

Political Reviews

*Micronesia in Review: Issues and Events, 1 July 2013
to 30 June 2014*

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MĀORI ISSUES

Before considering how decolonization manifests itself for Māori, we must pause to remember those we have lost over the past year. Among our leaders we bade farewell to were three who left important legacies. In September 2013, we lost Denis Hansen of the iwi (tribal nations) of Ngāti Kahu and Ngāpuhi. He had worked tirelessly for the Māori community and was a loveable rogue who lit up any gathering he walked into. Thousands of people had attended his eightieth birthday celebration in June.

In February 2014, we lost Nin Tomas of the Ngāti Kahu and Te Rarawa nations. As an associate professor of law, Nin had trained a generation of Māori lawyers, some of whom are now judges. They turned up in large numbers for her tangihanga (funerary ceremony) at the University of Auckland's Waipapa marae. She had fought for recognition of the first law of New Zealand, tikanga Māori (Māori law), and its application to environmental issues.

In May 2014, Morvin Simon of Te Ātihaunui a Pāpārangi iwi passed away. He was a leading music composer and had dedicated his life to tutoring kapa haka (dance), composing songs, and preserving the language and customs of his people of the Whanganui.

For Māori, decolonization is about

removing the oppression and marginalization visited on us by British colonizers and repairing the resultant damage. The devastating effects and systemic injustices that Māori have suffered are the same as those that European colonization visited on almost all indigenous peoples. The colonization strategies employed by the British in Aotearoa/New Zealand have been extensively documented: genocide; land and other resource theft; usurpation of our authority, power, and sovereignty; marginalization; banning and denial of our language, institutions, and intellectual prowess; and social and cultural dislocation through the systematic ripping apart of our communities, urbanization, incarceration, and relocation offshore to Australia (Jackson 2004, 104; Smith 2012, 147; Mutu 2011; Webb 2012). The diseases of poverty that reduce our quality of life and shorten our life expectancy, the internalized violence born of oppression, and the despair among young Māori shaped by an unemployment rate almost four times higher than the general population rate are all products of the dispossession wrought by colonization (Jackson 2004, 104). And this is all in violation of Te Tiriti o Waitangi, the 1840 treaty between Māori and the British Crown that confirmed Māori sovereignty and control of the country and guaranteed to the Crown control of her hitherto “lawless” subjects.

Decolonization in Aotearoa/New Zealand has therefore focused on honoring, upholding, and implementing the treaty. It is about surviving as Māori and recovering from the devastation of colonization: recover-

ing our lands, resources, and territories, our language, our social and spiritual practices, our history and traditions, our identity and rights, our wealth and prosperity, our self-determination and sovereignty (Smith 2012, 121; Mutu 2011). It is about deconstructing the myths of colonization, breaking free of the Pākehā (European) state, reconstructing our Māori reality through our own laws and culture, and reclaiming effective sovereignty. This includes remedying the numerous breaches of Te Tiriti and restoring the balance between Māori as the indigenous owners and paramount authority of the country and British immigrants, who are here at our invitation and under our authority (Jackson 2004, 101). In the face of the often-ruthless exercise of unilateral Crown power, Māori have engaged in peaceful protest. We also organize and run decolonization programs to empower our communities to take back control of their lives and their territories. And we continue to fight the government through its own tribunal and courts, ever hopeful that it will eventually take heed of Māori and international pressure to do what is right and uphold widely recognized international indigenous human rights instruments such as the United Nations Declaration on the Rights of Indigenous Peoples (UNGA 2014), which it had endorsed in 2010.

Decolonization in New Zealand has been painfully slow. Pākehā have fought to retain unilateral power and privilege, to continue to assert White supremacy, and to recreate and readjust the myths that underpin these assertions. This is the only way they can keep justifying their illegitimate

status. For Māori, decolonization has to start with what is often referred to as “decolonization of the mind.” The journey has been one fraught with political conflict and social strife. Since 1840, the colonizers have fought to colonize the Māori mind and to replace the Pacific history, traditions, knowledge, language, laws, and social and political power structures of our ancestors with those of their culture, whose origins lie on the other side of the world. Empowering our culture to survive by privileging the world of our ancestors over that of our English visitors can be bewildering and painful for some. But as the devastation of colonization gnaws at the core of our existence, and the will to survive as Māori under our own mana (power and authority derived from the gods) pervades Māori communities, submitting to the oppression of the colonizer is an option that Māori are increasingly rejecting. Decolonization wānanga (workshops and seminars) have been operating in Māori communities for more than twenty years. They work on encouraging oral debate, confirming Māori culture and identity through our own history, traditions, language, and values; on identifying and deconstructing the myths of colonization; and on challenging us to break free of the suffocating oppression of the colonizers and to regain control of our lives. Māori immersion schools were established in the 1980s to ensure that our children had the opportunity to learn free of White oppression. Māori radio and, after lengthy battles, Māori television have made important contributions. To a certain extent, so have the Māori political parties—these days the Māori

Party and the Mana Party—although they have been restricted by the parliamentary system they operate within, which is defined and controlled by and for Pākehā.

Training Māori lawyers has contributed to some consideration of Māori culture in the courts but has yet to result in a reduction in the rates of Māori incarcerations (Webb 2012). Training Māori doctors and health professionals has started to improve the shocking Māori health statistics. On this front, there was a certain irony about a young Māori doctor, Dr Lance O’Sullivan, being named New Zealander of the Year for 2014 after being named Māori of the Year for 2012. He has publicly highlighted the racism in the health sector (incurring the wrath of his employers and of Pākehā practitioners) and has set in place his own programs to combat that racism and to address the health of Māori children and families in the Far North (Mutu 2014, 212).

At the international level, Māori have been engaging with other indigenous communities in working toward the implementation of widely recognized international human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples. Alliances have been formed not only through United Nations groups such as the Working Group on Indigenous Populations, the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, and the Special Rapporteurs on the Rights of Indigenous Peoples, but also through numerous exchange visits, indigenous conferences and gatherings, and international collaborative projects.

Despite the progress these initiatives have made, it has been clear for many decades now that unless major constitutional transformation takes place, Māori will remain disadvantaged and oppressed in our own land.

In 2009, the National Iwi Chairs' Forum, an informal group of chairpersons of iwi, established a working party to draw up a model for an inclusive constitution for Aotearoa/New Zealand based on tikanga (Māori law), He Whakaputanga o te Rangatiratanga o Nu Tirenī (the 1835 declaration of Māori sovereignty and independence), and Te Tiriti o Waitangi, while taking into account other indigenous human rights instruments such as the UN Declaration on the Rights of Indigenous Peoples. In 2012 and 2013, the working party, named Matike Mai Aotearoa (Arise Aotearoa), conducted more than 250 consultation hui (gatherings) with Māori groups throughout the country, including many Māori youth groups, to discuss the values they wish such a constitution to be based on. Preliminary findings indicate the very strongly held belief expressed at the hui that the Westminster constitutional system as introduced by the British Crown after 1840 does not—indeed cannot—adequately give effect to the terms of He Whakaputanga or Te Tiriti. In that context, the hui also indicated that the current Westminster constitutional system is necessarily at odds with tikanga and the values that might more adequately provide a just and effective means of governance of the country. A different type of constitutionalism is required. Implementing such a major constitutional shift may be difficult but there is a

clear belief that it is not only necessary, it is fundamental to the ongoing and long-term justice of the treaty relationship (Jackson and Mutu 2014, 3–4). Despite Pākehā governments being fearful of such change and the inevitability of having to share power, international standards are now well established, and it is becoming increasingly difficult for New Zealand to keep evading them.

In the education sector, the government has been exposed for violating Māori treaty and human rights. Despite acknowledging the Māori immersion schools and agreeing to resource them, government bureaucrats have fought to maintain White hegemony in the schools, denying them resources and interfering in their management in order to force compliance with Pākehā cultural norms. In 2012, the body representing Māori immersion preschools, the National Kōhanga Reo Trust, successfully pursued a claim to the Waitangi Tribunal aimed at halting this behavior (Waitangi Tribunal 2012). However, in the past year the trust has come under constant attack as government bureaucrats and the minister of education, who is Māori, refused to address the tribunal's recommendations and instead tried to force the trust to come under the authority and control of the Ministry of Education. The usual Pākehā tactics of divide and rule were adopted to set Māori communities against the trust using spurious claims of misappropriation and mismanagement. Lengthy official investigations proved there had been no criminal wrongdoing. The trust has refused to bow to the demands but rather has adopted a tikanga approach to restore

calm and address the damage caused by government interference.

One of the most seriously dysfunctional and deeply harmful aspects of the Pākehā education system for Māori has been exposed through the conviction and sentencing of James Parker in August 2013 to preventive detention, with a minimum of seven years imprisonment, after he was found guilty on seventy-four charges representing more than three hundred sexual offenses against twenty boys. Parker, whose parents are English, was a teacher who worked in primary schools in the Far North, rising to the position of deputy principal. As part of his work, he gained access to and immersed himself in local Māori communities. When the police finally charged him, he had been sexually violating young Māori boys attending those schools for more than thirteen years. Those who tried to have authorities stop him, including the headmistress of one school he taught at, were not believed. One boy who spoke out was forced to apologize to Parker and remain in his class. The Māori communities in the Far North that he had violated for so long have often buried knowledge of this type of offending because of lack of support from authorities (TVNZ 2013). Once Parker's offending was publicly recognized, several other pedophiles operating in the Far North were identified and charged. Decolonization includes removing our children from these harmful situations and being particularly vigilant in guarding against such behavior intruding into our Māori immersion schools.

Recovering our territories is another crucial part of the decolo-

nization process, but it continues to be fraught with difficulties. Despite the Waitangi Tribunal upholding our claims to our territories, governments have refused to discuss, let alone reach agreement, with Māori about how those territories are to be recovered or how the many other breaches of the treaty are to be remedied. Instead, in 1994, they formulated and then imposed a much-resented treaty claims settlement policy (Mutu 2011, 17–24). The primary aim of the policy is to retain the power, property, and privileges that Pākehā illegitimately acquired through their colonization process in the colonizers' hands, to bring Māori under their control and to silence Māori protest and dissent. As a result, an average of less than 1 percent of lands is being recovered, no compensation is being paid, and all claims for any and all historical breaches of the treaty are being extinguished fully and finally. Most aspects of the claims are not addressed before they are extinguished. The settlements aim to assimilate Māori into the European majority, denying Māori self-determination, sovereignty, and rights, and relegating Māori to a permanent underclass. In June 2013, one senior Pākehā media commentator claimed that Māori are being empowered to abandon *te ao Māori* (the Māori world) that has so severely disadvantaged them (James 2013, 15). These and many similar comments are designed to perpetuate the myths and fantasies conjured to preserve White hegemony and privilege.

Some Pākehā have attacked the Māori right to take claims to the Waitangi Tribunal or the courts for many years now. They often appear at

the select committee hearings objecting to Māori receiving anything. Some have organized extensive media campaigns aimed at preserving Pākehā control of the country, unashamedly making numerous false statements and accusations against Māori communities. In November 2013, one of the leaders of these attacks, Allan Titford, was finally unmasked when he was convicted and jailed for twenty-four years after being found guilty of thirty-nine charges including arson, threatening to kill, assault with a weapon, perjury, assault on a woman and children, and sexual violation.

Over more than twenty years, Titford received Pākehā media support for his attacks on the Treaty of Waitangi and on Te Rōroa, the rightful owners of land he had purchased in Northland. He was responsible for the government passing legislation that prevents the Waitangi Tribunal making recommendations over so-called “private land,” that is, land wrongly acquired from its Māori owners and sold to individuals. Titford had accused Te Rōroa of lying about sacred sites located on property he had purchased after he had bulldozed them, and of rustling his stock, damaging his bulldozer, and burning down his house. Pākehā media vilified Te Rōroa, labeling them terrorists and gangsters. Yet the High Court found that far from being a victim, Titford was a manipulative liar who burned down his own house in an attempt to earn sympathy and blacken the name of Te Rōroa. His wife, who had turned him in to the police, apologized to Te Rōroa (Day and Dudding 2013).

The Māori battle against the treaty claims settlement policy and process

over the past twenty years has been fought to uphold Māori treaty and human rights. It has the backing of international experts including the UN Human Rights Council. In its second Universal Periodic Review of New Zealand, which took place in January 2014, there were numerous recommendations relating to the government’s unacceptable treatment of Māori. Three of these addressed the need to improve the treaty claims settlement process, while another pointed out the need to start implementing and promoting the UN Declaration on the Rights of Indigenous Peoples.

Despite the injustices perpetrated by the settlement policy and process, many claimants have taken a pragmatic approach and accepted government-determined settlements in the mistaken belief that the only other option they have is to receive no redress at all for their proven claims and that money is somehow equivalent to their mana (James 2013, 16). In the 2013–2014 reporting period, legislation was passed extinguishing all the claims of the iwi of Waitaha, Ngāti Rangiteaorere, Tapuika and Ngāti Rangiwehewehi of the Te Arawa confederation in the Bay of Plenty; Ngāti Koata, Ngāti Rārua, Ngāti Tama ki te Tau Ihu, Te Ātiawa o Te Waka a Māui, Ngāti Apa ki te Rā Tō, Ngāti Kuia, Rangitāne o Wairau and Ngāti Toa Rangatira of Te Tau Ihu o Te Waka a Māui (the top of the South Island) and the south of Te Ika a Māui (the North Island); Raukawa of the Tainui confederation in the Waikato region; and the Maungaharuru-Tangitū hapū of the Hawke’s Bay region. A total of forty-seven settle-

ments have now been legislated (OTS 2014; *MLR* 2014).

Large numbers of hapū (groupings of extended families) and iwi are legally disenfranchised and disempowered by the settlements and register their protest in the courts, in the parliamentary process, or, most visibly, on the streets. Protest against settlements is now a permanent feature of the process. So is the government's determination to ridicule or ignore those who point out the glaring injustices it perpetrates (Finlayson 2014). Courts have been unsympathetic and at times hostile to Māori. The under-resourced and overworked Waitangi Tribunal has been dismissing objections (Jones 2013, 28). Few claimants can afford to appeal their decisions through the courts, and in the past those who have done so have most often failed. However, some recent judicial reviews of Waitangi Tribunal decisions (Supreme Court of New Zealand 2011; High Court of New Zealand 2014b) and government decisions relating to settlements (High Court of New Zealand 2014a) have been at least partially successful.

The last resort of Māori trying to curb the greed and excesses of governments and stop gross injustices has often been protest action. When the hapū of the country's largest iwi, Ngāpuhi, took to the streets repeatedly as the government backed the negotiators it preferred against the wishes of these hapū, the government was eventually forced to acknowledge and talk to them. Throughout the entire reporting period, there was extensive coverage by Māori media of the deep divisions the process had fomented within the iwi. Desperate

attempts by hapū to keep control of their claims saw large numbers of them resorting to applications to the Waitangi Tribunal for urgent hearings into the government's settlement process, despite the decreasing confidence in the tribunal's ability to provide relief for Māori in these matters (Jones 2013, 28; Mutu 2014, 210). Government attempts to bulldoze through a settlement while the tribunal was still hearing the claims simply drove claimants onto the streets.

For some who have settled claims, Crown apologies made as part of their settlements started to sound hollow this year as the minister of treaty negotiations declined requests that government representatives attend ceremonies to commemorate the atrocities the government had acknowledged and apologized for. Between November 2013 and May 2014, Tainui and Tauranga Moana iwi commemorated the 150th anniversaries of battles they fought when they refused to give their lands to British settlers in the 1860s and were invaded by British troops. Ceremonies were conducted at Mangatāwhiri, Rangiriri, Waiari Pā, Rangiaowhia, Ōrākau, Pukehinahina (Gate Pā), and Te Ranga. Calls were made for the true history of British colonization to be taught in schools and for the battle-grounds to be relinquished to the hapū they belong to so that they can be properly cared for. A plea for British wars fought on New Zealand soil to be afforded the same recognition as those fought overseas was rejected by New Zealand's prime minister.

Battles to protect Māori resources continued around the country throughout the year. Many hapū

mounted protests against mining licenses issued for oil drilling in the seas off both the east and the west coasts, sand mining in south Taranaki, coal mining in North Waikato, and gold mining at Puhipuhi in Northland, where previous mercury mining had poisoned waters and led to long-term illness among *mana whenua* (indigenous owners) (Mutu 2014, 211). The battle continued to force insurance companies to remove the ship *Rena*, which had been wrecked on Ōtaiti (Astrolabe Reef) off Mōtiti island in the Bay of Plenty in 2011 (Mutu 2013, 168), as did the battle to stop the Ruataniwha dam project on the Tukituki river in Heretaunga (Hawke's Bay).

North of Wellington, Te Atiawa ki Whakarongotai and Ngāti Awa ki Kāpiti finally won their battle to stop the New Zealand Transport Agency from taking Māori land and destroying wāhi tapu (sacred places) to build the Kāpiti expressway. And in the Far North, Ngāti Kahu's battle to stop an American billionaire from building luxury houses on their burial cave ended when he sold the property and the new Chinese owners agreed not to build there.

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RAPA NUI

Rapa Nui decolonization politics during the review period have been consistent on the island and in Chilean state and international arenas. Highlights include: the reelection of Leviante Araki as president of Parlamento Rapa Nui in August; community marches for decolonization in September; political engagement against state plans to privatize and develop the Rapa Nui island territory of Fundo Vaitea; and advocacy by Santi Hitorangi for reenlistment on the United Nations list of Non-Self-Governing Territories (NSGTs) during the 13th annual UN Permanent Forum on Indigenous Issues in May 2014.

Initially, there were four candidates running for president of Parlamento Rapa Nui: Mario Tuki, Ioni Tuki, Petero Cardinali, and Leviante Araki (the incumbent). However, as Ioni Tuki dropped out to focus on family responsibilities and Mario Tuki canceled his candidacy to concentrate on his work as a member of Easter Island Development Commission (CODEIPA), Petero Cardinali and Leviante Araki ultimately became the only two candidates. Public dialogues between the two candidates on Radio Manukena Rapa Nui, moderated by Joel Huckle (a leading member of Parlamento Rapa Nui), did not reveal significant differences between Araki and Cardinali on major social and political issues. Candidate answers to questions that Huckle posed about immigration—a problem the past three political reviews have highlighted as a focal concern of the community—stressed the value of continuing to “haito te me’e” (measure the thing), in