

# TINO RANGATIRATANGA: MODERN PERSPECTIVES ON A MAORI NATION

John Tamihere, 8 September 2008

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Many of the views I express have been addressed in the Waitangi Tribunal Report, released in August 1998, known as the Te Whanau O Waipareira Report (Wai 414).

It is clear that once the Crown determined in settling Treaty grievances, that compensation rather than a restitution approach be adopted, any discussion regarding the natural evolution of Maori culture would be constrained.

It would be constrained because the settlement creature legislated for and adopted would be a new statutory body representing iwi interest linked specifically to an eponymous ancestor. Maori were fixated with the specific and developing juris prudence out of the Waitangi Tribunal. Fixated to the extent that at no time did Maori look to the common law customary rights regime until the Ninety Mile Beach decision was struck down in 2006 by our Court of Appeal.

Given Treaty juris prudence many Maori are wedded to the despicable retelling of a terrible history concerning confiscation, theft, loss, unconscionable dealing and loss of land through economic duress. To obtain justice and relief, this story has to be told and those that organize the telling of the story and the delivery of it, have often moved on to also govern the newly created iwi organizations that have obtained compensation.

Regretfully the Treaty process has had one major and adverse by-product, the new holders of the new Tino Rangatiratanga can at times look like nothing other than a new group of feudal masters, granted authority under a compensation scheme, legislated for by the Crown. If you are not part of this new Tino Rangatiratanga group for the iwi, you have problems.

Your problems are based on not understanding Maori or Maori protocol through no fault of your own. They are exacerbated by the fact that the homeland people do not like smart alec, five minute wonders returning from the Big Smoke, having a say. Further, because you are either an infrequent and absent landlord, at best, or a nosey parker without land or rights or tikanga at worst, participation becomes difficult.

Notwithstanding decades of population movement away from tribal homelands and despite over three generations of this occurring, Maori were caught in a time warp where iwi only became the mantra. This mantra denied the consistent and incessant

development rights and evolutionary rights that Maori populations took with them when, for a myriad of reasons, they left their tribal homelands.

Generations of Maori, and in fact, the majority moved on to embrace as they should have, and had a right to, different forms of demonstrating their Maori tikanga and their desire to adhere to this tikanga.

The new iwi Maori leadership do not want to talk about certain types of tikanga which have fallen into disrepair and have a major impact on whakapapa full stop. For example, the Maori tikanga of Tomo / Taumau (betrothals) fell into disrepair rapidly after the second World War and Maori began marrying and procreating for love/lust, call it what you will, our Maori ethnic group spread dramatically with others and this has continued apace.

In effect, the diaspora of Maori bloodlines impacts dramatically on everything from land holdings to the way in which the concept of Whangai (adopted or foster children) are considered. In some iwi there are clear protocols as to how whangai, regardless of blood, can participate, in others they are denied absolutely.

Further, the land consolidation and land aggregating policies conducted by the Crown over the forties, fifties and sixties, left many Maori bereft of any land holdings. When added to confiscations and sales it is rich for those who retained their turangawaewae to look adversely at those who, through no fault of their own, either cannot whakapapa or, if they can whakapapa, have no land holdings to whakapapa to, save for a hapu or iwi based marae. To suggest they are not treated poorly and differently is nonsense.

It ill behoves us to pretend that three or four generations are absolutely urbanized Maori. Their day to day life is not inextricably bound socially, politically, culturally or economically to an iwi base. This is not because they want it this way, this is just a fact. There is no tribal support mechanism in their livelihoods.

The question is, can Rangatiratanga exist outside the historical perception of Iwitanga? The term perception versus reality is extraordinarily important.

## **THE WAIPAREIRA CLAIM**

In the Waipareira Claim, the Crown contended that Waipareira did not have Rangatiratanga in that Waipareira did not assert management or control of lands, forests, fisheries and other property.

As the Tribunal stated, Rangatiratanga is a dynamic relationship. It endures as a fundamental value in Maori culture and the key customary principle in Maori social, cultural and political organization...Kinship and descent provide ready made networks of relationships among Maori, but it is Rangatiratanga that determines which of those relationships have current significance...Maori autonomy and authority can apply in a range of situations in the modern world, not merely as the Crown contended in this case, in the management of lands, forests, fisheries and other

properties. The point is that the Crown's duty is to protect Rangatiratanga wherever it is manifest.

Waipareira epitomized the manifestation of Rangatiratanga, notwithstanding the fact that it was representative of a pan Maori grouping, collectivized around Maori tikanga and governed under kaupapa Maori.

The Waipareira Report covers 266 pages and I commend this document to those that wish to test the representative status of Te Whanau O Waipareira. Moreover, I would refer readers to the following facts, Kohanga Reo, Kura Kaupapa, and Whare Kura were born out of Maori operating as pan tribal collectives in asserting systems to ensure our children had opportunities previous generations were denied. Further, the retention of our Tikanga by the organization of local, regional and national kapa haka competitions was driven out of Urban Maori collectives. The organization of Maori League, Rugby, Netball and Touch occurred the same way. In fact, the Maori rights to participate in the International Rugby League World Cup were achieved by the same mechanisms. The numerous number of Marae planned, funded and built in urban areas demonstrating the pan tribal nature of Urban Maori, are yet another testimony to the power and authority of Maori in the city more than pulling their weight.

There is no doubt that 60 years of Maori evolution and development cannot be denied or replaced by pretending that Tino Rangatiratanga can only be achieved by way of adherence to Iwitanga.

The rights that Waipareira expresses are co-mutual and complimentary to iwi groupings. There is no doubt that we vigorously demanded rights for Urban Maori when the fishing assets were being vigorously fought over. The Fisheries Settlement was a pan-Maori settlement, not an iwi based settlement. It was turned into an iwi based settlement. Our preference was for the Maori Fisheries Commission to be solely tasked with funding a Maori Education Foundation. Lifting the numeracy, literacy and performance of all Maori children regardless of tribal affiliation. History shows we failed.

### ***TINO RANGATIRATANGA***

The above concept from a Waipareira perspective at this point in time, revolves around acknowledging that the true value in any Maori community, is that it is cohesive in its Maoriness, it is progressive in its views, it is healthy and robust in the way in which leadership must be assessed on merit but never on whakapapa or association. Its peoples numeracy, literacy and education rates are lifting as simultaneously Maori criminality decreases.

We will have achieved our Tino Rangatiratanga when not only we Maori are proud of who we are, what we are and where we are, but our neighbours and Pakeha friends will look at us in awe and in pride and say "I wish we were like those fellas"

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