Māori Issues

In 1996 Māori deserted the Labour party and gave all the Māori seats to the Māori-led New Zealand First party. In 1999 they returned them all to Labour thus ensuring a Labour-led government. The basic error New Zealand First made was to enter a coalition with the National party against the clearly expressed wishes of Māori. Now that Māori are starting to become a political force in Aotearoa/New Zealand, governments are having to learn quickly to shed the deeply ingrained habit of ignoring and dismissing issues. With the gap between Māori and non-Māori widening for every socioeconomic indicator, Māori looked to Labour to restore some semblance of justice. On election night in November 1999 new Prime Minister Helen Clark thanked Māori for returning all the Māori electorates to Labour. Māori then waited to see what Labour would return to Māori.

The first indication that the prime minister was serious about Māori issues came with the appointment of three associate ministers to assist the minister of Māori Affairs. It soon became obvious however that the minister, Dover Samuels, was a political liability. First he gave the prime minister bad advice on how to conduct Waitangi Day. Then he was embroiled in an employment dispute with his press secretary. When he became prey to what were eventually unproved allegations of sexual impropriety from the right-wing ACT party in June 2000, the prime minister removed his warrant. Soon after, several convictions for violence and theft came to light that Samuels had not declared to the Labour party. Having watched the minister of Māori Affairs in the previous government spending more time fending off right-wing attacks than doing his job, Māori were not unsympathetic to the prime minister’s decision. Dover Samuels was replaced by first-term member Parekura Horomia, a career bureaucrat with a strong preference for maintaining a low public profile.

The prime minister had indicated her lack of confidence in Dover Samuels long before she removed his warrant. In January she set up the Cabinet Committee on Closing the Gaps (between Māori and non-Māori) and decided to chair it herself. Samuels admitted that he was unable to make headway with many heads of government departments and that they were less likely to disregard the prime minister. One of the first decisions of the cabinet committee was to give the Ministry for Māori Development greater powers to conduct accountability audits on all government agencies. Negative reactions from the opposition benches indicated that the ministry is almost certainly going to continue having difficulty accessing information from other government agencies that resent having to account for what they are, or more likely, are not doing for Māori.

The usual opposition tactic for ensuring that Māori needs are not addressed is to keep up personal attacks on Māori members of the House. After the 1999 election the main target was John Tamihere, the flamboyant member for the new Hauraki electorate. Helen Clark had backed his selection as the Labour candidate for the seat, rejecting the Māori selection. Prior to the election
Tamihere had been the chief executive officer of an urban Māori corporation, the Waipereira Trust, which operates from West Auckland.

The right-wing opposition party act, using information fed to it by disgruntled Māori in West Auckland, forced an inquiry into the Trust’s use of public funds. Tamihere’s inexperience in the House showed in the early stages of the inquiry as he named and attacked members of the Waipereira Trust, whom he accused of leaking information to act. Their vehement denials forced Tamihere to apologize. Although the Trust was cleared of specific allegations, act continued to needle Tamihere about its operations and his own conduct.

Given parliament’s and the media’s recent history of attacking Māori members personally, it is not surprising that the fourteen other Māori who entered or were returned to parliament in November have maintained a low profile in both the House and the media. Despite this, some, such as Tariana Turia, have been able to make important changes that directly benefit Māori. However, given the strongly anglocentric nature of the New Zealand parliament, the job of achieving the attitudinal changes needed both in and outside the House, if any real progress for Māori is to be achieved, will fall largely to non-Māori members and ministers, such as the prime minister and the minister in charge of Treaty of Waitangi negotiations. It was a welcome change for the prime minister to acknowledge the racism against Māori that is deeply ingrained in the New Zealand Police after the shooting of a Māori university student in Waitara in April. Māori have repeatedly raised this issue over many decades but have always been ignored.

Minister in Charge of Treaty of Waitangi Negotiations Margaret Wilson is a close ally of the prime minister. The ex-professor of law at Waikato University learnt quickly not to rely on Dover Samuels for advice on how to settle claims. She chose instead to develop her own direct relationships with claimants. In her first six months in office Wilson demonstrated a willingness to meet with claimant groups in their own territories, a welcome change from the previous minister. She was also prepared to listen to all claimants, regardless of representation disputes, and to work closely with the different social groupings of whanau, hapu, and iwi. This angered the elite group of Māori who have stalked the halls of parliament for decades and succeeded in negotiating deals and settlements without consulting those they claimed to represent. The deals, such as the infamous fisheries settlement (the Sealords deal), have almost all turned sour, and ensured that claimants will re-litigate them. The fresh approach by the new minister aims to achieve durable settlements, and to deliver the benefits to whanau, hapu, and iwi on the ground, bypassing the elite group who have commandeered settlements in the past. It remains to be seen whether the new minister has the political capability to outsmart these very experienced operators and return the benefits of settlements to those most in need of them. It also remains to be seen whether her fresh approach signals any real change in the attitude of the Crown, or whether she is simply undertaking a sorely needed public relations exercise.
in order to achieve the same ends as the previous government.

The statement of principles for settling claims issued in June 2000 by the minister indicated that areas of concern remain for the settlement process. These are mainly in respect of her statement that lands administered by the Department of Conservation (almost a third of the country) would not generally be available for settlement and that the Crown would retain title to natural resources including petroleum, minerals, and geothermal resources. She also intends to review the Treaty of Waitangi Act, the legislation that determines the operation of the Waitangi Tribunal. It is widely believed that she will use the review to attempt to remove the tribunal’s powers to make binding recommendations. If she does, her principle of repairing and reestablishing the shattered relationship between Māori and Crown will fail.

Settlements entered into by the previous government continued be problematic, although the NZ$170 million Ngai Tahu settlement has been able to return benefits for that iwi. Their chief negotiator, Sir Tipene O’Regan, took graceful retirement as the next generation moved in to administer and maximize the tribe’s benefits from the settlement. Apart from the grievances of one hapu and a few minor upsets as the tribe’s administration determined the best combination of skills and experience needed to take the tribe into the new millennium, proceeds from the settlements appear to have set Ngai Tahu well on the path to social, economic, and cultural recovery.

Tainui, on the other hand, which also received a NZ$170 million settle-

ment, has suffered serious setbacks, making huge losses on several unwise investments and being forced to sell off reserved land to meet its debts. Internal discord had simmered for several years, as hapu who were disenfranchised by the settlement warned of impending disaster. Tainui’s chief negotiator, Sir Robert Mahuta, became embroiled in very public slanging matches with his detractors, and refused to stand down in spite of ill health. Even the highly regarded kingitanga (the ruling elite of Tainui of whom Sir Robert is a member) came under attack. As with almost all of the problematic settlements, those who have derived the greatest benefit appear to be a select handful of well-paid consultants and lawyers. Calls on the government to intervene have, as always, been ignored, despite their obvious involvement in creating the chaos in the first place.

The allocation of fisheries assets from the Sealords deal continues to be held up in the courts. Although 76 percent of traditional iwi representing 63 percent of all Māori have supported the allocation model proposed by the Treaty of Waitangi Fisheries Commission, urban Māori corporations and other groups not recognized as iwi have continued to use the courts to delay the allocation. In May a group of twenty-five iwi released an independent report showing that Māori were losing over one million dollars per month as a result of the delays. They were calling for the government to legislate to allow the immediate allocation of the assets.

Māori have continued to battle the government to stop them allocating parts of the radio spectrum without providing for the Māori interest in
them. In 1999 the Waitangi Tribunal upheld the claim by Māori to the radio waves. In its report it strongly criticized the Crown for failing to respond to repeated warnings from Māori, the courts, and the Privy Council that denying Māori access to a significant role in radio, television, and communications would be extremely damaging for the Māori language. The Crown is obliged under the Treaty of Waitangi and its own legislation to protect the Māori language. In March the government agreed to sell to Māori, at a 5 percent discount, a parcel of the 3G spectrum (needed for the application of new generation cellphones and data transfer technology). They continued to refuse to allocate to Māori any of the 2G spectrum needed for mobile telephone services, claiming it had all been allocated. The New Zealand Māori Council has lost its cases against the Crown in the High Court and the Court of Appeal over the allocations of the radio spectrum and is now taking the matter back to the Privy Council.

Māori have maintained for some time now that the only way they will be treated fairly in their own country is if there are constitutional changes. The previous government forbade any discussion on this issue. In April the new government and the Institute for Policy Studies at Victoria University of Wellington hosted a conference entitled Building a Constitution. New Zealand has no written constitution. The only document that qualifies for that status is the Treaty of Waitangi. Although the conference was by invitation only, and was attended mainly by parliamentarians, the judiciary, the legal profession, and academics, several of Māori’s strongest advocates for the entrenchment of the treaty in a constitution attended and presented practical proposals for advancing debate on the constitution. A very wide range of views were presented, and, predictably, there was no consensus. However, there was support for the establishment of two constitutional commissions, one for Māori and one for non-Māori. Following the conference the prime minister commented that she did not consider there was any compelling demand to do anything. Although her comments were disappointing, they did signal some progress toward official recognition of the true status of Māori in Aotearoa/New Zealand.

Margaret Mutu

Niue

Serious threats to Premier Sani Lakatani’s political and personal health occurred during his first eighteen months in office. In August 1999 he was hospitalized in Auckland and subsequently underwent a double bypass heart operation. Lakatani’s health problems may have been complicated by stress over his plans to introduce a new air service, which was to have been known as Coral Air. While Lakatani survived his hospital ordeal, the Coral Air venture was not so fortunate.

The purpose of the arrangement with Coral Air was to generate additional tourist revenue for Niue, as the island is virtually tourist-free most of the time, and the larger share of its accommodation properties are usually empty. The Coral Air project was criticized by an independent group of