

BETWEEN RIGHTS AND RELATIONS — CONTEXTUALISING MĀORI SELF-DETERMINATION

Many people in New Zealand struggle with the idea of Māori rights. One interpretation is reflected in politician Elliot Smith's claim that *tino rangatiratanga* — Māori self-determination — is about “the ideas of apartheid activists, bent on the destabilisation and division of New Zealand” (Libertarianz Party). Addressing such opinions of indigenous self-determination, this paper argues that *tino rangatiratanga* discourses are primarily not about separate rights, but about improving cross-cultural relations. The concept is used strategically to construct a precolonial past and indigenous identity, which function to create historical awareness amongst members of the dominant group of white New Zealanders with European descent. Thereby, larger society is challenged to improve its cross-cultural relations. The argument is based on the thematic analysis of a focal text from the Māori nativist discourse. Before entering the realm of *tino rangatiratanga*, it is useful to give a brief theoretical approach to indigenous rights movements and to sketch key discursive elements available to indigenous peoples and their allies in postcolonial settler countries.

INDIGENOUS RIGHTS AND SELF-DETERMINATION

All around the world, indigenous peoples¹ are engaged in the pursuit of self-determination rights. The indigenous peoples' right to self-determination was officially affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples* in September

¹ The *Oxford English Dictionary* translates the term *indigenous* as meaning belonging to a particular place rather than coming from somewhere else. Together with its synonym *native* (based on the idea of antecedence) the term *indigenous* has been used in Europe for a long time (Levi, Dean, 2003, 5). In contrast, the term *indigenous peoples* is relatively new and has come to represent “the unity and diversity of a range of peoples who suffer the legacies of colonial oppression and who are striving to maintain the viability of their cultures and communities the way they see fit” (Feldman, 2007, 234). The term is used interchangeably with labels such as *First Nations*, *Aboriginal Peoples*, and *Native Americans* (Levi, Dean, 2003, 31).

2007. The third article proclaims that “[i]ndigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”. The UN and international non-governmental organisations like Cultural Survival have been of great importance in forging exchange between indigenous peoples (Feldman, 2007, 230-3). The concepts of indigenous rights and self-determination constitute empowering mouthpieces which enable indigenous voices to be heard by allies (Kenrick, Lewis, 2004, 9). In addition, the discussion on indigenous rights holds transformative potential for achieving a “non-colonial relationship between indigenous and non-indigenous peoples” (Tully, 2000, 50). Ideas of self-determination and indigenous rights challenge national societies and governments to entrench new forms of cultural pluralism which move beyond assimilation and integration (Maaka, Fleras, 2005). This transformative thrust of indigenous peoples’ claims constitutes the reason for their successes on the international level (Feldman, 2007, 234).

In contrast, others highlight the problems tied to a native or indigenous representation and reject the idea of indigenous rights and self-determination. According to this view, indigenous groupings risk losing their distinctive way of life while adhering to global policies and concepts of rights. International indigenous rights movements involve “undemocratic” identity processes imposed by the UN and other international organisations on local minority groups (Kuper, 2003, 395). More specifically, Kuper criticises the discourse of indigenous rights for employing essentialising² “blood and soil” arguments. According to Kuper, this rhetoric forges intra- and intertribal conflict as well as ethnic polarisations between the indigenous minority and the non-indigenous majority groups (Kuper, 2003, 395).

It is untenable, however, to theoretically dismiss indigenous arguments on the grounds that they contain essentialising and polarising tendencies. This stems from a problematic approach to indigenous movements and identities. Drawing upon Spivak’s notion of strategic essentialism, Beier emphasises that

² Essentialism describes the ethnic identification of a particular group or people in terms of a set of essences, typically including language, mode of self-representation and ritual performance. Essentialising approaches do not regard processes of identity formation or change, and thereby tend to offer cultural descriptions in a “freeze-frame” (Levi, Dean, 2003, 14-15).

all such constructions must be viewed as “strategic” moves, constructed for purposes of collective political action or analytical expediency but not as ontologically enduring identity claims. They are separate from and against theory-not an exegesis, but a license that we grant ourselves to enable the formulation of an oppositional subjectivity for the purposes of political practice (Beier, 2005, 37).

That indigenous arguments evoke notions of “rootedness”, “blood and soil” and “special privilege” needs to be understood as a strategic element used in postcolonial contexts.

Postcolonial critique becomes an important tool for supporting the discourse of indigeneity. Postcolonialism is not an era, but an approach which engages with and challenges colonialism and its effects (Beier, 2005, 33). Postcolonial theories explore the relationship between the coloniser and the colonised. Following the tradition of Edward Said’s influential book *Orientalism*, much of postcolonial criticism focuses on dismantling hidden cultural centrism as subtle mechanism of colonial and neo-colonial domination (Said, 1978). This critique scrutinizes the ways in which the colonised are positioned in and through dominant discourses and the power of the Eurocentric gaze which produces essentialised representations of the Other. Relating to the mobilisation of indigenous peoples, Feldman notes that the “deconstruction of discourses of savagism and civilization and that of such foundational principles as the Doctrine of Discovery, Rights of Conquest, *terra nullius*, Natural Law and property, for example, are closely intertwined” (Feldman, 2007, 235). Postcolonialism also emphasises that where there is domination, there is simultaneously ambivalence which creates space for creativity, agency and unique responses on behalf of the colonised. Along these lines, there have been attempts at writing historical narratives from below. Postcolonial counter-narratives provoke change by reflecting the inappropriateness of dominant representations of the colonised. Loomba states that “once we have focused on these submerged stories and perspectives, the entire structure appears transformed” (Loomba, 1998, 249). An example of such postcolonial counter-narratives is the creation and dissemination of “grand indigenous narratives” from the 1960s onwards (Belgrave, 2005, 34). It is within the framework of such indigenous narratives that self-determination is read into pre-colonial past in order to trace its loss during colonisation and the need for its restoration in future.

CONTEXTUALISING TINO RANGATIRATANGA IN THE WAITANGI TRIBUNAL'S TARANAKI REPORT

*Tino rangatiratanga*³ not only has become the centre of a renewed Māori assertiveness, but it is a popular discourse amongst New Zealanders from the majority group (Belgrave, 2005). The rest of the paper engages with the underlying motives for using the concept of Māori self-determination by thematically analysing a text representative of the discourse — the Waitangi Tribunal's *Taranaki Report* (1996). The Waitangi Tribunal was established by the Labour Government in 1975 to deal with increasing Māori politicisation. Through slogans such as “the Treaty is a fraud” and “Honour the Treaty”, Māori mobilisation centred on breaches against the Treaty of Waitangi (Harris, 2004, 26). In this way, the historical pact signed in 1840 between representatives of the Crown and 140 Māori chiefs was catapulted to the centre of public debate. The Waitangi Tribunal is “a permanent commission of inquiry charged with making recommendations on claims brought by Maori relating to actions or omissions of the Crown that breach the promises made in the Treaty of Waitangi” (Waitangi Tribunal Website). The institution is bicultural in mandate as well as in composition and process and its members are mainly historians and legal scholars. At the beginning, the tribunal's jurisdiction was limited to present claims. This changed in 1985, when Labour extended the Tribunal's jurisdiction to consider historical claims of Māori against the Crown. It then adopted a more interventionist and proactive role. The following examination of the tribunal's *Taranaki Report* focuses on the links between its use of *tino rangatiratanga* and the projection of an idealised Māori identity. Further analysis shows that this representation is part of postcolonial constructions of the past and of an indigenous identity. Opposing the view that *tino rangatiratanga* is about forging separate rights, the paper shows how the history constructed in the *Taranaki Report* functions to raise historical awareness and to argue for cross-cultural respect and engagement.

³ Linguistically, *rangatiratanga* is derived from the noun *rangatira*, which means *chief*. The term denotes sovereignty, chieftainship, the right to exercise authority, chiefly autonomy, self-determination or self-management. The particle *tino* functions as intensifier. Thus, *tino rangatiratanga* refers to the idea of indigenous rights and self-determination in the New Zealand context (Maaka, Fleras, 2005, 103).

The Waitangi Tribunal's jurisdiction is to determine whether historical claims by Māori against the Crown are well founded. The *Taranaki Report* presents the results of the tribunal's investigations into the wars and subsequent colonisation in the North Island's Taranaki region. The Taranaki conflicts took place from 1860 to 1866 and involved armed conflict between Taranaki Māori tribes and the New Zealand government over land ownership and sovereignty issues. A further important event was the invasion of Parihaka, a village founded in 1867 by Māori prophets Te Whiti o Rongomai and Tohu Kakahi on land which the government had confiscated after the wars. The starting point of the report's historical narrative is an assertion of two fundamentally different societies — Māori and Pākehā. *Pākehā* denotes non-Māori and New Zealander of European descent. It is used in assertive Māori discourses to draw a line between themselves as Māori and the dominant group as Pākehā. (Spoonley, 2005, 101) The term *Pākehā* is used in the entire report. For example, chapter seven reads that “the protocols of Maori and Pakeha are not the same and represent a specialised sophistication unique to their own histories” (*TR*, VII: 18-20).

Other ways in which the report represents Māori perspectives is its use of the Māori language, its elaboration of Māori cultural concepts and its inclusion of quotes by historical Taranaki Māori agents. The report not only represents, but also glorifies Māori agents, culture and identity. Recent “[t]ribunal narratives construct idealised pasts” in which “Maori exercised considerable autonomy” (Byrnes, 2004, 160). Thus, the report's historical narrative of the invasion of Parihaka begins with the description of a self-determining “vibrant” Māori community (*TR*, VIII: 2). Parihaka is described as a “movement for Maori peace and development” which “had flourished in a Maori environment, where development could be effected on Maori terms” (*TR*, VIII: 2). Through invasion and subsequent colonisation of Parihaka, the Government, so the report states, “took from Parihaka not only land but the ingredients of society: the right to choose one's leaders and to enjoy freedoms of speech and association” (*TR*, VIII: 2). Māori agents are heroically depicted, which is apparent in Te Whiti's statement at the beginning of chapter eight:

Though the lions rage still I am for peace... Though I be killed I yet shall live; though dead, I shall live in peace which will be the accomplishment of my aim. The future is mine, and little children, when asked hereafter as to the author of peace, shall say 'Te Whiti', and I will bless them (*TR*, VIII: 1).

In spite of having to fight for the maintenance of their cultural diversity, Māori agents and systems are projected as sources of peace. According to the report, there is “an essential difference between Maori and colonial Pakeha thinking, the latter being that unity comes from conformity, the former, that it comes from acknowledging differences and respecting them” (TR, III: 7). Quotes of Māori agents are limited to expressions of good-will. Thus, one of Wiremu Kingi’s quotes reads: “I have no desire for evil, but on the contrary, have great love for the Europeans and Maories” (TR, IV: 1). This representation culminates in the report’s comparison of Te Whiti and Tohu to Martin Luther King and Mahatma Gandhi (TR: VIII: 2). European agents, in contrast, are described as greedy, incompetent and malicious. For instance, Native Minister John Broyce is introduced as “a Taranaki war veteran, who, in our assessment, had clearly retained his relish of warfare and who saw the exercise of power as the solution to problems. On his own admission, he had always desired a march on Parihaka in order to destroy it” (TR, VIII: 3).

One might criticise the report for portraying such an essentialised picture of Māori identity. By idealising the self-determined, pre-colonial Māori identity, the report seems to argue for separate Māori rights and could thereby foster political ethnic conflict. In contrast, critics have argued that the discourse of *tino rangatiratanga* bears a transformative potential for improving cross-cultural relations. (Huygens, 2006) From this point of view, *tino rangatiratanga* is about “a commitment to co-operative co-existence, with its focus on relationships rather than rights, engagement rather than entitlement, restoration rather than restitution, jurisdiction rather than law, and listening rather than legalities.” (Maaka, Fleras, 2005, 100-1) The following analysis of the wider argumentative context of the report upholds the latter interpretation of *tino rangatiratanga*. It shows that the assertive, essentialised representation of Māori identity and rights is a strategic move towards raising historical awareness and improved cross-cultural relations.

Byrnes emphasises that the history written in the Taranaki report is not “objective history, but one that is deeply political and overwhelmingly focused on the present” (Byrnes, 2004, 1). The report’s historical narrative constitutes a strong postcolonial critique which draws attention to the inadequateness and destructive power of the dominant group’s inability to recognise and value Māori culture. The critique of Eurocentric attitudes embedded in colonial perspectives pervades the whole report. For

example, the report states that there was an “assumption that individual ownership should replace communal tenure, without inquiry as to Maori preferences or alternatives in tenurial reform but with the underlying expectation that Maori would thereby be amalgamated with Pakeha and controlled” (*TR*, II: 33). Eurocentric presumptions are criticised for being faulty, as exemplified in the report’s claim that the “colonial image of a lawless Maori society where only might was right” was wrong (*TR*, V: 7).

As these Eurocentric perspectives have gone largely unnoticed in New Zealand’s popular memory, the report seeks to dismantle the destructive nature of apparently useful or harmless societal structures. This is evidenced by the use of the image of Māori land and culture as having been “taken by pen and paper” (*TR*, VIII: 11). The major tools of the judicative, educative and administrative arms of the colonial system are cast as mechanisms of subjugation. Furthermore, expressions of the illusiveness and deceitfulness of colonial policies function to create scepticism towards official representations of colonisation. According to the report, the colonial Government sought “to impose [...] an ascendancy, though cloaked under other names such as amalgamation, assimilation, majoritarian democracy, or one nation” (*TR*, I: 3). The administrative returning of land to Māori is rendered as “a sleight of hand, a show of justice while denying the substance” (*TR*, I: 10). Similarly, the purchase of land is summed up as “a gross distortion of reality, a camouflage for a fiction perfumed with a whiff of legality” (*TR*, I: 12).

Public views of colonisation are criticised for their complicity with the subjugation of Māori. For instance, the colonial press’ problematic role is pointed out in stating that “[c]onfiscation was promoted by the press and the populace; especially those with pecuniary interests through their legal, real estate, or financial businesses” (*TR*, V: 6). The report emphasises that entrenched Eurocentric legacies have survived into current narratives of colonial history. Thus, the *Taranaki Report* reads that while “[h]istory creates time slots to compartmentalise war, and 1860 to 1869 has been given for the Taranaki fighting” (*TR*, I: 2), “such divisions should not obscure the record of continuing expropriation from first European settlement, the cumulative impact of the process as a whole, or the various rights that were expropriated in many ways” (*TR*, I: 2). According to the report, the most “serious Treaty breach, because it was, and has been, ongoing” is “the Government mind-set that Maori were to be spoken to, not to be spoken with” (*TR*,

VIII: 38). The report's critique is not limited to official history-writing and government policies: "New Zealanders as a whole appear unaware of the cause of today's tensions or the history behind them. We are prone to observe the ethnic dispute in Bosnia or the tribal conflict in Rwanda without seeing the Bosnia and Rwanda in our own present and past" (*TR*, II: 3).

Against this background, it becomes obvious that the essentialised picture of Māori identity constitutes a strategic move towards raising awareness of problems in cross-cultural communication. The historical narrative of tino rangatiratanga is an example of what Belgrave calls "grand indigenous narratives" which "take the form of counter-narratives, presenting indigenous views of colonisation in which colonial heroes become villains, and rebels become staunch defenders of autonomous communities resisting varieties of genocide" (Belgrave, 2005, 34). Firstly, this counter-narrative reverses colonial myths and Eurocentric versions of colonisation in New Zealand. Thereby, it turns back the colonial gaze and provokes awareness of the inappropriateness of colonial and present-day attitudes towards Māori. Secondly, the counter-narrative voices a postcolonial indigenous identity which the tribunal's members encountered during the hearings of the Taranaki claims. In speaking about these hearings, the report emphasises the overwhelming tone of "bitterness" (*TR*, IX: 10), "resentment" (*TR*, XII: 4-5) and "pain and anger" (*TR*, VIII: 9) with which the claims were made. According to the report, there is a "history of remembering" what happened during colonisation which is passed on from generation to generation (*TR*, VIII: 8). Among Māori there "is a conviction that from first settlement to the present there has been a concerted and unending programme to exclude Maori from land ownership throughout Taranaki" (*TR*, XII: 4-5). Significantly, the report here steps out of its counter-narrative voice and translates it as the expression of the "universal experience of colonial subjugation" which only those who have suffered the repression of social intercourse by an alien power will know and which those "who have not can only hope to understand" (*TR*, VIII: 2). It becomes clear that the depicted Māori identity in fact voices current postcolonial attitudes held by Māori in New Zealand.

Along with its critique of colonial legacies and of the New Zealand society's historical unawareness, the assertive indigenous narrative functions to raise awareness of the need to resolve deadlocks in current communication between Māori and Pākehā. Speaking about the future, the text emphasises that, in addition to reparation policies, there is great

need for improved cross-cultural relations. Emphasis is laid on the “recognition of a wrong” (TR, XII: 5), “dialogue” (TR, VIII: 18) and “negotiation” (TR, VIII: 22). The report states that the restoration process involves long-term cross-cultural engagement and respect in saying that “the settlement of historical claims is not to pay off for the past, even were that possible, but to take those steps necessary to remove outstanding prejudice and prevent similar prejudice from arising; for the only practical settlement between peoples is one that achieves a reconciliation in fact” (TR, XII: 8).

CONCLUSION

The aim of this paper has been to examine the underlying motives for using the concept of Māori self-determination. Concentrating on the Waitangi Tribunal’s *Taranaki Report*, the analysis first focused on how *tino rangatiratanga* is used to represent a Māori identity which projects ideas of a separate, essentialised identity. Further argumentative contextualisation of this assertive representation of Māori identity and rights showed that it is in fact a strategic element of the report’s postcolonial critique, which aims at raising awareness of historical and present dead ends in New Zealand’s cross-cultural relations. The postcolonial construction of the past enables the report to argue for improved dialogue in the future. Thereby, affirmations of *tino rangatiratanga* in the Waitangi Report do not argue for separate rights, but challenge the government and wider society to improve cross-cultural relations. Thus, it is no longer possible to easily dismiss claims to *tino rangatiratanga* or indigenous rights on the basis of their rhetoric links to ideas of separate rights and cultural identity.

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