opinions were selected to obtain a balanced perspective on governance crisis events within Te Kauhanganui. The information gained through interviews was compared with the written records and field note observations.

The interview process also had its difficulties. It took a lot of time to organise interviews with busy people. All interviewees lived 400-500 kilometres from me and it needed careful planning or taking opportunities when they arose to conduct interviews. Hence, after failed attempts to meet some interviewees, some interviews were conducted during breaks or following meetings of Te Kauhanganui, or while attending other tribal gatherings and a few were abandoned after several attempts.

Those that I had some form of relationship with outside of the interview process were easier to contact and meet. This did mean the interviews were influenced by external connections and could skew results, because relevant literature and observations balanced the information gained from interviews.

As the interviews proceeded they became shorter as I became more aware of the context and could focus on areas of most interest. For example, the detail of administrative process was discussed in earlier interviews, so latter interviews centred on the participant's personal role and views in crisis situations.

Some interviewees used the interview as an opportunity to promote their positions and to critique opposing views. This was regarded as positive in obtaining various arguments and presenting a balanced view. Some interviewees suggested others to interview or rolled their eyes when speaking about opposing views associated with personalities in the tribe. As the researcher, I felt obligated or indebted to participants because of their contribution, but I was conscious that it was important to maintain a neutral stance. I acknowledged my own bias in the situations discussed in order to genuinely listen to all participants, as it was important to be open to their perspectives and not predetermine conclusions. An iterative dialogue with participants was taken where possible, and transcribing, re-listening and re-reading interviews aided accuracy in recording and thinking through the links between ideas (Simons, 1996).

The interviewees are representative tribal members who participate in tribal governance, Te Kauhanganui. Ten of the 11 interviewees represented their *marae* at Te Kauhanganui, and eight were past or present members of the Executive, Te Arataura. Four are past or present senior managers in Waikato-Tainui. Of the 11, five are women, six are men, three were *rangatahi* representatives, two were *kaumātua* representatives, five are *marae* representatives and one was employed as a senior manager. The interviewees shared personal insights, including family history, Māori language, and tribal stories and historical references. Their explanations and interpretation of policy and procedure drew on years of experience in Tainui *whānau*, *hapū* and *iwi* leadership roles.

There are some limitations with taking the views of tribal leadership only. Te Kauhanganui members represent those who elect them. Large segments of Waikato-Tainui do not participate in tribal activities and are not closely connected or interested in *marae*, *hapū* and *iwi* politics. For example, anecdotal evidence suggests *marae* are seeing a decline in people attending tribal events, such as Poukai and Koroneihana and an invitation of the King to all Waikato-Tainui members to discuss changes in governance attracted fewer than 1000 of the registered 65,000 members in February 2013. The focus of this thesis is on power structures in Tainui and the leadership of those structures has been driven by Tainui *rangatira* through time. I felt the data produced in the interviews and the volume of literature from Te Kauhanganui was sufficient and manageable for the study.

An important aspect of the interviews was speaking face to face with Waikato-Tainui leadership. Their personal *mana* and the *mana* of the roles they play added to the credibility of the research. *Iwi* members will question the strength of the research based on who its sources were. Few direct quotes were used from interviews, but the commentaries helped identify emerging themes on *mana, tapu, utu* and *rūnanga* on moderating power in the literature. The intention was to use language and a format that honoured the contribution of participants and the tribe as a whole. This did not mean glossing over faults, but it was to ensure the research maintained the *mana* of participants. An effort was made to get external supervision, editing sensitive material, and testing the facts, relevance and tone of selected critical events.

At various times the Chair of Te Kauhanganui's authority was contested by *marae* representatives, Te Arataura and the Kāhui Ariki. Each challenge was handled differently, according to the 2011 Rules of Te Kauhanganui. Each of the interviewees was careful in presenting their thoughts although some differences in opinion occurred because of conflicting interpretations of Rules. Those who were current political appointees with future aspirations had an incentive to avoid undue criticism of others so as not to alienate sections of Te Kauhanganui *marae*. Litigation had also occurred between some participants, so there was some hesitation to speak of matters that had been meticulously covered through the court process. However, there was some humour, grace and a willingness from all parties to put the wellbeing of the tribe to the fore rather than returning to old arguments and mistakes made.

Personally, I enjoyed sitting with each of these leaders. The personal sacrifices made by those interviewed and other members of Te Kauhanganui were inspiring and encouraging.

Document Analysis

There is a volume of general literature produced by Waikato-Tainui Te Kauhanganui Incorporated since producing its first annual report in 1998. I have used as a primary source documents of Te Kauhanganui minutes from meetings held between 2009 and 2014, the Waikato Raupatu Lands Trust annual reports from 1998 to 2014, court decisions relating to the authority and roles of the Executive and its Chair, the Rules of Te Kauhanganui Incorporated, media releases from the King's Office, website blogs, external consultant reports produced for Waikato-Tainui, the tribal magazine *Te Hokioi*, and newspaper articles.

The period between December 2011 and December 2012 was a turbulent time in the governance of Waikato-Tainui. The agendas of the 2012 meetings were dominated by attempts by the Officers of Te Kauhanganui to strengthen line reporting from the Executive back to Te Kauhanganui. Changes in reporting were promoted on the basis of greater efficiency, accountability and transparency and this was reflected in the language of candidates who lobbied for Executive positions at the 2012 election. The verbatim minutes in that period provided a rich source of discussion centred on accountability of leadership in the various divisions of the tribe. Where possible the definitions used by members of Te Kauhanganui were noted, collated and grouped to highlight themes which included:

- accountability – being accountable to the rules, bringing someone to account

- responsibility – to clarify roles and duties, attribute blame for actions or results, focus was on internal roles, rules used to define roles, being responsive to the Te Kauhanganui and the tribe, and collective responsibility
- transparency – visibility of process, often used in the same sentence as accountability and fairness or referring to understandable processes
- answer/s – reporting on actions where members felt they had rights to demand answers
- *mana* – discussing the authority to make decisions and having control over process, people or things

These terms were frequently used during debates in Te Kauhanganui as its primary function is an accountability mechanism. Therefore a detailed analysis of the language used within Te Kauhanganui would produce vague results, while a wider view noting the frequency of re-occuring problems and critical governance problems, for example, litigation between members, produce more visible indicators of Te Kauhanganui values and principles.

Selecting themes

The definitions provided by members of Te Kauhanganui were used to highlight issues of *mana* (power and control). Comments often referred to actions being assessed against the cultural values of *whakaiti, rangimaarie* and *kia tuupato* (humility, peace and due care and diligence). But the links to making people, projects or roles accountable to those values was ambiguous. For example, the first three objectives of Waikato-Tainui Te Kauhanganui Incorporated Rules are as follows:

- To uphold, support, strengthen and protect the Kīngitanga (which incorporate the principles of unity, the retention of the tribal base in collective ownership, and cooperation among peoples)
- To protect, advance, develop and unify the interests of Waikato Tainui
- To foster among the members of Waikato Tainui the principles of whakaiti, rangimaarie and kia tuupato (Waikato Tainui Te Kauhanganui Incorporated Rules, 2011, p 1).

The Rules go on to define and describe meeting protocols but 'principles of unity', 'the interests of Waikato Tainui' and '*whakaiti*, rangimaarie and kia tuupato' are open to interpretation. Members of Te Kauhanganui are aware of the gap between what Te Kauhanganui says its values are and matching them with actions and goals. The governance review 2013–14 is attempting to articulate these principles more clearly.

Theme 1: The maintenance and application of Waikato-Tainui values and *tikanga* within Te Kauhanganui.

Theme 2: The moderation of power and responsibilities of leadership and particularly avoiding capture of Te Kauhanganui by an elite group.

Theme 3: Disentangling Te Kauhanganui processes from becoming rule-bound and leaderless. This is the flip side of the second theme where moderation becomes legalistic, allowing small lobby groups to stifle the majority by the use of legal technicalities and rules to prevent decisions being made.

This raised a need to find a system to classify the responses from participants, documents and observations. Bovens' (1996) five competing levels of accountability provided a way to categorise the material and explain the priority an individual or group might apply in a particular context.

1. Hierarchical – loyalty to one's superiors and their orders.
2. Personal – loyalty to one's own conscience, maintaining personal ethics.
3. Social – involving norms of decency and loyalty to one's peers.
4. Professional – loyalty to one's professional ethics and professional peers.
5. Civic – loyalty to Parliament, the public and civic duty.

These categories were a useful framework, but needed to be adjusted to fit the Waikato-Tainui context. For instance, hierarchical loyalty included loyalty to employers and traditional leaders, such as *rangatira* and *kaumātua,* but it did not encompass the Kīngitanga or the King. A separate category was required, hence the inclusion of the Kīngitanga. The adapted Boven model is:

1. Kīngitanga, has spiritual and historical loyalties and stands on its own.
2. *Mana rangatira*, a leader's accountabilities.
3. *Mana*-a-*iwi*, social accountabilities.
4. *Mana tangata*, personal accountabilities.
5. *Mana kaupapa*, accountability to the goals of the organisation.
6. *Mana-Aowhānui*, recognising the legal obligations to wider society.

The six domains are linked by the overall objective of the Kīngitanga, which is *mana motuhake* – the definition of operational mana in each area, Waikato-Tainui will have achieved independence.

Each category requires a practical response using personal discretion (theme 2) or the rules (theme 3) based on a set of values (theme 1). These categories will be explained and discussed further in the following chapter. Events pertaining to the business of Te Kauhanganui will be used to highlight the tensions between these domains of accountability and to make comparisons between traditional tribal structures and Waikato-Tainui Incorporated.

Summary

This chapter discusses the approach taken in the collection and organisation of the data. *Kaupapa* Māori methodology was chosen because of its alignment with Māori values and aspirations. *Kaupapa* Māori normalises a Māori perspective because it assumes *whānau* structures, roles, obligations, the use of Māori language, customs and can incorporate a subjective participant observer approach. However, it places certain responsibilities on the researcher to ensure the integrity and value of the research to the subject of investigation and the community of participants in the research. These responsibilities include:

- Ensuring the inclusion of authentic Māori knowledge; It speaks directly with those involved and collects their thoughts, feelings and interpretations of specific events and situations;
- To the greatest extent possible primary sources including stories, *whakataukī, tongi* and *waiata* are analysed for their contribution to this investigation.
- Case studies reflect official reports and documents, the involvement of the researcher as a participant observer and the inclusion of contrary opinions to reveal and mitigate personal bias.
- Ensuring that the research adds to *mātauranga Māori* and is useful to participants and subjects of the research;
- This investigation identifies and describes the *pou* which are the basis of social structures and cultural relations within Waikato-Tainui;
- The structure and functions of Te Kauhanganui as a governance organisation and its relationship with the organisations which manage tribal assets are described and analysed;
- The issues, which are the subject of this investigation, are part of a current debate among the *hapū* and *marae* of Waikato-Tainui and its conclusions are intended to contribute positively.

- Ensuring that information collection methods are reliable;
- The conflicts which arise from the combination of *tikanga* and *Pākehā* regulations are described and analysed using authorised Te Kauhanganui documentation and the comments of Te Kauhanganui members responding to specific questions regarding these matters;
- Wherever possible more than one source of information is used when opinions relating to Te Kauhanganui are expressed.
- No participants are harmed by the research process;
- As a member in Te Kauhanganui the researcher had developed a profile and relationships which meant that participants who agreed to take part in the research were comfortable with providing information;
- Real names were substituted with the names of New Zealand birds so that participants who provided information could not be identified.

Case study methodology was utilised because of its narrative approach to observing and communicating complex social environments. The use of interviews and literature helped to present a clearer picture of the context, although the story is always much larger than can be captured in a single incident. The story of the Waikato-Tainui Raupatu Settlement is unique in many of its elements and the *pou* that have supported the *hapū* of Waikato-Tainui may have application in other *iwi*. It is hoped that the information produced in this investigation is useful to other *iwi* but no claim is made that these findings are replicable in other situations.

Chapter 6: Tainui Horopounamu

Introduction

It is the intention of this chapter to discuss the operation of Te Kauhanganui of Waikato-Tainui using the words of Waikato-Tainui leaders, observations from attending Te Kauhanganui and its official documents.

The rich history of Waikato-Tainui begins with the migration to Aotearoa of the sailing canoes and their crews and the establishment of settlements in some of the best agricultural land in the islands. From legends remembered and recited at *rūnanga* through the ages has come an understanding of the core values on which the survival of the *iwi* and its *hapū* and *whānau* has depended. These values, together with the protocols which guided the many meetings, were based on an unshakeable belief in the influence of spiritual and physical attributes, or *tapu,* of every object, animal, plant and natural phenomenon which could be seen or experienced.

It was from *tapu,* emanating from the *atua* at creation, that all things and all men gained their power and their position, their *mana*, in the universe. *Mana* was something which could wax and wane depending on success in harvest or in battle, and so jealousies and contests of strength were common. Where these threatened the stability of *hapū* or *whānau*, or might give offence to the *atua,* an action, *utu*, was required to restore balance and achieve harmony once more. The claiming and celebration of *mana*, the acknowledgement and rituals of *tapu* and the planning and achievement of *utu* all required the protection and stability of places where it was safe to meet, plan, bargain and discuss every aspect of the daily life of *whānau* and *hapū*. The *rūnanga* with its underlying values and protocols provided such a place, and was the most important single aspect of the survival and stability of the *iwi*, its social structures and cultural relationships.

Up to this point the thesis has relied on literature, ancient and modern, oral and written, to trace the forces which the four *pou* of the *tikanga* of Waikato-Tainui have been subjected since the days of Hoturoa until today. Te Kauhanganui is the body responsible for the governance of the resources that belong to the *iwi* and for the continuation of the *rūnanga* process to protect and strengthen the *iwi*'s tribal structures and relationships. Central to the discussion is the role of the Kāhui Ariki and its influence on issues of *tapu, mana* and *utu*.

The influence of legislation cannot be avoided or ignored because it is the basis of the settlement with the Crown of grievances given voice through the Treaty of Waitangi Tribunal, and like it or not is the basis of many of the business and social institutions which are an inevitable part of being an 'official' Māori organisation. It is the use, or misuse, of legislation or regulations which were written with Pākehā institutions in mind which has most sorely tested the strength and durability of the four *pou*.

This chapter looks specifically at Te Kauhanganui, its rules, its members, its relationship with the Kīngitanga and Kāhui Ariki, and its governance and management of tribal assets and institutions from the point of view of senior members of Te Kauhanganui. From a selection of their comments, and the minutes of critical meetings, some conclusions will be drawn regarding the present state and the future stability of Te Kauhanganui as the *Whare Rūnanga* of Waikato-Tainui, the place where *hapū* and *whānau* come together to reach consent on the most important matters to do with the survival of the legacy of Hoturoa. An important aspect of the analysis will be how the four *pou* of Waikato-Tainui *tikanga* are included in Te Kahanganui structures and relationships.

A Framework to Discuss and Analyse the Data

Three major themes emerged from the Waikato-Tainui documentation, observations and interviews broadly categorised as:

Theme 1: The maintenance and application of Waikato-Tainui values and *tikanga* within Te Kauhanganui.

Theme 2: The moderation of power and responsibilities of leadership and particularly avoiding capture of Te Kauhanganui by an elite group.

Theme 3: Disentangling Te Kauhanganui processes from becoming rule-bound and leaderless.

These themes are refined to highlight the various competing levels of responsibility individual members feel when making decisions in Waikato-Tainui Te Kauhanganui Incorporated. These levels of responsibility are summarised using an adapted model from Bovens (1996) as:

1. Kīngitanga – loyalty to the Kāhui Ariki, their wishes and the traditions of the Kīngitanga.

2. *Mana whakahaere* – loyalty to hierarchical organisational leadership within Te Kauhanganui.
3. *Mana tangata* – loyalty to one's own conscience and maintaining personal *mana*.
4. *Mana ā-hapū* – loyalty to *hapū* social norms of decency and leadership.
5. *Mana ā-kaupapa* – loyalty to professional ethics and peer critique by observing protocols that ensure the maintenance and advancement of the organisation.
6. *Mana i te Aonui* – external influences on decisions made in Te Kauhanganui.

These categories will be explained in the following pages individually, but with the understanding that each category overlaps with others. A representative may have to choose which category deserves their loyalty. For example, *mana tangata* (personal beliefs) will be different from those of the *mana ā-hapū* at times and a person may have to choose to follow their own beliefs or agree to accept the view of their *hapū* in a particular time or place.

While the discussion is focused on the *mana* of the Kāhui Ariki, Te Kauhanganui and its members, there are also aspects of *tapu* which are unavoidably involved. The *mana* of an organisation or a position may reflect the power and prestige and authority it has over other organisations or people. However, with that power and authority there are responsibilities, sanctions and constraints. Abuse of the power associated with particular *mana* is always a violation of the *tapu* associated with that *mana*, and so is an abuse in terms of wairua and *tapu*. *Tapu* has previously been described as a regulator of social behaviour, and this is because of the consequences which are expected as a certain result of violating *tapu*. Some of the consequences which have resulted from particular abuses of *mana* will be discussed.

Kīngitanga

Understanding the King's role and authority in relation to Te Kauhanganui and the Kīngitanga is central to the internal leadership and accountability issues of Waikato-Tainui. There are two clear positions on the King's role, and a number of standpoints on a continuum between the two:

1) the King is a figurehead role with a mandate to maintain and promote the Kīngitanga. It is a cultural, spiritual and social role with no formal authority in the political, governance, or economic development of Waikato-Tainui, and the opposing view, that:

2) the King has a controlling power of veto in all tribal affairs.

Loyalty to the Kāhui Ariki (the King) and the Kīngitanga is expressed differently depending on which position a person or *hapū* takes on this issue.

Support for the Kīngitanga is an important part of the Waikato-Tainui identity. As outlined in Chapter 3, the Kīngitanga was a unifying force in seeking redress for confiscation that occurred in 1865, an idea which persists through to the present day. One result of that thinking was initial members of Te Kauhanganui in 1999 were asked to sign an oath of allegiance to the Kīngitanga (Māaka, 2011). This continues today with many members of Te Kauhanganui vocally supporting the Kīngitanga, for example, those seeking election on to the Executive or as Officers of Te Kauhanganui often make statements about their support of the Kīngitanga:

> "My *whānau* live Kīngitanga."
>
> "Te Kauhanganui is built on the Kīngitanga."
>
> "I tupu au i te Kīngitanga, i pakari au i te Kīngitanga, ka mate au i te Kīngitanga."
> (I was raised in Kīngitanga, I matured in Kīngitanga, I will die by the Kīngitanga. My translation)
>
> (Comments from various candidates lobbying for Executive positions in Te Kauhanganui)

This passion for the Kīngitanga persists in the support of generations of Waikato-Tainui people. The ancestors of many present members of Waikato-Tainui gave their lives during the land wars. *Whānau* and *hapū* gave lands, money, time and skills to ensure the ideals, traditions and the physical presence of the Kīngitanga survived. The Kīngitanga is the point of difference of Waikato-Tainui and the 'heart' of Te Kauhanganui (Papa, 2013).

Support for the Kīngitanga is explicit and ingrained into the life of the tribe with every formal tribal forum and important social or cultural event includes acknowledgement of the Kīngitanga. Leaders within the tribe model these procedures and set the social and cultural expectations for individuals, *whānau*, *marae* and *hapū*.

A section of the tribe accepts and supports the decisions of the Kāhui Ariki because of *tapu,* a divine authority attributed to the position. This idea comes from initial arguments for the

instalment of the King (see Chapter 2). Today, *mana* and *tapu* are still important parts of formal tribal gatherings with God's blessings sought to lead, guide and protect the King, the people and activities of the tribe. There are elements of the position of King being a divine appointment of God and, therefore, spiritual authority is linked to his position. This has been the source of confusion for some, including the Kāhui Ariki, when there are administrative implications of directives given by the King on the mundane governance and management issues of Waikato-Tainui. The Kāhui Ariki is advised to maintain a discreet distance from the administration of tribal business as a safety measure to avoid inevitable human errors of judgement and to retain the *mana* and *tapu* of the Kīngitanga as an institution.

> …that's the key he [the King] has an opinion, we've got to respect that, and he has influence in the House [Te Kauhanganui], his opinion might be different to ours, but that doesn't mean he's making the final decision. The answer is it can be an influence. But if it changes to, 'This is an order of the King,' that's where it changes. Because it moves him from being on the side, to being in the thick of things. I've got no problem with his opinion and influence. We shouldn't criticise his opinion. (Kaahu, Personal Communication 2013, p 2)

> I say according to my tikanga the King is over here [above daily *iwi* affairs] the *iwi* do the hard work and keep him out of the [tribal administration and politics] way. (Ruru, Personal Communication 2012 p 7)

The support for the Kāhui Ariki is contained within a set of expectations that are well known but not contained in formal documents of Te Kauhanganui. Current leaders grew up in the pre-1995 settlement era and many were part of active *whānau* and *hapū* supporting the Kīngitanga and the Kāhui Ariki. They are aware of expectations to support the Kāhui Ariki and understand the strong sentiments of *whānau* and *marae* members. Each of the interviewees supported the centrality of the Kīngitanga and Kāhui Ariki to Waikato-Tainui identity and pride, but personally supported a non-political, non-managerial role for the Kāhui Ariki.

> Because Kīngitanga for our *whānau* is not actually the King, it's actually the *kaupapa (principle)* and what it represents… it wasn't about the *tangata (person)* it was about looking after the *tangata*, because he represents that *kaupapa*. (Tui, Personal Communication 2012, p 13)

> [the Kāhui Ariki]… should be a symbol of unity and strength and togetherness of the people. If it's down on our level he'll get caught up in all the rubbish. (Kiwi, Personal Communication, 2012 p 3)

The resources that became available through the 1995 settlement and the commercial success of the tribe has changed internal tribal relationships. For instance, there is less reliance on

hapū and *marae* to directly fund the Kīngitanga, as the Kīngitanga receives more funding through the surplus generated by the tribe's commercial success. Previously, the Kīngitanga survived on the generosity of the people through events such as Poukai. That close relationship between the Kāhui Ariki and the people reminded the people of the commitment to the Kīngitanga and the Kāhui Ariki's commitment to the people.

> The Kāhui Ariki role is to bring people together, regardless of their political, *hapū* or social position. (Tui, Personal Communication 2012, p 15)

There is a lack of policy and procedure for people in governance positions to follow when working with the Kāhui Ariki. Referring to interaction with the Kāhui Ariki, one person from a senior leadership role for more than 10 years said:

> I don't think there was a formal structure or process. When she came, she came [to Executive meetings]. Sometimes we didn't know when… but generally we'd get a heads up before she was coming. (Huia, Personal Communication 2013, p 8)

In order to include the Kāhui Ariki in a meaningful way with the tribe, and for the tribe to benefit from the view of the Kīngitanga, a seat on Te Kauhanganui and Te Arataura is reserved for a representative of the King.

> But the protection, I think for the Kīngitanga, is reflected in the fact that there is nothing that goes through the rules around the King. The King's representative is mentioned again in Rule 15 and I think it's just a notation really that he's the 11th member of Te Arataura. *Pai* [Good!] keep it that way. (Tui, Personal Communication 2012, p 21)

The media can also provide a perspective where tribal members would be reluctant to venture. Discussing possible changes in the role of the King, the *Dominion Post* reported:

> Tuku Morgan… wants the king to be given the power to veto decisions made by the parliament (Te Kauhanganui) and even the power to dissolve the body that represents Tainui's 63,000 members… Far be it for the Dominion Post to tender advice on *tikanga* Māori. However, world history shows that nothing good ever comes of citizens giving up their rights to make decisions about their assets and their futures to dictators… Respect is earned, not inherited. If the king's worried that his mana is diminishing, he should act in such a way as to enhance it (Dominion Post 29 November 2012, p A14).

These criticisms raise useful questions about the role and authority of the Kāhui Ariki in Waikato-Tainui and the possible outcomes if that was formalised in Te Kauhanganui Incorporated. The authority of the King was not originally promoted as a control over *hapū* and *rangatira*, but as a political and social support. Therefore, the following report in the

Waikato Times (January 2012) shows an inconsistency in the comments of the Kāhui Ariki and the principles of the Kīngitanga:

> King Tuheitia, also the paramount chief of Waikato-Tainui, told a meeting at Horahora marae, near Rangiriri, on New Year's Day he wanted to take control of the tribe's parliament, Te Kauhanganui, and its executive, Te Arataura. He warned Tainui marae not to attend the next meeting of the tribal parliament, scheduled for February 26 [2012]. (Waikato Times, Akuhata, 2012)

The King was responding to dysfunction within Te Kauhanganui and expressing the feeling of many tribal members at the time. However, for the King to say it at a Poukai, a forum open to the public, was a problem. The custom of not airing tribal disputes in a forum where other tribes are present is generations old and captured in the proverb:

> Moea tōu tuahine kia riri, ka riri ki a kōrua anō.
>
> Marry your relation so that if you fight, it will be amongst your own, thereby avoiding major problems with other tribes. (Mead and Grove, 2001, p 309)

This view suggests this need for an internal dispute resolution process that keeps the *mana* of the group intact. Criticisms can be made through the Kāhui Ariki representative or by speaking directly with individual tribal leaders at Te Kauhanganui. The response from one participant explained it as follows:

> What we must do is protect the Kīngitanga… The difficulty is that if the King is behaving in a way that is unbecoming of his position… people tend to lose faith in the movement. (Huia, Personal Communication 2012, p 10)

At times when the King has made public statements that expose himself to criticism in the media, the tribe has quickly placed the blame on his advisors to deflect criticism (Akuhata, 2012; Waikato Tainui Te Kauhanganui Incorporated, 2012; Yates, 2012b).

The Kāhui Ariki Representative

The Kāhui Ariki representative for 2014 is Tukoroirangi Morgan. His role is to act as a medium between the elected members in Te Kauhanganui and Te Arataura and the Kāhui Ariki. A member of Te Arataura explained:

> So the Chair [of Te Arataura] talks to the Kāhui Ariki representative, the Kāhui Ariki representative talks to the King. There have been two occasions since I've been here in this new term that I have actually personally been to meetings with the King. (Huia, 2012, p 9)

The Kāhui Ariki representative's presence fulfils the principle of being *kanohi ki te kanohi*, a physical, face-to-face connection with representatives of the *marae*:

> The Kāhui Ariki representative sits there [in Te Kauhanganui], they have a place, but my own belief is, they are a figure-head. A reminder to Waikato Tainui of the involvement of the Kīngitanga, but I don't think they should be actively involved in terms of guiding or suggesting what the House or members of Te Kauhanganui should be doing…. It is a vital part of Te Kauhanganui. But not in the administration, not in the day to day running of the tribe. (Kotuku, 2011, p 3)

An important aspect of the role is conveying information between the Kāhui Ariki to Te Kauhanganui and Te Arataura. A prior Kāhui Ariki representative was described in this way:

> …she had a beautiful way of protecting the Kīngitanga. She'd give the message and wouldn't go any further than that… if there was any announcement to make, she was always very reluctant to put that across to the people, she would either ask the King to come do it himself or she would sort of frame it so that was all she was doing, representing what he wanted and that was it. (Ruru, 2012, p 20)

Unclear communication lines and conflicting messages between the Kāhui Ariki representative and Te Arataura can create confusion. Suggestions that the Kāhui Ariki was being manipulated by various individuals and groups, whether true or false, added to the uncertainty in the communication between parties (Huia, 2012, p 6; Kaahu 2012, p 3).

The Kāhui Ariki representative plays an important role in ensuring the *mana* and *tapu* of the Kīngitanga are not put at risk in the day-to-day business of the tribe. And, like the King, his representative has an influencing rather than an authoritative role in the decision-making process.

Mana Whakahaere

Mana whakahaere recognises the loyalty and authority given to those in the organisational leadership of Waikato-Tainui Te Kauhanganui Incorporated. The 1995 settlement and subsequent growth of Te Kauhanganui activities and resources has increased the competencies required for leadership. In addition to being community leaders within *whānau*, *hapū* and the Kīngitanga, the tribe needs a range of commercial leadership and administration skills.

Mana whakahaere rests with the Te Kauhanganui and its Executive, Te Arataura, with each having a chair to facilitate each group. All other tribal entities report to Te Arataura through

employed senior management. They include the Waikato-Tainui Raupatu Lands Trust, the Waikato-Tainui River Trust, the Waikato-Tainui College for Research and Development and Tainui Group Holdings. The role of each of these bodies is briefly described in Chapter 3.

The *mana* of elected officials and senior management is based on employment contracts, elections, the 2011 Rules of Te Kauhanganui and the law. This has led to reliance on legal processes when problems arise in areas of senior management and governance.

The 2011 Rules of Te Kauhanganui are intended to work alongside the Waikato Raupatu Claims Settlement Act 1995 and the Te Kauhanganui Charter, and provide a set of guidelines for each Waikato-Tainui entity. Using and complying with the Rules of Te Kauhanganui is intended to provide order in decision-making and to manage the interests of decision-makers. For example, according to Rule 10, notification for a meeting should be sent out 21 clear days before the meeting (Waikato-Tainui Te Kauhanganui Incorporated Rules, 2011) A notice of meeting scheduled for 13 July 2013, which was post-marked 20 days before the meeting (June 23, June 24), was sent to Te Kauhanganui members. A small group of representatives notified the Deputy Chair of Te Kauhanganui that the meeting could not proceed, because it would be in breach of the Rule 10. The Officers decided to proceed with the 13 July meeting and more than 150 members arrived on the day expecting to conduct business.

In accordance with Rule 11, a quorum of 50% of the total *Marae* votes present, could vote to continue the meeting despite the late notification. As the meeting began, those members who believed the meeting could not continue stood to argue that position, saying that any decisions made at the meeting could be subject to legal challenge. There was some discussion, with members arguing strongly for the continuation of the meeting, based on Rule 9.3 (Further items of business may be transacted or considered at any Meeting where, in the opinion of the Chairperson of Te Kauhanganui, this may be desirable). However, rather than risk a costly legal challenge no business was conducted and the meeting was abandoned (Waikato-Tainui Te Kauhanganui Incorporated. 2012a).

One faction of members blamed the poor administrative practices of the Officers of Te Kauhanganui, while others blamed the members who objected to the meeting continuing, and still others blamed all Te Kauhanganui members for not insisting on continuing with the meeting. In this case, manipulation of the Rules made a mockery of tribal administration and

showed the lack of confidence Te Kauhanganui has in controlling its own affairs while under a threat of legal action.

A participant noted the importance of the Te Kauhanganui Chair in facilitating discussion:

> And it all comes back to how a meeting is run and handled. Mind you, I think some members have to learn etiquette, how to be a good delegate, to respect other people's views. I put it back onto the running of the meeting. I think if you got a good Chairperson, able to facilitate and you don't let a particular subject or *take* [issue] drag on.
>
> I think [the Chairperson] should facilitate, listen and observe and that is the important role of the Chairperson. And then you have to evaluate what people are saying.
>
> Unfortunately the last few months have been a personal attack and we haven't been able to really deal with things. So it all depends. In the House, it is in the hands of the Chairperson, and it's up to that person to ensure that the meeting is run appropriately.
>
> The Chairperson may have a view, quite rightly, but I don't think that Chairperson can be drawn into the discussion. They can summarise at the end of it, but it's got be the people talking about it. Our current Chair retaliates and that's when it gets a bit messy, and then you get the sides for and against, for Te Arataura and against Te Arataura. That's got to stop. We've got to go into that House and be neutral, (Kotuku, 2012, p 4)

The vision for Te Kauhanganui is for it to operate as a tribal parliament, a place where *iwi* affairs are debated by tribal leaders and to be a symbol of Waikato-Tainui's growing independence. This is the type of tribal institution Tom Roa spoke of when he was Chairman in 2008, saying "I endeavour to run the meetings with a degree of solemnity befitting the status of Te Kauhanganui" (*Roa v Morgan and Others*, 16 December 2008). Roa (2008) was defending the right of Te Kauhanganui to decide on any changes that affect the structure of the tribe, in opposition to Te Arataura who believed they had the mandate to make decisions without Te Kauhanganui approval. Roa's point was based on the people's parliament having *mana* over its executive, that is the capacity to over-rule decisions which seem to unfairly benefit a small group of tribal members.

This unfairness was something the law firm Chapman Tripp highlighted for Te Kauhanganui in an assessment of governance roles at Waikato-Tainui, in 2010. The report suggested that there should be a conflict of interests policy to acknowledge that "those making decisions will often have some relationship with the people who could profit from the decisions being made" (Chapman Tripp, 2010, p 43). The purpose of the policy was to ensure:

- People receiving benefits are not in positions to influence the decisions regarding those benefits; and

- People in decision making positions within Waikato-Tainui cannot use their position for undue personal gain, or the gain of their family and friends. (Chapman Tripp, 2010, p 43).

These policy adjustments were accepted by Te Kauhanganui and contributed to the 2011 amendments to the Rules of Te Kauhanganui.

Case Study: Tautohe

A new Chair of Te Kauhanganui was elected on 28 August 2010. The Chair of Te Kauhanganui began an internal audit into the operational and financial practices of Te Arataura. The resulting report questioned the delegated authority of Te Arataura and some of the financial decisions that provided benefits to Te Arataura members. Te Arataura members countered saying that parts of the report were inaccurate, defamatory and destabilising for the Te Arataura and the wider tribe (Waikato-Tainui Te Kauhanganui Incorporated, 2010). The Chair's report recommended an external audit to clarify the lines of authority between Te Arataura and Te Kauhanganui and to ensure entities that generate or receive tribal funding, including the Office of the King, were accountable back to Te Kauhanganui.

The audit was approved and KPMG, an external, nationally recognised auditing company, was contracted to do the job. As the audit proceeded, KPMG progress was stalled by difficulties in obtaining information because of interference by Te Arataura. The Chair of Te Kauhanganui complained about delays in the completion of the report which was not available until December 2011 (Martin, 2011, p 79). Verbal arguments between the Chair of Te Kauhanganui and the Chair of Te Arataura on interpretations of rules centred on the seat of power and where it correctly belongs. The disagreements led to litigation:

> …an independent governance review of matters including the management of Te Arataura have been a source of tension between her and at least some of the first defendants, whose position has been supported by King Tuheitia (the Māori King). On 6 December 2010, the Māori King purported to dismiss Mrs Martin as chairperson of Te Kauhanganui and to appoint the third defendant, a member of Te Arataura (Mr Miller) as acting chairperson of Te Kauhanganui. (*Martin v Morgan & Ors*, 10 June 2011[4])

The judgement confirmed the legal right of the Chair of Te Kauhanganui to keep her position, which was acknowledged by Te Arataura (*Martin v Morgan & Ors*, 2011,p 9). With the support of the majority of Te Kauhanganui members, the Chair believed the role of Te Kauhanganui was the ultimate governing power, while Te Arataura was a working committee of Te Kauhanganui with a responsibility to interface with all Waikato-Tainui entities (Te Kauhanganui, 6 August 2011):

> If there was no Te Kauhanganui, there would be no Te Arataura, which means Te Arartaura is not a stand-alone entity, but a committee of Te Kauhanganui. (Tui, 2012)

Mistrust developed between the Te Arataura and Te Kauhanganui as reports were challenged, requests to provide information were ignored and debates in the House included personal attacks. Members of Te Kauhanganui supportive of proposed changes to reel in Te Arataura's authority emphasised that Te Arataura was an executive committee responsible to the governing body of Te Kauhanganui (Waikato- Tainui Te Kauhanganui Incorporated, 2011a).

However, Te Kauhanganui members were split on where the delegation of power between the Te Kauhanganui and Te Arataura should be and discussions produced a draft on the roles and responsibilities of Te Arataura, its Chair and Deputy (Te Kauhanganui, 26 May 2012). Both bodies, Te Kauhanganui and Te Arataura, are required to effectively govern the tribe. Te Kauhanganui is a large group and a smaller dedicated executive is necessary to sift through the detail and retain oversight of the many activities of the tribe. Te Kauhanganui elects from its members those that sit on Te Arataura and entrusts Te Arataura to work within Te Kauhanganui policy and procedures.

Despite direction from Te Kauhanganui members for the Chairpersons of Te Arataura and Te Kauhanganui to work out their differences for the stability of Te Kauhanganui, the tension continued. During the 22 January 2011 meeting of Te Kauhanganui, the Chair of Te Arataura produced a file box of papers that, he claimed, proved the Chair of Te Kauhanganui was a fraudster. He stated that he would be handing the information to the Police at the conclusion of the meeting (notes from 22 January 2011). The Te Arataura Chair argued that the integrity (*mana*) of Te Kauhanganui was at stake and this needed to be dealt with because, according to Rule 5.3.1 of Te Kauhanganui, a person "shall be disqualified from membership as an Elected Member" who "has or incurs a conviction for any crime involving dishonesty, including fraud."

Many members saw this as politics and an attack by Te Arataura to force the resignation of the Chair of Te Kauhanganui. The investigation took six months and eventually was dismissed by the Police (Chair Report, 6 August 2011 – Letter from New Zealand Police, 13 July 2011). However, accusations of this nature created six months of uncertainty for those

unaware of the facts and raised questions in the minds of delegates about the integrity of both the accused and the accuser.

The issue, when presented to Te Kauhanganui, should have been dismissed by Te Kauhanganui at that point, because it is not the business of Te Kauhanganui to to act as a policing unit initiating investigations into accusations of members' or employees' private actions. Protests were voiced at the time, but the unexpectedness and seriousness of the accusation without prior notice meant members of Te Kauhanganui were not clear on the implications of the action, and the insistence of the Te Arataura Chair to send the material to the Police was assumed to be the prerogative of the Te Arataura leadership.

Arguments relating to the authority of the Te Kauhanganui Chair continued at every Te Kauhanganui meeting during 2011 and 2012, and included an attempt to have the Te Kauhanganui Chair dismissed with a vote of no confidence. The members of Te Kauhanganui voted to retain the elected Chair (notes from Te Kauhanganui Meeting, April 2011). The Kāhui Ariki commented on the fractured state of Te Kauhanganui and made the following public requests of Te Kauhanganui:

> I have given approval and support to Tuku Morgan to contest the position of Chairman of Te Kauhanganui. He has the full support of the Whare Ariki and Office of the Kiingitanga.
>
> I have asked once again, for Tania Martin and her Officers to stand down from their positions. I am also asking Te Arataura members to do the same.
>
> I have asked that both Te Kauhanganui and Te Arataura refresh their mandates with their people and Marae at a new election.
>
> I have asked for a referendum across all tribal Beneficiaries regarding the future of this tribe and its organizations.
>
> I have asked that the fighting stop, the wasting of resources cease immediately, and a sense of normal be reinstated back into the organisations. (King Tuheitia, 19 November 2012)

Each of the requests was acknowledged and discussed at a Te Kauhanganui meeting, but the only resulting action was an agreement to support a *hui ā-iwi* about changing the structure of the tribe. The remaining requests were problematic, because it was administratively irresponsible to cause a high level of uncertainty by accepting the resignation of Te Arataura members which are key governance roles.

The request by the Kāhui Ariki for a person to resign was not unique as it had been rumoured that others had resigned following similar requests, or had offered their resignations to the King. This is reasonable behaviour when a key objective of Te Kauhanganui is to support the Kīngitanga on behalf of *whānau*, *marae* and *hapū*. Resignation is an alternative that, on the surface, increases the *mana* of the Kāhui Ariki and the Kīngitanga, but it may restrict the airing of important differences in opinion which is an essential aspect of good governance.

The Chair of Te Kauhanganui, despite being named and asked to resign by the King, chose to focus litigation on the accusations and processes of Te Arataura.

> Can I just go briefly back to the time I was sacked. A lot of people talk about that initial interview, you would've noticed though I stayed away from the Kīngitanga. Only because that's what I believed for me was sacrosanct you just don't go there, especially in the media and to Pākehā and to the public… And I saw that as my way [of] protecting it,… personally I would like to see that that kaupapa [the Kīngitanga] was still there and that it not come down into the *paruparu*.[1] (Martin, 2012, p 18)

The conflict between Te Kauhanganui and Te Arataura and the wishes of the Kāhui Ariki demonstrate the differences in expectations and the interpretation of Te Kauhanganui Rules. *Marae* supported the Chair of Te Kauhanganui's review of the organisation because her actions were perceived to be beneficial to Waikato-Tainui people. The courts featured regularly because of a lack of confidence in the internal dispute resolution process using Waikato-Tainui *tikanga* (Waikato Tainui Te Kauhanganui, 2011 Rule 22). Each court appearance emphasised the inability or unwillingness of the tribal leadership to put in place a resolution process that was seen to be fair by all parties. More concerning was the poor model of leadership or *mana rangatira* displayed by the hierarchical authority of Te Kauhanganui. This behaviour is far removed from the traditional leadership traits or the principles of the Kīngitanga. As explained in Chapter 2, the *mana* of leaders in Māori society was linked with the *mana* of the tribe. (Buck, 1949, p 346)

The governance review raised communication and interpersonal issues and ignored the value of *hui*, with poor consequences. The *mana* of the parties in conflict was weakened and a cause of division, because leaders refused to listen to the people's voice through Te Kauhanganui. The decision of some leaders to rely on the law or the Rules to support their positions and actions became detrimental to the *mana* of all involved.

[1] Grime and dirt.

Mana ā-hapū: The Influence of Tribal Obligations

Mana ā-hapū is the sense of accountability and loyalty an individual or group has to uphold the *mana* of their *hapū* (as opposed to the confederated tribes of Waikato-Tainui). *Hapū* express their *mana* in a number of ways in the structure and practices of Te Kauhanganui.

There is some debate about how tribes supportive of the Kīngitanga retained their *mana* within their tribal boundary. A participant restated the view that the Kīngitanga was not intended to be a centralised authority on all matters relating to the tribes. This point was explained in the following way: Wahanui Huatare and Rewi Maniapoto were principal chiefs of Ngāti Maniapoto and prominent in opposition to British colonial power. Both fought in the 1860s land wars in Waikato and were strong supporters of the Kīngitanga. These Maniapoto leaders maintained their independence during the war and negotiated directly with the Government on behalf of their people after the war. They did not cede authority over their lands or people to the Kīngitanga.

An insight into how *rangatira* of that time saw their roles and responsibility to their people can be seen in the following information from a participant:

> While Wahanui was down at Parliament he was often corresponding with Rewi and saying "what are the people saying?" And Rewi would send a message back "*Anei te kupu o te iwi whēnei nei te whakaaro a te iwi.*"[1] So there's this correspondence between these high chiefs who were fighting men, who bowed to nobody. Asking what are the people saying. This concept that they had to be accountable to the people.
>
> And the idea of paramountcy of chieftainship and tino rangatiratanga, I believe is a colonial construct. The reason I say that is that if you again look at the idea of *mana*. *Mana Māori Motuhake* says somebody is here and somebody is here, somebody is over here, somebody is over here, and it's dynamic. It's a process of negotiation.
>
> Tino Rangatiratanga has rangatira up the top everybody else down below. In terms of this accountability, I think in the Western sense, there is someone sitting over the top of you and ensures that you are doing something, and you're following orders. In the Māori sense I call it meta-autonomy. There is a meta-autonomy which says that "Yes, I'm gonna do what I know and is right, but by crikey I better check, and then I'll carry on". Meta-autonomy is not actually autonomy. (Ruru, Personal Communication 2012, pp 6–7)

The speaker expanded on this idea of *Mana Māori Motuhake*, its interpretation and expression.

[1] This is what the people are saying and thinking.

> …probably in most of Waikato. *Mana Māori Motuhake* is all about the Kīngitanga. And so we have this korero. *Tuku mana, tuku taonga, tuku whenua tuku tangata i raro i te Kīngitanga*.[1] Now that means that the King is it. Everything is his. My Maniapoto upbringing has a different understanding. And that understanding is, our tūpuna were fighting people. They would give their *mana* to nobody. They would surrender their *mana* to nobody. So it wasn't about surrendering *mana*. It was placing *mana* in a position which protected and enhanced it. So this idea of *tuku mana,* is *kaore i riro i tetehi taku mana, ka noho tahi nga mana, whakakaha ake i aua mana e rua, e toru, e whā, e rima e hia anō.*[2] So when my *tupuna* talked about *tuku mana*, they were saying that by placing our *mana* in this position with those others all of us are strengthened and our *mana* is enhanced. So that's the first one, is *mana Māori motuhake*,[3] and so we have this understanding, to be sure *ko te Kīngitanga tērā*.[4] But each individual *hapū*, each individual *whānau*, their *marae*, their kāinga, their whenua, theirs is theirs. And what we should be doing by coming together with them is strengthening and enhancing both the collective and the individual. So that's the idea of *Mana* Māori *Motuhake*. (Ruru, Personal Communication 2012, p 2)

Mana ā-*hapū* is consistent with the goals of the Kīngitanga and, therefore, with the objectives of Te Kauhanganui. Māori *Mana Motuhake* reaffirms *whānau*, *marae* and *hapū* as centres with their own *mana* and encourages *whānau*, *marae* and *hapū* to begin acting independently. It values important roles for *hapū* leadership and local development. The King in an open letter to the tribe agrees the people are central to the Kīngitanga. "We must always strive to do better for our people.… what good is wealth if you don't use it for the betterment of the people?" (Waikato-Tainui Te Kauhanganui Incorporated. Annual Report, 2013 p7). The 'betterment of the people' is a subjective statement dependent on who the people are and who decides what makes things better for them.

As *marae* representatives at Te Kauhanganui with accountabilities to their *marae whānau*, they are inclined to make decisions that are favourable to their *whānau*, *marae* and *hapū*, hence the insistence of each *marae* to have representation at Te Kauhanganui rather than delegating that authority to an individual or small group:

> I personally have been in a situation, when we had the initial Tekaumarua as it was known then (the Executive), we had our differences. We've always known and supported the Kīngitanga, but at that time some people accused us of going against the wishes of the Kīngitanga. We voted for what the people wanted, for what our marae wanted. I see it occurring today. People sit in the house and no matter what, they will not deviate from their support of the Kīngitanga. I'm aware the Kīngitanga sits there...

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[1] Cede authority, possessions, lands and people under the mantle of the Kīngitanga.
[2] Ceding authority, my authority cannot be obtained by another. Various authorities combine to strengthen each other, two, three, four or however many more.
[3] Māori autonomy.
[4] That is the essence of the Kīngitanga.

> [I think] what about our people?… So… some people, at any cost, no matter what, they are very staunch Kīngitanga-ites, (Kotuku, Personal Communication, p 4)

Mana ā-*hapū* is also expressed in the collaboration between *hapū* of Waikato-Tainui and Te Kauhanganui. Each *marae* represents a *hapū*, and *hapū* like Ngāti Hauā have five *marae* in Te Kauhanganui. Ngāti Haua also has its own traditional *rangatira* who also carries the ceremonial role of the '*Tumuaki*' – the symbolic head of Te Kauhanganui. Issues affecting Ngāti Hauā are carried collectively by the five *marae* into Te Kauhanganui. For instance, the name 'Te Kauhanganui' was associated closely with Ngāti Hauā and as a result of the poor publicity associated with infighting and the consequent loss of *mana*, the *Tumuaki* asked to have the name returned to Ngāti Hauā. When the *Tumuaki* presented his request to Te Kauhanganui, a group of 50 or more Ngāti Hauā stood to support the request (Tāmihana, 2012). Te Kauhanganui has agreed to return the name and is working through a process to do so.

Mana ā-*hapū* is closely related to *mana tangata* as individual members are conscious of being a part of a collective. And in terms of *mana whakahaere*, *marae* representatives must be supported by their *marae* and *hapū* for nomination onto Te Arataura, and those voting are conscious of the desirability of a spread of *hapū* representatives having a voice on Te Arataura.

Mana tangata

Mana tangata is about accountability for one's actions to one's own conscience and beliefs, and so involves *tapu* associated with *taha wairua* the spiritual and emotional aspects of life. Expectations from the corporate body (*mana* ā-*hapū*) and obligations to *mana whakahaere* are influential, but each person must take responsibility for their decisions as individuals, as well as members of Te Kauhanganui. Each person participates in the decision-making process and appreciates that, although they may not always agree with the final decisions, the decision is theirs as Te Kauhanganui.

Individual members can be disqualified from Te Kauhanganui for several reasons, including being convicted of dishonesty, bringing Te Kauhanganui into disrepute or missing three consecutive meetings with no apology (Rule 5.3.1). The *marae*, Te Kauhanganui Officers or other members of Te Kauhanganui may recommend removal of a person based on the above reasons.

Individuals must also decide on the authority they give to the Kāhui Ariki and the Kīngitanga. A participant stated "we all have an inherent individual responsibility back to the Kīngitanga", but it is a reciprocal relationship (Huia, 2012). One participant had been criticised publicly by the King in a forum where the participant's elders were present. Many of those *kaumātua* disagreed with the King's comments and as a sign of protest, stood up and walked out of the meeting (Huia 2012, p 3). Events like this test the mandate of leaders and highlight social processes where the support of tribal leaders is evident in their actions and words.

The same person was aware that blind obedience is expected of Kingites:

> Within Waikato we're blind followers we do as we're told. Generation after generation we just *mahia te mahi*.[1] It is not for us to question, that's just our job… because we're blind followers… when you're in Rome you do as the Romans do and when you're in Tainui you do as you're told… even today you would have heard [Hine] talk, and as far as they were concerned, that was it, whatever they say you just do it. You know *māna te korero, mana te korero*.[2] (Huia, 2012, p 3)

This attitude of blind obedience relates to past leaders, such as Te Puea, who expected a lot from those she led, but she led by example and worked harder than those who followed her (Tūrangawaewae Trust Board, 2011). The above comments suggest uncertainty in the benefits of working for *hapū*, *marae* or the Kīngitanga and the quality of the leadership. Another participant felt there had been a decrease in the influence of the Kīngitanga amongst younger people because the Kīngitanga was not seen as relevant.

> But you see, you've now got a generation who are now starting to question that. I'm talking about people around the age of thirty, they are not as blindly loyal towards the Kīngitanga movement as our grandfathers… two thirds of this population is under thirty… They look at the way people are behaving and if they don't like how they're behaving [the Kīngitanga], they won't follow that particular *tikanga*. They'll create either their own or they'll do something else. (Huia, 2012, p 11)

The idea of younger generations creating new *tikanga* relevant to their context is not new. *Tikanga* in order to survive must be relevant to each generation. Mead (2003, p 12) explains in his definition of *tikanga* as "a set of beliefs associated with practices and procedures to be followed in conducting the affairs of a group or an individual". The interviewee was hopeful

[1] Get on with the job!
[2] Whatever he says, should be done! A play on the words *māna and mana*. *Māna* meaning 'it is for him to speak' (the King's words are authoritative) and *mana* meaning to give effect to, make it happen.

for the future of Te Kauhanganui and the Kīngitanga if younger people were observing and thinking about the practical application of *tikanga*.

Another participant sees this change reflected in the election of a new generation of people representing *marae* at Te Kauhanganui:

> Staunch Kingites seem to have diminished and become quieter over the past 14 years. A few people perhaps are a bit disappointed with recent decisions. The House has got younger and smarter especially around the rules. (Kaahu, 2012, p 3)

The reliance on the Rules for younger members of Te Kauhanganui may be because the older generation are asked to maintain the *tikanga* of Te Kauhanganui.

Case Study: Whistle-blowing

The following is an example of the tension between personal mana and loyalties to peers, the *mana rangatira* (hierarchy) and *mana ā-hapū* (the people). Information only available to senior management and Te Arataura members was leaked to the media. A key issue leaked was a request for a success payment to two Executive members. The request was reported to be more than $500,000 each by the *Waikato Times* (Akuhata, 14 January 2010). The payment had not been discussed or approved by Te Kauhanganui. The Chair of Te Arataura was disgusted by the leak to the media, because it could only have come from an Excutive Board member and was a blatant breach of Executive Board protocols. He vowed to find and deal with the person or people responsible.

After an investigation by members of the Executive, two people were accused. One was a member of Te Arataura and was stood down from the Executive and the portfolios they were responsible for. The other was employed as a senior manager and was sacked.

The employee denied the accusation and took a personal grievance against Waikato-Tainui to the Employment Relations Authority to challenge that the lawfulness of his dismissal was prescribed by section 103A of the Employment Relations Act 2000. The accused and the Executive agreed that mediation would not resolve the issue. The employee was judged to have committed the alleged leaks and the decision stated it had "caused embarrassment to Waikato/Tainui and to the Kīngitanga", and accepted the employee had breached a "principle object for which Te Kauhanganui was established, was to support and protect the Kīngitanga"

(Robinson, 2010, pp 21–24). The Employment Relations Authority said the sacking of the employee was a fair and reasonable action by the employer.

The co-accused was a member of Te Arataura and he also denied the allegations of leaking information to the media. His personal view was that some Te Arataura members wanted him removed because of his opposition "to resolutions that serve a selected few and not all the *marae* and people" (Manu, 2010). He met with his *marae* and *hapū* to discuss the matter and to choose a course of action. He believed Te Kauhanganui should judge his case and a group of 50 or more supporters from his *hapū* attended Te Kauhanganui meeting on 23 January 2010 when he was given time to present his case. The presentation was well received by Te Kauhanganui with many giving him support and asking Te Arataura to fully re-instate him. Te Arataura responded by saying their evidence was tied up with the Employment Authority proceedings, so they could not present their evidence (Waikato-Tainui Te Kauhanganui 2010a).

Te Kauhanganui met again on 31 July 2010 and the investigation report prepared by the Chair of Te Arataura was presented to Te Kauhanganui members for consideration and to vote on whether the accused had leaked Board information to the press. If the accused was judged to be guilty, he would be censured and removed from Te Arataura or, if innocent, he would be reinstated to Te Arataura. Each side put forward their positions and a majority of Te Kauhanganui *marae* voted to reinstate the member to Te Arataura (Waikato-Tainui Te Kauhanganui 2010b).

The evidence for both accused was similar, but the results were quite different. In terms of resolving conflict and restoring *mana*, the use of the legal system was detrimental to the *mana* of the individual, their *whānau*, the Waikato Raupatu Lands Trust, Te Arataura, Waikato-Tainui and its *tikanga*. Both cases were carefully built with information and expert witnesses to compel those adjudicating the decision. Many tribal members attended the employment hearings to support the defendant or the plaintiff, or both, as both were Waikato-Tainui tribal members.

Unless formally called upon, tribal members were spectators of the employment relations process. The Employment Authority, as an objective expert in employment issues, made a decision based on the presented facts. The comment by Robinson (2010, pp 21–24) cited the

importance of protecting the Kīngitanga as an institution and assumed Te Arataura, representing the employer, were the same as the interests of the Kīngitanga and the people.

When comparing the two approaches, the accused Te Arataura member engaged his *marae* and *hapū* rather than a lawyer in putting his case to Te Kauhanganui. He chose to be judged by his peers and relatives because he felt they would understand the context and take into account who he is as a tribal member. These actions were affirmed by the Te Kauhanganui dispute resolution policy which includes the principles of Rule 22.3 and 22.4:

> 22.3
> …In appointing the mediator the Chairperson of Te Kauhanganui or the custodial Trustees of the Waikato Raupatu Lands Trust shall have regard to the skills (including knowledge of the *tikanga* of Waikato Tainui) required to resolve the Dispute.
> 22.4 The mediation shall be conducted…. in accordance with the *tikanga* of the *iwi*.

As a result, he and his *hapū* followed established cultural protocols. The accused rallied *whānau*, *marae* and *hapū*, and then it was the *marae* that petitioned Te Kauhanganui and arrived *en masse* in a show of support for their representative. This was a form of *utu* – reciprocity of the *hapū* for the years of service this person had given to Te Kauhanganui. If the Te Kauhanganui were to judge their person guilty, it would also be a slight on the *mana* of their *hapū*. The Te Kauhanganui formally exchanged greetings with the accused's *hapū* elders, before the accused presented his thoughts. Te Kauhanganui members assumed *hapū* elders and members had assessed the position of its representative and their support demonstrated that they believed their member was genuine.

The leaked information that began this series of events was the proposed $500,000 success payments to two Te Arataura members. The argument for the payment was to honour the excellent work of the pair that resulted in financial and political gains by the tribe. Some members felt it was inappropriate, because many of our ancestors had given as much and more, but never received any financial reward; the tribe were already paying the pair to do the work and with the majority of Waikato-Tainui *whānau* struggling financially, they thought it would be perceived poorly by the people. However, Te Kauhanganui voted to pay a reduced success payment of $100,000 to each person.

In terms of the two accused, following the events of 2010 and 2011, both were elected by their *marae* as Te Kauhanganui representatives in the 2012–2015 term. Both were nominated and elected onto Te Arataura, while several of their accusers lost their positions on Te

Arataura. The message from the behaviour of the Te Kauhanganui members is outright support for the individuals.

This experience has influenced proposed changes in the Te Kauhanganui dispute resolution process to include *marae* support before a grievance can be brought to Te Kauhanganui.

Mana ā-kaupapa

Mana ā-kaupapa is a professional loyalty to a code of conduct with the interests of the organisation and its objectives (the *kaupapa*) being the primary focus. Te Kauhanganui has its own *mana* and *tapu*. As a body, it is associated with those who set up the organisation and its objectives. Maintaining professional standards is a balance of the *mana* and *tapu* of best practice and respect for others in the organisation. A large and growing resource base illustrates good use of those resources to expand the tribal domain and become an influential presence in the region and nation. Money (resources) is *mana*; this is illustrated in the prominence of the financial position of *iwi* in annual reports and media releases to the general public.

The legal *mana* of Te Kauhanganui comes from its registration as an incorporated society and its membership and structure is outlined in the Rules of Waikato Tainui Te Kauhanganui Incorporated, 29 October 2011.

In terms of *mana rūnanga*, Te Kauhanganui is distinguished from other incorporated societies by its objectives, membership and structure, which provide the uniqueness of the organisation. For example, its first objective is:

> a. To uphold, support, strengthen and protect the Kiingitanga; (which incorporates the principles of unity, the retention of the tribal base in collective ownership and co-operation among peoples). (Waikato Tainui Te Kauhanganui Rules 2011, p 1)

The definition of its membership as *marae* (Rule 5), the inclusion of a representative of the Kāhui Ariki (Rule 5.4) and in a dispute resolution process that states parties should "agree to meet in accordance with the *tikanga* of the *iwi*" (Rule 22.4) are all distinctive elements of Te Kauhanganui.

Along with particular rules, the values that guide Te Kauhanganui are described in the 2013 Waikato Tainui Annual Report as:

> Whakaiti (humility)
> Mahitahi (collaboration)
> Kotahitanga (unity)
> Manaakitanga (caring)
> Rangimarie (peace and calm)
> Aroha (love and respect)
> Whakapono (trust and faith) (Waikato-Tainui Te Kauhanganui Incorporated. Annual Report, 2013, p10)

Although these values focus on positive attributes of relationships, they are underpinned in governance with the four *pou* of *mana*, *tapu, utu* and *rūnanga*.

The acknowledgement and use of *tikanga* in Te Kauhanganui business is something that causes confusion for some members who say that Māori and Pākehā *tikanga* are best left separate to avoid confusion. However, most think there is a place for both in the one organisation, a view shared by the Chair of Te Kauhanganui:

> In terms of Mātauranga, te reo and *tikanga*, without question all of us agreed to the fact that we are making an on going commitment to all the cultural aspects, the *tikanga* and *kawa* of Waikato Tainui and we will be aiming to promote that during this 3 year period term of this Te Arataura and these Officers. (Martin, Chair of Te Kauhanganui, 31 March 2012, p 26)

Members comment that the source of some internal conflict is caused by the gap that exists between 'Pākehā' rules and 'Māori' *tikanga*. One participant thought the rules dominated *tikanga* Māori even when we controlled our own organisations:

> So the lines of accountability, in the constitution written are very, very different from the lines of accountability in the *tikanga* Māori unwritten. At present it would appear that the written has a priority over the unwritten… The accountabilities are to those fundamentals… I don't know why it's not written. I think part of it is that *taua korero kāore e tuhia ki te pepa, e tuhia ki te ngākau, ā, ko te tuhitanga ki te ngākau, ka kaha kē ake i te tuhitanga noa iho ki te pepa*.[1] (Ruru, Personal Communication 2012, p 2)

A member could be legally correct, but their actions undermine *tikanga*, or according to *tikanga*, they are correct but legally they are wrong. For example, lawyers and the courts have been used to decide lines of the authority between the Kāhui Ariki and Waikato-Tainui Te Kauhanganui. Perhaps a lack of confidence and experience in the use of *tikanga* Māori, compared with the predictability of Western law to manage process and resolve issues, are some reasons why there is a reliance on the Rules rather than *tikanga*. Some members believe that the Pākehā law is used by those who wish to win an argument at all costs, even if it damages their *mana* and violates the *tapu* of Te Kauhanganui.

[1] Those words are not written on paper, they're written on the heart, and the things written on the heart are more enduring than those written on paper.

Te Kauhanganui is also charged to grow the tribal economic base. As a commercial entity it is encouraged to improve the efficiency and effectiveness of all Waikato-Tainui entities. Often reviews of practice are based on business ideas of how to manage resources. However, not all standard business practices are transferable to tribal organisations.

An example is the Report on Remuneration (Moyle Remuneration Consulting 2009) a consultancy contracted to provide current market remuneration information relevant to the Executive Board of Trustees (Te Arataura). Comparisons were made with commercial organisations of a similar-sized asset base of $400 million to $800 million, and smaller not-for-profit organisations distributing benefits to communities and Māori organisations. The responsibilities of Trustees were assessed to be greater in the time required and the breadth of work compared to not-for-profit organisations, with higher community exposure and expectations. Based on the information collected, the report recommended a conservative annual fee for Trustees, Deputy Chair and Chair.

However, using commercial models and comparisons with community trusts is not the best fit for post-settlement tribal entities. Many individuals make important contributions to *iwi* wellbeing that do not add commercial value to the organisation. There is a history of sacrifice by *hapū* leaders to maintain tribal cohesion, who model this to tribal members and freely give their time, assets and expertise to support *marae* and *hapū*. The fact is that the owners of Waikato-Tainui Te Kauhanganui, its beneficiaries, are struggling financially (the median income for Māori in the Waikato area for people 15 years and over is $20,000), with an 11.8% Māori unemployment rate and close to 25% employed as labourers (Statistics New Zealand, 2006). Therefore, an argument can be made for a different set of measures to value the work of tribal executives. Directors should be paid fees, but the gap between what is being paid and Waikato-Tainui-espoused values and traditions should be appropriate and consistent with the community it represents (Waikato-Tainui Te Kauhanganui Annual Report, 2012, p 58).

In 2012, 18 Executive members were paid fees and expenses of over $1 million to administer tribal affairs (Waikato-Tainui Te Kauhanganui Annual Report, 2012). With a large number of beneficiaries receiving no material benefits from membership, the payments to the Executive appear inappropriate. One participant believes the focus should be on supporting the *marae* and its people:

> What I'm saying is – who's helping the *Pani*, the *Pouaru* and the *Rawakore*.[1] Where is that assistance going? I say if we're in a position to help those people, we should. (Kotuku, Personal Communication 2011, p 7)

Efficiency is not the only factor which is important to tribal governance and management. The current governance review is considering cultural, political and social, as well as economic, factors in evaluating proposals for change. Included in discussions are representatives from the King's Office, Tainui Group Holdings, Te Arataura and Te Kauhanganui:

> Previously there was no interest in social outcomes of the tribe [by Tainui Group Holdings], the new chair understands there needs to be a connection to the social outcomes of the tribe, they understand that now. (Kaahu, Personal Communication 2012, p 2)

Tainui Group Holdings was separated from the governance, social and cultural section of the tribe under the leadership of Robert Mahuta (Mahuta, 1998, p 8). The benefit of a professional commercial staff focusing on developing the tribal economic base has added significant financial value to the tribe's assets, which have increased from an initial $170 million settlement in 1998 to a $1.1 billion asset base in 2014.

The Chair of Tainui Group Holdings, Sir Henry Van de Haden, believes aligning the social, cultural and commercial arms of the tribe will produce greater efficiencies and clearer expectations between each sector. The social and cultural arms of Te Kauhanganui can together realise opportunities for commercial decisions to achieve social and cultural goals in employment, education and housing, and to increase distributions to support *whānau*, *marae* and *hapū*.

Mana i te Aonui: Accountability and the Wider World

Mana i te Aonui relates to the influence of the law and social mores of broader New Zealand society. Although the influence of the law cannot be denied, it has been challenged as Waikato-Tainui continue to express its *mana motuhake*. Speaking on the legal structure of Te Kauhanganui, Roa, Solomon and Joseph's (2013) submission on the *Review of the Incorporated Societies Act 1908 for Māori,* gives a perspective on the successes and struggles of Te Kauhanganui operating within its current legal structure. Successes include growing the

[1] Orphaned, widowed and poor. A Waikato-Tainui saying used particularly to talk about the purpose of the Poukai and the Kīngitanga.

asset base of the tribe, settlement of the Waikato River claim and establishing beneficial relationships with local and national government:

> The above governance, political, cultural and commercial achievements of Te Kauhanganui are impressive from a Māori as well as a non-Māori perspective. However, Te Kauhanganui has also been unsuccessful at times with its own internal governance challenges. In 2000, almost one year after the incorporation of the society, we found ourselves taking each other to Court.[1] This submission is not to re-litigate the rights or wrongs of that action but to provide to the Law Commission some of the observations from the Court's perspective of how we as Māori operated our governance with a disconnect between Māori values and tikanga and the application of the Incorporated Societies Act 1908. (Roa, et al., 2013, p 7)

The submission makes nine recommendations, particularly highlighting the disconnect between Māori values and *tikanga* and the importance of a useful mediation process between Waikato-Tainui parties in dispute, prior to any litigation. A lot of time, energy and money has been expended in internal arguments resulting in high legal costs to Te Kauhanganui, for example, more than $500,000 was spent in the 2010–2011 period for matters concerning the Chair of Te Kauhanganui; employment issues and a dispute with a community organisation leasing Waikato-Tainui lands (Akuhata, 2012; KPMG, 2011, pp. 46–47; Martin, 2012).

The prominence of litigation between Te Kauhanganui and Te Arataura sets a poor example for dealing with conflict at a governance level between 2009 and 2013. The courts provide an adversarial model for resolving disputes, producing winners and losers. A consequence of relying on the courts is that close tribal inter-generational relationships are threatened by members taking entrenched positions, sometimes seeking retribution at a later time (Cornell, seminar, 3 August 2013). Formal requests from Te Kauhanganui asking opposing groups to find mediation outside of the courts based on its own Rule 22 have been ignored, and court action has been taken in the name of Te Kauhanganui (notes from Te Kauhanganui meeting, 25 November 2012).

In the judgement of *Roa v Morgan and others*, 2008, both parties argued that they spoke on behalf of Te Kauhanganui and went to court to determine the authority of Te Arataura and Te Kauhanganui in restructuring the tribal organisation. The judge found in favour of Roa and supported the authority of Te Kauhanganui:

> I hold that the existing restructuring proposal cannot be implemented unless it is first approved by Te Kauhanganui. I also hold that the Deed of Succession executed by Te Arataura, purportedly on behalf of Te Kauhanganui, is invalid and of no effect

[1] *Porima v Te Kauhanganui o Waikato Inc Soc* [2001] 1 NZLR 472.

> because it was beyond the powers of Te Arataura to execute the deed without an express mandate from Te Kauhanganui. (Heath, 2008)

Despite costly litigation and frustration between 2010 and 2012, those interviewed felt that this was part of maturing and growing as a tribal organisation (Personal Communication - Kaahu, 2012; Kokako, 2013; Ruru, 2012). The sentiment expressed is that as long as events, both positive and negative, move the tribe toward greater clarity and purpose, then the costs incurred are the price for a more robust governance model.

Summary

Since the 1995 settlement and the incorporation of Te Kauhanganui as the formal *rūnanga* of Waikato-Tainui *iwi*, the dominant idea in managing Te Kauhanganui affairs has been compliance with the law. However, current legal structures and Te Kauhanganui Rules do not always provide the best outcomes for tribal members. Where the use of legal processes places the rights of individuals or small groups above collective rights, traditional values can be undermined, including the *mana* of Te Kauhanganui *marae*, the *tapu* of traditional roles within the *iwi*, and the inability or unwillingness to pursue *utu* where there has been a serious breach of *tapu*.

Based on the collected information, the Kīngitanga and the role of the Kāhui Ariki remain essential to the identity of Waikato-Tainui people. All interviewees and much of the discussion within Te Kauhanganui think the Kāhui Ariki should remain separate from Waikato-Tainui business to maintain its *tapu* and *mana*. Being involved in the governance or management of *iwi* affairs would make the Kāhui Ariki subject to the normal political and administrative accountabilities and lose its neutral position as a uniting influence for all Māori.

Tikanga Māori can be supportive and compliant with the law, as *tikanga* accepts change when it conforms with Māori values and improves decision-making (Law Commission, 2001). Respondents were interested in greater use of *tikanga* to guide the operations of Te Kauhanganui, particularly in resolving conflict. In some cases, the use of the law regulating incorporated societies and/or *tikanga* has been manipulated to provide outcomes most advantageous for individuals powerful enough to influence the way in which problems are resolved. When power and responsibility shifts to the courts, the tribe loses power to resolve its issues, long-term relationships are at risk and the complexity of the law can marginalise those affected by process, language and cost.

There is a strong tradition of *hapū* independence and local leadership within Waikato- Tainui. Traditional forms of selecting and supporting leaders are still evident in the practices of *hapū* and Te Kauhanganui. Although there are some who favour a commercial approach to the governance and management of tribe, the leaning of the majority is still towards local development and collective wellbeing. The challenge to include Māori values and process is constantly raised in Te Kauhanganui and reflects the desire to retain the Waikato-Tainui and Kīngitanga cultural identity.

Chapter 7: Discussion and Conclusions

Introduction

Waikato-Tainui *iwi*, *hapū*, *whānau* and *marae* have managed to survive socially and culturally for hundreds of years, their social structures and cultural relationships modified by competing customs and opportunities for enjoyment, but retaining core values and customs. These existed prior to the arrival of large numbers of British settlers in the nineteenth century and despite the enticements of European success or the violence of colonisation, pockets of distinctly Māori communities continued to live in the Waikato under the leadership of their *hapū* and *marae*, and the guidance of both Christian values and ancient spirituality.

Māori in general adopted Christian practices slowly, but wholeheartedly once they were persuaded that the Christian *atua* was powerful and vengeful but offered an alternative to a never-ending need to remain alert to attack from rival tribes competing for resources and influence. Although sometimes betrayed by the clergy who professed to love them the *whānau*, *hapū* and *marae* of the Waikato combined the Christian teaching of love and forgiveness with the practical and familiar values and protocols of *tikanga*.

In opposition to the challenges of the arrival of a competing culture, offering new and effective ways of increasing food supplies but also new and disastrous ways of conducting warfare, Waikato and some other *iwi* established a rival monarchy to stand on an equal basis with the British Crown. The concept of equality with Māori was not taken seriously by the new settlers, and the Māori Kīngitanga became the target of military pre-emption when it appeared to be gathering momentum. The Waikato land war in 1863 forced the Kīngitanga to retreat from direct action against the British political and military advances, but it was able to solidify its influence among the *hapū* of Waikato and remains a significant influence.

With military superiority established the colonial government was able to harness the traditional Māori leadership structures and share some local administrative functions through *rūnanga*, traditional meetings of important leaders of *whānau* and *hapū*. The modern *rūnanga* meetings were conducted as *rūnanga* but adopted some of the British formalities. The *rūnanga* became both a means of government control of localised Māori political activity and a way of allowing Māori traditions and *tikanga* to continue as an organising influence of a native population with a contribution to make to an emerging New Zealand economy.

The *tikanga* of the *iwi* of Tainui of Waikato rested on four crucial *pou*. *Mana*, *tapu, utu* and *rūnanga* are the basis of all other traditional values and customs of the *whānau* and *hapū* of Waikato-Tainui, and with the addition of the Kīngitanga provided a solid base of Māori tradition and incorporated some of the most obvious symbols of British power and influence. It is the investigation of these values and customs and the part they have played in the most recent history of the *iwi* which is the subject of this thesis.

The Research Questions

This thesis investigates the *tikanga* of the *iwi* of Waikato-Tainui and addresses the research questions:

> What are the main concepts and practices which allowed the descendants of the Tainui canoe to maintain independent, viable and vigorous communities over several centuries?
>
> How have these guiding principles and stabilising processes fared since the descendants of *Tainui waka* suffered a sudden and devastating reversal of fortunes following British settlement of Aotearoa in the nineteenth century?

The investigation required description of the core values and practices which have informed the leadership and regulation of Waikato *whānau*, *hapū* and *marae*. The thesis has provided a Māori perspective of the influence of these *tikanga* in their organisation and lifestyle since the legendary days of the arrival of *Tainui waka* from the Pacific island of Hawaiki some 700 years ago. It has also tried to capture the reasoning and philosophy which justified the readily identifiable Waikato Māori ways in which leaders are chosen, plans and actions are decided, and disputes and challenges resolved.

Finally, the thesis has interpreted the most recent developments in the leadership and organisation of Waikato-Tainui as an *iwi* structured to pursue claims to restore and manage at least some of the former wealth of the people. It has provided information regarding the structure and rules which support its *rūnanga*, Te Kauhanganui as an Incorporated Society, and the relationship between Te Kauhanganui and the *marae* and *hapū* which are included in Waikato-Tainui. The major issues which have caused the governance of tribal settlement assets to become public knowledge through legal disputes are examined and the possibilities for structural changes which may clarify the roles and responsibilities for reviewing and deciding future operations are discussed.

The Research Approach

Chapter five describes and justifies the methodology as *Kaupapa* Māori research and argues for the legitimacy of Māori knowledge in discussing spirituality, leadership, tribal organisation and the overall purpose and direction of daily life. The descriptions and analysis of scholars is therefore supplemented with the contributions of Māori oral literature and records of the actions, reflections and wishes of Māori who have been active in the leadership of tribal life. The ability of the investigator to observe meetings of Te Kauhanganui, to examine documents not normally available, and to discuss events with senior leaders of the *rūnanga* has added a dimension to the research which adds to its richness and immediacy.

Gaining personal support from colleagues in Te Kauhanganui, and calling on long time relationships with leaders from my own and other *hapū* and *marae* has been a valuable aspect of the investigation, but it also brings possibilities that the information may be biased or interpreted to support a particular view. The need to demonstrate the usefulness of the research to the participants is also an aspect which can cause bias and both of these issues are addressed through the verification of spoken records with relevant documentation surrounding particular events. An overview of the opinions of participants shows that they did not hold back in making their feelings and opinions known, and reference to a number of sources of information adds to the authenticity of the research information.

To summarise, the strengths of the research were also its limitations:

- It is based on close observation of *hapū* and Te Kauhanganui, and documents relating to Waikato politics and administration, and so may lack a wider Māori perspective and application;
- The latter part of the thesis deals with a relatively short period of time, and things which seem highly relevant today may not seem so important with the lapse of time;
- Only people involved in Te Kauhanganui were interviewed, limiting the range of opinions to 'insiders', and while this was deliberate because the research focused on present and future issues facing the *rūnanga* it did preclude input from others;
- The research is about an important institution amongst Maori and in New Zealand and in itself is a large undertaking which precluded comparison with other *iwi* who have achieved settlement of land confiscations and have installed other governance structures. The research is therefore not intended to extend beyond the *iwi* which identifies itself as Waikato-Tainui, although it may provide valuable information for other *iwi* without being a template for the governance of tribal assets.

- As a participant observer and tribal member, there is a natural bias for the investigator to work within established relationships and to view all material according to the themes of the research.

Further research opportunities exist in the comparison of this material with the thoughts and experiences of other post Treaty settlement *iwi*, other colonised indigenous peoples and general western theory. There is also the opportunity to explore further the rise of post-Treaty tribal entities as they become the centres of tribal *rūnanga*. Additional research would also be valuable to Waikato-Tainui regarding the governance of commercial activities of the tribe utilising Pākehā forms of governance, employing more non-tribal members in management and following Western etiquette and terminology to describe themselves, their work and particularly internal relationships.

First Research Question

Chapter one reviewed the establishment of communities following the arrival of Tainui *waka*, focusing on leadership, achievement, and the need for communities to maintain unity and harmony. The intention of the review was to establish the principles which guided the organisation of *whānau* and *hapū* rather than to give a time based history of events. Scholarly accounts of the migration and of relationships between Tainui and other groups of Māori settlers are interspersed with legends, songs and sayings which explain particular values or practices. Rather than list the names given to various attributes or customs which guide behaviour in a variety of different contexts the investigation has focused on identifying the core values and customs from which all others are derived.

The *tikanga* which have guided the *hapū* of Waikato-Tainui arrived with the original Polynesian settlers, bringing in their sailing canoe all of the stores and implements the people would need to begin a community in their new land. They also brought representations of their atua, their spiritual guides who could reward or punish depending on obedience to the requirements of *tapu,* the sacred constraints or obligations which produced acceptable behaviour. *Tapu* was the divine power which emanated from the atua who had established the forests and filled the seas, created the winds and the rains, and guided the fortunes of war.

The power of the *atua*, the spiritual dimension which accompanied every aspect of creation, living and inanimate, could influence the fortunes of people, allowing them wealth and influence or bestowing disaster and misery. The power and prestige of people and their ability to influence the wellbeing of their *whānau* was acknowledged by others as their *mana*,

the physical aspect of their accord with the *tapu* of atua. It was this *tapu* that enforced the sanctions which guided every activity and relationship. Failure was seen as the result of a breach of *tapu,* and the consequence, known as *utu*, was the means of restoring balance and harmony within a community and between people and their atua.

It is clear from the legends and stories that spiritual concerns (*tapu*) weighed equally with material concerns, and the influence of the *atua* needed to be factored into every activity. The imperative of *tapu* as a force to be acknowledged and possibly mitigated is closely associated with the physical manifestation of power, prestige, success and control. Personal tragedies and the sometimes devastating effects of natural phenomena were explained by the opposing interests of *atua* such as Tāne, *atua* of the forests and supplier of most food gathering equipment, and Tangaroa, *atua* of the sea who is locked in eternal combat with Tāne.

There is considerable literature dealing with *mana* and *tapu* and the linkages between them, and Shirres (1982) explains that *tapu* has spiritual connotations which evoke both respect and fear. As *mana* was the physical manifestation of the favour of atua, strong *tapu* was associated with great *mana* and it was often the *mana* rather than the *tapu* of a person or situation which was recognised. For example, the ability of a leader to exercise control over events which affect success in any project was seen as a reflection of their *mana*, but indicated spiritual as well as worldly authority.

It is mainly through neglect of some sanction or some responsibility which is always an aspect of *mana* that the force of *tapu* becomes obvious. The connection between *tapu* and *mana* is inferred by Gudgeon (1905):

> *Mana* plays a leading part in the ability of a leader, or successes in war of celebrated warriors. When a man frequently undertakes daring deeds, which ought under ordinary circumstances to fail, but none the less prove successful, he is said to possess *mana,* and thereafter is regarded as one peculiarly favoured by the gods, and in such cases it is held that he can only be overcome by some act or default; such as a disregard or neglect of some religious or warlike observance, which has been shown by experience to be essential to success in war; but which our warrior spoiled by a long career of good fortune, had come to regard as necessary to ordinary mortals only and of but little consequence to men of *mana*.

An important leadership responsibility was to acknowledge the *mana* of others, and particularly those of *whānau* and *hapū* whose support was required to achieve any major undertaking. The linking of *tapu* and *mana* led naturally to the adoption of social interactions

such as *rūnanga* where the proper rituals and exchanges could be conducted before consensus and support were requested and discussed.

Tapu and *mana* regulated social relationships because *mana* was also associated with *whakapapa*, greater if a person or *whānau* was born closer to the line of the eponymous ancestor and lesser as the relationship became more removed. Leadership was therefore firstly a matter of *whakapapa* but considerations such as the ability to plan and achieve great things in food cultivation or defence of the community were also important indications of *mana* and could result in the leader preferred by *whakapapa* being over-shadowed by a person of greater personal merit and courage.

Leadership required identifiable skills and abilities, including the ability to lead by example, reflected in traditional stories such as that of Tukutuku, a noble woman who worked alongside her people, and attracted support from allied *whānau* who admired her. Leadership also required the ability to prevail over rivals, and the story of brothers Whatihua and Tūrongo who both laid claim to the same noble woman tells of how the elder brother was able to trick his younger into making a poor showing in preparation for an important visit by the woman's *whānau*. The result was regarded as sanctioned by atua, and therefore an indication of greater *mana*. Tūrongo suffered a reversal in *mana* as a result of failing in his responsibility to be vigilant. His *utu* was disgrace and he left the community in despair.

Rūnanga was and is a flexible process which can deal with important issues by achieving consensus. Leadership is critical to the process and parties affected by particular issues were expected to be present and to make direct input to the discussion. The acknowledgement of leadership was also an important aspect of *rūnanga*, and would occur each time the community met in formal discussions. Leaders had to constantly affirm their mandate to speak on behalf of their *whānau* or *marae* and the rūnanga was critical in gaining acknowledgement of support.

Debate could move freely around issues which could involve the complexity of physical, social, economic, spiritual or future implications. Leaders would present important topics for debate and summarise consensus reached after everyone with an interest had spoken. As Kawharu (1977) notes, it was a form of democracy drawing on the wisdom of the community.

Spiritual issues were given the same importance as material issues, and rituals reminded all present of their obligations to recognise the *tapu* of all things and the need for appropriate standards of behaviour. *Rūnanga* provided the place where learning could take place, where the songs and stories emphasised courage and humility along with humour and cunning as desirable attributes. It was at *rūnanga* that the *tikanga* was explained and reinforced in order to regulate the use and responsibility of power in the community.

The legacy of *tikanga*, the habits and rituals of ancient times can therefore be summarised in these four aspects: *mana*, *tapu, utu* and *rūnanga*. *Mana*, the authority over people and things, was always tempered by *tapu,* spiritual responsibility for those things or people. *Utu* was the inevitable consequence of a violation of *tapu,* and the mechanism to seek restoration or the enhancement of *mana*. *Utu* encouraged fair interactions and was the process to restore balance in relationships and regulate the natural rivalry between individuals and between *whānau*. The *rūnanga* provided the forum where it was possible to clarify the expectations of leaders, hear the concerns of *whānau*, debate plans and respond to proposals which would affect the community.

Second Research Question

The relevance of the *pou* since the arrival of British settlers in the nineteen century can be summarised in the words of Wiremu Tāmihana who wrote of learning his role as a chief. In a letter to George Graham dated August 13, 1866 (Daily Southern Cross, November 16, 1867) he wrote:

> E hoa, Ehara inaianei te tangata pai me te tangata kino, no mua ano, no aku tupuna tae mai ki taku matua tuku iho, ki ahau. He ako ano a ratou mo o ratou uri, e pena ano hoki toku matua ki ahau. I ako iho kia mau ki te pai kia atawhai ki te tutua, ko tona ako ano tenei i pena ano tona matua ki a ia.
>
> Friend, good and bad men are not of today; such men existed at the time of my ancestors, at the time of my parents, and now in my time. Our ancestors gave instructions to their children, as my father also gave instructions to me, to be kind and to care for common people; this was his teaching to me, as it was also his father's to him.

Chapter two describes progress of colonisation and its affect on the *hapū* of Waikato and other *iwi*. It introduces the British influence beginning with James Cook whose initial reports on contact with Māori focused on their physical attributes and cultivation practices. Cook understood that Māori occupied the land but his reports assume that if the British chose to utilise opportunities available for trade and settlement in Aotearoa they would occur

regardless of Māori interests. This disregard for Māori *mana whenua* was made explicit when Cook claimed the whole of the country "in the name of His Majesty".

Despite the cultural differences Māori were quick to take advantage of European material and ideas that made life easier, or increased *mana*. Māori were able to take advantage of European technologies and trade because they were used to operating as a unified workforce in well-ordered *hapū*. Their success in cultivating surplus food and engaging in trade increased the *mana* of *rangatira* and *hapū*. The working relationship between leaders and tribal members included acknowledgement of *mana* and *tapu* where the leader facilitated activities for the success of the group. At this stage of settlement Europeans were almost totally reliant on Māori trade and expertise.

The first British Resident, James Busby, took *mana* Māori seriously and understood that independence and land was integral to the *mana* of *hapū*. Busby coordinated the signing of the Declaration of Independence which plainly stated the independence of Māori within Aotearoa. The Declaration was not widely supported by *rangatira* throughout the country and was superseded by the Treaty of Waitangi which introduced the idea of a partnership between Māori and Pākehā, with each partner aware of the others *mana* in Aotearoa/New Zealand. However, the British interpreted the Treaty as a basis for assuming sovereignty over the entire country, diminishing the *mana* of its Māori partners and violating the *tapu* of an agreement brokered with the influence of the missionaries.

The fortunes of *hapū* and *rangatira* varied according to their ability to utilise resources available to them and their understanding of the market. A slump in wheat prices in 1855 meant *hapū* who had invested heavily in wheat production lost money while those with livestock prospered and maintained their *mana*. Many of those who failed in the international wheat market paid the price of assuming their *mana* would ensure success and were reduced to subsistence farming.

A huge influx of settlers between 1840 and 1860 increased the demand for land and put pressure on Māori to sell their land. A questionable land sale in Taranaki resisted by *rangatira* Wiremu Kīngi sparked the Taranaki land war of 1860. The attack indicated a pattern the Government would repeat to ensure its *mana* would override that of Māori. The British legal system would determine right and wrong and determine *utu* according to British traditions, officially removing it from the domain of tribes.

Christianity was slowly accepted amongst Māori. The Christian faith challenged the *mana* and *tapu* of *rangatira*, *tohunga*, and *whakapapa*. The importance of traditional atua was dismissed as Europeans carelessly transgressed *tapu* in the natural environment and ignored Māori social structures while apparently protected from the consequences of *utu*. Forgiveness could be obtained by prayer from a benevolent deity who could dismiss *utu* for wrong doing. Missionaries proclaimed an all-powerful deity who if obeyed would ensure prosperity for Māori individuals and people as evidenced in the lives and society of the Europeans. *Utu* was still a prevalent message as failure to submit to the will of *atua* would lead to a life of misery and ultimate destruction.

European Christianity was tied into European society with the mentality that a civilised European lifestyle was a biblical lifestyle, negating the value and practices of Māori social structures. However, Māori were not passive in their interpretation of the Christian faith and when missionaries supported British forces which attacked Māori, a reaction was to adapt and create a doctrine that supported a Māori perspective of Christianity. The Paimārire faith of Waikato Māori is one example.

As the colony expanded the settler government strengthened and required more land it threatened the sovereignty and resource base of *hapū*. A response from Māori was the establishment of a Kīngitanga to equal the *mana* and *tapu* of the British monarchy and to stand with the British Crown to protect the rights of Māori citizens. *Rangatira* and *hapū* held many *rūnanga* to discuss the feasibility of a national Māori representative. Pōtatau Te Wherowhero was selected and installed as the first Māori King with the necessary ritual to recognise the *mana* and *tapu* required to carry out the task. The *tapu* of traditional and Christian atua was invoked to give power to the Māori king.

> E Io! E Rangi! Tapa mai rā ia hei Kīngi!
> O Io! Thou Heavenly One! Name him – King! (Jones 1959).

The colonial Government responded to the potential threat of a separate sovereign nation by attacking the base of the Kīngitanga in the Waikato and confiscating prime lands. This achieved several goals for the Government; it opened up valuable lands for settlement by Europeans; it consolidated colonial power and demoralised Māori resistance. Among *hapū* throughout Aotearoa *hui,* known as *rūnanga,* which traditionally made important discussions concerning *hapū* assets were adapted to the more formal requirements for dealing with the

Settler government with its very different ways of making decisions on behalf of communities. The government at this early stage of establishing its sovereignty encouraged the adaptation of *rūnanga* to become part of the colonial administration, working with Resident Magistrates for making by-laws and defining land rights. Governor Grey used *rūnanga* as a strategy of control, encouraging *hapū* independence while bringing them into the government process through engaging their *rūnanga* in local community administration (Grey 1862).

With the loss of *mana* and resources the Kīngitanga attempted to develop social and political means to maintain cohesion amongst supporting *hapū* while lobbying Government to address the injustices of the war and confiscation. The Kāhui Ariki was prominent in many of those initiatives. The second Māori King, Tāwhiao, invited all tribes to form a national tribal council to act as a Kīngitanga Parliament, called Te Kauhanganui. It intended to have equal *mana* with the Government but proved ineffective because the Government could not accept the idea of Māori *mana motuhake*.

Although efforts to advance the Kīngitanga agenda with the Government lacked initial success, it had created solidarity amongst Kīngitanga supporters, and leaders such as Te Puea Hērangi rallied support amongst Waikato tribes to re-instate some tribal pride and *mana* by rebuilding a Kīngitanga *Marae* at Ngāruawāhia, establishing farms, encouraging the practice of traditional arts, and reinvigorating the use of Paimārire prayer. After many petitions to Government beginning in 1865, two delegations to England to petition the British Crown in 1894 and 1914, and the third Māori King, Mahuta, accepting a Government appointment to the Legislative Council from 1903-1910, the Government appointed a Royal Commission in 1926 to investigate the confiscation of lands in the 1860s.

The Commission found that the Waikato people deserved to be compensated for their losses and for the hardship suffered as a consequence of those losses. The Kāhui Ariki led by Tūmate Mahuta, Te Puea Hērangi and Pei Te Hurinui Jones with the support of King Te Rata and then King Korokī, negotiated a settlement with the Government. This resulted in annual compensation to Waikato Māori and the establishment of the Tainui Māori Trust Board to receive the payment.

Chapter three described the events leading to the settlement in 1995 of a claim made for further compensation for the confiscated lands and subsequent hardship suffered by the *hapū*

of Waikato. The claim was in the name of Waikato-Tainui, an *iwi* formed by Waikato *hapū* who were prepared to present a united claim and negotiate directly with the government. Negotiations were led by the Kāhui Ariki which gave it weight amongst the *marae*, *hapū* and the government. The Kāhui Ariki had built up great *mana* through their personal advocacy of Māori causes and included past Kings such as Pōtatau and Tāwhiao and those in living memory such as, Te Puea, Te Atairangikaahu and Robert Mahuta. Each had acted in ways to acknowledge the *mana* and *tapu* of their role, the principles of the Kīngitanga and the people they served.

Changes in legislation and judgements in favour of the Tainui Māori Trust Board forced the Government to acknowledge the *mana* of the Trust Board and the validity of its claim (Tainui Māori Trust Board v Attourney General 1989). Robert Mahuta's example of the personal and family cost of his service to the tribe underlines the *tapu* element of personal sacrifice expected of Māori leaders. As the *tapu* of sacrifice increases so too does the *mana* of a leader.

The settlement included words of apology and the signature of the Queen of England and acknowledged the spiritual and emotional loss. This aspect of the settlement provided some restoration of the *mana* and *tapu* of Waikato-Tainui. The Crown also acknowledged the generosity of Tainui to the nation in accepting a settlement that was small in comparison to the injustice. The settlement allowed for the equal standing of *marae* and *hapū* and equal distribution of settlement funds regardless of the degree of land loss. It demonstrated the generosity, an expression of *mana*, as representatives of *hapū* and *marae* put the *mana* of the collective *iwi* above their own material losses.

The Kīngitanga was named as the proxy for the people in the receipt of settlement assets and a portion of the lands were vested in the name of the first Māori King, Pōtatau Te Wherowhero to ensure Waikato-Tainui would always have a presence on the land. The Tainui Māori Trust Board had used the *rūnanga* process to gain the approval of *hapū* to negotiate and establish a new *iwi* institution called Te Kauhanganui. Te Kauhanganui was charged with preserving the *mana* of the Kīngitanga and providing governance for the settlement assets. The arrangements were endorsed by the *mana* of *hapū* and *marae* that supported the settlement.

As Te Kauhanganui has grown into its governance role differing opinions have emerged regarding the *mana*, *tapu* and role of the Kāhui Ariki. The Kāhui Ariki has no legal position of authority in Te Kauhanganui and some believe the *mana* of the King is expressed in the Kīngitanga, and should have nothing to do with the governance and management of Waikato-Tainui assets. Others believe the King has influence in Waikato-Tainui business but the ultimate *mana* belongs to the people and there is an exchange of *mana* that occurs in the relationship between the Kāhui Ariki and the people. A third position is that the King has the right to lead when and how he chooses. Difficulties have occurred when the Kāhui Ariki have demanded particular decisions and these have been rejected based on the *mana* of Te Kauhanganui on behalf of the *marae* it represents.

Chapter four looked in detail at the function of Te Kauhanganui. The transition from the twelve member Tainui Māori Trust Board to a 61 *marae*, 184 member tribal council with responsibility for $170 million of assets was significant. Te Kauhanganui was established as an Incorporated Society in order to receive Treaty settlement assets and to restore the *mana* and *tapu* of Waikato-Tainui as expressed in its constitution. The result is an organisation with two *tikanga*, one based on the legal compliance of an Incorporated Society and the other, *tikanga* Māori vying for the same space.

The *mana* of Te Kauhanganui comes from the people, is delegated to their representatives in Te Kauhanganui and concentrated in its Executive, Te Arataura. Protocols common to Tainui such as *karakia*, *mihi* and *waiata* are accepted and maintained. Representatives carry the *mana* of their *marae* and *hapū* and are expected to behave and relate to others accordingly. The intention and behaviour of members shows a ready acceptance of *tikanga* Māori but with an understanding that it must operate within the constraints of *tikanga* Pākehā. Te Kauhanganui also employs non-tribal members to ensure it meets its goals. Two of those appointments include the Chairs of Tainui Group Holdings and Te Ururangi Trust Board Chair. Both people are regarded as New Zealanders of great *mana* in their respective fields and their presence boosts the credibility and *mana* of Waikato Tainui.

Internal power struggles within Te Kauhanganui have led to a reliance on rules based on legislation. The concern often raised in debate was the subjugation of *tikanga* where traditional precedents for behaviour and principles such as *mana, tapu, utu* and *rūnanga* were dismissed as vague and unworkable when compared with the rules. The use of the rules by small groups to manipulate the agenda, stall or cancel meetings based on minor divergences

from the rules, or threats of litigation were symptomatic of the 'rules' culture that had developed within Te Kauhanganui.

There was also evidence of a growing sense of entitlement associated with positions of responsibility. Some leaders sought remuneration for their services at levels which might be reasonable in a business environment but showed a shift in behaviour from the example of personal sacrifice by past leaders. The move was from a commitment to care and serve their people to roles as managers and directors of a business with rights to share profits. The result of conflicting *tikanga* was that those involved directly in the arguments decided their only option was to seek decisions from the Court.

One consequence of operating in a formal legal forum is that the outcomes can be more serious than simply losing an argument, as legal proceedings can intimidate, exclude and bankrupt those involved. As well as potentially damaging intergenerational relationships between *whānau*, *marae* and *hapū* the *utu* of Court proceedings can be extremely costly for the individual. The Courts process foregoes an important step when the leaders involved ignore the *mana* of the *Marae*, causing public embarrassment as well as cost. The legal process also weakens internal mechanisms to resolve conflict. These cases created a precedent that led to several more cases, frustrating many members as it further eroded the *mana* and *tapu* of Te Kauhanganui and possibly its future.

Chapter five discussed the methodology used to conduct the research. The research benefited from the position as an insider. As an insider I was immersed in the data and was able to engage all my senses in the collection of data.

> Observing the behaviour of others around us and participating in our society led to our knowledge of correct and incorrect behaviour; the forms that we are to use to express or hide emotions; appropriate facial, hand and bodily gestures; and all the other tacit and explicit aspects of our culture (Dewalt, Dewalt & Wayland, 2001 p266).

This was important in order to identify individuals whose opinions mattered in social settings and in tribal *rūnanga.* It provided information on the social cues and degrees of approval or disapproval based on the bodily gestures and peculiar language expressions that have emerged through the history and culture of Waikato-Tainui.

Kaupapa Māori methodology provided a framework to approach the research in an *iwi* governance environment. This recognised the validity as well as the difficulties of being an

insider researcher. However, the methodology was chosen for its capacity to be 'respectful, ethical, correct, sympathetic, useful and beneficial, seen from the perspective of indigenous peoples' (Porsanger 2004 p. 107-108). Becoming an insider was a matter of birth into the tribe and then a personal decision to participate physically, culturally and socially in *whānau, hapū* and *marae*. This provided, in my mind, some integrity of intention and commitment of the researcher to the well being of the tribe. Also the capacity of the researcher to access the material would have been very difficult for an external, non-elected Te Kauhanganui member. Being physically present was important to demonstrate a commitment to the wider agenda of iwi development and satisfied cultural aspects of *mana, tapu* and *utu* as members of the tribal *rūnanga*.

A triangulation of methods was used, participant observation, interviews with key leaders and document analysis, to mitigate skewing the interpretation of the data (Woodside, 2010). Case study methodology and a narrative/storytelling approach were also utilised because it created space for other perspectives in what is a dynamic and complex social environment.

Chapter six summarises the thoughts and observations of Waikato-Tainui leaders who were interviewed as well as some observations of the researcher as a participant in Te Kauhanganui meetings. Relevant documents from Te Kauhanganui are also referred to in order to assemble a range of information regarding critical relationships including the role of the Kīngitanga and Kāhui Ariki. The information will allow some conclusions to be drawn regarding the present situation of the place where *hapū* and *whānau* come together to represent their *marae* in reaching consent on the most important matters to do with the survival of the *tikanga* handed down from Hoturoa.

The role of the King has recently become controversial with opinions among Waikato-Tainui divided between those who regard the King as a figurehead who has a cultural, spiritual and social role, and those who consider that the King should have a controlling power of veto in all tribal affairs. Support for the concept of the Kīngitanga is assumed among members of Te Kauhanganui but supported by the initial members signing an oath of allegiance (Maaka, 2011). The *whānau* and *hapū* of Waikato-Tainui have sacrificed time, money and skills to ensure that the ideals and traditions of the Kīngitanga have survived as a symbol of their *mana* and *tapu*.

Traditionally the Kīngitanga has maintained a discreet distance from the ordinary business of the tribe, with representation on Te Kauhanganui and its Executive through a nominee. Confusion arises when the King gives directives, sometimes publicly, regarding issues which some consider to be beneath his concern. To some this does not accord with the expectations of the Kīngitanga and while the support due to the King are not contained in formal documents they appear to be changing. One reason for the change may be that the financial support for the King which once depended on contributions from *hapū* and the generosity of the people now comes from surpluses from the tribe's trading operations.

In 2012 at a Poukai, which is an open forum for tribal members, the King expressed dissatisfaction with the operation of Te Kauhanganui, and was reported as saying that he wanted to take over the tribe's parliament and that people should boycott its next meeting. This is inconsistent with the practice of tribal leaders who will go to great lengths to avoid direct criticism of the King. The change from an influencing to an authoritative role is currently being considered by Te Kauhanganui.

Te Kauhanganui needs commercial and governance skills in order to manage the newly formed tribal entities. Officials who work within the Waikato-Tainui Lands Trust, the Waikato-Tainui River Trust, the Waikato-Tainui College for Research and Development and Tainui Group Holdings have employment contracts which are based in law. This can lead to reliance on legal processes where problems arise, which include elements of personality or limitations of authority. When legal processes are followed instead of the *tikanga* of *hapū* and *marae,* Te Kauhanganui has shown a lack of confidence in controlling its affairs.

The vision for Te Kauhanganui is to operate as a tribal parliament with the right to decide on matters which affect the structure of the *iwi* and the governance of its assets. Difficulties arise when those making decisions are perceived as profiting from the decisions they are making on behalf of the people. This is exacerbated when suspicion is levelled at members of Te Arataura, the Executive of Te Kauhanganui that has an important role in summarising the issues which come before the *rūnanga* and also in monitoring the operations of the tribal entities.

Te Kauhanganui is currently considering how to balance the traditions of *hapū* and *marae* with the need to have skilled and experienced members to manage and provide governance of tribal entities. Some leaders favour a commercial approach to managing the tribe's affairs

while others advocate a system where *marae* representation can ensure local development and wellbeing. The chapter ends with the reflection that the challenge for Te Kauhanganui is how to include within the processes of governance the *tikanga* which has been the basis of the survival of *whānau* and *hapū* and the Waikato-Tainui cultural identity.

Conclusion

Although significantly poorer and stripped of valuable land assets as a result of government legislation backed by military power, the *hapū* of Waikato-Tainui have survived colonisation and have re-emerged as an *iwi*. The *iwi* has achieved a less than generous but useful settlement with the Crown following long standing claims for restoration of lands and compensation for confiscations following the land wars. The settlement set in place a *rūnanga*, Te Kauhanganui, in the form of an Incorporated Society, to administer the settlement assets. It also acknowledged the role of the Kīngitanga, recognising its influence in a settling the claim for compensation for illegal land confiscations which began immediately after Waikato *hapū* were removed.

In Pākehā eyes the settlement has been hugely beneficial as the fortunes of Waikato-Tainui have soared, despite some initial setbacks. There are accords relating to the Waikato River, the right to purchase certain Crown-owned lands and buildings, and a variety of commercial enterprises which are controlled by a Board headed by a well respected and successful non-Māori businessman. Yet despite the commercial success and the continuing expansion of enterprises owned and managed by Waikato-Tainui there has been an accompanying dispute, often reaching the media, over the governance of the settlement assets and the role of the Kīngitanga and the Kāhui Ariki (royal family) in the governance of the *iwi*. At the heart of the disagreements between various individuals and factions within Waikato-Tainui is the *tikanga*, the concepts and practices which should prevail in the governance of tribal assets.

While Te Kauhanganui has similarities with traditional *hui*, it is probably more similar to the formal *rūnanga* which were established to conduct formal business and become involved in local administration. It is a mixture of Māori and Pākehā rules and processes, and while members are able, in principle, to behave according to cultural expectations, legal structures and demands for greater efficiency allow leaders and lobby groups to challenge traditional practices.

Internal disputes between members, which should have been decided by Te Kauhanganui, were taken to the Courts. For example, the King's request, with the support of Te Arataura, to 'sack' the Chair of Te Kauhanganui had no basis in *tikanga* or law. Despite the request of the King, and the support by the executive, the *Marae* of Te Kauhanganui had chosen their Chairperson and the *Marae* continued to support that decision. In the context of an *iwi rūnanga*, Te Kauhanganui requested individuals not to go to court for what looked like a clash between individuals and *whānau*, which could be decided by the people.

This thesis argues that the four *pou* of *mana, tapu, utu* and *rūnanga* have long established rules and *tikanga*/principles that provide certainty and flexibility to deal with daily and exceptional circumstances of *iwi* governance. For example, elements of the *rūnanga* process are used during Te Kauhanganui meetings, the function of a Chair during *rūnanga* is often the responsibility of a senior person and *rūnanga* participants moderate their behaviour according to social and cultural norms. The *mana* and *tapu* of participants regulates the way people treat each other, including the relationship between leaders and the people and *utu* is employed when there is corruption that causes imbalanced relationships.

The Kīngitanga and the Kāhui Ariki, on the surface, provide a strong connection between traditional and contemporary ideas of leadership. Although, the Kīngitanga was initially promoted as a pan-tribal forum to preserve Māori independence, it became ingrained in Waikato tribes' customs when;

- supporting tribes selected the first King, Pōtatau Te Wherowhero from Waikato;
- the Kīngitanga became a central reason for the Waikato invasion by British troops;
- Waikato people were killed and lands were confiscated; and
- in the pursuit of justice the Kīngitanga created solidarity among the tribes of Waikato.

The Kīngitanga held annual *rūnanga* which became a gathering place for Waikato *hapū* and *rangatira* to share resources, support and thoughts on contemporary issues for Waikato people. The Kāhui Ariki are the direct descendants from the first Māori King and a custom of hereditary succession has developed which is justified by the sayings of ancestors and a history of support by the Kāhui Ariki for the people through the above events. However, since the 1995 settlement the Kāhui Ariki have become entangled in the affairs of Waikato-Tainui, confusing the role as the head of the Kīngitanga and its authority in tribal matters.

The Kāhui Ariki and Te Kauhanganui must clarify that the settlement assets belong to Waikato-Tainui *Iwi* collectively through Te Kauhanganui and that the Kāhui Ariki have no legal rights to the individual use or ownership of these communally owned resources. This is consistent with the history of the Kīngitanga where the actions of *rangatira* and *hapū* supported the notion of the King and the Kīngitanga while *hapū* and *whānau* retained ownership rights over their *hapū* lands and resources.

Options for future structures and relationships include clarifying leadership authority and its domain, the scope to include Waikato-Tainui *tikanga* of *mana*, *tapu* and *utu* – and a dispute resolution process.

The following outcomes are possibilities:

(a) A single tribal authority for simplicity of administration and quick decision-making replacing the existing large governance group of 205 delegates.

(b) Te Arataura achieves a reporting structure similar to a Mandated *Iwi* Organisation where it acts as the shareholder of the tribal entities on behalf of Te Kauhanganui to which it reports on a regular basis, presenting the annual accounts of all tribal entities at an Annual General Meeting of Te Kauhanganui.

(c) Waikato-Tainui devolves into *hapū* groups, each receiving an annual dividend, and are able to buy or sell their *hapū* stake in tribal assets. *Hapū* development becomes *iwi* development.

(d) *Marae* become administratively accountable to Te Kauhanganui for funding as a requirement of their charitable status.

(e) The commercial entities of Waikato-Tainui devolve as limited liability companies with Waikato-Tainui as a shareholder (possibly the only one) and the Directors report to Te Kauhanganui at an annual general meeting.

(f) Tainui Group Holdings becomes a broader based entity with responsibility to deliver social services (e.g. medical) as well as operating businesses, and takes over the role of Te Arataura, reporting directly to Te Kauhanganui.

(g) The status quo remains and Te Kauhanganui continues as it is, with conflicts between roles occurring from time to time and incremental changes to the Rules to improve and manage Te Kauhanganui to the best of its ability.

It is not within the scope of this thesis to analyse which (if any) of these options may be best for Waikato-Tainui in the long term. However, the evidence clearly points to a determination among the *hapū* and *marae* to retain as guiding principles the *tapu* and *mana* which has allowed the *iwi* and its people to begin to emerge from one hundred and fifty years of oppressive poverty and lost opportunities. The *rūnanga* which has been the forum where these values have been celebrated and translated into policies and decisions are still strong and are still places where controversy and argument are appropriate. The *utu* which was once attributed to the influence of atua has been appropriated to a great extent by the Church and the State, but still is often seen as the consequence for behaviour which violates the *tapu* and diminishes the *mana* of *whānau*, *hapū* and *iwi*.

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